PROCLAMATION

WHEREAS, an extraordinary occasion requiring emergency attention has arisen in the State of Idaho which makes it appropriate and desirable to convene the 36th Idaho Legislature in Extraordinary Session:

NOW, THEREFORE, I, ROBERT E. SMYLIE, GOVERNOR OF THE STATE OF IDAHO, by virtue of the authority vested in me by the Constitution and laws of this State, do by this Proclamation, call the 36th Idaho Legislature together in Extraordinary Session in the Legislative Chambers at the Capitol in Boise City, Ada County, Idaho, at the hour of 10:00 o'clock A. M., on Thursday, the Third Day of August 1961 for the following purposes and none other, to-wit:

1. To consider the passage of, and to enact, legislation amending Section 33-909, Idaho Code, so as to increase the limitation on the amount of bonds which may be issued by the Boards of Trustees of school districts from ten percent of the aggregate assessed valuation to fifteen percent thereof, and validating the proceedings in school districts where elections have been held on and after March 31, 1961 for the purpose of securing authorization to issue bonds under and pursuant to the above cited section of the Code;

2. To consider the passage of, and to enact legislation appropriating moneys to the Idaho Centennial Commission for the operations thereof for the fiscal period ending June 30, 1963, or in the alternative, to consider the passage of, and to enact, legislation repealing Chapter 141, Idaho Session Laws of 1959;

3. To consider the passage of, and to enact, legislation amending Section 59-508, Idaho Code, in order to permit upward adjustment of the salaries of the officers enumerated in that section, for which no additional appropriation will be required, requested, or approved;

4. To consider the passage of, and to enact, legislation providing for continuity of government in the event
of disaster caused by nuclear attack on the United States;

5. To consider the passage of, and to enact, legislation authorizing cities, villages and charter cities of the State to enter into agreements with the United States, and agencies thereof, for the purpose of securing federal participation in urban renewal planning and projects;

6. To consider the passage of, and to enact, legislation appropriating moneys to defray the expenses of this Extraordinary Session of the 36th Idaho Legislature, which is hereby directed to convene.

AND I HEREBY DIRECT AND REQUIRE that a copy of this Proclamation be caused to be delivered to the Lieutenant Governor, to the membership of the 36th Idaho Legislature and to the Constitutional Officers of the State Government at the earliest practicable time.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at Boise, the Capital, the 28th day of July, in the year of our Lord Nineteen Hundred and Sixty-One and of the Independence of the United States the One Hundred and Eighty-Sixth.

/\s/ ROBERT E. SMYLIE
Governor of Idaho

By the Governor

ATTEST:

/\s/ ARNOLD WILLIAMS
Secretary of State
GENERAL AND SPECIAL LAWS
OF THE
STATE OF IDAHO

CHAPTER 1
(H. B. No. 6)

AN ACT
RELATING TO SCHOOL DISTRICTS: AMENDING SECTION 33-909, IDAHO CODE; CHANGING THE DEBT LIMITATIONS APPLICABLE TO SCHOOL DISTRICT BONDS BY PROVIDING A TEMPORARY DEBT LIMITATION OF FIFTEEN PERCENT OF ASSESSED VALUATION FOR HIGH SCHOOL OPERATING DISTRICTS, AND TEN PERCENT OF THE ASSESSED VALUATION FOR OTHER SCHOOL DISTRICTS WITHOUT THE APPROVAL OF THE STATE BOARD OF EDUCATION, DEFINING "ASSESSED VALUATION", "AGGREGATE OUTSTANDING INDEBTEDNESS" AND "ISSUE", "ISSUED", OR "ISSUANCE"; SPECIFYING THE FAVORABLE VOTE REQUIRED FOR THE APPROVAL OF SCHOOL DISTRICT BONDS, PROVIDING THAT BONDS PREVIOUSLY VOTED MAY BE HEREAFTER ISSUED SUBJECT TO STATED LIMITATIONS, VALIDATING, RATIFYING, APPROVING AND CONFIRMING BONDS HERETOFORE ISSUED OR PURPORTEDLY ISSUED OF SCHOOL DISTRICTS, ALL SCHOOL DISTRICT BOND ELECTIONS PREVIOUSLY HELD AND CARRIED OR PURPORTEDLY HELD AND CARRIED, AND ALL ACTS AND PROCEEDINGS HERETOFORE HAD OR TAKEN OR PURPORTEDLY HAD OR TAKEN BY SCHOOL DISTRICTS AND APPERTAINING TO THE ISSUANCE OF BONDS; REPEALING CHAPTER 89, SESSION LAWS OF IDAHO, 1961; AND BY DECLARING AN EMERGENCY FIXING AN EFFECTIVE DATE FOR THIS ACT; AND PROVIDING A TERMINATION DATE.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. Section 33-909, Idaho Code, be, and the same is hereby amended to read as follows:

33-909. BONDS — LIMITATIONS ON AMOUNT — ELECTIONS TO AUTHORIZE ISSUANCE — DEFINITIONS.— 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.

A school district operating elementary schools and a high school or high schools, or issuing bonds for the acquisition of a high school or high schools, may issue bonds in an amount not to exceed fifteen per centum of the assessed valuation thereof, less the aggregate outstanding indebtedness; and no other school district shall issue bonds in an amount to exceed at any time ten per centum of the assessed valuation thereof less the aggregate outstanding indebtedness. The assessed valuation, the aggregate outstanding indebtedness, and the unexhausted debt incurring power of the school district shall each be determined as of the date of approval by the electorate in the school bond 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.

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.

For the purposes of this section the following definitions shall have the meanings specified. “Assessed valuation” means the amount of the last preceding equalized assessment of all taxable property within the school district on the tax rolls completed and available as of the date of approval by the electorate in the school bond election.
“Aggregate outstanding indebtedness” means the total sum of unredeemed outstanding bonds, minus all moneys in the sinking or bond redemption fund or funds accumulated for the redemption of such outstanding bonds, and minus the sum of all taxes levied for the redemption of such bonds (but not the payment of interest thereon) which taxes remain uncollected. “Issue”, “issued”, or “issuance” means a formal delivery of bonds to any purchaser thereof and payment therefor to the school district. “Taxpayer” means 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.

SECTION 2. VALIDATION.—In each instance where a bond election has been held in any school district on or subsequent to March 31, 1961 (as well as theretofore), and where such election has carried, all of the bonds authorized to be issued at said election may nevertheless be issued at any time within two years from the date of the election, in spite of the fact that the issuance of the bonds might cause to be exceeded any debt limitation applicable thereto on the date of the holding of the election, if at the time of the issuance of the bonds they are within the applicable debt limitation imposed by this act. All bonds heretofore issued, or purportedly issued, of school districts, all school district bond elections previously held and carried, or purportedly held and carried, and all acts and proceedings heretofore had or taken, or purportedly had or taken, by or on behalf of school districts under law or under color of law for the authorization, execution, sale and issuance of all bonds, are hereby validated, ratified, approved, and confirmed, except as hereinafter provided, notwithstanding any lack of power, authority, or otherwise, other than constitutional, and notwithstanding any defects and irregularities, other than constitutional, in such bonds, acts and proceedings, and in such authorization, execution, sale and issuance; and such bonds are and shall be binding, legal, valid and enforceable obligations of the school district issuing them in accordance with their terms and their authorizing proceedings.

SECTION 3. EFFECT OF AND LIMITATIONS UPON VALIDATION.—This act shall operate to supply such legislative authority as may be necessary to validate any bonds of school districts heretofore issued and any acts and proceedings heretofore taken appertaining to the issuance of bonds by school districts which the legislature could have supplied or provided for in the law under which such bonds
were issued and such acts or proceedings were taken; but this act shall be limited to the validation of bonds, acts and proceedings to the extent to which the same can be effectuated under the state and federal constitutions. This act, however, shall not operate to validate, ratify, approve, confirm or legalize any bond, act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined, and shall not operate to confirm, validate, or legalize any bond, act, proceedings, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

SECTION 4. REPEAL. — Chapter 89, Session Laws of Idaho, 1961, be, and the same is hereby, repealed.

SECTION 5. SEVERABILITY.—If any provision of this act or the application thereof to any person or circumstances is held invalid, such 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 declared to be severable.

SECTION 6. EMERGENCY. — 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 7. TERMINATION.—This act shall terminate and be of no effect on and after July 1, 1963.

Approved August 4, 1961.

CHAPTER 2
(S. B. No. 1)

AN ACT

TO PROVIDE, IN THE EVENT OF ENEMY ATTACK, FOR THE CONTINUITY OF THE EXECUTIVE AND JUDICIAL FUNCTIONS OF THE GOVERNMENTS OF THE STATE AND THE POLITICAL SUBDIVISIONS BY PROVIDING FOR ADDITIONAL OFFICERS WHO CAN ACT AS GOVERNOR; BY PROVIDING FOR EMERGENCY INTERIM SUCCESSION TO OTHER EXECUTIVE OFFICES OF THE STATE AND ITS POLITICAL SUBDIVISIONS; BY PROVIDING FOR SPECIAL
EMERGENCY JUDGES; AND BY AUTHORIZING POLITICAL SUBDIVISIONS TO ENACT RESOLUTIONS AND ORDINANCES RELATING TO THE SUBJECT.

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

SECTION 1. SHORT TITLE.—This act shall be known and may be cited as the “Emergency Interim Executive and Judicial Succession Act.”

SECTION 2. DECLARATION OF POLICY.—Because of the existing possibility of attack upon the United States of unprecedented size and destructiveness, and in order, in the event of such an attack, to assure continuity of government through legally constituted leadership, authority and responsibility in offices of the Government of the State and its political subdivisions; to provide for the effective operation of governments during an emergency; and to facilitate the early resumption of functions temporarily suspended, it is found and declared to be necessary to provide for additional officers who can exercise the powers and discharge the duties of Governor; to provide for emergency interim succession to governmental offices to this State, and its political subdivisions, in the event the incumbents thereof (and their deputies, assistants or other subordinate officers authorized, pursuant to law, to exercise all of the powers and discharge the duties of such offices—hereinafter referred to as deputy) are unavailable to perform the duties and functions of such offices; and to provide for special emergency judges who can exercise the powers and discharge the duties of judicial offices in the event regular judges are unavailable.

SECTION 3. DEFINITIONS.—Unless otherwise clearly required by the context, as used in this Act:

(a) UNAVAILABLE means either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office (including any deputy exercising the powers and discharging the duties of an office because of a vacancy) and his duly authorized deputy are absent or unable to exercise the powers and discharge the duties of the office.

(b) EMERGENCY INTERIM SUCCESSOR means a person designated pursuant to this act, in the event the officer is unavailable, to exercise the powers and discharge the duties of an office until a successor is appointed or elected and qualified as may be provided by the constitution,
statutes, charters and ordinances or until the lawful incumbent is able to resume the exercise of the powers and discharge the duties of the office.

(c) OFFICE includes all State and local offices, the powers and duties of which are defined by the constitution, statutes, charters, and ordinances, except the office of Governor, and except those in the legislature and the judiciary.

(d) ATTACK means any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological, or biological means or other weapons or process.

(e) POLITICAL SUBDIVISION includes counties, cities, towns, villages, townships, districts, authorities, and other public corporations and entities whether organized and existing under charter or general law.

SECTION 4. ADDITIONAL SUCCESSORS TO OFFICE OF GOVERNOR.—In the event that the Governor, for any of the reasons specified in the constitution, is not able to exercise the powers and discharge the duties of his office, or is unavailable, and in the event the Lieutenant Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives be for any of the reasons specified in the constitution not able to exercise the powers and discharge the duties of the Office of Governor, or be unavailable, the Secretary of State and State Auditor shall, in the order named, if the preceding named officers be unavailable, exercise the powers and discharge the duties of the Office of Governor until a new Governor is elected and qualified, or until a preceding named officer becomes available; Provided, however, that no emergency interim successor to the aforementioned offices may serve as Governor.

SECTION 5. EMERGENCY INTERIM SUCCESSORS FOR STATE OFFICERS.—All state officers subject to such regulations as the Governor (or other official authorized under the constitution or this act to exercise the powers and discharge the duties of the office of Governor) may issue, shall, upon approval of this act, in addition to any deputy authorized pursuant to law to exercise all of the powers and discharge the duties of the office, designate by title emergency interim successors and specify their
order of succession. The officer shall review and revise, as necessary designations made pursuant to this act to insure their current status. The officer will designate a sufficient number of such emergency interim successors so that there will be not less than three, nor more than seven, such deputies or emergency interim successors or any combination thereof, at any time. In the event that any state officer is unavailable following an attack, and in the event his deputy, if any, is also unavailable, the said powers of his office shall be exercised and the said duties of his office shall be discharged by his designated emergency interim successors in the order specified. Such emergency interim successors shall exercise said powers and discharge said duties only until such time as the Governor under the constitution or authority other than this act (or other official authorized under the constitution or this act to exercise the powers and discharge the duties of the Office of Governor) may, where a vacancy exists, appoint a successor to fill the vacancy or until a successor is otherwise appointed, or elected and qualified as provided by law; or an officer or his deputy or a preceding named emergency interim successor) becomes available to exercise, or resume the exercise of, the powers and discharge the duties of his office.

Section 6. Enabling Authority for Emergency Interim Successors for Local Offices.—With respect to local offices for which the legislative bodies of cities, towns, villages, townships, and counties may enact resolutions or ordinances relative to the manner in which vacancies will be filled or temporary appointments to office made, such legislative bodies are hereby authorized to enact resolutions or ordinances providing for emergency interim successors to offices of the aforementioned governmental units. Such resolutions and ordinances shall not be inconsistent with the provisions of the Act.

Section 7. Emergency Interim Successors for Local Officers.—The provisions of this section shall be applicable to officers of political subdivisions (including, but not limited to, cities, towns, villages, townships, and counties, as well as school, fire, power and drainage districts) not included in Section 6. Such officers, subject to such regulations as the executive head of the political subdivision may issue, shall upon approval of this act, designate by title (if feasible) or by named person, emergency interim successors and specify their order of
succession. The officer shall review and revise, as necessary, designations made pursuant to this act to insure their current status. The officer will designate a sufficient number of persons so that there will be not less than three, nor more than seven, deputies or emergency interim successors or any combination thereof at any time. In the event that any officer of any political subdivision (or his deputy provided for pursuant to law) is unavailable, the powers of the office shall be exercised and duties shall be discharged by his designated emergency interim successors in the order specified. The emergency interim successor shall exercise the powers and discharge the duties of the office to which designated until such time as a vacancy which may exist shall be filled in accordance with the constitution or statutes or until the officer (or his deputy or a preceding emergency interim successor) again becomes available to exercise the powers and discharge the duties of his office.

SECTION 8. SPECIAL EMERGENCY JUDGES. — In the event that any judge of any court is unavailable to exercise the powers and discharge the duties of his office, and in the event no other judge authorized to act in the event of absence, disability or vacancy or no special judge appointed in accordance with the provisions of the constitution or statutes is available to exercise the powers and discharge the duties of such office, the duties of the office shall be discharged and the powers exercised by the special emergency judges hereinafter provided for:

(a) The Governor, upon approval of this act, shall designate for each member of the Supreme Court special emergency judges in the number of not less than three nor more than seven for each member of said court and shall specify their order of succession.

(b) The Chief Justice of the Supreme Court in consultation with the other members of said court, upon approval of this act, shall designate for each court of record except the Supreme Court, special emergency judges in the number of not less than three nor more than seven for each judge of said courts and shall specify their order of succession.

(c) The Chief Judge of the District Court (or the presiding or senior judge of a District in consultation with the other judges of that District where there is more than one judge), upon approval of this act, shall designate not less than three special emergency judges for courts not
of record within that District and shall specify their order of succession. Such special emergency judges shall, in the order specified, exercise the powers and discharge the duties of such office in case of the unavailability of the regular judge or judges or persons immediately preceding them in the designation. The designating authority shall review and revise, as necessary, designations made pursuant to this act to insure their current status. Said emergency special judges shall discharge the duties and exercise the powers of such office until such time as a vacancy which may exist shall be filled in accordance with the constitution and statutes or until the regular judge or one preceding the designee in the order of succession becomes available to exercise the powers and discharge the duties of the office.

SECTION 9. FORMALITIES OF TAKING OFFICE.—At the time of their designation, emergency interim successors and special emergency judges shall take such oath as may be required for them to exercise the powers and discharge the duties of the office to which they may succeed. Notwithstanding any other provision of law, no person, as a prerequisite to the exercise of the powers of discharge of the duties of an office to which he succeeds, shall be required to comply with any other provision of law relative to taking office.

SECTION 10. PERIOD IN WHICH AUTHORITY MAY BE EXERCISED.—Officials authorized to act as Governor pursuant to this act, emergency interim successors and special emergency judges are employed to exercise the powers and discharge the duties of an office as herein authorized only after an attack upon the United States, as defined herein, has occurred. The Legislature, by concurrent resolution, may at any time terminate the authority of said emergency interim successors and special emergency judges to exercise the powers and discharge the duties of office as herein provided.

SECTION 11. REMOVAL OF DESIGNEES—Until such time as the persons designated as emergency interim successors or special emergency judges are authorized to exercise the powers and discharge the duties of an office in accordance with this act, including Section 10 hereof, said persons shall serve in their designated capacities at the pleasure of the designating authority and may be removed or replaced by said designating authority at any time, with or without cause.
SECTION 12. DISPUTES.—Any dispute concerning a question of fact arising under this act with respect to an office in the Executive Branch of the State Government (except a dispute of fact relative to the Office of Governor) shall be adjudicated by the Governor (or other official authorized under the constitution or this act to exercise the powers and discharge the duties of the office of Governor) and his decision shall be final.

SECTION 13. SEPARABILITY CLAUSE.—If a part of this act is invalid, all valid parts that are separable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications the part remains in effect in all valid applications that are separable from the invalid applications.

SECTION 14. EFFECTIVE DATE.—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 August 9, 1961.

CHAPTER 3
(S. B. No. 2)

AN ACT

PROVIDING FOR THE TEMPORARY RELOCATION TO PLACES OTHER THAN THE ORDINARY OF THE SEAT OF ALL STATE AND ALL LOCAL GOVERNMENT IN THE STATE OF IDAHO IN CERTAIN EMERGENCIES AND PROVIDING WAYS AND MEANS OF EFFECTUATING SUCH PURPOSE AND DECLARING AN EMERGENCY AND EFFECTIVE DATE.

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

SECTION 1. SHORT TITLE.—This Act shall be known as the Emergency Relocation Act.

SECTION 2. Whenever, due to an emergency resulting from the effects of enemy attack, or the anticipated effect of a threatened enemy attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of State Government at the normal location of the seat thereof in the City of Boise, Ada County, Idaho, the Governor shall, as often as the exigencies of the situation require, by
proclamation, declare an emergency temporary location, or locations, for the seat of government at such place, or places, within or without this State as he may deem advisable under the circumstances, and shall take such action and issue such orders as may be necessary for an orderly transition of the affairs of State Government to such emergency temporary location, or locations. Such emergency temporary location, or locations, shall remain as the seat of government until the legislature shall by law establish a new location, or locations, or until the emergency is declared to be ended by the Governor and the seat of Government is returned to its normal location.

SECTION 3. During such time as the seat of Government remains at such emergency temporary location, or locations, all official acts now or hereafter required by law to be performed at the seat of government by any officer, agency, department, or authority of this state, including the convening and meeting of the legislature in regular, extraordinary, or emergency session, shall be as valid and binding when performed at such emergency temporary location, or locations, as if performed at the normal location of the seat of government.

SECTION 4. Whenever, due to an emergency resulting from the effects of enemy attack, or the anticipated effects of a threatened enemy attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of local government at the regular or usual place or places thereof, the governing body of each political subdivision of this State may meet at any place within or without the territorial limits of such political subdivision on the call of the presiding officer or any two members of such governing body, and shall proceed to establish and designate by ordinance, resolution or other manner, alternate or substitute sites or places as the emergency temporary location, or locations, of government where all, or any part, of the public business may be transacted and conducted during the emergency situation. Such sites or places may be within or without the territorial limits of such political subdivision and may be within or without this state.

SECTION 5. During the period when the public business is being conducted at the emergency temporary location, or locations, the governing body and other officers of a political subdivision of this state shall have and possess and shall exercise, at such location, or locations, all of the Executive, Legislative, and Judicial powers and functions
conferred upon such body and officers by or under the laws of this State. Such powers and functions may be exercised in the light of the exigencies of the emergency situation without regard to or compliance with time-consuming procedures and formalities prescribed by law and pertaining thereto, and all acts of such body and officers shall be as valid and binding as if performed within the territorial limits of their political subdivision.

SECTION 6. The provisions of this act shall control and be supreme in the event it shall be employed notwithstanding any statutory, charter or ordinance provision to the contrary or in conflict herewith.

SECTION 7. 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 August 9, 1961.

CHAPTER 4
(S. B. No. 5)

AN ACT

TO INSURE THE EFFICIENT AND EFFECTIVE OPERATION OF THE LEGISLATURE OF THE STATE OF IDAHO AT ALL TIMES AFTER AN ENEMY ATTACK, PROVIDING FOR DESIGNATION, QUALIFICATIONS, AND OATH OF EMERGENCY INTERIM SUCCESSORS, AND CONVENING OF THE LEGISLATURE IN EVENT OF ATTACK: ENUMERATING POWERS, PRIVILEGES AND IMMUNITIES OF EMERGENCY LEGISLATORS; PROVIDING FOR SUSPENSION OF QUORUM REQUIREMENTS AND FOR TERMINATION OF THIS ACT, AND DECLARING AN EMERGENCY AND EFFECTIVE DATE.

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

SECTION 1. SHORT TITLE.—This Act shall be known as the "Emergency Interim Legislative Succession Act."

SECTION 2. DECLARATION OF POLICY.—The Legislature declares: (1) That recent technological developments make possible an enemy attack of unprecedented destructiveness, which may result in the death or inability to act of a large proportion of the membership of the Legislature: (2) That to conform in time of attack to
existing legal requirements pertaining to the Legislature would be impracticable, would admit of undue delay, and would jeopardize continuity of operation of a legally constituted legislature; and (3) That it is therefore necessary to adopt special provisions as hereinafter set out for the effective operation of the Legislature.

SECTION 3. DEFINITIONS.—As used in this Act:

(a) ATTACK means any action or series of actions taken by an enemy of the United States resulting in substantial damage or injury to persons or property in this State whether through sabotage, bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological, or biological means or other weapons or methods.

(b) UNAVAILABLE means absent from the place of session (other than on official business of the legislature), or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of a legislator, whether or not such absence or inability would give rise to a vacancy under existing constitutional or statutory provisions.

SECTION 4. DESIGNATION OF EMERGENCY INTERIM SUCCESSORS TO LEGISLATORS.—Each legislator shall designate not fewer than three or more than seven emergency interim successors to his powers and duties and specify their order of succession. Each legislator shall review and, as necessary, promptly revise the designations of emergency interim successors to his powers and duties to insure that all times there are at least three such qualified emergency interim successors.

SECTION 5. STATUS QUALIFICATIONS AND TERM OF EMERGENCY INTERIM SUCCESSORS.—An emergency interim successor is one who is designated for possible temporary succession to the powers and duties, but not the office, of a legislator. No person shall be designated or serve as an emergency interim successor unless he may under the constitution and statutes hold the office of the legislator to whose powers and duties he is designated to succeed. But no constitutional or statutory provision prohibiting a legislator from holding another office or prohibiting the holder of another office from being a legislator shall be applicable to an emergency interim successor. An emergency interim successor shall serve at the pleasure of the legislator designating him or of any subsequent incumbent of the legislative office.
SECTION 6. CONTINGENT METHOD OF DESIGNATING EMERGENCY INTERIM SUCCESSORS.—Prior to an attack, if a legislator fails to designate the required minimum number of emergency interim successors within thirty days following the effective date of the act or, after such period, if for any reason the number of emergency interim successors for any legislator falls below the required minimum and remains below such minimum for a period of thirty days, then the party leader of the same political party in the same house as such legislator shall promptly designate as many emergency interim successors as are required to achieve such minimum number. But the party leader shall not assign to any of his designees a rank in order of succession higher than that of any remaining emergency interim successor previously designated by a legislator for succession to his own powers and duties. Each emergency interim successor designated by a party leader shall serve at the pleasure of the person designating him, but the legislator for whom the emergency interim successor is designated or any subsequent incumbent of his office may change the rank in order of succession or replace at his pleasure any emergency interim successor so designated.

SECTION 7. RECORDING AND PUBLICATION.—Each designation of an emergency interim successor shall become effective when the legislator or party leader making the designation files with the Secretary of State the successor’s name, address and rank in order of succession. The removal of an emergency interim successor or change in order of succession shall become effective when the legislator or party leader so acting files this information with the Secretary of State. All such data shall be open to public inspection. The Secretary of State shall inform the Governor, the Department of Disaster Relief and Civil Defense, the presiding officer of the house concerned and all emergency interim successors, of all such designations, removals and changes in order of succession. The presiding officer of each house shall cause to be entered all information regarding emergency interim successors for the house in its public journal at the beginning of each legislative session and shall cause to be entered all changes in membership or order of succession as soon as possible after their occurrence.

SECTION 8. OATH OF EMERGENCY INTERIM SUCCESSORS.—Promptly after designation each emergency interim successor shall take the oath required for the legis-
lator to whose powers and duties he is designated to succeed. No other oath shall be required.

SECTION 9. DUTY OF EMERGENCY INTERIM SUCCESSORS.—Each emergency interim successor shall keep himself generally informed as to the duties, procedures, practices and current business of the legislature, and each legislator shall assist his emergency interim successor to keep themselves so informed.

SECTION 10. CONVENING OF LEGISLATURE IN EVENT OF ATTACK. In the event of an attack, the Governor shall call the legislature into session as soon as practicable, and in any case within ninety days following the inception of the attack. If the Governor fails to issue such call, the legislature shall, on the ninetieth day from the date of inception of the attack, automatically convene at the place where the Governor then has his office. Each Legislator and each emergency interim successor, unless he is certain that the legislator to whose powers and duties he is designated to succeed or any emergency interim successor higher in order of succession will not be available, shall proceed to the place of session as expeditiously as practicable. At such session or at any session in operation at the inception of the attack, and at subsequent sessions, limitations on the length of session and on the subjects which may be acted upon shall be suspended.

SECTION 11. ASSUMPTION OF POWERS AND DUTIES OF LEGISLATOR BY EMERGENCY INTERIM SUCCESSOR.—If in the event of an attack a legislator is unavailable, his emergency interim successor highest in order of succession who is not unavailable shall, except for the power and duty to appoint emergency successors, exercise the powers and assume the duties of such legislator. An emergency interim successor shall exercise these powers and assume these duties until the incumbent legislator, an emergency interim successor higher in order of succession, or a legislator appointed or elected and legally qualified can act. Each house of the legislature shall, in accordance with its own rules, determine who is entitled under the provisions of this act to exercise the powers and assume the duties of its members. All constitutional and statutory provisions pertaining to ouster of a legislator shall be applicable to an emergency interim successor who is exercising the powers and assuming the duties of a legislator.

SECTION 12. PRIVILEGES, IMMUNITIES AND COM-
PENSATION OF EMERGENCY INTERIM SUCCESSORS.—When an emergency interim successor exercises the powers and assumes the duties of a legislator, he shall be accorded the privileges and immunities, compensation, allowances and other perquisites of office to which a legislator is entitled. In the event of an attack, each emergency interim successor, whether or not called upon to exercise the powers and assume the duties of a legislator, shall be accorded the privileges and immunities of a legislator while traveling to and from a place of session and shall be compensated for his travel in the same manner and amount as a legislator. This section shall not in any way affect the privileges, immunities, compensation, allowances or other perquisites of office of an incumbent legislator.

SECTION 13. QUORUM AND VOTE REQUIREMENTS: In the event of an attack, (1) quorum requirements for the legislature shall be suspended, and (2) where the affirmative vote of a specified proportion of members for approval of a bill, resolution or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient.

SECTION 14. TERMINATION OF OPERATION OF PROVISIONS OF THIS ACT.—The authority of emergency interim successors to succeed to the powers and duties of legislators, and the operation of the provisions of this act relating to quorum, the number of affirmative votes required for legislative action, and limitations on the length of sessions and the subjects which may be acted upon, shall expire two years following the inception of an attack, but nothing herein shall prevent the resumption before such time of the filling of legislative vacancies and the calling of elections for the legislature in accordance with applicable constitutional and statutory provisions. The Governor, acting by proclamation, or the legislature, acting by concurrent resolution, may from time to time extend or restore such authority or the operation of any of such provisions upon a finding that events render the extension of restoration necessary, but no extension or restoration shall be for a period of more than one year.

SECTION 15. SEPARABILITY CLAUSE.—If a part of this Act is invalid, all valid parts that are separable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are separable from the invalid applications.
SECTION 16. EMERGENCY AND EFFECTIVE DATE. —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 August 9, 1961.
SENATE CONCURRENT RESOLUTIONS

(S. C. R. No. 1)
A CONCURRENT RESOLUTION

"A Concurrent Resolution fixing the salaries of the employees of the First Extraordinary Session of the Thirty-sixth Legislature of the State of Idaho.

WHEREAS, Section 67-601, 67-602 and 67-608 of the Idaho Code, provide that the compensation of the employees of the Senate and the House of Representatives shall be fixed by concurrent resolution of the Senate and House; and

WHEREAS, It is the desire of the Senate and the House, by this concurrent resolution, to fix the compensation of the employees of the First Extraordinary Session of the Thirty-sixth Legislature of the State of Idaho:

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 First Extraordinary Session of the Thirty-sixth Legislature of the State of Idaho be fixed as follows:

Secretary of the Senate $30.00
Chief Clerk and Parliamentarian (House) 30.00
Assistant Chief Clerk (House) 20.00
Assistant Secretary of the Senate 20.00
Sergeants-at-Arms 20.00
Journal Clerks 18.00
Docket Clerks 18.00
Secretaries 18.00
Clerks 15.00
Elevator Operators 12.00
Door Keepers 12.00
Janitors 12.00
Messengers 12.00
Pages 10.00
Chaplains 10.00"

Passed by the Senate August 3, 1961.
A CONCURRENT RESOLUTION

“A Concurrent Resolution providing for the adjournment sine die of the First Extraordinary Session of the Thirty-sixth Legislature of the State of Idaho.

“BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the First Extraordinary Session of the Thirty-sixth Legislature of the State of Idaho, adjourn sine die at the hour of 5:00 o’clock P.M. on the 4th day of August, 1961.”

Passed by the Senate on August 4, 1961.

Passed by the House August 4, 1961.
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 4th day of August, 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 First Extraordinary Session 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 SYMS-YORK COMPANY, as follows:

**DAILY JOURNAL**

300 copies .............................................@ $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 ....................@ $7.60 per page
Index pages .............................................@ $12.40 per page

IT IS AGREED, that the daily Senate and the House Journal shall be sold to the public at a cost of $2.00 for the Session, including mailing charges. A notarized list of such sales shall be furnished the State Auditor by the printer 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
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, 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 4th day of August, 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 First Extraordinary Session 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 print-
ing 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 proofreading.

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 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.

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

SYMS-YORK COMPANY,
By KARL W. BONHAM,
Party of the Second Part.

Passed by the House August 4, 1961.
Passed by the Senate August 4, 1961.
I, ARNOLD WILLIAMS, Secretary of State of the State of Idaho, do hereby certify that the foregoing printed pages contain true, full, correct, and literal copies of all the general laws and resolutions passed by the First Extraordinary Session of the Thirty-Sixth Session of the Idaho Legislature, which convened August 3, 1961, and adjourned August 4, 1961, as they appear from 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 1st day of April, 1963.

Arnold Williams
Secretary of State
INDEX

(Compiled by Chief Clerk of the House)

CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alphabetic index of laws according to subject matter</td>
<td>37</td>
</tr>
<tr>
<td>Numerical index of laws by bill numbers</td>
<td>42</td>
</tr>
<tr>
<td>Section references</td>
<td>42</td>
</tr>
<tr>
<td>Table of amendments and citations</td>
<td>42</td>
</tr>
</tbody>
</table>
INDEX

Chapter Page

BONDS:
Definition of ................................................................. 1 10
Election for issuance ...................................................... 1 10
Limitations on amounts .................................................. 1 10

CONCURRENT RESOLUTIONS:
House:
Bills, printing contract for ........................................... H.C.R. 2 31
Legislative journals, printing contract for ................... H.C.R. 1 28
Senate:
Attaches salaries ...................................................... S.C.R. 1 26
Sine Die resolution .................................................. S.C.R. 2 27

DISTRICT COURT:
See EMERGENCY INTERIM EXECUTIVE AND JUDICIAL SUCCESSION ACT
Special emergency judges:
Authority, period of for emergency judges ............... 2 17
Appointment of emergency judges ......................... 2 16
Oaths of office of emergency judges ....................... 2 17
Removal of emergency judges ............................... 2 17

EMERGENCY INTERIM EXECUTIVE AND JUDICIAL SUCCESSION ACT:
See EMERGENCY RELOCATION ACT
Additional successors to office of Governor ............ 2 14
Authority, period of by successors ....................... 2 17
Declaration of policy ................................................ 2 13
Definitions:
Attack ................................................................. 2 14
Emergency interim successor ................................ 2 13
Office ................................................................. 2 14
Political subdivision ............................................. 2 14
Unavailable ......................................................... 2 13
Disputes, settlement of ........................................... 2 18
Effective date of Act ............................................. 2 18
Governor, additional successors to office .......... 2 14
Judges, special emergency appointments ............... 2 16
Local Offices:
Authority for appointment of successors ............ 2 15
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency interim successors for</td>
<td>2 15</td>
</tr>
<tr>
<td>Oaths of interim successors</td>
<td>2 17</td>
</tr>
<tr>
<td>Removal of designees</td>
<td>2 17</td>
</tr>
<tr>
<td>Separability Clause</td>
<td>2 18</td>
</tr>
<tr>
<td>Short title</td>
<td>2 13</td>
</tr>
<tr>
<td>State Officers, emergency interim successors</td>
<td>2 14</td>
</tr>
</tbody>
</table>

**EMERGENCY INTERIM LEGISLATIVE SUCCESSION ACT:**
- Assumption of powers by interim successors | 4 23 |
- Convening of legislature in case of attack | 4 23 |
- Declaration of policy | 4 20 |
- Definitions:
  - Attack | 4 21 |
  - Unavailable | 4 21 |
- Emergency clause and effective date | 4 25 |
- Legislators, designation of emergency successors:
  - Contingent method of designating | 4 22 |
  - Designation of | 4 21 |
  - Duties of | 4 23 |
  - Oath required | 4 22 |
  - Qualifications and term of | 4 21 |
  - Recording and publication of emergency successors | 4 22 |
- Short title | 4 20 |
- Termination of provisions of Act | 4 24 |

**EMERGENCY RELOCATION ACT:**
- Approval of Act, August 9, 1961 | 3 18 |
- Emergency clause and effective date | 3 20 |
- Governor, authority of successor | 3 18 |
- Legislative sessions, places of holding | 3 19 |
- Legislative sessions, validity of | 3 19 |
- Legislative sessions under attack:
  - Method of approval of bills | 4 24 |
  - Quorum requirements suspended | 4 24 |
  - Seat of government, removal of | 3 18 |
- Short title | 3 18 |
- Validity of legislative sessions | 3 19 |

**ENEMY ATTACK:**
See EMERGENCY INTERIM EXECUTIVE AND JUDICIAL SUCCESSION ACT and EMERGENCY RELOCATION ACT AND EMERGENCY INTERIM LEGISLATIVE SUCCESSION ACT
- Governor, successors to office | 2 14 |
- Judges, emergency successors to | 2 16 |
- Legislators, emergency successors | 4 21 |
### Legislative sessions during:

<table>
<thead>
<tr>
<th>Requirement/Successor</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quorum requirements suspended</td>
<td>4 24</td>
</tr>
<tr>
<td>Bills, method of approval</td>
<td>4 24</td>
</tr>
<tr>
<td>Local Officers, emergency successors to</td>
<td>2 15</td>
</tr>
<tr>
<td>Relocation of seat of government</td>
<td>3 19</td>
</tr>
<tr>
<td>State Officers, successors to</td>
<td>2 14</td>
</tr>
</tbody>
</table>

### EXTRAORDINARY SESSION:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proclamation for</td>
<td>7</td>
</tr>
<tr>
<td>Purposes of</td>
<td>7</td>
</tr>
</tbody>
</table>

### GOVERNMENTAL SUCCESSION:

See EMERGENCY INTERIM EXECUTIVE AND JUDICIAL SUCCESSION ACT and EMERGENCY RELOCATION ACT AND EMERGENCY INTERIM LEGISLATIVE SUCCESSION ACT

<table>
<thead>
<tr>
<th>Officer</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governor, successors to office</td>
<td>2 14</td>
</tr>
<tr>
<td>Judges, emergency successors to</td>
<td>2 16</td>
</tr>
<tr>
<td>Legislators, emergency successors</td>
<td>4 22</td>
</tr>
</tbody>
</table>

### Legislative sessions during attack:

<table>
<thead>
<tr>
<th>Requirement/Successor</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quorum requirement suspended</td>
<td>4 24</td>
</tr>
<tr>
<td>Bills, method of approval</td>
<td>4 24</td>
</tr>
<tr>
<td>Local Officers, emergency successors to</td>
<td>2 15</td>
</tr>
<tr>
<td>Relocation of seat of government</td>
<td>3 19</td>
</tr>
<tr>
<td>State officers, successors to</td>
<td>2 14</td>
</tr>
</tbody>
</table>

### GOVERNOR:

See EMERGENCY INTERIM EXECUTIVE and JUDICIAL SUCCESSION ACT and EMERGENCY RELOCATION ACT

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convening of legislature in event of attack</td>
<td>4 23</td>
</tr>
<tr>
<td>Disputes, settlements in emergency</td>
<td>2 18</td>
</tr>
<tr>
<td>Relocation of seat of government by Governor</td>
<td>3 19</td>
</tr>
<tr>
<td>Successors to office of</td>
<td>2 14</td>
</tr>
<tr>
<td>Supreme Court, appointment of members by</td>
<td>2 16</td>
</tr>
</tbody>
</table>

### JUDGES:

See EMERGENCY INTERIM EXECUTIVE AND JUDICIAL SUCCESSION ACT

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Courts:</td>
<td></td>
</tr>
<tr>
<td>Appointment of emergency members</td>
<td>2 16</td>
</tr>
<tr>
<td>Emergency appointments</td>
<td>2 16</td>
</tr>
<tr>
<td>Oath of Office</td>
<td>2 17</td>
</tr>
<tr>
<td>Period of authority</td>
<td>2 17</td>
</tr>
<tr>
<td>Removal of</td>
<td>2 17</td>
</tr>
<tr>
<td>Supreme Court:</td>
<td></td>
</tr>
<tr>
<td>Appointment of emergency members</td>
<td>2 16</td>
</tr>
<tr>
<td>LEGISLATURE:</td>
<td>Chapter</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>See EMERGENCY INTERIM EXECUTIVE AND JUDICIAL SUCCESSION ACT and EMERGENCY RELOCATION ACT and EMERGENCY INTERIM LEGISLATIVE SUCCESSION ACT</td>
<td></td>
</tr>
<tr>
<td>Authorization of interim emergency successors</td>
<td>4</td>
</tr>
<tr>
<td>Bills, approval of under attack</td>
<td>4</td>
</tr>
<tr>
<td>Convening in case of attack</td>
<td>4</td>
</tr>
<tr>
<td>Designation of emergency successors members of</td>
<td>4</td>
</tr>
<tr>
<td>Establishment of new seat of government</td>
<td>3</td>
</tr>
<tr>
<td>Members, emergency successors:</td>
<td></td>
</tr>
<tr>
<td>Assumption of duties by successors</td>
<td>4</td>
</tr>
<tr>
<td>Compensation of successors</td>
<td>4</td>
</tr>
<tr>
<td>Contingent method of designating successors</td>
<td>4</td>
</tr>
<tr>
<td>Privileges and immunities of successors</td>
<td>4</td>
</tr>
<tr>
<td>Qualifications of successors</td>
<td>4</td>
</tr>
<tr>
<td>Term of successors</td>
<td>4</td>
</tr>
<tr>
<td>Termination of emergency successors</td>
<td>2</td>
</tr>
<tr>
<td>Places of holding sessions</td>
<td>3</td>
</tr>
<tr>
<td>Quorum suspended under attack</td>
<td>4</td>
</tr>
<tr>
<td>Validity of sessions</td>
<td>3</td>
</tr>
<tr>
<td>LOCAL OFFICES:</td>
<td></td>
</tr>
<tr>
<td>See EMERGENCY INTERIM EXECUTIVE AND JUDICIAL SUCCESSION ACT</td>
<td></td>
</tr>
<tr>
<td>Authority for emergency interim appointment of</td>
<td>2</td>
</tr>
<tr>
<td>Emergency interim successors for</td>
<td>2</td>
</tr>
<tr>
<td>PROCLAMATION:</td>
<td></td>
</tr>
<tr>
<td>Special Session</td>
<td></td>
</tr>
<tr>
<td>RELOCATION OF SEAT OF GOVERNMENT:</td>
<td></td>
</tr>
<tr>
<td>See EMERGENCY RELOCATION ACT</td>
<td></td>
</tr>
<tr>
<td>SCHOOL DISTRICT FINANCING:</td>
<td></td>
</tr>
<tr>
<td>Bonded indebtedness, raising limitation</td>
<td>1</td>
</tr>
<tr>
<td>Conduct of election</td>
<td>1</td>
</tr>
<tr>
<td>Definitions:</td>
<td></td>
</tr>
<tr>
<td>Aggregate outstanding indebtedness</td>
<td>1</td>
</tr>
<tr>
<td>Assessed valuation</td>
<td>1</td>
</tr>
<tr>
<td>Issue, issued or issuance</td>
<td>1</td>
</tr>
<tr>
<td>Taxpayer</td>
<td>1</td>
</tr>
<tr>
<td>Emergency clause</td>
<td>1</td>
</tr>
<tr>
<td>Repealing clause</td>
<td>1</td>
</tr>
<tr>
<td>Severability</td>
<td>1</td>
</tr>
<tr>
<td>Termination date</td>
<td>1</td>
</tr>
<tr>
<td>Validation of bond issuing</td>
<td>1</td>
</tr>
</tbody>
</table>
SECRETARY OF STATE:
See EMERGENCY INTERIM EXECUTIVE AND JUDICIAL SUCCESSION ACT
Duties in case of attack .......................................................... 4 22
Legislative members, appointing of emergency successors ............. 4 22
Succession to office of Governor ............................................ 2 14
Limitation to succession ....................................................... 2 14

SPECIAL SESSION:
Proclamation for ................................................................... 7
Purposes of ........................................................................... 7

STATE AUDITOR:
See EMERGENCY INTERIM EXECUTIVE AND JUDICIAL SUCCESSION ACT
Succession to office of Governor ............................................ 2 14
Limitation to succession ....................................................... 2 14

STATE OFFICERS:
See EMERGENCY INTERIM EXECUTIVE AND JUDICIAL SUCCESSION ACT
Emergency interim successors for ...................................... 2 14

SUPREME COURT:
See EMERGENCY INTERIM EXECUTIVE AND JUDICIAL SUCCESSION ACT
Appointment of emergency members ..................................... 2 16
Oath of office ........................................................................ 2 17
Period of authority .............................................................. 2 17
Removal of emergency members ......................................... 2 17

WAR:
See EMERGENCY INTERIM EXECUTIVE AND JUDICIAL SUCCESSION ACT and EMERGENCY RELOCATION ACT and EMERGENCY INTERIM LEGISLATIVE SUCCESSION ACT
Governor successors to office ................................................. 2 14
Judges, emergency successors to ......................................... 2 16
Legislators, emergency successors ......................................... 4 21
Legislative sessions during:
    Quorum requirements suspended .................................... 4 24
   Bills, method of approval .................................................. 4 24
Local offices, emergency successors to ................................ 2 15
Relocation of seat of government ........................................... 2 18
State officers, successors to ............................................... 2 14
### Idaho Code
### Section References in First Extraordinary Session, 1961 Laws

<table>
<thead>
<tr>
<th>Section</th>
<th>1961 Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td>33-909</td>
<td>Chapter Page</td>
</tr>
<tr>
<td>59-508</td>
<td>7</td>
</tr>
<tr>
<td>67-509</td>
<td>Referred to (Proclamation) H.C.R. 1 28</td>
</tr>
<tr>
<td>67-509</td>
<td>Referred to H.C.R. 1 29</td>
</tr>
<tr>
<td>67-601</td>
<td>Referred to S.C.R. 1 26</td>
</tr>
<tr>
<td>67-602</td>
<td>Referred to S.C.R. 1 26</td>
</tr>
<tr>
<td>67-608</td>
<td>Referred to S.C.R. 1 26</td>
</tr>
</tbody>
</table>

### Amendments and References to 1959 Session Laws

<table>
<thead>
<tr>
<th>Chapter</th>
<th>1959 Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td>141</td>
<td>Referred to (Proclamation) H.C.R. 1 28</td>
</tr>
</tbody>
</table>

### Amendments and References to 1961 Session Laws

<table>
<thead>
<tr>
<th>Chapter</th>
<th>1961 Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td>89</td>
<td>Repealed S.C.R. 1 26</td>
</tr>
</tbody>
</table>

### Numerical Index of First Extraordinary Session Laws, by Bill Numbers

#### Laws Originating in House

<table>
<thead>
<tr>
<th>House</th>
<th>Bill No.</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>H.C.R. 1</td>
<td>1</td>
<td>28</td>
</tr>
<tr>
<td>H.C.R. 2</td>
<td>1</td>
<td>31</td>
</tr>
</tbody>
</table>

#### Laws Originating in Senate

<table>
<thead>
<tr>
<th>Senate</th>
<th>Bill No.</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>S.C.R. 1</td>
<td>1</td>
<td>26</td>
</tr>
</tbody>
</table>
GENERAL LAWS
OF THE
STATE OF IDAHO

CHAPTER 1
(H. B. No. 5)

AN ACT

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-seventh Session of the Legislature of the State of Idaho and expense, as indicated, of the First Extraordinary Ses-
sion 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>$209,000.00</td>
</tr>
<tr>
<td>Travel Expense</td>
<td>100,000.00</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>110,500.00</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$420,000.00</strong></td>
</tr>
</tbody>
</table>

**SECTION 2.** The unexpended funds in the appropriation for expenses of the Thirty-sixth Session of the Idaho Legislature are hereby re-appropriated and made available for payment of expenses and charges, salaries and wages, incurred in the operation and conduct of the First Extraordinary Session of the said Thirty-sixth Session.

**SECTION 3.** 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 4.** 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 2**
(H. B. No. 2)

**AN ACT**

AUTHORIZING THE STATE BOARD OF LAND COMMISSIONERS TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF BEAR LAKE FOR THE ASSIGNMENT BY SAID COUNTY OF BEAR LAKE OF AN AGREEMENT BY AND BETWEEN BEAR LAKE COUNTY AND THE UTAH POWER & LIGHT COMPANY, A FOREIGN CORPORATION, FOR THE UTILIZATION AND DEVELOPMENT OF CERTAIN LANDS OWNED BY SAID UTAH POWER & LIGHT
COMPANY, FOR RECREATIONAL PURPOSES; AUTHORIZING THE BOARD TO ACCEPT CONTRIBUTIONS AND SPEND SAME FOR RECREATIONAL PURPOSES; AND TO PRESCRIBE RULES AND REGULATIONS REGARDING THE USE OF SUCH RECREATIONAL AREA.

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

SECTION 1. The State Board of Land Commissioners, hereinafter referred to as Board, acting for and on behalf of the people of the State of Idaho, is hereby authorized to enter into an agreement with the County of Bear Lake, Idaho, hereinafter referred to as County, for the assignment of an agreement entered into by and between said County and Utah Power & Light Company, a foreign corporation, hereinafter referred to as Company, by which agreement the said Company granted unto said County the right to enter upon, develop and use for recreational purposes the following described property:

Lots 1 and 2 of Section 15; Lots 2, 3 and 4 of Section 14; Lot 1 of Section 23; and a portion of Lot 2 of Section 23, all in Township 15 South, Range 44 East of Boise Meridian, Idaho.

The assignment of the aforesaid agreement, to be entered into by and between said County and the Board, shall expressly recognize that the authority and obligations to be assumed by the Board shall be exercised with due and proper regard for the primary purposes and uses for which the above described lands were granted to the County of Bear Lake and subject to all restrictions contained in said agreement between said County and said Company.

SECTION 2. Upon execution of the assignment agreement between the Board and said County, the Board shall administer such areas in the manner similar to the maintenance and management of a state park, subject to the restrictions imposed by the primary agreement between said County and said Company, and the Board may describe such area as a state park by name. So as to obtain the fullest advantage of such area as a means of affording and providing recreation for the people of this State, the Board is authorized to accept any monies, or other things of value, from any person, association, public or private corporation (including any political subdivision of the State of Idaho), or group of persons, and to expend such monies, or other things of value, for the development or improvement of the above described lands, or for the construction,
alteration, repair, or improvement of any structure or other facility on or upon such area, and used, or to be used for recreational purposes. The Board shall have authority to prescribe rules and regulations governing the designing, type or use of any such structure or other facility, and may regulate the amount to be charged for the use thereof, in accordance with and subject to the said primary agreement entered into by and between the said County and said Company. The Board shall also have the authority to enter into any agreement with said Company in the furtherance of the utilization and development of the above described lands for the purposes herein specified, and in accordance with the terms and conditions of the primary agreement entered into by and between said County and said Company. The Board is further authorized, subject to the approval of the said Company, by an agreement amending the said primary agreement between said County and said Company, to lease or sublease any structure or other property, including the land in or upon the land areas hereinabove described, and to prescribe or affix the charges which may be made by such lessee for the public use of the same, and to do any or all things necessary or incidental to the purposes of this act.

SECTION 3. All monies or other things of value in whatsoever manner received by the Board, as provided by this Act, shall be expended by it solely for the purposes of this Act.


CHAPTER 3
(S. B. No. 26)

AN ACT

DECLARING THE POLICY OF THE STATE OF IDAHO; PROVIDING FOR THE ESTABLISHMENT OF AN INTERDEPARTMENTAL COMMITTEE ON CHILDREN AND YOUTH; SETTING FORTH THE COMPOSITION OF THE COMMITTEE AND TERM OF OFFICE OF PUBLIC MEMBER; PROVIDING THAT THE GOVERNOR BE AN EX-OFFICIO MEMBER; SETTING FORTH THE POWERS AND DUTIES OF THE COMMITTEE; PROVIDING FOR MEETINGS AND REPORTS; PROVIDING FOR COMPENSATION, TRAVEL
AND PER DIEM EXPENSES AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. POLICY.—It is hereby declared to be the policy of the state of Idaho to foster and promote necessary child welfare services thereby insuring to the citizens of this state continued research and study by responsible officials of those state agencies through which child welfare services are administered.

SECTION 2. CREATION OF INTERDEPARTMENTAL COMMITTEE ON CHILDREN AND YOUTH.—There is hereby created in the executive branch of the government a committee to be known as the interdepartmental committee on children and youth, hereinafter referred to as the committee.

SECTION 3. COMPOSITION OF COMMITTEE, TERM OF PUBLIC MEMBER.—The committee shall be composed of the administrator of the department of health, the commissioner of public assistance, the superintendent of public instruction, the commissioner of labor, the executive director of the employment security agency, the director of state vocational rehabilitation service and one public member who is not a full-time paid state or county employee, appointed by the governor to serve a four-year term commencing July 1, 1963. The public member shall not serve more than two consecutive terms and thereafter may not be reappointed before a lapse of a four-year period.

SECTION 4. GOVERNOR TO BE EX-OFFICIO MEMBER.—The governor shall be an ex-officio member of the committee and when present at meetings shall serve as chairman. Otherwise the chairmanship shall rotate annually among the state agency executives, provided, no member shall serve twice until all other members have served in consecutive order.

SECTION 5. DUTIES.—The committee shall take necessary administrative action in the fields of child health, welfare and education, in eliminating duplication of services, developing inter-agency working agreements and coordinating departmental plans so as to fix responsibility for services.

SECTION 6. POWERS.—The committee shall have power to appoint subcommittees, including specific staff members of units within the several departments of state govern-
ment to promote work and execute plans of the committee in designated areas.

SECTION 7. MEETINGS—REPORTS.—The committee shall meet regularly at no less than quarterly intervals and at least once each year shall afford an opportunity for public hearing, notice of which shall be given in manner and form prescribed by the committee. Periodic reports of the work of the committee shall be made to the governor. Biennial recommendations shall be made to the governor and legislature, and shall include proposed changes in laws necessary to effect the recommendations submitted.

SECTION 8. COMPENSATION, TRAVEL AND PER DIEM EXPENSES.—All travel expense and compensation in connection with the work of the committee shall be paid by the respective departments. The public member shall receive no compensation for services but shall be allowed from funds of the governor’s office actual and necessary travel expense included in the performance of duties in connection with committee work. Each committee member, except the public member, shall contribute clerical and stenographic service necessary to accomplish the purposes of the committee.

SECTION 9. EFFECTIVE DATE.—This act shall become effective on and after September 1, 1963.

Approved February 5, 1963.

CHAPTER 4
(S. B. No. 10)

AN ACT
RELATING TO CORONER’S JURY AMENDING SECTION 19-4301, IDAHO CODE, AS ENACTED BY CHAPTER 262, 1961 SESSION LAWS, PROVIDING FOR THE SUMMONING OF SIX PERSONS QUALIFIED BY LAW TO SERVE AS JURORS INSTEAD OF FIFTEEN SUCH PERSONS.

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 amended 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 or the chief of police of the city in which the incident causing death occurred, if known; or, if known unknown, 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 six 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.

Approved February 6, 1963.

CHAPTER 5
(S. B. No. 5)

AN ACT

PROVIDING FOR THE ADOPTION OF COUNCIL-MANAGER-MAYOR PLAN OF CITY GOVERNMENT BY CITIES WITH POPULATION IN EXCESS OF TWO THOUSAND FIVE HUNDRED PERSONS; PROVIDING FOR THE ELECTIVE OFFICERS OF SUCH FORM OF GOVERNMENT AND THEIR TERM OF OFFICE; PROVIDING FOR THE ADOPTION OF SAID FORM OF GOVERNMENT BY PETITION AND/OR
REFERENDUM AND ELECTION; PROVIDING FOR THE ELECTION OF OFFICERS OF SAID FORM OF GOVERNMENT; PROVIDING FOR THE MEETINGS OF THE COUNCIL; PROVIDING FOR THE SIGNING AND RECORDING OF ORDINANCES; PROVIDING FOR THE POWERS OF THE COUNCIL; PROVIDING FOR THE POWERS OF THE MAYOR AND MAYOR PRO TEMPORE; PROVIDING FOR THE APPOINTMENT AND POWERS AND DUTIES OF THE CITY MANAGER; PROVIDING FOR THE DISCONTINUANCE OF SAID FORM OF GOVERNMENT AND THE MANNER IN WHICH DISCONTINUANCE AND CHANGE OF FORMER GOVERNMENT SHALL BE EFFECTED; PROVIDING FOR THE PROVISION OF MULTIPLE CHOICE ELECTION; DECLARING AN EMERGENCY TO EXIST.

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

SECTION 1. CITIES OF TWO THOUSAND FIVE HUNDRED OR OVER MAY ADOPT.—Any city within the State of Idaho, organized under the general laws of the State or under special charter or under a general incorporation act now or hereafter having as shown by the last preceding state or national census, a population of two thousand five hundred persons or over that number, may adopt the Council-Manager-Mayor plan of government as herein set forth by proceedings as hereinafter provided.

SECTION 2. THE ELECTIVE OFFICERS.—The elective officers of the City shall be a Mayor and four or more Councilmen. The number of Councilmen shall be in proportion to the population of the municipality as determined by the last preceding federal census, as follows: A municipality having not more than fifteen thousand inhabitants, four; more than fifteen thousand and not more than fifty thousand inhabitants, six; more than fifty thousand inhabitants, eight. All Councilmen shall serve for a term of four years and until their successors are elected and have qualified, except that at the first election the one-half of the elected candidates having the highest number of votes shall serve for four years and the other one-half of the elected candidates shall serve for two years. The Mayor shall hold office for a term of two years.

Vacancies in the Council shall be filled by the Council for the remainder of the unexpired term, but any vacancy resulting from a recall election shall be filled in the manner provided for in such cases.

The Council shall consist of the Mayor and the Council-
men, each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council.

SECTION 3. DEFINITIONS.—The word "Plan" where used in this Act shall mean Council-Mayor form of government.

The word "City" where used in this Act shall mean any city incorporated or Chartered under the general laws of the State of Idaho having a population of two thousand five hundred persons or over.

SECTION 4. ADOPTION OF PLAN BY PETITION AND ELECTION.—Upon petition of electors equal in number to twenty-five per cent of the voters casting ballots at the last preceding general city election of any such city, the governing body shall, by resolution, issued within ten days after the filing of such petitions with the city clerk of such city, submit the question of adopting the plan of city government as herein provided, at a special election to be held at a time specified in such resolution which shall not be less than sixty days or more than ninety days after such petition is filed.

At such election the proposition to be submitted to the electors shall be: "Shall the City of ......................... adopt the Council-Manager-Mayor Plan of municipal government, as set forth in Chapter ..........., Idaho Session Laws, 1963?" An election thereupon shall be conducted, the vote canvassed and the results declared in the same manner as provided by law in respect to other city elections. The election will be determined by the majority of votes cast.

SECTION 5. ADOPTION OF PLAN BY REFERENDUM AND ELECTION.—Upon majority vote of the legislative body of a city, the question of adopting the plan of city government as herein provided may be submitted to the electorate of the city by referendum and election in accordance with the election procedure set forth in section five herein and in accordance with the general election and referendum laws of the State of Idaho.

At such election the proposition to be submitted to the electors shall be: "Shall the City of ......................... adopt the Council-Manager-Mayor Plan of municipal government, as set forth in Chapter ..........., Idaho Session Laws, 1963?" An election thereupon shall be conducted, the vote canvassed and the results declared in the same manner as provided by law in respect to other city elections. The election will be determined by the majority of votes cast.
SECTION 6. BOARD OF COUNCILMEN - MAYOR - ELECTION - ELECTION DAYS.—If the Council-Manager-Mayor Plan of municipal government is adopted by either of the two methods set forth in Sections 4 or 5 herein, such city shall thereupon proceed to the election of the Mayor and Councilmen at the time set by statute for the next regular municipal election. At the first election, said Mayor and Councilmen shall be nominated according to the provisions of Chapter 18 of this title, except section 50-1812, Idaho Code, and the Councilmen may be elected either at large or from such districts as shall be established by ordinance. If elected from districts, voting shall be by the entire electorate without reference to districts. Regular municipal elections shall be held in each city operating under the provisions of this chapter on the second Tuesday in October in odd-numbered years.

SECTION 7. MEETINGS OF COUNCIL.—The Council shall meet at the usual place for holding such meetings, at ten o'clock a.m. on the first day of January after its election, at which time the newly elected councilmen and mayor shall assume the duties of their office. Immediately upon the councilmen and mayor assuming the duties of their office, all powers, duties, authority and compensation of the elected and appointive officials under the previous form of city government shall cease and terminate. Thereafter the Council shall meet in regular session at least twice each month at such times and places as shall be fixed by ordinance. The clerk shall call special sessions of the Council upon written request of the Mayor or of any two Councilmen. Any such request shall state the subjects to be considered at such special meeting and no other subject shall be there considered.

SECTION 8. SIGNING AND RECORDING OF ORDINANCES.—Every ordinance or resolution passed by the Council shall be signed by the Mayor or two members, filed with the clerk within two days and by him recorded.

SECTION 9. POWERS OF THE COUNCIL.—Said council shall constitute the governing body of such city with power to pass ordinances, adopt regulations, appoint a chief administrative officer, to be known as the city manager, approve all appointments made by the city manager, except as otherwise provided in this chapter, fix all salaries, appoint a civil service commission and all boards or commissioners created by ordinance and to remove for cause and after hearing, by a majority vote of all members, any officer or employee of the municipality, unless otherwise
provided by such civil service regulations as may be adopted. The powers conferred upon municipalities by the constitution of Idaho, and any additional powers which have been or may be conferred upon municipalities by the legislature, or by the provisions of this chapter, shall be exercised by the Council unless the exercise of such powers shall have been expressly conferred upon some other authority of the municipality or reserved to the people thereof.

The Mayor shall be the President of the Council and shall preside at its meetings when present. The Council shall elect one of its number to be Vice-President. A majority of the members of the Council shall constitute a quorum for the transaction of business.

SECTION 10. THE MAYOR'S POWERS.—The Mayor shall be the chairman of the Council, and shall preside at the meetings of the Council and perform such other duties consistent with his office as may be imposed by the Council. He shall be entitled to a vote on all matters coming before the Council, but shall possess no veto power. He shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purposes of serving civil processes, and by the Governor for military purpose. He may use the title of Mayor in any case in which the execution of contracts or other legal instruments in writing, or other necessity arising from the general laws of this State, may so require; but this shall not be construed as conferring upon him administrative or judicial functions or other powers or functions of a Mayor, under the general laws of the State. The powers and duties of the Mayor shall be such as are conferred upon him by this section, together with such others as may be conferred by the Council in the pursuance of the provisions herein, and no others.

SECTION 11. MAYOR PRO TEMPORE.—During the temporary absence or disability of the Mayor, the Vice-President of the Council shall act as Mayor pro tempore. In case of the temporary absence or disability of both the Mayor and Vice-President the Council shall elect one of its members to be Mayor pro tempore. In case of vacancy in the office of Mayor, the Vice-President of the Council shall act as Mayor until such vacancy can be filled as provided herein.

SECTION 12. THE CITY MANAGER.—The Council shall appoint an officer, who shall be known as the City Manager, who shall be the administrative head of the Municipal
Government and who shall be responsible for the efficient administration of all departments. He shall receive such salary as may be fixed by the Council. He shall be chosen by the Council without regard to his political beliefs or residency, and solely on the basis of his executive and administrative qualifications.

He shall be appointed for an indefinite period. He cannot be removed from office except by a vote of 3/4 members of the Council. He shall serve at the will of the Council, and in case of his removal he may demand written charges and a public hearing thereon before the Council, prior to the date upon which this final removal is to take place; but the decision and action of the Council upon such hearing shall be final, and pending such hearing the Council may suspend him from duty.

During the absence or disability of the City Manager, the Council shall designate some properly qualified person to perform his duties. Whenever a vacancy occurs in this office, the Council shall immediately proceed to appoint a City Manager.

SECTION 13. POWERS AND DUTIES OF CITY MANAGER.—The City Manager shall be responsible to the Council for the efficient administration of all the affairs of the City. He shall have the power, and it shall be his duty:

(a) To see that all laws and ordinances are duly enforced, and he is hereby declared to be beneficially interested in their enforcement and to have the power to sue in the proper court to enforce them.

(b) Except as otherwise provided in this Chapter, to appoint, discipline or remove all heads or directors of departments, chief officials, and all subordinate officers and employees of the City, subject to the Civil Service provisions where applicable. Neither the Council nor any of its committees or members shall dictate or attempt to dictate, either directly or indirectly, the appointment of any person to office or employment by the City Manager or in any manner interfere with the City Manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.
(c) To exercise control over all departments, divisions, and bureaus of the City Government and over all the appointive officers and employees thereof.

(d) Except when the Council is considering his removal, to attend all regular meetings of the Council and its committees, with the right to take part in discussions, but without power to vote. He shall receive notice of all special meetings.

(e) To recommend to the Council for adoption such measures and ordinances as he may deem necessary or expedient.

(f) To make investigations into the affairs of the City, or any department or division thereof, or any contract, or the proper performance of any obligation running to the City.

(g) To prepare and submit to the Council the annual budget.

(h) To keep the Council at all times fully advised as to the financial condition and needs of the City.

(i) To submit to the Council, at least once each month, a list of all claims and bills approved for payment by him.

(j) To devote his entire time to the duties and interests of the City.

(k) To perform such other duties as may be prescribed by the laws of the State of Idaho or be required by resolution or ordinance of the Council.

SECTION 14. RESTRICTIONS ON SUBMITTING PROPOSITION TO VOTE.—The proposal to adopt said Council-Manager-Mayor Plan of government as provided in this chapter shall not be submitted less than ninety days before a regular municipal election. If said plan is not adopted at the special election so called and held, the question of adopting the same shall not be re-submitted to the voters of said city within two years thereafter.

SECTION 15. DISCONTINUANCE OF COUNCIL-MANAGER-MAYOR PLAN—PETITION—ELECTION.—Any city which shall have operated for more than six years, under the provisions of this chapter, may abandon such organization hereunder, and accept the provisions of the general laws of this State then applicable to cities of its population, or if now organized under special charter, may resume said special charter as follows: Upon petition of not less than twenty-five per cent of the electors of
said city, a special election shall be called at which the following proposition only shall be submitted: "Shall the city of .................................. abandon its organization under the Council-Manager-Mayor Plan of government as provided in Chapter .........., Idaho Session Laws, 1963, and become a city under the general law, governing cities of its population, or if now organized under special charter, shall it resume said special charter?"

If the majority of the votes cast at such special election be in favor of such proposition, the officers elected at the next succeeding biennial election shall be those then prescribed by the general law of this state for cities of like population, or prescribed by special charter if such city has been incorporated under special charter at the time of adopting the provisions of this chapter; and upon qualification of such officers, such city shall then become organized under such general law of the state, or special charter, as the case may be; but such change shall not in any manner or degree affect the property, rights or liabilities of such city, but shall merely extend to such change in its form of government. The sufficiency of such petition shall be determined, the election ordered and conducted, and the results declared generally as provided by the provisions of this chapter insofar as the provisions thereof are applicable.

**SECTION 16. PETITIONS — SPECIAL REQUIREMENTS.** — Petitions provided for in this chapter shall be signed by none but the legal voters of the city. Each petition shall contain, in addition to the names of the petitioners' residence, his age and length of residence in the city. It shall also be accomplished by the affidavit of one or more legal voters of the city stating that the signers thereof were, at the time of signing, legal voters of said city, and the number of signers at the time the affidavit was made.

**SECTION 17. FISCAL YEAR.**—The fiscal year of any city operating under the provisions of this chapter shall commence on the first day of July; provided that the first fiscal year shall commence on the first day of the month following adoption of the form of government provided for herein and close on the 30th day of June of the following year and that thereafter the fiscal year shall commence on the aforesaid first day of July in each year and close on the 30th day of June of the following year.

**SECTION 18. PROVISION FOR MULTIPLE-CHOICE ELECTION.**—In the event of the conduct of an election
under Idaho Code Section 50-4313 for change from City-Manager government to Mayor-Council government, or in the event of the conduct of an election under Idaho Code Section 50-4303 for adoption of the City Manager Plan or Idaho Code Sections 50-3602 and 50-3603 for adoption of the Commission form of government, then, in either event, the legislative body of the city may by resolution place upon the ballot the third option of voting for the Council-Manager-Mayor Plan. A majority of the votes cast at such election shall be required to replace the existing form of government in such city.

SECTION 19. DECLARING AN EMERGENCY.—An emergency existing therefore, which emergency is hereby declared to exist, this Act shall be in full force and effect after its passage and approval.

Approved February 8, 1963.

CHAPTER 6
(H. B. No. 15)

AN ACT

AMENDING SECTION 40-104, IDAHO CODE, RELATING TO ABANDONMENT OF HIGHWAYS, BY PROVIDING THAT ABANDONMENT BY NON-USE APPLY ONLY TO ROADS ESTABLISHED BY PRESCRIPTION.

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

SECTION 1. That Section 40-104, Idaho Code, be, and the same is hereby amended to read as follows:

40-104. ABANDONMENT OF HIGHWAYS.—A road established by prescription and not worked or used for the period of five years ceases to be a highway for any purpose whatever.

Approved February 8, 1963.
CHAPTER 7  
(S. B. No. 22)  

AN ACT  
CREATING A THIRD OFFICE OF DISTRICT JUDGE IN AND FOR THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO; PROVIDING FOR THE APPOINTMENT OF A QUALIFIED PERSON TO FILL THAT OFFICE UNTIL THE NEXT GENERAL ELECTION FOR DISTRICT JUDGES AND UNTIL HIS SUCCESSOR IS ELECTED AND QUALIFIED; PROVIDING FOR THE FILLING OF THE OFFICE OF SUCH APPOINTEE BY SUCCESSORS; PROVIDING FOR SALARIES AND POWERS FOR SUCH APPOINTEE AND SUCCESSORS; 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. The Seventh Judicial District of the State of Idaho shall henceforth have three District Judges.

SECTION 2. Upon the passage and approval of this Act, the Governor of Idaho shall forthwith appoint a person possessing the qualifications required by the Constitution and Laws of Idaho to fill the additional office of district judge created by this Act. Such appointee shall hold such office until the next general election for district judges and until his successor is elected and qualified. Thereafter, such additional office shall be filled as provided by law. Such person and the successors of such person shall receive the same compensation and have and exercise the same powers and duties as other district judges, as provided by the Constitution and Laws of Idaho.

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

Approved February 8, 1963.
CHAPTER 8
(S. B. No. 15)

AN ACT

AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, AS AMENDED, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 56-214A, TO GIVE THE RECIPIENT OF PUBLIC ASSISTANCE FOR EXAMINATION, REFRACTION OR CARE OF THE EYES, THE RIGHT TO EXERCISE FREE CHOICE IN THE SELECTION OF PRACTITIONER OR SYSTEM OF PRACTICE LICENSED BY THE STATE OF IDAHO AND PROHIBITING THE STATE DEPARTMENT OR ANY OF ITS AGENCIES, DEPARTMENTS OR PERSONNEL FROM RECOMMENDING ANY PARTICULAR PRACTITIONER OR SYSTEM OF PRACTICE, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 56, Chapter 2, Idaho Code, as amended, be, and the same is hereby amended by adding thereto a new section, immediately following Section 56-214, to be known and designated as Section 56-214A to read as follows:

56-214A. AWARD OF PUBLIC ASSISTANCE—RECIPIENT'S RIGHT OF FREE CHOICE.—Whenever public assistance is awarded under the provisions of the public assistance law for examination, refraction, or care of the eyes, the recipient thereof shall have the right to exercise free choice in the selection of practitioner or system of practice licensed by the State of Idaho. The State Department or any of its agencies, departments or personnel shall not recommend any particular practitioner or system of practice for eye examination, refraction or care of the eye.

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 8, 1963.
AN ACT

AMENDING SECTION 44-1502, IDAHO CODE, BY PROVIDING A NEW MINIMUM WAGE RATE FOR "EMPLOYEES" AS DEFINED IN THE MINIMUM WAGE LAW.

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

SECTION 1. That Section 44-1502, Idaho Code, be, and the same is hereby amended to read as follows:

44-1502. MINIMUM WAGES.—Except as hereinafter otherwise provided, no employer shall pay to any of his employees any wages computed at a rate of less than one dollar seventy-five cents per hour for employment.

Approved February 8, 1963.

CHAPTER 10
(S. B. No. 14)

AN ACT

AMENDING SECTION 23-922, IDAHO CODE, AS LAST AMENDED BY CHAPTER 83, 1957 SESSION LAWS, RELATING TO BARTENDERS' PERMITS SO AS TO PERMIT THE LAWFUL WIFE OF A LICENSEE, OR THE LICENSEE IF A FEMALE PERSON, TO BE ISSUED A BARTENDER'S PERMIT FOR USE ON THE LICENSED PREMISES OF SAID LICENSEE AND DELETING THE REQUIREMENT THAT SUCH LICENSED PREMISES BE CERTIFIED AS A RESTAURANT.

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

SECTION 1. That Section 23-922, Idaho Code, as amended, be, and same is hereby amended to read as follows:

SECTION 23-922.—BARTENDERS—PERMITS—QUALIFICATIONS.—It shall be unlawful for any person to act as a bartender in any premises licensed under the provisions of this act unless such person shall hold a permit therefor from the commissioner. Application for permit shall be made on forms furnished by the commissioner and shall be accompanied by a permit fee of $2.50. No
person shall receive a permit as a bartender unless he shall establish to the satisfaction of the commissioner that he:

1. Is a male person over the age of twenty-one years, except as hereafter provided:

2. Is the holder of a valid and subsisting health permit issued under the provisions of chapter 17, title 39;

3. Has not been convicted of any violation of the laws of the United States, the state of Idaho including this act, or any other state of the United States, relating to the importation, transportation, manufacture or sale of liquor or paid any fine or completed any sentence of imprisonment for any felony within five years prior to the date of making application for a permit;

4. Has not had, as an individual, member of a partnership or association, a license issued under the provisions of this act revoked, or been an officer, member of the governing board or one of the ten principal stockholders of a corporation licensed hereunder and whose license has been revoked, such revocation in any instance to be within five years of the application for permit as a bartender.

Upon proper showing therefor by the licensee of a duly licensed premises, and application having been made by the lawful wife of said licensee, as determined by chapter 3, title 32, Idaho Code, or by the licensee if a female person, the commissioner, upon being satisfied that said wife of said licensee or the licensee if a female person meets the requirements contained herein for a bartender's permit other than that prescribed in subparagraph 1 above that the applicant be a male person, shall issue a bartender's permit to said wife of such licensee or to the licensee if a female person; provided, however, that such permit shall be restricted for use on the licensed premises of said licensee and not elsewhere.

5. The commissioner shall also, upon being satisfied that the applicant meets the requirements of the subparagraphs 2 through 4 and is over the age of twenty-one years, issue a permit to any female person as a waitress for the purpose of serving and collecting for, but not pouring or mixing, liquors on licensed premises. Provided nevertheless said licensed female person may only work upon such premises where a substantial food business is being done and then may only work during the estab-
CHAPTER 11
(S. B. No. 23)

AN ACT
AMENDING SECTION 31-2009, IDAHO CODE, AS AMENDED,
SO AS TO EXCLUDE SATURDAYS FROM THE DAYS UPON
WHICH PROBATE JUDGES MUST ESTABLISH TIME FOR
THE DISPATCH OF OFFICIAL BUSINESS; AND DECLAR­
ing 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 31-2009, Idaho Code, as amend­
ed, be, and the same hereby is, amended to read as follows:

31-2009. OFFICES TO BE KEPT AT THE COUNTY
SEAT—OFFICE HOURS.—Sheriffs, recorders, treasurers,
assessors, and in counties having a population of over 7,500,
prosecuting attorneys must have their offices at the county
seat, and keep them open for the transaction of business
on such days and during such hours as the boards of county
commissioners may prescribe. Provided, that in counties
having a population of 7,500 or less, the prosecuting attor­
ney must have an office at the county seat and must, by
and with the approval of the board of county commissioners,
establish such rules and hours for official business as may
be necessary for the dispatch thereof. The probate judge
must have an office at the county seat, and must establish
definite hours for every day in the year except holidays
and Saturdays for official business as may be necessary for
the dispatch thereof.

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

Approved February 12, 1963.
CHAPTER 12
(S. B. No. 6)

AN ACT

ESTABLISHING IDAHO STATE UNIVERSITY AT POCATELLO, IDAHO; DEFINING ITS PURPOSES; CREATING THE SAME AS A BODY POLITIC AND CORPORATE; PROVIDING FOR ORGANIZATION, MEETINGS AND PROCEEDINGS OF BOARD OF TRUSTEES; AUTHORITY OF BOARD OF TRUSTEES TO ACQUIRE OR SELL PROPERTY; DEFINING GENERAL POWERS OF BOARD OF TRUSTEES; PROVIDING NO TUITION TO BE PAID BY RESIDENTS OF STATE, AND DEFINING RESIDENT; MAINTAINING TRAINING OR MODEL SCHOOL IN SCHOOL OF EDUCATION; PROHIBITING ANY SECTARIAN TESTS; IDAHO STATE UNIVERSITY TO SUCCEED TO ALL FUNDS, PROPERTY AND OBLIGATIONS OF IDAHO STATE COLLEGE AND PREDECESSOR INSTITUTIONS; CONSTRUCTION OF EXISTING STATUTES; REPEALING CHAPTER 30, TITLE 33, IDAHO CODE, AS AMENDED; AND PROVIDING FOR EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. ESTABLISHMENT OF IDAHO STATE UNIVERSITY.—There is hereby established in the city of Pocatello, Idaho, an institution of higher education to be designated and known as the Idaho State University, consisting of such colleges, schools or departments as may from time to time be authorized by the state board of education.

SECTION 2. PURPOSES OF IDAHO STATE UNIVERSITY.—The Idaho State University shall offer and give instruction to male and female students in four-year college courses in science, arts and literature, giving such courses or programs as are usually included in liberal arts colleges leading to the granting of the degree of Bachelor, and such graduate courses of study, or programs, leading to the granting of the degree of Master, or other degrees, upon completion of such courses or programs as have been approved by the state board of education.

Courses of instruction in the College of Pharmacy shall be such as shall meet the standard requirements as are now, or hereafter may be, recommended by the recognized accrediting agency for schools or colleges of pharmacy, and
The usual degrees shall be granted for completion of courses in pharmacy.

The board of trustees may establish vocational and other courses or programs, as it may deem necessary, and such courses or programs may be given or conducted on or off campus, or in night schools, summer schools, or by extension courses.

SECTION 3. BODY POLITIC AND CORPORATE—BOARD OF TRUSTEES.—The Idaho State University is hereby declared to be a body politic and corporate, with its own seal and having power to sue and be sued in its own name. The general supervision, government and control of the Idaho State University is vested in the state board of education, which shall act as the board of trustees of the Idaho State University.

SECTION 4. ORGANIZATION, MEETINGS AND PROCEEDINGS OF BOARD.—The board of trustees, at its first meeting and annually thereafter, shall organize by electing a chairman, a vice-chairman and a secretary. A majority of the board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. No member of the board shall participate in any proceeding in which he has a pecuniary interest. No vacancy on the board shall impair the right of the remaining trustees to exercise all the powers of the board. Every vote and official act shall be entered of record. The state treasurer shall serve as treasurer of the board. It shall be the duty of the secretary to keep an accurate and detailed account of the doings of the board.

SECTION 5. TITLE TO PROPERTY—ACQUIRING, SELLING OR EXCHANGING PROPERTY.—All rights and title to property, real or personal, belonging to or vested in the Idaho State University are hereby vested in its board of trustees and their successors. The board of trustees is empowered to acquire, by purchase or exchange, any property which in the judgment of the board is needful for the operation of the Idaho State University, and to dispose of, by sale or exchange, any property which in the judgment of the board is not needful for the operation of the said university.

SECTION 6. GENERAL POWERS OF BOARD OF TRUSTEES.—The board of trustees of the Idaho State University shall have the following powers:
1. To adopt rules and regulations for its own government and for that of the university.

2. To employ a president of the university and, with his advice, to appoint such assistants, deans, instructors, specialists and other employees as are required for the operation of the university; to fix salaries and prescribe duties; and to remove the president or any other employee for cause.

3. With the advice of the president, to prescribe the courses and programs of study, the requirements for admission, the time and standard for graduation, and to grant academic degrees to those students entitled thereto.

4. To accept grants or gifts of money, materials or property of any kind from any governmental agency, or from any person, firm or association, on such terms as may be determined by the grantor.

5. To cooperate with any governmental agency, or any person, firm or association in the conduct of any educational program; to accept grants or gifts from any source for the conduct of such program; and to conduct such program on or off campus.

6. To employ architects or engineers in planning the construction, remodeling or repair of any building or property and, whenever no other agency is designated by law so to do, to let contracts for such construction, remodeling or repair and to supervise the work thereof.

7. To have at all times, general supervision and control of all property, real and personal, appertaining to the university, and to insure the same.

SECTION 7. TUITION NOT REQUIRED — EXCEPTIONS.—Any student who shall be a resident of the state shall not be required to pay any fees for tuition in the university, excepting in a professional college, school or department and for extra studies. The board of trustees may prescribe rates of tuition for any nonresident student.

For the purposes of this section, a resident is:

a. Any student, or the parent or guardian of any student under the age of twenty-one years, who has continuously resided within the state for not less than six months immediately preceding admission to the university, or

b. Any nonresident female student who, while attend-
ing the university or any other institution of higher edu-
cation in the state, shall marry a resident of the state, or

  c. A nonresident student who becomes a bona fide resi-
dent within the state during a period of nonattendance at
the university or any other institution of higher education
in the state, and who later applies for admission or read-
mission.

No person shall be deemed to have gained bona fide resi-
dence within the state solely by attending the university,
or any other institution of higher education in this state.

SECTION 8. BOARD MAY MAINTAIN TRAINING
SCHOOL.—The board of trustees may establish and main-
tain a training or model school, in which students in the
College of Education in the university shall be required to
instruct classes under the supervision and direction of ex-
perienced teachers.

SECTION 9. SECTARIAN TESTS PROHIBITED.—No
religious or sectarian test shall be applied in the admission
of students, nor in the selection of instructors or other
personnel of the university.

SECTION 10. FUNDS, PROPERTY AND OBLIGA-
TIONS TRANSFERRED.—All of the funds and moneys
in the dormitory fund and dining hall fund, including any
revolving fund, of the Idaho State College, as the same are
authorized by sections 33-3701-33-3711, and all of the un-
expended funds heretofore allocated and appropriated to
the Idaho State College for the purposes specified therein,
and all of the educational, charitable endowment or other
endowment funds, holdings, rights, privileges and immuni-
ties of the Academy of Idaho, the Idaho Technical Institute,
the Southern Branch of the University of Idaho, and the
Idaho State College, including the institutions endowment
funds referred to in sections 66-1103-66-1107, and any allo-
cations or appropriations from the normal school fund for
the use of the department of education at the Idaho State
College, are hereby transferred to, vested in and con-
tined in the Idaho State University and placed under the
control of its board of trustees, and appropriated for ex-
penditure by it and shall be paid out by the state treasurer
in the manner provided by the constitution and laws of the
State of Idaho. All of the property, real and personal, and
all of the obligations, legal or moral, of the Idaho State Col-
lege, are hereby vested in, or shall become the obligations
of, the Idaho State University.
SECTION 11. EXISTING STATUTES TO BE CONSTRUED.—Wherever the name of Academy of Idaho, Idaho Technical Institute, Southern Branch of the University of Idaho, or Idaho State College, shall appear in any statute, such statute hereby is amended to read Idaho State University as fully and completely as though the said name on said statute was specifically amended herein, and all such statutes shall be construed to refer to and mean the Idaho State University.

SECTION 12. That Chapter 30, Title 33, Idaho Code, as amended, be, and the same hereby is repealed.

SECTION 13. This Act shall be and become effective on and after the first day of July, 1963.

Approved February 13, 1963.

CHAPTER 13
(H. B. No. 92)

AN ACT

PROVIDING A COMPREHENSIVE RECODIFICATION OF THE LAWS RELATING TO EDUCATION, INCLUDING SUCH REVISIONS OF THE LAWS PERTAINING TO THE STATE BOARD OF EDUCATION, COMPULSORY EDUCATION, SCHOOL DISTRICT ORGANIZATION, SCHOOL DISTRICT ELECTIONS, SCHOOL DISTRICT TRUSTEES, TRANSPORTATION OF PUBLIC SCHOOL PUPILS, SCHOOL DISTRICT BUDGETS AND TAX LEVIES, CAPITAL FUNDS, FOUNDATION PROGRAM, CERTIFICATED PROFESSIONAL EMPLOYEES OF SCHOOL DISTRICTS, DRIVER TRAINING PROGRAMS AND SCHOOL PATROLS, INSTRUCTION, TEACHERS’ RETIREMENT SYSTEM, AND CORRESPONDENCE AND OTHER SCHOOLS AND COURSES, SO AS TO PROVIDE A CONSISTENT CODE OF SCHOOL LAWS FOR THE STATE OF IDAHO; REPEALING CHAPTERS 1, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14 AND 15, TITLE 33, IDAHO CODE, AS AMENDED, CHAPTERS 16, 17 AND 18, TITLE 33, IDAHO CODE, AS AMENDED, CHAPTER 19, TITLE 33, IDAHO CODE, AS AMENDED, CHAPTER 24, TITLE 33, IDAHO CODE, AND CHAPTERS 27, 41, 42 AND 43, TITLE 33, IDAHO CODE, AS AMENDED; PROVIDING A GENERAL SAVING CLAUSE; AND PROVIDING FOR EFFECTIVE DATE OF THIS ACT.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. CREATION OF BOARD.—For the general supervision, government and control of all state educational institutions, to wit: University of Idaho, Idaho State College, Lewis-Clark Normal, Industrial Training School, School for the Deaf and the Blind, and any other state educational institutions which may hereafter be founded, and for general supervision, government and control of the public school system of the state, including public junior colleges, a state board of education is created. The said board shall be known as the state board of education and board of regents of the University of Idaho.

Where the term "state board" shall hereafter appear, it shall mean the state board of education and board of regents of the University of Idaho.

SECTION 2. MEMBERSHIP—APPOINTMENT—TERM OF OFFICE—QUALIFICATIONS—PLACE OF OFFICE. —The state board of education shall consist of the state superintendent of public instruction, ex officio, and five members appointed by the governor, each for a term of five years. Annually on the first day of April the governor shall appoint one member. The governor shall, by appointment, fill any vacancy on the board, such appointment to be for the unexpired term of the retiring member, and to be made within thirty days after such vacancy occurs. Appointment to the board shall be made solely upon consideration of the ability of such appointees efficiently to serve the interests of the people, and education, without reference to locality, occupation, party affiliation or religion. Any person appointed to said board shall have been a resident of the state for not less than three years prior to the date of appointment; and shall qualify and assume the duties in accordance with laws governing similar appointments to, and qualifications for, office on other state boards.

The state board shall have and maintain its office at the state capitol.

SECTION 3. REMOVAL OF MEMBERS—CAUSE.—The governor is empowered to remove from membership on the state board any member who has been proved guilty of gross immorality, malfeasance in office or incompetency, and shall fill the vacancy thus created by appointment as hereinbefore provided.

SECTION 4. MEETINGS OF THE BOARD—HONORARIUM—EXPENSES—ORGANIZATION.—The state
board shall hold four regular meetings annually at such
time and place as may be directed by the board. Special
meetings may be called by the president at any time and
place designated in such call.

Each member shall be paid a fixed sum of fifteen dol­
lars ($15) per day spent upon the business of the board,
or upon business of the board of regents, or as trustees
of the several state institutions, and the actual and neces­
sary expenses connected therewith. Payment made under
the authority of this section shall be exempt from the pro­
visions of the Standard Travel Pay and Allowances Act
of 1949.

At its first meeting after the first day of April, in each
year, the state board shall organize and shall elect from
its membership a president, a vice-president and a secretary.

SECTION 5. RULES AND REGULATIONS—EXECU­
tive DEPARTMENT.—The state board shall have power
to make rules and regulations for its own government and
the government of its executive department; and, upon
recommendation of its executive officer, to appoint to said
department such specialists, clerks and other employees as
the execution of its duties may require, to fix their salaries
and assign their duties.

SECTION 6. BUDGET.—The state board shall prepare
a budget of necessary expenditures of its executive depart­
ment, and shall have control of all moneys appropriated
for said purposes.

SECTION 7. GENERAL DUTIES OF THE STATE
BOARD.—The state board shall perform all duties pre­
scribed for it by the school laws of the state; have general
supervision and direction of all departments of public edu­
cation supported in whole or in part by state funds; en­
force the school laws; study the educational conditions and
needs of the state, and recommend to the legislature needed
changes in existing laws, or additional legislation.

SECTION 8. PREPARE AND PUBLISH REPORTS.—
The state board shall prepare, or cause to be prepared,
and publish such reports, statistical tables and studies as
may be a contribution to the general educational welfare
of the state.

SECTION 9. BIENNIAL REPORT.—The state board
shall cause to be prepared a report of its actions and ex­
penditures for each biennium ending on the thirtieth day
of June of each even-numbered year together with such recommendations as it shall deem proper for the good of the state educational institutions and public schools of the state. Such report shall be prepared in the form and number, and filed at the time, provided by sections 59-608 and 59-609.

SECTION 10. AGENCY TO NEGOTIATE, AND ACCEPT, FEDERAL ASSISTANCE. — The state board is designated as the state educational agency which is authorized to negotiate, and contract with, the federal government, and to accept financial or other assistance from the federal government or any agency thereof, under such terms and conditions as may be prescribed by congressional enactment designed to further the cause of education.

SECTION 11. BUDGET FOR EDUCATIONAL INSTITUTIONS. — The state board shall submit to the budget director of the state, at a time set by said director, a budget for each state educational institution under its government and control, showing the financial needs of said institutions for the period for which appropriations are to be made. The board shall direct and control all funds so appropriated.

SECTION 12. PLANS AND SPECIFICATIONS — EQUIPMENT, APPLIANCES AND SUPPLIES. — The state board shall authorize and approve all plans and specifications for the construction or alteration of buildings at the state educational institutions under its government and control; and shall direct and control the purchase of equipment, fixtures and supplies therefor.

SECTION 13. LIMITS OF INSTRUCTION. — The state board, in the interests of efficiency, shall define the limits of all instruction in the educational institutions supported in whole or in part by the state, and, as far as practicable, prevent wasteful duplication of effort in said institutions.

SECTION 14. CERTIFICATION — COURSES OF STUDY —ACCREDITATION. — Supervision and control of the certification of professional educational personnel is vested in the state board. The board shall approve the program of education of such personnel in all higher institutions in the state, both public and private, and shall accredit as teacher training institutions those in which such programs have been approved.

SECTION 15. TEACHERS' REGISTER. — The state board shall keep a register of persons qualified to teach
in Idaho, or of any persons otherwise qualified but not having received a teaching certificate, upon the request of such person. Information concerning persons so registered shall be available to any Idaho person seeking to employ teachers.

SECTION 16. SCHOOL DISTRICTS UNDER BOARD SUPERVISION.—All school districts in Idaho, including specially chartered school districts, shall be under the supervision and control of the state board.

SECTION 17. PUBLIC SCHOOL FINANCIAL REQUIREMENTS.—The state board shall submit to the budget director the financial requirements for appropriation to the public school income fund, for the foundation program of public school districts.

SECTION 18. COURSES OF STUDY—TEXTBOOKS.—The state board shall prescribe the minimum courses to be taught in all elementary and secondary schools, public, private and parochial, and shall cause to be prepared and issued, such syllabi, study guides and other instructional aids as the board shall from time to time deem necessary. The board shall also determine how and under what regulations textbooks shall be adopted for the public schools.

SECTION 19. ACCREDITATION OF SECONDARY SCHOOLS—STANDARDS FOR ELEMENTARY SCHOOLS.—The state board shall establish standards for accreditation of any secondary school and set forth minimum requirements to be met by public, private and parochial secondary schools, and those in chartered school districts, for accredited status; and the board may establish such standards for all public elementary schools as it may deem necessary.

The board may withdraw accreditation from any secondary school after such period as it may establish when it has been determined that such school has failed or neglected to conform to accreditation standards; and it may reinstate such school as accredited when in its judgment such school has again qualified for accredited status. The board may further establish minimum requirements which any pupil shall meet to qualify for graduation from an accredited secondary school.

"Secondary school" for the purposes of this section shall mean a school which, for operational purposes, is organized and administered on the basis of grades seven through twelve, inclusive, or any combination thereof.
"Elementary school" for the purposes of this section, shall mean a school which, for operational purposes, is organized and administered on the basis of grades one through six, inclusive, one through eight, inclusive, or any combination of grades one through eight, inclusive.

SECTION 20. UNIFORM REPORTING.—The state board shall prescribe forms for financial and statistical reports of school districts, for inventories, and for revenue estimates and preliminary budgets, to the end that there shall be uniformity in the manner of keeping of accounts by the several school districts, and uniformity in the reporting thereof.

SECTION 21. EXAMINATION OF BOOKS AT INSTANCE OF THE STATE BOARD.—Whenever in its judgment the public welfare demands it, the state board may direct the trustees of any school district to cause an examination of the books and accounts, and the assets and liabilities of their district, to be made, and a report thereof to be made to the state board. Upon failure or neglect of the board of trustees to have such examination and report made within a reasonable time, the state board may cause the same to be made, and the cost of such examination and report shall be paid by the district.

SECTION 22. SANITATION — SAFETY — COOPERATION WITH OTHER STATE AGENCIES.—The state board shall cooperate with the department of public health in establishing regulations covering school building sanitation, sewage disposal, water supply, or other matters affecting the public health, as shall in the opinion of the board be required. It may cooperate with any other department of state government in any matter in which such cooperation will be of assistance in carrying out its duties.

Whenever the state board has reason to believe that any building used as a school building is so structurally unsafe, unsound, or deficient, as to constitute a hazard to the pupils attending thereat, it shall have authority to cause an examination of such building to be made by a competent engineer. The engineer making such examination shall report, in writing, to the state board, setting out in what respect such building is unsafe, unsound, or deficient, as aforesaid.

The state board shall transmit a copy of such report to the board of trustees of the school district wherein such building is situate, or to the governing body of any such
school if it not be a public school, and the same shall be kept in the administrative office of such school district, or school, there to be available for public inspection. The state board shall also order and cause to be published a summary of such engineer’s report in at least one issue of a newspaper having general circulation in the same school district, or in the area of the same school if it not be a public school.

Section 23. Education for Inmates of Penitentiary.—The state board, in cooperation with the state board of correction, shall have prepared suitable courses of study, including vocational training, for all prisoners held under the jurisdiction of the warden of the state penitentiary, and the state board of correction shall make arrangements carrying into effect all provisions for the education of prisoners who are under the jurisdiction of said warden.

Section 24. School Age.—The services of the public schools of this state are extended to any acceptable person of school age. “School age” is defined as including all persons resident of the state, between the ages of six and twenty-one years. For the purposes of this section, the age of six years shall be attained when the sixth anniversary of birth occurs anytime before the beginning of the sixteenth day of October.

Section 25. School Attendance Compulsory.—The parent or guardian of any child resident in this state who has attained the age of seven years at the time of the commencement of school in his district, but not the age of sixteen years, shall cause the child to be instructed in subjects commonly and usually taught in the public schools of the state of Idaho. Unless the child is otherwise comparably instructed, as may be determined by the board of trustees of the school district in which the child resides, the parent or guardian shall cause the child to attend a public, private or parochial school during a period in each year equal to that in which the public schools are in session; there to conform to the attendance policies and regulations established by the board of trustees, or other governing body, operating the school attended.

Section 26. Notice to Parents or Guardians.—The county auditor of each county shall give notice annually of the provisions of section 25 by causing a summary of the provisions thereof to be published in each newspaper printed in the county, as follows: In the last two
consecutive issues for the month of August in weekly or semiweekly newspapers, and in two consecutive issues during the last week of August in daily newspapers.

SECTION 27. EXEMPTION FOR CAUSE. — When a licensed physician or psychiatrist shall state in writing to the board of trustees of a school district that the physical, mental or emotional condition of a child does not permit attendance at school, and a petition is filed with the board by the parent or guardian of the child requesting such child to be exempt from the provisions of section 25, the board of trustees may at its discretion grant the requested exemption during the existence of such condition. The board may, from time to time as it may determine, require additional examination of the child and a report thereon.

SECTION 28. DENIAL OF SCHOOL ATTENDANCE. — The board of trustees may deny attendance at any of its schools, by suspension or expulsion, to any pupil who is an habitual truant, or who is incorrigible, or whose conduct, in the judgment of the board, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school. Any pupil having been suspended or expelled may be readmitted to the school by the board of trustees upon such reasonable conditions as may be prescribed by the board; but such readmission shall not prevent the board from again suspending or expelling such pupil for cause.

No pupil shall be expelled without the board of trustees having first given notice to the parent or guardian of the pupil, which notice shall state the time and place where such parent or guardian may appear and show cause why the pupil should not be expelled. Any pupil who is within the age of compulsory attendance, who is expelled as here-in provided, shall come under the purview of the youth rehabilitation law, and an authorized representative of the board shall file a petition with the probate court of the county of the pupil's residence, in such form as the court may require under the provisions of section 16-1807.

SECTION 29. HABITUAL TRUANT DEFINED. — An habitual truant is any pupil who, in the judgment of the board of trustees, repeatedly has violated the attendance regulations established by the board; or any child whose parents or guardians, or any of them, have failed or refused to cause such child to be instructed as provided in section 25.
Whenever it shall come to the attention of the board of trustees of any school district that the parents or guardians of any child are failing to meet the requirements of section 25, a petition shall be filed with the probate court of the county in which the child resides, as provided in section 28.

SECTION 30. PROCEEDINGS AGAINST PARENTS OR GUARDIANS.—Whenever it has been determined by the probate court of any county that the parents or guardians of any child between the ages of seven, as qualified in section 25, and sixteen, are failing, neglecting or refusing to place the child in school as provided in this chapter or to have the child comparably instructed, or knowingly have allowed a pupil to become an habitual truant, proceedings shall be brought against such parent or guardian under the provisions of the youth rehabilitation law.

SECTION 31. SCHOOL DISTRICTS BODIES CORPORATE.—Each school district, now or hereafter established, when validly organized and existing, is declared to be a body corporate and politic, and in its corporate capacity may sue and be sued and may acquire, hold and convey real and personal property necessary to its establishment, extension and existence. It shall have authority to issue negotiable coupon bonds and incur such other debt, in the amounts and manner, as provided by law.

SECTION 32. CLASSIFICATION OF SCHOOL DISTRICTS.—Elementary school districts shall give instruction only to pupils in grades one through eight. All other school districts shall give instruction to pupils in grades one through twelve, and shall maintain secondary schools giving instruction to pupils in grades seven through twelve, or any combination of such grades.

Any school district maintaining its only secondary school building situate not less than twenty-five miles from the nearest Idaho secondary school, and which employs not less than six teachers within its district, may be authorized by the state board of education to instruct pupils in two or more grades above grade seven.

Whenever any district lies, or shall lie, in more than one county it shall be designated as a joint district of its class.

SECTION 33. RECLASSIFICATION OF SCHOOL DISTRICTS.—a. Whenever the board of trustees of an ele-
mentary school district shall propose to submit to the qualified electors of the district the question of issuance of bonds for the purpose of acquiring or building any secondary school building, or whenever the board of trustees of an elementary school district shall propose to otherwise establish, or to re-establish, a secondary school, said board of trustees shall first petition the state board of education to reclassify the district. Any such petition shall be in writing and shall contain such information as will enable the state board of education to determine the feasibility of maintaining an accredited secondary school by the petitioning district.

If the state board of education shall determine that the maintenance of an accredited secondary school by the petitioning elementary school district is feasible, it shall reclassify such district but such reclassification shall be for a period of not more than three years, at the end of which period the state board of education shall review its action. If, at the time of review, the district is maintaining an accredited secondary school, its reclassification shall be made permanent, subject only to the provisions of subsection (b) of this section. If, at the time of review, the district is not maintaining an accredited secondary school, the state board of education shall revoke the temporary reclassification and the district shall revert to the classification of an elementary school district.

b. If any school district, other than an elementary school district, shall have maintained no secondary school within its area for a period of five successive years, the state board of education may, at any time thereafter and while such district continues to maintain no secondary school, reclassify such district as an elementary school district.

c. Whenever the state board of education shall reclassify any district, as in this section provided, written notice thereof shall be given to the board of trustees of such district and to the board of county commissioners of any county in which the district may lie.

SECTION 34. JOINT SCHOOL DISTRICTS.—In any joint district, the duties imposed upon, and the records required to be kept by, the county commissioners or any other county officer, in respect to school districts, including the assessment of taxable property and the levying of and collection of taxes, shall be performed or kept by the commissioners and other county officers in each county in which
the district lies as though the portion of the district in each county were a separate district therein.

One of the counties in which a joint district lies shall be the home county of the district.

When a joint district is created by the division of a county, or through the annexation of any territory by the state board of education, the board of trustees of such district shall designate its home county and give notice thereof to the state board of education and to the board of county commissioners in each county in which the district lies.

SECTION 35. NAMING AND NUMBERING SCHOOL DISTRICTS.—Each school district as the same is organized on the effective date of this act shall bear the same number as heretofore. Excepting specially chartered school districts, each school district operating a secondary school, or secondary schools, on said date shall be designated by number and county, after the following style:


Each school district which, on the effective date of this act, is maintaining only an elementary school, or elementary schools, shall be designated after the following style:


Joint districts shall be designated by the same number in each county in which the district lies, or shall lie.

Wherever the term "school district" appears in this act, it shall mean and include any school district, joint school district, elementary school district, joint elementary school district or specially chartered school district, unless a more limited meaning is clearly expressed and intended, or unless any provision of a charter is contrary thereto.

SECTION 36. BOUNDARIES OF SCHOOL DISTRICTS. —There shall be no part of the area of the state of Idaho not included in the area of some school district.

A legal description of the boundaries of each school dis-
trict, as now or hereafter established, shall be kept by
the state board of education and by the board of county
commissioners in each county in which any school district,
or any part thereof, shall lie.

Section 37. Correcting or Altering School District Boundaries.—Whenever the state board of education shall find that, because of error in the legal description of the boundaries of any school district, or for any other reason,

a. any part of the area of the state is not included within the area of a school district, or
b. is included in more than one school district, or
c. that any area of less than ten square miles, and in which no school is operated, should be excised from the school district in which it lies and annexed to a contiguous school district when the best interests of the school children residing in such area will be served thereby,

the said state board of education shall make an appropriate order including an omitted area into any school district, or districts, or correcting or altering the boundaries of the districts, in such manner as, in its judgment, is just and proper.

A copy of any such order shall be sent by the state board of education to the board of trustees of any school district affected by the order, and to the board of county commissioners of any county in which any such district, or part thereof, shall lie. The board of county commissioners shall thereupon correct the legal description of the school district or districts, as the same may appear in its records, and immediately thereafter shall notify the state board of education that the county records have been corrected in accordance with the order of the said state board of education.

Section 38. Excision and Annexation of Territory.—Ten or more school district electors, residing in an area of not less than ten square miles within which there is no schoolhouse or facility necessary for the operation of a school district, may petition in writing proposing the annexation of the area to another and contiguous school district. Such petition shall be in duplicate, one copy of which shall be presented to the board of trustees of the district from which the area is proposed
to be excised, and the other to the board of trustees of
the district to which the area is proposed to be annexed.
The petition shall contain:

1. The names and addresses of the petitioners;
2. A legal description of the area proposed to be excised
   and annexed;
3. Maps showing the boundaries of the districts as they
   presently appear and as they would appear should
   the excision and annexation be approved;
4. The names of the school districts from and to which
   the area is proposed to be excised, and annexed;
5. The amount of the unpaid bonded debt of each such
   district;
6. The total assessed value of all taxable property in
   each such district; and
7. The total assessed value of all taxable property in
   the area described in the petition.

The board of trustees of each school district shall trans­
mit the petition, with recommendations, to the state board
of education.

The state board of education may approve or disapprove
the proposal, but if the excision of the territory, as pro­
posed, would leave a school district with a bonded debt in
excess of the limit then prescribed by law, the state board
must disapprove the proposal. The approval or disapproval
shall be expressed in writing to the board of trustees of
each school district named in the petition.

If the state board of education shall approve the pro­
posal, it shall be submitted to the school district electors
of each school district, and of the area, at an election in
the manner provided by sections 45 through 50.

At the same time of election there shall be submitted to
the electors having the qualifications of electors in a school
district bond election and residing in the area proposed
to be annexed, the question of assumption of the appropri­
ate proportion of any bonded debt, and the interest there­
on, of the proposed annexing school district, which pro­
portion shall be the ratio of assessed value of taxable
property in the said area to the aggregate assessed value
of taxable property in the said area and in the proposed
annexing district.
If a majority of the school district electors in each of the two districts and in the area, voting in the election, shall vote in favor of the proposal to excise and annex the said area, and if in the area the electors voting on the question of the assumption of bonded debt and interest have approved such assumption by the majority of votes cast as is now, or hereafter may be, required by section 3, article VIII, of the Constitution of Idaho, the proposal shall carry and be approved. Otherwise, it shall fail.

If the proposal shall be approved by the electors in the manner prescribed, it shall become effective as of the beginning of the school year next following the election at which it was approved; and the legal descriptions of the school districts shall be corrected as prescribed in section 37.

SECTION 39. LAPSED DISTRICTS — ANNEXATION.
— If the state board of education shall find any school district

a. has not operated its school for a period of one school year, or

b. in which the average daily attendance during each term of not less than seven months in the two school years last past has been less than five pupils, or

c. for a period of not less than one year last past has had an insufficient number of members on its board of trustees lawfully to conduct the business of the district,

the said state board of education shall enter its order declaring any such district to be lapsed, and which district shall lapse as of the first day of July next following the date of said order.

The state board of education shall thereupon designate some proper person a hearing officer to conduct a public hearing or hearings on the matter of annexing the lapsed district to a school district or districts contiguous thereto. The state board of education shall cause notice of such hearing or hearings to be published in a newspaper of general circulation in the area and the notice shall state the time and place of the hearing or hearings and the subject matter involved.

Upon concluding any hearing or hearings the hearing officer shall make his report and recommendation to the state board of education, and the said state board shall
thereafter order the lapsed area annexed to such contiguous district or districts as in the judgment of the said state board seems equitable and just. Any such annexation shall be effective as of the fifteenth day of August next following the date of the order of annexation.

Whenever there is any outstanding unpaid bonded debt owed by the lapsed district, the state board of education shall, in its order of annexation, require the district, or one of the districts, to which the lapsed area is annexed, to keep and maintain the bond register and to pay the principal and interest, when the same are due, out of the proceeds of any levy made for that purpose. The said order of annexation shall also provide for the transfer, or apportionment, to the annexing district or districts of the property and current liabilities of the lapsed district as in the judgment of the state board of education is equitable and just; provided, however, that if the lapsed district shall have excess of liquid assets over current liabilities, and if such lapsed district shall have any outstanding unpaid bonded debt, then and in that event such excess shall be ordered transferred to a fund for the payment of the principal of and interest on such debt.

When annexation has been completed, as hereinabove authorized, the state board of education shall give notice of such annexation to the officers of the lapsed district, if any there be, and to the board of county commissioners of any county in which shall lie any district, the boundaries of which have been changed by the annexation of the lapsed area. The notice to any board of county commissioners shall be accompanied by a legal description of the boundaries of the district or districts as changed by the annexation.

SECTION 40. CONSOLIDATION OF SCHOOL DISTRICTS.—The boards of trustees of two or more contiguous school districts may submit to the state board of education a plan for the consolidation of their districts into a single new district.

The plan shall contain as a minimum the following, and in addition any other information required by the state board of education:

1. A map or maps showing the boundaries of the proposed new district, the boundaries of the component consolidating districts, the location of existing schoolhouses or other facilities of the component districts,
the proposed trustee zones, and the proposed transportation routes if any;

2. A legal description of the boundaries of the proposed new school district and of the trustee zones proposed, with estimates of the population in each such zone;

3. The assessed value of taxable property of each component consolidating district and of the entire proposed new district;

4. Outstanding general obligation bonds of any component consolidating district, sinking funds accumulated, and estimated proceeds of sinking fund levies in process of collection;

5. Whether any component district has established a plant facilities reserve fund, and if so the amount on hand in such fund, the obligations against the fund, and the levy being made for such fund together with estimate of the proceeds of such levy in process of collection;

6. Whether any outstanding and unpaid bonds of any district included in the proposal are to be and become the obligations of the proposed consolidated district, or shall remain the obligations of the area of the district which first incurred the same. If such bonds are proposed to become the obligations of the proposed consolidated district, the plan shall show each participating district's portion thereof which shall be that portion of the aggregate debt as the assessed value of taxable property in each district bears to the aggregate assessed value of taxable property in the area of the proposed consolidated district;

7. If a joint district, the designation of the home county;

8. The official name and number of the proposed new district; and

9. How the property, real and personal, of former districts shall vest in the new district.

Before submitting any proposal for consolidating school districts to the state board of education, the board of trustees of each proposing district shall first call and cause to be held, within said district, a hearing on the proposal. Notice of the time and place of such hearing shall be given, by each such district, by two publications in a news-
paper of general circulation in the district, the first and last publications being not less than six days apart.

At such hearings, any school district elector or taxpayer of the district may appear and be heard, and may request any information from the board of trustees, concerning the proposed consolidation. Records of the hearings shall be entered in the minutes of each board of trustees and shall be included with the plan of proposed consolidation if and when it is submitted to the state board of education.

Following any hearing, it shall be within the discretion of the board of trustees of any proposing district whether it shall further proceed in the plan for consolidating the districts.

SECTION 41. PLAN OF CONSOLIDATION SUBMITTED TO ELECTORS.—The state board of education may approve or disapprove any plan proposing consolidation, and if it approve the same it shall give notice thereof to the board of trustees of each school district proposing to consolidate and to the board of county commissioners in each county in which the proposed consolidated district would lie. Notice to the board of county commissioners shall include the legal description of the boundaries of the proposed consolidated district and a brief statement of the approved proposal, and shall be accompanied by a map of the proposed consolidated district.

Not more than ten days after receiving the notice from the state board of education, each board of county commissioners receiving such notice shall enter the order calling for an election on the question of approving or disapproving, and shall cause notice of such election to be posted and published. The notice shall be posted and published, the election shall be held and conducted and its results canvassed, in the manner and form of sections 45 through 50.

If the qualified school electors of any one district proposing to consolidate, and voting in the election, shall constitute a majority of all such electors voting in the entire area of the proposed consolidated district, the proposed consolidation shall not be approved unless a majority of such electors in such district, voting in the election, and a majority of such electors in the remainder of the area, voting in the election, shall approve the proposed consolidation.

If the qualified school electors in no one of the districts
proposing to consolidate, and voting in the election, constitute a majority of all such electors voting in the entire area of the proposed consolidated district, the proposed consolidation shall not be approved unless a majority of all such electors of the area, voting in the election, shall approve the proposed consolidation.

Whenever any plan of consolidation shall propose that the existing bonded debt of any district or districts proposing to consolidate, shall be assumed by and become the obligation of the proposed consolidated district, at the same time of the election hereinabove prescribed, the question of assuming such debt shall be submitted to the electors having the qualification of electors in school bond elections. The debt or debts shall not be assumed by the proposed consolidated district unless the question be approved by the qualified electors voting on the question and by the majority thereof now, or hereafter, required by section 3, article VIII, of the Constitution of Idaho; and if the assumption of debt be not approved, the proposed consolidation shall not otherwise be effected.

When a consolidation is effected, as hereinabove prescribed, a new school district is thereby created, and the board of county commissioners of any county in which the consolidated district lies shall enter its order showing the creation of the district and a legal description of its boundaries.

SECTION 42. DIVISION OF SCHOOL DISTRICT.—A school district may be divided so as to form not more than two districts each of which must have continuous boundaries, in the manner hereinafter provided, except that any district which operates and maintains a secondary school or schools shall not be divided unless the two districts created out of the division shall each operate and maintain a secondary school or schools immediately following such division.

A proposal to divide a school district may be initiated by its board of trustees and submitted to the state board of education. Such proposal shall contain all of the information required in a proposal to consolidate school districts as may be relevant to a proposal to divide a school district. It shall also show the manner in which it is proposed to divide or apportion the property and liabilities of the district, the names and numbers of the proposed new districts, and legal descriptions of the proposed trustee zones.
Before submitting any proposal to divide a school district, the board of trustees shall hold a hearing or hearings on the proposal within the district. Notice of such hearing or hearings shall be posted by the clerk of the board of trustees in not less than three public places within the district, one of which places shall be at or near the main door of the administrative offices of the school district, for not less than ten days before the date of such hearing or hearings.

The state board of education may approve or disapprove any such proposal submitted to it, and shall give notice thereof in the manner of a proposal to consolidate school districts; except, that the state board of education shall not approve any proposal which would result in a district to be created by the division having or assuming a bonded debt in an amount exceeding the limitations imposed by law, or which would leave the area of any city or village in more than one school district.

If the state board of education shall approve the proposal to divide the district, notice of election shall be published, the election shall be held and conducted, and the ballots shall be canvassed, according to the provisions of sections 45 through 50. The division shall be approved only if a majority of the school district electors residing in each of the proposed districts to be created by the division, voting in the election, shall approve the division, and upon such approval two new school districts shall be thereby created.

If the division be approved, as herein provided, the board of canvassers shall thereupon notify the state board of education and the trustees of the district which has been divided. The state board shall give notice to the board of county commissioners of any county in which the newly created districts may lie.

Section 43. Trustee Zones.—Each elementary school district shall be divided into three trustee zones and each other school district shall be divided into five trustee zones. The boundaries of the several trustee zones in each such school district shall be defined and drawn so that, as reasonably as may be, each such zone shall have approximately the same population and assessed valuation.

Whenever the area of any district has been enlarged by the annexation of all or any part of another district, or
by the correction of errors in the legal description of school district boundaries, any such additional territory shall be included in the trustee zone or zones contiguous to such additional territory until such time as the trustee zones may be redefined and changed. Trustee zones may be redefined and changed, but not more than once every two years in the manner hereinafter provided.

A proposal to redefine and change trustee zones of any district may be initiated by its board of trustees, and submitted to the state board of education, or by petition signed by not less than ten school electors residing in the district and in each trustee zone proposed to be changed, and presented to the board of trustees of the district. Such petition shall be transmitted to the state board of education by the board of trustees together with recommendations. Any proposal, or petition, shall include a legal description of each trustee zone as the same would appear as proposed, a map of the district showing how each trustee zone would then appear, and the approximate population each would then have, should the proposal to change any trustee zones become effective.

Within sixty days after it has received the said petition and plan the state board of education may approve or disapprove any proposal to redefine and change trustee zones and shall give notice thereof in writing to the board of trustees of the district wherein the change is proposed. Should the state board of education approve the proposal, the board of trustees shall submit to the school district electors residing in the district, in an election to be held not less than thirty days prior to the date of the next ensuing annual election of school district trustees, the question of approving or disapproving the proposal to change trustee zones. Notice of such election shall be posted and published, the election shall be held and conducted and the ballots canvassed, as provided in sections 45 through 50. If a majority of the school district electors residing in the district, and voting in the election, should approve the proposal, the trustee zones shall be changed in accordance with the proposal.

SECTION 44. APPEAL FROM ORDER OF STATE BOARD OF EDUCATION.—Any order of the state board of education affecting the organization, consolidation, division, annexation, excision, or change in boundaries of any school district, or districts, may be appealed to the district court of any county in which the district, or pro-
posed district, lies or shall lie. Appeal may be taken by any school elector residing in the area affected by the order, or by any taxpayer on property situate in said area, and shall be tried de novo.

The pleadings and other papers shall be filed not more than sixty days after notice of the order appealed, and service of two copies thereof shall be made upon the state superintendent of public instruction.

SECTION 45. NOTICE OF SCHOOL ELECTIONS.—a. Notice of all school elections must be given by posting and publishing notice of said elections and such notice shall state:

1. The date of holding the election;
2. The hours between which the polls will be open;
3. The definite place or places of holding the election;
4. In the case of election of trustees, the offices to be filled, the trustee zones, and a statement that nominations must be filed not less than ten days prior to the day of the election;
5. In the case of bond election, the amount of the issue, the purpose and period of the issue;
6. In the case of the assumption of a debt, the amount of any such debt to be assumed by each district, or part of a district; and
7. In all other elections, a brief statement of the question being submitted to the electors.

b. In school elections involving (i) the incurring or increasing of a debt, (ii) approving a levy for a plant facilities reserve fund and term thereof, (iii) excising and annexing territory, (iv) consolidating districts, or (v) dividing a district, notice of the election shall be posted not less than twenty-one days prior to the day of the election in at least three places in each district participating in or affected by such election, one of which places shall be at or near the main door of the administrative offices of each such district, and by publishing at least once each week for three consecutive weeks prior to the day of the election in a newspaper printed, or of general circulation in the county or in any county in which such district may lie and having general circulation within such district.

c. Notice of all other school elections shall be given in
the same manner, except that the posting shall be for not less than ten days, and publishing shall be at least once each week for two consecutive weeks prior to the day of the election.

d. In elections for excising and annexing the territory of school districts, or to create new school districts by consolidation or division, the clerk of the board of county commissioners of the county in which the district lies, or of the home county if the district be a joint district, shall prepare, post, sign and arrange for the publishing of, the notice of election. In all other elections it shall be the duty of the clerk of the board of trustees so to do.

e. Proof of posting notice shall be upon the affidavit of the person posting the same; and proof of publication shall be upon the affidavit of the publisher of the newspaper or newspapers respectively. Such affidavits shall be filed with his board by the clerk responsible for the posting and the publishing said notice, before the day of the election named in the notice.

SECTION 46. CONDUCT OF ELECTIONS.—In all school elections each polling place shall be presided over by a board of election. Each board shall consist of two judges and a clerk, who shall be qualified school district electors of the district. Before entering upon his duties, each member of the board of election shall take an oath, which shall be administered by any qualified school district elector of the district, faithfully to perform the duties of such member.

In any election involving excision and annexation of territory, or consolidation of districts, or division of a district, the board of county commissioners of any county affected by such election shall appoint the boards of election and designate the polling places within that county; and in all other school elections, the board of trustees of the district shall appoint the board or boards of election.

While the polls are open neither the board of election nor any person shall give information on the progress of the election. All elections shall be by secret and separate ballot, each ballot to be in print, type or other legible writing. The ballots in each case shall be prepared by the person responsible for signing, posting and arranging the publishing of the notice of election, and shall be in such form that an elector may express a choice in the affirmative or in the negative of any proposition to be voted on or the election of any person, by marking a cross (X). Ballots shall
carry a brief but clear statement of any proposition being submitted; and

1. In the case of an election involving the creation or assumption of debt, the amount of the issue, purpose and period of the issue, or the amount to be assumed;

2. In the case of election of trustees, the names of the nominees, together with space in which an elector may write in the name or names of other qualified persons;

3. In the case of an election involving excision and annexation of territory, or the consolidation of school districts, or the division of a school district, a description of the proposed change.

In all school elections, the ballots used by the electors shall be kept in a sealed container until the polls are closed at the time specified in the notice of election.

It is intended that no informalities in the conduct of school elections shall invalidate the same if the election shall have been otherwise fairly held.

SECTION 47. PLACES ELECTIONS TO BE HELD.—In elections involving excision and annexation of territory, or the consolidation of school districts, or the division of a school district, each notice of election shall designate that polling places shall be established, as follows:

In an election involving excision and annexation of territory, polling places shall be established in the district to which the territory or area is to be annexed; in the territory or area to be annexed; and in the remainder of the school district from which the territory or area is to be excised.

In an election involving consolidation of school districts, polling places shall be established in each district proposed to be consolidated.

In an election involving the division of a school district, polling places shall be established in each proposed trustee zone of each school district proposed to be created by the division.

In any school election held within a joint school district, polling places shall be designated and established, within such district, in each county in which electors of the district reside.

SECTION 48. QUALIFICATIONS OF SCHOOL ELEC-
TORS.—Any person voting, or offering to vote, in any school election must be, at the time of such election:

1. An elector within the meaning of article 6, section 2 of the Constitution of the State of Idaho;

2. A resident of the district and, in the case of election of trustees, a resident of the same trustee zone as the candidate or candidates for school district trustees for whom he offers to vote;

In addition to the foregoing qualifications, a school elector must be:

a. A parent or guardian of any child or children under the age of twenty-one years, when such child or children reside in the district; or

b. A taxpayer on real or personal property situate in the district, or spouse of such taxpayer;

and shall have executed, in writing and immediately before voting, a form of elector's oath attesting that he or she possesses the qualifications of a school elector prescribed by this section. The forms of electors' oaths shall be included in the records and returns of the board of election.

In any school election held on a proposal to incur, increase or assume any indebtedness, or to approve a levy for any school plant facilities reserve fund, any person voting, or offering to vote in such election must have and possess the qualifications set forth in (1) and (2), above, and in addition thereto be a taxpayer on real property situate in the district, or the spouse of such taxpayer.

For the purpose of this section, a taxpayer on real property shall be one who pays taxes, or who is obligated as owner or contract purchaser to pay taxes, on real property.

SECTION 49. ABSENTEE VOTING.—For the purposes of this section the term clerk shall mean the clerk of the board of county commissioners whenever an election involves changing the boundaries of school districts, or the creation of new school districts by consolidation of districts or division of a district. In all other school elections the term clerk shall mean the clerk of the board of trustees of the school district.

In any school election, a qualified school elector who expects to be absent from the district on the day of the elec-
tion, or who will be unable, because of physical disability or blindness, to go to the polling place, may vote in such election in the manner herein provided.

Any such elector may make written application to the clerk for a ballot or ballots of the kind or kinds to be voted on at such election, which application shall contain the name of the elector, the trustee zone of the district in which he resides, and his present address.

The clerk receiving such application shall, not more than five days prior to the day of the election, deliver to said applicant elector personally or shall mail to him by registered mail, postage prepaid, a ballot or ballots, one of each kind thereof, to be voted on in the election, and a form of oath of qualification.

The elector shall vote in secret and shall enclose his ballot or ballots together with the form of oath of qualification executed by him, in an envelope to be supplied by the clerk, seal the same, and place thereon his name and the date the vote was cast, and shall place the said envelope in another envelope and address and mail, or deliver, the same to the clerk.

The written applications shall be kept by the clerk as a part of the records of the election and he shall, on the day of the election and before the polling places are closed, deliver to the proper board of election all such envelopes together with a list, compiled and signed by him, of the electors making application to vote in absentia.

The board of election shall verify all envelopes delivered to it by the clerk against the names appearing on the said list, open the envelopes and examine the elector's oath. If these are found to be in order, the ballots shall be removed from the envelopes and placed in the ballot box in the same manner as though the elector were personally present and voting; and the voter's name shall thereupon be subscribed in any polling book or other record kept at such election.

SECTION 50. RETURN AND CANVASS OF ELECTIONS.—In any school election involving the excision and annexation of territory, or the consolidation of school districts, or the division of a school district, the board of county commissioners of the county in which the election is held, or, in the case of a joint school district, the board of county commissioners of the home county of the school district, shall constitute the board of canvassers. In all
other school elections, the board of trustees of each school district shall act as the board of canvassers.

Following the close of the polls at the time stated in the notice of election, each board of election shall open the ballot boxes and compute the results in public view, and within not more than three days thereafter shall make return to the chairman of the board of canvassers. Said return shall include the computation of the results of the election and all ballots cast at the election, both those counted and those rejected.

At its next meeting after receiving all returns from the board or boards of election, the board of trustees shall canvass all returns of the election. The result of the election shall be entered in the minutes of the board of trustees.

At its next meeting after receiving all returns from the board or boards of election, the board of county commissioners, when acting as a board of canvassers, shall canvass the returns and shall give notice of the result of the election to the board of trustees of any school district involved in the election. If the proposals have been approved by the majority or majorities required by law, the board of county commissioners shall thereupon enter its order showing the proposals as having been approved, and shall also give notice of such approval to the board of county commissioners of any other county in which shall lie any part of the territory of any school district affected by the result of the election. The board of county commissioners of each county shall thereupon make appropriate corrections in the legal descriptions of any school district boundaries, within its county whenever the result of the election requires such correction.

All returns of elections, including ballots cast thereat, shall be kept and retained by the clerk of the board of trustees, or by the clerk of the board of county commissioners, as the case may be, for not less than eight months after the date of the election.

SECTION 51. BOARD OF TRUSTEES. — Each school district shall be governed by a board of trustees. The board of trustees of each elementary school district shall consist of three members, and the board of trustees of each other school district shall consist of five members. Except as otherwise provided by law, a school district trustee shall be elected for a term of three years or until the annual meeting of his district held during the year in which his term expires.
Each trustee shall at the time of his nomination and election, or appointment, be a school district elector of his district and a resident of the trustee zone from which nominated and elected, or appointed.

Each trustee shall qualify for and assume office at the annual meeting of his school district next following his election, or, if appointed, at the regular meeting of the board of trustees next following such appointment. An oath of office shall be administered to each trustee, whether elected, re-elected or appointed. Said oath may be administered by the clerk, or by a trustee, of the district, and the records of the district shall show such oath of office to have been taken, and by whom administered.

SECTION 52. NOMINATION OF TRUSTEES. — School district trustees shall be nominated by nominating petitions, each of which shall bear the name of a nominee, state the term for which nomination is made, bear the signature of not less than five school district electors resident of the trustee zone of which the nominee is resident, and be filed with the clerk of the board of trustees of the school district not less than ten days prior to the day of election of trustees.

Said clerk shall, not less than nine days prior to the day of said election, notify by mail each nominee who has not personally filed his nominating petition. Unless such nominee shall, not less than seven days prior to the day of the election, decline the nomination in writing filed with the clerk of the board of trustees, his name shall appear upon the ballot.

SECTION 53. ELECTION OF TRUSTEES. — The election of school district trustees shall be held at some time between the first Tuesday in April and the fourth Tuesday in May, both dates inclusive, as may be determined by the board of trustees. Notice and conduct of the election, and the canvassing of the returns shall be as provided in sections 45 through 50. In each trustee zone, the person receiving the greatest number of votes cast within his zone shall be declared by the board of trustees as the trustee elected from that zone.

If any two or more persons have an equal number of votes in any trustee zone, and a greater number than any other nominee in that zone, the board of trustees shall declare the office vacant and proceed to fill such vacancy in the manner prescribed by section 54.
SECTION 54. VACANCIES ON BOARDS OF TRUSTEES.—A vacancy shall be declared by the board of trustees when any nominee has been elected but has failed to qualify for office, or when any trustee shall (a) die; (b) resign as trustee; (c) remove himself from his trustee zone of residence; (d) no longer be a resident or school district elector of the district; (e) refuse to serve as trustee; (f) without excuse acceptable to the board of trustees, fail to attend four consecutive regular meetings of the board; or (g) when there is a tie vote in the election of trustees.

Such declaration of vacancy shall be made at any regular or special meeting of the board of trustees, at which any of the above-mentioned conditions are determined to exist.

The board of trustees shall appoint to such vacancy a person qualified to serve as trustee of the school district providing there remain in membership on the board of trustees a majority of the membership thereof, and the board shall notify the state board of education of the appointment. Otherwise, appointments shall be made by the board of County Commissioners of the county in which the district is situated, or of the home county if the district be a joint district.

Any person appointed as herein provided shall serve until the annual election of school district trustees next following such appointment. At such annual election a trustee shall be elected to complete the unexpired term of the office which was declared vacant and filled by appointment.

SECTION 55. BOARD OF TRUSTEES, DISTRICT NEWLY CREATED.—Within ten days after the entry of any order creating a new school district by the consolidation of districts or parts thereof, the trustees of all school districts involved in the consolidation shall meet at the call of the state board of education and, from their number or from other qualified school district electors of the district, shall select a board of trustees of the new district to serve until the annual election of trustees next following; and shall report the names of said trustees to the state board of education.

The state board of education, at its first meeting next following receipt of notice of the creation of new school districts by the division of a district, shall appoint a board of trustees for each such new district, to serve until the annual election of school district trustees next following.

Boards of trustees selected or appointed as in this sec-
tion provided shall forthwith meet and organize as provided in section 56, and thereupon the board of trustees of any district, the whole of which has been incorporated within the new district, or which was divided as the case may be, shall be dissolved and its powers and duties shall cease. Prior to the notice of annual election of trustees next following, the board of trustees of each school district created by consolidation or by division of districts shall determine by lot or by agreement which of the trustee zones the trustees therefor shall be elected for a term of one year, which for a term of two years, and which for a term of three years. Thereafter each trustee shall be elected for a term of three years.

SECTION 56. ORGANIZATION AND GOVERNMENT OF BOARD OF TRUSTEES.—Each board of school district trustees shall organize at its annual meeting and elect a chairman, a vice-chairman, a clerk, and in other than elementary school districts, a treasurer. The clerk and the treasurer may be members of the board of trustees; or, in the discretion of the board, either or both may be selected from among competent and responsible persons outside the membership of the board. The board in its discretion may allow compensation for the clerk, and for the treasurer if other than the county treasurer, but no compensation shall be allowed to any person who is a member of the board of trustees.

It shall be the duty of each member of the board of trustees to attend all meetings, both regular and special; and the board shall have the following powers and duties:

1. To make bylaws, rules and regulations for its government and that of the district, consistent with the laws of the state of Idaho and the rules and regulations of the state board of education;

2. To call special meetings or elections for such purpose as may be necessary for the proper conduct and management of the school or schools of the district;

3. To employ an attorney or attorneys when deemed for the best interests of the district, or for the purpose of defending the district against any suit or for bringing action deemed necessary to be commenced by the board.

SECTION 57. LIMITATION UPON AUTHORITY OF TRUSTEES.—It shall be unlawful for any trustee to have pecuniary interest directly or indirectly in any contract
or other transaction pertaining to the maintenance or con­
duct of the school district, or to accept any reward or com­
pensation for services rendered as a trustee. The receiving,
soliciting or acceptance of moneys of a school district for
deposit in any bank or trust company, or the lending of
money by any bank or trust company to any school dis­
trict, shall not be deemed to be a contract pertaining to
the maintenance or conduct of a school district within
the meaning of this section; nor shall the payment by any
school district board of trustees of compensation to any
bank or trust company for services rendered in the trans­
action of any banking business with such district board
of trustees, be deemed the payment of any reward or com­
pensation to any officer or director of any such bank or
trust company within the meaning of this section.

It shall be unlawful for the board of trustees of any
class of school district to enter into or execute any con­
tract with the spouse of any member of such board, the
terms of which said contract requires, or will require, the
payment or delivery of any school district funds, money
or property to such spouse.

When any relative of any trustee or of the spouse of a
trustee is considered for employment in a school district,
such trustee shall abstain from voting in the election of
such relative, and shall absent himself from the meeting
while such employment is being considered and determined.

SECTION 58. DUTIES OF CLERK.—The clerk of the
board of trustees shall have such duties as shall be pre­
scribed by the board. He shall attend all meetings of the
board of trustees, shall keep the record of the proceedings,
and shall enter in said record all matters required by law,
or by the board, so to be entered; and said record shall be
open to inspection by any person, at all reasonable times.

When the clerk does not attend a meeting of the board
of trustees, the board shall appoint some person who, as
temporary clerk, shall keep the record of the proceedings
of the board and certify the same to the clerk, to be entered
by him.

Whenever in the judgment of the board of trustees it is
deemed prudent so to do, the clerk may be placed under
a fidelity bond, in the manner of section 59, in such amount
as the board of trustees shall determine.

SECTION 59. DUTIES OF THE TREASURER.—The
treasurer elected by the board of trustees of a school dis­
strict shall have such duties as the board may prescribe. He shall be placed under fidelity bond issued by a surety company authorized to do business in the state of Idaho, in such amount as the board of trustees may from time to time determine, or under personal bond equal to twice such determined amount with at least two sureties who each shall qualify as in the case of sureties on the bonds of county officers.

The county treasurer of the home county of any elementary school district shall serve as treasurer of such district.

The treasurer shall deposit the moneys of the district in accordance with the provisions of the Public Depository Law as now appearing or as it may be amended.

SECTION 60. ANNUAL MEETINGS — REGULAR MEETINGS — BOARDS OF TRUSTEES. — The annual meeting of each school district shall be on the date of its regular June meeting in each year. Notice of the annual meeting of elementary school districts shall be given as provided in section 45, but one publication shall suffice.

Regular meetings of each board of school district trustees shall be held monthly, on a uniform day of a uniform week as determined at the annual meeting. Special and adjourned meetings may be called by the chairman or by any two members of the board and held at any time. If the time and place of special meetings shall not have been determined at a meeting of the board with all members being present, then notice of the time and place shall be given to each member not less than twenty-four hours before such special meeting is to be convened.

A quorum for the transaction of business of the board of trustees shall consist of a majority of the members of the board. Unless otherwise provided by law, all questions shall be determined by a majority of the votes cast. The chairman of the board may vote in all cases, and, in the case of a tie vote, may additionally cast the deciding vote.

All meetings, regular and special, of the boards of trustees of school districts are declared to be public meetings open to the public at all times, but nothing herein shall be construed to prevent any board of trustees from holding executive sessions from which the public is excluded. No rules, resolutions or regulations shall be adopted at such executive sessions.
SECTION 61. MAINTENANCE OF SCHOOLS. — The board of trustees of each school district shall have the following powers and duties:

1. Each elementary school district shall maintain at least one elementary school, and each other school district shall maintain at least one elementary school and one secondary school;

2. To employ necessary help and labor to maintain and operate the schools of the district;

3. To discontinue any school within the district whenever it shall find such discontinuance to be in the best interests of the district and of the pupils therein. For the purposes of this section, discontinuing a school shall mean no longer maintaining a school of any kind at the same location.

When any school proposed to be discontinued is one which was operated and maintained by a former district now wholly incorporated within the boundaries of the district operated by said board of trustees, and, immediately following reorganization and the dissolution of said former district such school has been continuously operated and maintained at the same location by the presently organized district, the board of trustees must first give notice of such proposal not later than the first day of July next preceding the date of the proposed discontinuance. Such notice shall be posted, and published once, in the manner provided in section 45, and shall identify the school proposed to be discontinued.

If, not later than the first day of August following the posting and publishing of the notice of discontinuance, five or more qualified school district electors residing within the area of the former school district shall petition the board of trustees for an election to be held within the area of the former district on the question of discontinuance of that school, the board of trustees shall forthwith order an election to be held within fourteen days of the date of said order, and shall give notice of the election.

Notice of such election shall be posted at or near the main door of the school proposed to be discontinued and at or near the main door of the administrative offices of the school district, and shall also be published in one issue of a newspaper printed in the county in which is situate the school proposed to be discontinued. The notice shall state the date the election is to be held, the place of voting,
and the hours between which the polls shall be open. In addition, the notice of election shall describe the area of the former district and shall identify the school proposed to be discontinued; and it shall state that only qualified school district electors residing within the area of the former district may vote on the question of discontinuing the school.

The election shall be held within the area of the former district and there shall be submitted to the electors a ballot containing the proposal:

For discontinuing the school located at ....................

Against discontinuing the school located at ....................

If two-thirds of the qualified electors, hereinabove defined and voting in the election, shall vote against discontinuing that school, then said school shall not be discontinued; and no proposal to discontinue the same school shall be made by the board of trustees of the district within nine months after the date of the election.

SECTION 62. GOVERNMENT OF SCHOOLS. — The board of trustees of each school district shall have the following powers and duties:

1. To determine the length of the school term which in no case shall be less than nine months;

2. To adopt and carry on, and provide for the financing of, a total educational program for the district. Such programs in other than elementary school districts may include education programs for out-of-school youth and adults; and such districts may provide classes in kindergarten;

3. To provide, or require pupils to be provided with, suitable textbooks and supplies;

4. To protect the morals and health of the pupils;

5. To exclude from school, children not of school age;

6. To prescribe rules for the disciplining of unruly or insubordinate pupils;

7. To exclude from school, pupils with contagious or infectious diseases or who are under quarantine as provided in section 39-313; and to close school on order of the state board of health or local health authorities as provided in section 39-315;
8. To equip and maintain a suitable library or libraries in the school or schools and to exclude therefrom, and from the schools, all books, tracts, papers, and catechisms of sectarian nature;

9. To determine school holidays. Any listing of school holidays shall include not less than the following: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day. Other days listed in section 73-108 or amendments thereto, if the same shall fall on a school day, shall be observed with appropriate ceremonies; and any days the state board of education may designate, following the proclamation by the governor, shall be school holidays;

10. To erect and maintain on each schoolhouse or school grounds a suitable flagstaff or flagpole, and display thereon the Flag of the United States of America on all days, except during the inclement weather, when the school is in session.

Section 63. Fraternities, Sororities, and Secret Holidays Prohibited in Elementary and Secondary Schools.—It shall be unlawful for any person, group or organization to establish a fraternity, sorority or other secret society whose membership is comprised in whole or in part of pupils enrolled in the public elementary or secondary schools of the state, or to solicit a pupil in any such school to become a member of such organization; and no pupil enrolled in the public elementary or secondary schools shall be or become a member, or pledge himself to become a member of any such organization.

Section 64. Fraternity, Sorority or Secret Society Defined—Exceptions.—For the purpose of the preceding section a fraternity, sorority or secret society shall be interpreted as any organization the active membership of which is comprised in whole or in part of pupils enrolled in public elementary or secondary schools, and which exists or perpetuates itself wholly or partly by selecting members on the basis of the decision of its membership rather than upon the basis of the right of any pupil, qualified by the rules and regulations of the school, to be a member. The definition shall not be construed to include organizations institutionally sponsored by agencies of public welfare, such as the Boy Scouts of America, Girl Scouts of America, Campfire Girls, De Molay, the YMCA and YWCA, and similar organizations.
SECTION 65. ENFORCEMENT.—The board of trustees of any school district is authorized to enforce the provisions of sections 63 through 64 by withdrawal of the rights and privileges of the school, denial of graduation, deprivation of credit, suspension or expulsion of any pupil found to be in violation of the provisions of said sections.

SECTION 66. FISCAL YEAR — PAYMENT AND ACCOUNTING OF FUNDS. — The fiscal year of each school district shall be a period of twelve months commencing on the first day of July in each year.

The board of trustees of each school district shall have the following powers and duties:

1. To determine and order paid all lawful expenses for salaries, wages and purchases, whether or not there be money in the treasury for payment of warrants drawn against any fund of the district.

Whenever any school district other than an elementary school district has sufficient funds on deposit so to do, it may pay any allowed claim for salaries, wages or purchases by regular bank check signed by the treasurer of the district and countersigned by the chairman, or vice-chairman, of the board of trustees.

The total amount of warrants or orders for warrants drawn on any fund, together with disbursements from such fund in any other manner made, shall not exceed ninety-five per cent of the estimated income and revenue accrued or accruing to such fund for the same school year, until such income and revenue shall have been paid into the treasury to the credit of the district;

2. To invest all or part of any plant facilities reserve fund, or any fund accumulated for the payment of interest on, and the redemption of, outstanding bonds of the district in bonds or certificates of indebtedness of the United States of America, or in bonds or warrants of the state of Idaho, or in warrants or tax anticipation notes of any county or school district of the state of Idaho, when such investments shall be due and payable on or before the date any plant facilities reserve fund shall be required to be expended or any bonds, or interest thereon, of the investing district shall become payable.

Whenever in the judgment of the board of trustees, the proceeds of any bond issue should be temporarily invested pending the expenditure of such proceeds for the purposes
for which such bonds were issued, the proceeds may be
invested in the manner and form hereinabove prescribed.
Any interest, or profits accruing from such investments
shall be used for the purposes for which the bonds were
issued. Unless otherwise provided by law, any interest or
profits accruing from the investment of any funds shall
be credited to the general fund of the district;

3. To insure any schoolhouse and other property, and
the district, against any loss by fire, casualty, or liability,
and the board, its officers and employees, as provided in
chapter 35 of title 41, and to preserve its property for
the benefit of the district. In case of loss of any insured
property, any proceeds from insurance may be expended
in constructing a temporary or permanent structure, but
no sum greater than the insurance proceeds shall be so
expended except upon approval of a majority of the school
district electors voting in an election called for that purpose.

If the proceeds of any insurance received by a school
district by reason of loss on real property shall be less
than one thousand dollars ($1,000), such proceeds may
be credited to the general fund of the district;

4. To pay from the general fund of the district the ex­
pense of any member of the board incurred while traveling
on the business of the board, or attending any meeting
called by the state board of education or by the state super­
intendent of public instruction, or attending any annual
or special meetings of the state school trustees association,
and to pay the membership fee of the board of trustees in
said association. Whenever any member of the board of
trustees resides at such distance from the meeting place
of the board as to require, in the judgment of the board,
such member to incur extraordinary expense in traveling
from his home to and from said meeting place, the board
may approve payment to such member of the extraordinary
expense incurred in attending any meeting of the board.

For the purpose of this paragraph, the term "expense"
or "extraordinary expense" shall include allowance for
mileage or actual travel expense incurred;

5. To make a financial report in writing; as of the 30th
day of June in each year, of the financial condition of the
school district, showing the amount of money received,
from what source, the amount of money expended and in
what manner, during the fiscal year then ended, and the
amount of money in the treasury of the district, or to its
credit, as of the date of said report. Any such report shall be in the form prescribed by the state board of education and shall be posted, and published once, in the manner provided in section 45. A copy of said report shall be kept in the administrative office of the board or the office of the clerk of the district for examination by any person;

6. To cause to be made each year, a full and complete audit of all of the financial transactions of the district, and of the activity or student body funds, except that in elementary school districts such audit shall be made at intervals of not more than two years. Any audit shall be in accordance with uniform specifications prescribed thereby by the bureau of public accounts.

The auditor shall be employed on written contract, the form of which shall be prescribed by the bureau of public accounts.

One copy of the report of the audit shall be filed with the bureau of public accounts, and one copy shall be filed with the state board of education, not more than ten days after its acceptance by the board of trustees;

7. To file annually with the state board of education such financial and statistical reports as said state board of education may require;

8. To order and have destroyed any canceled check or warrant, or any form of claim or voucher which has been paid, at any time after five years from the date the same was canceled and paid.

SECTION 67. SCHOOL WARRANTS—HOW DRAWN.
—Whenever the board of trustees has approved and ordered payment of salaries, wages, or other claim against the school district, and the same is not paid by regular bank check, the clerk of the board of trustees shall issue a school district warrant, or order for warrant drawn against the appropriate fund, and shall sign the same.

The clerk of the board of trustees of any elementary school district shall execute an order for warrant or warrants in duplicate, and present the same to the county auditor of the county, or of the home county, in which the district lies. The county auditor shall thereupon issue his warrant drawn against the school district fund as shown by the order for warrant.
All warrants so issued shall be presented to the treasurer of the school district for payment by the persons holding the same. If there not be sufficient money to the credit of the fund on which the warrant is drawn, the treasurer shall endorse on the back of said warrant, "Not paid for want of funds" and hand the same to the person presenting the warrant for payment. Warrants so endorsed by the treasurer shall bear interest at the rate of four per cent per annum from the date of the endorsement until ten days after said warrant is called for payment.

Warrants issued by, or in behalf of, any school district shall be paid in the order of their issuance from funds accruing for the year in which they are issued. After all outstanding indebtedness for general school purposes for any one year has been paid, any balance in the general school fund for that year shall be transferred to a warrant redemption fund for payment of any registered warrants. Where there is no outstanding indebtedness for general school purposes, nor any registered warrants, any such balance may be used for the payment of current expenses for the next fiscal year.

SECTION 68. CALL OF WARRANTS FOR PAYMENT.
—The treasurer of each school district, on the first Monday of each month on which there is sufficient money in the treasury to pay any outstanding warrants, shall issue a call for the warrants which such moneys will pay. In elementary school districts the call shall be made by posting a list of the warrants called, designating each warrant by number, amount, and person to whom issued, together with a notice that said warrants are called for payment, at the front door of the county courthouse. In all other districts the call shall be made by posting such notice on or near the main door of the administrative offices of the district. The treasurer shall execute a certificate of the posting of such notice showing the date and place of posting, and file it, together with a copy of the notice posted, in the permanent files of his office. All warrants so called shall cease to bear interest at the expiration of ten days from the date of posting such notice of call.

SECTION 69. WARRANTS NOT PRESENTED WITHIN TWO YEARS VOID.—All school district warrants not presented for payment within two years after being called shall be void and shall constitute no claim against the school district by which they were issued, and the treasurers of all school districts are hereby authorized to transfer any
moneys set aside for the payment of such warrants to the general school fund of their districts at the expiration of such period, and no treasurer of any school district shall pay any warrant not presented within such two-year period. When any such transfer is made by the treasurer of any elementary district, a certificate of such transfer shall be filed with the county auditor.

 SECTION 70. REAL AND PERSONAL PROPERTY—ACQUISITION, USE OR DISPOSAL OF SAME.—The board of trustees of each school district shall have the following powers and duties:

1. To rent to or from others, school buildings or other property used, or to be used, for school purposes;

2. To contract for the acquisition, purchase, construction or repair of any school building, other property, or equipment, necessary for the operation of the school district.

No such contract shall be executed which entails the expenditure of one thousand dollars or more without notice first being given by posting, and publishing twice in the manner required by section 45. The board of trustees may let the contract to the lowest responsible bidder, or reject any bid, or reject all bids and post and publish notice for bids, as before. If, thereafter, no satisfactory bid is received, the board may proceed under its own direction, subject to the approval of the state board of education;

3. To designate and purchase any site necessary for school purposes or in the operation of the district, or remove any building, or dispose of any site. In elementary school districts, except upon removal for highway purposes, a site may be designated or changed only after approval of two-thirds or more of the electors voting at the annual meeting;

4. To convey by deed, bill of sale, or other appropriate instrument, all of the estate and interest of the district in any property, real or personal. In elementary school districts, except such conveyance as is authorized by subsection 6 of this section, any of the transactions authorized in this subsection shall be subject to the approval of two-thirds or more of the electors voting at the annual meeting.

Prior to such sale or conveyance, the board shall have the property appraised by three disinterested residents
of the district, which appraisal shall be entered in the records of the board of trustees. The property may be sold at public auction or by sealed bids, as the board of trustees shall determine, to the highest cash bidder. Notice of the time and the conditions of such sale shall be posted, and published twice, and proof thereof made, in accordance with section 45, except that when the appraised value of the property is less than three hundred dollars ($300), one single notice by publication shall be sufficient and the property shall be sold by sealed bids.

The board of trustees may accept the highest bid, may reject any bid, or reject all bids and have new appraisals made and again post and publish notice for bids, as before. If, thereafter, no satisfactory bid is made and received, the board may proceed under its own direction to see and convey the property, subject to the approval of the state board of education. In no case shall any property of the school district be sold for less than its appraisal;

5. To enter into contracts with any city or village located within the boundaries of the school district for the joint purchase, construction, development, maintenance and equipping of playgrounds, ball parks, swimming pools, and other recreational facilities upon property owned either by the school district or the city or village;

6. To convey rights of way and easements for highway, public utility, and other purposes over, upon or across any school property and, when necessary to the use of such property for any such purpose, to authorize the removal of school buildings to such new location, or locations, as shall be determined by the board of trustees, and such removal shall be made at no cost or expense to the school district;

7. To authorize the use of any school building of the district as a community center, or for any public purpose, and to establish a policy of charges, if any, to be made for such use.

SECTION 71. PROFESSIONAL PERSONNEL. — The board of trustees of each school district shall have the following powers and duties:

1. To employ professional personnel, on written contract in form approved by the state board of education, conditioned upon a valid certificate being held by such professional personnel at the time of entering upon the duties thereunder. Should the board of trustee fail to enter into
written contract for the employment of any such person, the state board of education shall withhold ensuing apportionments until such written contract be entered into.

The board of trustees shall withhold the salary of any teacher who does not hold a teaching certificate valid in this state. It shall not contract to require any teacher to make up time in attending any meeting called by the state board of education or by the state superintendent of public instruction; nor while attending a meeting of the state teachers association; nor while school is closed as provided in section 121, as now appearing or as it may be amended;

2. In the case of school districts other than elementary school districts, to employ a superintendent of schools for a term not to exceed three years, who shall be the executive officer of the board of trustees with such powers and duties as the board may prescribe. The superintendent shall also act as the authorized representative of the district whenever such is required, unless some other person shall be named by the board of trustees to act as its authorized representative;

3. To suspend, grant leave of absence or discharge certificated professional personnel for continued violation of any lawful rules or regulations of the board of trustees or of the state board of education, or for any conduct which could constitute grounds for revocation of a teaching certificate. No certificated professional employee shall be discharged during a contract term except under procedures prescribed by the state board of education.

SECTION 72. DEFINITIONS.—For the purposes of tuition charges and payments, the following words and phrases shall have these meanings:

1. "District" shall mean any public school district including specially chartered school districts.

2. "Residence" of a pupil shall mean the residence of his parent or guardian.

3. "Home district" shall mean the school district of the pupil's residence.

4. "Creditor district" shall mean a district in which non-resident pupils are in attendance.

5. "Nonresident pupils" shall mean pupils attending
school in districts other than their home districts, or from other states.

6. "Debtor district" shall mean the home district of non-resident pupils.

7. "Pupil" shall mean a pupil in any grade, one through twelve.

8. "Elementary pupil," in the case of districts not giving instruction above grade eight, shall mean any pupil. In all other districts it shall mean any pupil in grades one through six.

9. "Secondary pupil" shall mean, in the case of districts which give instruction beyond grade eight, any pupil in grades seven through twelve.

Section 73. Transfer of Pupils From Home District by Application.—Whenever it shall appear that the best interest of any pupil will be served if such pupil attend school in other than his home district, a parent or guardian of such pupil may make application to the board of trustees of the home district for approval of transfer of such pupil to another school district, setting forth the facts and reasons why such transfer should be made and specifying the district to which transfer is desired. Said board of trustees shall, not less than ten days before the date such application is to be heard, enter its order for a hearing, and give notice by mail to the applicant as to the time and place thereof.

After hearing the same, if the board of trustees shall determine it to be in the best interest of such pupil to attend school in another district, and such district has agreed to accept the transfer of the pupil, the board shall make and enter its order to that effect.

In the case of school districts which do not give instruction through grade twelve, any resident pupil who shall have completed the instruction given within any such district may attend any school in this state in order to complete his education through grade twelve, without a hearing or decision by the board of trustees of his home district, and the home district shall be liable for the tuition.

Any decision by the board of trustees of the home district of a pupil applying for transfer may be appealed to and heard by the state board of education.

Section 74. Transfer of Pupils by Initiative
OF THE BOARD OF TRUSTEES.—Whenever the board of trustees of any school district shall determine that it is in the best interest of any of its pupils to attend school in another district within this state, the boards of trustees of the districts may annually agree, in writing, that such pupil or pupils shall be transferred to and attend the designated school or schools of the other district party to the agreement.

Whenever the board of trustees of any Idaho school district abutting upon another state shall determine that it is in the best interest of any of its pupils to attend school in a school district in such neighboring state, the board of trustees may annually agree, in writing, with the governing board of the nearest appropriate school district in the neighboring state for the education, and transportation if the school district attended abuts on the home district, of such pupil or pupils. Any such agreement shall specify the rate of tuition, and cost of transportation if any, to be paid by the Idaho school district, and the agreement shall be entered into the records of the board of trustees and a copy thereof filed with the state board of education.

The board of trustees of any Idaho school district, as a creditor district, may, subject to the approval of the state board of education, enter into an agreement with the governing body of any school district in another state, as the debtor district, to educate, and if necessary transport, any of the pupils of such debtor district upon such terms and conditions as may be agreed upon and approved, but the rate of tuition to be charged by the Idaho school district shall be not less than the gross per-pupil cost of the creditor district, as defined in section 76. A copy of the agreement shall be entered into the records of the board of trustees and a copy thereof shall be filed with the state board of education.

SECTION 75. DISTRICTS TO RECEIVE PUPILS.—Every school district shall receive and admit pupils transferred thereto, where payment of their tuition is to be paid by the home district, except when any such transfer would work a hardship on the receiving district; but no district shall be required to accept and admit secondary school pupils who have not completed the grades given in their home districts, nor pupils who have failed in any of their home district classes in the year next preceding the proposed transfer.
SECTION 76. RATES OF TUITION — TUITION CERTIFICATES. — The state board of education shall adopt rules and regulations for the determination of tuition rates; shall prepare and distribute all necessary forms; and shall issue to each school district, annually, a tuition certificate bearing a serial number, which certificate shall authorize the receiving district to charge and to bill for the tuition of its nonresident pupils.

In determining tuition rates to be charged by any creditor school district, the state board of education shall compute the sum of that district's maintenance and operation costs, depreciation on its buildings, equipment, and other property, and the interest, if any paid by it on bonded debt or registered warrants. The said state board shall then compute what proportion of the sum of said costs, depreciation and interest is allocable to elementary schools, and what proportion is allocable to secondary schools, in the district. The proportion allocable to elementary schools shall then be divided by the average daily attendance of elementary school pupils, and the proportion allocable to secondary schools shall be divided by the average daily attendance of secondary school pupils, in the district, and the amount so determined shall be the gross per-pupil cost, elementary or secondary, as the case may be. The net per-pupil cost shall be the gross per-pupil cost less the per-pupil apportionment to the district of any foundation program funds.

Computations of tuition rates shall be made as of the school year next preceding the year for which tuition charges are determined and made.

Charges for tuition made by any creditor school district shall be its net per-pupil cost, as hereinabove defined; except that its gross per-pupil cost shall be charged where any pupil has transferred to the creditor district by transfer other than one prescribed by section 73 or 74, or where the home district of any pupil attending school in the creditor district is without the state of Idaho.

SECTION 77. BILLS OF TUITION. — Bills of tuition for nonresident pupils shall be rendered by each creditor district. For nonresident pupils attending any school of the creditor district under the provisions of sections 74 or 75, the bill of tuition shall be submitted to the home district of such pupils. In all other cases, the creditor district shall submit to the parent or guardian of any nonresident pupil attending school in its district a bill of
tuition of such pupil, and such parent or guardian shall be liable for the payment of said tuition.

Each bill of tuition submitted to a home district shall show the serial number of the tuition certificate last issued to the creditor district by the state board of education and shall show also the number of pupils for whom tuition is charged, which charge shall be as shown by the said tuition certificate.

Bills of tuition, if submitted other than annually, shall be apportioned according to the number of school months for which any such bill is applicable. A fraction of a school month shall be deemed a school month.

SECTION 78. PAYMENT OF TUITION—SUIT TO RECOVER PAYMENT.—The board of trustees of any debtor district shall allow and order paid any bill for tuition received by it in proper form, at the first regular meeting following receipt of said bill.

Whenever any school district, or person, liable for the payment of tuition, shall fail or refuse to pay the same after payment thereof is due, the creditor district may commence suit against such district or person in the district court in and for the county in which such district maintains its administrative offices, or in which such person resides.

SECTION 79. TRANSPORTATION AUTHORIZED.—To afford more equal opportunity for public school attendance, the board of trustees of each district, including specially chartered school districts, shall, where practicable, provide transportation for the public school pupils of the district, under conditions and limitations herein set forth. In approving the routing of any school bus or other passenger equipment, or in the maintenance and operation of all such transportation equipment, or in the appointment or employment of chauffeurs, the primary requirements to be observed by the board of trustees are the safety and adequate protection of the health of the pupils. Nothing herein contained shall prevent any board of trustees from denying transportation to any pupil in any school bus or other transportation equipment operated by or under the authority of said board, upon good cause being given, in writing, to the parents or guardian, or either of them, of such pupil.

No board of trustees shall be required to provide trans-
portation for any pupil living less than one and one-half miles from the nearest appropriate school. That distance shall be determined by the nearest and best route from the junction of the driveway of the pupil's home and the nearest public road, to the nearest door of the schoolhouse he attends, or to the bus stop, as the case may be. The board may transport any pupil a lesser distance when in its judgment the age or health or safety of the pupil warrants.

To effectuate the public policy hereby declared, the board of trustees of any school district may purchase or lease, and maintain and operate school buses and other passenger equipment; may enter into contracts with individuals, firms, corporations or private carriers; or may make payments to parents or guardians, subject to the limitations herein provided, when transportation is not furnished by the district.

SECTION 80. BUS ROUTES — NON-TRANSPORTATION ZONES.—The board of trustees of each school district may establish, and alter, bus routes and establish, and alter, non-transportation zones. Such routes and zones shall be determined for each year not later than the regular August meeting of the board; but nothing herein shall be construed as limiting the board in altering such routes or zones when change in the condition of the roads, or in the number of pupils being transported would justify such alteration.

A non-transportation zone shall comprise an area of a school district designated by the board of trustees which is impracticable, by reason of sparsity of pupils, remoteness, or condition of roads, to serve by established bus routes.

Whenever practicable, routes shall be so established that no bus stop shall be more than one and one-half miles from the intersection of the driveway of the home of any pupil otherwise eligible for transportation and the nearest public road; except that no board of trustees shall be required to route school buses or other passenger equipment over any road not maintained as a part of a highway district, county, state or federal highway system, or by the state or national forest service; except, that the primary requirements to be observed by the board of trustees are the safety and adequate protection of the health of the pupils.

SECTION 81. PAYMENTS WHEN TRANSPORTATION
NOT FURNISHED.—a. Whenever any pupil lives more than one and one-half miles from any established bus stop, or from the school but at a greater distance from the nearest bus stop than from the school, and such pupil is regularly transported by private vehicle not under contract with the school district, the board may at its discretion pay to the parent or guardian an amount per month not exceeding the maximum set by the state board of education, for transporting such pupil to the school or to the bus stop as the board may determine.

b. Whenever in the judgment of the board of trustees any pupil residing within the area of a non-transportation zone, and otherwise eligible to transportation, cannot be transported in any manner herein authorized, the said board may pay to the parent or guardian thereof such amount of the cost incurred by the parent or guardian for the board and lodging of the pupil as may be authorized by the state board of education.

SECTION 82. SCHOOL BUSES—OTHER PASSENGER EQUIPMENT. — a. A motor vehicle shall be deemed a "school bus" when it has a seating capacity of nine or more passengers not including the driver, and is owned and operated by a school district or a common carrier and is used exclusively for transporting pupils, or is owned by a transportation contractor and is used regularly for transporting pupils.

b. A motor vehicle shall be deemed "other passenger equipment" when it has a seating capacity of not more than eight passengers, not including the driver, and is owned and operated by a school district or by any person, firm or corporation, and is used regularly for transporting pupils.

SECTION 83. SELLER'S WARRANTY. — All school buses shall at all times conform to standards of construction therefor specified by the state board of education. No contract shall be negotiated or executed for the purchase or sale of any school bus, body, or chassis, where the same is to be used as, or as a part of, a school bus, which said contract would provide for construction standards not in conformity with those specified by the said state board.

Any person selling or offering for sale any school bus, or any body or chassis thereof, shall warrant that such school bus, body or chassis sold or offered for sale is in no respect below the standards of construction prescribed therefor by the state board of education. If, after the sale
of any school bus, or any body or chassis, and before the same is placed into operation, an inspection as hereinafter required shall disclose that such equipment is below the said minimum standards, the seller shall, immediately after notification thereof and at his own expense, make such additions or changes as will meet the said minimum standards or, in lieu thereof, the said seller shall refund the full purchase price paid for such equipment by the buyer, and repossess the said equipment.

SECTION 84. INSPECTION OF SCHOOL BUSES AND OTHER PASSENGER EQUIPMENT. — All school buses shall at all times conform to the standards of construction prescribed therefor by the state board of education. Other passenger equipment shall at all times conform to any standards required by law, or regulation, for the operation of motor passenger vehicles.

Before any school bus or other passenger equipment is used for transporting pupils it shall be inspected by the state department of law enforcement, and if, upon inspection, it conforms to prescribed standards of construction, or such other standards prescribed by law or regulation, it may be used for transporting pupils; otherwise, no such school bus or other passenger equipment shall be used for that purpose.

Prior to the beginning of school in each school year, all school buses and other passenger equipment shall be similarly inspected before being placed in operation for that school year. The department of law enforcement shall file with the board of trustees its report of inspection of the school buses and other passenger equipment operated by the authority of the school district. At intervals of not to exceed sixty days during the same school year the board of trustees shall cause inspection to be made of all school buses and other passenger equipment operating under the authority of the board.

Whenever any school bus or other passenger equipment is found, upon inspection, to be deficient in any of the prescribed standards, or is found in any way to be unsafe or unfit for the transportation of pupils, such vehicle shall be withdrawn from service and shall not be returned to service until inspection shall show that the prescribed standards have been met or the vehicle otherwise is safe and fit.

SECTION 85. LIABILITY INSURANCE RELATED TO TRANSPORTATION.—The board of trustees of each school
district owning and operating vehicles for the transportation of pupils, and any transportation contractor, shall have in effect at all times for each vehicle so used, insurance purchased from a company or companies licensed to operate in this state, in amounts not lower than the minimums set by the state board of education, indemnifying the insured against claims for any injury to or death of a pupil arising out of the operation of the school transportation system.

Each school district may purchase and keep in force, insurance in excess of such required minimum amounts; and insurance indemnifying the district, its officers and employees against any tort claims arising out of the operation of its school transportation system.

Section 86. Operation and Use of School Buses and Other Passenger Equipment.—1. All school buses and other passenger equipment shall at all times be operated in conformity with law and with rules and regulations of the department of law enforcement.

2. No school bus or other passenger equipment shall:
   a. Cross any railroad track, or enter or cross any arterial highway without first coming to a full stop. If any such crossing, intersection or access be obscured by trees, buildings or other object, or because of storm or fog, the chauffeur shall open such windows and doors as will permit him to determine when it is safe to proceed;
   b. Be operated at any time for the transportation of pupils by any person who does not possess the qualifications of a chauffeur;
   c. Be operated at any time in excess of its maximum occupancy as the same shall be prescribed by the state board of education.

3. Whenever any vehicle defined herein is used for transporting other than school pupils, or for transporting pupils on other than an approved special trip, the lettering designating the vehicle as a school bus, and the admonition to stop while loading or unloading pupils, shall be covered and concealed, and such vehicle shall not be deemed a school bus or other passenger equipment.

Section 87. Chauffeurs — Definition — Qualification — Duties. — For the purpose of this chapter the term "chauffeur" shall mean any person who at any time is operating a school bus or other passenger equip-
ment while transporting pupils to or from school, or to or from approved school activities.

A board of trustees shall employ chauffeurs only upon written contract, and upon prior application in writing therefor, each in the form approved by the state board of education; and the board shall require of chauffeurs employed by others who transport pupils of their district under contract, the same information required upon such written application.

Any person employed as a chauffeur shall be over the age of eighteen years, of good moral character and not addicted to the use of intoxicants or narcotics. Before entering upon his duties each year, each chauffeur shall file with the board a health certificate, signed not longer than three months prior to such filing by a licensed physician, and in form approved by the state board of education.

Each chauffeur shall at all times possess a valid Idaho chauffeur's license, and a school bus driver's permit issued by the board of trustees. Such permit shall be in form approved by the state board of education and shall be carried on the chauffeur's person or be exhibited in full view when the holder thereof is operating any school bus or other passenger equipment with pupils therein.

The board of trustees may for cause, and after a hearing, revoke any school bus driver's permit.

Each chauffeur shall maintain such route books and other records as may be required by the state board of education or by the board of trustees of the school district. He shall report any pupil whose behavior is such as may endanger the operation of the vehicle, or who damages the same or any part thereof, or whose language is obscene.

It shall be the duty of each chauffeur to report any condition on, or bordering, his route which constitutes a hazard to the safety of the pupils being transported.

**SECTION 88. CONTRACTS FOR TRANSPORTATION SERVICE.** — All contracts entered into by boards of trustees for the transportation of pupils shall be in writing in form approved by the state board of education. No contract shall be executed covering a period of time exceeding five years.

Before entering into such contracts, the board of trustees shall invite bids by once giving notice as provided in
section 45, and shall award the contract to the lowest responsible bidder.

SECTION 89.—STATE BOARD OF EDUCATION—POWERS AND DUTIES RELATED TO TRANSPORTATION.—In addition to powers and duties of the state board of education hereinbefore prescribed, the said state board shall:

1. Designate a member of its staff as supervisor of school transportation with such duties as the board may prescribe;

2. Adopt, publish and distribute, and from time to time as need therefor arises amend, minimum standards for the construction of school buses, which standards shall at no time be lower than those incorporated in the latest report of the National Conference on School Transportation, copies of which report shall be filed with the department of law enforcement, and with the secretary of state;

3. Approve the form to be used for the inspection of school buses.

SECTION 90. SCHOOL DISTRICT BUDGET.—Not later than thirty days prior to its annual meeting, the board of trustees of each school district shall have prepared a budget, in form prescribed by the state board of education, and shall have called and caused to be held a public hearing thereon. Notice of the hearing shall be posted, and published once, as prescribed in section 45, and a record of the hearing shall be kept by the clerk of the board of trustees. At the time said notice is given and until the date of the hearing, a copy of the budget shall be available for public inspection at all reasonable times at the administrative offices of the school district, or at the office of the clerk of the district.

SECTION 91. GENERAL SCHOOL LEVIES.—Any tax levied for school purposes shall be a lien on the property against which the tax is levied. The board of trustees shall determine in mills upon each dollar of taxable property in the district the tax levies for the ensuing fiscal year as follows:

1. Such levies as shall be required to satisfy all maturing bond, bond interest, and judgment obligations.

2. Such levies, not exceeding thirty mills, as shall be necessary to pay all other lawful expense of maintaining and operating the schools of the district and for the payment of tuition and transportation.
If any levy made by the board of trustees under the authority of this subsection shall exceed twenty-five mills, a majority but not less than twenty electors present at the budget hearing may sign a petition calling for an election on the question of such excess. Notice of any such election shall be posted and published as prescribed by section 45. Such notice shall be posted and published, the election shall be conducted, and the ballots canvassed in the same manner as other school elections.

SECTION 92. LEVY FOR EDUCATION OF CHILDREN OF MIGRATORY FARM WORKERS.—In any school district in which there is located any farm labor camp and the children of migratory farm workers housed therein attend the schools of the district, the board of trustees may make a levy not exceeding five mills in addition to any other levies authorized by law, for the cost of educating such children.

Whenever the aggregate of the levy herein authorized and other levies made for maintenance and operation of the district shall exceed thirty mills, the levy authorized by this section must be approved by the school district electors at a tax levy election held for that purpose. Notice of such election shall be given, the election shall be conducted, and the returns thereof made, as provided in sections 45 through 50; and the question shall be approved only if a majority of the qualified electors voting at such election vote in favor thereof. If the election be held in conjunction with any other school election, the question herein shall be submitted by separate ballot.

SECTION 93. SCHOOL PLANT FACILITIES RESERVE FUND LEVY.—In any school district in which a school plant facilities reserve fund has been created, either by resolution of the board of trustees or by apportionment to new districts according to the provisions of section 117, to provide funds therefor the board of trustees shall submit to the qualified school electors of the district the question of a levy not to exceed ten mills in each year for a period not to exceed ten years.

The notice of such election shall state the number of mills proposed to be levied, the period of years in each of which the levy is proposed to be made, and the purposes for which such funds shall be used. Said notice shall be given, the election shall be conducted and the returns canvassed as provided in sections 45 through 50; and the levy shall be approved only if the majority voting in favor thereof is as that required in section 100.
If the question be approved, the board of trustees may make a levy in each year according to the terms so approved; and may again submit the question at the expiration of the period of such levy, for the number of mills and the number of years which the board may at that time determine. Or, during the period approved at any such election, if such period be less than ten years or the number of mills be less than ten, the board of trustees may submit to the qualified school electors in the same manner as before, the question whether the number of years, or the number of mills, or both, be increased, but not to exceed the maximum herein authorized. If such increase or increases be approved by the electors, the terms of such levy shall be in lieu of those approved in the first instance, but disapproval shall not affect any terms theretofore in effect.

SECTION 94. COUNTY SCHOOL EMERGENCY FUND LEVY.—Before the second Monday of September in each year, the board of trustees of any school district which qualifies under the provisions of this section may certify its need hereunder to the board of county commissioners in each county in which the district may lie, and request a county school emergency fund levy upon all taxable property in the county.

The board of trustees shall compute the number of classroom units in the schools of the district as of such date, in the manner as the number of classroom units was computed for the last preceding annual report of the district; and if there be one or more classroom units above the total allowed on said last annual report the board shall:

1. Divide the total of the foundation program allowance based on said last annual report by the total number of classroom units allowed thereon;

2. Multiply the quotient so derived by the number of additional classroom units determined herein.

The quotient so derived shall be certified to the board of county commissioners of the county in which the district lies.

In the case of a joint district, the board of trustees shall certify to the board of county commissioners of each county in which the district lies, to each, that proportion of the quotient derived, as hereinabove, as the assessed value of taxable property within the district situate in each such county bears to the total assessed value of all taxable property in the district.
After receiving the amounts certified, as hereinabove provided, the board, or boards, of county commissioners shall determine the levy according to section 63-907; and the proceeds of any such levy shall be credited to the general fund of the district.

SECTION 95. COUNTY SCHOOL SPECIAL ASSISTANCE LEVY.—For the better equalization of educational opportunity in the several school districts, the board of trustees of any school district may request the board of county commissioners of its county to make a county school special assistance levy, not to exceed three mills on the taxable property in the county. No such levy shall be authorized except upon the certification of the board of trustees that the assessed valuation of taxable property in the school district was less than twenty-five hundred dollars ($2,500) per pupil in average daily attendance during the year next preceding, and that the board of trustees has certified a levy of thirty mills for maintaining and operating the school or schools of the district for the next ensuing year.

If any such school district be a joint district, the money required by it for maintenance and operation, in excess of the amount to be produced by its levy of thirty mills, shall be divided among the several counties in which the district lies in the proportion of the total assessed valuation of the school district in each county; and the board of trustees shall compute the amount of a levy which when made upon all of the taxable property in each county will produce the amount of money divided to each county as hereinabove; and shall request the board of county commissioners of each county to levy the number of mills so computed.

Request for the levy authorized by this section shall be made to the board or boards of county commissioners not later than the second Monday of September in each year.

SECTION 96. SCHOOL-COMMUNITY LIBRARIES.—The board of trustees of any school district in which is situated no incorporated town or village having a population in excess of one thousand, and in which no public library is maintained under any other provision of law, shall, upon petition of twenty or more school district electors, submit to the school district electors of the district the question whether there shall be a public library established by the district for the benefit of the citizens thereof.

The election on the question shall be held at the same time as the election of school district trustees, next follow-
ing the filing of said petition, and notice shall be given, the election conducted, and the returns canvassed, as provided in sections 45 through 50.

If a majority of the school district electors voting in said election vote in favor of the question, the board of trustees of the school district is authorized to levy annually thereafter, upon the assessed value of taxable property in the school district, a tax not to exceed two mills for the purpose of establishing and maintaining such library and the procuring of suitable building or rooms therefor.

The board of trustees of any school district which establishes a public library under the provisions of this section shall perform the duties required of, and have the power and authority granted to, the council, commissioners, or board of trustees of any city or village under the provisions of law relating to library districts, and the treasurer of the school district shall serve as treasurer for said public library.

The board of trustees of the school district, serving as the board of trustees of the library, may contract for specified services with an existing library district or public library, and may submit to the school district electors of the district, at an election called and conducted as provided herein but without precedent petition, the question whether the public library established hereunder shall become a part of an existing library district organized under the provisions of law.

SECTION 97. CERTIFICATION OF LEVIES. — The board of trustees of each school district, having determined the levies required for the several purposes authorized by law, shall, not later than the second Monday of September in each year, certify said levies to the board of county commissioners in each county in which the district may lie. Said certification shall show the name and number of the school district, the school fiscal year for which such levies are to be made, and shall list separately each levy if more than one, and the purpose of each thereof.

SECTION 98. EXISTING ISSUES UNIMPAIRED. — Bonds, heretofore issued on any plan, shall not be impaired or disturbed by this act, but until satisfied in full or refunded, bonds shall be entitled to all the support of the law existing at the time the issue was made and of such law as became subsequently available to the support of said issues.

Nor shall this act disturb or impair or invalidate any bond
proceedings which have been completed to the point of bond election having been held by the time this act becomes effective.

SECTION 99. PURPOSES FOR WHICH BONDS MAY BE ISSUED.—The purposes for which bonds may be issued shall be: To acquire, purchase or improve a school site or school sites; to build a schoolhouse or schoolhouses or other building or buildings; to demolish or remove school buildings; to add to, remodel or repair any existing building; to furnish and equip any building or buildings, including all lighting, heating, ventilation and sanitation facilities and appliances necessary to maintain and operate the buildings of the district; and to purchase school buses.

SECTION 100. DEFINITIONS—BONDS—LIMITATION ON AMOUNT—ELECTIONS TO AUTHORIZE ISSUANCE.—For the purposes of this chapter the following definitions shall have the meanings specified: “Assessed valuation” means the amount of the last preceding equalized assessment of all taxable property within the school district on the tax rolls completed and available as of the date of approval by the electorate in the school bond election. “Aggregate outstanding indebtedness” means the total sum of unredeemed outstanding bonds, minus all moneys in the bond interest and redemption fund or funds accumulated for the redemption of such outstanding bonds, and minus the sum of all taxes levied for the redemption of such bonds, with the exception of that portion of such tax levies required for the payment of interest on bonds, which taxes remain uncollected. “Issue,” “issued,” or “issuance” mean a formal delivery of bonds to any purchaser thereof and payment therefor to the school district.

The board of trustees of any school district, upon approval of a majority thereof, may submit to the qualified school district electors of the district the question as to whether 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.

A school district operating an elementary school or schools, and a secondary school or schools, or issuing bonds for the acquisition of a secondary school or schools, may issue bonds in an amount not to exceed fifteen percentum of the assessed valuation thereof, less the aggregate outstanding indebtedness; and no other school district shall issue bonds in an amount to exceed at any time ten percentum of the assessed valuation thereof less the aggregate outstanding-
ing indebtedness. The assessed valuation, the aggregate outstanding indebtedness and the unexhausted debt-incurring power of the district shall each be determined as of the date of approval by the electors in the school bond election.

Notice of the bond election shall be given, the election shall be conducted and the returns thereof canvassed, and the qualifications of electors voting or offering to vote shall be, as provided in sections 45 through 50.

The question shall be approved only if the percentage of votes cast at such election were cast in favor thereof is that which now, or may hereafter be, set by the Constitution of the State of Idaho. Upon such approval of the issuance of bonds, the same may be issued at any time within two years from the date of such election.

SECTION 100A. PERIOD OF DEBT LIMITATIONS.—The debt limitations of fifteen percentum and ten percentum, in Section 100, shall be valid until the thirtieth day of June, 1965. Thereafter, said debt limitations shall be ten percentum and six percentum, respectively.

Whenever any bond election has hereafter been held and the election has carried, and the issuance of the bonds authorized by such election does not cause the district to exceed any debt limitation prescribed by the law in effect at the time of the election, such bonds may be issued at any time within two years from the date of the election authorizing the same.

SECTION 101. APPROVAL BY BOARDS OF COUNTY COMMISSIONERS—WHEN NECESSARY.—When more than fifty per cent of the taxable property in any school district is owned by nonresident persons or corporations, no issue of bonds by such districts shall be made until the proposed issue has been approved by the board of county commissioners; and said board shall have authority when convinced that the amount proposed to be raised by said issue is more than reasonably necessary to the proposed use of the school district, to reduce said amount, but in no event shall such board of county commissioners increase the amount of said proposed issue; and the board of county commissioners shall notify the board of trustees of the district of its action under the provisions of this section.

SECTION 102. APPEAL FROM ORDER OF COUNTY COMMISSIONERS.—Any person, partnership, firm, estate
or corporation paying taxes on property having an assessed valuation of not less than ten thousand dollars ($10,000) in said district, or the board of trustees of said district, within thirty days after the rendition of the decision by the board of county commissioners in the matter of approval or reducing the amount of said bond issue may appeal therefrom to the state board of education, whose decision in the matter shall be final.

SECTION 103. PLAN AND FORM OF BONDS—AMORTIZATION.—School district bonds shall be issued in denominations of one hundred dollars ($100) or multiples thereof not to exceed five thousand dollars ($5,000), and in form prescribed by the state board of education.

No school district bonds shall be issued except upon an amortization plan, each issue of bonds to be redeemed in full within twenty years from the date of issue. The first amortized principal payment shall mature and be payable not more than two years from and after the date of issue, and the various annual maturities of any issue of bonds shall as nearly as practicable be in such principal amounts as will, together with accruing interest on all outstanding bonds of such issue, be met and paid by an equal annual tax levy during the term for which such bonds shall be issued. No bond shall mature and be payable as to principal in partial payments.

Each bond shall bear interest from the date of issue, payable semiannually on the first days of such months as shall be determined by the board of trustees, at such interest rate as said board may determine. Each bond of any issue shall be numbered in a consecutive series. Each interest payment on each bond shall be evidenced by an interest coupon thereto attached. Such coupons shall be numbered in a consecutive series; shall be identified with the bond to which attached; shall show the number and name of the issuing school district, and the date and place of payment of such interest.

The foregoing plan and form of bonds and bonding may be departed from when such departure will result to the benefit of the district, but such issue must amortize and the plan and form thereof together with the contract, if any, for the issue must be approved by a majority of the members of the state board of education.

SECTION 104. PRINTING OF BONDS.—Bonds and coupons shall be printed or lithographed in the form pre-
scribed by section 103, at the expense of the purchaser purchasing the same from the issuing district.

When the department of public investments is the purchaser, the said department is authorized to pay the cost of such printing or lithographing.

Section 105. Signature and Recording of Bonds.—Each bond shall be signed by the chairman of the board of trustees and countersigned by the clerk; and the seal of the district, if it have a seal, shall be attached. The attached coupons shall be signed by the clerk, personally or by facsimile.

All bonds shall be recorded by the treasurer of the district who shall keep record of the number, amount and status of the issue, together with the name of the successful bidder therefor.

Section 106. Preferential Right of State to Purchase.—Immediately following approval by the electors in a bond election, the clerk of the board of trustees shall notify the department of public investments, giving full data with reference to the issue, and said department shall have preferential right to purchase all or part of said issue and pay therefor out of funds at its disposal, unless the district can obtain a more advantageous sale and purchase. The said department shall immediately notify the board of trustees of the district of the bid made by it on the issue of bonds. The purchase of school district bonds by the department of public investments shall be conditioned on the production by the board of trustees of a transcript or abstract of the proceedings showing the same to be regular and valid; evidence that the organization of the district is in accordance with law; and that the issue does not exceed the unexhausted debt-incurred power of the school district.

Section 107. Sale of Bonds.—When the department of public investment offers to purchase but a part of an issue of bonds, or submits no bid thereon, or when the board of trustees believes that a more advantageous bid may be received, it shall give notice of its purpose to sell such issue.

The notice shall be published in a newspaper published in this state, once each week for four consecutive weeks. Said notice shall describe the issue of bonds; shall state that the board of trustees will receive sealed bids until a specified day and hour; and that said bids will be opened
at a regular or special meeting of the board at a time and place to be named in the notice. Said notice may require such deposits of forfeits as the board may deem necessary; but no deposit shall be required of the department of public investments.

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

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

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

SECTION 108. PAYMENT, DEPOSIT AND USE OF FUNDS.—All moneys received from the sale of school bonds shall be paid immediately into the treasury of the district. The treasurer shall deposit such funds according to the provisions of the Public Depository Law, separate from any other funds of the school district. Said funds shall be immediately available for the purposes approved by the electors of the district. Proceeds of the sale of bonds may be used to pay architectural and engineering costs incurred in any construction authorized by electors; to pay legal and fiscal fees; to pay publishing, printing and election costs precedent to the issuance of bonds, including the printing of the bonds; or to reimburse any other funds of the district used for the above purposes.

SECTION 109. DISPOSITION OF UNEXPENDED BALANCE.—Whenever there shall remain any balance of funds arising from the sale of bonds over and above the amount necessary to meet the requirements approved by the electors, such balance shall be placed in the bond interest and redemption fund, to be deposited or invested as provided by law for such fund, and applied only to the
redemption of and payment of interest on, any bond issue of the district.

SECTION 110. LEVY FOR LIQUIDATION OF BONDED INDEBTEDNESS.—Whenever it shall appear that the board of trustees of any school district has failed to certify to the board of county commissioners the levy required in section 90, said board of county commissioners shall, in addition to all other levies set by them, set levies sufficient to meet all accruing bond, bond interest and judgment obligations of the district maturing during the year when such levies shall be collected and paid.

SECTION 111. DISTRICT RESPONSIBLE FOR BONDS.—The faith of each district is solemnly pledged for the payment of interest and redemption of principal on all bonds lawfully and validly issued.

SECTION 112. REFUNDING BONDS.—The board of trustees of any school district may, without submitting the question to a vote of the electors of the district, issue negotiable coupon bonds in the form prescribed in section 103, for the purpose of refunding any outstanding bonded indebtedness of the district when the same can be done with profit and advantage to the district, and without creating any additional indebtedness or liability. The proceeds of bonds so issued shall be applied solely to the refunding of outstanding bonded indebtedness of the district; and such bonds shall be sold and the proceeds thereof deposited in the same manner as for any other bonds of the school district.

SECTION 113. CALL OR REDEMPTION OF BONDS—NOTICE.—The board of trustees of any school district having outstanding bonds which are redeemable or callable before final maturity, having sufficient money in its bond interest and redemption fund may redeem one or more bonds, on any callable or redeemable date. If such bonds are held by the department of public investments, notice shall be given said department not less than thirty days prior to such redemption date. Otherwise, notice shall be given by publication, not less than thirty days prior to said redemption date, in a newspaper in which the district lies. The notice shall give the name, series and number of the bond or bonds which will be redeemed; the place of redemption; and shall state that after the date of the proposed payment, interest on the said bonds will cease. In addition thereto, like notice shall be given to the holder of the bond or bonds if known; to the fiscal agent if any;
to the bank or banks through which the bonds to be re-
deeemed are payable, and to "The Bond Buyer," a publication
printed in New York City.

**SECTION 114. COMPLIANCE WITH STATUTE IS
NOTICE OF EXERCISE OF OPTION.** — A compliance
with the provisions of section 113 shall be deemed suf-
ficient notice to the owner or owners of such bonds that
the school district has exercised its option to pay and re-
deeem the bonds described, and interest thereon shall cease
at the redeemable or callable date named in the notice.

**SECTION 115. REDEMPTION OF BONDS HELD BY
STATE.** — Whenever the bonds of any school district have
been purchased and are held by the department of public
investments and any said bond, or the interest on any
said bond, becomes due and payable, the treasurer of the
district shall remit to said department the amount of money
required to pay and redeem the same. The said depart-
ment, upon finding such payment in order, shall mark such
bonds or interest coupons "canceled," and return the same
to the treasurer of the school district.

**SECTION 116. DISPOSITION OF MONEY REMAIN-
ING AFTER REDEMPTION.** — Any money remaining in
the bond interest and redemption fund of any school dis-
trict after all of any issue of school bonds and all interest
thereon have been paid, redeemed and canceled shall be
held to apply against the redemption of any other bonds
issued by the district; if there remain no bonds outstand-
ing, such money shall be credited to the school plant facili-
ties reserve fund; if the district has not established such
fund, such money shall be transferred to the credit of the
general fund of the district. Any transfer or credit au-
thorized by this section shall be upon resolution of the
board of trustees.

**SECTION 117. SCHOOL PLANT FACILITIES RE-
SERVE FUND.** — The board of trustees of any school dis-
trict may create and establish a school plant facilities re-
serve fund by resolution adopted at any regular or special
meeting of the board. All moneys for said fund accruing
from taxes levied under section 93, together with interest
accruing from the investment of any moneys in the fund
and any moneys allowed for depreciation of school plant
facilities as are appropriated from the general fund of
the district, shall be credited by the treasurer to the school
plant facilities reserve fund.
Disbursements from said fund may be made from time to time as the board of trustees may determine, for purposes authorized in section 99, but no expenditure for remodeling existing buildings shall be authorized and made unless the estimated cost thereof shall exceed five thousand dollars ($5,000). Expenditures may also be made from this fund for participation by the school district in any local improvement district in which the school district may be situate, but any such participation shall not create a lien upon any of the property owned by the school district.

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 shall be used to retire any bonds issued by it and outstanding at the time of the consolidation. If there are no bonds outstanding, any balance in its school plant facilities reserve fund shall accrue to the new district to be added to or to create and establish a school plant facilities reserve fund.

Should any school district having a balance in its school plant facilities reserve fund be divided so as to create two or more new districts, the said fund may be used to retire any bonds issued by it and outstanding at the time of the division, or the said fund may be divided among the new school districts, as may be approved by the electors at the time of the division. If the fund is divided among the new districts, a school plant facilities reserve fund is thereby created and established for each district.

The board of trustees of any school district having a school plant facilities reserve fund created and established under any of the provisions of this section, may discontinue the same by resolution adopted at any regular meeting of the board. Upon such discontinuance, any balance in the fund shall be used to retire any outstanding bonds, if any; otherwise, the balance may be transferred to the general fund of the district.

Moneys in the school plant facilities reserve fund being held for future use may be invested in the manner of section 57-127.

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 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.

SECTION 118. PUBLIC SCHOOL FUND.—The public school fund of the state shall consist of the proceeds of such lands as have heretofore been granted, or may hereafter be granted, to the state by the federal government, known as school lands, and those granted in lieu of such lands, money or other property acquired by gift or grant from any person or corporation or under any law or grant of the federal government; and all other grants of lands or money made to the state from the federal government for general educational purposes where no other purpose is indicated in such grant; all estates or distributive shares of estates that may escheat to the state; all unclaimed shares and dividends of any corporation incorporated under the laws of the state; the proceeds of the sale of timber on public school land owned by the state; the proceeds of royalties arising from the extraction of minerals on public school land owned by the state; and such other proceeds and avails as are required by law of the federal government or of the state of Idaho to be made a part of such fund.

SECTION 119. PUBLIC SCHOOL INCOME FUND.—The public school income fund is that fund in the treasury of the state of Idaho to which are credited all income from the public school fund; the proceeds of all state taxes levied for public school purposes; grants of moneys from the federal government for public school purposes when other disposition is not specified by law; moneys received by any department of state government from the federal government from sales, royalties, bonuses or rentals of oil, gas or mineral lands; legislative appropriations in support of the public schools, and other moneys required by the law of the federal government or of the state of Idaho to be made a part of said fund and credited thereto.

SECTION 120. COUNTY SCHOOL FUND.—The county school fund is that fund in the treasury of each county in the state to which are credited apportionments from the public school income fund; the proceeds of the county school levy specified in section 133, 2a; moneys collected from fines, forfeitures or breaches of the penal laws of the state when other disposition is not provided by law; and such other proceeds and avails as may be required by law to be credited thereto.
SECTION 121. DEFINITIONS.—The following words and phrases used in this chapter are defined as follows:

1. "Foundation program" shall mean the foundation educational program as named in section 129 together with the foundation transportation program named in section 130.

2. "Teacher" shall mean any person employed in a teaching, instructional, supervisory, educational administrative or educational and scientific capacity in any school district. In case of doubt the state board of education shall determine whether any person is a teacher as thus defined.

3. "Public school district" or "school district" or "district" shall mean any public school district organized under the laws of this state, including specially chartered school districts.

4. "School" shall mean a separate school building, or a group consisting of more than one school building, or a unit of several grades in one building, or a unit of several grades in more than one building, whenever such unit is the basis for computing classroom units.

5. "Average daily attendance" shall mean that figure derived by dividing the total days of attendance of pupils in the school, but not including the days attendance of pupils for whom no Idaho school district is the home district, nor pupils enrolled in classes for the handicapped as provided in section 125, by the number of days school was in session for the year next preceding.

In computing the number of classroom units, the best twenty-eight weeks of average daily attendance, not necessarily consecutive, may be used; and when a school is closed because of storm, flood, failure of the heating plant, loss or damage to the school building, quarantine or order of any city, county or state health agency, or for reason believed by the board of trustees to be in the best interests of the health, safety or welfare of the pupils, the board of trustees having certified to the state board of education the cause and duration of such closure, the average daily attendance for such day or days of closure shall be considered as being the same as for the days when the school actually was in session.

SECTION 122. ELEMENTARY CLASSROOM UNITS.—In districts maintaining secondary schools, elementary classroom units shall be allowed on the basis of the aver-
age daily attendance of pupils receiving instruction in grades one through six; in other districts, on the basis of the average daily attendance of pupils receiving instruction in grades one through eight.

For any elementary school which is located more than ten miles by all-weather road from any other elementary school operated by the district, elementary classroom units shall be allowed as though such school were the only school operated by the district.

No elementary classroom units nor any part thereof shall be allowed for any elementary school having less than ten pupils in average daily attendance unless such school has been approved for operation by the state board of education; and such approval shall not be given for any school having an average daily attendance of less than five pupils during the preceding year.

Except as otherwise provided in this chapter, elementary classroom units shall be computed and allowed in accordance with the following schedule:

**COMPUTATION OF CLASSROOM UNITS**

<table>
<thead>
<tr>
<th>Average Daily Attendance</th>
<th>Divided by</th>
<th>Classroom Units</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Minimum to be Allowed</td>
</tr>
<tr>
<td>5 through 32</td>
<td>16</td>
<td>1</td>
</tr>
<tr>
<td>33 through 72</td>
<td>18</td>
<td>2</td>
</tr>
<tr>
<td>73 through 120</td>
<td>20</td>
<td>4</td>
</tr>
<tr>
<td>121 through 176</td>
<td>22</td>
<td>6</td>
</tr>
<tr>
<td>177 through 240</td>
<td>24</td>
<td>8</td>
</tr>
<tr>
<td>241 through 350</td>
<td>25</td>
<td>10</td>
</tr>
<tr>
<td>351 through 468</td>
<td>26</td>
<td>14</td>
</tr>
<tr>
<td>469 and over</td>
<td>27</td>
<td>18 and over</td>
</tr>
</tbody>
</table>

**SECTION 123. SECONDARY CLASSROOM UNITS.—** Secondary classroom units shall be allowed on the basis of the average daily attendance of pupils receiving instruction in grades seven through twelve.

For any secondary school located more than fifteen miles by all-weather road from any other secondary school operated by the district, secondary classroom units shall be allowed as though such school were the only secondary school operated by the district.

Except as otherwise provided in this chapter, second-
any classroom units shall be computed in accordance with
the following table, but not less than four secondary class­
room units shall be allowed for any school in which four
or more teachers offer instruction in secondary school sub­
jects:

**COMPUTATION OF SECONDARY CLASSROOM UNITS**

<table>
<thead>
<tr>
<th>Average Daily Attendance Divided by</th>
<th>Classroom Units Minimum to be Allowed</th>
<th>Maximum to be Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>53 through 90</td>
<td>15</td>
<td>6</td>
</tr>
<tr>
<td>91 through 136</td>
<td>17</td>
<td>8</td>
</tr>
<tr>
<td>137 through 180</td>
<td>18</td>
<td>10</td>
</tr>
<tr>
<td>181 through 228</td>
<td>19</td>
<td>12</td>
</tr>
<tr>
<td>229 through 280</td>
<td>20</td>
<td>14</td>
</tr>
<tr>
<td>281 and over</td>
<td>21</td>
<td>14 and over</td>
</tr>
</tbody>
</table>

**SECTION 124. CLASSROOM UNITS, AVERAGE INCREASE.**—Whenever the number of classroom units al­
lowed on the current annual report of a school district
to the state board of education, and on the reports for
the two consecutive years next preceding, and for all of
which the number of classroom units shall have been com­
puted on the same basis, shall show an increase in the
number of classroom units, the district shall be allowed the
number of classroom units equal to the average increase
as so shown; but only when said average increase is one
classroom unit, or more.

**SECTION 125. CLASSROOM UNITS, HANDICAPPED PUPILS.**—Handicapped pupil classroom units shall be al­
lowed to any school district which has established classes,
and employed full-time teachers, for the education of handi­
capped pupils as provided in sections 183 through 186.

If there be not more than eight, nor less than five, such
pupils enrolled and one teacher is employed, one classroom
unit shall be allowed.

If more than eight such pupils are enrolled, and more
than one teacher is employed, one classroom unit shall be
allowed for the first eight pupils, and one-eighth class­
room unit for each additional pupil.

**SECTION 126. CLASSROOM UNITS — PUPILS AT­
TENDING SCHOOL IN ANOTHER STATE.**—In any
school district which abuts upon the border of another
state, and the resident pupils of said district attend schools in such other state as provided in section 74, the total number of such pupils shall be considered as being in attendance in a separate school of their home district, elementary or secondary as the case may be, and the number of classroom units shall be allowed, as provided in sections 122 and 123; but if the total number of pupils, elementary or secondary as the case may be, be less than the lowest number of pupils shown on the tables in section 122 or 123, the smallest divisor shown on the appropriate table shall be used in determining the number, or fraction thereof, of classroom units to be allowed.

SECTION 127. CLASSROOM UNITS—DISTRICTS RECEIVING FEDERAL FUNDS.—In school districts which receive moneys for the maintenance and operation of the schools from agencies of the federal government, the number of classroom units shall be computed on the basis of the average daily attendance of pupils as in this chapter set forth and without regard to the manner in which such allowance from the federal government may be computed.

SECTION 128. WEIGHTED CLASSROOM UNITS.—For each district, to the aggregate of the number of classroom units computed under sections 122, 123 and 125, or the number of certified teachers employed, whichever is less, shall be added the number of classroom units computed under sections 124 and 126 except any classroom unit claimed under the provisions of section 124 for which teachers were not employed; and the result, being the number of classroom units actually allowed, shall then be weighted by being multiplied by the average of the training and experience value, the latter computed according to the year in which apportionments are to be paid, of all teachers employed, according to 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>
<tr>
<td>5</td>
<td>.84</td>
<td>1.02</td>
<td>1.16</td>
<td>1.25</td>
</tr>
<tr>
<td>6</td>
<td>.87</td>
<td>1.06</td>
<td>1.20</td>
<td>1.29</td>
</tr>
<tr>
<td>7</td>
<td>.90</td>
<td>1.10</td>
<td>1.24</td>
<td>1.33</td>
</tr>
</tbody>
</table>
SECTION 129. FOUNDATION EDUCATIONAL PROGRAM. — The foundation educational program of each school district shall be the number of weighted classroom units as computed under the provisions of section 128, multiplied by three thousand eight hundred twenty-five dollars ($3,825), plus one hundred fifty dollars ($150) for each pupil enrolled in classes for the education of handicapped pupils as provided in sections 184 through 186.

SECTION 130. FOUNDATION TRANSPORTATION PROGRAM. — The state board of education shall determine what costs of transporting pupils, including maintenance, operation and depreciation of vehicles, insurance, salaries of drivers, and any other costs, shall be allowable in computing the foundation transportation program of school districts. Each school district shall maintain such records and make such reports as are required for the purposes of this section.

The foundation transportation program of a school district shall be based upon the allowable costs of:

1. Transporting public school pupils one and one-half miles or more to school;
2. Transporting pupils less than one and one-half miles as provided in section 79, when approved by the state board of education;
3. The costs of payments when transportation not furnished, as provided in section 81;
4. The costs of providing transportation to and from approved school activities such as may be approved by regulations of the state board of education;
5. Anticipated additional costs for transporting additional pupils in a new district the boundaries of which have been extended and which as a newly organized district is operating for the first time in the year when transportation allowances authorized are apportioned and paid.
The transportation foundation program shall be ninety per cent of the difference between the total of allowable costs and the estimated proceeds of a tax levy of one mill applied to the adjusted value of the taxable property of the district for the next preceding year, but shall not exceed ten dollars per month per transported child.

SECTION 131. FOUNDATION PROGRAM WHEN DISTRICT BOUNDARIES ARE CHANGED.—a. In new districts formed by consolidation of former districts, the foundation program allowance shall be the combined foundation program allowances of the component districts in the last year of operation before consolidation.

b. In new districts formed by the division of a district, the foundation program computed for the district divided in its last year of operation, shall be apportioned to the new districts created by the division, in the proportion that the average daily attendance of pupils, elementary and secondary combined, residing in the area of each new district so created, bore to the average daily attendance of all pupils, elementary and secondary combined, in the district divided in its last year of operation before the division.

c. When the boundaries of districts are changed by excision and annexation of territory, the foundation program of any district from which territory is excised for the last year of operation before such excision shall be divided, and apportioned among the districts involved, as prescribed in subsection (b) hereof.

SECTION 132. FOUNDATION PROGRAM—ELEMENTARY DISTRICT RECLASSIFIED.—Should any elementary school district which has met the qualifications required by law for reclassification as a secondary school district propose to be so reclassified and begin the establishment and maintenance of a secondary school, such district shall be allowed a foundation program for such secondary school during the first year of its operation, computed as follows:

1. The educational foundation program shall be reported in the annual report preceding the beginning of operation of the secondary school, as the aggregate of the products of the number of resident pupils of the district who attended secondary schools of other districts during such preceding year, multiplied by the per-pupil state and county apportionments for the educational foundation program to such other districts as shown on the last approved tuition
certificate of such other districts, for secondary school pupils.

2. The transportation foundation program shall be reported in the annual report preceding the beginning of operation of the secondary school, as the aggregate of the products of the number of pupils proposed to be transported to such new secondary school who attended secondary schools in other districts during such preceding year, multiplied by the per-pupil state and county apportionments for the transportation foundation program to each such other districts for secondary school pupils as shown on the last approved tuition certificate issued to such other district.

SECTION 133. APPORTIONMENTS FROM THE PUBLIC SCHOOL INCOME FUND. — 1. Not later than the fifteenth day of July in each year the state board of education shall compute the ratio which moneys in the public school income fund bear to the total apportionments made from said fund for the preceding year; and it shall apportion to each county that same ratio, but not to exceed forty per cent, of the apportionments made to such county for the preceding school year;

2. Not later than the second Monday in September in each year, the state board of education shall compute for each county the total of:

   a. The estimated proceeds of the minimum county school levy as prescribed in section 141(a);
   b. Other receipts required by law to be made a part of the county school fund;
   c. Any balance remaining in the county school fund, unapportionable for the preceding year;
   d. Any minus balance in the county school fund by reason of overdraft or insufficient funds for the full, lawful apportionment to school districts for the preceding school year;
   e. The estimated proceeds of the minimum school district levies as prescribed in section 141(b).

In computing the proceeds of (a) and (e) hereinabove, the state board of education shall proceed as though any joint school district were wholly situate in that county which is its home county;

3. To the total thus obtained for each county, the state
board of education shall add an amount from the public school income fund which, together with such total, will provide for each school district in said county, and as though any joint district were wholly situate in that county which is its home county, its foundation program computed according to the provisions of this chapter;

4. The state board of education shall apportion to the several counties the moneys in the public school income fund as of the fifteenth day of January, April, July and October in each year, taking into account the advance made under subsection (1) of this section, in such amounts as will provide in full for each district its foundation program, and not more than therefor required; but no apportionment to any county shall be made for any year in the total amount of less than ten thousand dollars ($10,000);

5. Any balance remaining in the public school income fund after all apportionments required by this section have been made for any school year, shall remain in the said fund and be available as a part of the apportionment required during the next school year;

6. If the amount in the public school income fund be insufficient to fulfill for any school year the requirements of this section, the apportionments to the several counties shall be that percentage of the funds available as each would have received of the whole, had the moneys in the fund been sufficient to meet all requirements of this section;

7. When the full apportionments to the counties required by this section cannot be made because there is less money in the public school income fund than was estimated by the state board of education to be available, the amount of any deficiency in apportionments to the several counties shall be added to the requirements for apportionment for the following year, as a balance due, and such deficiency shall not be considered in computing the county levies;

8. When the full amount of apportionments required by this section cannot be made for any school year because of failure of the legislature to appropriate to the public school income fund the amount certified by the state board of education as required, or if the full amount so appropriated is not transferred, or as may be required by amendment to this chapter by any session of the legislature, such deficiency in apportionment shall be considered in computing county school levies;
9. Any apportionments in any year, made to any county, which may within the succeeding three-year period be found to have been in error either of computation or transmittal, may be corrected during such three-year period by reduction of apportionments to any county to which over-apportionments may have been made, and corresponding addition to apportionments to any county to which under-apportionments have been made. Notice of such correction shall be given to the auditor of any county for which such corrections may have been made.

SECTION 134. APPORTIONMENTS WHEN MINES NET PROFITS CONSIDERED.—In any school district in which mines net profits are made a part of the total assessed value of taxable property, should the amount of such net profits certified as required by section 63-2803 be lower in any year than for the immediately preceding year in an amount equaling five per cent or more of the total assessed value of taxable property of the district for the preceding year, then the state board of education shall compute the adjusted value of taxable property in the district for the purposes of section 133 by subtracting from the adjusted value of property in the district for the preceding year, the total of such decrease in mines net profits tax.

The county auditor of each county in which the net profits of mines are made a part of the total assessed value of taxable property of any school district, shall annually examine the reports of mines net profits certified to the county assessor as required by section 63-2803, and shall certify to the state board of education not later than the fifteenth day of June of each year, the net profits of mines creditable to each school district in said county.

SECTION 135. TAXES TO BE LEVIED BY COUNTY COMMISSIONERS—DETERMINATION AND CERTIFICATION.—Not later than the second Monday in September of each year the state board of education shall determine and certify to the board of county commissioners the amounts of money to be provided as follows:

a. For the county school fund: The amount required to be provided as determined in section 141(a);

b. For the county school fund: Any amount as may be required to be provided under the provisions of section 133;

c. For the district contribution to the foundation pro-
gram: In any county where the same is applicable, such amount as shall be required under the provisions of section 142.

SECTION 136. APPORTIONMENT OF COUNTY SCHOOL FUND.—Not later than the first day of October in each year, the state board of education shall certify to the county auditor of each county the amount to be apportioned from the county school fund to each district situate within the county or for which the county is the home county. The amount so certified as due to any school district shall be not less than fifty dollars ($50).

Whenever the county treasurer has received the warrant of the state auditor transmitting moneys from the public school income fund to the county school fund, immediate notice thereof shall be given the county auditor together with a statement of the amount then standing to the credit of the county school fund and unapportioned.

The county auditor shall within ten days thereafter apportion said moneys in the county school fund, both county and state, to the several school districts, but to no school district for any year in an amount in excess of that certified by the state board of education as being due such district. The county auditor shall thereupon notify the county treasurer of the amount apportioned to each district, and the said treasurer shall credit such amount to the accounts of the districts entitled thereto.

If for any school year the moneys in the county school fund are insufficient to make in full the apportionments certified by the state board of education, the apportionment to each district shall be that percentage of the amount available for apportionment as each would have been entitled to the whole had there been sufficient moneys in the fund; and any deficiency in apportionment thereby arising shall be carried forward as a balance due the several districts during the school year next following.

If for any school year the moneys in the county school fund are in excess of the requirements for full apportionments in this section required, such balance shall remain in the county school fund and be carried forward and be available for apportionment during the school year next following.

Balances, deficits, and apportionments from the county
school fund for any school year shall be reported to the state board of education.

Any apportionments made to school districts from the county school fund which may be found within the ensuing three-year period to have been in error may be corrected after the manner provided in section 133.

SECTION 137. COUNTY SCHOOL EMERGENCY FUND — CREATION — APPORTIONMENT. — In any county in which there has been certified a request for a levy under the provisions of section 94 there shall be created a county school emergency fund.

Apportionment of such fund shall be made quarterly by the county auditor, to the district, or among the districts if there be more than one, having filed a request for a county school emergency fund levy. Each apportionment when made to more than one school district, shall be to each district that percentage of the moneys available, as the levy requested by each bears to the aggregate of the levies requested by all.

The county auditor shall notify the county treasurer of the amount to be placed to the credit of each district eligible thereto.

SECTION 138. APPORTIONMENT, COUNTY SCHOOL SPECIAL ASSISTANCE LEVY. — In any county in which has been made a county special school assistance levy as authorized under the provisions of section 95, moneys accruing from such levy, if but one school district has made the request, shall be credited directly to the credit of such district and transmitted as are other moneys of the school district in the county treasury. In case said levy has been made by more than one school district, or any part thereof, in any county, the proceeds thereof shall be apportioned by the county auditor in the same manner as provided in section 137, similarly placed to the credit of the several districts and transmitted to the treasurers thereof.

SECTION 139. COUNTY TREASURER — COUNTY AUDITOR — DUTIES. — In addition to other duties required by this chapter, the county treasurer shall keep a separate account with each school district situate in whole or in part in his county, placing to the credit of each all moneys received through apportionment, the proceeds of school district tax levies, and any other moneys due the respective districts under the provisions of law. He shall on the first day of each
month give notice to the clerk of the board of any elementary district, of the debits and credits made to the account of such district during the preceding quarter and the balance on hand both at the beginning and at the end of the preceding quarter.

He shall keep an account of the county school fund, and of any other school funds arising from a county-wide tax levy for school purposes.

He shall pay over the moneys in any fund herein required to be kept, only upon the warrant of the county auditor.

In addition to other duties required of the county auditor by the provisions of this chapter, he shall, from time to time as required by law, draw his warrant upon any fund required to be disbursed to the treasurer of any school district.

SECTION 140. ASSESSMENT RATIOS.—The state tax commission shall annually ascertain the ratio between the cash value of real property and the assessed valuation of real property in each county, and from the ratio so ascertained compute the adjusted value of all taxable property in each county.

On or before the fourth Monday of August of each year, the executive officer of the state tax commission shall provide the county auditor of each county with a statement of the amounts of the adjusted value and the assessed value of taxable property in the county and the ratio between the same. At the same time, the state board of education shall be given a statement summarizing the statements provided to the several county auditors.

SECTION 141. APPORTIONMENT — MINIMUM LEVIES DEFINED. — For the purpose of equalizing the apportionments authorized in section 133, the state board of education shall apportion such moneys under the following conditions:

a. The minimum requirements for any county school tax prescribed by subsection 2a of section 133 shall be deemed to have been met only if a levy in that number of mills has been made by the board of county commissioners as will produce an amount of money equal to eight-tenths of one per cent (.8%) of the adjusted value of taxable property in the county, except when such eight-tenths of one per cent (.8%) will provide more than the full requirements of such county school tax;
b. In apportioning money for any school district, the state board of education shall compute the minimum requirements of the foundation program to be supplied by the district to be that amount of money equal to one and one-half per cent (1\%\% ) of the adjusted value of the taxable property of the district for the next preceding year, computed by use of the ratio of the home county of the school district, as ascertained by the state tax commission.

SECTION 142. LEVY TO COMPLETE DISTRICT CONTRIBUTION TO FOUNDATION PROGRAM.—When in any county the amount of money which will be provided by a tax levy of fifteen mills upon the assessed value of taxable property in a school district is less than the amount required to be raised under the provisions of subsection (b) of the next preceding section, the board of county commissioners in such county shall make a levy on behalf of the board of trustees of each school district in that number of mills as, when added to the computed proceeds of a levy of fifteen mills upon the assessed value of taxable property, will meet the requirements of said subsection. In the case of any joint district, such levy shall be computed and made as though each part of said district which lies in any county were a separate school district situate wholly within such county.

The proceeds of any levy herein required to be made shall be credited to the school district eligible thereto and transmitted in the same manner as are the proceeds of other school district tax levies.

SECTION 143. CERTIFICATE REQUIRED. — Every person who is employed to serve in any elementary or secondary school in the capacity of teacher, supervisor, administrator, education specialist, school nurse or school librarian shall be required to have and to hold a certificate issued under authority of the state board of education, valid for the service being rendered; except that the state board of education may authorize endorsement for use in Idaho, for not more than five years, certificates valid in other states when the qualifications therefor are not lower than those required for an Idaho certificate.

No certificate shall be required of a student attending any teacher training institution, who shall serve as a practice teacher in a classroom under the supervision of a certificated teacher, and who has been approved as a practice teacher by the state board of education.
SECTION 144. ELIGIBILITY FOR CERTIFICATE.—
Each applicant for a certificate must:

1. Have attained the age of eighteen years;

2. Have completed specific minimum requirements in college training as specified in uniform regulations of the state board of education;

3. Be free from tuberculosis or other contagious disease; but if at any time there is probable cause to believe that any such employee of the district is so afflicted, the board shall cause examination to be made by a licensed physician, and may exclude the employee from service without loss of pay pending determination whether so afflicted;

4. Be a citizen of the United States, or have declared an intention to become a citizen; but if full citizenship is not granted within seven years after such declaration, any certificate issued to such person shall be revoked automatically. The limitation herein shall not apply in any case of international exchange of teachers approved by the state board of education.

The state board of education may refuse to issue or authorize a certificate to any applicant for such reason as would have constituted grounds for revoking a certificate.

SECTION 145. ACCREDITED TEACHER TRAINING REQUIREMENTS.—Except in the limited fields of trades and industries, and specialists certificates of school librarians and school nurses, the state board shall not authorize the issuance of any standard certificate premised upon less than four years of accredited college training, including such professional training as the state board may require; but in emergencies, which must be declared, the state board may authorize the issuance of provisional certificates based on not less than two years of college training.

SECTION 146. VALIDITY, DURATION, RENEWAL AND LAPSE OF CERTIFICATES.—The state board of education shall by uniform regulation provide for the validity, duration, renewal and lapse of certificates.

1. The validity of provisional certificates shall be limited to not more than three years; they shall be endorsed for only the grade, grades or subjects the holders may teach; and their renewal shall be premised upon the completion of not less than eighteen semester hours or twenty-seven quarter hours of professional training applicable toward
the issuance of a standard certificate and undertaken since
the first issuance, or the latest renewal as the case may
be, of said certificate;

2. The validity of all certificates shall terminate when
the holder thereof attains the age of seventy years, except
that the service thereunder may be continued until the
close of the school year in which said age is attained.

3. No certificate shall lapse because of non-use while
the holder thereof is serving in the armed forces of the
United States in time of war, or has been called into serv­
ice of the armed forces at any time. Upon filing a re­
quest therefor by the holder of such certificate, not later
than one year after the termination of such military serv­
ice, the validity of such certificate shall be extended for
a period equal to the time spent in such military service.
The provisions of this paragraph shall not apply to any
person who voluntarily enlists at the end of the period in
which he was called into military service.

SECTION 147. CERTIFICATE RECORDS AND FEES.
—The state board of education shall cause to be maintained
a record of all certificates issued, showing names, dates of
issue and renewal, and if revoked, the date thereof and
the reason therefor. For each certificate issued, and each
renewal the state board shall set a fee, in amount not to
exceed five dollars ($5).

SECTION 148. VALIDITY OF EXISTING CERTIFI­
CATES.—All certificates valid for use in Idaho on the
31st day of August, 1947, and not subsequently lapsed or
revoked, shall in all respects remain valid under the laws
and regulations and upon the conditions applicable thereto
when first issued.

Nothing herein contained shall abridge the rights inuring
to the holder of any valid certificate, issued after the 31st
day of August, 1947, as the same exist at the time of the
enactment of this act, subject to the right of the state
board of education to adopt or amend any regulation per­
taining to conditions upon which certificates may be used
or renewed.

SECTION 149. ENDORSEMENT AND REGISTRATION
OF CERTIFICATES.—The board of trustees of each school
district shall cause the certificates of each holder thereof
to be endorsed each year, showing the date of service there­
der; and shall cause to be maintained a continuing record
of certificates, by style and number, of each certificated employee of the district.

**SECTION 150. REVOCATION OF CERTIFICATE — GROUNDS.** — The state board of education may revoke any certificate issued or authorized under section 143 upon any of the following grounds:

a. Gross neglect of duty;

b. Incompetency to instruct or govern a class or school;

c. Breach of the teaching contract;

d. Making any material statement of fact in the application for a certificate, which the applicant knows to be false;

e. Revocation, refusal or denial of a certificate in another state for any reason constituting grounds for revocation in this state;

f. Conviction in this or any other state of a crime involving moral turpitude;

g. Any disqualification which would have been sufficient grounds for refusing to issue or authorize a certificate, if the disqualification existed or had been known at the time of its issuance or authorization.

**SECTION 151. PROCEEDINGS TO REVOKE — COMPLAINT — HEARING.** — Proceedings to revoke any certificate issued or authorized under section 143 shall be commenced by a written complaint against the holder thereof. Such complaint shall be made by the chief certification officer of the state board of education to the said state board, stating the ground or grounds for revocation and proposing that the certificate be revoked. A copy of the complaint shall be served upon the certificate holder, either by personal service or by certified mail.

Not more than thirty days after the date of service of any complaint, the person complained against may request, in writing, a hearing upon the complaint. Any such request shall be made and addressed to the state board of education; and if no such request for hearing be made, the grounds for revocation stated in the complaint shall be deemed admitted.

Upon receiving any request for hearing, the state board of education shall give notice, in writing, to the person
requesting the hearing, which notice shall state the time and place of the hearing; but the time of such hearing shall be not less than five days from the date of notice thereof.

The state board shall have the power to order the issuance of any subpoena requested by its chief certification officer, or by the respondent, requiring the attendance of any witness at the hearing, and the state board may, upon its own motion, order the issuance of such subpoena. The state board may hold such hearing, or may delegate to one or more of its members, or to some other suitable person, authority to hold such hearing, with full power to issue subpoenas as hereinabove. A written record of the testimony of witnesses, and of any documentary evidence, adduced or presented at such hearing shall be kept.

All hearings shall be informal, with the object of ascertaining the truth. The person complained against may appear in person or by attorney, and may produce, examine and cross-examine witnesses; and, if he chooses so to do, may submit for the consideration of the state board of education a written statement in lieu of oral testimony, but any such statement shall be under oath and the affiant shall be subject to cross-examination.

At the conclusion of any hearing which the board has delegated authority to be heard, the person holding the hearing shall submit to the board a concise statement of the proceedings, a summary of the testimony, and any documentary evidence offered, together with his findings of fact and recommendation. The board shall review the record so made, as well as its own records, and make its determination, or it may order another hearing before the same or other persons, or before the board.

The determination of the board, upon any hearing, shall be entered in its records, and written notice of its determination shall be given to the person complained against by the state superintendent of public instruction, which notice shall be a part of the records of the state board of education.

The final determination of the state board of education may be reviewed by writ of review in the district court of the county in which the holder of a revoked certificate has been last employed as a teacher; but application for such writ of review shall be made not more than thirty days from the date of notice of revocation.

Whenever any certificate has been refused or revoked,
the state board of education may, upon a clear showing that the cause constituting grounds for refusal or revocation no longer exists, issue a certificate or reinstate a revoked certificate either conditionally or unconditionally.

SECTION 152. SUSPENSION OF CERTIFICATE.—Whenever the holder of any certificate issued or authorized under section 143 has been found guilty of committing, or attempting to commit, any of the crimes defined in sections 18-6101, 18-6602, 18-6605, or 18-6607, or has been found guilty in any other state of committing, or attempting to commit, any crime within the meaning of any of those crimes defined in said sections, the state board of education shall forthwith suspend the certificate of such person. When any such conviction shall become final, whether or not any sentence is suspended or withheld, the state board of education shall forthwith revoke the certificate.

If any such conviction be reversed upon appeal, or if the certificate holder be acquitted in a new trial or the charges against him dismissed, the state board of education shall forthwith terminate the suspension of the certificate.

SECTION 153. PRIVILEGED COMMUNICATION OR PUBLICATION.—Any publication or communication made by any member of the state board of education, or by any person delegated by the said state board to hold or conduct any hearing, or by any certification officer of the state board of education, in the proper discharge of any official duty imposed under sections 150, 151 or 152 shall be privileged.

SECTION 154. RENEWABLE CONTRACT.—Commencing with the third consecutive year of employment by the same school district, and until the age of seventy years is attained, each certificated employee named in subsection 2 of section 121 and each school nurse and school librarian shall be entitled to and be employed on a renewable contract.

Except as otherwise provided, each such certificated employee, school nurse, or school librarian shall have the right to automatic renewal of contract by giving notice, in writing, of acceptance of renewal. Such notice shall be given to the board of trustees of the school district then employing such person not later than the first day of April preceding the expiration of the term of the current contract. Except as otherwise provided by this para-
graph, the board of trustees shall notify each person entitled to be employed on a renewable contract of the requirement that such person must give the notice herein above and that failure so to do may be interpreted by the board as a declination of the right to automatic renewal or the offer of another contract. Such notification shall be made, in writing, not later than the 10th day of March, in each year, except to those persons to whom the board, prior to said date, has sent proposed contracts for the next ensuing year, or to whom the board has given the notice required by section 155.

Any contract automatically renewed under the provisions of this section shall be for the same length of the term stated in the current contract and at a salary no lower than that specified therein, to which shall be added such increments as may be determined by the statutory or regulatory rights of such employee by reason of training, or service, or both.

Nothing herein shall prevent the board of trustees from offering a renewed contract increasing the salary of any certificated person, from reassigning administrative or supervisory employees to classroom teaching duties with appropriate reduction of salaries from pre-existing contracts.

Section 155. Notice of Intent Not to Renew Contract or to Reduce Salary. — Whenever a board of trustees has determined not to renew the contract of any certificated person whose contract would otherwise be automatically renewed, or to renew the contract of any person but at a reduced salary, as authorized in section 154, the board of trustees shall give a written notice of such determination, with the reasons therefor, to such person not later than the first day of March preceding the expiration of the term of the current contract.

Section 156. Release from Contract. — Should any certificated employee desire release from the ensuing contract after the first day of April, the board of trustees may at its discretion and not discriminatory as between employees, withhold from salary payable under the current contract an amount not to exceed two per cent of the total amount payable thereunder, as liquidated damages; but any employee prevented from serving under an ensuing contract for reasons not under his control shall be exempt from such withholding.
SECTION 157. TERMINATION OF EMPLOYMENT OR REDUCTION OF SALARY—HEARING AND REVIEW.
—Each certificated employee who receives a notice as provided in section 155, shall, upon request filed with the board of trustees within thirty days thereafter, be granted a hearing before the board, said hearing to be held not more than fifteen days following the request therefor. The employee may present evidence, examine any person who may have spoken against his character or competence and be represented by counsel. The board of trustees may also examine witnesses and be represented by counsel.

SECTION 158. SICK AND OTHER LEAVE.—Each certificated employee of any school district shall be entitled to a minimum sick leave with full pay of eight days in each school year, subject to the limitations provided by this chapter.

The board of trustees may require proof of illness adequate to protect the district against malingering and false claims of illness.

The board of trustees may establish a policy governing leave for certificated employees in the case of illness or death of members of the families of such employees, for professional conferences and workshops, and for such other purposes as the board may determine.

SECTION 158A. ACCUMULATION OF UNUSED SICK LEAVE.—Unused sick leave may be accumulated from year to year as long as an employee remains continuously in the service of the same school district, to a maximum of thirty-two days accumulation of leave. Termination of employment in any district shall terminate sick leave rights, both current and accumulated.

SECTION 158B. SICK LEAVE IN EXCESS OF STATUTORY MINIMUM—PROOF OF ILLNESS.—The board of trustees may fix and establish for the district a period of annual sick leave in excess of the minimum provided herein, not discriminatory between employees, and as in its discretion may appear necessary, and may require proof of illness in accordance with section 158.

The state board of education may provide uniform regulations for proof of illness, including forms for submission of proof, and when so provided, its regulations shall supersede the regulations of the district in this regard.

SECTION 159. MINIMUM SALARY SCHEDULE.—
The schedule hereinbelow shall govern minimum annual salaries lawfully payable to any certificated employee named in subsection 2 of section 121, but nothing herein shall limit any board of trustees in setting salaries in excess of said minimums, nor in the salary scale payable to substitute personnel. The schedule shall be applicable without regard to the length of the school term or to the number of payroll periods for a year of contracted service.

<table>
<thead>
<tr>
<th>Year of Service Being Rendered</th>
<th>Years of Accredited College Training</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Two</td>
</tr>
<tr>
<td>1</td>
<td>1920</td>
</tr>
<tr>
<td>2</td>
<td>1965</td>
</tr>
<tr>
<td>3</td>
<td>2020</td>
</tr>
<tr>
<td>4</td>
<td>2065</td>
</tr>
<tr>
<td>5</td>
<td>2100</td>
</tr>
<tr>
<td>6</td>
<td>2145</td>
</tr>
<tr>
<td>7</td>
<td>2190</td>
</tr>
<tr>
<td>8</td>
<td>2235</td>
</tr>
<tr>
<td>9</td>
<td>2235</td>
</tr>
<tr>
<td>10</td>
<td>2235</td>
</tr>
<tr>
<td>11</td>
<td>2235</td>
</tr>
</tbody>
</table>

Minimum salaries for teachers in the limited fields of trades and industries shall be determined on the basis of trade experience, vocational teacher training and teaching experience as determined by the state board of education.

Section 160. IN-SERVICE TRAINING — HALTING SERVICE INCREMENTS. — The board of trustees of any school district may establish for the district, uniform requirements for in-service training of certificated personnel; and the board may upon notice halt teaching service increments otherwise due any such employee upon neglect or failure to fulfill such requirement, until said requirement shall have been met.

Section 161. SALES OF SERVICES OR MERCHANDISE LIMITED. — No person employed by any public school district shall, either as a principal or as an agent, sell or offer to sell to pupils attending school in the district, or to a parent or guardian of any such pupil, any services or merchandise to be used, or intended to be used, in the schools in connection with activities or studies therein, except under such rules and regulations which shall
be adopted by the board of trustees of the district employing such person.

Nothing herein shall limit a board of trustees from purchasing books, supplies or other equipment which may be sold to pupils attending any school in the district.

SECTION 162. FREEDOM FROM ABUSE.—Certificated employees of every school district shall be free from abuse by parents or other adults, as provided in section 18-911.

SECTION 163. EXEMPTION FROM JURY DUTY.—Teachers shall be exempt from jury duty, as provided in section 2-203(5).

SECTION 164. POWERS AND DUTIES OF TEACHERS.—In the absence of any statute or rule or regulation of the board of trustees, any teacher employed by a school district shall have the right to direct how and when each pupil shall attend to his appropriate duties, and the manner in which a pupil shall demean himself while in attendance at the school. It is the duty of a teacher to carry out the rules and regulations of the board of trustees in controlling and maintaining discipline, and a teacher shall have the power to adopt any reasonable rule or regulation to control and maintain discipline in, and otherwise govern, the classroom, not inconsistent with any statute or rule or regulation of the board of trustees.

SECTION 165. DRIVER TRAINING COURSES.—In conjunction with its supervision of traffic on public highways, the department of law enforcement is directed to cooperate with the state board of education in its establishment of driver training courses in the public schools of the state.

SECTION 166. MINIMUM STANDARDS FOR COURSES.—The state board of education and the department of law enforcement shall cooperate in establishing, and amending as need arises, minimum standards for driver training programs reimbursable hereunder.

Such standards shall require not less than thirty (30) clock hours of classroom instruction and six (6) hours behind the wheel practice driving; but the state board of education may allow in lieu of not more than three (3) hours of such practice driving, such equivalent thereof in simulated practice driving as the said board may have, by uniform regulations, approved.
SECTION 167. ELIGIBLE PUPILS—TIME COURSES OFFERED.—Reimbursable programs shall be open only to pupils ages fourteen through eighteen years.

Pupils enrolled in private or parochial schools located within any school district operating, or participating in the operation of, an authorized driver training program shall be eligible to enroll in such public school operated program. No charge or enrollment fee, not required to be paid by public school pupils for driver training, shall be required to be paid by pupils of such private or parochial schools.

Driver training programs herein authorized may, at the discretion of the board of trustees, be conducted after school hours, or on Saturdays, or during regular school vacations.

SECTION 168. AUTHORIZATION TO OPERATE PROGRAM.—The board of trustees of any school district proposing to establish an authorized driver training program shall, not less than thirty days prior to the proposed commencement thereof, submit to the state board of education the plan therefor. The state board may approve or disapprove such plan and shall give notice of its decision to said board of trustees.

SECTION 169. TWO OR MORE DISTRICTS COOPERATING.—Two or more school districts may, by written agreement, offer a driver training program jointly. In such case the plan shall be submitted by one of the districts which shall be designated as the operating district; and upon approval of the plan, all reports and apportionments of funds shall be made as though the designated operating district were the only district operating the program. The absence of a written agreement, however, shall not limit the board of trustees of any school district in accepting enrollments in its driver training program on the part of pupils in neighboring school districts.

SECTION 170. REPORTS TO STATE BOARD OF EDUCATION.—Each school district which has completed a course in driver training shall submit a report to the state board of education not later than the fifteenth day of February, fifteenth day of June, or first day of September, but not more than six months following the completion of such course, showing (1) the number of pupils who enrolled; (2) the number of pupils who completed the course; and (3) the total cost of operation of the pro-
gram, together with such other information as the state board may require.

SECTION 171. REIMBURSEMENT — DETERMINATION — CERTIFICATION. — a. From the data provided by the school district, as required by section 170, the state board of education shall compute the average of the number of pupils enrolling in the course and those completing the same, and determine for such average number, the per-pupil cost thereof.

The amount due the district from the driver training fund in the state treasury shall be the total cost of operating the program, or the average of the number enrolling in the course and those completing the same, multiplied by fifty-five dollars ($55), whichever is the lesser;

b. On or before the fifteenth day of March, and the fifteenth day of July, and the thirtieth day of September in each year, the state board of education shall certify to the commissioner of law enforcement a list of school districts having submitted the reports required in section 170, and the amount of money due to each as computed under the provisions of subsection (a) of this section. The commissioner of law enforcement shall forthwith certify the same to the state auditor who shall draw his warrants against the driver training fund in the state treasury, in favor of the several districts entitled thereto, in the amount so certified.

SECTION 172. STATE SUPERVISOR OF DRIVER TRAINING — EMPLOYEES — EXPENSES. — The state board of education shall employ a state supervisor of driver training, and other supervisory and clerical help as may be deemed necessary, to effectuate the provisions hereof. The board shall cause to be maintained an accurate and complete record of all costs of administering and supervising the driver training program in the state. Quarterly, on the fifteenth day of April, July, October and January in each year, the state board of education shall certify to the commissioner of law enforcement the actual expenses incurred in administering and supervising the program during the preceding quarter. The commissioner of law enforcement shall thereupon have transferred from the driver training fund to the administrative funds of the state board of education the amount so certified.

SECTION 173. SCHOOL SAFETY PATROLS. — 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 174. PURCHASE OF UNIFORMS, EQUIPMENT, INSURANCE.—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.

Boards of trustees are authorized to purchase life and accident, or casualty, insurance covering members of the school safety patrol while engaged in the performance of their duties, and indemnifying the district, and its officers, and any employees who direct or supervise the school safety patrol, according to the provisions of chapter 35 of title 41.

SECTION 175. FAILURE TO OBEY SAFETY PATROL MEMBER UNLAWFUL.—It shall be unlawful for the operator of any vehicle to fail to stop his vehicle when directed so to do 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 176. INSTRUCTION IN ENGLISH LANGUAGE.**—Instruction in all subjects in the public schools, except that required for the teaching of foreign languages, shall be conducted in the English language.

**SECTION 177. UNITED STATES CONSTITUTION—NATIONAL FLAG AND COLORS—NATIONAL ANTHEM—“AMERICA.”**—a. Instruction in the Constitution of the United States shall be given in all elementary and secondary schools. The state board of education shall prepare and adopt such materials as may be deemed necessary for said purpose, and shall also determine the grades in which such instruction shall be given;

b. Instruction in the proper use of the American Flag and the national colors shall be given in all elementary and secondary schools. Such instruction shall include the Pledge of Allegiance to the Flag, the words and music of the National Anthem, and of “America.”

**SECTION 178. SECTARIAN INSTRUCTION FORBIDDEN.**—No sectarian or denominational doctrine shall be taught in the public schools, nor shall any books, tracts, papers or documents of sectarian or denominational character be used therein.

**SECTION 179. BIBLE READING IN PUBLIC SCHOOLS.**—Selections from the Bible, to be chosen from a list prepared from time to time by the state board of education, shall be read daily to each occupied classroom in each school district. Such reading shall be without comment or interpretation. Any question by any pupil shall be referred for answer to the pupil’s parent or guardian.

**SECTION 180. HEALTH AND PHYSICAL FITNESS—EFFECTS OF ALCOHOL, TOBACCO, STIMULANTS AND NARCOTICS.**—In all school districts there shall be instruction in health and physical fitness, including effects of alcohol, stimulants, tobacco and narcotics on the human system. The state board of education shall cause to be prepared such study guides, materials and reference lists as it may deem necessary to make effective the provisions of this section.

**SECTION 181. ARBOR DAY.**—A day during the month of April in each year, designated as Arbor Day, shall be
observed by such exercises as will encourage the planting, preservation and protection of trees and shrubs.

SECTION 182. AMERICANIZATION EDUCATION OF ADULTS.—The board of trustees of any school district is authorized to provide instruction for Americanization of adult residents of the state, including classes in reading, writing and speaking the English language; the principles of the Constitution of the United States, American history, and such other subjects as deemed desirable for making, of such adults, better American citizens. The expense of such instruction shall be a lawful charge against the maintenance and operation funds of the district.

SECTION 183. RESPONSIBILITY OF SCHOOL DISTRICTS FOR EDUCATION OF HANDICAPPED.—Each public school district is responsible for and shall provide for the education of handicapped school-age pupils resident therein, who are not being educated or eligible for education in state-supported institutions.

SECTION 184. HANDICAPPED CHILD DEFINED.—The term “physically handicapped child” shall mean any educable minor between the ages of six and twenty-one years who is of sound mind, but, by reason of physical impairment, cannot receive the full benefit of ordinary or regular educational facilities as provided in the public school district in which he lives, and whose education requires modification of existing educational programs or the formation of new educational services or programs.

The term “mentally handicapped child” shall mean any educable minor between the ages of six and twenty-one years whose intellectual development renders him incapable of being practically and efficiently educated by ordinary classroom instruction in the public schools of the district in which he resides, but who does possess the ability to learn and may reasonably be expected to benefit from special programs.

Physical and mental handicaps shall be determined according to diagnostic procedures established by the state board of education.

SECTION 185. STATE BOARD OF EDUCATION TO SUPERVISE.—The state board of education shall:

1. Establish programs, and employ such supervisory and clerical personnel as may be required to assist and direct school districts in educating handicapped children;
2. Develop criteria for determining the number of handicapped children in the state, classified by nature of handicap;

3. Determine qualifications and programs of instruction, of teachers of handicapped children.

SECTION 186. 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. 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 cooperatively organizing for the education of all handicapped children residing within the several districts and prorating 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 herein, and the prorating 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.

SECTION 187. DEFINITIONS.—The following words and phrases as used in this chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

1. “Retirement system” shall mean the teachers’ retirement system of the state of Idaho.

2. “Teacher” shall mean any person employed in a teaching, instructional, supervisory, administrative, or educational and scientific research capacity in any public school district, any public junior college district under
the state board of education, including the state superintendent of public instruction; and librarians employed by the state library commission.

Any teacher so defined while engaged as such in a public school or state educational institution in any other state in a temporary exchange with a public school or educational institution in this state, or while serving abroad in international exchange approved by the state board of education, shall be considered a teacher for the purposes of this chapter. In case of doubt, the board of trustees shall determine whether any person is a teacher for the purposes of this chapter.

3. "Member" shall mean any teacher included in the membership of the retirement system.

4. "Board" or "board of trustees" shall mean the board of trustees of the teachers' retirement system.

5. "Medical board" shall mean the board of physicians serving as advisor to the board of trustees in matters of disability retirement of members.

6. "Director" shall mean the director of the teachers' retirement system.

7. "Employer" shall mean any public agency by which a teacher is employed.

8. "Service" shall mean services of a teacher for any employer. Service shall include time spent by any teacher, or any person under contract to teach, in the armed services of the United States or the state of Idaho in time of war, or when any teacher or person under contract to teach is called into the armed forces of the United States or of the state at any time; but time spent following voluntary enlistment or re-enlistment, except in time of war, shall not be considered as service.

9. "Prior service" shall mean service rendered prior to July 1, 1946.

10. "Membership service" shall mean service rendered as a teacher while a member of the retirement system.

11. "Creditable service" shall mean prior service plus membership service, for which credit is allowable.

12. "Annuitant" shall mean a person receiving an annuity or retirement allowance from the retirement system.
13. "Beneficiary" shall mean any person receiving an allowance (1) based upon the election of any option by a member upon retirement, or, (2) upon the death of a member in service.

14. "Accumulated contributions" shall mean the sum of all amounts deducted from the compensation of a member and credited to his individual account in the savings annuity savings fund, together with regular interest thereon.

15. "Full normal working time" shall mean the full working time required in any covered position in any school year.

16. "Earnable compensation" shall mean the full rate of compensation that would be payable to a teacher if he worked the full normal working time. Compensation of more than three thousand dollars ($3,000) in any year shall be considered as three thousand dollars ($3,000). Should compensation include maintenance, the board of trustees shall determine the value of that part of the compensation paid as maintenance.

17. "Average final compensation" shall mean the average annual earnable compensation of a teacher during his last ten years of creditable service, or if less than ten years, then his average annual earnable compensation for his total service.

18. "Savings annuity" shall mean payments for life derived from the accumulated contributions of a member.

19. "Service annuity" shall mean payments for life derived from accumulated contributions from public funds.

20. "Retirement allowance" shall mean the sum of the savings annuity and the service annuity, or any optional benefit payable in lieu thereof.

21. "Retirement" shall mean withdrawal from service with a retirement allowance granted under the provisions of this chapter.

22. "Savings annuity reserve" shall mean the present value of all payments to be made on account of any savings annuity, or benefit in lieu of any savings annuity, computed on the basis of such mortality tables as shall be adopted by the board of trustees, and regular interest.
23. "Service annuity reserve" shall mean the present value of all payments to be made on account of any service annuity or benefits in lieu of any service annuity, computed on the basis of such mortality tables as shall be adopted by the board of trustees, and regular interest.

24. "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality tables as shall be adopted by the board of trustees, and regular interest.

25. The masculine pronoun, whenever used, shall include the feminine.

SECTION 188. NAME, STATUS AND SUPERVISION. — The teachers' retirement system created by chapter 35, first extraordinary session of 1946, the funds thereof, and the rights of the members annuitants and beneficiaries in and to said funds, are continued. It shall continue to be known as the "Teachers' Retirement System of Idaho," and by such name all of its business shall be transacted, all of its funds invested, and all of its cash and securities and other property held in trust for the purposes for which received. The retirement system is constituted a separate and independent governmental instrumentality and legal entity for all of the purposes of this chapter and shall have the power in its name to sue and be sued and to perform all acts and do all things necessary or convenient to carry out the powers herein granted and to accomplish the purposes of this chapter. The general supervision of the retirement system is vested in the state board of education.

SECTION 189. BOARD OF TRUSTEES — MEMBERSHIP — QUALIFICATION — VACANCIES — EXPENSE. — The government and control of the retirement system is vested in a board of trustees, comprised as follows:

The state superintendent of public instruction and the state auditor, each ex officio;

A member of the state board of education designated by said board;

Two teachers who shall be members of the retirement system, each selected for a term of four years, the selection to be conducted by such rules and regulations as the Idaho Education Association shall adopt. The terms of said members shall commence on the first day of September in odd-numbered years but the term of both said members shall not commence in the same year.
Vacancies on the board of trustees shall be filled for the unexpired term, in the same manner the office was filled previously.

Each trustee shall, before entering upon his duties, take, subscribe to and file the oath of office required of public officers of the state of Idaho, as prescribed by chapter 4 of title 59.

Trustees shall serve without compensation, but shall be reimbursed from the expense fund for all expenses necessarily incurred in carrying out the duties of the board.

The board shall organize by electing a chairman, and at its discretion a vice-chairman. Each member shall be entitled to one vote. A quorum for the transaction of business shall be a majority of the members of the board.

SECTION 190. DUTIES OF THE BOARD OF TRUSTEES.—The board of trustees shall:

1. Appoint a director at a salary the board shall determine. The director shall be the secretary of the board and shall perform such duties as the board may require;

2. From time to time, establish rules and regulations for the administration of the system and the funds thereof;

3. Levy at least annually such assessments upon the contributing members of the retirement system, in addition to all other contributions, as may be necessary to defray one-half the cost of administering the system, which assessments, when collected, shall be credited to the expense fund;

4. Engage such actuarial and other services as shall be required to transact the business of the retirement system. The compensation of all persons so engaged, and all other expenses of the board not otherwise provided for in the operation of the system, shall be paid at rates and in such amounts as the board of trustees may determine;

5. Keep in convenient form such data as shall be necessary for the actuarial valuation of the various funds of the system, and for checking the experience of the retirement system;

6. Keep a record of its proceedings which record shall be open to public inspection;

7. Make annually a report showing the fiscal transactions of the retirement system for the preceding school year, the
amount of the accumulated cash and securities of the
system, and the last balance sheet showing the financial
condition of the system by means of an actuarial valuation
of the assets and liabilities of the system. Said annual
reports shall be published as a biennial report of the board,
and the cost thereof shall be paid from the expense fund.

SECTION 191. LEGAL ADVISOR.—The attorney general
of the state shall be the legal advisor of the board and of the
retirement system.

SECTION 192. MEDICAL BOARD.—The board of truste­ees shall designate a medical board to be comprised of three
physicians not eligible to participate in the retirement sys­tem. If required, other physicians may be employed to
report on special cases. The medical board shall arrange
for and pass upon all medical examinations required under
the provisions of this chapter, shall investigate all essential
statements and certificates by or on behalf of a member in
connection with an application for disability retirement,
and shall report in writing to the board its conclusions and
recommendations upon all matters referred to it.

SECTION 193. DUTIES OF THE ACTUARY.—The ac­tuary shall be the technical advisor of the board in matters
regarding the operation of the funds of the retirement sys­tem and shall perform such other duties as are required in
connection therewith.

At least once in each four-year period the actuary shall
make an actuarial investigation into the mortality, service
and compensation experience of the members and benefi­ciaries of the retirement system, and shall make a valu­
ation of the assets and liabilities of the funds thereof, and,
taking into account the result of such investigation and
valuation, the board shall adopt for the retirement system
such mortality, service and other tables as shall be deemed
necessary; and the board shall certify the rates of contribu­
tion payable by members under the provisions of this
chapter.

SECTION 194. 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. Such election to cease to be a member shall be irrevocable;

3. Should a member render less than one year of creditable service in any period of six consecutive years, or have withdrawn his contributions with interest thereon as provided in section 203, or become an annuitant, or die, he shall thereupon cease to be a member;

4. Any teacher engaged as such in a public school or educational institution of any other state on a temporary exchange basis, or who serves abroad in international exchange of teachers as approved by the state board of education, shall be considered to be employed during such exchange by the employer in Idaho making such exchange;

5. At the option of the organizations named herein, if such employ in executive capacity a person who at the time of such employment was a member of the retirement system, and at the option of such person, such person may remain and be a member of the retirement system. Any option herein shall be evidenced by resolutions approved by the governing board of the organization exercising it, and that of the person so employed shall be by application, each filed with the board of trustees. When the organization and the person exercise such option, the organization shall pay into the service annuity accumulation fund the employers' contribution, from and after the date of the exercise of such option. Organizations which may exercise the options provided hereunder shall be, the Idaho Education Association, Inc., the Idaho Teachers' Mutual Benefit Association, Inc., the Idaho High School Interscholastic Activities Association and the Idaho School Trustees Association.

SECTION 195. CREDITABLE SERVICE. — 1. Under such rules and regulations as the board of trustees shall adopt, each member who was a teacher at any time during the ten-year period immediately preceding the date of establishment of the retirement system and who became a member during the first year after the date of establishment, and any member who was a teacher in active service in Idaho for five or more years prior to the date of establishment, who resumes teaching in Idaho after the date of establishment and thereafter serves five years or more in such membership capacity, if he has not previously filed with the board of trustees a waiver of all benefits of the retirement system, shall file a detailed statement of all services as a teacher rendered in the state of Idaho prior
to the establishment of the retirement system for which credit is claimed;

2. The board of trustees shall determine by appropriate rules and regulations the minimum period of service which in any year shall be deemed to be a year of service but in no event shall it allow any credit for a period of absence without pay for more than two months' duration in any school term, nor shall more than one year of service be creditable for all service in any school year. Service rendered for the regular school year shall be one year of service but any service rendered in addition to service during the regular school year shall also be considered as a part of such year's service;

3. Subject to the above restrictions and to such other rules and regulations as the board of trustees may adopt, the board of trustees shall verify, as soon as practicable after the filing of statements of service, the service therein claimed;

4. Upon verification of the statements of service, the board of trustees shall grant prior service on the basis of the statement so verified. So long as membership continues, prior service so granted shall be conclusive and final for retirement purposes as to such service; but upon application of a member filed within one year from the last determination of such service, the board may upon verification, modify or correct such prior service record.

When membership ceases for reason other than service or disability retirement, prior service credit shall be canceled. Should such teacher again become a member, he shall enter the system as a teacher not entitled to prior service credit;

5. Creditable service at retirement on which allowance of a member shall be based shall consist of membership service rendered since last becoming a member and allowable prior service.

SECTION 196. RETIREMENT — SERVICE RETIREMENT BENEFIT.—Any member may retire upon written application to the board of trustees setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, if such member at the time so specified for his retirement shall have attained the age of sixty years and notwithstanding that he may have separated from service.
Any member who shall attain the age of seventy years shall be retired forthwith under the provisions of this chapter except that if such member shall attain the age of seventy years during a school term in which he shall be engaged in service as a teacher, such member may at his option commence his retirement at the end of such school term.

Upon retirement from service a member shall receive a service retirement allowance which shall consist of:

1. A savings annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement;

2. A service annuity which shall be equal to one-one-hundred-fortieth of his average final compensation multiplied by the number of years of his service since he last became a member; and

3. If he has creditable prior service, an additional service annuity which shall be equal to one-seventieth of his average final compensation multiplied by the number of years of service for which such credit is allowed.

Service retirement benefits shall be paid in equal monthly installments.

SECTION 197. DISABILITY RETIREMENT BENEFIT.—Any member who has had ten or more years of creditable service may be retired upon his own application, or the application of his employer, by the board of trustees on a disability retirement allowance, if the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for service and that incapacity is likely to be permanent, and that such member should be retired. The board shall act upon such application within ninety days after the filing thereof.

Upon retirement for disability a member shall receive a service retirement allowance if he has attained the age of sixty years; otherwise, he shall receive a disability retirement allowance which shall consist of:

1. A savings annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement;

2. A service annuity which, together with his savings annuity, shall provide a total retirement allowance equal
to ninety per centum of one-seventieth of his average final compensation multiplied by the number of years of his creditable service, if such retirement allowance exceeds one-quarter of his average final compensation; otherwise, a service annuity which, together with his savings annuity, shall provide a total retirement allowance equal to one-quarter of his average final compensation, provided, however, that no such allowance shall exceed ninety per centum of one-seventieth of his average final compensation multiplied by the number of years which would be creditable to him were his service to continue until the attainment of age sixty.

Disability retirement benefits shall be paid in equal monthly installments.

SECTION 198. RE-EXAMINATION OF TEACHERS RETIRED ON DISABILITY.—Once a year during the first five years following the retirement of a member on a disability retirement allowance, and once in every three-year period thereafter, the board of trustees may, and upon his application shall, require any disability annuitant who has not yet attained the age of sixty years to undergo a medical examination, such examination to be made at the place of residence of such annuitant or other place mutually agreed upon, by a physician or physicians designated by the board of trustees. Should any disability annuitant who has not yet attained the age of sixty years refuse to submit to such medical examination, his allowance may be discontinued until his withdrawal of such refusal, and should such refusal continue for one year all his rights in and to a service annuity may be revoked by the board of trustees.

Should the medical board report and certify to the board of trustees that any disability annuitant under the age of sixty years is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation, and should the board of trustees concur in such report, then the amount of his service annuity shall be reduced to an amount which, together with his savings annuity and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his service annuity may be further modified; provided that the new service annuity shall not exceed the amount of the service annuity originally granted nor any amount which, when
added to the amount earnable by the annuitant together with his savings annuity, equals the amount of his average final compensation. Any such annuitant restored to service at a salary less than the average final compensation upon the basis of which he was retired shall not become a member of the retirement system until his salary shall equal his average final compensation. For the purposes of this paragraph "retirement allowance" shall mean the allowance payable without optional modification as hereinafter provided in section 197.

Should a disability annuitant under the age of sixty years be restored to active service and should his annual earnable compensation then or at any time prior to the age of sixty years be equal to or greater than his average final compensation at retirement, his retirement allowance shall cease. He shall again become a member of the retirement system and he shall contribute thereafter at the same rate he paid prior to disability. Anything in this chapter to the contrary notwithstanding, any prior service credit on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect, and in addition, upon his subsequent retirement he shall be credited with all the service as a member creditable to him at the time of his retirement. Should he be restored to membership after the attainment of the age of fifty years, his service annuity upon subsequent retirement shall not exceed the sum of the service annuity which he was receiving immediately prior to his last restoration to membership and the service annuity that may have accrued to him as a new member on account of service since his last restoration to membership, provided that the total service annuity on his subsequent retirement shall not exceed the rate per centum he would have received had he remained in service during the period of his prior retirement.

SECTION 199. OPTIONAL ALLOWANCES.—In lieu of the disability or service allowance payable under the aforesaid provisions, any member may, prior to the first retirement allowance payment normally due, elect a retirement allowance of equivalent actuarial value in one of the optional forms set out below. The election of the option shall be made on a form provided for that purpose, executed before a notary public, or attested by two witnesses, and filed with the director. Should a member die prior to the expiration of thirty days after the date of the filing of such election or prior to thirty days after retirement,
such election shall be void and of no effect, and the benefits payable on his account shall be the same as though his election had not been filed and he had not retired. A member who has elected an optional benefit may change such election by due notice to the director, but no change may be made after the first payment of his allowance becomes normally due.

Option 1. If the member die before he has received in savings annuity payments the present value of his savings annuity as it was at the time of his retirement, the balance shall be paid to such person, if any, as he shall nominate by written designation; otherwise, to his estate; or

Option 2. Upon his death, his reduced retirement allowance shall be continued through the life of and paid only to the husband or wife, child, father or mother, brother or sister, grandchild, niece or nephew (if such grandchild, niece or nephew be dependent upon the member for support and maintenance) of the member whom such member shall nominate by written designation at the time of his retirement; or

Option 3. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid only to the husband or wife, child, father or mother, brother or sister, grandchild, niece or nephew (if such grandchild, niece or nephew be dependent upon the member for support and maintenance) of the member whom such member shall nominate by written designation filed at the time of his retirement; or

Option 4. Such other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate, if such other benefit or benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance, and shall be approved by the board of trustees.

SECTION 200. ANNUITANTS MAY TEACH AS SUBSTITUTES.—Any annuitant may render substitute teaching service in any school district or state educational institution for not to exceed sixty (60) days in any school year and such service shall not affect any retirement benefits previously granted.

SECTION 201. RETIRED TEACHERS MAY RE-ENTER SERVICE.—Any person over the age of sixty
years who has been retired under the provisions of the teachers' retirement law may re-engage in service in a position covered under the provisions of the chapter, subject to suspension, during such service of the service annuity portion of the benefits previously granted. The board of trustees of the retirement system is hereby directed to suspend such service annuity portion of the benefits payable during such period of service and the assent of the annuitant is deemed to have been given for such suspension. Nothing herein shall be construed to diminish the benefits payable to an annuitant under the provisions of section 200.

Section 202. Death Benefits.—Upon the receipt of proper proof of the death of a member in service, or while on leave of absence officially granted, or, if no leave be granted, within four months after termination of any school term during which he was a teacher, there shall be paid to such person, if any, as he shall have nominated by written designation filed with the director, otherwise to his estate:

1. His accumulated contributions; and
2. If the member has one or more years of creditable service, an amount equal to fifty per centum of his average final compensation.

Section 203. Return of Contributions.—Should a member cease to be a teacher or a member except by death on account of which a benefit is paid under section 202, or by retirement under the provisions of this chapter, not later than six months from demand there shall be paid to him, or, if he be deceased, to his beneficiary last nominated as provided herein, or to his estate, his accumulated contributions less such reduction, not in excess of the interest thereon, as the board of trustees may determine in accordance with the standing resolutions adopted from time to time.

Section 204. Management of Funds—Investment.—1. The several funds of the retirement system 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; and they shall be subject to disbursement on the order of the board of trustees. Cash on hand in said funds shall be deposited by the state treasurer under the provisions of the Public Depository Law;
2. The department of public investments shall at the direction of the board invest and reinvest the money in such funds in securities in which the public school fund may be invested; or in bonds issued under the authority of the state board of education (and board of regents of the university) for the construction of facilities at state educational institutions; or 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 though 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 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 for making such investments when signed by the director and by the state auditor. Upon sale of any such investments the proceeds thereof shall be paid into the fund entitled thereto.

SECTION 205. INTEREST — CLAIMS AGAINST FUNDS.—1. 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 credited annually 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 by the board of trustees, based upon the interest earnings of the system for the next preceding year, and the probable earnings of the system in the immediate future;

2. 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.

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.

**SECTION 206. FUNDS OF THE RETIREMENT SYSTEM.**—The board of trustees shall keep such records and accounts as may be necessary to show the liabilities and assets of the system as represented by contributions made, plus credited interest, and less payments made, as adjusted according to the experience of the system; and in five separate funds as follows: The savings annuity savings fund, the savings annuity reserve fund, the service annuity accumulation fund, the service annuity reserve fund, and the expense fund.

**SECTION 207. SAVINGS ANNUITY SAVINGS FUND.**—1. The savings annuity savings fund shall be a fund in which shall be accumulated contributions from the compensation of members to provide for their annuities. Upon the basis of such tables as the board of trustees shall adopt and regular interest, the actuary of the retirement system
shall determine for each member the proportion of earnable compensation which, when deducted from each payment of his prospective compensation earnable prior to his attainment of the age of sixty years and accumulated at regular interest until his attainment of said age, shall be computed to provide at that time a savings annuity equal to the service annuity to which he will be entitled at that age on account of his service as a member. Such proportion of compensation shall be computed to remain constant until changed by the board of trustees as provided herein on the basis of experience under the system;

2. The proportion so computed for a member age fifty-nine shall be applied to a member who attains a greater age before he becomes a member of the retirement system. The board of trustees shall certify to each employer and he shall cause to be deducted from the salary of each member on each and every payroll period, the proportion of earnable compensation of each member so computed. But the employer shall not have any deductions made for savings annuity purposes from the compensation of a member who elects not to contribute if he has attained the age of sixty years and has completed thirty-five years of service. In determining the amount earnable by a member in a payroll period, the board of trustees may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deduction from compensation for any period less than a full payroll period if a teacher was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required by any member by such an amount as shall not exceed one-tenth of one per centum of the annual compensation upon the basis of which such deduction is to be made;

3. The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein, and shall receipt for his full salary or compensation, and payment of salary or compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this chapter. Each employer shall certify to the board of trustees on each and
every payroll, or in such other manner as the board of trustees may prescribe, the amounts to be deducted; and each of said amounts shall be deducted and paid to the teachers' retirement system for deposit with the state treasurer, and shall be credited, together with regular interest thereon to the individual account of the member in the savings annuity savings fund;

4. Subject to the approval of the board of trustees, in addition to the contribution deducted from compensation as hereinbefore provided, any member may redeposit in the savings annuity savings fund by a single payment or by an increased rate of contribution an amount equal to the total amount which he may have withdrawn previously therefrom as provided in section 203; or any member may deposit therein by a single payment or by an increased rate of contribution an amount computed to be sufficient for him to have an additional annuity which, together with his prospective retirement allowance, will provide for him a total retirement allowance not in excess of one-half of his average final compensation at the age of sixty years, or a total allowance equal to that which he should have received had teaching service outside of the state been rendered in Idaho. Such additional amounts so deposited shall become a part of his accumulated contributions except in the case of disability retirement, when they shall be treated as excess contributions returnable to the member in cash or as an annuity of equivalent actuarial value. The contributions and interest credits of a member withdrawn by him, or paid to his estate or to his designated beneficiary in event of his death shall be paid from the savings annuity savings fund. Should a member cease to be a teacher except by death or retirement, the excess, if any, of his accumulated contributions over the amount paid to him shall be transferred from the savings annuity savings fund to the service annuity accumulation fund. Upon the retirement of a member his accumulated contributions shall be transferred from the savings annuity savings fund to the savings annuity reserve fund.

SECTION 208. SAVINGS ANNUITY RESERVE FUND. —The savings annuity reserve fund shall be the fund in which shall be held the reserves on all savings annuities in force and from which shall be paid all savings annuities and all benefits in lieu of savings annuities. Should an annuitant retired on account of disability be restored to membership, his savings annuity reserve shall be transferred from the savings annuity reserve fund to the savings
annuity savings fund and credited to his individual account therein.

**Section 209. Service Annuity Accumulation Fund.**—The service annuity accumulation fund shall be the fund in which shall be accumulated all reserves for the payment of all service annuities and other benefits payable from contributions made from public funds to be furnished by the employers, the counties and the state as hereinafter provided, and from which shall be paid all service annuities and other benefits on account of members with prior service credit and the lump sum death benefits for all members payable from the said contributions. Contributions to and payments from the service annuity accumulation fund shall be made as follows:

1. On account of each member there shall be paid annually into the service annuity accumulation fund for the preceding fiscal year from such public funds, an amount equal to a certain percentage of the earnable compensation of each member to be known as the "normal contribution," and an additional amount equal to a percentage of his annual earnable compensation to be known as the "accrued liability contribution." The rates per centum of such contributions shall be fixed on the basis of the liabilities of the retirement system as shown by actuarial valuation;

2. On the basis of regular interest and of such mortality and other tables as shall be adopted by the board of trustees, the actuary engaged by the board of trustees, to make each valuation during the period over which the accrued liability contribution is payable, immediately after making such valuation, shall determine the uniform and constant percentage of the earnable compensation of the average new entrant to membership which if contributed on the basis of compensation of such new entrant to membership throughout his entire period of active service would be sufficient to provide for the payment of any death benefit or service annuity payable on his account. The rate per centum so determined shall be known as the "normal contribution" rate. After the accrued liability contribution has ceased to be payable, the normal contribution rate shall be the rate per centum of the earnable compensation of all members obtained by deducting from the total liabilities of the service annuity accumulation fund, the amount of the funds in hand to the credit of that fund and dividing the remainder by one per centum of the present value of
the prospective future salaries of all members as computed on the basis of the mortality and service tables adopted by the board of trustees, and regular interest. The normal rate of contribution shall be determined by the actuary after each valuation;

3. Immediately succeeding each valuation the actuary engaged by the board of trustees shall compute the rate per centum of the total annual earnable compensation of all members which is equivalent to two per centum of the amount of the total service annuity and death benefit liability on account of all members, annuitants and beneficiaries which is not dischargeable by aforesaid normal contributions made on account of such members during the remainder of their active service, and the rate per centum so determined shall be known as the “accrued liability contribution” rate;

4. The total amount payable in each year to the service annuity accumulation fund shall be not less than the sum of the rate per centum known as the normal contribution rate and the rate per centum known as the accrued liability contribution rate, of the total compensation earnable by all members during the preceding year; provided, however, that the aggregate payment from public funds contributed by the employers, counties and state shall be sufficient, when combined with the amount in the fund, to provide the service annuities and other benefits payable out of the fund during the year then current;

5. The accrued liability contribution shall be discontinued as soon as the accumulated reserve in the service annuity accumulation fund shall equal the present value, as actuarially computed and approved by the board of trustees of the total liability of such fund less the present value, computed on the basis of the normal contribution rate then in force, of the prospective normal contributions to be received on account of persons who are at that time members;

6. All interest and profits earned on the funds of the retirement system shall be credited to the service annuity accumulation fund, and the amounts required to allow regular interest on the savings annuity savings fund, the savings annuity reserve fund and the service annuity reserve fund shall be transferred to the respective funds from the service annuity accumulation fund;

7. All service annuities and benefits in lieu thereof, with
the exception of those payable on account of members who receive no prior service allowance, and all lump sum death benefits on account of death in active service, payable from contributions of the state, shall be paid from the service annuity accumulation fund;

8. Upon the retirement of a member not entitled to credit for prior service, an amount equal to his service annuity reserve shall be transferred from the service annuity accumulation fund to the service annuity reserve fund;

9. The board of trustees may in its discretion have transferred to and from the service annuity accumulation fund the amount of any surplus or deficit which may develop in the reserve held in the savings annuity reserve fund or the service annuity reserve fund.

SECTION 210. SERVICE ANNUITY RESERVE FUND. —The service annuity reserve fund shall be the fund in which shall be held the reserves on all service annuities granted to members not entitled to credit for prior service and from which such service annuities and benefits in lieu thereof shall be paid. Should an annuitant not entitled to credit for prior service and retired on account of disability be restored to membership, his service annuity reserve shall be transferred from the service annuity reserve fund to the service annuity accumulation fund. Should the service annuity of a disability annuitant not entitled to credit for prior service be reduced as a result of an increase in his earning capacity, the amount of the annual reduction in his service annuity shall be paid annually into the service annuity accumulation fund during the period of such reduction.

SECTION 211. EXPENSE FUND.—The expense fund shall be the fund to which shall be credited all appropriations made by the state and all assessments made by the board of trustees of the retirement system for the administration of the retirement system, and from which shall be paid all expenses of administering the system. One-half of the cost of administration shall be the obligation of the state, and one-half the obligation of the contributing members. Annually the board of trustees shall estimate the amount of money, not in excess of three-tenths of one per centum of the earnable compensation of members, which shall be deemed necessary to be paid into the expense fund for the above purposes.

SECTION 212. CONTRIBUTION OF COUNTIES. —
Contributions to the service annuity accumulation fund of the teachers' retirement system, for teachers employed by school and junior college districts, shall be made by each county in the manner prescribed by this section.

Each year the state tax commission shall ascertain that amount of money which is one per cent (1%) of the sum of the equalized assessed value of all taxable property in the state in that year and the total assessments on subsequent personal property rolls for the year next preceding. It shall then apportion the amount of the money so ascertained among the several counties of the state, to each, in the proportion thereof as the amount of the adjusted value of taxable property in the county bears to the total adjusted value of all taxable property in the state, as said adjusted values are determined under section 63-628.

On or before the first Monday of September in each year, the executive officer of the state tax commission shall certify to the board of county commissioners of each county the amount of that county's contribution to the teachers' retirement system, as determined in the manner hereinabove provided, and the board of county commissioners shall thereafter determine, and make, a levy in mills on all taxable property in the county which will produce the amount of money certified as the county's contribution to the said system.

Taxes levied for the county contribution to the teachers' retirement system shall be paid to the state treasurer not later than January 31 and July 31 following the year in which the taxes were levied.

SECTION 213. STATE CONTRIBUTIONS.—The contributions by the counties for members in the employ of the school districts and junior college districts shall be supplemented from such appropriations as shall be made by the state, to the extent that such county contributions shall be inadequate to provide the full requirements of the service annuity accumulation fund for such members. The contributions required to the service annuity accumulation fund for members other than those employed by school districts and junior college districts, except as provided by section 194(5) herein, shall be paid to such fund by appropriations made therefor by the state.

SECTION 214. FEDERAL GOVERNMENT PARTICIPATING.—Every employer defined in this act is authorized and directed to accept employee and employercontri-
butions to each of the several funds created by this act, from funds furnished in whole or in part from appropriations furnished by the United States of America or any agency thereof, and to accept for the several funds created by this act grants from any federal agency, and to enter into cooperative agreements with the federal government and any agency thereof with respect to any such funds and the purposes for which the same shall be paid and to transfer from any of the funds created by this act any such federal contributions which shall be allocated for any member of the retirement system, together with the savings annuity of such member, and the retirement rights accrued to such member under this act, upon the transfer of such member from any school, institution or department in the state of Idaho to any school, institution or department in any other state or of the federal government.

SECTION 215. INFORMATION TO BE FURNISHED. —Every employer shall furnish to the board of trustees such information relating to the retirement system and the operation thereof, pertaining to such employer, as such board shall require. The board of trustees shall furnish and certify to the state board of education all information pertaining to the retirement system and the operation thereof as the state board of education shall deem necessary to fully determine the amounts which shall become necessary from state appropriations for each biennium. The state board of education shall comply with the state budget law of Idaho and present the requirements of the system for state appropriations to the legislature at each regular session thereof. The board of trustees shall furnish to each school district, county, state education institution and department such information relating to the retirement system, pertaining to such employer, as such employer shall require.

SECTION 216. DUTIES OF STATE AUDITOR AND STATE TREASURER.—It shall be the duty of the state treasurer to receive all moneys paid or offered to be paid to him as state treasurer for the purposes of this chapter and give his receipt therefor. The state auditor shall report balances in the teacher retirement fund to the board of trustees, upon request therefor.

SECTION 217. OBLIGATION OF THE STATE — USE OF INCOME, INTEREST AND DIVIDENDS — PUBLIC SCHOOL ENDOWMENT FUND A GUARANTEE —
APPROPRIATION. — 1. 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 and the payment of all service annuities, savings annuities, retirement allowances, refunds and other benefits granted under the provisions of this chapter 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 interest and profits 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;

2. The public school endowment fund of the state of Idaho created and accumulated pursuant to article IX, Constitution of Idaho, 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 members 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;

3. In each fiscal biennium 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 to become due in such fiscal period, but not to exceed two hundred thousand dollars ($200,000) or as much thereof as may be necessary;

4. In computing the general fund contribution to the public school income fund in each biennium, the state board of education and the director of the budget are hereby directed to take into consideration the amount appropriated in subsection (3) of this section, and are directed to add a sum to the general fund appropriation to the public
school income fund hereby appropriated to the teachers' retirement system, in order to meet the full requirements of the public school income fund and complete the foundation program requirements of all school districts.

Section 218. Uniformity of Procedure.—The board of trustees, with the approval of the state board of education, shall have the power and authority to make such rules of procedure as may be necessary or desirable for carrying out the provisions to the end that the retirement system provided hereby shall become fully effective and to the end that the practice and procedure throughout the state of Idaho shall be as uniform as possible.

Section 219. Assignments of Allowances Prohibited—Exemption from Legal Process.—The right of a person to a service annuity, a savings annuity, or a retirement allowance, to the return of contributions, the service annuity, savings annuity or retirement allowance itself, any optional benefit of death benefit, or any other right accrued or accruing to any person under the retirement system and the moneys in the various funds of said system shall be exempted from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, or any other process whatsoever, and shall be unassignable except as may otherwise be specifically provided.

Section 220. Gifts to the System.—The board of trustees of the retirement system is hereby authorized in the name of such retirement system, and on behalf of such retirement system, to accept gifts, legacies and devises of property to the state for the use and benefit of the retirement system.

Section 221. Correction of Errors.—Should any change or error in the records result in any member, annuitant or beneficiary receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the board shall correct such error, and, so far as practicable, shall adjust the payments in such a manner that the actuarial equivalent of the benefit to which such member or annuitant was correctly entitled shall be paid.

Section 222. Limitation of Membership.—No other provision of law in any other statute which provides wholly or partly at the expense of the state of Idaho for pensions or retirement benefits for teachers of the state
shall apply to members of the retirement system estab-
lished by this act.

SECTION 223. STATE INCOME TAX EXEMPTION.—
Payments made to any annuitant or beneficiary from the
funds of the retirement system shall be exempt from the

SECTION 224. DEFINITIONS.—For the purpose of sec-
tions 224 through 234, the following words shall have these
meanings:

1. “Course” means any course, plan or program of in-
struction, whether conducted in person, by mail, or by any
other method.

2. “Person” means an individual, firm or corporation
offering courses and conducting the same, for a fee, com-
pensation or tuition, in this state or from a place of busi-
ness in this state.

3. “Principal” means any person conducting courses.

4. “Agent” means anyone who solicits students for
courses.

5. “Registrant” means a person who has been issued a
certificate authorizing the conduct of courses.

SECTION 225. COURSES EXCEPTED.—The following
courses are excepted from the provisions and limitations
herein prescribed:

1. Courses recognized by the state board of education,
which comply in whole or in part with the compulsory
education law;

2. Courses offered by an educational institution accred-
ited by the state board of education;

3. Courses offered by an educational institution accred-
ited by a national or regional accrediting agency recog-
nized by the state board of education;

4. Courses offered by any school, the requirements for
which are prescribed in title 54;

5. Courses offered by an employer solely for his em-
ployees as a part of an in-service training program.

SECTION 226. REGISTRATION—CERTIFICATE OF
COMPLIANCE.—No person, whether operating from with-
in or without the state of Idaho, shall sell, offer for sale,
or distribute, or cause to be sold, offered for sale, or distributed, any course or courses in this state unless such person shall have registered with, and hold a valid certificate of compliance issued by, the state board of education. Any such registration and certificate of compliance shall expire on the thirtieth day of June of each year.

At the time of the initial application for registration and for a certificate of compliance, and for each application for renewal thereof, the applicant shall furnish to the state board of education a schedule of its fees or other costs to be charged by it for each course, the name and address of the person offering the same, and such other information as the state board of education may require to pass properly upon such application.

Whenever in its judgment the public interest will be served thereby, the state board of education may deny an application for registration and for a certificate of compliance, or any application for renewal thereof, or it may issue to an applicant a restricted or limited certificate of compliance, but any such action by the state board of education shall be subject to the right of any person affected thereby to appeal to the district court in and for the County of Ada, and such appeal shall be heard de novo.

Section 227. Fee — Certificate of Compliance — State Superintendent Process Agent. — Each person applying for registration and for a certificate of compliance, and for each renewal thereof, shall at the time of such application pay to the state board of education a fee of twenty-five dollars ($25).

Before any certificate of compliance is issued to any nonresident person, such person shall, at the time of the initial application, appoint the state superintendent of public instruction, and his successor in office, as its attorney to receive service of legal process issued against it in this state. The appointment shall be made in a form designated and furnished by the state board of education. The appointment shall be irrevocable, shall bind such person and any successor in interest or to the assets or liabilities of the person, and shall remain in effect so long as there is in force any contract or obligation arising out of its operations in this state.

Service of such process against any nonresident registrant shall be made only by service thereof upon the state
superintendent of public instruction, or other person in charge of his office during his absence.

At the time of initial application for registration and for a certificate of compliance, the nonresident applicant shall file the appointment of the state superintendent of public instruction, together with the designation of the individual, and his address, to whom process against it served upon the said state superintendent is to be forwarded. Any nonresident registrant may change such designation by a new filing.

Any registration, or any certificate of compliance, shall not be deemed approval by the state board of education of the registrant or of any course offered by such registrant. Any statement made by a registrant, or by the agent of a registrant, that the registrant or any course offered by it, has been approved by the state board of education, or any statement or representation made in such manner as to imply such approval, shall constitute a misrepresentation.

SECTION 228. SERVING PROCESS — TIME TO PLEAD. — Duplicate copies of legal process against a nonresident registrant for whom the state superintendent of public instruction 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 said state superintendent five dollars ($5), taxable as costs in the action.

The state superintendent shall forthwith send one of the copies of the process, by registered or certified mail with return receipt requested, to the individual designated for the purpose by the registrant in its most recent filing of such designation.

The state superintendent shall keep a record of the day of service upon him of all legal process. No proceedings shall be had against the registrant so served, and the registrant shall not be required to appear, answer, or otherwise plead, until the expiration of thirty (30) days after the date of service upon the state superintendent.

Process served and copy thereof forwarded as in this section provided, shall for all purposes constitute valid and binding service thereof upon the registrant.

SECTION 229. PUBLICISING OF INSTRUCTION. — No person or agent shall:
1. Make, or cause to be made, any statement, oral, written or visual, in connection with the offering or publicising of courses, if such person know or reasonably should know the statement or representation to be false, misleading, or substantially inaccurate;

2. Do any act constituting any part of the conduct or administration of a course, or the obtaining of students therefor, if such person know or reasonably should know that any phase or incident of the conduct or administration of the course is being carried on by fraud, deception or other misrepresentation;

3. Promise or guarantee employment utilizing the information, training or skill purported to be provided or enhanced by a course, unless the promisor or guarantor offer the student or prospective student a bona fide contract agreeing to employ the student or prospective student for a period of not less than ninety days in a business or enterprise regularly conducted by the promisor or guarantor and in which the information, training or skill is a normal condition of such employment.

SECTION 230. SOLICITING AND SELLING COURSES

AGENT—BOND. — No person, or agent of a person, shall solicit students for courses, or sell courses, within this state or from a place of business in this state, for a consideration or remuneration unless he shall have first secured a permit from the state board of education. Said permit shall be evidenced by a pocket card issued to said person or agent by the state board of education, and all permits shall be renewed annually on the first day of July. If courses are solicited or sold for more than one person, a separate permit is required for each.

Application for permits shall be upon forms provided by the state board of education. The pocket cards shall bear the name and address of the bearer, the name and address of the principal, and a statement that the bearer is an authorized agent of the principal, and may solicit and sell courses for the principal. The annual fee for each permit shall be five dollars ($5).

Before any such permit be issued, the applicant shall have posted with the board of education an acceptable surety bond in the penal sum of one thousand dollars ($1,000). Such bond may be continuous and shall be conditioned to provide indemnification to any student suffering loss as a result of fraud or misrepresentation in pro-
curing his enrollment. Or, the principal may provide proof that each agent seeking a permit hereunder is included in a blanket bond not less than the amount required herein. The liability of the surety of any agent shall in no event exceed one thousand dollars ($1,000) as an aggregate for any or all students for all breaches of conditions of the bond. The surety of any such bond may cancel the same upon giving thirty days’ notice in writing to the state board of education and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of such cancellation. The state board of education shall give notice in writing to any agent, when the board has been notified that the bond of such agent is to be canceled, and when such agent shall post another acceptable bond before the effective date of cancellation, his permit shall be revoked.

The fact that a bond is in force pursuant to this section shall neither limit nor impair recovery otherwise available under the provisions of law; nor shall the amount of such bond be relevant in determining the amount of damages or other relief to which any plaintiff may be entitled.

No recovery shall be had on any contract for or in connection with any course by a person selling or conducting such course if the person was not registered, or the person or agent was not in possession of a pocket card herein prescribed, at the time such course was sold or contracts therefor were negotiated.

SECTION 231. SUSPENSION OR REVOCATION OF CERTIFICATE OR PERMIT—HEARING—REVIEW—INJUNCTION.—Whenever it shall appear to the state board of education that any registrant, or the agent of any registrant, has knowingly made any misrepresentation in selling, offering for sale, distributing, or publicizing any course, or has knowingly made any statement or done any act contrary to the provisions of sections 227 or 229, the state board of education may suspend or revoke any certificate of compliance, or any permit, of such registrant or agent.

No suspension or revocation of a certificate of compliance or permit shall be made without a hearing first had upon the complaint of the executive officer assigned by the state board of education to administer the provisions of sections 224 through 235.

Written notice of hearing of any complaint, and a copy
of the complaint, shall be given or served upon the registrant or agent, not less than twenty days prior to the day set for the hearing. Any hearing may be before the whole board, or the state board may appoint one or more of its members, or some other proper person, to hear the matter and to make and submit findings of fact and recommendations to the state board.

After having considered the evidence produced at any hearing had before it, or after considering any findings of fact and recommendations submitted to it, the state board of education shall make and enter its order suspending or revoking any certificate of compliance, or permit, or it may dismiss the complaint.

Any order made by the state board of education, under the provisions of this section, may be reviewed by writ of review issuing out of the district court in and for the County of Ada upon the application therefor made by any interested party.

Nothing herein shall prohibit the state board of education from seeking an order of the district court in and for the County of Ada temporarily enjoining any registrant, or agent, from selling, or offering to sell, any course pending hearing on a complaint, upon a showing that such registrant, or agent, has flagrantly and repeatedly violated sections 227 or 229.

SECTION 232. SCHOLASTIC DEGREES.—Any person, firm, corporation or association, unless excepted under the provisions of section 225 which offers, or purports to offer, any scholastic degree for a consideration, whether within this state or from a place of business in this state, and whether or not any course be sold or offered for sale as a condition to the granting or conferring of such degrees, shall be deemed a person as defined in section 224 and shall be subject to all of the provisions of sections 224 through 235.

Any agent of any such person, firm, corporation or association selling, or offering for sale, whether within this state or from a place of business in this state, shall be deemed an agent as defined in section 224 and shall be subject to all of the provisions of sections 224 through 235.

SECTION 233. VIOLATION A MISDEMEANOR.—Any person who shall sell, or offer for sale any course or scholastic degree in this state without holding a valid certificate of compliance, as required by section 226, or any
agent who shall solicit, contract for, or sell any course without holding a valid permit, as required by section 230, or whose certificate or permit has been revoked, as provided in section 231, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one thousand dollars ($1,000), or imprisoned in the county jail for not more than six months, or both such fine and imprisonment.

SECTION 234. RULES AND REGULATIONS—ADVISORY COMMITTEE.—The state board of education may adopt rules and regulations for the administration of sections 224 through 233, and may establish an advisory committee of persons as defined in section 224 and other citizens with knowledge in the fields embraced by said sections.

SECTION 235. JUDICIAL REVIEW.—Any action of the state board of education respecting the issuance, denial or revocation of a certificate specified in section 227 shall be subject to review by writ of review on application therefor to the district court in and for the County of Ada.

SECTION 236. That chapters 1, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 24, 27, 41, 42 and 43 of title 33, Idaho Code, as amended, be, and the same are hereby repealed.

SECTION 237. SAVING CLAUSE.—This Act shall not impair nor affect the right of any person to hold any office or position under the school laws of this state, nor shall it impair or affect any act done, or right accruing, accrued or acquired, or any liability, penalty or forfeiture incurred under said laws, at the time this Act takes effect, but the same may be enjoyed, asserted, enforced or inflicted, as fully and to the same extent as though this Act had not been enacted.

SECTION 238. EFFECTIVE DATE.—This Act shall be and become effective on and after the first day of July, 1963.

Approved February 15, 1963.
CHAPTER 14
(H. B. No. 46)

AN ACT

AUTHORIZING COUNTIES HAVING SOIL CONSERVATION DISTRICTS, AT THE REQUEST OF THE SUPERVISORS OF SUCH DISTRICTS, TO PROVIDE IN THEIR BUDGET FUNDS FOR THE HIRING OF NECESSARY CLERICAL HELP, OR TO ASSIGN COUNTY EMPLOYEES FOR THE USE OF SUCH DISTRICTS, WHICH EMPLOYEES SHALL BE DIRECTLY SUPERVISED BY THE DISTRICT SUPERVISORS; AND PROVIDING THAT THE AMOUNT SO AUTHORIZED SHALL NOT EXCEED $1,500 PER ANNUM.

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

SECTION 1. In those counties of Idaho wherein all or a substantial part of the county has been created and is operating as a soil conservation district under the provisions of Chapter 27, Section 22-2718, Idaho Code, or any amendment thereto, the Board of County Commissioners may from time to time, at their discretion and upon request of the supervisors of such soil conservation districts provide in their budget a sufficient amount of money from the county general fund for the supervisors to hire necessary clerical help, or the County Commissioners at their discretion may assign or hire an employee or employees of the county to assist the supervisors in the performance of the clerical work of their office; provided, that the amount authorized hereunder shall not exceed the sum of Fifteen Hundred Dollars ($1,500) per annum. The duties of such clerical employee or employees shall be under the direct supervision of the supervisors of each soil conservation district.

Approved February 15, 1963.

CHAPTER 15
(H. B. No. 50)

AN ACT

AMENDING SECTION 67-203, IDAHO CODE, BY PROVIDING FOR REAPPORTIONMENT OF THE MEMBERS OF THE HOUSE
OF REPRESENTATIVES OF THE LEGISLATURE OF THE STATE OF IDAHO.

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

SECTION 1. That Section 67-203, Idaho Code, be, and the same is hereby amended to read as follows:

67-203. The several counties shall elect members of the house of representatives as follows: Each county shall elect one representative for each seventeen the first five thousand population and one additional representative for each additional ten thousand population of such county and remaining fraction thereof amounting to three thousand population or more. Population for this purpose shall be determined solely according to the last official United States census; provided that there shall be at least one representative from each county.

Approved February 15, 1963.

CHAPTER 16
(H. B. No. 21)

AN ACT

AMENDING SECTION 67-2310, IDAHO CODE, RELATING TO THE LISTING OF SUBCONTRACTORS ON CERTAIN BIDS OF GENERAL CONTRACTORS BY PROVIDING THAT FAILURE TO NAME SUBCONTRACTORS SHALL RENDER ANY BID SUBMITTED BY A GENERAL CONTRACTOR UNRESPONSIVE AND VOID, AND BY PROVIDING THAT SUBCONTRACTORS NAMED IN ACCORDANCE WITH THIS SECTION POSSESS APPROPRIATE LICENSES OR CERTIFICATES ISSUED BY THE STATE OF IDAHO COVERING THE CONTRACTOR WORK CLASSIFICATION IN WHICH THE SUBCONTRACTOR IS NAMED, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-2310, Idaho Code, be, and the same hereby is amended to read as follows:

67-2310. SUBCONTRACTORS TO BE LISTED ON BID OF GENERAL CONTRACTOR.—Hereafter, before the state of Idaho, the separate counties, cities, towns,
villages or school districts within the state of Idaho shall let contracts for the construction, alteration or repair of any and all buildings, improvements or public works, and such construction, alteration or repair requires plumbing, heating and air-conditioning work, or electrical work, the general contractor shall be required to include in his bid the name, or names and address, or addresses, of the subcontractors who shall, in the event the contractor secures the contract, subcontract the plumbing, heating and air-conditioning work, and electrical work under the general contract; provided, however, that this act shall not apply to the construction, alteration or repair of public buildings under the jurisdiction of the board of regents of the university of Idaho; further that this act shall have no application to the preparation and submission of plans and specifications pursuant to section 50-1105, Idaho Code. Failure to name subcontractors as required by this section shall render any bid submitted by a general contractor unresponsive and void. Subcontractors named in accordance with the provisions of this section must possess an appropriate license or certificate of competency issued by the state of Idaho covering the contractor work classification in which the subcontractor is named.

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

Approved February 15, 1963.

CHAPTER 17
(H. B. No. 56)

AN ACT


Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 67-904, Idaho Code, be, and the same is hereby amended to read as follows:

67-904. The printing and publishing of the general laws, resolutions, and local and special laws enacted and passed at any session of the legislature, together with the amendments to the constitution adopted at the preceding general election, shall be contracted for, and their distribution shall be done in the following manner:

1. As soon after the convening of any session of the legislature as it can properly do so, the printing committee of the House of Representatives and of the Senate shall meet in joint session, and shall enter into a contract in writing with a printing company for the printing in book form of all laws enacted, and all resolutions which may be passed at such session, and include in such book or books all amendments to the constitution adopted at the preceding general election, together with proper title pages, certificate pages, tables of amended and repealed laws and statutes; and a proper index of the contents of such volume or volumes. All general laws enacted at any session of the legislature shall be printed in a volume known as the Session Laws; local and special statutes, which are not general laws, may be printed in a supplementary volume known as Local and Special Laws.

Said joint printing committee shall provide in said contract that all such session laws contracted for shall be printed and ready for distribution as follows: (a) a sufficient number of volumes to supply all state, county and precinct officials must be printed and ready for distribution to such officials within 45-90 days after the last day on which the governor may sign or approve bills following adjournment of any session of the legislature; (b) 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 days after the last day on which the governor may sign or approve bills following the adjournment of any session of the legislature; (c) that the remaining number of volumes contracted for shall be printed and ready for delivery within such time as may be necessary for use, not exceeding ninety days after the close of the legislature. Any contract entered into by said joint printing committee for said printing of such session laws, resolutions and amendments shall have included therein the necessary provisions for the printing and delivery of the session laws to the secretary of state,
so that such session laws may be ready for delivery to officers and the public at the time herein specified. Such contract shall also provide that in the event the session laws are not delivered by the printer or said printing company to the secretary of state for delivery as herein specified, that for such day's failure to so deliver said volume, there shall be deducted from the contract price a sum per day for each day's delay, the exact amount to be deducted to be determined by said joint printing committee, and specified to any person, firm or corporation in the specifications on which bids for such work are made. The contract price agreed upon shall show the price the state is to pay for all volumes bound in paper and permanently bound, which are to be delivered for the state's use, and separately, the price for which such session laws, local and special laws, and amendments are to be furnished to the public.

Immediately upon the proper adoption of any such contract proposed and presented by said joint printing committee, and its due execution, a true copy thereof shall be filed with the secretary of state.

2. Upon the filing with the secretary of state of a true copy of said contract entered into as above provided, it shall be his duty to daily deliver to the printer to whom such contract has been let all copies of laws enacted and resolutions passed as the same shall be delivered to his office from the legislature or governor; the secretary of state shall cause to be prepared and delivered to such printer within ten thirty days after the last day on which the governor may sign or approve bills following the adjournment of the session of the legislature, the proper title pages, certificate pages, tables of laws and statutes amended and repealed, and a proper index of the contents of such volume.

3. The secretary of state must distribute to the clerk of the district court of each county to be by the sheriff distributed under the direction of the clerk, sufficient copies of the session laws bound in the cheapest manner, to supply one copy for the board of county commissioners, and one copy to each county officer, and to each justice of the peace.

Approved February 15, 1963.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 47-402, Idaho Code, be, and the same is hereby amended to read as follows:

47-402. FIRE PROTECTION FOR FRAME STRUCTURES.—Shafts or tunnels, which at the present time are covered with frame buildings, such as shaft houses, blacksmith shops, machine shops or engine rooms, shall be provided with fire protection. In all cases, adequate and suitable fire extinguishers of an approved type shall be available at convenient points around the buildings, and water protection under sufficient natural pressure, with
at least one hydrant, with hose and nozzle attachment, located outside of the building, shall be provided wherever water is available.

SECTION 2. That section 47-408, Idaho Code, be, and the same is hereby amended to read as follows:

47-408. PROTECTION OF SHAFTS AND OPENINGS. — The collar of all shafts shall be fixed and protected, so that persons and foreign objects can not fall into the shafts, and all openings in mines such as chutes, winzes, timber slides and mill holes, when not in use for any considerable length of time, shall be protected by a plank or guard rail, and all abandoned or unused surface shafts or raises to the surface openings shall be securely fenced off, or covered or screened.

SECTION 3. That Section 47-409, Idaho Code, be, and the same is hereby amended to read as follows:

47-409. SHAFT CAGES AND BUCKETS.— It shall be unlawful for any person to sink or operate a vertical or steeply inclined shaft to a greater depth than 250 feet without having the same equipped with a mine cage, skip or bucket fitted with safety clutches.

Where a bucket is used the same must be attached to a fixed safety crosshead by two chains or cables. Loose heads for shaft buckets are strictly prohibited.

Where a cage or skip is used, it must be provided with a bonnet in addition to safety clutches. The bonnet must be made of boiled sheet iron steel plate of at least three-sixteenths inch thickness, or of other material of equal strength, and must cover the top of the cage in such manner as to afford the greatest protection to life and limb from any falling objects.

Where a cage and skip are used together, in the same compartment of the shaft, the bonnet may be dispensed with, if the skip is placed above the cage: provided, this chapter does not apply to skips, cages or buckets used solely to hoist or lower materials.

SECTION 4. That Section 47-410, Idaho Code, be, and the same is hereby amended to read as follows:

47-410. — GALLOWS— FRAMES—OVERWINDING — SAFETY DEVICES. — All gallows frames shall be equipped with automatic chairs, or some other automatic device, placed in such a position as to catch the cage or skip.
automatic safety device shall be installed on either the
gallows frame or shaft conveyance to catch the conveyance
and prevent its falling, in case of overwinding and consequent
breaking of the cable.

SECTION 5. That Section 47-412, Idaho Code, be, and
the same is hereby amended to read as follows:

47-412. HOIST INDICATOR.—Wherever a steam,
electric, gas, air or water driven
hoist is used, in the
handling of men, in mines, it shall be equipped with an
indicator, placed in clear view of the hoist engineer, and
geared positively to the shaft or drum of the hoist, and
so adjusted with dial or slide as to provide a target or
indicator that will at all times show the exact location
of the bucket, cage or skip.

SECTION 6. That Section 47-414, Idaho Code, be, and
the same is hereby amended to read as follows:

47-414. HOIST SIGNAL DEVICES.—Every shaft that
is equipped with a bucket, cage or skip operated by a
hoist shall be supplied with a pull bell, and
also with an
electric bell and flashing light signal, where practicable.
whistle,
flashing light, or some other adequate, positive signalling
device which shall be kept in good repair.

SECTION 7. That Section 47-415, Idaho Code, be, and
the same is hereby amended to read as follows:

47-415. HOIST SIGNAL CODE.—At all mines where
hoisting apparatus is used in the state of Idaho the fol­
lowing code of bell signals shall hereafter be adopted and
used:

One bell, hoist rock from skip pocket or shaft bottom.
One bell, stop (if in motion).
Two bells, lower.
Three bells, hoist men (run slowly).
Four bells, blasting signal. Engineer must answer by
raising bucket or cage a few feet and letting it back slowly;
then one bell, three bells, hoist men away from blast.

Nine bells, danger signal (fire, accident or other danger),
followed by the station call where the danger exists.

No other person other than the cager shall ring the
signal bell except in case of absolute necessity, and then
only after giving seven bells, thereby notifying the hoist engineer that someone other than the cager is ringing the bell.

Station Signals

<table>
<thead>
<tr>
<th>Bells</th>
<th>Pause</th>
<th>Bells</th>
<th>No. Station</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>&quot;</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>&quot;</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>&quot;</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>2</td>
<td>&quot;</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>&quot;</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>3</td>
<td>&quot;</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>3</td>
<td>&quot;</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>etc.</td>
<td>etc.</td>
<td>etc.</td>
<td>etc.</td>
</tr>
<tr>
<td>5</td>
<td>&quot;</td>
<td>5</td>
<td>20</td>
</tr>
</tbody>
</table>

SECTION 8. That Section 47-425, Idaho Code, be, and the same is hereby amended to read as follows:

47-425. HOIST ENGINEER — DRUNKARDS AND MINORS INELIGIBLE — INTOXICATED PERSON NOT PERMITTED UNDERGROUND. — No person addicted to the use of intoxicating liquors or beverages or under twenty-one years of age shall be employed as a hoisting engineer, and no person under the influence of intoxicating liquor or beverage shall be permitted underground, either in the capacity of employee or otherwise.

SECTION 9. That Section 47-426, Idaho Code, be, and the same is hereby amended to read as follows:

47-426. STORING OF EXPLOSIVES — POWDER THAWERS. EXPLOSIVE THAWING. — It shall be unlawful for any mining company or person to store more explosives in the underground workings of any mine where men are employed than is required for twenty-four hours, or a normal work week, and it shall also be unlawful to store or thaw powder explosives in any buildings used as a dwelling or in which men are employed in any capacity, or in any mine, excepting in the storing, thawing or removing of the same, and storage places for powder explosives shall be situated not less than 200 feet distant from any dwelling or working place for men, unless some impregnable natural or artificial object intervenes, and then only in a properly designated building or an underground excavation to be used exclusively for that purpose, and conspicuously marked as such.
Explosive thawing by use of fire or any open flame, or by any heating method which might cause combustion is hereby prohibited.

SECTION 10. That Section 47-427, Idaho Code, be, and the same is hereby amended to read as follows:

47-427. TAMPPING BARS.—No person, whether working for himself or in the employ of another person, company or corporation, while loading or charging a hole with nitroglycerine powder or other explosive, or in removing explosives from the same, shall use or employ any steel or iron bar; nor shall any mine manager, superintendent, foreman or shift boss, or other person having the management or direction of mine labor, allow or permit the use of steel, iron or other metal for tamping bar purposes by employees under his management or direction.

SECTION 11. That Section 47-501, Idaho Code, be, and the same is hereby amended to read as follows:

47-501. DUST PREVENTION APPARATUS—OPERATOR MUST FURNISH.—It shall be unlawful for any owner, operator or person in charge of any underground mine to cause to be drilled or bored by machinery a hole or holes in any stope or raise in ground that causes dust from drilling, unless said machinery is equipped with a water jet or spray or other means equally efficient to prevent the escape of dust.

SECTION 12. That Section 47-502, Idaho Code, be, and the same is hereby amended to read as follows:

47-502. DUST PREVENTION APPARATUS—EMPLOYEE MUST USE.—Where machinery used for drilling or boring holes in stope or raise is equipped as required by the preceding section it shall be unlawful for any person or persons to drill or bore a hole in said stope or raise any ground without using said appliance for the prevention of dust.

SECTION 13. That Section 39-2101, Idaho Code, be, and the same is hereby amended to read as follows:

39-2101. EXPLOSIVES TO BE MARKED.—It shall be unlawful for any person or persons, partnership or corporation, to sell or offer for sale, or take or solicit orders of sale, or purchase, or use, or have on hand or in store for the purpose of sale or use, in any state, giant, hercules, atlas, venture, or any other high explosive
containing nitroglycerine, unless on each and every box or package and wrapper containing any such giant, hercules, atlas, venture, or any other high explosive containing nitroglycerine, there shall be plainly stamped or printed the name and place of business of the person or partnership or corporation by whom or which the same was manufactured, and the exact and true date of its manufacture, and the percentage of nitroglycerin or other high explosive contained therein.

SECTION 14. That Section 39-2102, Idaho Code, be, and the same is hereby amended to read as follows:

39-2102. REGULATIONS CONCERNING MARKINGS. It shall be unlawful for any person or persons, partnership or corporation, to have two or more different dates on any such box or package containing giant, hercules, atlas, venture, or any other high explosive containing nitroglycerine; it shall further be unlawful for any person or persons, partnership or corporation, to use any box, package or wrapper formerly used by any other person or persons, partnership or corporation, in the packing of such giant, hercules, atlas, venture or other high explosive containing nitroglycerine; and the name and date on such box or package shall be the same as on the wrapper containing such giant, hercules, atlas, venture or other explosive containing nitroglycerine.

SECTION 15. 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 person or circumstances other than those as to which they are held invalid shall not be affected by such holding.

SECTION 16. 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, 1963.
CHAPTER 19
(S. B. No. 39)

AN ACT

AMENDING SECTION 15-335, IDAHO CODE, SO AS TO PROVIDE THAT ADDITIONAL BONDS OF EXECUTORS AND ADMINISTRATORS, SUCH AS MAY BE REQUIRED BY THE PROBATE JUDGE IN CONNECTION WITH THE SALE OF REAL ESTATE, BE IN SUCH REASONABLE AMOUNT AS IS FIXED BY THE PROBATE JUDGE; 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 15-335, Idaho Code, be, and the same hereby is, amended to read as follows:

15-335. ADDITIONAL BOND—SALE OF REAL ESTATE.—The probate court may require an additional bond, in such reasonable amount as is fixed by the Probate Judge, whenever the sale of any real estate belonging to an estate has been made and before confirming the sale; but no such additional bond must be required when it satisfactorily appears to the court that the penalty of the bond given before receiving letters, or of any bond given in place thereof, is equal to twice the value of the personal property remaining in or that will come into the possession of the executor or administrator, including the annual rents, profits and issues of real estate, and twice the probable amount to be realized on the sale of the real estate ordered to be sold. Provided, however, when a surety company bond is given, the penalty of said bond must not be less than the value of the personal property and the probable value of the annual rents, profits and issues of the real property belonging to the estate; provided, that if the real estate to be sold was community property and the widow of the deceased is the administratrix of said estate, additional bond may be required and the penalty thereof determined by the probate court or judge thereof.

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

Approved February 15, 1963.
CHAPTER 20
(S. B. No. 43)

AN ACT
PROVIDING FOR THE PRACTICE OF ENGINEERING THROUGH CORPORATIONS OR JOINT STOCK ASSOCIATIONS AND SPECIFYING THE CONDITIONS FOR SUCH PRACTICE BY AMENDING TITLE 54, CHAPTER 12, IDAHO CODE, BY ADDING A NEW SECTION THERETO.

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

SECTION 1. That Title 54, Chapter 12, Idaho Code, be, and the same is hereby amended by adding a new Section thereto following Section 54-1234 to read as follows:

54-1235. PRACTICE BY CORPORATIONS OR JOINT STOCK ASSOCIATIONS.—The practice of or offer to practice engineering or professional engineering, as defined in Section 54-1202, by individual registered professional engineers, through a corporation or joint stock association, or by a corporation or joint stock association through individual registered professional engineers, as agents, employees, or officers, is permitted subject to the provisions of this Chapter, provided that all personnel of such corporation or joint stock association, who act in its behalf as engineers in this State are registered as provided by this Chapter, or are persons lawfully practicing under the exemptions enumerated in Section 54-1223, and further provided that said corporation or joint stock association, except utilities regulated by the Idaho Public Utilities Commission, has been issued a certificate of authorization by the board as provided by this Chapter. No corporation or joint stock association shall be relieved of responsibility for the conduct or acts of its agents, employees or officers by reason of its compliance with the provisions of this Chapter, nor shall any individual practicing engineering as defined in Section 54-1202 be relieved of responsibility for engineering services performed by reason of his employment or relationship with such corporation or joint stock association. All final drawings, specifications, plots, reports, or other engineering papers or documents involving the practice of engineering as defined in Section 54-1202 which shall have been prepared or approved for the use of or for delivery to any person or for public record within this State shall be dated and bear the signature and seal of the engineer who prepared or approved them.
A corporation or joint stock association desiring a certificate of authorization shall file with the board an application upon a form to be prescribed by the board and the designation required by the following paragraph, accompanied by the application fee.

Such corporation or joint stock association shall file with the board a designation of an individual or individuals duly licensed to practice engineering in this State who shall be in responsible charge of the practice of engineering by said corporation or joint stock association in this State. In the event there shall be a change in the individual or individuals in responsible charge, such changes shall be designated in writing and filed with the board within thirty days after the effective date of such change.

If all requirements of this Chapter are met, the board shall issue to such corporation or joint stock association a certificate of authorization: provided, however, the board may refuse to issue a certificate if any facts exist which would entitle the board to suspend or revoke an existing certificate.

Approved February 15, 1963.

CHAPTER 21
(S. B. No. 44)
AN ACT
AMENDING SECTION 30-102, IDAHO CODE, TO PERMIT PROFESSIONAL ENGINEERING SERVICES THROUGH CORPORATION.

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

SECTION 1. That Section 30-102, Idaho Code, be, and the same is hereby amended to read as follows:

30-102. PURPOSE OF INCORPORATION—QUALIFICATION OF INCORPORATORS.—Three or more natural persons of full age, at least two-thirds of whom are citizens of the United States or of its territories, incorporated or unincorporated or possessions, may form a corporation under this act for any lawful business purposes except:

1. For the carrying on or practice of any profession,
excepting; provided however that corporations may be created hereunder for erecting, owning and conducting hospitals and sanitariums for receiving and caring for patients, their medical, surgical and hygienic treatment, and the instructions of nurses in the treatment of diseases and hygiene; and provided further that the practice of engineering by a corporation through individual registered professional engineers as provided by Title 54, Chapter 12, Idaho Code, be permitted.

2. Where special provision is made by law for the preparation, contents and filing of articles of incorporation of designated classes of corporations, such corporations shall be formed under special provisions and not hereunder.

Approved February 15, 1963.

CHAPTER 22
(S. B. No. 45)

AN ACT

AMENDING SECTION 54-1208, IDAHO CODE, BY INCLUDING A PROVISION FOR BOARD HEARING ON SUSPENSION OR REVOCATION OF CERTIFICATE OF AUTHORIZATION.

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

SECTION 1. That Section 54-1208, Idaho Code, be, and the same is hereby amended to read as follows:

54-1208. BOARD — POWERS — SEAL. — The board shall have the power to adopt and amend all by-laws and rules of procedure, not inconsistent with the Constitution and Laws of this State, which may be reasonably necessary for the proper performance of its duties and the administration of the act and the regulation of proceedings before the board. It shall adopt and have an official seal. It shall have power to provide an office, office equipment and facilities and such books and records as may be reasonably necessary for the proper performance of its duties.

In carrying into effect the provisions of this act, the board, under the hand of its chairman and the seal of the board, may subpoena witnesses and compel their attendance, and also may require the production of books, papers, documents, etc., in a case involving the revocation, or sus-
pension of registration or certification, or the practicing or offering to practice without registration. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers, or documents, the board may present its petition to the district judge of the district in which the witness may be found, setting forth the proceedings theretofore taken by the board to subpoena the witness and the failure of the witness to attend and briefly stating the subject matter upon which the testimony of the witness is required by the board; thereupon, such district judge may cause an order to be issued, requiring such witness to appear before the board to testify and to produce such books, papers and other documents as may be deemed necessary and pertinent by the board. Any person failing or refusing to obey such order shall be punished as for contempt of court, and any person failing to obey the subpoena of the board shall be guilty of a misdemeanor and shall be punished accordingly.

Approved February 15, 1963.

CHAPTER 23
(S. B. No. 47)

AN ACT
RELATING TO APPLICATIONS AND REGISTRATION FEES FOR ENGINEERS; AMENDING SECTION 54-1213, IDAHO CODE, AS AMENDED, TO PROVIDE FOR APPLICATION AND CERTIFICATION FEES FOR CORPORATIONS OR JOINT STOCK ASSOCIATIONS.

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

SECTION 1. 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. Applications for certification of corporations and joint stock associations shall be made in accordance with Section 54-1235 hereof.

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 maximum certification fee for corporations or joint stock associations shall be one hundred dollars ($100.00), of which a fee not to exceed ninety dollars ($90.00) 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 or authorization to any applicant, the initial fee deposited shall be retained as an application fee.

Approved February 15, 1963.
CHAPTER 24
(S. B. No. 48)

AN ACT

RELATING TO EXPIRATIONS AND RENEWALS OF ENGINEERS’ CERTIFICATES; AMENDING SECTION 54-1216, IDAHO CODE, AS AMENDED, TO INCLUDE A REFERENCE TO CERTIFICATES OF AUTHORIZATION FOR CORPORATIONS AND JOINT STOCK ASSOCIATIONS.

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

SECTION 1. 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 and certificates of authorization for corporations and joint stock associations 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 and every corporation or joint stock association certified under this act, of the date of the expiration of his or its 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 or certificate holder to renew his or its certificate annually in the month of June as required above shall not deprive such person or corporation or joint stock association of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of 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.

Approved February 15, 1963.

CHAPTER 25
(S. B. No. 49)

AN ACT
RELATING TO THE PRACTICE OF ENGINEERING; AMENDING SECTION 54-1220, IDAHO CODE, TO PROVIDE FOR THE REVOCATION OR SUSPENSION OF A CERTIFICATE OR AUTHORIZATION OF A CORPORATION OR JOINT STOCK ASSOCIATION.

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

SECTION 1. That Section 54-1220, Idaho Code, be, and the same is hereby amended to read as follows:

54-1220. REVOCATION OR SUSPENSION OF CERTIFICATES—HEARINGS.—The board shall have power to (1) revoke the certificate of registration or the certificate of authorization or, (2) to suspend the certificate of registration or the certificate of authorization for a period of time not exceeding two years, of any registrant or certificate holder who or which is found guilty of:

(a) The practice of any fraud or deceit in obtaining a certificate of registration or certificate of authorization;

(b) Gross negligence, incompetency, habitual intemperance, insanity, conviction of a felony, moral turpitude, or misconduct in the practice of professional engineering or land surveying as a registered professional engineer or land surveyor.

Any person may prefer charges, based on any of the above grounds, against any registrant or certificate holder. Such charges shall be in writing, and shall be sworn to
by the person making them and shall be filed with the secretary of the board.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three months after the date on which they shall have been preferred.

The time and place for said hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on, or mailed to the last known address of, such registrant or certificate holder, at least thirty days before the date fixed for the hearing. At any hearing, the accused registrant or certificate holder shall have the right to appear personally and by counsel, and to cross-examine witnesses in his or its own defense.

If, after such hearing, three or more members of the board vote in favor of finding the accused guilty, the board shall revoke or suspend, as herein provided, the certificate of registration of such registered professional engineer or land surveyor or the certificate of authorization of such corporation or joint stock association.

Approved February 15, 1963.

CHAPTER 26
(S. B. No. 50)

AN ACT

RELATING TO THE ISSUANCE OF CERTIFICATES; AMENDING SECTION 54-1221, IDAHO CODE, TO PROVIDE FOR THE REISSUANCE OF CERTIFICATES OF AUTHORIZATION TO CORPORATIONS OR JOINT STOCK ASSOCIATIONS.

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

SECTION 1. That Section 54-1221, Idaho Code, be, and the same is hereby amended to read as follows:

54-1221. REISSUANCE OF CERTIFICATES.—The board, for reasons it may deem sufficient, may reissue or reinstate a certificate of registration to any person whose certificate has been revoked or suspended, or may reissue or reinstate a certificate of authorization to a corporation or joint stock association whose certificate has been revoked or suspended, provided three or more members of
the board vote in favor of such reissuance or reinstatement. A new certificate of registration or certificate of authorization, to replace any certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules of the board, and upon payment of such reasonable charge therefor as shall be fixed by the board to cover the estimated cost of investigation and such reissuance, but not exceeding ten dollars ($10.00) in any case.

Approved February 15, 1963.

CHAPTER 27
(S. B. No. 64)

AN ACT

REPEALING SECTION 15-1835, IDAHO CODE, RELATING TO
THE SALES OF REAL ESTATE OF WARDS IN GUARDIANSHIP PROCEEDINGS.

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

SECTION 1. That Section 15-1835, Idaho Code, be, and
the same is hereby repealed.

Approved February 15, 1963.

CHAPTER 28
(S. B. No. 46)

AN ACT

AMENDING SECTION 54-1211, IDAHO CODE, AS AMENDED,
to include a roster of corporations holding certificates of authorization.

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

SECTION 1. 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, all corporations holding certificates of authorization 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.

Approved February 19, 1963.

CHAPTER 29
(S. B. No. 30)

AN ACT

AMENDING SECTION 58-406, IDAHO CODE, AS AMENDED, TO PROVIDE THAT SMALL SALES OF TIMBER NOT EXCEEDING TWO HUNDRED THOUSAND BOARD FEET (200,000) IN VOLUME, OR TWENTY-FIVE HUNDRED DOLLARS ($2500.00) WHICHEVER IS THE LEAST, MAY BE MADE AFTER ONE PUBLICATION OF ADVERTISEMENT, AND PROVIDED FURTHER THAT VERY SMALL SALES OF TIMBER NOT EXCEEDING FIFTY THOUSAND BOARD FEET (50,000) OR FIVE HUNDRED DOLLARS ($500.00) WHICHEVER IS THE LEAST, MAY BE MADE WITHOUT ADVERTISEMENT AND UPON APPROVAL OF THE STATE FORESTER AND STATE LAND COMMISSIONER.

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

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

58-406. SALE IN PARCELS—ADVERTISEMENT OF SALE.—Whenever the state board of land commissioners directs a sale of timber, it shall direct such sale in such parcels as it deems for the best interests of the state. All sales of timber on state lands, where sold separate from the lands, shall be advertised in one or more newspapers, to be designated by the board, one of which shall be in the county where such timber is located, if there be such paper, if not, then in some newspaper published in an adjoining county, and if such timber is located in more than one county, then in some newspaper in each of said counties, if there be such paper, if not, then in some newspaper published in an adjoining county, once a week for four consecutive weeks. The advertisement shall set forth the time, place and terms of the sale, a description of the
land by legal subdivisions on which such timber is situated, and the minimum price, below which no bid shall be accepted. Provided, however, that small sales of timber, not exceeding one two hundred thousand board feet (100,000) in volume, according to the cruiser's estimate, or fifteen twenty-five hundred ($1500.00) dollars, in appraised value, whichever is the least, may be made as provided herein, except that only one publication of advertisement shall be necessary and the date of sale shall be set not less than four (4) days after date of publication, and provided further that very small sales of timber not exceeding fifty thousand board feet (50,000) or five hundred dollars ($500.00) whichever is least, may be made without advertisement and upon approval of the state forester and state land commissioner.

Approved February 19, 1963.

CHAPTER 30
(H. B. No. 82)

AN ACT

AMENDING SECTION 22-2721, IDAHO CODE, TO PROVIDE THAT ALL SUPERVISORS OF SOIL CONSERVATION DISTRICTS SHALL BE LAND OWNERS OR FARMERS OF THE DISTRICT WHERE THEY ARE ELECTED OR APPOINTED.

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

SECTION 1. That Section 22-2721, Idaho Code, be, and the same is hereby amended to read as follows:

22-2721. The governing body of the district shall consist of five (5) supervisors, elected or appointed as provided in this act. The two supervisors appointed by the commission shall be persons who are by training and experience qualified to perform the specialized services which will be required of them in the performance of their duties. All supervisors shall be land owners or farmers of the district where they are elected or appointed.

A. Within thirty (30) days after the date of issuance by the secretary of state of a certificate of organization of a soil conservation district, nominating petitions may be filed with the state soil conservation commission to nominate candidates for supervisors of each district. The com-
mission shall have authority to extend the time within which nominating petitions may be filed. No such nominating petition shall be accepted by the commission unless it shall be subscribed by ten (10) or more persons who are qualified electors owning land or residing within the boundaries of the district. The commission shall give due notice of an election to be held for the election of three supervisors for the district. The names of all nominees on behalf of whom such nominating petitions have been filed within the time herein designated, shall appear arranged in the alphabetical order of the surnames, upon ballots, with a square before each name and directions to insert an X mark in the square before any three names to indicate the voter's preference. The three candidates who shall receive the largest number, respectively, of the votes cast in such election shall be the elected supervisors for such district. The commission shall pay all the expenses of such election, shall supervise the conduct thereof, shall prescribe regulations governing the conduct of such election and the determination of the eligibility of voters therein, and shall publish the results thereof.

B. All elections in districts, excluding the first election as provided in subparagraph A hereof, shall be conducted by the district supervisors of the districts involved. Such election shall be held during a period prescribed or approved by the state soil conservation commission. Such elections shall be held after due notice has been given by the district supervisors and the elections shall be conducted under such rules and regulations as may be prescribed by the state soil conservation commission. The cost of conducting such elections shall be borne by the district involved. The board of supervisors shall certify to the state soil conservation commission the names of the elected supervisors. The state soil conservation commission shall issue certificates of election to each elected supervisor so certified.

C. The supervisors shall designate a chairman and may, from time to time, change such designation. The term of office of each supervisor shall be four (4) years except that the two supervisors who are first appointed shall be designated to serve for terms of two (2) years. A supervisor shall hold office until his successor has been elected or appointed and has qualified except as otherwise provided in subparagraph D hereof. Vacancies shall be filled for the unexpired term. The selection of successors to fill an unexpired term, or for a full term shall be made
by a vote of the majority of the supervisors duly qualified and acting at the time the vacancy shall arise and the supervisors shall certify the name of the appointed supervisor to the state soil conservation commission who shall issue a certificate of such appointment.

D. The term and tenure of office of all supervisors of presently existing soil conservation district shall terminate at 12 o'clock noon on the fifteenth (15) day of December, 1957. All presently existing soil conservation districts shall, between November 15, 1957, and December 15, 1957, hold an election for the election of a board of supervisors of such soil conservation district. Such election shall be conducted by the then qualified and acting board of supervisors pursuant to regulations and rules as may be prescribed by the state soil conservation commission. Three (3) of said supervisors to be elected shall be designated as being elected for a term of four (4) years. Two of said supervisors to be elected shall be designated as being elected for a term of two (2) years. The names of the candidates receiving the largest number of votes for the respective offices shall be the board of supervisors of such district and their names, together with the term of office for which they were elected, shall be certified to the state soil conservation commission which shall issue certificates of election to each elected supervisor.

A majority of the supervisors shall constitute a quorum and the concurrence of a majority in any matter within their duties shall be required for its determination. A supervisor shall receive no compensation for his services, but he shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of his duties.

The supervisors may employ a secretary, technical experts, and such other officers, agents, and employees, permanent and temporary as they may require, and shall determine their qualifications, duties and compensation. The supervisors may call upon the attorney general of the state for such legal services as they may require, or may employ their own counsel and legal staff. The supervisors may delegate to their chairman, to one or more supervisors, or to one or more agents, or employees, such powers and duties as they may deem proper. The supervisor shall furnish to the state soil conservation commission, upon request, copies of such ordinances, rules, regulations, orders, contracts, forms and other documents as they shall adopt.
or employ, and such other information concerning their activities as it may require in the performance of its duties under this act.

The supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; they shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of the accounts of receipts and disbursements. Any supervisor may be removed by the state soil conservation commission upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.

The supervisors may invite the legislative body of a municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county.

Approved February 20, 1963.

CHAPTER 31
(H. B. No. 60)

AN ACT
AMENDING SECTION 55-1201, IDAHO CODE, PROVIDING FOR VALUES OF HOMESTEADS IN EXCESS OF MORTGAGES AND LIENS OF RECORD.

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

SECTION 1. That Section 55-1201, Idaho Code, be, and the same is hereby amended to read as follows:

55-1201. Value of Homestead.—Homesteads may be selected and claimed of values, in excess of mortgages, deeds of trust and liens of record as follows:

1. Of not exceeding $10,000 in value by any head of a family.

2. Of not exceeding $4,000 in value by any other person.

Approved February 20, 1963.
CHAPTER 32
(H. B. No. 43)

AN ACT

AUTHORIZING THE ATTORNEY GENERAL OR OFFICIALS OF POLITICAL SUBDIVISIONS OF THIS STATE TO BRING SUITS IN COURTS OF OTHER STATES TO COLLECT TAXES LEGALLY DUE THIS STATE OR ANY POLITICAL SUBDIVISION THEREOF, EXTENDING A LIKE AUTHORITY AS TO THE COURTS OF THIS STATE TO THE OFFICIALS OF OTHER STATES WHICH EXTEND COMITY BY PERMITTING SUCH SUITS IN THEIR COURTS; AUTHORIZING THE ATTORNEY GENERAL TO BRING SUITS IN THIS STATE TO COLLECT TAXES DUE ANY OTHER STATE OR POLITICAL SUBDIVISION THEREOF IF THE LAWS OF SUCH STATE CONTAIN A RECIPROCAL PROVISION AS TO THE ENFORCEMENT AND COLLECTION OF TAXES DUE THIS STATE OR ITS POLITICAL SUBDIVISION.

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

SECTION 1. The Attorney General or an appropriate official of any political subdivision of this State may bring suits in the courts of other states to collect taxes legally due this State or any political subdivision thereof. The officials of other states which extend a like comity to this State are empowered to sue for the collection of such taxes in the courts of this State. A certificate by the Secretary of State under the Great Seal of the State that such officers have authority to collect the tax is conclusive evidence of such authority.

SECTION 2. The Attorney General of this State is empowered to sue and collect, for and on behalf of any other political subdivision or state of the United States taxes legally due such political subdivision or state provided that the law of such state contains a reciprocal provision by which that state will enforce and collect taxes due this state or its political subdivision.

Approved February 20, 1963.
CHAPTER 33
(H. B. No. 42)

AN ACT

AMENDING SECTION 3-406, IDAHO CODE, RELATING TO NOMINATIONS TO THE OFFICE OF COMMISSIONER OF THE IDAHO STATE BAR BY PROVIDING NOMINATIONS SHALL BE MADE BY WRITTEN PETITION OF NOT LESS THAN FIVE NOR MORE THAN TEN MEMBERS OF THE IDAHO STATE BAR IN GOOD STANDING; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 3-406, Idaho Code, be, and the same is hereby amended to read as follows:

3-406. NOMINATIONS TO OFFICE OF COMMISSIONER.—Nomination to the office of commissioner shall be by the written petition of any ten not less than five or more than ten members of the Idaho State Bar in good standing. Any number of candidates may be nominated on a single petition. Such nominating petition shall be mailed to the secretary within a period to be fixed by the rules made by the board of commissioners. Attorneys residing in one division shall alone have the right to nominate persons for the office of commissioner from that division.

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 20, 1963.

CHAPTER 34
(S. B. No. 9)

AN ACT

AMENDING TITLE 36, CHAPTER 54, IDAHO CODE, WHICH RELATES TO LICENSING AND REGULATION OF OUTFITTERS AND GUIDES IN IDAHO, BY AMENDING SECTION 36-5408, IDAHO CODE, TO PROVIDE FOR RECIPROCITY FOR NON-RESIDENT GUIDES AND TO PROVIDE THAT THE BOND REQUIRED OF OUTFITTERS AND GUIDES
SHALL BE FILED WITH THE IDAHO OUTFITTERS AND
GUIDES BOARD; BY AMENDING SECTION 36-5409, IDAHO
CODE, TO PROVIDE FOR A LICENSE YEAR COMMENCING
ON JULY 1, AND TO PROVIDE FOR A CERTAIN AREA OF
OPERATION FOR EACH LICENSEE FOR THE PURPOSE
OF BIG GAME HUNTING; BY AMENDING SECTION 36-
5410, IDAHO CODE, TO PROVIDE A PENALTY FOR LATE
FILING OF RENEWAL APPLICATIONS; BY AMENDING
SECTION 36-5412, IDAHO CODE, TO LIMIT OUTFITTERS
ACTING AS GUIDES WITHOUT BEING LICENSED TO THOSE
WHO POSSESS THE QUALIFICATIONS OF A GUIDE.

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

SECTION 1. That Section 36-5408, Idaho Code, be, and
the same is hereby amended to read as follows:

36-5408. 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 or guide’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 simi­
lar 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, pro­
vided that final decision of the board upon any applica­
tion shall not be later than thirty days from date of re­
cipt of application for license. A licensee in good stand­
ing shall be entitled to a new license for the ensuing year
upon complying with subdivisions (1), (2) and (3) of
this section.

SECTION 2. That Section 36-5409, Idaho Code, be, and
the same is hereby amended to read as follows:

36-5409. FORM AND TERM OF LICENSE—NOTICE
OF DENIAL.—Upon filing the application and payment
of the license fee, the board, if all conditions of this sec­
tion 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 licensing year in which issued.
If the application is denied, the board shall notify the
applicant, in writing, of the reasons for such denial, and
that if the matters are correct a license will be issued upon
re-application therefor. Commencing July 1, 1965, the
licensing year shall end June 30 of the year following.
For the year 1963 the licensing year shall be that calendar
year. The licensing year for 1964 shall commence Janu­
ary 1, 1964 and shall end June 30, 1965. Provided: That
for the 1964 licensing year the license fees shall be one
and one half times the annual license fees as set forth in
Section 36-5408, Idaho Code. Such license shall also limit
the area in which such person shall operate in outfitting
and guiding persons or parties who are hunting big game.
SECTION 3. That Section 36-5410, Idaho Code, be, and the same is hereby amended to read as follows:

36-5410. 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. Any renewal application for the year of 1965 and subsequent years, shall be made prior to July 1 of such year and in the event such application is not submitted to the board prior to such date, it shall be accompanied by an additional fee as penalty in the amount of $50.00.

(b) A reexamination fee of $10.00 for each reexamination.

SECTION 4. That Section 36-5412, Idaho Code, be, and the same is hereby amended to read as follows:

36-5412. LICENSED OUTFITTERS MAY ACT AS GUIDES.—Any natural person holding a current and valid outfitter's license may act as a guide without a guide's license if he possesses the qualifications of a guide as determined by the board.

Approved February 25, 1963.

CHAPTER 35
(S. B. No. 29)

AN ACT

AMENDING SECTION 54-2041, IDAHO CODE, RELATING TO DISCIPLINARY PROCEDURE—REVOCATION OR SUSPENSION OF LICENSE PROCEDURE TO BE FOLLOWED BY THE IDAHO REAL ESTATE BROKERS BOARD, AFFIXING RESPONSIBILITY FOR THE CONDUCT OF HEARINGS IN SUCH CASES, ESTABLISHING POWERS OF THE BOARD OR ITS HEARING OFFICER, PROVIDING FOR REVOCATION OF LICENSE OR SUSPENSION OF LICENSE; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 54-2041, Idaho Code, be, and the same is hereby amended to read as follows:

54-2041. DISCIPLINARY PROCEDURE — REVOCATION OR SUSPENSION OF LICENSE PROCEDURE.—The proceedings for revocation or suspension of a license shall be had only after an application in writing, verified by some person or persons familiar with the facts which are charged, has been filed with the board; upon receipt of such accusation, the board shall make a preliminary investigation of the facts charged to determine whether the accusation is sufficient. If the board shall determine the accusation is sufficient to require formal action, the board shall thereupon set the matter for hearing at a specified time and place. The board shall cause a copy of such order and a copy of the verified accusation to be served upon the licensee accused thereof not less than twenty days before the day appointed in the order for said hearing. The board shall appoint some fair-minded, disinterested person to serve as hearing officer. The hearing officer shall be a lawyer duly licensed to practice law in the state of Idaho with at least five years' experience in the practice of law. The board, the licensee accused, and the person making the accusation may be represented by counsel at such a hearing. The hearing officer shall have power to administer oaths, take depositions within or without the state in the manner provided by law in civil cases, and shall have the power throughout the state of Idaho to require the attendance of witnesses and the production of such books, records, and papers as may be deemed necessary at any such hearing and for that purpose may issue a subpoena or a subpoena duces tecum to compel the attendance of such witnesses or the production of such books, records, or papers. The fees and mileage of such witnesses shall be the same as allowed in criminal cases in the district court and shall be paid from any funds on deposit in the special real estate fund. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify, to any matter regarding which he may lawfully be interrogated, it shall be the duty of the district court of any county in this state in which such disobedience, neglect, or refusal occurred, or any judge thereof, on application of the board, to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or for the refusal to testify thereon. The licensed person accused in such proceedings shall have
the same right of subpoena upon making application to the hearing officer. If the licensed person accused does not appear at the time and place appointed for the hearing in person or by counsel, the hearing officer may proceed and determine the facts of the accusation in his absence. The hearing officer may cause such proceedings to be conducted at places within this state convenient to all persons concerned and may adjourn such proceedings from day to day or for longer periods. The hearing officer shall cause a transcript of all such proceedings to be kept by a reporter and shall upon request after completion thereof furnish a copy of such transcript to the licensed person accused in such proceedings. The hearing officer shall certify the transcript of proceedings to be true and correct. After full and mature deliberation, the hearing officer shall make findings of fact and a determination of whether or not the person accused has violated any of the provisions of this act and shall enter the same upon the record of proceedings. After the transcript has been certified, the board shall approve the findings of the hearing officer that the licensed person accused has violated any of the provisions of this act, the board may order the license of such person accused revoked or suspended.

The board shall cause a copy of such order and a copy of the verified accusation to be served upon the licensed person accused not less than twenty (20) days before the day appointed in the order for said hearing. The board, the person accusing and the licensed person accused may be represented by counsel at such hearing. The hearing officer shall have power to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and shall have power throughout the state of Idaho to require the attendance of such witnesses and the production of such books, records, and papers as he may desire at any hearing before him of any matter which he has authority to investigate, and for that purpose the hearing officer may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, or papers, directed to the sheriff of any county of the state of Idaho, where such witness resides, or may be found, which shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases, which fees and mileage shall be paid from any funds on deposit in the Special Real Estate Fund. In any case of disobedience to, or neg-
lect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interro-
gated, it shall be the duty of the district court of any county in this state in which such disobedience, neglect or refusal occurs, or any judge thereof, on application by the board acting through its President or the designated hearing officer, to compel obedience by proceedings for contempt as in the case of disobedience of the require-
mements of a subpoena issued from such court or for refusal to testify therein. The licensed person accused in such proceedings shall have the same right of subpoena upon making application to the department therefor. If the licensed person accused does not appear at the time and place appointed for the hearing in person or by counsel, the hearing officer may proceed and determine the facts of the accusation in his absence. The hearing officer may cause such proceedings to be conducted at places within this state convenient to all concerned and may adjourn such proceedings from day to day or for longer periods. The hearing officer shall cause a transcript of all such proceedings to be kept by a reporter and shall upon re-
quest after completion thereof furnish a copy of such trans-
cript to the licensed person accused in such proceedings. The hearing officer shall certify the transcript of proceed-
ings taken thereon to be true and correct and shall trans-
mitt the same together with any exhibits to the board with such certificates. After the transcript has been certified the board shall take the proceedings under advisement. After full and mature deliberation, the board shall make findings of fact and shall enter the same upon the record of proceedings. If the board shall find that the licensed person accused has violated any of the provisions of sec-
tion 54-2040, the board may recommend that the license of such licensed person accused shall be revoked or sus-
pended for such a term as may to the board appear just and proper in the circumstances. The board may suspend the license of a licensed person accused for not less than one (1) month nor more than five (5) years; or the board may permanently revoke the license. Such recommenda-
tion shall be entered upon the record of proceedings. When the board has entered its findings and its recommendations upon the record, all members of the board concurring in the findings and recommendations shall sign the same, and the board file the same in its office and the President or Executive Secretary of the Board must, as soon as reason-
ably possible, notify the licensee of the revocation or sus-
pension by registered mail addressed to the address of licensee upon the licensee's application for license. A license so revoked may not be reinstated except upon order of a district court reversing the decision of the Idaho real estate brokers board. A license so suspended may not be reinstated during the term of such suspension except upon order of a district court reversing the decision of the board, or upon a reversal of such decision by the board itself after hearing new or additional evidence not available at the original proceeding in the case. If the findings of the hearing officer are that there has been no violation of the provisions of this act, section 54-2040, the board shall notify the licensed accused person and the person making the accusation and shall dismiss the complaint.

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 25, 1963.
41-2613 (A) Right of qualified surety company to become surety with respect to guaranteed arrest bond certificates.

(1) Any domestic or foreign surety company which has qualified to transact surety business in this state by complying with the provisions of Title 41, Idaho Code, may, in any year, become surety in an amount not to exceed Two Hundred ($200.00) Dollars with respect to any guaranteed arrest bond certificates issued in such year by an automobile club or association by filing with the Department of Insurance of this state an undertaking thus to become surety.

(2) Such undertaking shall be in form to be prescribed by the Commissioner of Insurance and shall state the following:

(a) The name and address of the automobile club or clubs or automobile association or associations with respect to the guaranteed arrest bond certificates of which the surety company undertakes to be surety.

(b) The unqualified obligation of the surety company to pay the fine or forfeiture in an amount not to exceed Two Hundred ($200.00) Dollars of any person who, after posting a guaranteed arrest bond certificate with respect to which the surety company has undertaken to be surety, fails to make the appearance to guarantee which the guaranteed arrest bond certificate was posted.

(3) The term "guaranteed arrest bond certificate," as used herein, means any printed card or other certificate issued by an automobile club or association to any of its members, which said card or certificate is signed by such member and contains a printed statement that such automobile club or association and a surety company guarantee the appearance of the person whose signature appears on the card or certificate and that they will, in the event of failure of said person to appear in court at the time of trial, pay any fine or forfeiture imposed on such person in an amount not to exceed Two Hundred ($200.00) Dollars.

(B) Guaranteed arrest bond certificates as cash bail. Any guaranteed arrest bond certificate with respect to which a surety company has become surety, as provided in SECTION (A) hereof shall, when posted by the person whose signature appears thereon, be accepted in lieu of cash bail in an amount not to exceed Two Hundred ($200.00)
Dollars, as a bail bond, to guarantee the appearance of such person in any court, including municipal courts, in this state, at such time as may be required by the court, when such person is arrested for violation of any motor vehicle law of this state or ordinance of any municipality in this state (except for the offense of driving while intoxicated or for any felony) committed prior to the date of expiration shown on such guaranteed arrest bond certificates; provided, that any such guaranteed arrest bond certificate so posted as a bail bond in any court in this state shall be subject to the forfeiture and enforcement provisions with respect to bail bonds posted in criminal cases under the law as it now exists or may hereafter be amended, and that any such guaranteed arrest bond certificate posted as a bail bond in any municipal court in this state shall be subject to the forfeiture and enforcement provisions of the charter or ordinance of the particular municipality pertaining to bail bonds posted.

SECTION 2. If any clause, phrase, word or section of this act be declared unconstitutional or invalid for any reason by any court of competent jurisdiction, the remaining portions of this act shall be and remain in full force and as valid as if such clause, phrase, word or section had not been incorporated herein.

Approved February 25, 1963.

CHAPTER 37
(S. B. No. 57)

AN ACT

AMENDING TITLE 18, CHAPTER 15, IDAHO CODE, TO MAKE LAWFUL SALES TO AND USE OF TOBACCO BY MINOR PERSONS OVER THE AGE OF EIGHTEEN YEARS.

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

SECTION 1. That Section 18-1502, Idaho Code, be, and the same hereby is amended to read as follows:

18-1502. USE OF TOBACCO BY MINORS — SALES TO OR ABETTING MINOR. — Every minor person under eighteen years of age who shall buy, accept or have in his possession any cigarette, cigar or tobacco in any form, or who shall buy, accept or have in his possession any
cigarette paper or other paper or wrapper intended for the wrapping of tobacco in the form of a cigarette, or compounds of tobacco used in the filling or makeup of cigarettes, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $100.00; and every person who shall give, sell or furnish, directly or indirectly, any cigarettes, cigars or tobacco in any form, or any cigarette paper or other paper or wrapper intended for the wrapping of tobacco in the form of a cigarette, or any compound of tobacco used in the filling or makeup of cigarettes, to such minor persons, or shall permit such minor persons to frequent any premises owned, held or managed by him for the purpose of indulging in the use of cigarettes, cigars or tobacco in any form, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for the first offense by a fine of not less than $50.00 nor more than $100.00, and for the second offense by a fine of not less than $100.00 nor more than $300.00, or by imprisonment in the county jail for a period of not to exceed six months.

Approved February 25, 1963.

CHAPTER 38
(S. B. No. 58)
AN ACT
AMENDING TITLE 18, CHAPTER 15, IDAHO CODE, TO MAKE LAWFUL THE ACCESSIBILITY OF TOBACCO VENDING MACHINES TO MINORS OVER EIGHTEEN YEARS OF AGE.

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

SECTION 1. That Section 18-1503, Idaho Code, be, and the same hereby is amended to read as follows:

18-1503. TOBACCO VENDING MACHINE ACCESSIBLE TO MINORS A MISDEMEANOR.—Any person who maintains a tobacco vending machine accessible to minors under eighteen years of age or provides any method of self-help for the disposition to such minors by gift, sale, or otherwise of any cigarette or cigarette paper or wrapper, or any paper made or prepared for the purpose of
making cigarettes, or tobacco in any form whatsoever, is guilty of a misdemeanor.

Approved February 25, 1963.

CHAPTER 39
(H. B. No. 87)
AN ACT
AMENDING SECTION 38-108, IDAHO CODE, TO PROVIDE THAT
MONEY WITHHELD BY PURCHASERS OF FOREST PROD­
UCTS FOR HAZARD MANAGEMENT BE PAID TO THE
STATE FORESTER ON OR BEFORE THE LAST DAY OF
THE MONTH FOLLOWING CUTTING.

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

SECTION 1. That Section 38-108, Idaho Code, 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, cordwood, pulpwood 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 agree­
ment 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 con­
ditioned upon full and faithful compliance with all re­
quirements 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, cordwood, 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 a person
elects to have hazard reduction money withheld 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 paid to the state forester or his agent on or before the last 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 27, 1963.

CHAPTER 40
(H. B. No. 75)

AN ACT

AMENDING CHAPTER 21 OF TITLE 39, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 39-2102(A) REQUIRING ALL PERSONS, PARTNERSHIPS OR CORPORATIONS WHO SELL OR OFFER TO SELL IN THE STATE OF IDAHO ANY TYPE OF PAINT, SOLVENT, OR CLEANSING LIQUIDS CONTAINING TOXIC ADDITIVES TO CAUSE A LABEL TO BE PLACED ON EACH
AND EVERY BOX, PACKAGE, OR CONTAINER CONTAINING SUCH PRODUCTS SHOWING THEREON THE TYPE OF INGREDIENTS AND AMOUNT OF EACH; AND FIXING AN EFFECTIVE DATE FOR THIS ACT.

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

SECTION 1. That Chapter 21 of Title 39, Idaho Code, be, and the same is hereby amended by adding a new section thereto, following Section 39-2102, to be known and designated as Section 39-2102(A), and to read as follows:

39-2102(A). All persons, partnerships, or corporations who sell or offer to sell in the State of Idaho any type of paint, solvent, or cleansing liquids containing toxic additives shall cause a label to be placed on each and every box, package, or container showing thereon the name and type of such ingredients and/or toxic additives and the amount of each.

SECTION 2. This act shall be in full force and effect on and after January 1, 1964.

Approved February 27, 1963.

CHAPTER 41
(S. B. No. 73)

AN ACT
SETTING FORTH THE POLICY OF THE STATE AS TO THE WORK DAY AND WORK WEEK OF EMPLOYEES OF THE IDAHO DEPARTMENT OF HIGHWAYS; PROVIDING FOR THE DETERMINATION OF NECESSITY FOR OVERTIME WORK; PROVIDING FOR A METHOD OF DETERMINING CASH COMPENSATION FOR OVERTIME WORK; PROVIDING FOR COMPENSATORY TIME OFF IN LIEU OF OVERTIME COMPENSATION; PROVIDING FOR A DETERMINATION OF EMPLOYEES NOT QUALIFIED FOR OVERTIME BENEFITS; PROVIDING FOR APPROVAL OF SUCH DETERMINATIONS BY THE STATE BOARD OF EXAMINERS; AND DECLARING AN EMERGENCY.

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

ARTICLE I

SECTION 1. Notwithstanding any of the provisions of
any other general or specific law, it shall be the policy of
the State that the work day of the employees of the Idaho
Department of Highways shall be eight (8) hours, and
the work week of such employees shall be forty (40)
hours. This policy shall not restrict the extension of regu­
lar work hour schedules on an overtime basis in those
activities and duties where such are necessary to carry on
the State’s business properly.

SECTION 2. The Idaho Board of Highway Directors, with
the concurrence of the Director of Budget, may determine
the necessity for and provide for cash compensation for
overtime work for employees who:

1. In times of critical emergency involving danger to
person or property are directed to work hours in excess
of those set forth herein as normal work days or work
weeks; or

2. Are required and directed to report back to work
after completion of the normal work day or work week or
when otherwise off duty; or

3. Are required and directed to work in addition to the
assigned hours of the herein established work day or work
week.

In no event shall such overtime cash compensation ex­
ceed the hourly rate equivalent to the employee’s regular
monthly salary computed on an hourly basis. The Idaho
Board of Highway Directors, with the concurrence of the
Director of Budget, as an alternative to providing over­
time compensation as set forth herein, may provide for
compensatory time off.

SECTION 3. The Idaho Board of Highway Directors with
the concurrence of the Director of Budget may designate
such employees of the Idaho Department of Highways as
exercise supervisory and/or administrative functions and
such designated employees shall not be subject to the work
day or work week provisions contained herein and shall
not be eligible to receive any overtime benefits that are
set forth herein.

SECTION 4. Any decision or determination of the Idaho
Board of Highway Directors in concurrence with the Di­
rector of Budget may be rejected, changed or modified by
the State Board of Examiners and shall have no force and
effect until approved by the State Board of Examiners.
C. 42 '63  IDAHO SESSION LAWS  191

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 February 27, 1963.

CHAPTER 42  (S. B. No. 70)

AN ACT

AMENDING TITLE 22, CHAPTER 26, IDAHO CODE, IDAHO COOPERATIVE MARKETING ACT, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 22-2622, TO BE KNOWN AND DESIGNATED AS SECTION 22-2622A, PERMITTING CONSOLIDATION OR MERGER OF ASSOCIATIONS AND DESCRIBING THE CONDITIONS THEREFOR.

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

SECTION 1. That Title 22, Chapter 26, Idaho Code, be and the same is hereby amended by adding a new section thereto following Section 22-2622, to be known and designated as Section 22-2622A, to read as follows:

22-2622A.—A consolidation or merger of associations organized hereunder shall be effective if the agreement therefor is approved by a two-thirds (2/3) vote of those present and voting at a regularly called meeting of members, providing notice of the substance of the proposed agreement is in the notice of meeting, and provided further, a quorum is present as provided by the bylaws of each organization voting upon such consolidation or merger. The members of the associations may vote by mail if permitted by the bylaws of said voters' associations, but not by proxy, and the votes by mail shall also be considered in determining the quorum. The failure of any member to vote or a negative vote on consolidation or merger as provided herein shall not entitle those failing to vote or voting in the negative to payment for his shares or other interests or have the value of his shares or other interests appraised, but said members shares or other interests shall be transferred to and invested in the surviving or new corporation without further act or deed.

Approved February 27, 1963.
AN ACT

RELATING TO THE SALE OF TIMBER ON STATE LANDS;
AMENDING SECTION 58-412, IDAHO CODE, TO PROVIDE
THAT A PURCHASER OF STATE TIMBER SHALL PAY THE
FULL SALE VALUE OF THE TIMBER TO BE CUT UNDER
THE PERMIT AS ISSUED AND PROVIDING FURTHER THAT
ALL PAYMENTS MADE FOR PERMITS SHALL BE CREDITED
TO THE NEXT ANNUAL INSTALMENT DUE, AND PROVIDING
FURTHER THAT ANNUAL INSTALMENTS SHALL
APPLY ON CUTTING PERMITS.

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

SECTION 1. That Section 58-412, Idaho Code, be, and
the same is hereby amended to read as follows:

58-412. INSTALMENT SALES — WHEN TIMBER
MAY BE CUT — PAYMENT OF INSTALMENT.— No
timber shall be cut under the above provisions except in
the following manner, to wit: thirty days' written notice
shall be given to the state board of land commissioners,
by filing such notice with the land commissioner, of the
particular land, describing it by legal subdivisions, upon
which it is desired to cut timber. On or before the ex-
piration of such time, there shall be paid into the state
treasury, by the purchaser, to the credit of the proper
fund, the full amount of the unpaid balance of
the sale value of the timber to be cut under the permit.
All payments so
made shall be credited upon to the final next instalment
of the due on the purchase price, or if more than sufficient
to pay the final next instalment, then upon the next inst-
ment, all such payments thereafter being credited upon
the latest instalment to fall due, and provided further
that instalment payments shall apply on cutting permits,
except that the cash reserve shall not be reduced below
10% of the unpaid contract balance.

Approved February 27, 1963.
CHAPTER 44
(S. B. No. 37)
(As Amended)

AN ACT

AMENDING SECTION 14-408, IDAHO CODE, AS AMENDED, PROVIDING FOR RECIPROCITY BETWEEN THE STATE OF IDAHO AND OTHER STATES OF TAX EXEMPTIONS UPON TRANSFER OF PROPERTY TO CHARITABLE AND BENEVOLENT ASSOCIATIONS, SOCIETIES, TRUSTS AND CORPORATIONS.

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

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

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

1. All property transferred to societies, corporations, trusts and institutions now or hereafter exempted by law from taxation, or to any public corporation, or to any society, corporation, institution, trust 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, trust, 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, corporation or trust 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, trust, 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, or that such society, corporation, trust, institution or association be organized or existing under the laws of a state which grants similar reciprocal tax exemption to such societies, corporations, trusts, institutions and associations in 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 a 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.

Approved February 27, 1963.

CHAPTER 45
(S. B. No. 66)

AN ACT
RELATING TO AIR NAVIGATION FACILITIES; AMENDING SECTION 21-401, IDAHO CODE, AS AMENDED, TO PROVIDE THAT COUNTIES IN LEASING AIR NAVIGATION FACILI-
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 21-401, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

21-401. AUTHORITY TO PROVIDE FACILITIES—EXPENSE—ISSUANCE OF BONDS—DUTIES OF COMMISSIONERS AND COUNCILMEN—RESTRICTION ON LEASE OF FACILITIES.—Counties, highway districts, cities and villages are hereby authorized to acquire by purchase, lease, condemnation, or otherwise, take over and hold lands not exceeding in area 1280 acres either wholly or partly within or without the boundaries or corporate limits of such counties, highway districts, cities or villages, or wholly or partly within or without the state of Idaho, for the purpose of constructing and maintaining aviation fields, airports, hangars and other air navigation facilities; to provide equipment necessary or incidental to the maintenance and operation of such aviation fields or airports; to maintain, operate and manage such aviation fields, airports and grounds and prescribe rules and regulations for the maintenance, operation and management thereof, and fix fees and rentals to be charged for the use of the same or any part thereof; to survey, plat, map, grade, ornament and otherwise improve such lands and all appurtenances thereto, whether owned and operated or owned or leased by such counties, highway districts, cities or villages, and all approaches and avenues leading to or adjacent thereto; to lease for aviation purposes or for any purposes connected therewith and incidental thereto and for such commercial purposes as the governing bodies of such counties, highway districts, cities and villages may determine upon all or any part of the land or lands so required, under such regulations and upon such terms and conditions as shall be established by such governing bodies, and not subject to the limitation as to length of term prescribed in Section 31-836, Idaho Code, as amended; to construct, operate and maintain hangars, buildings and equipment necessary or convenient to the maintenance and operation of aviation fields or airports.

Counties, highway districts, cities and villages are hereby empowered to provide for all costs and expenses necessary or incident to the exercise of the foregoing powers
or the attainment of the foregoing objects or any of them, out of the general funds or out of any of the funds made available for such purposes, of such counties, highway districts, cities and villages, or to issue bonds pursuant to law for the payment of any or all of such costs and expenses except for the maintenance and operation of such aviation fields or airports. Provided, that no bonds shall be issued for the purposes aforesaid unless and until authorized by a vote of two-thirds of the qualified electors of the county, highway district or municipality, voting at such election, who are resident taxpayers thereof, and a taxpayer within the meaning of this act is a person whose name appears on the tax rolls of the county and is there assessed with unexempt real or personal property owned and subject to taxation within the boundaries of such county, highway district or municipality, or is the wife or husband of such person. Nothing contained in this act shall be construed to increase the maximum of any tax levies for counties, highway districts, cities or villages.

The boards of county commissioners of their respective counties, the highway commissioners of their respective highway districts, the councilmen of their respective cities, and the boards of trustees of their respective villages, shall have jurisdiction and power under such limitations and restrictions as are prescribed by law to carry into full force and effect all of the provisions of this law.

Such aviation fields or airports shall in no case be leased to any person, association or corporation under such terms or conditions as to give such person, association or corporation, the exclusive right to the use of such aviation fields or airports.

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 27, 1963.

CHAPTER 46
(S. B. No. 38)
(As Amended)

AN ACT
AMENDING SECTION 72-310(a) IDAHO CODE, AS AMENDED,
TO PROVIDE INCREASED BENEFITS FOR CERTAIN TOTAL DISABILITIES UNDER THE WORKMEN'S COMPENSATION LAW AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 72-310(a) Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-310(a). TOTAL DISABILITY COMPENSATION. —Where the injury causes total disability for work, the employer during such disability shall pay the injured employee weekly compensation in accordance with the following schedule, subject to deductions, if any, on account of waiting period, partial disability, and limited wages, as set forth in section 72-310(b), 72-310(c) and 72-310(d):

(1) Workman without Dependents.—To an injured employee without dependents, weekly compensation equal to 55% of his average weekly wages, but not more than $28.00-$32.00 nor less than $12.00-$15.00 per week for a period not exceeding 400 weeks, and thereafter a weekly compensation of $12.00-$15.00 per week.

(2) Workman with Dependent Wife.—If such injured employee have a dependent wife, but no dependent minor child, weekly compensation equal to 60% of his average weekly wages, but not more than $32.00-$37.00 nor less than $15.00-$18.00 per week for a period not exceeding 400 weeks, and thereafter a weekly compensation of $15.00-$18.00 per week. If during the period of compensation a wife's dependency ceases by reason of her death or divorce, the increase of compensation on her account shall cease.

(3) Workman with Dependent Child or Children.—If the injured employee, whether married, widowed or divorced, have a dependent child or children under the age of 18 years, his weekly compensation shall be the same as for an injured employee having a dependent wife and in addition shall be increased as follows: For one child $4.00. For two such children $8.00. For three such children $12.00. For four or more such children $15.00. If during the period of compensation a child attains the age of 18 years, marries, dies or otherwise ceases to be dependent, the increase in compensation on his account shall cease.

SECTION 2. This amendatory act shall take effect and be in force on and after July 1, 1963.

Approved February 27, 1963.
AMENDING SECTION 3-409, IDAHO CODE, AS AMENDED, TO INCREASE THE ANNUAL LICENSE FEE OF LAWYERS TO FIFTEEN DOLLARS FOR THE CALENDAR YEAR OF ADMISSION AND FOR THE FIRST YEAR THEREAFTER; AND TO THIRTY DOLLARS FOR THE SECOND, THIRD AND FOURTH YEARS FOLLOWING THE YEAR OF ADMISSION; AND TO FIFTY DOLLARS FOR THE FIFTH YEAR FOLLOWING THE YEAR OF ADMISSION, AND FOR ALL YEARS SUBSEQUENT THERETO; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 3-409, Idaho Code, as amended, be and the same is hereby amended to read as follows:

3-409. LICENSE FEES AND APPROPRIATIONS.—Every person practicing, or holding himself out as practicing, law within this state, or holding himself out to the public as a person qualified to practice or carry on the calling of a lawyer within this state, except state and United States judges of the courts of record within this state, shall, prior to so doing and prior to the first day of March of each year, commencing with the year 1963, and thereafter, pay into the state treasury as a license fee the sum of twenty-five dollars, provided, that commencing with the year 1965 and in subsequent years, persons whose date of admission to practice law in this state is less than three years prior to the 1st day of January of any such year shall, with respect to any such year, pay a license fee of fifteen dollars, fifteen dollars for the calendar year of his admission to practice law in the state of Idaho, and fifteen dollars for the next calendar year thereafter; and thirty dollars each year for the second, third and fourth calendar years following the calendar year of such admission; and fifty dollars for the fifth calendar year following the calendar year of such admission, and fifty dollars for each year thereafter; and the sums all sums so paid, and all sums heretofore paid, under the provisions of this chapter, and any other moneys paid or to be paid into said fund, the Bar Commission Fund hereinafter mentioned by law or by rule of the Supreme Court, shall constitute, and be held by the state treasurer as, a separate
fund to be known as the Bar Commission Fund, which shall be paid out by the state treasurer upon warrant drawn by the state auditor against said fund. The state auditor is hereby authorized, upon presentation of the proper vouchers or claims against the state, approved by the board of commissioners of the Idaho State Bar and the state board of examiners, as provided by law, to draw his warrant upon said fund. All moneys now, or hereafter to be or come into said fund are hereby appropriated for the purpose of carrying out the objects of this act, and to pay all costs and expenses heretofore and hereafter incurred therein or connected therewith.

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 1, 1963.

CHAPTER 48
(H. B. No. 31)

AN ACT

AMENDING SECTION 41-3104, IDAHO CODE, RELATING TO THE POWERS OF COUNTY MUTUAL FIRE INSURERS TO EXTEND TO ALL SUCH INSURERS THE AUTHORITY PRESENTLY RESTRICTED TO FRATERNAL INSURERS TO INSURE DWELLINGS AND/OR HOUSEHOLD GOODS OWNED BY MEMBERS WHO, AFTER BECOMING SUCH MEMBERS, HAVE MOVED WITHIN THE LIMITS OF ANY INCORPORATED TOWN OR VILLAGE.

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

SECTION 1. That Section 41-3104, Idaho Code, be, and the same is hereby amended to read as follows:

41-3104. Within the limits of 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 mem-
ber 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 41-3105;

(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 The 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.

Approved March 1, 1963.
AN ACT

AMENDING SECTION 37-506, IDAHO CODE, AS AMENDED, BY PROVIDING FOR APPROVING AND USING METHODS OF TESTING BUTTER FAT AND MILK FAT CONTENT OF MILK AND CREAM AND METHODS OF TESTING SOLIDS NOT FAT CONTENT OF MILK AND CREAM WHEN TESTED FOR PURPOSES OF DETERMINING THE PURCHASE PRICE THEREOF AND DELETING THEREFROM THE REQUIREMENT THAT THE BABCOCK TEST BE USED IN SUCH TESTING.

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

SECTION 1. That Section 37-506, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

37-506. METHOD OF TESTING MILK AND CREAM. —All milk and cream sold in the state of Idaho at a purchase price based upon or determined by the milk fat, or butter fat or solids not fat content thereof, shall be tested for butter fat or solids not fat by the following prescribed method: the Babcock test shall be employed and samples used in testing shall be weighed on a suitable scale or balance, and where eighteen grams are used as a sample the same shall be tested in a nine-inch bottle graduated to at least one half of one per cent, or where nine grams are used as a sample the same shall be tested in a six-inch bottle graduated to at least one half of one per cent, also graduated to give full reading of the test, and in all tests the column of butter fat shall be read at a temperature of not less than one hundred thirty-five degrees Fahrenheit. Such methods as are approved by the Association of Official Agricultural Chemists and as approved by the Commissioner of Agriculture of the state of Idaho. Samples must be taken from every shipment of milk and cream. Daily composite samples in the case of milk or sweet cream must be taken and individual samples taken in the case of sour cream. Readings must be completed at once. All cream samples must be read with the use of glyme1. Accurate thermometers must be provided at all times. All composite milk and sweet cream samples must be kept protected and in a tamper-proof place between 40 and 50 degrees Fahrenheit, and be kept for three days after testing in a protected place between 40 and 50 degrees Fahrenheit. Such
samples may be examined and tested by the department of agriculture at any time.

Approved March 1, 1963.

CHAPTER 50
(H. B. No. 77)

AN ACT

RELATING TO THE REHABILITATION, CLEARANCE AND RE-
DEVELOPMENT OF SLUMS AND BLIGHTED AREAS IN
OR NEAR CITIES; DECLARING THE NEED THEREFOR;
DESIGNATING THE DEPARTMENT OF COMMERCE AND
DEVELOPMENT AS STATE PLANNING AGENCY AND AU-
THORIZING SAID DEPARTMENT TO PETITION FOR AND
RECEIVE FUNDS FROM THE ADMINISTRATOR OF THE
HOUSING AND HOME FINANCE AGENCY OF THE UNITED
STATES FOR SUCH PURPOSE; AUTHORIZING THE GOV-
ERNOR TO ALLOT AND EXPEND $30,000 FROM THE EMER-
GENCY FUND APPROPRIATED BY CHAPTER 195, SES-
SION LAWS OF 1961, FOR THE PURPOSE OF ENABLING
THE DEPARTMENT OF COMMERCE AND DEVELOPMENT
TO QUALIFY AS SUCH A PLANNING AGENCY; AUTHOR-
IZING VILLAGES, CITIES OF FIRST AND SECOND CLASS,
AND CHARTER CITIES TO ENTER INTO AGREEMENTS
IN CONNECTION WITH URBAN PLANNING AND REDE-
VELOPMENT PROJECTS; AND DECLARING AN EMER-
GENCY.

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

SECTION 1. It is hereby found and declared that there
exists in cities, charter cities and municipalities of the
State slum and blighted areas which constitute serious
and growing menace, injurious to the public health, safety,
morals and welfare of the residents of the State; that the
existence of such areas contributes substantially and in-
creasingly to the spread of disease and crime, constitutes
an economic and social liability imposing onerous munici-
pal burdens which decrease the tax base and reduce tax
revenues, substantially impairs or arrests the sound growth
of municipalities, retards the provision of housing accom-
modations, aggravates traffic problems and substantially
impairs or arrests the elimination of traffic hazards and
the improvement of traffic facilities; and that the pre-
vention and elimination of slums and blight is a matter of State policy and State concern in order that the State and its municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization and other forms of public protection, services and facilities.

It is further found and declared that many of the cities, charter cities and municipalities in the State lack adequate planning resources and need planning assistance for the purpose of correcting the abuses now existing in the slum and blighted areas of said communities.

SECTION 2. The Department of Commerce and Development of the State of Idaho is hereby designated as the State Planning Agency and as such is authorized to petition for and receive planning grants from the Administrator of the Housing and Home Finance Agency, an agency of the United States Government, pursuant to the provisions of Section 701 of the Housing Act of 1949, as amended, for the purpose of facilitating planning for smaller communities lacking adequate planning resources and to assist such communities in rehabilitating, clearing and redeveloping their slums and blighted areas.

SECTION 3. The Governor of the State of Idaho is hereby authorized to allot, expend or transfer the sum of $30,000 from the emergency fund appropriated by Chapter 195, Idaho Session Laws of 1961, for the purpose of enabling said Department to qualify as a State Planning Agency in accordance with the requirements of the Administrator of said Housing and Home Finance Agency.

SECTION 4. Cities of the first and second class, charter cities and villages of the State of Idaho are hereby authorized to enter into contracts and agreements, and to perform the same, with the State or the United States, or agencies thereof, for the purpose of carrying into effect urban planning and redevelopment projects.

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 its passage and approval.

Approved March 1, 1963.
CHAPTER 51
(H. B. No. 48)

AN ACT

AMENDING TITLE 26, CHAPTER 21, IDAHO CODE, BY AMENDING SECTION 26-2118 THEREOF TO PROVIDE THAT THE DIRECTORS OF CREDIT UNIONS HAVE EXCLUSIVE POWER TO DECLARE DIVIDENDS AT THE END OF SUCH DIVIDEND PERIOD AS MAY BE ESTABLISHED FROM NET EARNINGS.

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

SECTION 1. That Section 26-2118, Idaho Code, be, and the same is hereby amended to read as follows:

26-2118. DIVIDENDS. - On recommendation of the directors of a credit union, the Board of Directors may, at the end of the fiscal year, declare any dividend period duly established, but not more often than semi-annually, a dividend from net earnings, which dividend shall be paid on all shares outstanding at the end of the fiscal year dividend period. Shares which become fully paid up during the year shall be entitled to a proportional part of said dividend calculated from the first day of the month following such payment in full.

Approved March 1, 1963.

CHAPTER 52
(H. B. No. 20)

AN ACT

RELATING TO THE DISTRIBUTION, SALE, OR TRANSPORTATION OF ADULTERATED OR MISBRANDED INSECTICIDES, FUNGICIDES, RODENTICIDES, DEFOLIANTS, DESICCANTS, PLANT REGULATORS, NEMATOCIDES, AND OTHER ECONOMIC POISONS; NAMING THIS ACT; DEFINING CERTAIN TERMS; PROHIBITING CERTAIN ACTS; PROVIDING FOR REGISTRATION AND EXAMINATIONS OF ECONOMIC POISONS; DEFINING THE POWERS OF THE COMMISSIONER; PROVIDING FOR ENFORCEMENT; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PENALTIES FOR VIOLATIONS OF THIS ACT; PROVIDING FOR SEIZURES OF
ECONOMIC POISONS THAT ARE ADULTERATED, MIS-BRANDED, NON-REGISTERED, OR FAIL TO MEET THE REQUIREMENTS OF THIS ACT; PROVIDING FOR DELEGATION OF DUTIES OF THE COMMISSIONER; AUTHORIZING THE COMMISSIONER TO COOPERATE WITH OTHER AGENCIES OF THE UNITED STATES, THIS STATE OR ANY OTHER STATE; PROVIDING A SAVING CLAUSE; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT IN WHOLE OR IN PART WITH THIS ACT AND VESTING EXCLUSIVE JURISDICTION IN ALL MATTERS PERTAINING TO DISTRIBUTION AND TRANSPORTATION OF ECONOMIC POISONS WITH THE COMMISSIONER; PROVIDING FOR AN EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. TITLE.—This act may be cited as the Economic Poison Act of 1963.

SECTION 2. DEFINITIONS FOR THE PURPOSE OF THIS ACT.—

(a) The term "economic poison" means (1) any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insects, rodents, nematodes, fungi, weeds or other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the commissioner shall declare to be a pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

(b) The term "insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insects which may be present in any environment whatsoever.

(c) The term "fungicide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any fungi.

(d) The term "rodenticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating rodents or any other vertebrate animal which the commissioner shall declare to be a pest.

(e) The term "herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any weed.

(f) The term "nematocide" means any substance or
mixture of substances intended for preventing, destroying, repelling or mitigating nematodes.

(g) The term “plant regulator” means any substance or mixture of substances, intended through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants and soil amendments.

(h) The term “defoliant” means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

(i) The term “desiccant” means any substance or mixture of substances intended for artificially accelerating the drying of plant tissues.

(j) The term “nematode” means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; may also be called nemas or eelworms.

(k) The term “insect” means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes and wood lice.

(l) The term “fungi” means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts and bacteria, except those on or in living man or other animals.

(m) The term “weed” means any plant which grows where not wanted.

(n) The term “ingredient statement” means either—

(1) a statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the economic poison; or
(2) a statement of the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, if any there be, in the economic poison (except option 1 shall apply if the preparation is highly toxic to man, determined as provided in Section 5 of this act); and, in addition to (1) or (2) in case the economic poison contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, each calculated as elemental arsenic.

(o) The term “active ingredient” means—

(1) in the case of an economic poison other than a plant regulator, defoliant or desiccant, an ingredient which will prevent, destroy, repel or mitigate insects, nematodes, fungi, rodents, weeds or other pests;

(2) in the case of a plant regulator, an ingredient which, through physiological action will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof;

(3) in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant;

(4) in the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

(p) The term “inert ingredient” means an ingredient which is not an active ingredient.

(q) The term “antidote” means the most practical immediate treatment in case of poisoning and includes first aid treatment.

(r) The term “person” means any individual, partnership, association, corporation or organized group of persons whether incorporated or not.

(s) The term “commissioner” means the commissioner of agriculture.

(t) The term “registrant” means the person registering any economic poison pursuant to the provisions of this act.
(u) The term "label" means the written, printed or
graphic matter on, or attached to, the economic poison,
or the immediate container thereof, and the outside con­
tainer or wrapper of the retail package, if any there be,
of the economic poison.

(v) The term "labeling" means all labels and other writ­
ten, printed or graphic matter,

(1) upon the economic poison or any of its con­
tainers or wrappers;

(2) accompanying the economic poison at any time;

(3) to which reference is made on the label or in
literature accompanying the economic poison,
except when accurate, nonmisleading reference
is made to current official publications of the
United States Departments of Agriculture or
Interior, the United States Public Health Serv­
ice, State Experiment Stations, State Agri­
cultural Colleges or other similar federal in­
titutions or official agencies of this state or
other states authorized by law to conduct re­
search in the field of economic poisons.

(w) The term "adulterated" shall apply to any economic
poison if its strength or purity falls below the professed
standard or quality as expressed on labeling or under which
it is sold, or if any substance has been substituted wholly
or in part for the article, or if any valuable constituent
of the article has been wholly or in part abstracted.

(y) The term "misbranded" shall apply—

(1) to any economic poison if its labeling bears
any statements, design or graphic representa­
tion relative thereto or to its ingredients which
is false or misleading in any particular;

(2) to any economic poison—

(a) if it is an imitation of or is offered for sale
under the name of another economic poison;

(b) if its labeling bears any reference to regis­
tration under this act;

(c) if the labeling accompanying it does not
contain instructions for use which are neces­
sary and, if complied with, adequate for the protection of the public;

(d) if the label does not contain a warning or caution statement which may be necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals;

(e) if the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase;

(f) if any word, statement or other information required by or under the authority of this act to appear on the labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; or

(g) if in the case of an insecticide, nematocide, fungicide or herbicide, when used as directed or in accordance with commonly recognized practices, it shall be injurious to living man or other vertebrate animals or vegetation, except weeds, to which it is applied, or to the person applying such economic poison, or

(h) if in the case of a plant regulator, defoli-ant or desiccant when used as directed it shall be injurious to living man or other vertebrate animals, or vegetation to which it is applied, or to the person applying such economic poison; provided, that physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when this is the purpose for which the plant regulator, defoliant or desiccant was
applied, in accordance with the label claims and recommendations.

SECTION 3. PROHIBITED ACTS.—(a) It shall be unlawful for any person to distribute, sell or offer for sale within this state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any of the following:

(1) Any economic poison which has not been registered pursuant to the provisions of section 4 of this act, or any economic poison if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of an economic poison differs from its composition as represented in connection with its registration; provided, that, in the discretion of the commissioner, a change in the labeling or formula of an economic poison may be made within a registration period without requiring reregistration of the product.

(2) Any economic poison unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there be one through which the required information on the immediate container can not be clearly read, a label bearing

(a) the name and address of the manufacturer, registrant or person for whom manufactured;

(b) the name, brand or trade mark under which said article is sold; and

(c) the net weight or measure of the content subject, however, to such reasonable variations as the commissioner may permit.

(3) Any economic poison which contains any substance or substances in quantities highly toxic to man, determined as provided in section 5 of this act, unless the label shall bear, in addition to any other matter required by this act,

(a) the skull and crossbones;

(b) the word "poison" prominently, in red, on a background of distinctly contrasting color; and

(c) a statement of an antidote for the economic poison.
(4) The economic poison commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluosilicate and barium fluosilicate unless they have been distinctly colored or discolored as provided by regulations issued in accordance with this act, or any other white powder economic poison which the commissioner, after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of such coloration or discoloration, shall, by regulation, require to be distinctly colored or discolored; unless it has been so colored or discolored; provided, that the commissioner may exempt any economic poison to the extent that it is intended for a particular use or uses from the coloring or discoloring required or authorized by this section if he determines that such coloring or discoloring for such use or uses is not necessary for the protection of public health.

(5) Any economic poison which is adulterated or misbranded.

(a) It shall be unlawful—

(1) for any person to detach, alter, deface or destroy, in whole or in part, any label or labeling provided for in this act or regulations promulgated hereunder, or to add any substance to, or take any substance from, an economic poison in a manner that may defeat the purpose of this act;

(2) for any person to use for his own advantage or to reveal, other than to the commissioner or proper officials or employees of the state or to the courts of this state in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons, for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of section 4 of this act.

SECTION 4. REGISTRATION. — (a) Every economic poison which is distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered in the office of the commissioner, and such registration
shall be renewed annually; provided, that products which have the same formula, are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same economic poison may be registered as a single economic poison; and additional names and labels shall be added by supplement statements during the current period of registration; and provided, further, that any economic poison imported into this state, which is subject to the provisions of any federal act providing for the registration of economic poisons and which has been duly registered under the provisions of said act, may, in the discretion of the commissioner, be exempted from registration under this act, when sold or distributed in the unbroken immediate container in which it was originally shipped. The registrant shall file with the commissioner a statement including

(1) the name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;

(2) the name of the economic poison;

(3) a complete copy of the labeling accompanying the economic poison and a statement of all claims to be made for it including directions for use; and

(4) if requested by the commissioner a full description of the tests made and the results thereof upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the economic poison was registered or last re-registered.

(b) The registrant shall pay an annual fee of $5.00 for each economic poison registered, such fee to be paid to the department of agriculture for deposit with the state treasurer and to be credited to the economic poison fund of the department of agriculture to be used only for carrying out the provisions of this act; provided, however, that any registrant may register annually any number of brands after the payment of annual fees aggregating $300.00.

(c) The commissioner, whenever he deems it necessary in the administration of this act, may require the submis-
sion of the complete formula of any economic poison. If it appears to the commissioner that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of section 3 of this act, he shall register the article.

(d) If it does not appear to the commissioner that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this act, he shall notify the registrant of the manner in which the article, labeling or other material required to be submitted fail to comply with the act so as to afford the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice, the registrant insists that such corrections are not necessary and requests in writing that the article be registered, the commissioner shall register the article, under protest, and such registration shall be accompanied by a warning, in writing, to the registrant of the apparent failure of the article to comply with the provisions of this act. In order to protect the public, the commissioner, on his own motion, may at any time cancel the registration of an economic poison and in lieu thereof issue a registration under protest in accordance with the foregoing procedure. In no event shall registration of an article, whether or not protested, be construed as a defense for the commission of any offense prohibited under section 3 of this act.

(e) Notwithstanding any other provision of this act, registration is not required in the case of an economic poison shipped from one plant within this state to another plant within this state operated by the same person.

SECTION 5. DETERMINATIONS; RULES AND REGULATIONS; UNIFORMITY. — (a) The commissioner is authorized, after opportunity for a hearing

(1) to declare as a pest any form of plant or animal life or virus which is injurious to plants, men, domestic animals, articles or substances;

(2) to determine whether economic poisons are highly toxic to man; and

(3) to determine standards of coloring or discoloring for economic poisons, and to subject economic poisons to the requirements of section 3(a)(4) of this act.
(b) The commissioner is authorized, after due public hearing, to make appropriate rules and regulations for carrying out the provisions of this act, including rules and regulations providing for the collection and examination of samples of economic poisons.

(c) In order to avoid confusion endangering the public health, resulting from diverse requirements, particularly as to the labeling and coloring of economic poisons, and to avoid increased costs to the people of this state due to the necessity of complying with such diverse requirements in the manufacture and sale of such poisons, it is desirable that there should be uniformity between the requirements of the several states and the federal government relating to such poisons. To this end the commissioner is authorized, after due public hearing, to adopt by regulation such regulations, applicable to and in conformity with the primary standards established by this act, as have been or may be prescribed in the United States Department of Agriculture with respect to economic poisons.

SECTION 6. ENFORCEMENT. — (a) The examination of economic poisons shall be made under the direction of the commissioner for the purpose of determining whether they comply with the requirements of this act. If it shall appear from such examination that an economic poison fails to comply with the provisions of this act, and the commissioner contemplates instituting criminal proceedings against any person, the commissioner shall cause appropriate notice to be given to such persons. Any person so notified shall be given an opportunity to present his views, either orally or in writing, with regard to such contemplated proceedings and if thereafter in the opinion of the commissioner it shall appear that the provisions of the act have been violated by such person, then the commissioner shall refer the facts to the prosecuting attorney for the county in which the violation shall have occurred with a copy of the results of the analysis or the examination of such articles; provided, however, that nothing in this act shall be construed as requiring the commissioner to report for prosecution or for the institution of libel proceedings minor violations of the act whenever he believes that the public interests will be best served by a suitable notice of warning in writing.

(b) It shall be the duty of each prosecuting attorney to whom any such violation is reported to cause appropri-
ate proceedings to be instituted and prosecuted in the district court without delay.

(c) The commissioner shall, by publication in such manner as he may prescribe, give notice of all judgments entered in actions instituted under the authority of this act.

SECTION 7. EXEMPTIONS.—(a) The penalties provided for violations of section 3(a) of this act shall not apply to—

(1) any carrier while lawfully engaged in transporting an economic poison within this state, if such carrier shall, upon request, permit the commissioner or his designated agent to copy all records showing the transactions in and movement of the articles;

(2) public officials of this state and the federal government engaged in the performance of their official duties;

(3) the manufacturer or shipper of an economic poison for experimental use only

(a) by or under the supervision of any agency of this state or of the federal government authorized by law to conduct research in the field of economic poisons, or

(b) by others if the economic poison is not sold and if the container thereof is plainly and conspicuously marked “for experimental use only—not to be sold”, together with manufacturer's name and address; provided, however, that if a written permit has been obtained from the commissioner, economic poisons may be sold for experimental purposes subject to such restrictions and conditions as may be set forth in the permit.

(b) No article shall be deemed in violation of this act when intended solely for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser. If not so exported, all the provisions of this act shall apply.

SECTION 8. PENALTIES.—(a) Any person violating section 3(a) (1) of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than $500.00.
(b) Any person violating any provision of this act other than section 3(a) (1) shall be guilty of a misdemeanor and upon conviction shall be fined not more than $100.00 for the first offense and upon conviction for a subsequent offense shall be fined not more than $500.00; provided, that any offense committed more than five years after a previous conviction shall be considered a first offense; and provided, further, that in any case where a registrant was issued a warning by the commissioner pursuant to the provisions of this act, such registrant shall upon conviction of a violation of any provision of this act other than section 3(a) (1) be fined not more than $1,000.00, or imprisoned for not more than one year, or be subject to both such fine and imprisonment; and the registration of the article with reference to which the violation occurred shall terminate automatically. An article the registration of which has been terminated may not again be registered unless the article, its labeling and other material required to be submitted appear to the commissioner to comply with all the requirements of this act.

(c) Notwithstanding any other provisions of this section, in case any persons, with intent to defraud, use or reveal information relative to formulas of products acquired under authority of section 4 of this act, he shall be fined not more than $1,000.00 or imprisoned for not more than one year, or both.

SECTION 9. SEIZURES.—(a) Any economic poison that is distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be liable to be proceeded against in any district court in any county of the state where it may be found and seized for confiscation by process of libel for condemnation:

(1) in the case of an economic poison,

(a) if it is adulterated or misbranded;
(b) if it has not been registered under the provisions of section 4 of this act;
(c) if it fails to bear on its label the information required by this act;
(d) if it is a white powder economic poison and is not colored as required under this act.
(b) If the article is condemned, it shall, after entry of decree, be disposed of by destruction or sale as the court may direct and the proceeds, if such article is sold, less legal costs, shall be paid to the state treasurer; provided, that the article shall not be sold contrary to the provision of this act; and provided, further, that upon payment of costs and execution and delivery of a good and sufficient bond conditioned that the article shall not be disposed of unlawfully, the court may direct that said article be delivered to the owner thereof for relabeling or reprocessing as the case may be.

(c) When a decree of condemnation is entered against the article, court costs and fees and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article.

SECTION 10. DELEGATION OF DUTIES.—All authority vested in the commissioner by virtue of the provisions of this act may with like force and effect be executed by such employees of the department of agriculture as the commissioner may from time to time designate for said purpose.

SECTION 11. COOPERATION.—The commissioner is authorized and empowered to cooperate with, and enter into agreements with, any other agency of this state, the United States Department of Agriculture and any other state or agency thereof for the purpose of carrying out the provisions of this act and securing uniformity of regulations.

SECTION 12. SEPARABILITY.—If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this act and the applicability thereof to other persons and circumstances shall not be affected thereby.

SECTION 13. EFFECTIVE DATE.—All provisions of this act shall take effect on and after January 1, 1964.

SECTION 14. REPEALS.—Jurisdiction in all matters pertaining to the distribution, sale and transportation of economic poisons is by this act vested exclusively in the commissioner, and all acts and parts of acts inconsistent with this act are hereby expressly repealed.

Approved March 1, 1963.
CHAPTER 53
(S. B. No. 72)

AN ACT

AMENDING SECTION 49-114, IDAHO CODE, TO PROVIDE FOR REQUIRING USE FEE PLATES ISSUED UNDER THIS CHAPTER TO BE DISPLAYED ON THE FRONT OF THE POWER UNIT AND THE REAR OF THE TRAILING UNIT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-114, Idaho Code, be, and the same is hereby amended to read as follows:

49-114. DISPLAY OF PLATES. — a. Number plates assigned to a motor vehicle, other than a motorcycle, trailer, or semi-trailer, and other than the number plate assigned to a motor vehicle operated by a manufacturer or dealer, shall be attached thereto, one in front and the other in the rear. The number plate assigned to a motorcycle or semi-trailer, and the number plate assigned to a motor vehicle operated by a manufacturer or dealer shall be attached to the rear thereof. Use fee plates issued to vehicles under this chapter shall be displayed on the front of the power unit and on the rear of the trailing unit. Number plates shall be so displayed during the current registration year.

b. Every number plate shall at all times be securely fastened to the vehicle to which it is assigned so as to prevent the plate from swinging and at a height not less than twelve inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.

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 4, 1963.
CHAPTER 54
(S. B. No. 126)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
WHEAT COMMISSION:
For: Salaries and Wages $ 42,480
    Travel Expense $ 20,500
    Other Current Expense $ 24,025
    Capital Outlay $ 500
    Refunds $ 1,000
    Payments as Agent $271,495

TOTAL $360,000

From the Wheat Commission Fund $360,000

Approved March 4, 1963.

CHAPTER 55
(S. B. No. 128)

AN ACT

AMENDING SECTION 54-911, IDAHO CODE, TO INCREASE THE
PER DIEM ALLOWANCE OF THE MEMBERS OF THE BOARD OF DENTAL EXAMINERS FROM $10.00 TO $20.00 PER DAY.

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

SECTION 1. That Section 54-911, Idaho Code, be, and the same is hereby amended to read as follows:

54-911. BOARD OF DENTAL EXAMINERS — ORGANIZATION — MEETINGS — EXPENSES — PER DIEM. — The board of dental examiners shall select from its members a chairman and secretary who shall serve at the pleasure of the board, and notify the department of law enforcement thereof. The board may meet at stated times, and shall meet upon the call of its chairman or secretary or the department of law enforcement. It shall keep minutes of its meetings and actions thereat. A written report or recommendation of the board signed by a majority of the members, or certified by the chairman or secretary, shall be sufficient authority upon which the department of law enforcement or its commissioner may act. A majority of members shall constitute a quorum, and the vote of the majority of the members present at a meeting at which a quorum is present shall determine the action of the board.

Out of any appropriation applicable to the administration of this act, members shall be paid their actual expense incurred in the performance of their duties and in addition a per diem allowance to each member of $10.00 for each day in which such member shall perform service.

Approved March 5, 1963.

CHAPTER 56
(S. B. No. 127)

AN ACT

AMENDING SECTION 54-915, IDAHO CODE, BY ELIMINATING AGE AS A REQUIREMENT TO TAKE DENTAL OR DENTAL HYGIENE EXAMINATION; AMENDING SECTION 54-930, IDAHO CODE, TO PROVIDE THAT STUDENTS IN APPROVED SCHOOLS MAY PRACTICE DENTISTRY OR DENTAL HYGIENE AS PART OF THEIR TRAINING AND EDUCATION.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-915, Idaho Code, be, and the same is hereby amended to read as follows:

54-915. QUALIFICATIONS REQUIRED FOR DENTIST OR DENTAL HYGIENIST EXAMINATION.—No person hereafter shall be eligible for examination to be allowed to practice dentistry or dental hygiene in this state unless he or she:

(a) Be a citizen of the United States of America or have declared an intention to become such citizen;

(b) For dentistry, be at least twenty-one years of age; for dental hygiene, be at least twenty years of age; (c) Be of good moral character and reputation, and not have been convicted of any felony, or of any misdemeanor involving moral turpitude;

(c) Shall, for dentistry, have successfully completed the course of study in dentistry in, and graduated and received a degree of Doctor of Dental Surgery, Doctor of Dental Medicine, or equivalent degree from a dental school accepted and approved by the department of law enforcement.

(d) Shall, for dental hygiene, be a high school graduate and have successfully completed the course of study in dental hygiene in, and received a certificate thereof from a dental hygiene school accepted and approved by the department of law enforcement.

SECTION 2. That Section 54-930, Idaho Code, be, and the same is hereby amended to read as follows:

54-930. EXCEPTIONS TO APPLICATION OF ACT.—This act shall not be construed as prohibiting a physician or surgeon, duly authorized to practice as such in this state, from treating diseases of the mouth or performing operations in oral surgery; nor as prohibiting persons authorized by the laws of another state, territory or country to practice dentistry or dental hygiene therein, or persons teaching in approved dental or dental hygiene schools, from making clinical demonstrations before meetings of dentists or dental hygienists in Idaho nor as prohibiting any person from performing merely mechanical work upon inert matter in a dental laboratory, nor to prohibit students in approved dental or dental hygiene schools from
practicing dentistry or dental hygiene therein as part of their training or education.

Approved March 5, 1963.

CHAPTER 57
(S. B. No. 111)

AN ACT

PROVIDING FOR THE CREATION OF A LEGISLATIVE COUNCIL, ITS COMPOSITION, MANNER OF SELECTION AND ORGANIZATION; PRESCRIBING THE TERM OF OFFICE OF MEMBERS THEREOF AND THE MANNER FOR FILLING VACANCIES; PROVIDING FOR THE APPOINTMENT OF A RESEARCH DIRECTOR AND OTHER EMPLOYEES AND FIXING MAXIMUM SALARIES; PROVIDING FOR THE USE OF COMMITTEES AND FOR THE SERVICES OF PERSONS AND AGENCIES; PRESCRIBING THE POWERS AND DUTIES OF THE COUNCIL AND THE MANNER BY WHICH THE LEGISLATURE MAY MAKE ASSIGNMENTS THERETO; PROVIDING FOR MEETINGS AND REPORTS AND FOR THE RIGHTS OF MEMBERS OF THE LEGISLATURE WITH RESPECT TO THE COUNCIL AND THE SERVICES AND FACILITIES THEREOF; PROVIDING FOR THE PAYMENT OF EXPENSES AND PRESCRIBING LIMITATIONS WITH RESPECT THERETO; MAKING AN APPROPRIATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby created a legislative council which shall consist of the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the majority and minority floor leaders of each house, four Senators to be appointed by the President Pro Tempore of the Senate, two each from the majority and minority party, and four Representatives to be appointed by the Speaker of the House of Representatives, two each from the majority and minority party. The council shall meet to organize as soon as practicable after the effective date of this act and thereafter the council shall be organized within thirty days after the first day of each regular biennial session. Members of the council shall hold office until the first day of the following regular biennial session. Any vacancy on the council shall be filled by the
remaining members thereof, provided that any member thus elected shall be from the same house and the same party as his predecessor and shall hold office for the unexpired term of his predecessor.

SECTION 2. The council shall select a chairman and a vice-chairman, one of whom shall be a Senator and the other a Representative and it shall adopt its own rules of procedure. The council shall appoint such committees as may be necessary for the proper and efficient performance of its duties. Committees shall consist of members of the council and other members of the legislature. Every member of the legislature shall be appointed to a committee of the council. The council shall appoint a research director and it may employ such other employees and engage the services of such persons and agencies as may be necessary or desirable in the performance of its duties. The research director and other employees shall serve at the pleasure of the council, and each shall be paid a salary to be fixed by the council in an amount not to exceed $10,000.00 per annum.

SECTION 3. It shall be the duty of the council to collect and compile information, to draft bills and to conduct research upon any subject which the legislature may authorize or direct or upon any subject which it may determine, provided that all activities of the council must be reasonably related to a legislative purpose. The legislature may make specific assignments to the council by a concurrent resolution approved by both houses. The council may hold public hearings and it may authorize or direct any of its committees to hold public hearings on any matters within the jurisdiction of the council. The council shall establish and maintain a legislative reference library.

SECTION 4. The council shall meet as often as may be necessary for the proper performance of its duties, provided, however, that it shall meet at least three times each year. Such meetings shall be held at various places within the state of Idaho. Eight members shall constitute a quorum and a majority thereof shall have authority to act on any matters within the jurisdiction of the council. All members of the legislature shall be notified in advance of the time, place and general purpose of all meetings and any member of the legislature shall have the right to attend any of the meetings of the council and to present his views on any subject which may be under consideration. The council shall keep minutes of its meetings and
make periodic reports to members of the legislature. At least 60 days prior to each regular biennial session the council shall make a written report summarizing its activities, findings and recommendations and furnish such report, together with copies of any proposed legislation which may have been prepared under its direction, to all members of the legislature. The council shall assist in making any necessary preparations for all regular and special sessions of the legislature. The services and facilities of the council shall be available to all members of the legislature at all times.

SECTION 5. Members of the council and the committees thereof shall serve without compensation, but shall be reimbursed for actual expenses necessarily incurred in attending meetings and in the performance of their official duties, provided that no member of the council or a committee thereof shall claim expenses for more than thirty days in any one year.

SECTION 6. There is hereby appropriated to the legislative council for the biennium commencing July 1, 1963, from the general fund of the state of Idaho the sum of $50,000.00 for the payment of salaries and other expenses of the council.

SECTION 7. 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 5, 1963.

CHAPTER 58
(S. B. No. 91)

AN ACT
RELATING TO STATE CRIMINAL AND CIVIL JURISDICTION OVER INDIANS AND INDIAN TERRITORY, RESERVATIONS, COUNTRY AND LANDS WITHIN THIS STATE BY PROVIDING FOR ASSUMPTION AND ACCEPTANCE OF CERTAIN CRIMINAL AND CIVIL JURISDICTION BY THE STATE OF IDAHO OF CRIMINAL OFFENSES AND CIVIL CAUSES OF ACTION OVER INDIANS AND INDIAN TERRITORY, RESERVATIONS, COUNTRY AND LANDS WITHIN THIS STATE; PROVIDING EXCEPTIONS TO CERTAIN CRIMINAL OF-
FENCES AND CIVIL CAUSES OF ACTION ARISING ON INDIAN TERRITORY, RESERVATIONS, COUNTRY AND LANDS WITHIN THIS STATE; REPEALING ALL ACTS IN CONFLICT WITH THIS ACT.

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

SECTION 1. The state of Idaho, in accordance with the provisions of 67 Statutes at Large, page 589 (Public Law 280) hereby assumes and accepts jurisdiction for the civil and criminal enforcement of state laws and regulations concerning the following matters and purposes arising in Indian country located within this state, as Indian country is defined by Title 18, United States Code 1151, and obligates and binds this state to the assumption thereof:

A. Compulsory school attendance
B. Juvenile delinquency and Youth Rehabilitation
C. Dependent, neglected and abused children
D. Insanities and mental illness
E. Public assistance
F. Domestic relations
G. Operation and management of motor vehicles upon highways and roads maintained by the county or state, or political subdivisions thereof.

SECTION 2. Additional state jurisdiction in criminal and civil causes of action may be extended to particular reservations or Indian Country with the consent of the governing body of the tribe occupying the Indian Country effected by the assumption of such additional jurisdiction. This may be achieved by negotiation with the tribe or by unilateral action by the tribe. In every case the extent of such additional jurisdiction shall be determined by a resolution of the tribal governing body and become effective upon the Tribe's transmittal of the resolution to the Attorney General of the State of Idaho. Such resolution may effectively accept jurisdiction as to any particular field of criminal or civil jurisdiction. All state jurisdiction extended by virtue of this act shall be concurrent (and not exclusive) with jurisdiction in the same matters existing in the Tribes or the Federal Government.

SECTION 3. Nothing in this act shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian
or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall confer jurisdiction upon the state to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under federal treaty, agreement, statute, or executive order with respect to Indian land grants, hunting, trapping, or fishing or the control, licensing, or regulation thereof.

SECTION 4. All acts and parts of acts in conflict with this act shall be and the same hereby are repealed.

Approved March 6, 1963.

CHAPTER 59
(H. B. No. 70)

AN ACT

RELATING TO THE VEHICLE EQUIPMENT SAFETY COMPACT AND ENACTING SAID COMPACT INTO LAW; SPECIFYING THE FINDINGS AND PURPOSES OF SAID COMPACT AND DEFINING CERTAIN TERMS AS USED THEREIN; PROVIDING FOR THE CREATION OF A "VEHICLE EQUIPMENT SAFETY COMMISSION," PRESCRIBING REGULATIONS RELATING TO ITS MEMBERSHIP, EMPLOYEES, ORGANIZATION, PROCEDURES, POWERS AND DUTIES; AUTHORIZING RESEARCH AND TESTING AND RECOMMENDATIONS TO MEMBER STATES CONCERNING CHANGES IN LAWS RELATING TO VEHICULAR EQUIPMENT; PROVIDING PROCEDURES FOR THE ESTABLISHMENT OF PERFORMANCE REQUIREMENTS AND RESTRICTIONS AS TO VEHICULAR EQUIPMENT BY THE COMMISSION AND THE ADOPTION OR REJECTION THEREOF BY PARTY STATES; PROVIDING FOR THE APPORTIONMENT OF THE EXPENSES OF THE COMMISSION AMONG THE PARTY STATES AND FOR PROCEDURES RELATIVE THERETO; PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS RELATIVE TO CONFLICTS IN INTEREST; AUTHORIZING THE COMMIS-
SION TO ESTABLISH ADVISORY AND TECHNICAL COMMITTEES; PROVIDING FOR THE ENTRY INTO AND WITHDRAWAL FROM SAID COMPACT; PROVIDING FOR THE CONSTRUCTION OF SAID COMPACT, AND FOR THE SEVERABILITY OF ITS PROVISIONS; PROVIDING FOR THE RETENTION OF EXISTING LAWS RELATING TO VEHICULAR EQUIPMENT UNTIL CHANGED BY LAW; DESIGNATING THE COMMISSIONER OF LAW ENFORCEMENT OR AN APPOINTED EMPLOYEE OF HIS DEPARTMENT AS COMMISSIONER OF THIS STATE TO ACT ON SAID COMMISSION; AUTHORIZING STATE OFFICIALS AND AGENCIES TO COOPERATE WITH SAID COMMISSION; PROVIDING FOR THE FILING OF DOCUMENTS WITH THE DEPARTMENT OF LAW ENFORCEMENT, FOR THE SUBMISSION OF BUDGETS TO AND INSPECTION OF THE ACCOUNTS OF SAID COMMISSION BY THE BUREAU OF BUDGETS; AND PROVIDING THAT THE TERM "EXECUTIVE HEAD" AS USED IN SAID COMPACT SHALL MEAN THE GOVERNOR.

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

SECTION 1. The Vehicle Equipment Safety Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

VEHICLE EQUIPMENT SAFETY COMPACT

ARTICLE I

Findings and Purposes

(a) The party states find that:

(1) Accidents and deaths on their streets and highways present a very serious human and economic problem with a major deleterious effect on the public welfare.

(2) There is a vital need for the development of greater inter-jurisdictional cooperation to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment, and to accomplish this by such means as will minimize the time between the development of demonstrably and scientifically sound safety features and their incorporation into vehicles.

(b) The purposes of this compact are to:
(1) Promote uniformity in regulation of and standards for equipment.

(2) Secure uniformity of law and administrative practice in vehicular regulation and related safety standards to permit incorporation of desirable equipment changes in vehicles in the interest of greater traffic safety.

(3) To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in subdivision (a) of this article.

(c) It is the intent of this compact to emphasize performance requirements and not to determine the specific detail of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements.

ARTICLE II
Definitions

As used in this compact:

(a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) "Equipment" means any part of a vehicle or any accessory for use thereon which affects the safety of operation of such vehicle or the safety of the occupants.

ARTICLE III
The Commission

(a) There is hereby created an agency of the party states to be known as the "Vehicle Equipment Safety Commission" hereinafter called the commission. The commission shall be composed of one commissioner from each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the state which he represents. If authorized by the laws of his party state, a commissioner may provide for the discharge of his duties
and the performance of his functions on the commission, either for the duration of his membership or for any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the commission in such form as the commission may require. Each commissioner, and each alternate, when serving in the place and stead of a commissioner, shall be entitled to be reimbursed by the commission for expenses actually incurred in attending commission meetings or while engaged in the business of the commission.

(b) The commissioners shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners, or their alternates, are present.

(c) The commission shall have a seal.

(d) The commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The commission may appoint an Executive Director and fix his duties and compensation. Such Executive Director shall serve at the pleasure of the commission, and together with the Treasurer shall be bonded in such amount as the commission shall determine. The Executive Director also shall serve as secretary. If there be no Executive Director, the commission shall elect a Secretary in addition to the other officers provided by this subdivision.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the Executive Director with the approval of the commission, or the commission if there be no Executive Director, shall appoint, remove or discharge such personnel as may be necessary for the performance of the commission's functions, and shall fix the duties and compensation of such personnel.

(f) The commission may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full time employees. Employees of the commission shall be eligible for social security coverage in respect of old age and survivor's insurance provided that the commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insur-
ance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The commission may borrow, accept or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party states or their subdivisions.

(h) The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency and may receive, utilize and dispose of the same.

(i) The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

(j) The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The bylaws shall provide for appropriate notice to the commissioners of all commission meetings and hearings and the business to be transacted at such meetings or hearings. Such notice shall also be given to such agencies or officers of each party state as the laws of such party state may provide.

(k) The commission annually shall make to the Governor and legislature of each party state a report covering the activities of the commission for the preceding year, and embodying such recommendations as may have been issued by the commission. The commission may make such additional reports as it may deem desirable.

ARTICLE IV
Research and Testing

The commission shall have power to:

(a) Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in equipment and related fields.
(b) Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters when, in its judgment, appropriate or sufficient research or testing has not been undertaken.

(c) Contract for such equipment research and testing as one or more governmental agencies may agree to have contracted for by the commission, provided that such governmental agency or agencies shall make available the funds necessary for such research and testing.

(d) Recommend to the party states changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective governmental action or coordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highway safety problems.

ARTICLE V
Vehicular Equipment

(a) In the interest of vehicular and public safety, the commission may study the need for or desirability of the establishment of or changes in performance requirements or restrictions for any item of equipment. As a result of such study, the commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this article. No less than sixty days after the publication of a report containing the results of such study, the commission upon due notice shall hold a hearing or hearings at such place or places as it may determine.

(b) Following the hearing or hearings provided for in subdivision (a) of this article, and with due regard for standards recommended by appropriate professional and technical associations and agencies, the commission may issue rules, regulations or codes embodying performance requirements or restrictions for any item or items of equipment covered in the report, which in the opinion of the commission will be fair and equitable and effectuate the purposes of this compact.

(c) Each party state obligates itself to give due consideration to any and all rules, regulations and codes issued by the commission and hereby declares its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment.
(d) The commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation or code.

(e) If the constitution of a party state requires, or if its statutes provide, the approval of the legislature by appropriate resolution or act may be made a condition precedent to the taking effect in such party state of any rule, regulation or code. In such event, the commissioner of such party state shall submit any commission rule, regulation or code to the legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state.

(f) Except as otherwise specifically provided in or pursuant to subdivisions (e) and (g) of this article, the appropriate motor vehicle agency of a party state shall in accordance with its constitution or procedural laws adopt the rule, regulation or code within six months of the sending of the notice, and, upon such adoption, the rule, regulation or code shall have the force and effect of law therein.

(g) The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation or code issued by the commission pursuant to this article if such agency specifically finds, after public hearing on due notice, that a variation from the commission's rule, regulation or code is necessary to the public safety, and incorporates in such finding the reasons upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the party state. Upon request, the commission shall be furnished with a copy of the transcript of any hearings held pursuant to this subdivision.

ARTICLE VI
Finance

(a) The commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof.

(b) Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party
states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: one-third in equal shares; and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the commission may employ such source or sources of information as in its judgment present the most equitable and accurate comparisons among the party states. Each of the commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning vehicular registrations.

(c) The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under Article III (h) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under Article III (h) hereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its rules. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual reports of the commission.

(e) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

(f) Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

ARTICLE VII
Conflict of Interest

(a) The commission shall adopt rules and regulations with respect to conflict of interest for the commissioners
of the party states, and their alternates, if any, and for
the staff of the commission and contractors with the com-
mission to the end that no member or employee or con-
tractor shall have a pecuniary or other incompatible in-
terest in the manufacture, sale or distribution of motor
vehicles or vehicular equipment or in any facility or enter-
prise employed by the commission or on its behalf for
testing, conduct of investigations or research. In addition
to any penalty for violation of such rules and regulations
as may be applicable under the laws of the violator's juris-
diction of residence, employment or business, any violation
of a commission rule or regulation adopted pursuant to
this article shall require the immediate discharge of any
violating employee and the immediate vacating of mem-
bership, or relinquishing of status as a member on the
commission by any commissioner or alternate. In the case
of a contractor, any violation of any such rule or regulation
shall make any contract of the violator with the commis-
sion subject to cancellation by the commission.

(b) Nothing contained in this article shall be deemed
to prevent a contractor for the commission from using
any facilities subject to his control in the performance
of the contract even though such facilities are not devoted
solely to work of or done on behalf of the commission;
nor to prevent such a contractor from receiving remunera-
tion or profit from the use of such facilities.

ARTICLE VIII
Advisory and Technical Committees

The commission may establish such advisory and tech-
nical committees as it may deem necessary, membership
on which may include private citizens and public officials,
and may cooperate with and use the services of any
such committees and the organizations which the mem-
bers represent in furthering any of its activities.

ARTICLE IX
Entry Into Force and Withdrawal

(a) This compact shall enter into force when enacted
into law by any six or more states. Thereafter, this com-
 pact shall become effective as to any other state upon its
enactment thereof.

(b) Any party state may withdraw from this compact
by enacting a statute repealing the same, but no such with-
withdrawal shall take effect until one year after the executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE X
Construction and Severability

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 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 herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

SECTION 2. All existing statutes prescribing motor vehicle equipment requirements shall continue to be of force and effect until amended or repealed by law.

SECTION 3. Pursuant to Article V (e) of the Vehicle Equipment Safety Compact, it is the intention of this state and it is hereby provided that no rule, regulation or code issued by the Vehicle Equipment Safety Commission in accordance with Article V of the compact shall take effect until approved by act of the legislature.

SECTION 4. The commissioner of this state on the Vehicle Equipment Safety Commission shall be the Commissioner of Law Enforcement, who shall serve during his continuance as such officer. The Commissioner of Law Enforcement may designate an alternate from among the officers and employees of his department to serve in his place and stead on the Vehicle Equipment Safety Commission. Subject to the provisions of the compact and bylaws of the Vehicle Equipment Safety Commission, the authority and responsibilities of such alternate shall be as determined by the commissioner designating such alternate.
SECTION 5. Within appropriations available therefor, the departments, agencies and officers of the government of this state may cooperate with and assist the Vehicle Equipment Safety Commission within the scope contemplated by Article III (h) of the compact. The departments, agencies and officers of the government of this state are authorized generally to cooperate with said commission.

SECTION 6. Filing of documents as required by Article III (j) of the compact shall be with the Department of Law Enforcement. Any and all notices required by commission bylaws to be given pursuant to Article III (j) of the compact shall be given to the commissioner of this state or his alternate, if any.

SECTION 7. Pursuant to Article VI (a) of the compact, the Vehicle Equipment Safety Commission shall submit its budgets to the Bureau of Budget.

SECTION 8. Pursuant to Article VI (e) of the compact, the Bureau of Budget is hereby empowered and authorized to inspect the accounts of the Vehicle Equipment Safety Commission.

SECTION 9. The term “executive head” as used in Article IX (b) of the compact shall, with reference to this state, mean the Governor.

Approved March 6, 1963.

CHAPTER 60
(H. B. No. 71)

AN ACT

RELATING TO THE DRIVER LICENSE COMPACT AND ENACTING SAID COMPACT INTO LAW; DECLARING THE PURPOSES OF SAID COMPACT AND DEFINING CERTAIN TERMS AS USED THEREIN; PROVIDING FOR REPORTS OF CONVICTION OF OFFENSES RELATING TO THE OPERATION OF MOTOR VEHICLES BY A PARTY STATE TO THE HOME STATE OF THE LICENSEE, AND FOR THE CONSIDERATION THEREOF IN ISSUING, SUSPENDING AND REVOKING LICENSES; PROVIDING FOR THE CONTINUED APPLICATION OF OTHER STATE LAWS AND FOR COOPERATIVE ARRANGEMENTS BETWEEN PARTY AND NON-PARTY STATES; PROVIDING THAT THE HEAD OF
THE LICENSING AUTHORITY SHALL BE THE ADMINIS­TRATOR OF THIS COMPACT FOR THE PARTY STATE, AND FOR THE EXCHANGE OF INFORMATION IN THE ADMIN­ISTRATION OF SAID COMPACT; PROVIDING FOR THE ENTRY INTO AND WITHDRAWAL FROM SAID COMPACT; PROVIDING FOR THE CONSTRUCTION OF SAID COMPACT, AND FOR THE SEVERABILITY OF ITS PROVISIONS; PROVIDING THAT THE DEPARTMENT OF LAW ENFORCE­MENT SHALL BE THE "LICENSING AUTHORITY" AS PROVIDED IN SAID COMPACT; PROVIDING FOR THE EX­PENSES OF THE COMPACT ADMINISTRATOR; PROVIDING THAT THE TERM "EXECUTIVE HEAD" AS USED IN SAID COMPACT SHALL MEAN THE GOVERNOR; PROVIDING FOR AND LIMITING COURT REVIEW OF ACTS OR OMISSIONS IN THE ENFORCEMENT OF THE PROVISIONS OF SAID COMPACT.

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

SECTION 1. The Driver License Compact is hereby enacted into law and entered into with all other jurisdictions legally joined therein in the form substantially as follows:

DRIVER LICENSE COMPACT
ARTICLE I
Findings and Declaration of Policy

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations re-
lating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the over-all compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II
Definitions

As used in this compact:

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

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III
Reports of Conviction

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other se-
curity; and shall include any special findings made in con-
nection therewith.

ARTICLE IV
Effect of Conviction

(a) The licensing authority in the home state, for the
purposes of suspension, revocation or limitation of the
license to operate a motor vehicle, shall give the same effect
to the conduct reported, pursuant to Article III of this
compact, as it would if such conduct had occurred in the
home state, in the case of convictions for:

(1) Manslaughter or negligent homicide resulting
from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the in-
fluence of intoxicating liquor or a narcotic drug,
or under the influence of any other drug to a
degree which renders the driver incapable of
safely driving a motor vehicle;

(3) Any felony in the commission of which a motor
vehicle is used;

(4) Failure to stop and render aid in the event of
a motor vehicle accident resulting in the death
or personal injury of another.

(b) As to other convictions, reported pursuant to Article
III, the licensing authority in the home state shall give
such effect to the conduct as is provided by the laws of
the home state.

(c) If the laws of a party state do not provide for
offenses or violations denominated or described in pre-
cisely the words employed in subdivision (a) of this article,
such party state shall construe the denominations and de-
scriptions appearing in subdivision (a) hereof as being
applicable to and identifying those offenses or violations
of a substantially similar nature, and the laws of such
party state shall contain such provisions as may be neces-
sary to ensure that full force and effect is given to this
article.

ARTICLE V
Applications for New Licenses

Upon application for a license to drive, the licensing au-
thority in a party state shall ascertain whether the appli-
cant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI
Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party (state) to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a non-party state.

ARTICLE VII
Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.
ARTICLE VIII
Entry Into Force and Withdrawal

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX
Construction and Severability

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 constitution 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. As used in the compact, the term “licensing authority” with reference to this state, shall mean the Department of Law Enforcement. Said department shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV, and V of the compact.

SECTION 3. The compact administrator provided for in Article VII of the compact shall not be entitled to any additional compensation on account of his service as such administrator, but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses in-
curred in connection with any other duties or responsibilities of his office or employment.

SECTION 4. As used in the compact, with reference to this state, the term "executive head" shall mean the Governor.

SECTION 5. Any act or omission of any official or employee of this state done or omitted pursuant to, or in enforcing, the provisions of the Driver License Compact shall be subject to review by the District Court of Ada County or of any other county in which the person aggrieved shall reside, upon a petition therefor filed within thirty days thereafter, but any review of the validity of any conviction reported pursuant to the compact shall be limited to establishing the identity of the person so convicted.

Approved March 6, 1963.

CHAPTER 61
(H. B. No. 76)

AN ACT

PROVIDING FOR ACTIVE MEMBERS OF THE IDAHO NATIONAL GUARD TO USE SPECIAL NUMBER PLATES AND PRESCRIBING PROCEDURE FOR THEIR ISSUANCE; PROVIDING THAT SPECIAL NUMBER PLATES BE DESIGNED BY ADJUTANT GENERAL AND APPROVED BY COMMISSIONER OF LAW ENFORCEMENT; PROVIDING FOR TRANSFER OF SPECIAL NUMBER PLATES WHEN MOTOR VEHICLE IS TRANSFERRED AND DECLARING EFFECT UPON REGISTRATION.

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

SECTION 1. Any active member of the Idaho National Guard residing in the State of Idaho, may, upon application to the Commissioner of Law Enforcement, register one passenger motor vehicle and receive for such vehicle special number plates in lieu of regular number plates. The special number plates shall be designed, subject to the approval of the Commissioner of Law Enforcement, by the Adjutant General. Proof of being an active member in the Idaho National Guard must be furnished to the Commissioner of Law Enforcement before the plates will be issued.
SECTION 2. Active members of the Idaho National Guard will notify the Commissioner of Law Enforcement, at a time to be set by the Commissioner, of their intention to procure special number plates under the terms of this Act. Failure to do so will result in the member being required to accept regular number plates should the Commissioner be unable to procure the special plates provided herein. Special plates may still be procured when available but members of the Idaho National Guard will be subject to the usual transfer fee.

SECTION 3. Whenever a member of the Idaho National Guard transfers or assigns his title or interest to a vehicle especially registered under this Act, the registration shall expire but the member may hold his special number plates which he may have reissued to him upon the payment of the required transfer fees. He may only display such plates after receipt of new registration from the Commissioner.

Approved March 6, 1963.

CHAPTER 62
(H. B. No. 97)

AN ACT

TO AUTHORIZE STATE BANKS TO INVEST IN "BANK SERVICE CORPORATIONS" WHICH MAY BE ORGANIZED TO PROVIDE CLERICAL SERVICES FOR THEM AND FOR PERSONS OR ORGANIZATIONS OTHER THAN BANKS; DEFINING THE TERM "FEDERAL SUPERVISORY AGENCY", THE TERM "BANK SERVICES", THE TERM "BANK SERVICE CORPORATIONS", THE TERM "INVEST" AND PRESCRIBING THE PROCEDURE; PROVIDING FOR REGULATION AND EXAMINATION BY EITHER THE DEPARTMENT OF FINANCE OF THE STATE OF IDAHO OR A FEDERAL SUPERVISORY AGENCY; AND DECLARING AN EMERGENCY.

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

SECTION 1. DEFINITIONS AND USE OF TERMS.—As used in this act unless the context otherwise requires:

(a) The term "Federal supervisory agency" means the Comptroller of the Currency, the Board of Governors of
the Federal Reserve System, or the Board of Directors of the Federal Deposit Insurance Corporation.

(b) The term "bank services" means services such as check and deposit sorting and posting, computation and posting of interest and other credits and charges, preparation and mailing of checks, statements, notices, and similar items, or any other clerical, bookkeeping, accounting, statistical, or similar functions performed for a bank.

(c) The term "bank service corporation" means a corporation organized to perform bank services for two or more banks, each of which owns part of the capital stock of such corporation, and which are subject to examination by either the Department of Finance of the State of Idaho, or a Federal supervisory agency.

(d) The term "invest" includes any advance of funds to a bank service corporation, whether by the purchase of stock, the making of a loan, or otherwise, except a payment for rent earned, goods sold and delivered, or services rendered prior to the making of such payment.

SECTION 2. No limitation or prohibition otherwise imposed by any provision of the laws of the State of Idaho exclusively relating to banks shall prevent or prohibit any two or more banks from investing not more than ten per centum of the paid-in and unimpaired capital and unimpaired surplus of each of them in a bank service corporation.

SECTION 3. If stock in a bank service corporation has been held by two banks, and one of such banks ceases to utilize the services of the corporation and ceases to hold stock in it, and leaves the other as the sole stockholding bank, the corporation may nevertheless continue to function as such and the other bank may continue to hold stock in it.

SECTION 4. Whenever a bank (referred to in this section as an "applying bank") subject to examination by either the Department of Finance of the State of Idaho, or a Federal supervisory agency, applies for a type of bank services for itself from a bank service corporation which supplies the same type of bank services to another bank, and the applying bank is competitive with any bank (referred to in this section as a "stockholding bank") which holds stock in such corporation, the corporation must offer to supply such services by either:
(a) issuing stock to the applying bank and furnishing bank services to it on the same basis as to the other banks holding stock in the corporation, or

(b) furnishing bank services to the applying bank at rates no higher than necessary to fairly reflect the cost of such services, including the reasonable cost of the capital provided to the corporation by its stockholders, at the corporation’s option, unless comparable services at competitive overall cost are available to the applying bank from another source, or unless the furnishing of the services sought by the applying bank would be beyond the practical capacity of the corporation. In any action or proceeding to enforce the duty imposed by this section, or for damages for the breach thereof, the burden shall be upon the bank service corporation to show such availability.

SECTION 5. No bank service corporation may engage in any revenue producing activity other than the performance of bank services for banks and, to an extent not exceeding one-half of its total activity, the performance of similar services for persons or organizations other than banks.

SECTION 6. No bank subject to examination by the Department of Finance may cause to be performed, by contract, or otherwise, any bank services for itself, whether on or off its premises, unless assurances satisfactory to the Department of Finance of the State of Idaho are furnished to such Department by both the bank and the party performing such services that the performance thereof for any such bank will be subject to regulation and examination by the Department of Finance to the same extent as if such services were being performed by the bank itself on its own premises.

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 6, 1963.
CHAPTER 63  
(H. B. No. 105)  

AN ACT  

AMENDING SECTION 16-1508, IDAHO CODE, RELATING TO THE EFFECT OF ADOPTION OF CHILDREN TO PROVIDE THAT ADOPTED CHILDREN MAY INHERIT FROM ANY PERSON TO THE SAME EXTENT AS A CHILD OF THE WHOLE BLOOD; AND DECLARING AN EMERGENCY.

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

SECTION 1. That section 16-1508, Idaho Code, be, and the same is hereby amended to read as follows:

16-1508. EFFECT OF ADOPTION. — A child, when adopted, may take the name of the person adopting, and the two shall thenceforth sustain toward each other the legal relation of parent and child, and shall have all the rights and are shall be subject to all the duties of that relation, including all of the rights of a child of the whole blood to inherit from any person, in all respects, under the provisions of section 14-103, Idaho Code, and to the same extent as a child of the whole blood.

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, 1963.

CHAPTER 64  
(S. B. No. 85)  

AN ACT  

BE IT CITED AS THE IDAHO HORSE RACING ACT, RELATING TO, PROVIDING FOR, AUTHORIZING AND REGULATING THOROUGHBRED, PUREBRED, AND/OR REGISTERED HORSE RACING, CREATING THE IDAHO HORSE RACING COMMITTEE, AND STATING ITS POWERS AND DUTIES; PRESCRIBING THE MANNER IN WHICH HORSE RACING MAY BE CONDUCTED; PROVIDING FOR THE LICENSING OF RACE MEETINGS AND PARTICIPANTS THEREIN; PROHIBITING POOL SELLING, BOOK MAKING, AND CIRCU-
LATION OF HAND BOOKS; AUTHORIZING THE PARI-MUTUUEL SYSTEM AND PROVIDING LICENSE FEES THEREFORE, AND EXEMPTING COUNTY FAIR BOARDS AND FAIR DISTRICTS THEREFROM; PROVIDING FOR LICENSE FEES FOR THE PARI-MUTUUELS SYSTEM; PROVIDING FOR SURETY BONDING; FIXING PENALTIES FOR VIOLATION OF THE ACT; PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY.

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

SECTION 1. This Act may be cited as the "Idaho Horse Racing Act."

SECTION 2. Unless the context otherwise requires, words and phrases as used herein shall mean:

"Committee" shall mean the Idaho Horse Racing Committee, hereinafter created.

"Persons" shall mean and include individuals, firms, corporations and associations.

"Race Meet" shall mean and include any exhibition of thoroughbred, purebred, and/or registered horse racing where the pari-mutuel system of wagering is used. Singular shall include the plural and plural shall include the singular; and words importing one gender shall be regarded as including all other genders.

SECTION 3. There is hereby created the Idaho Horse Racing Committee, to consist of three members, who shall be citizens, residents, and qualified electors of the State of Idaho.

The members of said Committee shall be appointed by the Governor within thirty days after this act takes effect, one for a term to expire on the Thursday following the second Monday in January, 1965, and one for a term to expire on the Thursday following the second Monday in January, 1967, and one for a term to expire on the Thursday following the second Monday in January, 1969, and upon the expiration of the term of any member of said Committee, the Governor shall appoint a successor for a term of six years.

Each member shall hold office until his successor is appointed and qualified. Vacancies on the Committee shall be filled by appointment to be made by the Governor for the unexpired term.
Any member may be removed from office by the Governor for cause after a public hearing. Notice of said hearing shall fix the time and place of hearing and shall specify the charges. Copy of the notice of hearing shall be served on the member by mailing the same to the member at his last known address at least ten days before the date fixed for said hearing.

SECTION 4. The Committee shall organize by electing one of its members chairman. Two members of the Committee shall constitute a quorum for the transaction of any and all business of the Committee.

The Committee may incur all such costs, charges and expenses as are reasonably necessary in carrying out the intent and purposes of this Act.

All claims and expenditures under this Act shall be first audited and passed upon by the Committee, and, when approved, shall be paid in the manner provided by law for the payment of claims against the state of Idaho.

SECTION 5. The Committee shall keep detailed records of all meetings and of the business transacted therein, and all licenses applied for and issued, reports of which shall be embodied in an annual report which the Committee shall prepare and submit to the Governor on or before the thirty-first day of December of each year. Said annual report shall cover the activities of the Committee for the preceding year in addition to the aforementioned.

All records of the Committee shall be public records, and as such, subject to public inspection.

SECTION 6. It shall be the duty of the Committee, as soon as possible after its organization, to prepare and promulgate a complete set of rules and regulations to govern race meets and the pari-mutuel system. It shall be the duty of each person holding a license under the authority of the Act, and every owner, trainer, jockey, and attendant at any race course in this State, to comply with this Act and with all the rules and regulations promulgated and all orders issued by the Committee.

It shall be unlawful for any owner, trainer, or jockey, to participate in any race meet without first securing and having in full force and effect, an annual license therefor from the Committee. The license fee for such annual license shall be Five Dollars ($5.00), which shall be paid to the
State Treasurer and placed in the general fund of the State of Idaho.

**SECTION 7.** The Committee created by this Act is hereby authorized and it shall be its duty to license, regulate, and supervise all race meets held in this State under the terms of this Act, and to cause the various places where race meets are held to be visited and inspected at least once a year.

**SECTION 8.** It shall be unlawful for any person to hold any race meet in this State without having first obtained and having in force and effect a license issued by the Committee as in this Act provided. Every person making application for a license to hold a race meet, under the provisions of this Act, shall file an application with the Committee which shall set forth the time, place and number of days such will continue, and such other information as the Committee may require.

No person who has been convicted of any crime involving moral turpitude shall be issued a license of any kind, nor shall any license be issued to any person who has violated the terms or provisions of this Act, or any of the rules and regulations of the Committee, or who has failed to pay any of the fees, taxes or monies required under the provisions of this act.

All applications to hold race meets shall be submitted to the Committee which shall act upon such applications within thirty days. The Committee shall be the sole judge of whether or not the race meet shall be licensed and the number of days the meet shall continue.

The license issued shall specify the kind and character of the race meets to be held, the number of days the race meet shall continue and the number of races per day, which shall not be less than six nor more than ten. The licensee shall pay in advance of the scheduled race meet to the State Treasurer a fee of not less than Twenty-Five Dollars ($25.00) for each day of racing, which fees shall be placed in the Public School Endowment Fund of the State of Idaho. PROVIDED, That if unforeseen obstacles arise, which prevent the holding, or completion of any race meet, the license fee held may be refunded the licensee, if the Committee deems the reason for failure to hold or complete the race meet sufficient. Any unexpired license held by any person who violates any of the provisions of this Act, pursuant thereto, or who fails to pay to the
Committee any and all sums required under the provisions of this Act, shall be subject to cancellation and revocation by the Committee. Such cancellation shall be made only after a summary hearing before the Committee, of which three (3) days' notice, in writing, shall be given the licensee, specifying the grounds for the proposed cancellation, and at which hearing the licensee shall be given an opportunity to be heard in opposition to the proposed cancellation.

SECTION 9. Any person holding a race meet, and any owner, trainer or jockey participating in a race meet, without first being licensed by the Committee, and any person willfully violating any of the terms or provisions of this Act is guilty of a misdemeanor.

The Committee shall have the power to exclude from any and all race courses in this State any person whom the Committee deems detrimental to the best interests of racing, or any person who willfully violates any of the provisions of this Act or any rule, regulation, or order of the Committee.

It shall be lawful to conduct race meets on or at a race track, or otherwise, at any time during the week.

SECTION 10. For the purpose of encouraging the breeding, within this State, of valuable thoroughbred, purebred and/or registered horses, at least one race each day at each race meet shall be limited to Idaho bred horses. If in the opinion of the Committee sufficient competition cannot be had among such class of horses, said race may be eliminated for said days and a substitute provided instead.

A sum equal to ten per cent (10%) of the first money of every purse won by an Idaho bred horse shall be paid by the licensee conducting the race meet to the breeder of such horse.

SECTION 11. For the protection of the public, and all members thereof, the exhibitors and visitors, every person licensed to conduct a race meet under the provisions of this Act shall carry public liability insurance in an amount and form of contract and with a company to be approved by the Committee.

SECTION 12. Any licensee conducting a race meet under this Act may provide a place or places in the race meet grounds or enclosure at which such licensee may conduct and supervise the use of the pari-mutuel system by patrons
on the result of the races conducted by such licensee at such race meet, and such pari-mutuel system conducted at such race meet shall not under any circumstances, if conducted under the provisions of this Act and in conformity thereto and to the rules and regulations of the Committee, to be held or construed to be unlawful, other statutes of this State to be contrary notwithstanding.

It shall be unlawful to conduct pool selling, book making, or to circulate hand books, or to bet or wager on a race of any licensed race meet, other than by the pari-mutuel system; and it shall further be unlawful knowingly to permit any minor to use the pari-mutuel system.

SECTION 13. Each licensee conducting the pari-mutuel system shall distribute all sums deposited in any pool to the winner thereof, less an amount which shall not exceed fifteen per centum (15%) of the total deposits plus the odd cents of all redistribution to be based on each dollar deposited exceeding a sum equal to the next lowest multiple of ten, known as "breakage."

SECTION 14. In addition to the license fees required by this act, the licensee shall pay to the Racing Committee five (5) per centum of the gross receipts of all pari-mutuel machines at each race meet, which sums shall be paid daily to the Racing Committee. Fair Boards or Fair Districts which conduct race meets in connection with regularly scheduled annual fairs, where the concession or privilege of operating the pari-mutuel system is not leased, sold or granted to any other person, shall pay one (1) per centum of the gross receipts of all pari-mutuel machines to the Committee, and shall be exempt from payment of the fees provided in Section 8 of this Act. All sums paid to the Committee from the five (5) per centum shall be disposed of by the Committee as follows: Twenty (20) per centum thereof shall be paid to and retained by the Committee for the payment of the salary of its members; of its secretary, and the salaries of all other clerical, office, and other help employed by the Committee, together with all expenses in connection with the carrying out of the provisions of this Act, except that no payment need be made for office accommodations furnished by the State: PROVIDED, HOWEVER, That no salary, wages, expenses or compensation of any kind shall be paid by the State of Idaho for, or in connection with the work of the Committee in carrying out the provisions of this Act; the remaining eighty (80) per centum of all sums collected by
the Committee on the next business day following the receipt thereof, shall be paid to the State Treasurer, and by him placed in the Public School Endowment Fund of the State Treasury. Any monies collected or paid to the Committee under the terms of this Act, and not expended at the time of making its report to the legislature, shall be paid to the Treasurer and be placed in the Public School Endowment Fund of the State Treasury.

SECTION 15. In the event any government or governmental agency imposes a levy on a licensee, by a special tax on the money so deposited under the pari-mutuel system, or upon or against his receipts therefrom, the said licensee may withhold in addition to the aforesaid per centum and breakage, as provided in Section 13, the amount of the tax so levied.

SECTION 16. Every licensee required to pay the license fees provided for in Section 6 of this Act shall provide and deliver to the Committee a bond signed by a surety company licensed to do business in this State in such form as shall be required by the Committee and in a sum of not less than $25,000.00 or such additional amount as may be required by the Committee, conditioned that said licensee will pay to the State of Idaho all monies due the State under the provisions of this Act.

SECTION 17. If any portion of this Act shall be declared unconstitutional, it shall not affect the validity of this Act as a whole or any part thereof not adjudged unconstitutional.

SECTION 18. All acts and parts of acts in conflict with this Act, in so far as the same are so in conflict, are hereby repealed.

SECTION 19. An emergency existing therefor, which emergency is hereby declared to exist, this Act shall be in force and effect from and after the passage and approval hereof.

This bill disapproved by the Governor March 4, 1963.

After reconsideration, having passed both houses by a two-thirds vote, it became law this 5th day of March 1963.
C. 65 '63  IDAHO SESSION LAWS  253

CHAPTER 65
(S. B. No. 1)

AN ACT

RELATING TO FOREST RESERVE FUNDS; AMENDING SECTION 3, CHAPTER 116, 1957 SESSION LAWS (57-1303), BY MAKING SPECIAL PROVISION FOR APPROPRIATION OF SUCH FUNDS IN ELMORE COUNTY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 3, Chapter 116, 1957 Session Laws (57-1303), be and the same is hereby amended to read as follows:

57-1303. COUNTY APPORTIONMENT OF FOREST RESERVE FUNDS.—The treasurer of each county except Elmore County receiving a portion of this fund shall immediately allot seventy per cent (70%) of this money to the county general road fund and to the treasurer of the highway districts and good road districts in the county in proportion to the mileage of each within the county, to be expended for the construction and repair of roads and bridges, and thirty per cent (30%) to the various school districts and joint county school districts within the county in proportion to the number of pupils in average daily attendance in each district in the year immediately prior to this distribution. The distribution of such moneys to the respective school districts entitled thereto shall be in addition to and without regard to any assistance to such school districts from any and all other sources in maintaining the minimum educational program and minimum transportation program. The treasurer of Elmore County shall, upon receiving a portion of this fund, immediately allot 70% of this money to the county roads and bridge fund to be expended for the construction of roads and bridges within the jurisdiction of the county and 30% to the various school districts and joint county school districts within the county as above set forth.

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 7, 1963.
CHAPTER 66
(H. B. No. 98)

AN ACT
AMENDING SECTION 26-601, IDAHO CODE, AS AMENDED, RELATING TO INVESTMENT OF FUNDS AND LOANS THAT MAY BE MADE BY STATE BANKS AND THEREBY INCREASING THE AMOUNT OF REAL ESTATE LOANS WHICH A STATE BANK MAY MAKE IN RELATION TO ITS TIME AND SAVINGS DEPOSITS FROM 60 PER CENT TO 70 PER CENT; PROVIDING THAT LOANS SECURED BY MORTGAGES UNDER THE PROVISIONS OF SECTION 1709 TITLE 12 UNITED STATES CODE ANNOTATED, AS AMENDED BY ACT OF CONGRESS JUNE 30, 1961, AND LEGISLATION AMENDATORY AND SUPPLEMENTARY THERETO, SHALL NOT BE TAKEN INTO ACCOUNT IN DETERMINING THE AMOUNT OF REAL ESTATE LOANS WHICH A STATE BANK MAY MAKE IN RELATION TO ITS CAPITAL AND SURPLUS OR ITS TIME AND SAVINGS DEPOSITS; INCREASING THE TIME LIMIT FOR THE MATURITY OF LOANS MADE TO FINANCE THE CONSTRUCTION OF RESIDENTIAL OR FARM BUILDINGS IN ORDER TO TAKE SUCH LOANS OUT OF THE CATEGORY OF LOANS SECURED BY REAL ESTATE FROM SIX MONTHS TO EIGHTEEN MONTHS; PROVIDING THAT LOANS IN WHICH SMALL BUSINESS ADMINISTRATION COOPERATES SHALL NOT BE SUBJECT TO THE RESTRICTIONS OR LIMITATIONS IMPOSED UPON LOANS SECURED BY REAL ESTATE; AND DECLARING AN EMERGENCY.

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 acquisition 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 20 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 70 per centum of the amount of its time and savings deposits, whichever is the greater. Provided, that loans secured by mortgages under the provisions of section 1709 of Title 12 United States Code Annotated as amended by Act of Congress June 30, 1961, and legislation amendatory and supplemental thereto shall not be taken into account in determining the amount of real estate loans which a bank may make in relation to its capital and surplus or its time and savings deposits. And Provided, provided further, 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 eighteen 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 and loans in which the Small Business Administration cooperates through agreements to participate on an immediate or deferred basis under the Small Business Act shall not be subject to the restrictions or limitations of this section imposed 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 to secure the payment of a debt contracted previously in good faith, 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 immediately upon its passage and approval.

Approved March 7, 1963.
CHAPTER 67
(H. B. No. 110)

AN ACT

RELATING TO CERTIFICATION OF PLATS; AMENDING SECTION 50-2502, IDAHO CODE, AS AMENDED, TO DELETE THE REFERENCE TO COUNTY SURVEYOR AND TO PROVIDE THAT A COUNTY OR MUNICIPALITY SHALL PROVIDE THAT A REGISTERED SURVEYOR OR ENGINEER PERFORM THE DUTIES PREVIOUSLY DESIGNATED TO BE PERFORMED BY THE COUNTY SURVEYOR.

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

SECTION 1. That Section 50-2502, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

50-2502. CERTIFICATION OF PLAT — DONATION OF STREETS AND ALLEYS — ACCEPTANCE BY MUNICIPAL AUTHORITIES. — The correctness of said plat must be certified to by the surveyor making the survey, said certificate to contain a correct description of the land included in said plat, and the owner or owners of the land included in said plat shall also make a certificate containing the correct description of the land with the statement as to their intentions to include the same in the plat, and must also make a deed of donation of all streets and alleys, shown on said plat, which certificates and deeds shall be acknowledged before some officer duly authorized to take acknowledgments of deeds, and shall be endorsed on the plat and be recorded and form part of the record.

No plat of any town site, or addition to any town, village or city, or subdivisions of any tract of land in this state, shall be accepted for record by the recorder of any county unless said plat shall have first been submitted to the city council, board of trustees or other governing body of the town, village or city to which said town sites, additions or subdivisions of any tract of land in this state belong, and to which they are platted as such said town sites, additions or subdivisions of any tract of land in this state, and have been accepted and approved by the said city council, board of trustees or other governing body of said town, village or city; and shall have written thereon the acceptance and approval of the said city council, board of trustees, or other governing body of the town, village or city to which said town sites, additions or sub-
divisions of any tract of land in this state belong, and to which they are platted as said town sites, additions or subdivisions of any tract of land in this state, and no such plat shall be approved unless (a) the streets and alleys are laid out so as to clearly and legibly show thereon, (b) each lot shall be numbered and each block shall be lettered or numbered, provided, however, that each block, section, district or division and each burial lot within the exterior boundaries of a platted cemetery shall be designated by number or letter or name, (c) each and all lengths of the boundaries of each lot shall be shown, provided, however, that all lengths of the boundaries of each burial lot within the exterior boundaries of a platted cemetery may be shown by appropriate legend, (d) each street shall be named, (e) with the final map the subdivider also shall file a tracing of the final map, upon which the surveyor shall make affidavit that said tracing is an exact copy of the final map. (f) The subdivider shall provide without cost one print each from said tracing for the county assessor and the county surveyor, (g) the survey for the final map shall be of such accuracy that the error of closure shall not exceed one foot in 4,000 feet, (h) the county surveyor, the municipality shall require that a registered surveyor or engineer of its choosing shall sufficiently check the plat and computations for making the plat, to determine if they comply with the requirements of the laws relating thereto. For performing such service the county surveyor, municipality shall collect from the subdivider a fee not to exceed twenty-five dollars ($25); provided, however, that if any subdivision of any tract is not within the corporate limits of an incorporated city, town or village the plat thereof shall be submitted, accepted and approved by the board of commissioners of the county in which the tract is located in the same manner and as hereinafter provided for submission, acceptance and approval by the governing body of the city, town or village involved in cases where such tracts are within the incorporated limits thereof.

Approved March 7, 1963.
CHAPTER 68
(H. B. No. 111)

AN ACT

RELATING TO SURVEY OF STUMPAGE DISTRICT; AMENDING SECTION 38-1010, IDAHO CODE, AS AMENDED, TO PROVIDE FOR A SURVEY OF STUMPAGE DISTRICTS BY A REGISTERED SURVEYOR OR ENGINEER, AND PROVIDING FOR FEE DETERMINATION.

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

SECTION 1. That Section 38-1010, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

38-1010. DUTIES OF COUNTY SURVEYOR—PRELIMINARY SURVEY.—As soon as may be after the appointment of the commissioners of said district by the county commissioners, the county commissioners shall engage the services of a registered surveyor or engineer who shall, for the purpose of compiling data to be presented to the commissioners of said district, make a survey, maps, estimate of costs of stumping and clearing, also any other data that may be necessary or required by said commissioners, without charge to said district at such fee as may be agreed upon between said registered surveyor or engineer and the county commissioners.

Approved March 7, 1963.

CHAPTER 69
(S. B. No. 54)

AN ACT

AMENDING SECTION 16-1813, IDAHO CODE, SO AS TO DELETE CERTAIN STATUTORY PROVISIONS CONCERNING YOUTH REHABILITATION ACT HEARINGS AND SO AS TO CLOSE SUCH HEARINGS TO THE PUBLIC, EXCEPT TO THE EXTENT PERMITTED OTHERWISE BY THE PROBATE JUDGE; AMENDING SECTION 16-1816, IDAHO CODE, AS AMENDED, SO AS TO DELETE CERTAIN PROVISIONS CONTAINED THEREIN, SO AS TO REQUIRE PROBATE COURTS TO KEEP FILES, RATHER THAN RECORDS, OF YOUTH REHABILITATION ACT CASES AND SO AS TO CLOSE SUCH FILES
TO CERTAIN INSPECTION, EXCEPT TO THE EXTENT PERMITTED BY THE PROBATE JUDGE; 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 16-1813, Idaho Code, be, and the same is hereby amended to read as follows:

16-1813. HEARING.—All children's cases shall be dealt with by the court at separate hearings and without a jury, except when more than one child is involved in a specific act within the purview of this statute the hearing may be held jointly in obtaining the evidence necessary to establish the participation of each child in the act and then heard separately as far as the findings of the social study and disposition are concerned. Cases of children of the same family involved in the same act may be heard at one hearing. The hearings shall be conducted in an informal manner and may be adjourned from time to time. Stenographic notes or other transcript of the hearings shall be required only if the court so orders. The general public shall be excluded and only such person admitted as the judge shall find to have a direct interest in the case or in the work of the court. Such hearings shall be closed to the public, except to the extent permitted otherwise by the probate judge. The presence of the child in court may be waived by the court at any stage of the proceedings.

SECTION 2. That Section 16-1816, Idaho Code, as amended, be, and the same hereby is, amended to read as follows:

16-1816. RECORDS. COURT FILES — PRIVILEGED INFORMATION. INSPECTION OF FILES. — The court shall make and keep records files of all cases brought before it. The court's official records files shall be open closed to inspection, unless the judge orders that it would be contrary to the interests of the parties involved, which order must be made in writing and in each case. All information obtained and social records prepared in the discharge of official duty by any employee of the court shall be privileged and shall not be disclosed directly or indirectly to anyone other than the judge or others entitled under this act to receive such information by persons other than probate court personnel, except to the extent permitted by the probate judge.

SECTION 3. An emergency existing therefor, which emer-
Chapter 70
(S. B. No. 63)

An Act
Amending Title 18, Chapter 24, Idaho Code, by adding a new section thereto following Section 18-2403, to be known and designated as Section 18-2403A, providing a prima facie intent to appropriate certain property leased or let, upon a failure to return the same after expiration of a written agreement, within ten days or upon forty-eight hour demand, or through use of false identification; and declaring an emergency.

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

Section 1. That Title 18, Chapter 24, Idaho Code, be, and the same hereby is amended by adding a new section thereto following Section 18-2403, to be known as Section 18-2403A, to read as follows:

18-2403A.—PRIMA FACIE INTENT TO APPROPRIATE: It shall be prima facie evidence of intent to commit embezzlement, as set forth in Section 18-2403, when one who has, by written instrument, leased or rented the personal property of another (1) fails or refuses to return such personal property to its owner after the lease or rental agreement has expired (a) within ten days, and (b) within forty-eight hours after written demand for return thereof is personally served or given by registered mail delivered to the last known address provided in such lease or rental agreement, or (2) when the lease or rent of such personal property is obtained by presentation of identification to the lessor or rentor thereof which is false, fictitious, or knowingly not current as to name, address, place of employment, or other identification.

Section 2. An emergency existing therefor, which emergency is hereby declared to exist, this Act shall be in full force and effect immediately upon passage and approval.

Approved March 8, 1963.
AN ACT
AMENDING SECTION 26-501, IDAHO CODE, RELATING TO RE­
SERVE REQUIREMENTS OF STATE BANKS THAT ARE NOT
MEMBERS OF THE FEDERAL RESERVE SYSTEM SO AS
TO PROVIDE THAT THE REQUIRED RESERVES OF SUCH
BANKS MAY BE MAINTAINED ON AN AVERAGE DAILY
BASIS OVER TWO-WEEK PERIODS; AND DECLARING AN
EMERGENCY.

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

SECTION 1. That section 26-501, Idaho Code, be and the
same is hereby amended to read as follows:

26-501. RESERVE.—Every bank, not a member of the
federal reserve system, shall, at all times, have on hand
as a reserve, an amount equal to at least fifteen per cent
of its aggregate deposits, said reserve except as here­
after otherwise provided shall be in cash in its vaults
or held on deposit, subject to check, with any other bank
or banks, which shall have been approved by the commis­
ioner as reserve depositories and shall be computed bi­
weekly in the following manner, to-wit, on the basis of
average daily net deposit balances and average daily cash
in its vaults or held on deposit in reserve depositories sub­
ject to check during the biweekly period. Said biweekly
periods shall end at the close of business on days to be
fixed by the commissioner of finance; provided, however,
that up to thirty-three and one-third per cent of such re­
serve may consist of United States government bonds not
hypothecated.

Any bank which is or becomes a member of the federal
reserve system, shall comply with the reserve requirements
of the Federal Reserve Act.

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

Approved March 8, 1963.
CHAPTER 72
(S. B. No. 104)

AN ACT

AMENDING SECTION 67-2728, IDAHO CODE, RELATING TO APPROVED SECURITIES WHICH MAY BE ACCEPTED AND APPROVED BY THE DEPARTMENT OF FINANCE OF THE STATE OF IDAHO UNDER THE PROVISIONS OF THE STATE DEPOSITORY LAW SO AS TO INCLUDE BONDS OF THE FEDERAL HOME LOAN BANK, BONDS FOR WHICH THE CREDIT OF THE UNITED STATES IS PLEDGED, NOTES OR BONDS SECURED BY MORTGAGE OR TRUST DEED INSURED PURSUANT TO TITLE II OF THE NATIONAL HOUSING ACT AND OBLIGATIONS OF NATIONAL MORTGAGE ASSOCIATIONS OR SIMILAR CREDIT INSTITUTIONS NOW OR HEREAFTER CREATED PURSUANT TO TITLE III OF SAID ACT; BONDS OF ANY COUNTY, CITY, VILLAGE OR SCHOOL DISTRICT OF ANY STATE OF THE UNITED STATES AND THEIR LEGALLY ISSUED WARRANTS; ELIMINATING THEREFROM BONDS OF HIGHWAY DISTRICTS; AND ELIMINATING THEREFROM THE REQUIREMENT THAT BONDS OF ANY ASSOCIATION, CORPORATION, COMPANY, GOVERNMENT, OR MUNICIPALITY LISTED ON THE NEW YORK STOCK EXCHANGE MUST BE APPROVED BY THE BOARD OF GOVERNORS OF THE NEW YORK STOCK EXCHANGE; EXTENDING THE PERIOD FOR DEFAULT OF APPROVED SECURITIES; AMENDING SECTION 67-2740, IDAHO CODE, RELATING TO THE MAXIMUM AMOUNT WHICH MAY BE DEPOSITED BY THE STATE TREASURER IN STATE DEPOSITORIES UNDER THE PROVISIONS OF THE STATE DEPOSITORY LAW BY ELIMINATING THEREFROM THE REQUIREMENT THAT BONDS OR SECURITIES OF ANY ASSOCIATION, CORPORATION, COMPANY, GOVERNMENT OR MUNICIPALITY LISTED ON THE NEW YORK STOCK EXCHANGE MUST BE APPROVED BY THE BOARD OF GOVERNORS OF THE NEW YORK STOCK EXCHANGE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-2728, Idaho Code, be and the same is hereby amended to read as follows:

67-2728. APPROVED SECURITIES. — No security shall be accepted by the department except United States bonds, bonds issued by any governmental unit under the control of the United States and which bonds are authorized by act of congress, bonds of the federal land banks
and joint stock land banks, organized under the laws of the United States, bonds of the Federal Home Loan Bank, bonds for which the credit of the United States is pledged, notes or bonds secured by mortgage or trust deed insured pursuant to title II of the national housing act and obligations of national mortgage associations or similar credit institutions now or hereafter created pursuant to title III of said act and bonds of any association, corporation, company, government or municipality approved by the board of governors of the New York Stock Exchange and listed on said the New York Stock Exchange exchange, bonds of any state of the United States, bonds of the several counties, cities, villages, and schools and highway districts of any state of the United States, and warrants of the state of Idaho and of the several counties and school districts thereof. No security shall be approved where there has been default within three-seven years in the payment of principal or interest of any obligation issued by the same maker.

SECTION 2. That Section 67-2740, Idaho Code, be and the same is hereby amended to read as follows:

67-2740. CERTIFICATE TO STATE TREASURER—CONTENTS—MAXIMUM AMOUNT WHICH MAY BE DEPOSITED.—The department of finance shall, at the time of designating any state depository, and from time to time thereafter, determine and certify to the state treasurer:

a. The capital and surplus of such depository other than banking corporations or national banking associations operating branches, and in the case of the latter, the capital and surplus, of any, allocated to each banking office thereof designated as a state depository as provided in the preceding section.

b. The maximum amount which may be deposited under the bonds and securities approved by it, which shall not exceed, but may be less than ninety per cent of the penalty of the corporate surety bonds; ninety per cent of the market value, not exceeding par, and not exceeding ninety per cent of the value thereof as carried on the books of the bank, of the bonds or securities of any association, corporation, company, government or municipality approved by the board of governors of the New York Stock Exchange and listed on such exchange the New York Stock Exchange; and 100 per cent of the market value not exceeding 100 per cent of par, and not exceeding 100 per cent of the value
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It is hereby declared to be the policy of the State of Idaho, to the end of providing services to the people of the counties and municipalities of the state more efficiently at the least expense, or to the end of enabling such services to be provided jointly by more than one government unit where neither unit by itself could properly afford the particular function, to allow municipalities and counties to jointly furnish said service, or to allow any county or municipality to voluntarily transfer the furnishing of such function within its boundaries to the other body.

SECTION 2. Where used herein, the following words shall be deemed to have the following meaning:

(a) "Service functions" shall be deemed to mean the construction, operation and maintenance of the necessary facilities and staff relating to the following functions now or hereafter authorized by law to be performed by any municipality or county: Inspection and enforcement of sanitation and health regulations, sewage disposal, fire pro-
tection, library service, planning and zoning, regulation of garbage and trash collection and disposal, airport facilities, and jails and detention homes.

(b) "Municipalities" shall include all incorporated municipalities.

SECTION 3. The legislative body of any municipality and the Board of County Commissioners of any county are hereby authorized to enter into a written agreement for jointly carrying out all or any portion of service functions, between counties or between cities or between counties and cities. Such agreement shall be approved by the concurrent affirmative action of the legislative body of each said city or county upon ten days' notice of the meeting considering the same published in a newspaper deemed most likely to give notice within such municipality or county, which published notice shall be published separately by each municipality or county involved in such contract.

SECTION 4. The legislative body of any municipality or the Board of County Commissioners of any county is authorized to enter into a written agreement for transferring the exercise of all or any portion of a service function to a county or municipality to carry out that service function within the boundary of the transferor for and on its behalf. Such agreement shall be approved in the same manner as required in the foregoing Section 3.

SECTION 5. Any agreement entered into between the legislative bodies of municipalities and counties under the previous two sections, agreeing to the joint exercise of a service function or the transfer of the exercise of a service function to one or the other of the bodies, shall explicitly set forth (1) the nature of the service function involved, (2) the effective date of the transfer or joint operation, (3) the manner in which the affected employees, if any, shall be transferred, reassigned or otherwise treated, (4) the manner in which any real property, facilities, equipment or other personal property required in the exercise of the service function shall be transferred, sold or otherwise disposed of between the contracting parties, (5) the method for financing to be used and the amount thereof to be paid by each of the participating cities or municipalities in relation to the service function jointly operated or transferred, (6) the length of operation under the agreement, (7) other legal, financial and administrative arrange-
ments necessary to effectuate such joint operation or trans­fer of the exercise of said service function in an orderly and equitable manner. Provided, nevertheless, such con­tract may only be made between municipalities or counties with areas that are substantially contiguous between the county and municipality, between municipalities, or between counties and municipalities contiguous with at least one county; and such contracts may authorize the purchase of real estate and the construction of facilities thereon outside of the boundaries of one or more of the contract­ing governments thereto.

SECTION 6. If any of the provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications which can be given effect without said invalid provisions or applications.

Approved March 8, 1963.

CHAPTER 74
(H. B. No. 210)

AN ACT

RELATING TO CRIMES AND PUNISHMENTS WITH RESPECT TO PUBLIC TELEPHONE INSTRUMENTS AND TO ANY TELEGRAPH AND TELEPHONE EQUIPMENT, LINES AND FACILITIES; AMENDING SECTION 18-6801, IDAHO CODE, TO CLARIFY AND REDEFINE CRIMES RELATING TO PER­SONS WHO MALICIOUSLY DISPLACE, REMOVE, INJURE OR DESTROY ANY PUBLIC TELEPHONE INSTRUMENT, EQUIPMENT OR FACILITIES ASSOCIATED THEREWITH, OR WHO ENTER OR BREAK INTO COIN BOXES ASSOCI­ATED THEREWITH, OR WHO WILFULLY DISPLACE, RE­MOVE, INJURE OR DESTROY ANY TELEGRAPH OR TELE­PHONE LINE, WIRE, CABLE, POLE OR CONDUIT BELONG­ING TO ANOTHER OR THE MATERIAL OR PROPERTY APPURTEANANT THERETO; PROVIDING THAT VIOLATIONS OF ANY SUCH ACTS SHALL CONSTITUTE A MISDE­MEANOR AND PRESCRIBING THE PENALTIES FOR SUCH VIOLATIONS; AMENDING SECTION 18-6802, IDAHO CODE, TO PROVIDE THAT TELEGRAPH AND TELEPHONE FACIL­ITIES, LINES, WIRES AND POLES SHALL BE EXCLUDED FROM AND NOT SUBJECT TO THE PROVISIONS OF SAID SECTION; AND DECLARING AN EMERGENCY.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-6801, Idaho Code, be, and the same is hereby amended to read as follows:

18-6801. Every person who maliciously takes down, displaces, removes, injures or obstructs any line of telegraph or telephone, or any part thereof, or appurtenances or apparatus connected therewith, or severs any wire thereof, destroys any public telephone instrument or any part thereof or any equipment or facilities associated therewith, or who enters or breaks into any coin box associated therewith, or who willfully displaces, removes, injures or destroys any telegraph or telephone line, wire, cable, pole or conduit belonging to another or the material or property appurtenant thereto is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding Three Hundred Dollars ($300.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

SECTION 2. That Section 18-6802, Idaho Code, be, and the same is hereby amended to read as follows:

18-6802. Any person who shall willfully cut down or burn, or otherwise materially injure, any telegraph, telephone, or electric light pole, or shall shoot so as to materially injure any insulator, or knock said insulator loose from the pole to which it is attached, or otherwise materially injure such insulator, or who shall shoot any telegraph, telephone, or electric light wire, thereby breaking said wire, or who shall otherwise willfully cut, break, or injure such wire, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than $100, and in case of failure to pay such fine, shall be imprisoned in the county jail one day for every two dollars of such fine.

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 8, 1963.
CHAPTER 75  
(H. B. No. 86)  

AN ACT  
AMENDING SECTION 49-126, IDAHO CODE, TO PROVIDE FOR THE LICENSING OF PICKUP TRUCKS THE SAME AS OTHER MOTOR VEHICLES DESIGNED FOR THE PURPOSE OF CARRYING PASSENGERS AND NOT USED FOR HIRE. 

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

SECTION 1. That Section 49-126, Idaho Code, be, and the same is hereby amended to read as follows: 

49-126. The annual fee for operating each pickup truck and each other motor vehicle having a maximum gross weight not in excess of 6,000 pounds, designed exclusively for the purpose of carrying passengers, and not used exclusively for hire shall be as follows: 

1. Vehicles one and two years old .......... ($ ) 17.50 
2. Vehicles three and four years old ...... 15.00 
3. Vehicles five and six years old .......... 12.50 
4. Vehicles seven and eight years old ...... 10.00 
5. Vehicles over eight years old ............ 7.50 

6. In addition to the annual fee prescribed in this section any such motor vehicle designed exclusively for the purpose of carrying passengers and not used exclusively for hire which is propelled by special fuel as defined in section 49-1230, Idaho Code, as amended, shall pay a fee of $40.00 per year, which fee shall be considered in lieu of ordinary motor vehicle fuels tax levied upon fuels used by other motor vehicles enumerated in this section. 

If application be made under this subdivision between January first and June thirtieth, the applicant shall pay the full amount of such annual fee; if made between July first and December thirty-first, the applicant shall pay one-half of such annual fee, or the sum of $7.50 whichever is larger. 

For the purpose of this section, the age of a motor 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 desig-
nation 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 this section; provided further that the term "manufacturer's year designation" as herein used, shall mean the model year designated by the motor vehicle manufacturer, and not the year in which such vehicle is in fact manufactured.

Approved March 8, 1963.

CHAPTER 76
(H. B. No. 81)

AN ACT

AMENDING SECTION 33-3101, IDAHO CODE, RELATING TO LEWIS-CLARK NORMAL SCHOOL BY REMOVING THE LIMITATION ON THE COURSE OF STUDY IN TRAINING TEACHERS, REMOVING THE REQUIREMENT OF COORDINATING COURSES OF STUDY WITH THE UNIVERSITY OF IDAHO, REMOVING THE AUTHORIZATION OF THE STATE BOARD OF EDUCATION TO REQUIRE THE PRESIDENT OF THE UNIVERSITY OF IDAHO TO SERVE AS EX-OFFICIO PRESIDENT OF LEWIS-CLARK NORMAL SCHOOL, AUTHORIZING FOUR-YEAR COURSES LEADING TO GRANTING OF DEGREE OF BACHELOR.

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

SECTION 1. That Section 33-3101, Idaho Code, be, and the same is hereby amended to read as follows:

33-3101. ESTABLISHMENT OF SCHOOL.—A normal school for the state of Idaho is hereby established in the city of Lewiston, in the county of Nez Perce, to be called the Lewis-Clark Normal School, heretofore called the Northern Idaho College of Education, the purpose of which shall be training and educating teachers in the art of instruction and governing in the elementary schools of this state, and teaching the various branches that pertain to a good elementary school education, and the giving of instruction in four-year college courses in science, arts and literature, leading to the granting of the degree of Bachelor.

The course of study at such nor...
The school shall cover a period equivalent to not more than two years and such course of study shall be coordinated with the courses of study at the University of Idaho. The state board of education and board of regents of the University of Idaho may, in its discretion, require the president of the University of Idaho to serve as ex-officio president of such normal school.

Approved March 11, 1963.

CHAPTER 77
(H. B. No. 145)

AN ACT

AMENDING SECTION 54-1413, IDAHO CODE, RELATING TO THE LICENSING AND REGULATION OF NURSES, BY DELETING THEREFROM THE CLAUSE WHICH EXCEPTS ATTENDANTS AT CERTAIN STATE INSTITUTIONS FROM THE PRACTICAL NURSING PROVISIONS OF SAID ACT, THEREBY SUBJECTING SUCH ATTENDANTS WHO PERFORM PRACTICAL NURSING SERVICES AS DEFINED IN SAID ACT TO THE REQUIREMENTS THEREOF; AND PROVIDING AN EFFECTIVE DATE FOR THIS ACT.

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

SECTION 1. That Section 54-1413, Idaho Code, be, and the same is hereby amended to read as follows:

54-1413. As used in this act:

a. Commissioner means commissioner of law enforcement.

b. Department means department of law enforcement.

c. Board means the board of nurse registration and nursing education.

d. Council means the advisory council of practical nurses.

e. Practice of nursing.

(1) A person practices professional nursing who for compensation or personal profit performs any professional services requiring the applications of principles of biological, physical or social sciences and nursing skills in the care of the sick, in the prevention of disease or in the conservation of health.
(2) A person practices practical nursing who for compensation or personal profit performs such duties as are required in the physical care of a convalescent, a chronically ill or an aged or infirm patient and in carrying out such medical orders as are prescribed by a licensed physician, requiring a knowledge of simple nursing procedures but not requiring the professional knowledge and skills required for professional nursing, provided, however, that such practice shall not include the function of attendants at Idaho state hospital north, Idaho state hospital south and state school and colony.

f. Nursing school means a course of training designed to prepare and represented as preparing persons for licensure under this act as a registered nurse.

g. Course for the training of practical nurses means a course of training designed to prepare and represented as preparing persons for licensure under this act as a licensed practical nurse.

SECTION 2. This act shall be in force and effect as of July 1, 1964.

Approved March 11, 1963.

CHAPTER 78
(H. B. No. 115)

AN ACT
RELATING TO EXAMINATIONS FOR SURVEYORS UNDER THE DEPARTMENT OF LAW ENFORCEMENT; REPEALING SECTION 67-2913, IDAHO CODE.

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

SECTION 1. That Section 67-2913, Idaho Code, be, and the same is hereby repealed.

Approved March 12, 1963.
CHAPTER 79
(H. B. No. 116)

AN ACT

RELATING TO COUNTY SURVEYOR'S FEES; REPEALING SECTION 31-3208, IDAHO CODE.

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

SECTION 1. That Section 31-3208, Idaho Code, be, and the same is hereby repealed.

Approved March 12, 1963.

CHAPTER 80
(H. B. No. 181)

AN ACT

AMENDING SECTION 213 OF THE SPECIAL CHARTER OF THE CITY OF LEWISTON SO AS TO INCREASE FROM ONE THOUSAND DOLLARS TO TWO THOUSAND DOLLARS THE EXPENDITURE BY THE CITY OF LEWISTON WITHOUT HAVING TO CALL FOR BIDS AND PUBLISH SAID CALL IN SOME DAILY NEWSPAPER BY INCREASING FROM ONE THOUSAND DOLLARS TO TWO THOUSAND DOLLARS, THE AMOUNT OF MONEY THAT MAY BE EXPENDED BY A DEPARTMENT HEAD WITHOUT SUBMITTING IN WRITING TO THE COUNCIL A COST OF WORK TO BE DONE OR MATERIALS FURNISHED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 213 of the Special Charter of the City of Lewiston be, and the same is hereby amended to read as follows:

Sec. 213. CONTRACTS INVOLVING EXPENDITURE OF MORE THAN ONE-TWO THOUSAND DOLLARS.

The city council shall, in every case before entering into any contract involving the expenditure of more than one-two thousand dollars, except in cases of contracts for engineering or other professional services, advertise daily for five days or more in some daily newspaper published in said city for proposals for the work to be done or the
materials to be furnished and shall open all bids on the day named in said advertisements or as soon thereafter as practicable and shall enter all bids with the names of the bidders upon the minutes and every bid shall remain at least one day open for discussion before any contract thereon shall be awarded, and after that time, such bid may be awarded and such security required as the council may deem necessary. No contract shall be made which does not receive the assent of a majority of all members of the council and all such contracts shall be executed by the mayor and controller and attested by the seal of the city and shall be filed and kept open to the inspection of citizens at all times.

The head of each department shall, in every case involving the expenditure of more than one two thousand dollars, before any call for bids, submit to the council a statement in writing with an estimate by him of the cost of the proposed work to be done or materials to be furnished and, unless the same receive the approval of a majority of the council, it shall not be advertised or undertaken.

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 12, 1963.

CHAPTER 81
(H. B. No. 153)

AN ACT
AMENDING SECTION 17 OF THE ACT WHICH WAS SENATE BILL NO. 5 OF THE THIRTY-SEVENTH SESSION OF THE STATE LEGISLATURE TO PROVIDE THAT THE FISCAL YEAR OF ANY CITY OPERATING UNDER THE COUNCIL-MANAGER-MAYOR PLAN OF CITY GOVERNMENT SHALL COMMENCE ON THE FIRST DAY OF JANUARY INSTEAD OF ON THE FIRST DAY OF JULY OF EACH YEAR; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 17 of the act which was Senate
Bill No. 5 of the Thirty-seventh Session of the State Legislature be, and the same is hereby amended to read as follows:

SECTION 17. FISCAL YEAR.—The fiscal year of any city operating under the provisions of this chapter shall commence on the first day of January; provided that the first fiscal year shall commence on the first day of the month following adoption of the form of government provided for herein and close on the 31st day of June of the following same year and that thereafter the fiscal year shall commence on the aforesaid first day of January in each year and close on the 31st day of December of the following such year.

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 12, 1963.

CHAPTER 82
(H. B. No. 154)

AN ACT
AMENDING SECTION 50-4315, IDAHO CODE, TO PROVIDE THAT THE FISCAL YEAR SHALL COMMENCE ON THE FIRST DAY OF JANUARY; PROVIDING FOR THE TRANSITION PERIOD FROM THE FIRST DAY OF JULY TO DECEMBER 31, 1963, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 50-4315, Idaho Code, be, and the same hereby is amended to read as follows:

50-4315: FISCAL YEAR.—The fiscal year of any city operating under the provisions of this chapter shall commence on the first day of July; January. Provided that the first fiscal year shall commence on the first day of May and close on the thirtieth day of June of the following year; and that thereafter the fiscal year shall commence on the aforesaid first day of July in each year and close on the thirtieth day of June of the following year.

For the transition period hereby created, the period of time from July 1 to December 31, 1963, shall be deemed
as one year wherever the term "year" is used in any statute pertaining to fiscal matters of any municipality.

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 12, 1963.

CHAPTER 83
(H. B. No. 119)

AN ACT
RELATING TO COUNTY OFFICERS TO BE ELECTED; AMENDING SECTION 34-202, IDAHO CODE, AS AMENDED, TO DELETE THE REFERENCE THEREIN TO SURVEYOR.

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

SECTION 1. That Section 34-202, Idaho Code, as amended, 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; and 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.

Approved March 12, 1963.

CHAPTER 84
(H. B. No. 126)

AN ACT
AMENDING SECTION 2-304, IDAHO CODE, AND SECTION 2-411,
IDAHO CODE, TO DELETE THEREFROM ALL PROVISIONS RELATING TO THE PROCEDURES REQUIRED TO BE FOLLOWED BY THE CLERKS OF THE DISTRICT COURTS IN CONNECTION WITH THE RIGHT OF WOMEN TO DECLINE TO SERVE AS JURORS WITHOUT BEING REQUIRED TO STATE ANY REASON FOR SO DECLINING, THEREBY REQUIRING WOMEN TO SERVE AS JURORS UNLESS THEY ARE EXEMPT OR ARE EXCUSED AS PROVIDED BY LAW WITH RESPECT TO MEN JURORS.

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

SECTION 1. That Section 2-304, Idaho Code, be, and the same is hereby amended to read as follows:

2-304. On receiving such lists, the clerk must file the same in his office, and write down the names contained therein on separate pieces of paper, of the same size and appearance, and fold each piece so as to conceal the name thereon, and deposit them in a box to be called the "jury box." The clerk shall within five days after the jury list is filed in his office, by registered mail notify in writing every woman on said list at her residence, as set out in said list, that her name is on the jury list, and that she will be compelled to serve as a juror unless within fifteen days from the date of her notice, she notifies the clerk in writing of her refusal to serve. All refusals to serve as jurors by women received by the clerk within fifteen days of the date of the clerk's notice to such women shall be filed by the clerk and shall be effective until the next regular jury list is compiled as provided in section 2-301, Idaho Code, as amended in section 1 of this act; and that any woman so declining to serve as a juror shall not be required to state any reason for so declining.

SECTION 2. That Section 2-411, Idaho Code, be, and the same is hereby amended to read as follows:

2-411. When there are not competent jurors enough present to form a panel, the court may direct the sheriff or other proper officer to summon a sufficient number of persons having the qualifications of jurors, to complete the panel from the body of the county or from the bystanders, and the sheriff must summon the number so ordered, accordingly, and return the names to the court. The jurors summoned under this or the preceding section, may be required to appear forthwith or at a time to be named in the order, as the court may direct, and the officer summoning such jurors shall return the order as hereinbefore
CHAPTER 85
(H. B. No. 232)

AN ACT

AMENDING SECTION 56-224a, IDAHO CODE, RELATING TO DEPARTMENT OF PUBLIC ASSISTANCE RECOVERY FROM RECIPIENTS WHO OWN REAL PROPERTY; PROVIDING FOR THE APPOINTMENT OF A DESIGNATED AGENT OF THE DEPARTMENT OF PUBLIC ASSISTANCE AS ADMINISTRATOR OF RECIPIENTS ESTATES IN SAME MANNER AND EFFECT AS THE PUBLIC ADMINISTRATOR.

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

SECTION 1. That Section 56-224a, Idaho Code, be, and the same is hereby amended to read as follows:

56-224a. Effective July 1, 1951 all old-age assistance awarded under this act to persons owning real property or any interests in real property shall be subject to recovery. Such recovery shall be accomplished in accordance with the following provisions to be effective thereafter:

(a) Each recipient of or applicant for old-age assistance who owns real property or any interests in real property shall be required to enter into agreement in the manner and form prescribed by the state department by which the recipient shall agree that such real property or any interests in real property has been assigned as security for the recovery of all old-age assistance thereafter awarded to him. All such agreements shall be acknowledged. Such agreements shall constitute a charge and lien only for assistance subsequently rendered and not for assistance rendered prior to the execution of such agreements.

If the recipient is a married person his or her spouse shall be required to be a party to such agreement, provided, that when it is established that the applicant is living apart from his or her spouse and the spouse's joinder
cannot be obtained the agreement signed by the applicant alone may be accepted under such regulations as the state department may prescribe.

(b) Upon making an award of old-age assistance the state department shall forthwith file such agreement for recording with the county recorder of the county in which the real property described in such agreement is situated and the filing and recording of such agreement shall have the same effect as a lien by judgment on said real property. From the time of filing of such agreement all of the real property therein described shall be and become charged with a lien for all assistance received by the applicant as herein provided, which lien shall have priority over all unrecorded encumbrances. All such instruments shall be recorded in the manner of all other instruments of like nature and no fees or costs shall be charged or paid for such filing or recording.

(c) Upon written request of a recipient the state department shall execute and file without cost with the county recorder a certificate in form prescribed by the state department certifying as to the amount of assistance given the recipient from the effective date of this provision to the date of such certificate. The amount so certified shall constitute the entire claim as of the date of such certificate against the real property of the recipient, and any person dealing with the recipient may rely upon such certificate as evidencing the amount of the existing lien against the real estate of the recipient.

(d) Upon notice from the state department the prosecuting attorney for the county in which the real property described in said agreement is situated shall seek foreclosure of the lien on a recipient's property when the property is transferred to a third party prior to the recipient's death. It is hereby made the duty of the several prosecuting attorneys to conduct diligently all such foreclosure proceedings upon notice from the department.

(e) Upon the death of any recipient the state department shall present a verified claim for the total amount of all assistance given the recipient, subject to recovery as provided herein, to the executor or administrator of the estate of such decedent and the same shall be allowed, approved, filed and paid as other claims in the administration of the estate of such decedent; provided, however, at the time said claim is awarded there shall be prior exemption of $300. In the event the property or estate is
not regularly occupied and there is no executor or administrator appointed or petition for appointment therefor filed within six months following the death of the recipient, the Department of Public Assistance, by and through its designated agent, may petition for appointment of administrator. The agent of the department, as designated, may be appointed administrator of the property or estate in the same manner and effect as the public administrator.

(f) The state department shall certify to the state auditor the amount received from such recipients or from their estates and such receipts shall be deposited in the cooperative welfare fund in the state treasury.

Approved March 12, 1963.

CHAPTER 86
(H. B. No. 39)

AN ACT
AMENDING CHAPTER 24 OF TITLE 31, IDAHO CODE, BY ADDING A NEW SECTION THERETO TO BE KNOWN AND DESIGNATED AS SECTION 31-2402A, IDAHO CODE, TO PROVIDE THAT IN COUNTIES RECORDING INSTRUMENTS OR DOCUMENTS BY MEANS OF MICROFILM OR MICROPHOTOGRAPHIC PROCESS THE COUNTY RECORDER MAY IN LIEU OF ANY OR ALL OF THE SEPARATE BOOKS FOR RECORDING PROVIDED FOR IN SECTION 31-2402, IDAHO CODE, DESIGNATE SUCH RECORD OR DOCUMENT BY CONSECUTIVE VOLUME AND INSTRUMENT NUMBERS TO BE CALLED "OFFICIAL RECORDS" AND FILED CONSECUTIVELY IN HIS OFFICE IN SUITABLE CONTAINERS AND CABINETS, RECORDING OF SUCH INSTRUMENTS OR DOCUMENTS TO IMPART NOTICE IN LIKE MANNER AND EFFECT AS IF RECORDED IN SEPARATE BOOKS AS PROVIDED FOR IN SECTION 31-2402, IDAHO CODE, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 24 of Title 31, Idaho Code, be, and the same hereby is amended by adding a new section thereto, following section 31-2402, Idaho Code, to be known and designated as section 31-2402A, Idaho Code, to read as follows:
31-2402A. In lieu of any or all of the separate books provided for in section 31-2402, Idaho Code, the County Recorder may, in his discretion, where such record or document has been copied or reproduced by microfilm or microphotographic process as provided by law, designate such record or document by consecutive volume and instrument numbers to be called "Official Records" and recorded consecutively in his office in suitable containers and cabinets.

The recording of such instruments and documents in such "Official Records" will impart notice in like manner and effect as if such instrument or documents were recorded in any of the separate books provided for in section 31-2402, Idaho Code.

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 12, 1963.

CHAPTER 87
(H. B. No. 118)

AN ACT
RELATING TO THE SURVEY OF A DIVISION LINE; AMENDING SECTION 35-110, IDAHO CODE, AS AMENDED, TO PROVIDE FOR THE ESTABLISHING OF A DIVISION LINE BETWEEN PROPERTIES BY A REGISTERED SURVEYOR OR ENGINEER AND DELETING THE REQUIREMENT THAT SUCH LINE BE RUN BY THE COUNTY SURVEYOR.

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

SECTION 1. That Section 35-110, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

35-110. SURVEY OF LINE.—The person building such fence, or the occupant or owner of the land whereon the same is built, may, upon notice to the other party, whenever doubts arise about the location of such fence, require the surveyor of the county to run the division line between their respective lands, and the line so run is sufficient notice to the party making the mistake, so as to
require him to remove such fence within one year thereafter.

Approved March 12, 1963.

CHAPTER 88
(H. B. No. 113)
AN ACT
RELATING TO COUNTY OFFICERS; AMENDING SECTION 31-2001, IDAHO CODE, TO DELETE THE REFERENCE THEREIN TO COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION AND SURVEYOR; AMENDING SECTION 31-2003, IDAHO CODE, BY DELETING THE REFERENCE TO COUNTY SCHOOL SUPERINTENDENT; AMENDING SECTION 31-2015, IDAHO CODE, AS AMENDED, BY DELETING THE REFERENCES TO COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION AND COUNTY SURVEYORS.

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

SECTION 1. That Section 31-2001, Idaho Code, be, and the same is hereby amended to read as follows:

31-2001. COUNTY OFFICERS ENUMERATED.—The officers of a county are:

1. A sheriff.
2. A clerk of the district court, who shall be ex officio auditor and recorder, and ex officio clerk of the board of county commissioners.
3. An assessor.
4. A probate judge.
5. A prosecuting attorney.
6. A county treasurer, who shall be ex officio public administrator and ex officio tax collector.
7. A county superintendent of public instruction.
8. A surveyor.
9. 7. A coroner.
8. Three members of the board of county commissioners.

SECTION 2. That Section 31-2003, Idaho Code, be, and the same is hereby amended to read as follows:

31-2003. APPOINTMENT OF DEPUTIES. — Every county officer except probate judge, commissioner and coroner, may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of his office; provided, that no deputy appointed by a county school superintendent shall exercise the duties of such office except during the period when said superintendent may be absent from his county.

SECTION 3. That Section 31-2015, Idaho Code, as amended, 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.
CHAPTER 89
(H. B. No. 127)

AN ACT
AMENDING SECTION 202, H. B. No. 92, THIRTY-SEVENTH SESSION, TO PROVIDE THAT IF A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM DIE WHILE IN SERVICE, AND AFTER HAVING ATTAINED THE AGE OF SIXTY YEARS, THE SURVIVING SPOUSE MAY ELECT IN LIEU OF LUMP SUM DEATH BENEFITS, TO RECEIVE MONTHLY PAYMENTS; AND PROVIDING FOR EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. That Section 202, H. B. No. 92, Thirty-Seventh Session, be, and the same is hereby amended to read as follows:

202. DEATH BENEFITS.—Upon the receipt of proper proof of the death of a member in service, or while on
leave of absence officially granted, or, if no leave be granted, within four months after termination of any school term during which he was a teacher, there shall be paid to such person, if any, as he shall have nominated by written designation filed with the director, otherwise to his estate:

1. His accumulated contributions; and

2. If the member has one or more years of creditable service, an amount equal to fifty per centum of his average final compensation.

If, however, the death of such member in service occur after having attained the age of sixty years and a surviving spouse be entitled to the death benefit herein provided, such spouse may elect, in lieu of a lump sum death benefit, the monthly allowance as provided under option (2), section 199 of this act, as though said member had retired and had elected said option.

SECTION 2. EFFECTIVE DATE.—This act shall be and become effective on and after the first day of July, 1963.

Approved March 12, 1963.

CHAPTER 90
(H. B. No. 114)

AN ACT

RELATING TO THE OFFICE OF COUNTY SURVEYOR, PREVIOUSLY ABOLISHED; REPEALING SECTIONS 31-2701, 31-2702, 31-2703, 31-2704, 31-2706 AND 31-2708, IDAHO CODE; AND AMENDING SECTION 31-2705, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT OF COUNTY LINES BY LICENSED SURVEYORS OR ENGINEERS; AMENDING SECTION 31-2707, IDAHO CODE, TO PROVIDE FOR COUNTY SURVEYS BY LICENSED SURVEYORS OR ENGINEERS; AND AMENDING SECTION 31-2709, IDAHO CODE, TO PROVIDE THAT ALL SURVEYS SHALL CONFORM TO UNITED STATES MANUAL.

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

SECTION 1. That Sections 31-2701, 31-2702, 31-2703, 31-2704, 31-2706, and 31-2708, Idaho Code, be, and the same are hereby repealed.
SECTION 2. That Section 31-2705, Idaho Code, be, and
the same is hereby amended to read as follows:

31-2705. ESTABLISHMENT OF COUNTY LINES.—
Whenever it shall be ordered by an act of the legislature
to establish the boundary line between two counties, the
board of county commissioners of each county interested
in the boundary shall jointly select and retain the services
of a registered surveyor or engineer to establish said bound-
dary line, or each county shall select and retain the services
of a registered surveyor or engineer who shall authorize
the county surveyors of said counties to jointly establish
said boundary, and firmly plant and mark corners and
monuments of imperishable material, also to prepare plats
and field notes jointly, one copy of which shall be filed
with the auditor and recorder of each of the counties so
interested. The fees and compensations for such surveys,
plats and field notes, as hereinafter provided, shall be paid
out of the county treasury upon the order of the county
commissioners of each county to the respective surveyors
or engineers so employed.

SECTION 3. That Section 31-2707, Idaho Code, be, and
the same is hereby amended to read as follows:

31-2707. COUNTY SURVEYS TO BE MADE BY
COUNTY REGISTERED SURVEYOR OR ENGINEER.—
All surveys, maps and plats ordered by the board of county
commissioners shall be made by the county surveyor, unless
the office of county surveyor shall be vacant; in such
case the a registered surveyor or engineer appointed re-
tained by the board shall be governed by the provisions
of this chapter in the performance of his duty, and shall
receive the same fees that are allowed to county surveyors
who shall be paid such fee as may be fixed and agreed upon.

SECTION 4. That Section 31-2709, Idaho Code, be, and
the same is hereby amended to read as follows:

31-2709. SURVEYS MUST CONFORM TO UNITED
STATES MANUAL.—No surveys or resurveys hereafter
made by the county surveyor shall be considered legal evi-
dence in any court within the state, except such surveys
as are made in accordance with the United States manual
of surveying instructions, the circular on restoration of
lost or obliterated corners and subdivisions of sections,
issued by the general land office, or by the authority of the
CHAPTER 91
(H. B. No. 117)

AN ACT

RELATING TO POWERS AND DUTIES OF THE DEPARTMENT
OF LAW ENFORCEMENT; AMENDING SECTION 67-2901
BY DELETING SUBSECTIONS 8 AND 9 THEREOF WHICH
REFER TO A BOARD OF EXAMINING SURVEYORS.

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

SECTION 1. That Section 67-2901, Idaho Code, be, and the
same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

8. To exercise the rights, powers and duties vested by law in the board of examining surveyors.

9. To exercise the rights, powers and duties vested by law in the state engineer as ex officio chairman of the board of examining surveyors.

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

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

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

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

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

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

Approved March 12, 1963.

CHAPTER 92
(H. B. No. 72, As Amended)

AN ACT
AMENDING SECTION 72-1316B, IDAHO CODE, TO EXCLUDE ALL EMPLOYEES OF PUBLIC SCHOOL DISTRICTS FROM THE EMPLOYMENT COVERED BY THE EMPLOYMENT SECURITY LAW.

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

SECTION 1. That Section 72-1316B, Idaho Code, be, and the same is hereby amended 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, and all other employees of public school districts.
(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.

This bill became a law without the signature of the Governor effective March 12, 1963.

CHAPTER 93
(H.B. No. 129, As Amended in the Senate)
(As Amended in the House)

AN ACT
AMENDING CHAPTER 6 OF TITLE 34, IDAHO CODE, RELATING TO PRIMARY ELECTIONS AND NOMINATION OF CANDIDATES FOR OFFICE, BY AMENDING SECTION 34-604, IDAHO CODE, TO CHANGE THE DATE OF THE PRIMARY ELECTION; BY AMENDING SECTION 34-606, IDAHO CODE, TO CHANGE THE DATES WITHIN WHICH DECLARATION OF CANDIDACY MAY BE FILED, TO PRESCRIBE FORMS FOR SUCH DECLARATIONS FOR VARIOUS OFFICES, TO CHANGE THE REQUIREMENTS FOR SIGNATURES ON PETITIONS, TO DELETE THEREFROM REFERENCE TO JUSTICES OF THE PEACE; BY AMENDING SECTION 34-610, IDAHO CODE, TO PROVIDE THAT CERTIFICATES OF CANDIDATES FOR THE NOMINATING ELECTION MADE BY THE SECRETARY OF STATE BE BASED UPON THE CERTIFICATES OF THE STATE ASSEMBLIES, AS WELL AS ON THE DECLARATION OF CANDIDACY FILED AS PRESENTLY PROVIDED; BY AMENDING SECTION 34-611, IDAHO CODE, TO PROVIDE FOR PUBLICATION BY THE COUNTY AUDITOR OF THE NAMES OF ALL CANDIDATES CERTIFIED AS HAVING BEEN NOMINATED BY STATE ASSEMBLIES AS WELL AS THOSE HAVING FILED DECLARATIONS OF CANDIDACY, AND OTHERS CERTIFIED BY THE SECRETARY OF STATE; BY AMENDING SECTION 34-612, IDAHO CODE, TO PROVIDE FOR ONE PERFORATED BALLOT FOR ALL POLITICAL PARTIES INSTEAD OF SEPARATE BALLOTS FOR EACH, TO DELETE THE REFERENCE TO JUSTICE OF THE PEACE, TO PROVIDE INSTRUCTIONS FOR DETACHING AND VOTING ON THE PORTION OF THE BALLOT ASSIGNED TO THE PARTY SELECTED BY THE VOTER, AND TO DELETE ALL PROVISIONS RELATING TO RUN-OFF PRIMARY ELECTIONS AND THE PROCESS OF
CALLING FOR THE BALLOT OF A POLITICAL PARTY; BY ADDING A NEW SECTION THERETO, FOLLOWING SECTION 34-612, IDAHO CODE, TO BE KNOWN AND DESIGNATED AS SECTION 34-612A, IDAHO CODE, TO PROVIDE FOR COUNTY ASSEMBLIES, THE MEMBERSHIP, MEETINGS, DUTIES, POWERS AND PROCEDURES THEREOF, INCLUDING THE ELECTION OF CERTAIN PARTY OFFICIALS, THE ELECTION OF DELEGATES TO STATE ASSEMBLIES, AND THE NomINATION OF CERTAIN COUNTY CANDIDATES; BY ADDING A NEW SECTION THERETO, FOLLOWING SECTION 34-612A, IDAHO CODE, TO BE KNOWN AND DESIGNATED AS SECTION 34-612B, IDAHO CODE, TO PROVIDE FOR STATE ASSEMBLIES, THE MEMBERSHIP, MEETINGS, DUTIES, POWERS AND PROCEDURES THEREOF, INCLUDING THE ADOPTION OF PARTY PLATFORMS, ELECTION OF CERTAIN PARTY OFFICIALS AND DELEGATES, AND NOMINATION OF CERTAIN FEDERAL AND STATE CANDIDATES; BY ADDING A NEW SECTION THERETO, FOLLOWING SECTION 34-612B, IDAHO CODE, TO BE KNOWN AND DESIGNATED AS SECTION 34-612C, IDAHO CODE, TO PROVIDE PROCEDURES AND REQUIREMENTS FOR THE NOMINATION OF INDEPENDENT CANDIDATES FOR NATIONAL OR STATE OFFICES; BY ADDING A NEW SECTION THERETO, FOLLOWING SECTION 34-612C, IDAHO CODE, TO BE KNOWN AND DESIGNATED AS SECTION 34-612D, IDAHO CODE, TO PROVIDE PROCEDURES AND REQUIREMENTS FOR THE NOMINATION OF UNENDORSED POLITICAL PARTY CANDIDATES FOR NATIONAL OR STATE OFFICES; BY AMENDING SECTION 34-627, IDAHO CODE, TO ADOPT THE PROVISIONS RELATING TO THE POWERS AND DUTIES OF COUNTY AND STATE CENTRAL COMMITTEES TO SAID CHANGES IN THE PRIMARY ELECTION LAWS; BY AMENDING SECTION 34-617, IDAHO CODE, TO CHANGE THE DATES FOR THE MEETING OF AND CERTIFICATION OF RESULTS BY THE STATE BOARD OF CANVASSERS, AND TO DELETE THEREFROM ALL PROVISIONS RELATING TO RUN-OFF PRIMARY ELECTIONS; BY REPEALING SECTION 34-603, IDAHO CODE, RELATING TO CONVENTIONS OF POLITICAL PARTIES; BY REPEALING SECTION 34-625, IDAHO CODE, RELATING TO THE ELECTION OF OFFICERS AND DELEGATES AT PLATFORM CONVENTIONS; BY REPEALING SECTION 34-626, IDAHO CODE, RELATING TO THE MANNER OF VOTING AT PLATFORM CONVENTIONS; BY REPEALING SECTION 34-650, IDAHO CODE, REQUIRING RUN-OFF PRIMARY ELECTIONS UNDER SPECIFIED CIRCUMSTANCES; BY REPEALING SECTION 34-650A, IDAHO CODE, RELAT-
C. 93 '63  IDAHO SESSION LAWS  293

ING TO THE CONDUCT OF RUN-OFF PRIMARY ELEC-
TIONS; AND PROVIDING FOR THE REPEAL OF LAWS IN
CONFLICT WITH, AND FOR THE SEVERABILITY AND
LIBERAL CONSTRUCTION OF THE PROVISIONS OF THIS
ACT.

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

SECTION 1. That Section 34-604, Idaho Code, be, and
the same is hereby amended to read as follows:

34-604. TIME OF HOLDING NOMINATING ELEC-
TIONS.—A nominating election shall be held on the first
Tuesday of June, 1960, first Tuesday following the first
Monday of August, 1964, and biennially thereafter, for the
nomination of candidates required to be nominated accord­
ing to the provisions of this act to be voted for at the
succeeding general election in November.

SECTION 2. That Section 34-606, Idaho Code, be, and
the same is hereby amended to read as follows:

34-606. DECLARATION OF CANDIDACY—TIME OF
FILING—FORM.—Each candidate for office shall file his
declaration of candidacy in the proper office, as herein
provided, by May 7th but not before May 1st at least
forty-five days, and not more than seventy-five days, prior
to the nominating election to be held to nominate candi­
dates for such office, in substantially the following form,
to-wit:

Candidates for county or precinct office shall file a declara-
tion of candidacy in the following form, to-wit:

I, the undersigned, being a qualified elector of ------------
Precinct, ........................ County, State of Idaho, and a
member of ........................ party, hereby declare my­
self to be a candidate for the office of ........................, to
be voted for at the nominating election to be held on the
........... day of ......................, 19........, and certify that
I possess the legal qualifications to fill said office, and rep­
resent the principles of said party, and that my post office
address is .......................................................... (Signed) ..................................................

Each candidate for the office of United States Senator
and United States Representative, Governor or any state
office shall file his declaration of candidacy in the follow­
ing form, to-wit:

I, the undersigned, being a qualified elector of ...............
Precinct of ................................ County, State of Idaho, and a member of ................................ party, hereby declare myself to be a candidate for the office of .........................., to be voted for at the nominating election to be held on the .......... day of ................., 19........, considered for endorsement by the state assembly of the ................ party, at a meeting of said assembly to be held on the .......... day of ................., 19........, and certify that I possess the legal qualifications to fill said office, and represent the principles of said party, and that my post office address is .......................................................... (Signed) ..........................................................

Subscribed and sworn to before me this .......... day of ................................., 19.........

Notary Public

All blank spaces shall be properly filled in with the necessary information, and the declaration of candidacy shall be subscribed and sworn to before an officer authorized to administer oaths.

Said declaration of candidacy, before the same shall be filed in the office of the secretary of state, or in the office of the county auditor, as the case may be, must have appended thereto a petition or petitions, in substantially the following forms, to-wit:

The declaration of candidacy shall have appended thereto a petition or petitions in the following form, to-wit:

I, the undersigned, being a qualified elector of the State of Idaho, and a member of the ................ party, do hereby certify and declare that I am a member of the said party and that .................., a candidate for the office of .................., to be voted for at the nominating election or state assembly to be held on the ........ day of ................., in 19........, is legally qualified to fill said office and represents the principles of said party.

I further certify and declare that I intend to support said office and have signed no other petition for a candidate for the same office.

Name of Petitioner   Post-office   Date of Signing
.....................................................  ..................................................  ..................................................

Each candidate for United States senator, United States representative, governor, or any state office must have
appended to his declaration of candidacy a certificate in the following form, to-wit:

State of Idaho, } ss:
County of

I do solemnly swear (or affirm) that I am a qualified elector of the State of Idaho and a legal resident of the county of ________________ and that I am a member of the ________________ party; that each of the persons whose name is affixed to the above paper signed the same personally, together with his post office address and the date of signing, and that he signed the same with full knowledge of its contents; that to the best of my knowledge he is a qualified elector of the state of Idaho and is a member of the ________________ party, that I intend to support the candidate named in such petition at the state assembly of the ________________ party, and in good faith to support the candidates, generally, at the next general election of the ________________ party, of which the candidate named in the petition is a member.

Subscribed and sworn to before me this __________ day of ____________________________

Notary Public

If for the office of governor or United States senator, said petition or petitions must have affixed thereto the names of not fewer than 800 nor more than 1,000 voters of the party of which the candidate is a member, not more than 50 of whom may be from any one county; if for the office of United States representative, said petition or petitions must have affixed thereto the names of not fewer than 400 nor more than 500 voters of the party of which the candidate is a member, not more than 50 of whom may be from any one county; if for a state office other than member of the state legislature or governor, said petition or petitions must have affixed thereto the names of not fewer than 200 nor more than 300 voters of the party of which the candidate is a member, not more than 25 of whom may be from any one county. Said petition shall be signed by qualified electors residing within the political division in and for which the officer is to be elected to the number of at least 1,000, no more than 50 of which may reside in any one county when the nomination is for an office to be filled by the voters of the entire state; or at least 500, nor more than 50 in each county where the nomination is for an office to be filled by the
voters of less than the entire state, except in the case of a district judge where the names must be divided approximately equally among the counties of the district in which he resides. If for a precinct committeeman, justice of the peace, constable, a county office or member of the state legislature, said petition or petitions must have affixed thereto not fewer than five nor more than ten names of voters residing within the county and of the party of which the candidate is a member, provided, that a petition or petitions for a precinct committeeman, justice of the peace, and constable must have affixed thereto not fewer than five nor more than ten names of voters residing within the precinct for which they are nominated. Each candidate for precinct committeeman, justice of the peace, constable, a county office or member of the state legislature must have appended to his declaration of candidacy a certificate in the following form, to-wit:

State of Idaho, } ss.
County of } ss.

I do solemnly swear (or affirm) that I am a qualified elector of the State of Idaho and a legal resident of the county of ...................... and that I am a member of the ...................... party; that each of the persons whose name is affixed to the above paper signed the same personally, together with his post office address and the date of signing, and that he signed the same with full knowledge of its contents; that to the best of my knowledge he is a qualified elector of the state of Idaho and is a member of the ...................... party, that I intend to support the candidate named in such petition at the nominating election, and in good faith to support the candidates, generally, at the next general election of the ...................... party, of which the candidate named in the petition is a member.

Subscribed and sworn to before me this ............ day of ........................................

Notary Public

Provided, that a candidate for the office of justice of the Supreme Court or for office of district judge shall make and file his declaration of candidacy as provided by chapter 7 of this title, and other non-political candidates shall file no declaration of party affiliation in their declaration of candidacy and the petition or petitions supporting their nomination shall declare that the petitioners are not sup-
porting their candidacy as members of any political party and their declaration of candidacy for office shall be substantially in the following form, to-wit:

I, the undersigned, being a qualified elector of _______________ Precinct of _______________ County, State of Idaho, hereby declare myself to be a candidate for the office of _______________ to be voted for at the nominating election to be held on the __________ day of __________, 19______, and certify that I possess the legal qualifications to fill said office and that my post office address is _______________.

(Signed) _______________

Said declaration of candidacy before the same shall be filed in the office of the secretary of state or in the office of the county auditor, as the case may be, must have appended thereto a petition or petitions in substantially the following form, to-wit:

I, the undersigned, being a qualified elector of the state of Idaho, do hereby certify and declare that _______________, a candidate for the office of _______________, to be voted for at the nominating election to be held on the __________ day of __________, 19______, is legally qualified to fill said office and that I intend to support said candidate for office as a non-partisan officer and have signed no other petition for a candidate for the same office.

Name of Petitioner __________ Post office __________ Date of Signing __________

SECTION 3. That Section 34-610, Idaho Code, be, and the same is hereby amended to read as follows:

34-610. CERTIFIED LIST OF DECLARANTS. — At least twenty days before any nominating election, the secretary of state shall designate to each auditor within the state a certified list containing the name, post-office address and party designation of each person entitled to be voted for at such nominating election, within the respective counties, and the office for which he is a candidate, as appears from the declarations of candidacy filed in the office of secretary of state, as provided in Section 34-612C and 34-612D, Idaho Code, and as appears from the certificates of the officers of the respective state assemblies of each political party as provided in Section 34-612B, Idaho Code.
SECTION 4. That Section 34-611, Idaho Code, be, and the same is hereby amended to read as follows:

34-611. PUBLICATION OF NAMES OF CANDIDATES AND NOTICE OF ELECTION.—The county auditor of each county shall cause to be published a notice containing the names and addresses of all persons whose declarations of candidacy have been filed in his office, except candidates for federal and state offices considered by the state assemblies which lists shall be prepared from the certification of candidates nominated by the state assemblies, and those shown by the certificate of the secretary of state under the proper party designation and title of each office, giving the date of the nominating election to be held to nominate candidates for such offices, the hours during which the polls will be open, and that the nominating election will be held at the regular polling place in each precinct, and the names of candidates for each office shall appear in alphabetical order according to the first letters of the surnames, said notice to be published at least once a week for two successive weeks in two newspapers published within said county, representing the two political parties that received the largest vote at the last general election, if there are two such papers published within his county, and if not, then in one newspaper if any there be published therein; and shall cause to be posted in a conspicuous place a copy of such notice at the regular polling place in each precinct, and at or near each post-office situated in said county. If no newspaper be published in such county, then notice shall be given by posting as above specified.

SECTION 5. That Section 34-612, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

34-612. BALLOT—FORM AND SUFFICIENCY.—As soon as possible after the time has expired for filing declaration of candidacy in his office, and after the receipt of the certified list of candidates from the secretary of state, the county auditor of each county shall prepare a separate form of ballot showing each political party which has qualified as hereinbefore provided and which has candidates who have declared their candidacy for office whose names are to be placed on the ballot. The names of candidates for each office shall be arranged thereon alphabetically according to the first letter of the surname of each candidate. The official nominating ballot shall be printed there-
from in the following manner: The names of candidates under headings designating each official position shall be alternated thereon in the printing in the following manner:

The form shall be set up with the names of candidates in the order in which they appear upon the form of the official ballot of each political party prepared by the county auditor; in printing each set of official ballots for the various election precincts the position of the names shall be changed in each office division as many times as there are candidates in the office division or group in which there are the most names; as nearly as possible an equal number of ballots shall be printed after each change. In making the changes of position the printer shall take the line of type at the top of each office division and place it at the bottom of that division, moving the column so that the name which was second before shall be first after the change. After the ballots are printed before being cut, they shall be kept in separate piles for each change of position and shall then be piled, taking one from each pile, and placing it on the pile to be cut; the intention being that every other ballot in the pile of printed sheets shall have the names in different positions. After the piles are made in this manner, they shall be cut and placed in blocks of fifty ballots in each block, every other ballot in such blocks to have the names in different positions as nearly as practicable. For each party a separate ticket, uniform in size and printing, white and printed in black ink, shall be placed on the same side of the same sheet of paper with tickets of all other parties.

Following the names of candidates for nomination to county offices, there shall be two blank spaces at the top of the first of which shall be printed in small type “For Justice of the Peace. Vote for two.” And one blank space in which shall be printed in small type “For Constable. Vote for one.” Following this shall be a space at the top of which shall be printed in small type “For Precinct Committeeman. Vote for one.” The names of candidates for precinct committeeman shall be printed in alphabetical order with spaces to the right sufficient to permit the voter to place a cross (X), the purpose of the blank spaces being to permit the voter to write in the names of two electors of his precinct whom he desires to nominate for justice of the peace, and name of one elector of his precinct whom he desires to nominate for constable,
and to vote for each of said persons by placing a cross (X) after his name.

Across the top of each ballot shall be printed in plain type:

1. The words “Official nominating ballot of the _______ political party.”

2. Select the party ticket you desire to vote and vote only on that party ticket. Tear off your ballot and deliver to election judge, along with the remaining blank tickets.

2. The name of the county in which the ballots are to be used. The elector must select the ballot of the political party of his choice. Each ballot shall be divided by a perforated line into as many equal columns as there are parties having qualified and filed their tickets as provided by law.

On each political party ballot shall be printed the names of all persons certified to by the secretary of state or filed with the county auditor, commencing with the candidate for United States senator, including all state offices as well as candidates for the legislature and all county offices.

The names of all candidates for non-political offices shall be placed in a separate column under a proper and appropriate heading for the offices for which said persons are candidates.

A blank space shall be provided under each official heading in order that a voter may write in the name of a candidate for any office. On the same line with the official designation of the office shall be the instruction: “Vote for __________” giving the number of candidates to be voted for in case there is more than one officer of the same official designation to be nominated.

To the right of the name of the candidate, and in the blank space and on the same line therewith, shall be a suitable square wherein the choice of the voter may be marked. When an elector offers to vote he shall ask for a ballot of the political party of his choice and the clerk of his election board shall keep a record of the party choice of such elector, in a separate book, which said book shall be destroyed by said clerk after the official canvass by the state board of canvassers of the results of the nominating election, and after the time for a recount has
expired, if such canvass shows that no run off election is necessary, or, if a run off election is held, such book shall be destroyed after the official canvass by the state board of canvassers of the results of such run off election and after the time for a recount thereof has expired. At no time shall said book be disclosed to the public, except the election judge may, upon request, disclose the book as part of the official canvass or any official recount but only to the proper official conducting such canvass or recount. Any person who discloses any of the contents of said book to any person, otherwise than is authorized by this act, shall be guilty of a misdemeanor, and shall be punished by a fine of not more than $1,000, or by imprisonment in the county jail for not more than one year, or both. be given a ballot with all party tickets printed thereon. He shall select in private which party ticket he shall vote. He shall vote for persons on one party ticket only and if the elector shall vote or mark opposite the name or the ticket of more than one party, his vote shall be void as to that particular office.

Each voter shall, upon receiving the ballot of the political party of his choice, retire to one of the booths, and without delay, select the ticket he desires to vote and shall mark such ticket on the ballot received by him; and after preparing his ballot the elector shall detach the same from the remaining ticket and fold it so that its face shall be concealed. The remaining unvoted ticket attached together shall be folded in like manner by the elector. He shall immediately thereafter deliver said voted ballot to one of the judges of election, and it shall be deposited by said judge in the ballot box for votes. The remaining tickets attached together shall be given by the elector to one of the judges of election who shall deposit said remaining tickets in a separate ballot box to be marked and designated as the blank ballot box. In the event said voter shall soil or deface the ballot he desires to vote, he shall at once return it and get a new one, and the election officer shall place the ballot returned in the box provided for mutilated blank ballots.

Section 6. That Title 34, Chapter 6, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 34-612, Idaho Code, to be known and designated as Section 34-612A, and to read as follows:

34-612 A. CERTIFICATION OF CANDIDATES BY SECRETARY OF STATE AND COUNTY AUDITOR AND
MEETING OF COUNTY ASSEMBLY.—Not less than five
days before the county assembly meets, the secretary of
state shall mail or deliver personally to the county chair­
man of each political party in each county a certified copy
of all declarations of his party for the office of United States
Senator, United States Representative, Governor, and any
other state office, and the county auditor shall not less
than five days before the county assembly meets mail or
deliver personally to the county chairman of each political
party in each county a list of the county offices for which
no candidate of his political party has filed.

The county assembly of each political party shall meet
at 8:00 P.M. on the third Friday of May of each year in
which a general election is held. The members of the county
central committee of the respective political parties shall
make up the county assembly and shall meet at a place
at the county seat designated by the county chairman. The
county chairman shall preside at the meeting but shall
have no vote except in case of a tie. The assembly shall
vote by roll call ballot alphabetically and all action taken
shall be by majority vote; provided, however, that no action
of the county assembly shall be taken unless at least 51%
of the precincts in the county are represented in person
by the precinct committeeman at said assembly and no
proxies shall be allowed, and the assembly shall have the
following powers:

a. To nominate county candidates where no candidate
has filed for said office at the time said assembly is held.
The county assembly shall certify any nomination made
by them for county office to the county auditor of their
county, and upon the payment of the required fee, the
name of any candidate so nominated shall be placed upon
the county primary ballot.

b. To elect delegates to the state assemblies of their re­
spective political parties. Each county shall have as many
deleagtes as it has legislative seats in the state senate and
house and in addition thereto shall have one additional
deleagte for each 2,000 or major fraction of votes of that
political party cast for the office of United States Repre­
sentative at the last primary election. The county chair­
man, state committeeman and state committeewoman and
the incumbent legislators of the respective party shall be
deleagtes to the state assembly and be in addition to the
number of delegates allowed each county hereinafore. The
county assembly may elect as many alternate delegates as
it has delegates. The county chairman and secretary of the respective assemblies shall certify immediately after adjournment to the state chairman of their respective political parties the names of the delegates and alternate delegates who have been chosen to represent the county at the state assembly. The state chairman shall, not less than ten days before the meeting of the county assembly, certify to each county chairman of the respective political parties the number of delegates his county has been allotted for the coming state assembly of that political party.

SECTION 7. That Title 34, Chapter 6, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 34-612A of this act, to be known and designated as Section 34-612B and to read as follows:

34-612 B. STATE ASSEMBLY — MEETING — POWERS.—The respective state assemblies shall meet on the second Friday and Saturday in June at a time and place selected by the respective state central committee of each political party. Notice of such meeting shall be given to all county chairmen and precinct committeemen by the respective state chairman of each political party not less than ten days before the meeting of the assembly. The assembly of each political party shall consist of the duly elected delegates and alternates of the various counties of that party. The incumbent state chairman of the respective political party shall call the meeting to order and the assembly shall forthwith elect its own chairman and other officers, adopt its rules and determine its procedure not in conflict herewith. The state assembly shall have the following powers and duties:

a. To write and adopt a party platform.

b. To elect a state chairman, vice-chairman and other statutory and desired officers.

c. In the years of presidential elections, it shall, in addition to the above: (1) elect delegates to the national convention, at least one third of the number of delegates elected to the national convention shall be elected from each congressional district of the state and the remainder shall be elected from the state at large; (2) elect a national committeeman and a national committeewoman; (3) select presidential electors.

d. To endorse and select national and state candidates for the primary elections as herein provided.
The assembly shall have before it for consideration all candidates who have filed their declaration as provided in Section 34-606, Idaho Code, for a national or state office of the party represented at the assembly. If only one candidate has filed his declaration for any office, then only in that event shall one candidate be nominated for such office. In all other events at least two candidates shall be nominated for each office. All candidates receiving more than 20% of the votes cast at the State Assembly on any ballot where at least two candidates receive more than 20% of the votes cast at the State Assembly for any office shall be nominated for that office. In the event at least two candidates do not receive more than 20% of the votes cast at the State Assembly for any office on any given ballot then the candidate receiving the least number of votes on said ballot shall be dropped from the subsequent ballot and if on said subsequent ballot at least two candidates do not receive more than 20% of the votes cast at the state assembly for said office the candidate receiving the least number of votes on that ballot shall be dropped from the subsequent ballot, this procedure and the balloting shall continue until at least two candidates shall have received more than 20% of the votes cast at the state assembly for such office at which time balloting for such office shall cease. No candidate shall be nominated for any office until at least two candidates are nominated for such office unless only one candidate has filed his declaration for such office as provided hereinabove. All candidates nominated as herein provided shall be certified to the secretary of state as candidates as hereinafter provided in the following primary election and upon such certification shall be duly certified by the secretary of state to the county auditor as candidates for the primary election as provided by law. The delegates of each congressional district to the respective assembly shall act as an assembly to nominate the candidates for congress for their respective district in the same manner as provided above. They shall be bound by the same rules as the state assembly but shall determine their own procedure.

No delegation shall vote or be bound by the unit rule and no delegate shall vote any proxy. If a delegate is not present then the alternate delegate in the order certified to the state assembly shall be entitled to vote. All balloting shall be by a roll call vote of the counties represented and the chairman of each county delegation shall announce the votes of his county's delegates unless a delegate of said
C. 93 '63  IDAHO SESSION LAWS  305

county shall demand a polling of said county delegation, in which event each delegate of said delegation shall be called to cast his vote.

The chairman and the secretary of the respective state assemblies shall forthwith, after the adjournment of the assembly, certify to the secretary of state the names of the candidates and the respective offices for which they have been nominated as candidates in the coming primary election. The secretary of state shall, within 5 days after the receipt of such certificates from the officers of the respective state assemblies, certify to the county auditors the candidates of each party whose names are to be placed upon the primary ballots and the names of the offices for which they are running.

SECTION 8. That Title 34, Chapter 6, Idaho Code, be, and the same is hereby amended by adding two new sections thereto following Section 34-612B to be known and designated as Section 34-612C and Section 34-612D to read as follows:

34-612C. INDEPENDENT CANDIDATES—CERTIFICATE AND ACCEPTANCE.—Candidates for national or state office who do not wish to file a declaration of candidacy or submit to a state assembly of any political party as defined in this chapter, may be nominated otherwise than by a state assembly in the following manner:

A certificate of nomination shall be prepared which shall contain the names of any candidates for the offices to be filled, their several post office addresses, if any, their several residences, and if in a city or town, the street number of residence and place of business, if any, and shall designate in not more than five words, instead of the party, the political or other name which the signers shall select. No name of any political party as defined in this chapter shall be used, in whole or in part, for this purpose. Said certificate shall be signed by qualified electors residing within the political division in and for which the officer is to be elected to the number of at least 1,000 no more than 50 of which may reside in any one county when the nomination is for an office to be filled by the voters of the entire state; or at least 500 no more than 50 of which may reside in any one county where the nomination is for an office to be filled by the voters of less than the entire state. The signatures to said certificate of nomination need not all be appended to one paper, but no certificate shall be valid that does not contain the requisite number of names.
of voters whose names do not appear on any certificate previously filed under the provisions of this section. Any such certificate of nomination may be amended in this last respect at any time prior to thirty-one days before the day of the general election. No such certificate shall be circulated or any signatures obtained thereon prior to the date of the primary election next preceding the general election for which such certificate is filed. Each elector signing a certificate shall add to his signature his place of residence, and before an officer duly authorized to administer the same, shall acknowledge his signature and make oath by affidavit thereto attached, that he is an elector within and for the political division for which such nomination is made, and has truly stated his residence, and has not voted in the preceding primary election to nominate a candidate for such office. Said certificate, when executed and acknowledged as before prescribed, shall be filed with the secretary of state, with the proper filing fee as provided in Section 34-642, Idaho Code, when for an office to be filled by the voters of the entire state or for the office of Representative of the United States. Such certificates of nomination shall be filed not less than forty-five days before the day of the general election. Every such certificate, before the same is filed with the proper officer, shall have endorsed thereon or thereto appended in writing on the first or last sheet of said certificate, the acceptance of such candidate of such nomination by acknowledgement before any officer authorized to take acknowledgements; said acceptance of nomination shall contain the full name and place of residence of such candidate, and if a city or town, the street and number of the same, if any there be, and his place of business, if any, and post office address. When the provisions of this section have been complied with, the candidates named in such certificates of nominations shall be entitled to all the rights and subject to all the penalties of candidates nominated at the primary election.

34-612 D. UNENDORSED POLITICAL PARTY CANDIDATES — DECLARATION OF CANDIDACY. — Candidates for national or state office who have filed a declaration of candidacy and submitted to a state assembly of any political party as defined in this chapter, who have not received at least 10% of the votes cast and a majority of the votes from the delegations of at least six counties on the ballot on which the candidates of the State Assembly are nominated for such office, as provided in Paragraph d. of Section 34-612 B may be nominated otherwise than by
a state assembly and be a candidate at the primary election for a political party in the following manner:

Each candidate for office who, having filed his declaration of candidacy in the office of the Secretary of State in accordance with the provisions of Section 2 of this act and having failed to receive the nomination of the state assembly, but who has received at least 10% of the votes cast and a majority of the votes from the delegations of at least six counties for nomination for such office on the ballot on which the candidates of the State Assembly are nominated for such office, as provided in Paragraph d. of Section 34-612 B, may, not later than the first Tuesday after the first Monday of July prior to the nominating election, file in the office of the Secretary of State an additional declaration of candidacy in substantially the following form, to-wit:

I, the undersigned, being a qualified elector of ............................ Precinct of ............................ County, State of Idaho, and a member of ............................ party, having heretofore filed my declaration of candidacy for the following office and submitted my name for nomination thereto at the state assembly of my party, and having failed at such assembly to receive endorsement for such office, hereby declare myself to be a candidate for the office of ............................, to be voted for at the nominating election to be held on the .................. day of ............................, 19......, and certify that I possess the legal qualifications to fill said office, and represent the principles of said party, and that my post office address is ............................ (Signed) ............................

All blank spaces shall be properly filled in with the necessary information, and the declaration of candidacy shall be subscribed and sworn to before an officer authorized to administer oaths.

Said declaration of candidacy, before the same shall be filed in the office of the Secretary of State must have appended thereto a petition or petitions, in substantially the following form, to-wit:

I, the undersigned, being a qualified elector of the State of Idaho, and a member of the ............................ party, do hereby certify and declare that I am a member of the said party and ............................, a candidate for the office of ............................, to be voted for at the nominating election to be held in 19......, is legally qualified to fill said office and represents the principles of said party.
I further certify and declare that I intend to support said candidate for said office and have signed no other petition for a candidate for the same office.

Name of Petitioner  Post Office  Date of Signing

Each candidate must have appended to his declaration of candidacy a certificate in the following form, to-wit:

State of Idaho,  ss.
County of

I do solemnly swear (or affirm) that I am a qualified elector of the State of Idaho and a legal resident of the county ................................... and that I am a member of the .................................. party; that each of the persons whose name is affixed to the above paper signed the same personally, together with his post office address and the date of signing, and that he signed the same with full knowledge of its contents; that to the best of my knowledge he is a qualified elector of the State of Idaho and is a member of ................................ party, that I intend to support the candidate named in such petition in the nominating election, and have signed no other petition for a candidate for the same office, and in good faith to support the candidates, generally, at the next general election of the ................................ party, of which the candidate named in the petition is a member.

Subscribed and sworn to before me this .............. day of ...........................................

Notary Public

Said petition shall be signed by not less than 3,000 qualified electors residing within the political subdivision in and for which the candidate is to be elected, no more than 150 of which may reside in any one county when the nomination is for statewide office; or not less than 1,500, no more than 150 of which may reside in any one county, where the nomination is for an office that is less than statewide.

SECTION 9. That Section 34-627, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

34-627. POWERS AND DUTIES OF COUNTY AND STATE CENTRAL COMMITTEES.—The state central committee of each political party shall meet immediately
after the adjournment of the state assembly. The state chairman shall preside, and any other officers as may be desired shall be elected. The committee may elect several vice-chairmen and may elect an executive committee and delegate such powers and authority as may be desired. The county and state central committees shall have power to make their own rules and regulations, may fill vacancies in said committee or authorize the chairman to fill the same, fill vacancies on the ticket, unless otherwise provided, or to provide for the nomination of candidates to fill such vacancies, provide for the nomination of presidential electors, and may perform all other functions inherent in such organizations by virtue of law or custom and not inconsistent with this act. In the event the state chairman or the national committeeman or committeewoman should die, or resign, a meeting of the state central committee shall be called by the state chairman, or in the event of his death or resignation, by the state vice chairman, within 30 days after such event. At such meeting a state chairman or national committeeman or committeewoman, as the case may be, shall be appointed by the state central committee to serve until the next state nominating or platform convention, at which such officers are elected. their successors are duly chosen and qualified.

SECTION 10. That Section 34-637, Idaho Code, be, and the same is hereby amended to read as follows:

34-637. CERTIFICATION OF RESULT BY STATE BOARD OF CANVASSERS.—For the purpose of canvassing the results of the nominating elections as herein provided, the state board of canvassers shall meet at the office of the secretary of state at ten o'clock in the forenoon of the tenth eleventh day after the nominating elections and said board shall canvass the votes for candidates for United States senator, representatives in congress, state and district offices, when such offices are voted upon at the primary election, and shall certify the nominees of the different parties nominated at the state primary election therefore to the secretary of state, not less than eleven thirteen days after the nominating election. If said board finds that no candidate for United States senator, representative in congress or governor has received sufficient votes as provided in section 34-632, it shall so certify to the secretary of state and to the governor within said eleven days, and the governor shall forthwith, by proclamation, order that a run-off primary election be held on the third Tuesday.
following such regular primary election, setting forth the
offices, the names of the candidates and respective political
parties to be voted upon. After such run-off nominating
election, said board shall again canvass the votes for can-
didates for United States senator, representative in con-
gress and governor, where required, and shall certify the
nominees of the different parties therefor to the secretary
of state, not less than eleven days after such run-off nomi-
nating election.

SECTION 11. That Section 34-603, 34-625, 34-626, 34-650
and 34-650 A, Idaho Code, be, and they are hereby repealed.

SECTION 12. REPEALING CONFLICTING LAWS.—
All laws or parts of laws in conflict, in whole or in part,
with the provisions of this act are hereby repealed.

SECTION 13. SEPARABILITY.—If any of the pro-
visions of this act or the application thereof to any per-
son or circumstance is held invalid, such invalidity shall
not affect other provisions or applications which can be
given effect without said invalid provision or applications.

SECTION 14. CONSTRUCTION.—This act shall be con-
strued liberally so as to insure the full opportunity to be-
come candidates and for voters to express their choice.

This act became law without the signature of the Gov-
ernor on March 12, 1963.

CHAPTER 94
(H. B. No. 67)

AN ACT

AMENDING SECTION 50-110 AND SECTION 50-111, IDAHO CODE,
AND THEREBY PROVIDING THAT IN CITIES OF THE FIRST
CLASS THE COUNCIL MAY CONSIST OF EITHER FOUR
OR SIX MEMBERS; PROVIDING FOR AN ELECTION TO
DETERMINE THE NUMBER OF COUNCILMEN, AND PRO-
VIDING FOR THE APPOINTMENT AND THEREAFTER THE
ELECTION OF SUCH ADDITIONAL MEMBERS OF THE
COUNCIL.

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

SECTION 1. That Section 50-110, Idaho Code, be, and
the same is hereby amended to read as follows:
OFFICERS—MAXIMUM COMPENSATION.

The officers of such city shall consist of a mayor and either four or six councilmen; and the council may also create by ordinance the offices of street commissioner, treasurer, city clerk, police judge, city attorney, city engineer, chief of police, and chief of the fire department, and such offices, boards and assistants, as may be necessary to the proper and efficient conduct of the affairs of the city, and prescribe their powers and duties, and fix the compensation of all said officers; provided, further, that the city council of any such city may, by ordinance at its next regular meeting after the effective date of this act, change the salary of the mayor and fix the same at any amount not in excess of $10,000.00 per annum; and change the salaries of all councilmen and fix the same uniformly at any amount not in excess of $2,400.00 per annum; provided further, that the salaries of all elective officers of cities of the first class whose terms shall commence in the year 1961 and thereafter shall be fixed by ordinance passed at least sixty days before the date of election of said officers; and in the year 1961 and thereafter no salary of any elective officer of such city shall be increased or diminished during the term for which he is elected.

SECTION 2. That Section 50-111, Idaho Code, be, and the same is hereby amended to read as follows:

TERMS OF MAYOR AND COUNCILMEN.—
The term of office of mayor in cities of the first class shall be for a period of two years. Members of the city council shall hold office for the term of four years: provided, that at the city election in any such city next ensuing after this chapter shall become applicable thereto, four councilmen shall be elected, two of which councilmen shall hold office for the term of four years, and two shall hold office for the term of two years, so that thereafter, as far as practicable, there shall be two members of the city council to elect at each ensuing city election. The members of the city council so elected at such first election shall, after their election, determine by lot among themselves which shall serve for the long term and which shall serve for the short term. Provided, that, pursuant to ordinance authorizing such election, at any primary or general election, as defined by Section 50-3724, the mayor and council may, in the form provided by Section 50-3717, cause to be submitted to the electors the question of whether the council shall consist of four or of six members. If a majority at such election votes in favor of a council consisting of six
members, the mayor and council shall, within ten days after taking office following such election, appoint one councilman to serve the remaining term of two years and one councilman to serve the remaining term of four years. Thereafter at each election for election of officers three members of the council shall be elected for a term of four years.

Approved March 13, 1963.

CHAPTER 95
(H. B. No. 132)

AN ACT

AMENDING SECTION 67-4904, IDAHO CODE, TO REDUCE THE NUMBER OF SIGNATURES REQUIRED ON PETITIONS FOR THE FORMATION OF AUDITORIUM DISTRICTS FROM 5,000 TO 3,000, AND TO REQUIRE THAT NOT LESS THAN TEN OF THE TAXPAYERS SIGNING SUCH A PETITION SHALL RESIDE IN EACH ELECTION PRECINCT WHICH IS WHOLLY OR PARTIALLY WITHIN THE BOUNDARIES OF ANY SUCH PROPOSED DISTRICT.

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

SECTION 1. That Section 67-4904, Idaho Code, be, and the same is hereby amended to read as follows:

67-4904. The organization of a district shall be initiated by a petition filed in the office of the clerk of the court vested with jurisdiction, in a county in which the major part of the real property in the proposed district is situated. The petition shall be signed by not less than 3,000 of the taxpayers of the district, who pay a general tax on real property owned by him or her within the district, and not less than ten of whom shall reside in each election precinct which is wholly or partially within the boundaries of any such proposed district.

The petition shall set forth:

(1) The name of the proposed district consisting of a chosen name preceding the words, "auditorium district".

(2) A general description of the improvements to be constructed or installed within and for the district.
(3) The estimated cost of the proposed improvements.

(4) A general description of the boundaries of the district or the territory to be included therein, with such certainty as to enable a property owner to determine whether or not his property is within the district.

(5) A prayer for the organization of the district.

No petition with the requisite signatures shall be declared null and void on account of alleged defects, but the court may at any time permit the petition to be amended to conform to the facts by correcting any errors in the description of the territory, or in any other particular. Similar petitions or duplicate copies of the same petition for the organization of the same district may be filed and shall together be regarded as one petition. All such petitions filed prior to the hearing on the first petition filed, shall be considered by the court the same as though filed with the first petition placed on file.

Approved March 13, 1963.

CHAPTER 96
(H. B. No. 158)

AN ACT
AMENDING SECTION 26-603, IDAHO CODE, AS AMENDED, RELATING TO LOANS TO OFFICERS OF STATE BANKS AND THEREBY ELIMINATING THE REQUIREMENT THAT LOANS TO EMPLOYEES OTHER THAN OFFICERS MUST BE APPROVED BY THE BOARD OF DIRECTORS OR COMMITTEE OF THE BOARD; PROVIDING THAT LOANS MAY BE MADE TO OFFICERS OF SUCH BANKS IN AN AMOUNT NOT TO EXCEED $2,500.00; ELIMINATING THE REQUIREMENT FOR SECURITY FOR SUCH LOANS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That section 26-603, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

26-603. LOANS TO OFFICERS.—It is unlawful for a bank to loan to a director, officer, or employee thereof,
or for a director, officer or employee thereof to borrow from the bank any of its funds, except subject to the following limitations:

1. The indebtedness of an officer, who is actively engaged in the management of any bank, or an employee, shall not exceed five per cent of the paid-up capital stock and surplus of the corporation.

2. No such loan shall be made without first being approved by a majority of the board of directors at a meeting in the minutes of which such approval shall be recorded in detail or in the case of unsecured loans not in excess of one thousand dollars (unless the same has been approved by a majority of a committee of the board of directors authorized to act. Every such loan shall be acted upon in the absence of the applicant.

3. The combined indebtedness of directors, officers and employees shall not exceed forty per cent of the paid-up capital stock and surplus of the corporation.

4. No officer who is actively engaged in the management of any bank, or any employee, shall borrow any amount from or discount any note or other commercial paper with the bank by whom employed, in excess of the sum of two thousand five hundred dollars, except upon good collateral, or other ample security or indorsement, and no loan or discount in any amount whatever shall be made to any such officer or employee until after it has been approved by a majority of the directors or a committee of the board of directors authorized to act.

5. No officer who is actively engaged in the management of any bank, or any employee, shall make any loan for the bank by whom employed in which said officer or employee is personally or financially interested, directly or indirectly, for his own account, for himself, or as the partner or agent of others, except upon good collateral, or other ample security or indorsement, and no such loan shall be made until after such personal interest shall have been disclosed to the board of directors and that fact shown upon the minutes of the meeting of the board of directors, and the loan approved by a majority of said board of directors.

And if the directors of any bank permit any of the directors, officers or employees thereof to borrow its funds, or discount notes or commercial paper, in violation of this section or in an excessive amount or in a dishonest man-
ner or in a manner incurring great risk of loss to such bank, every director who participated in and assented to the same is liable personally for all damage which the bank or its shareholders or any person may sustain by reason of such loan.

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, 1963.

CHAPTER 97
(H. B. No. 165)

AN ACT

AMENDING TITLE 57, CHAPTER 11, IDAHO CODE, ADDING A NEW SECTION TO PROVIDE FOR REFUNDS OF TAX IMPROPERLY DEPOSITED IN THE PERMANENT BUILDING FUND.

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

SECTION 1. That a new section be added to Title 57, Chapter 11, to be known and designated as Section 57-1113, Idaho Code.

57-1113. REFUND OF TAX.—When it is determined that a taxpayer is entitled to a refund of beer tax, cigarette tax or the income tax filing fee, after such or any portion thereof has been credited to the permanent building fund, the Tax Collector hereby is empowered to authorize and direct refund of said tax, or portion thereof so credited, from said permanent building fund.

When it is determined that a taxpayer is entitled to a refund of liquor funds after the same has been credited to the permanent building fund, the Superintendent of the Idaho State Dispensary hereby is empowered to authorize and direct refund of said tax, or portion thereof so credited, from said permanent building fund.

Approved March 13, 1963.
AN ACT

AMENDING CHAPTER 11 OF TITLE 1, IDAHO CODE, AS AMENDED, BY AMENDING SECTION 1-1105, RELATING TO THE TRANSCRIPT FEE SCHEDULE FOR COURT REPORTER'S TRANSCRIPTS IN CASES ON APPEAL TO THE SUPREME COURT OF IDAHO; AND DECLARING AN EMERGENCY.

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

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

1-1105. COPY OF RECORD — EFFECT — CHARGE FOR FURNISHING. — 1. It shall be the duty of each reporter to furnish, upon written application being made therefor by any attorney or record in a suit, or any party to a suit, in which a stenographic record has been made, a typewritten copy, or copies, of the record, or any part thereof, upon the payment by such attorney, or party, of the cost thereof, as provided in subdivision 2 hereof, to such reporter, which payment shall be retained by the reporter as a part of his compensation and in addition to his salary allowed by section 1-1102 of the Idaho Code. Said copy, or copies, shall, when properly certified by said reporter, constitute prima facie the minutes of the court, and may be used on all motions for new trials, review or appeal, when the minutes of the court may be used; and the cost of which may, when the same is used on review or appeal, be charged as costs in a civil case against the party finally defeated in the action.

2. That in all actions such reporter shall charge and receive, and retain as provided in subdivision 1 hereof, twenty-five cents per folio of one hundred words for the original and four carbon copies thereof; one dollar per page for the transcript to be prepared in the style and with the number of copies as directed by Rule of the Supreme Court; provided, further, that in all civil cases tried before the district court, in which any state officer in his official capacity, or any state board, in its official capacity, is a party, where a reporter's transcript is requested for use on appeal on behalf of the state, or any state officer, in his official capacity, or any state board in its official capacity, or by the attorney-general or other
attorney representing such state officer or board, such court reporter shall furnish a typewritten copy of such stenographic record, and four carbon copies thereof, free of any costs; provided, however, that when such stenographic record is requested by a defendant or his attorney on an appeal in a criminal action where after conviction, it appears to the satisfaction of the district court that the accused is poor and unable to procure such stenographic record, the court must direct payment to such court reporter of the page charge in this subdivision provided, from the county treasury.

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, 1963.

CHAPTER 99
(S. B. No. 40)

AN ACT

PROVIDING FOR A NEW SECTION TO BE ADDED TO TITLE 56, CHAPTER 18, IDAHO CODE, TO BE NUMBERED SECTION 56-224b, AUTHORIZING COMMISSIONER OF PUBLIC ASSISTANCE TO COMPROMISE OR RELEASE CLAIMS AND LIENS AGAINST RECIPIENT OF OLD AGE ASSISTANCE, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 56-224b be added to the Idaho Code to read as follows:

56-224b. AUTHORIZING COMMISSIONER TO COMPROMISE OR RELEASE CLAIMS AND LIENS.—The Commissioner of Public Assistance be, and hereby is authorized to compromise, either by reduction in amount or by subordination to other claims or liens, any claim or lien against a recipient of public assistance whenever it appears to the Commissioner of Public Assistance that such compromise or release would be beneficial both to the state and to the recipient of such public assistance.

SECTION 2. An emergency existing therefor, which emer-
gency is hereby declared to exist, this act shall be in full
force and effect immediately upon its passage and approval.

Approved March 13, 1963.

CHAPTER 100
(S. B. No. 106)

AN ACT

AMENDING SECTION 57-114, IDAHO CODE, RELATING TO
APPROVED SECURITIES WHICH MAY BE ACCEPTED AND
APPROVED BY THE COUNTY AUDITOR UNDER THE PRO-
VISIONS OF THE "PUBLIC DEPOSITORY LAW" SO AS TO
PROVIDE THAT BONDS OF THE FEDERAL HOME LOAN
BANK AND BONDS OF ANY COUNTY, CITY, VILLAGE,
SCHOOL OR DRAINAGE DISTRICT OF ANY STATE OF THE
UNITED STATES AND THEIR LEGALLY ISSUED WAR-
RANTS FOR WHICH THEIR FAITH AND CREDIT ARE
PLEDGED MAY BE APPROVED AND ACCEPTED BY THE
COUNTY AUDITOR; ELIMINATING THEREFROM BONDS OF
HIGHWAY OR IRRIGATION DISTRICTS AS SECURITIES
WHICH MAY BE ACCEPTED OR APPROVED BY THE
COUNTY AUDITOR; ELIMINATING THEREFROM THE RE-
QUIREMENT THAT BONDS OF ANY ASSOCIATION, COR-
PORATION, COMPANY, GOVERNMENT OR MUNICIPALITY
LISTED ON THE NEW YORK STOCK EXCHANGE MUST BE
APPROVED BY THE BOARD OF GOVERNORS OF THE NEW
YORK STOCK EXCHANGE; AND DECLARING AN EMER-
GENCY.

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

SECTION 1. That section 57-114, Idaho Code, be, and
the same is hereby amended to read as follows:

57-114. APPROVED SECURITIES.—Securities which
may be accepted by the county auditor under this chapter
shall consist of:

1. United States bonds, or bonds for which the credit
of the United States is pledged, bonds issued by any gov-
ernmental unit under the control of the United States and
which are authorized by act of congress, bonds of federal
land banks, the Federal Home Loan Bank, and joint stock
land banks organized under the laws of the United States,
notes or bonds secured by mortgage or trust deed insured
pursuant to title II of the national housing act and obligations of national mortgage associations or similar credit institutions now or hereafter created pursuant to title III of said act.

2. Bonds of any state of the United States, and of any county, city, village, school, highway or irrigation district of the state of Idaho and its legally issued warrants for which its faith and credit are pledged.

3. Bonds and warrants of the depositing unit.

4. Bonds of any association, corporation, company, government or municipality approved by the board of governors of the New York Stock Exchange and listed on such exchange.

No security shall be accepted where there has been default within seven years in the payment of the principal or interest of such obligation.

The county auditor shall, in determining whether there has been any such default, accept the certificate of the secretary of the New York Stock Exchange or of any member thereof, or of any bank that is a member of the New York or Chicago Clearing House Association or as to municipal bonds, the certificate of the clerk or secretary of the issuer, which certificate shall be furnished to the county auditor by the designated depository.

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, 1963.

CHAPTER 101
(S. B. No. 120)

AN ACT

AMENDING SECTION 1-711, IDAHO CODE, TO PROVIDE PAYMENT TO EACH DISTRICT JUDGE OUT OF THE STATE TREASURY OF HIS EXPENSES FOR SUBSISTENCE AND TRAVEL IN ATTENDING TO AND PERFORMING HIS OFFICIAL DUTIES; AND REPEALING SECTION 1-712, IDAHO CODE.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1-711, Idaho Code, be, and the same is hereby amended to read as follows:

1-711. EXPENSES OF DISTRICT JUDGES—TERMS HELD WITHIN DISTRICT. There shall be paid to each of the judges of the district courts, out of the state treasury, for each term of a district court held by him within his district outside the county in which he resides, his actual expenses for traveling and for holding such term, and necessary expenses for subsistence and travel incurred while absent from the city of his resident chambers in attending to and performing his official duties.

SECTION 2. That Section 1-712, Idaho Code, be, and the same is hereby repealed.

Approved March 13, 1963.

CHAPTER 102
(S. B. No. 135)

AN ACT
RATIFYING, AFFIRMING AND CONTINUING THE ESTABLISHMENT OF THE STATE SCHOOL FOR THE DEAF AND THE BLIND; CREATING THE SAME AS A BODY POLITIC AND CORPORATE, AND VESTING CONTROL THEREOF IN THE STATE BOARD OF EDUCATION ACTING AS ITS BOARD OF TRUSTEES; PROVIDING FOR THE ORGANIZATION, MEETINGS AND PROCEEDINGS OF THE BOARD OF TRUSTEES; AUTHORIZING THE BOARD OF TRUSTEES TO ACQUIRE AND DISPOSE OF PROPERTY; DEFINING THE GENERAL POWERS OF THE BOARD OF TRUSTEES; PROHIBITING SECTARIAN TESTS IN SELECTION OF EMPLOYEES; DEFINING PERSONS DEAF AND BLIND FOR THE PURPOSES OF THIS ACT AND FOR THEIR ADMISSION, EXAMINATION AND RELEASE; PROVIDING FOR REPORTS OF DEAF AND BLIND PUPILS BY THE CLERKS OF THE SEVERAL BOARDS OF SCHOOL DISTRICT TRUSTEES; REPEALING CHAPTER 34, TITLE 33, IDAHO CODE, AS AMENDED; AND PROVIDING FOR EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. ESTABLISHMENT OF SCHOOL FOR
DEAF AND BLIND. — The establishment by law of a school for the deaf and blind at Gooding, Idaho, is hereby ratified and affirmed, said school to be called the State School for the Deaf and the Blind, and its operation continued.

SECTION 2. BODY POLITIC AND CORPORATE — BOARD OF TRUSTEES. — The State School for the Deaf and the Blind is hereby declared to be a body corporate, with its own seal and having power to sue and be sued in its own name. The general supervision, government and control of the State School for the Deaf and the Blind is vested in the state board of education, which shall act as the board of trustees of the State School for the Deaf and the Blind.

SECTION 3. ORGANIZATION, MEETINGS AND PROCEEDINGS OF BOARD.—The board of trustees, at its first meeting and annually thereafter, shall organize by electing a chairman, a vice-chairman and a secretary. A majority of the board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. No member of the board shall participate in any proceeding in which he has a pecuniary interest. No vacancy on the board shall impair the right of the remaining trustees to exercise all the powers of the board. Every vote and official act of the board shall be entered of record. The state treasurer shall serve as treasurer of the board. It shall be the duty of the secretary to keep a detailed account of the doings of the board.

SECTION 4. TITLE TO PROPERTY — ACQUIRING, SELLING OR EXCHANGING PROPERTY. — All rights and title to property, real and personal, belonging to or vested in the State School for the Deaf and the Blind are hereby vested in its board of trustees and their successors. The board of trustees is empowered to acquire, by purchase or exchange, any property which in the judgment of the board is needful for the operation of the State School for the Deaf and the Blind, and to dispose of, by sale or exchange, any property which in the judgment of the board is not needful for the operation of the same.

SECTION 5. GENERAL POWERS OF BOARD. — The board of trustees of the State School for the Deaf and the Blind shall have the following powers:

1. To adopt rules and regulations for its own government and that of the school;
2. To employ a superintendent of the school, and, with his advice, to appoint such assistants, instructors, specialists and other employees as are required for the operation of the school; to fix salaries and prescribe duties; and to remove the superintendent or any other employee for cause;

3. With the advice of the superintendent, to prescribe the course of study, the textbooks to be used, and for those pupils who complete the requirements for grade twelve, the time and standard of graduation;

4. To have at all times, general supervision and control of all property, real and personal, appertaining to the school, and to insure the same;

5. To employ architects or engineers in planning the construction, remodeling or repair of any building and, whenever no other agency is designated so to do, to let contracts for such construction, remodeling or repair and to supervise the work thereof;

6. To expend moneys appropriated, or otherwise placed to the credit of the school for the maintenance and operation thereof, and to account for the same as prescribed by law;

7. To provide for the conveyance of pupils to and from the school, the expense of such conveyance being a lawful use of the moneys available to the board of trustees.

Section 6. Sectarian Tests Prohibited.—No religious or sectarian tests shall be applied to the admission of students, nor in the selection of instructors or other personnel of the school.

Section 7. Definition of Deaf and Blind—Examination of Applicants—Admission and Release of Pupils.—All children between the ages of six and twenty-one years who are too deaf or too blind to be educated in the public schools, shall be deemed deaf or blind for the purposes of this chapter.

Children who are under the age of six years, but otherwise qualified, may be admitted, when, in the discretion of the superintendent but subject to the approval of the board of trustees, they are proper subjects to receive training and education available in the school and the facilities of the school are adequate for proper care, training and education. When it has been ascertained by the superintendent that any pupil has ceased to make progress, or is
no longer being benefited by attending the school, upon recommendation of the superintendent and the approval of the board of trustees such pupil may be released from the school.

The board of trustees is authorized to provide for the careful examination of all applicants for admission to the school, and the expense of such examination is a lawful use of the moneys available to the board of trustees.

SECTION 8. REPORTING DEAF AND BLIND PUPILS.
—On or before the first day of February, in each year, the clerk of each school district, including elementary school districts and specially chartered school districts shall report the number of deaf and blind pupils, as defined in section 33-3407, attending the school or schools of the district, and any such person, not a pupil in the school, of whom he may have knowledge.

Such report shall be made to the superintendent of the State School for the Deaf and the Blind, upon forms approved by the state board of education.

SECTION 9. That Chapter 34, Title 33, Idaho Code, as amended, be, and the same hereby is repealed.

SECTION 10. EFFECTIVE DATE.—That this Act shall be and become effective on and after the first day of July, 1963.

Approved March 13, 1963.

CHAPTER 103
(S. B. No. 142)

AN ACT

AMENDING SECTION 32-101, IDAHO CODE, BY ELIMINATING MARRIED MALES AND FEMALES FROM THE DEFINITIONS OF MINORS, AND GIVING THE RIGHT TO ENTER CERTAIN CONTRACTS.

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

SECTION 1. That Section 32-101, Idaho Code, be, and the same is hereby amended to read as follows:

32-101. MINORS DEFINED.—Minors are:
1. Males under twenty-one years of age.

2. Females under eighteen years of age.

3. Provided, that any male eighteen years of age or over, or any female under eighteen years of age, who have been married shall be competent to enter a contract, mortgage, deed of trust, bill of sale and conveyance, and sue or be sued thereon.

Approved March 13, 1963.

CHAPTER 104
(S. B. No. 56)

AN ACT
AMENDING TITLE 9, CHAPTER 2, IDAHO CODE, RELATING TO WITNESSES, BY AMENDING SECTION 9-203 TO PROVIDE THAT HUSBANDS AND WIVES MAY TESTIFY AGAINST EACH OTHER WITHOUT THE OTHER'S CONSENT IN CASES OF PHYSICAL INJURY TO CHILDREN, WHERE THE INJURY HAS BEEN OCCASIONED AS A RESULT OF PHYSICAL ABUSE OR NEGLECT BY ONE OR BOTH OF THE PARENTS; BY PROVIDING THAT PHYSICIANS MAY REPORT ALL CASES OF PHYSICAL INJURY TO CHILDREN WHERE THE INJURY APPEARS TO HAVE BEEN CAUSED AS A RESULT OF PHYSICAL ABUSE OR NEGLECT BY A PARENT, GUARDIAN OR LEGAL CUSTODIAN OF THE CHILD, BY AMENDING TITLE 9, CHAPTER 12, IDAHO CODE, RELATING TO EXAMINATION OF WITNESSES, BY AMENDING SECTION 9-1206 TO PROVIDE THAT PHYSICIANS AND PARENTS MAY TESTIFY IN ALL CASES OF PHYSICAL INJURY TO CHILDREN WITHOUT REGARD AS TO WHETHER THE TESTIMONY VIOLATES WHAT WOULD OTHERWISE CONSTITUTE A PRIVILEGED COMMUNICATION.

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

SECTION 1. That Section 9-203, Idaho Code, be, and the same hereby is amended to read as follows:

9-203. CONFIDENTIAL RELATIONS AND COMMUNICATIONS.—There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person can not be examined as a witness in the following cases:
1. A husband can not be examined for or against his wife, without her consent, nor a wife for or against her husband, without his consent; nor can either, during the marriage or afterwards, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other nor to a criminal action or proceeding for a crime committed by violence of one against the person of the other, nor does this exception apply to any case of physical injury to a child where the injury has been caused as a result of physical abuse or neglect by one or both of the parents.

2. An attorney can not, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment.

3. A clergyman or priest can not, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs.

4. A physician or surgeon can not, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient, provided, however, nothing herein contained shall be deemed to preclude physicians from reporting of and testifying at all cases of physical injury to children, where it appears the injury has been caused as a result of physical abuse or neglect by a parent, guardian or legal custodian of the child.

5. A public officer can not be examined as to communications made to him in official confidence, when the public interests would suffer by the disclosure.

SECTION 2. That Section 9-1206, Idaho Code, be, and the same hereby is amended to read as follows:

9-1206. EXAMINATION OF ADVERSE PARTY AS IF UNDER CROSS-EXAMINATION. — A party to the record of any civil action or proceedings, or person for whose immediate benefit such action or proceedings is prosecuted or defended, or the directors, officers, superintendent or managing agents of any corporation which is a party
to such record, may be examined by the adverse party as if under cross-examination, subject to the rules applicable to the examination of other witnesses; and the testimony given by such witnesses may be rebutted by the party calling him for such examination by other evidence. Such witness when so called may be examined by his own counsel, but only as to matters testified to on such examination.

Nothing contained in this section shall be construed in such manner as to compel the husband or wife to testify against the other, nor to compel a witness to disclose information or communications which are privileged by law, except that physicians and parents may testify in all cases of physical injury to children without regard as to whether the testimony violates what would otherwise constitute a privileged communication.

Approved March 13, 1963.

CHAPTER 105  
(S. B. No. 100)

AN ACT
AMENDING SECTION 27 OF AN ACT ENTITLED "AN ACT TO CREATE THE INDEPENDENT SCHOOL DISTRICT OF EMMETTSVILLE, IN ADA COUNTY," APPROVED JANUARY 31, 1885, AS SAID ACT WAS AMENDED AND ADDED TO BY SENATE BILL NO. 45 OF THE 1907 IDAHO SESSION LAWS, AND AS SAID SECTION 27 WAS AMENDED BY HOUSE BILL NO. 129 OF THE 1909 IDAHO SESSION LAWS, BY CHAPTER 231 OF THE 1951 IDAHO SESSION LAWS, AND BY CHAPTER 49 OF THE 1957 IDAHO SESSION LAWS, RELATING TO THE ASSESSMENTS, LEVY, COLLECTION AND PAYMENT OF TAXES IN SAID SCHOOL DISTRICT, BY INCREASING THE LIMIT OF THE LEVY OF TAXES IN SAID SCHOOL DISTRICT FROM 40 MILLS, TO 45 MILLS; AND PROVIDING FOR A PUBLIC HEARING ON THE BUDGET; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 27 of an Act entitled "An Act to create the Independent School District of Emmettsville, in Ada County," approved January 31, 1885, as said Act was amended and added to by Senate Bill No. 45 of the
1907 Idaho Session Laws, and as said Section 27 was amended by House Bill No. 129 of the 1909 Idaho Session Laws, by Chapter 281 of the 1951 Idaho Session Laws, and by Chapter 49 of the 1957 Idaho Session Laws, be, and the same is hereby amended to read as follows:

27. The board of trustees of the independent school district of Emmettsville shall on or before the 15th day of April in each year propose a budget for the succeeding year and shall also give notice of a public hearing thereon by posting a synopsis of the proposed budget at least ten days prior to the date set for said hearing at a main door of each of the schools of the district, and in addition thereto notice shall be given by printing said synopsis in a newspaper published in Gem County, Idaho, for at least once a week for not less than two successive weeks immediately prior to said hearing. After such public hearing, the said board shall adopt a final budget and ascertain and determine the amount of money required to be raised for all school purposes, according to the budget, and levy limitation stipulated herein.

Assessments for the taxes of the Independent School District of Emmettsville, now located in Gem and Boise Counties, Idaho, shall be made by the county assessors of the counties wherein said district is located, each on the taxable property of said district in his own county, separately, at the same time that assessments for State and county taxes are made, and a list of the taxable property of said district in said county and the value thereof shall be separately shown. On or before the third Monday of July in each year said county assessors shall each deliver to the clerk of the board of trustees of said independent school district a statement showing the aggregate valuation of all the taxable property in said independent school district within his own county.

The board of trustees of said independent school district shall, on or before the second Monday in August in each year, determine the rate of school tax for all purposes for said district, and levy the same by resolution, which tax shall not exceed forty-five (45) mills on the dollar of assessed valuation, and shall certify the rate and levy to the clerks of the boards of county commissioners of each of said counties. The county commissioners of each of said counties, as a board of equalization, shall have power, and it is their duty, to equalize the assessment roll for said independent school district,
as to the property thereof in their own county, at the times and in the manner provided by law for equalizing assessments for State and county taxes. In each of said counties, the county commissioners thereof shall adopt the said levy made by the trustees of said independent school district as the levy upon all the taxable property of said district within their county, and certify said levy to the county auditor of said county, and said county auditor shall extend said levy on the rolls of his county as other county taxes are extended, and such taxes shall become due and payable at the same time as state and county taxes, and in all respects collected in the same way, except that the tax collector or other officer charged with the collection of taxes must keep a separate list thereof, and when paid must name said taxes in his receipt to the taxpayer as a separate tax, and said taxes must be paid as other taxes are paid in said county.

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, 1963.

CHAPTER 106
(S. B. No. 109)

AN ACT
RELATING TO ERECTION OF PUBLIC BUILDINGS; AMENDING SECTION 31-1001, IDAHO CODE, AS AMENDED, TO AUTHORIZE COUNTY COMMISSIONERS TO CONTRACT WITH RESPONSIBLE PARTIES FOR THE LEASING OF A HOSPITAL OR A COMBINATION OF COURTHOUSE AND HOSPITAL.

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

SECTION 1. That Section 31-1001, Idaho Code, as amended, 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, JAIL, OR HOSPITAL — 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 assessor and county surveyor, and must draw warrants in payment of the same: provided, that the contract for the erection 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 provisions 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 responsible parties for the leasing of a courthouse, jail and hospital, or a combination of courthouse, jail and hospital, to be constructed upon premises owned by the county or otherwise; 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 recorder, 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 transaction of official business.

Approved March 13, 1963.

CHAPTER 107
(S. B. No. 141)

AN ACT

PROVIDING FOR THE TRANSFER OF PRISONERS OF THE IDAHO STATE PENITENTIARY TO FEDERAL PENAL INSTITUTIONS BY THE STATE BOARD OF CORRECTION; AND DECLARING AN EMERGENCY.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Any person committed to the state penitentiary whose presence may be seriously detrimental to the well-being of the state penitentiary or who wilfully and persistently refuses to obey the rules and regulations of the state penitentiary or who is considered an incorrigible inmate may, upon written certification from the State Board of Correction, be transferred to a federal penal or correctional institution, provided the Attorney General of the United States accepts such application and transfer.

SECTION 2. The State Board of Correction is hereby authorized to contract with the Attorney General of the United States or such officer as the Congress may designate under the provisions of Title 18, Section 5003 of the United States Code, and acts supplementary and amendatory thereof, in each individual case for the care, custody, subsistence, education, treatment and training of any prisoner transferred under the provisions of this act. The contract shall provide for the reimbursement of the United States in full for all costs or other expenses to be paid from the appropriation for the operation of the state penitentiary. The State Board of Corrections shall affix to such contract a copy of the commitment or commitments under which the prisoner is held and the same along with the contract of transfer shall be sufficient authority for the United States to hold said prisoner on behalf of the State of Idaho.

SECTION 3. Any prisoner transferred under this act shall be subject to the terms of his original sentence or sentences as if he were serving the same within the confines of the Idaho state penitentiary. Nothing herein contained shall deprive such prisoner of his rights to parole or his rights to legal process in the courts of this state.

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 13, 1963.
CHAPTER 108
(S. B. No. 143)

AN ACT

AMENDING SECTION 39-1310, IDAHO CODE, RELATING TO THE CONSTITUTION OF THE HOSPITAL ADVISORY COUNCIL BY MAKING AFFIRMATIVE PROVISION FOR THE APPOINTMENT OF A MEMBER OF THE NURSING PROFESSION TO THE COUNCIL AND ENLARGING THE COUNCIL BY ONE MEMBER.

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

SECTION 1. That Section 39-1310, Idaho Code, be, and the same is hereby amended to read as follows:

39-1310. ADVISORY HOSPITAL COUNCIL. — The governor shall appoint an advisory hospital council to advise and consult with the licensing agency in carrying out the administration of this act. The council shall consist of the director of public health, who shall serve as chairman ex-officio, and two individuals of recognized ability in the field of hospital administration, two individuals of recognized ability in the fields of medicine and surgery, nursing, welfare, public health, architecture, or allied professions in the field of health, one who is a member of the nursing profession, one individual of recognized ability in the field of nursing home administration, one individual of recognized ability in the field of rehabilitation, and two individuals with broad civic interests representing consumers of hospital services. Members shall hold office for a term of six years, their terms expiring successively on the second Monday in January in the odd-numbered years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and the terms of office of the members first taking office shall expire, as designated at the time of appointment, one-third thereof at the end of the second year, one-third thereof at the end of the fourth year, and one-third thereof at the end of the sixth year after the date of appointment. Council members while serving on the business of the council shall receive compensation at the rate of $10.00 per day and shall also be entitled to receive actual and necessary transportation expenses. The council shall meet as frequently as the chairman deems necessary, but not less than once each year.
Upon request by a majority of the members, it shall be the duty of the chairman to call a meeting of the council.

Approved March 13, 1963.

CHAPTER 109
(S. B. No. 118)

AN ACT

AMENDING SECTION 18-4012 OF THE IDAHO CODE TO PROVIDE THAT HOMICIDE BY ACCIDENT AND MISFORTUNE IS NO LONGER EXCUSABLE WHEN OCCURRING IN THE CORRECTION OF A CHILD OR SERVANT.

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

SECTION 1. That Section 18-4012, Idaho Code, be, and the same hereby is amended to read as follows:

18-4012. EXCUSABLE HOMICIDE.—Homicide is excusable in the following cases:

1. When committed by accident and misfortune, in lawfully correcting a child or servant, or in doing any other lawful act by lawful means, with usual and ordinary caution, and without any unlawful intent.

2. When committed by accident and misfortune, in the heat of passion, upon any sudden and sufficient provocation, or upon a sudden combat when no undue advantage is taken nor any dangerous weapon used, and when the killing is not done in a cruel or unusual manner.

Approved March 14, 1963.

CHAPTER 110
(S. B. No. 76)

AN ACT

AMENDING SECTION 44-107, IDAHO CODE, RELATING TO THE DUTIES OF THE COMMISSIONER OF LABOR BY PROVIDING FOR DETERMINATION BY COMMISSIONER OF LABOR OF APPROPRIATE BARGAINING UNIT; EMPOWERING COM-
MISSIONER OF LABOR TO INVESTIGATE, HOLD HEARINGS, DESIGNATE REPRESENTATIVES, AND TO HOLD SECRET ELECTIONS AND PROVIDING THAT NO ELECTION SHOULD BE DIRECTED FOR A SPECIFIED PERIOD AFTER A VALID ELECTION HAS BEEN HELD; EMPOWERING COMMISSIONER TO ADOPT RULES AND REGULATIONS; AMENDING TITLE 44, CHAPTER 1, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 44-107 TO BE KNOWN AND DESIGNATED AS SECTION “44-107A”, PROVIDING THAT EMPLOYERS ARE REQUIRED TO NEGOTIATE WITH A DESIGNATED BARGAINING AGENT; AMENDING TITLE 44, CHAPTER 1, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 44-107A TO BE KNOWN AND DESIGNATED AS SECTION “44-107B”, PROVIDING FOR PENALTIES FOR VIOLATIONS OF THIS ACT.

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

SECTION 1. That Section 44-107, Idaho Code, be, and the same is hereby amended to read as follows:

44-107. DUTIES OF COMMISSIONER — DETERMINATION OF REPRESENTATIVES. — In order to insure employers, employees, and the general public, the full benefits of this act, the commissioner shall, when a question arises concerning the representation of employees in a collective bargaining unit, and when requested to do so by any employer or employees, determine the representatives thereof by taking a secret ballot of employees and certifying the results thereof to all interested parties. When requested by any employer or employees, the commissioner shall cause the ballot to be taken in such manner as to show separately the wishes of the employees in any craft, division, department or plant as to the determination of the collective bargaining unit. investigate such controversy and certify to the parties, in writing, the name or names of the representatives who have been designated or selected. In any such investigation the commissioner shall provide for an appropriate hearing upon due notice, and may take a secret ballot of employees to ascertain such representatives. In all cases where a secret ballot is taken, the ballot shall be prepared so as to permit of a vote against representation by anyone named on the ballot. Whenever any representative receives a majority of the votes of those employees voting in such election such representative shall be designated bargaining agent; provided, however, that nothing in this section shall be construed as authorizing
the commissioner to conduct an election on any matter which is within the exclusive jurisdiction of any federal act or board; and, provided further that no election shall be directed in any bargaining unit or subdivision within which, in the preceding twelve-month period, a valid election was held.

The commissioner may establish such rules or regulations as he deems appropriate to effectuate the policies of this Act for the filing of petitions for investigation and certification by employees or their representatives.

SECTION 2. That title 44, chapter 1, Idaho Code, be, and the same is hereby amended by adding a new section thereto following section 44-107, to be known as section "44-107A", to read as follows:

44-107A. EMPLOYERS AND BARGAINING AGENT ARE REQUIRED TO NEGOTIATE.—Whenever the Commissioner of Labor designates a bargaining agent for a bargaining unit as provided in section 44-107, both the employer and the designated bargaining agent must bargain in good faith.

SECTION 3. That title 44, chapter 1, Idaho Code, be, and the same is hereby amended by adding a new section thereto following section 44-107A, to be known as section "44-107B", to read as follows:

44-107B. PENALTIES FOR VIOLATIONS.—Any employer or any employee or union or union officer violating the above provisions of sections 44-107 and 44-107A shall, upon conviction thereof by any court of competent jurisdiction, be punished by a fine of not less than $50 nor more than $300, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Approved March 14, 1963.

CHAPTER 111
(S. B. No. 98, As Amended in the House of Representatives)

AN ACT

AMENDING SECTION 23-405, IDAHO CODE, BY CHANGING THE BASIS UPON WHICH LIQUOR FUND MONEYS ARE
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 23-405, Idaho Code, be, and the same is hereby amended to read as follows:

23-405. DISTRIBUTION BY COUNTIES.—Out of the moneys allocated to a county (after deduction, if any, of the amount allocated to a junior college district) fifty per cent thereof shall be by the board of county commissioners apportioned to the general fund of the county and the remaining fifty per cent shall be allocated to incorporated and specially chartered cities and villages situate therein in such proportion as the population of each bears to the total population of all cities and villages in the county, as shown by the last federal census, or any subsequent special census conducted by the United States Bureau of the Census, provided, that in case of a municipality incorporated subsequent to the last federal census, a certification of the population thereof by its governing board shall be accepted in lieu of the federal census.

Approved March 14, 1963.

CHAPTER 112
(S. B. No. 122, As Amended)

AN ACT

AMENDING SECTION 1-211, IDAHO CODE, AS AMENDED, TO INCLUDE PROVISION FOR PAYMENT OF EXPENSES OF SUPREME COURT OFFICERS WHILE IN PERFORMANCE OF OFFICIAL DUTIES IN ADDITION TO THOSE PERTAINING TO TERMS OF COURT.

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

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

1-211. EXPENSES OF SUPREME COURT OFFICERS.—There must be paid to each of the justices of the Supreme Court, and to the clerk of the Supreme Court, out of the state treasury, for each term of the Supreme
Court held away from Boise City, his actual expenses for subsistence not exceeding two hundred dollars ($200), and in addition thereto, his expenses of travel; also his actual expense for subsistence, and expense of travel in attendance to his other official duties as authorized by the Supreme Court.

The provisions hereof relating to payment of actual expenses for subsistence shall be expressly exempted from, and relating to expenses of travel shall be expressly governed by, the provisions of chapter 161 of Session Laws of 1949, and chapter 101 of Session Laws of 1953 - Section 67-2008, Idaho Code, as amended.

Approved March 14, 1963.

CHAPTER 113
(S. B. No. 123)

AN ACT
AMENDING SECTION 22-202, IDAHO CODE, PROVIDING FOR HEARING OF OBJECTIONS—ORDER CREATING BOARD—APPOINTMENT AND SELECTION OF MEMBERS.

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

SECTION 1. That Section 22-202, Idaho Code, be, and the same is hereby amended to read as follows:

22-202. CANVASSING OF PETITION—HEARING OF OBJECTIONS—ORDER CREATING BOARD—APPOINTMENT AND SELECTION OF MEMBERS. — The board shall meet on the day fixed, and when a petition has been filed, canvass the same for the purpose of determining if such petition has been signed by the required number of voters, at which time any voter or taxpayer residing within the county may appear and object to the form of the petition, the genuineness of the signatures, or objection made on the ground that the required number of voters has not signed such petition, or may make any other objection as to the legality of the proceedings of the board; or, in any case where a petition is not required to be filed, pursuant to the provisions of this act, the board may hear any pertinent objection or objections to the creation of the county fair board.

After considering the petition and hearing and consider-
ing the objections, if any, made to the proceedings or to the creation of a county fair board; or, in case no petition is required hereunder, after hearing and considering any objections made to the proceedings or to the creation of a county fair board, the board shall, if it deems it for the best interests of the county that a county fair be conducted by the county, create a county fair board by an order duly spread upon its minutes. If the board orders the creation of a county fair board, it shall immediately appoint not less than five nor more than seven persons to membership thereof, and shall fix the place within the county at which such fair shall be held, and make its action a matter of record. The members shall as nearly as possible be selected from the different industries and localities of the county. Such members so appointed shall serve until the third Monday in January following, and until their successors are appointed and qualify. Any vacancy occurring on such county fair board shall be filled by appointment by the county commissioners at their first regular meeting after the occurrence of such vacancy.

Approved March 14, 1963.

CHAPTER 114
(S. B. No. 117)

AN ACT

AMENDING SECTION 49-1401, IDAHO CODE, BY SUBSTITUTING GROSS NEGLIGENCE FOR RECKLESS DISREGARD AS A BASIS FOR OWNERS OR OPERATORS LIABILITY FOR INJURIES TO OR DEATH OF A GUEST PASSENGER IN A MOTOR VEHICLE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-1401, Idaho Code, be, and the same is hereby amended to read as follows:

49-1401. LIABILITY OF MOTOR OWNER TO GUEST. —No person transported by the owner or operator of a motor vehicle as his guest without payment for such transportation shall have a cause for damages against such owner or operator for injuries, death or loss, in case of accident, unless such accident shall have been intentional on the part of the said owner or operator or caused by his
intoxication or his reckless disregard of the rights of others - gross negligence.

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 14th, 1963.

CHAPTER 115
(S. B. No. 163)

AN ACT

AMENDING CHAPTER 29, TITLE 50, IDAHO CODE, CITED AS THE "LOCAL IMPROVEMENT DISTRICT CODE" AND PARTICULARLY SECTIONS 50-2902, AS AMENDED, 50-2903, 50-2909, AND 50-2910; PROVIDING FOR THE INCLUSION OF OFF-STREET PARKING AND DEFINING THE SAME; PROVIDING FOR AND REDEFINING "STREET" AND "STREETS" TO INCLUDE THE ENTIRE RIGHT-OF-WAY OF SUCH STREET OR STREETS; AMENDING THE DEFINITION OF "RESIDENT OWNER" TO INCLUDE JOINT STOCK ASSOCIATIONS, PARTNERSHIPS, INDIVIDUAL PROPRIETORS OR OTHER FORMS OF BUSINESS ENTERPRISE; 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 50-2902, Idaho Code, as amended, 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 the entire legal right-of-way 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 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 "off-street parking" are used, the words shall be construed to mean and include all machinery, equipment, materials and appurtenances, including lands, easements, rights of way and buildings required, necessary or useful for the parking of motor vehicles on lands or places other than public streets.

Whenever in this chapter the words "resident owner" or "resident owners" are used, such words shall be construed to mean the owner of the 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, joint stock association, partnership, individual proprietor, or other form of business enterprise owning real property within, and having its principal place of business within any such district or proposed district.

SECTION 2. That Section 50-2903, Idaho Code, be, and the same is hereby amended to read as follows:

C. 115 '63 IDAHO SESSION LAWS 339
50-2903. POWERS CONFERRED. — In addition to powers now granted by law to municipalities, every municipality in this state is hereby authorized and empowered to create local improvement districts and within the boundaries of such districts:

To purchase, build, construct, reconstruct, or otherwise improve parking facilities and all other appurtenances necessary to provide adequate off-street parking, and to that end may acquire real or personal property by purchase, gift, condemnation, or otherwise, and may own, possess and maintain such real or personal property within the limits of the municipality as in the judgment of the council may be necessary and convenient for such purposes;

To order the whole or any portion or portions either in length or in width of any one or more of the streets therein, graded or regraded, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, surfaced or resurfaced, oiled or reoiled or otherwise improved;

To order sidewalks, cross walks, curbs, gutters, culverts, bulkheads, retaining walls, street lighting systems together with all fixtures and equipment or any other local improvements whatsoever, to be constructed, reconstructed or renewed therein and to order the planting, setting out and cultivating of shade or ornamental trees, and together with the creation of a local improvement district for the installation of underground tiling and covering of open irrigation ditches within the limits of municipalities operating a municipal irrigation system pursuant to chapter 13, Title 50, Idaho Code;

To create a district for the purpose of defraying the cost and expenses of acquiring private property for the purpose of opening, widening or extending any street or alley within the corporate limits of such city;

To purchase, build, construct or reconstruct sewers, ditches, drains, conduits, and channels for sanitary and drainage purposes, or either or both thereof, with outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, and all other sewer appurtenances necessary for the comfort, convenience, health and well-being of the municipality, and to that end may acquire by purchase, gift, condemnation or otherwise, and may own and possess such real or personal property within or without the limits of the municipality as in the judgment of the council may be necessary
and convenient for such purpose: provided that all improvement districts for the purposes stated in this paragraph shall be so constructed as to conform to the requirements of the topography of the land; and to levy a special assessment on the lands and parcel of land fronting, abutting, contiguous or tributary to any street or off-street parking area so improved and on all property benefited by such improvement.

SECTION 3. That Section 50-2909, Idaho Code, be, and the same is hereby amended to read as follows:

50-2909. ENLARGED DISTRICT. — Whenever any local improvement shall be of such nature and character that the special benefits resulting therefrom extend beyond the boundaries of the property authorized to be assessed for the costs and expenses thereof by section 50-2905 the council may create an enlarged local improvement district, which shall include as near as may be all the property especially benefited by such improvements. When such district is created the property therein, lying beyond the limits of improvement districts as described in section 50-2905, shall be assessed for a portion of the cost and expenses of such improvements, in accordance with the special benefits to such property, to be determined and fixed by the council when the district is created, the balance of the costs and expenses of such improvements to be assessed against the property set forth in section 50-2905; provided that in enlarged districts for off-street parking all property therein, whether private ownership, public ownership, non-profit ownership or otherwise and whether they have off-street parking of their own, shall be assessed a portion of the cost and expenses of such improvements, in accordance with the benefits to such property, said ratio of benefits to be determined and fixed by the council when the district is created; provided, that no property shall be included within such enlarged district situate more than twelve hundred feet from the improvements to be made.

SECTION 4. That Section 50-2910, Idaho Code, be, and the same is hereby amended to read as follows:

50-2910. RESOLUTION OF INTENTION TO CREATE DISTRICT. — On the filing with the clerk of any city of a petition by the resident property owners as hereinbefore provided, requesting the creation of a local improvement district to make any of the improvements provided for in this chapter, or in any law of this state, the council, must, or upon its own initiative, the council may, at any regular
or special meeting, pass a resolution declaring its intention to create a local improvement district, the cost and expenses of which are to be levied and assessed upon the property benefited, and declaring its intention to make such improvement and stating in such resolution the name of the street or streets to be improved, or along or upon which said improvement is to be made; the points between which said improvement is to be made, and if enlarged improvement district as hereinbefore provided for, that fact shall be stated and the boundaries of such enlarged district given; the kind and character of the proposed improvement, and stating whether the same is an original improvement, a further and additional improvement, or a reimprovement; the estimated total cost of the same, and that the cost and expenses of the same is to be assessed against the abutting, adjoining and adjacent lots and lands on the streets and off-street parking areas along or upon which such improvements are to be made, and upon lots and lands benefited by such improvements and included in the improvement district formed, and the method by which the cost and expenses of the improvement within the intersections is to be paid, and shall fix a time, not less than ten days, in which protests against said proposed improvement, or the creation of such districts to be formed, may be filed in the office of the clerk, and shall also fix a time when such protests shall be heard and considered by the council.

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

Approved March 14th, 1963.

CHAPTER 116
(S. B. No. 183)

AN ACT

AMENDING SECTION 54-1101, IDAHO CODE, BY DELETING THEREFROM THE EXEMPTION OF APPLICANTS FOR LICENSES AS FUNERAL DIRECTORS FROM EXAMINATION IN ANATOMY, CHEMISTRY AND PHYSIOLOGY; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 54-1101, Idaho Code, be, and the same is hereby amended to read as follows:

54-1101. PUBLIC PURPOSE DECLARED — EMBALMERS AND FUNERAL DIRECTORS TO BE LICENSED — DEFINITIONS AND LIMITATIONS — EXEMPTIONS. — It is declared and established hereby that the business of making final disposition of dead human bodies, including embalming and funeral direction is so affected with the public interest as to require regulation and control of such included occupations together; funeral direction is declared hereby subordinate to and included within the general profession of embalming and final disposition of dead human bodies.

It shall be unlawful for any person to engage in the business, or any part of the business of making final disposition of dead human bodies without first obtaining from the department of law enforcement a license therefor as herein provided:

A. For the purpose of this act, the following persons shall be deemed to be engaged in the practice of embalming: Any person, firm, corporation or association of persons who shall disinfect, prepare, preserve, and make final disposition of dead human bodies, in whole or in part, or who shall attempt to do so, by the use or application of chemical substances, fluids or gases on the body, or by the introduction of same into the body by vascular or hypodermic injection or by direct introduction into the organs or cavities, or by any other method or processes.

B. For the purposes of this act, every person, firm, corporation, or association of persons who shall engage in the profession or business of conducting funerals and supervising or directing the burial and disposal of dead human bodies, or performing any act or service connected therewith and not included within the definition of the practice of embalming hereinbefore set forth, shall be deemed a funeral director.

C. Persons licensed to engage in embalming may, without other license, engage in business as funeral directors; but no funeral director shall by reason of his license as such engage in embalming as defined herein.

D. The above and foregoing definitions and limitations shall not include the following classes of persons: Manufacturers, wholesalers and jobbers of caskets, vaults or
other burial receptacles not engaged in other functions or in furnishing funeral services as above defined, or those who distribute or sell caskets, vaults or other burial receptacles and who do not furnish any funeral service directly or indirectly, individually or with another except under the personal direction of a licensed embalmer. Neither shall the provisions of this act apply to acts of any church done in pursuance of its religious tenets or practice.

E. All of the provisions of this act applicable in terms to embalmers, shall likewise apply to funeral directors, except in the following particulars, in which funeral directors are expressly exempted.

1. Funeral directors shall not, nor shall any applicant for license as a funeral director be required to comply with the provisions of subdivisions "d" or "e" in section 54-1104 as amended.

2. Applicants for examination for license as funeral directors shall not be required to be examined in anatomy, chemistry, physiology, the preservation or disinfection of dead bodies, nor to perform any operation upon a cadaver.

3. No person licensed as a funeral director and not a licensed embalmer, shall be eligible to appointment as a member of the board of embalming examiners.

4. The provisions of this act relating to apprentices shall not apply to funeral directors.

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 14, 1963.

CHAPTER 117
(S. B. No. 195)

AN ACT

RELATING TO DIRECTORS OF A CORPORATION, AMENDING SECTION 30-139, IDAHO CODE, BY ADDING A SECTION THERETO PERMITTING ANY ACTION REQUIRED OR PERMITTED TO BE TAKEN AT A MEETING OF THE BOARD OF DIRECTORS OR ANY COMMITTEE THEREOF TO BE
TAKEN WITHOUT SUCH MEETING IF PRIOR WRITTEN CONSENT IS OBTAINED FROM ALL MEMBERS OF THE BOARD OR OF THE COMMITTEE OF THE BOARD, AND PROVIDING EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. That Section 30-139, Idaho Code, be, and the same is hereby amended to read as follows:

30-139. DIRECTORS.—1. The business of every corporation shall be managed by a board of at least three directors, who need not be shareholders unless the articles of incorporation so require. A director shall hold office for the term for which he was named or elected and until his successor is elected and qualified.

2. The number, qualifications, terms of office, manner of election, time and place, manner of calling of meeting, and the powers and duties of the directors may, subject to the provisions of this act, be prescribed by the articles or by-laws. Except as otherwise prescribed in the articles or by-laws:

   a. A director shall be elected for a term of one year;

   b. Vacancies in the board of directors shall be filled by the remaining members of the board, and each person so elected shall be a director until his successor is elected. The shareholders may elect his successor at the next annual meeting of the shareholders, or at any special meeting duly called for that purpose and held prior thereto;

   c. The meetings of the board of directors may be held at such place, whether in this state or elsewhere, as a majority of the directors may from time to time appoint;

   d. A majority of the board of directors shall be necessary to constitute a quorum for the transaction of business, and the acts of a majority of the directors present at a meeting at which a quorum is present shall be the acts of the board of directors;

   e. The board of directors may, by resolution passed by a majority of the whole board, designate two or more of their number to constitute an executive committee, who, to the extent provided in said resolution, shall have and exercise the authority of the board of directors in the management of the business of the corporation.

3. In the absence of by-law provisions written notice
of directors meetings shall be given each director at his last known address at least three days before the meeting and shall specify the purposes of the meeting. Such notice may be waived by a director in writing at the meeting or shall be conclusively deemed given if he be present at the meeting.

4. A director may be removed by two-thirds vote of the shareholders or members at a special meeting for that purpose called in the manner provided in subdivision 2 of section 30-133.

5. Unless otherwise restricted by the certificate of incorporation or by-laws, any action required or permitted to be taken at any meeting of the board of directors or of any committee thereof may be taken without a meeting, if prior to such action a written consent thereto is signed by all members of the board or of such committee as the case may be, and such written consent is filed with the minutes of proceedings of the board or committee.

SECTION 2. This act shall be and become effective on and after July 1, 1963.

Approved March 14, 1963.

CHAPTER 118
(H. B. No. 144)

AN ACT
AMENDING SECTION 66-901, IDAHO CODE, TO CHANGE THE NAME TO THE SOLDIERS' HOME TO THE "IDAHO VETERANS' HOME."

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

SECTION 1. That Section 66-901, Idaho Code, be, and the same is hereby amended to read as follows:

66-901. There shall be established in this state an institution under the name of the Soldiers' Home for soldiers which shall hereafter be known and designated as the Idaho Veterans' Home, which institution shall be a home for honorably discharged Union soldiers, sailors and marines who served in the Union armies during the late war of the rebellion, or in Indian wars in which the gov-
ernment of the United States was involved; also for honorably discharged soldiers, sailors and marines who served in the Spanish-American war and the Philippine insurrection incident thereto; also for members of the state national guard disabled while in the line of duty; and veterans of the Mexican War; also all honorably discharged soldiers, sailors, marines and nurses of the great war with Germany and her allies; also all honorably discharged soldiers, sailors, marines and nurses of World War II and her allies: who did not refuse military duty on account of conscientious objection: provided, that before a person is admitted to said home he shall have been a bona fide resident of this state for not less than two years, and shall have registered and voted at one or more general elections in the state of Idaho prior to making application for admission thereto. But such residence, registration and voting shall not be required of any person who, at the time of his enlistment or induction into such service, was a bona fide resident of this state.

Approved March 14, 1963.

CHAPTER 119
(H. B. No. 146)

AN ACT
AMENDING TITLE 49, CHAPTER 9, IDAHO CODE, TO ADD A NEW SECTION THERETO FOLLOWING SECTION 49-914 TO BE KNOWN AND DESIGNATED AS SECTION 49-915 TO PERMIT VEHICLES TRANSPORTING MOTOR VEHICLES, THE TOWING VEHICLE OF WHICH HAS A COUPLING DEVICE TO THE REAR OF THE CENTER LINE OF THE REAR AXLE TO BE OF A LENGTH OF SIXTY-FIVE FEET AND TO BE OPERATED OVER THE HIGHWAYS AS ARE DESIGNATED BY THE BOARD OF HIGHWAY DIRECTORS SO LONG AS SAID VEHICLES USE NO GREATER WIDTH OF ROADWAY ON CURVES THAN USED BY A SIXTY FOOT COMBINATION OF VEHICLES WITH SEMI-TRAILER.

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

SECTION 1. That Title 49, Chapter 9, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 49-914 to be known and designated as Section 49-915 to read as follows:
49-915. AUTO TRANSPORT VEHICLES LENGTH—WHEN USE PERMISSIBLE.—Notwithstanding any other provisions of law, any combination of motor vehicle and semi-trailer constructed and used exclusively for the transportation of motor vehicles with a coupling device on the towing vehicle located to the rear of the center line of the rear axle thereof may be of a length of not to exceed sixty-five feet extreme over all dimensions, inclusive of front and rear bumpers, and may be operated over the highways of the state of Idaho as may be designated by the Idaho board of highway directors, provided said combination shall not use any greater width of roadway on curves than used by a sixty foot combination of vehicles with semi-trailer.

Approved March 14, 1963.

CHAPTER 120
(H. B. No. 139)

AN ACT

AMENDING SECTION 41-319, IDAHO CODE, TO PROVIDE THAT PHOTOSTATIC COPIES OR SIMILAR FORMS OF REPRODUCTION MAY BE USED BY AN INSURER IN FILING ITS CORPORATE CHARTER, ARTICLES OF INCORPORATION, BY-LAWS, OR OTHER CHARTER DOCUMENTS WHEN APPLYING FOR ORIGINAL CERTIFICATE OF AUTHORITY.

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

SECTION 1. That Section 41-319, Idaho Code, be, and the same is hereby amended to read as follows:

41-319. APPLICATION FOR CERTIFICATE OF AUTHORITY.—To apply for an original certificate of authority an insurer shall file with the commissioner its application therefor, accompanied by the applicable fees as specified in section 41-401 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 organization 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 corporate charter, articles of incorporation or other charter documents, 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 by-laws 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 41-2908.

(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 41-333, 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 41-317.

(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 41-316.
(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.

Approved March 14, 1963.

CHAPTER 121
(H. B. No. 155)

AN ACT

AMENDING SECTION 33-2601, IDAHO CODE, AS AMENDED, RELATING TO POWER OF CITIES AND VILLAGES TO ESTABLISH LIBRARIES AND TO LEVY TAXES THEREFOR; TO EMPOWER CITIES AND VILLAGES TO LEVY A TAX NOT EXCEEDING FIVE (5) MILLS ON THE DOLLAR OF TAXABLE PROPERTY OF SUCH CITY OR VILLAGE, TO CONSTITUTE A LIBRARY FUND.

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

SECTION 1. That Section 33-2601, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

33-2601. CITIES MAY ESTABLISH LIBRARIES — TAX LEVIES. — The common council of every city and of every village of the state of Idaho shall have power to establish a public library and reading room, and for such purpose may annually levy and cause to be collected, as other taxes are, a tax not exceeding three five mills on the dollar of the taxable property of such city or village, to constitute a library fund, which shall be kept by the treasurer separate and apart from other moneys of the city or village, and be used exclusively for the purchase of books, periodicals, necessary furniture and fixtures, and whatever is required for the maintenance of such library and reading room, provided that every city and village shall have power to contract for specified library service with an existing library district and/or become part of an existing library district, by majority vote of the qualified electors of such city or village at an election to be called and conducted by the city or village council or other governing board thereof, such election to be called and
CHAPTER 122
(H. B. No. 169)

AN ACT

AMENDING SECTION 9-203, IDAHO CODE, RELATING TO CONFIDENTIAL RELATIONS AND COMMUNICATIONS, BY ADDING A DEFINITION TO SUBPARAGRAPH 2 THEREOF, DEFINING THE WORD CLIENT.

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

SECTION 1. That Section 9-203, Idaho Code, be, and the same is hereby amended to read as follows:

9-203. CONFIDENTIAL RELATIONS AND COMMUNICATIONS.—There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person can not be examined as a witness in the following cases:

1. A husband can not be examined for or against his wife, without her consent, nor a wife for or against her husband, without his consent; nor can either, during the marriage or afterwards, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other nor to a criminal action or proceeding for a crime committed by violence of one against the person of the other.

2. An attorney can not, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment. The word client used herein shall be deemed to include a person, a corporation or an association.

3. A clergyman or priest can not, without the consent of the person making the confession, be examined as to any confession made to him in his professional character.
in the course of discipline enjoined by the church to which he belongs.

4. A physician or surgeon can not, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient.

5. A public officer can not be examined as to communications made to him in official confidence, when the public interests would suffer by the disclosure.

Approved March 14, 1963.

CHAPTER 123
(H. B. No. 149)

AN ACT

AMENDING SECTION 37-1201, IDAHO CODE, AS AMENDED, AS TO STANDARDS OF CONTENT OF ICE CREAM AND FROZEN DESSERTS, BY RE-DEFINING THE TERMS "ICE CREAM" AND "ICE MILK"; DEFINING THE TERMS "WATER ICES" AND "FRUIT SHERBET" AND ELIMINATING THE DEFINITIONS OF THE TERMS "ICE OR ICE SHERBET" AND "MILK SHERBET".

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

SECTION 1. That Section 37-1201, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

37-1201. DEFINITIONS. — For the purpose and within the meaning of this act, the following definitions shall obtain:

1. "Frozen desserts and frozen novelties" means ice cream, ice milk, milk sherbet, fruit sherbet, and ice or ice sherbet, water ices as defined in this act.

2. "Milk products" means pure, clean and wholesome cream, pure milk fat, butter, milk, evaporated milk, skimmed milk, condensed milk, sweetened condensed milk, condensed skimmed milk, sweetened condensed skimmed milk, dried milk, dried skimmed milk.

3. "Ice cream" means the pure, clean frozen product made from a combination of two or more of the follow-
ing ingredients: milk products, eggs, water, and sugar, with harmless flavoring and with or without harmless coloring, and with or without added stabilizer composed of wholesome edible material. It contains not more than one-half of one per centum, by weight, of stabilizer, not less than twelve ten per centum, by weight, of milk fat and not less than eighteen twenty per centum, by weight, of total milk solids; except when fruit, nuts, cocoa or chocolate, maple syrup, cakes or confections are used for purpose of flavoring, then it shall contain not less than ten eight per centum, by weight, of milk fat and not less than eighteen sixteen per centum, by weight, of total milk solids, except for such reduction in milk fat and in total milk solids, as is due to the addition of such flavoring, but in no such case shall it contain less than ten eight per centum, by weight, of milk fat nor less than fourteen sixteen per centum, by weight of total milk solids. In no case shall any ice cream contain less than one and six-tenths pounds of total food solids per gallon, nor weigh less than four and one-fourth one-half pounds net per gallon.

4. "Ice milk" means the pure, clean frozen product made from a combination of two or more of the following ingredients: milk products, eggs, water, and sugar with harmless flavoring and with or without harmless coloring, and with or without added stabilizer composed of wholesome edible material. It contains not more than one-half of one per centum, by weight, of stabilizer, not less than four two per centum, by weight, of milk fat, and not less than fourteen eleven per centum, by weight, of total milk solids. In no case shall any ice milk contain less than one and three-tenths pounds of total food solids per gallon nor weigh less than four and one-half pounds net per gallon.

5. "Milk sherbet" "Fruit sherbet" means the pure, clean, frozen product made from milk products, water and sugar, with harmless fruit or fruit juice flavoring and with or without harmless coloring, with not less than 0.35 of one per centum of acid, as determined by titrating with standard alkali and expressed as lactic acid, and with or without added stabilizer, a maximum of 0.50 of one per centum added stabilizer, composed of wholesome edible material. It contains not less than four two nor more than five per centum, by weight, of total milk solids. It must contain not less than one per centum nor more than two per centum of milk fat, nor weigh less than six pounds net per gallon.
6. "Ice or ice sherbet" "Water ices" means the pure, clean, frozen product made from water and sugar with harmless fruit or fruit juice flavoring and with or without harmless coloring with not less than 0.35 of one per centum of acid, as determined by titrating with standard alkali and expressed as lactic acid, and with or without added stabilizer a maximum of 0.50 of one per centum added stabilizer composed of wholesome edible material. It contains no milk solids. It must weigh a minimum of six pounds net per gallon.

7. Neither ice cream nor ice milk when sold by the manufacturer shall contain more than one hundred thousand bacteria per gram.

Approved March 14, 1963.

CHAPTER 124
(H. B. No. 94, As Amended)

AN ACT
REQUIRING COMPETITIVE BIDDING ON COUNTY EXPENDITURES IN EXCESS OF $2,500; DEFINING EXPENDITURE AND CERTAIN EXCEPTIONS; MAKING PROVISION FOR THE APPLICABILITY OF THIS ACT; PROVIDING THAT CONTEMPLATED EXPENDITURES SHALL BE LET TO THE LOWEST RESPONSIBLE BIDDER; PROVIDING A SYSTEM FOR INVITING BIDS AND GIVING NOTICE THEREOF; REQUIRING THE COUNTY COMMISSIONERS TO FURNISH APPROPRIATE BIDDING AND CONTRACT DOCUMENTS FREE OF CHARGE; PROVIDING METHOD OF SUBMITTING BIDS, REQUIRING BIDDERS TO SUBMIT SECURITY WITH THEIR BIDS, AND FORMS OF SECURITY; PRESCRIBING AMOUNT OF BIDDER'S SECURITY; PROVIDING THAT BIDS WILL NOT BE CONSIDERED UNLESS ONE OF THE PRESCRIBED FORMS OF BIDDER'S SECURITY IS SUBMITTED WITH THE BID; REQUIRING THAT BIDS BE SUBMITTED IN FORM PRESCRIBED BY THE COUNTY; PROVIDING THAT BIDS MAY NOT BE WITHDRAWN; PROVIDING A PROCEDURE FOR OPENING BIDS AND MAKING AWARDS; PROVIDING FOR THE FORFEITURE OF BIDDER'S SECURITY AND DISPOSITION OF FORFEITED SECURITY; DEFINING THE PROCEDURE TO BE FOLLOWED IN THE EVENT THE SUCCESSFUL BIDDER FAILS TO ACCEPT
THE AWARD AND DISPOSITION OF THE SUCCESSFUL BIDDER'S SECURITY; PROVIDING FOR THE REJECTION OF BIDS, RE-ADVERTISING FOR BIDS AND ALLOWING THE COUNTY TO MAKE AN EXPENDITURE WITHOUT FURTHER COMPLIANCE WITH THIS ACT; DEFINING PROCEDURE AFTER REJECTION OF BIDS AND AUTHORITY TO MAKE EXPENDITURE WITHOUT FURTHER COMPLIANCE WITH THIS ACT; PROVIDING THAT THE PROVISIONS OF THIS ACT NEED NOT BE COMPLIED WITH IN CASES OF EMERGENCY OR GREAT PUBLIC CALAMITY; AND PROVIDING A SEVERABILITY CLAUSE.

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

SECTION 1. APPLICABILITY. — This act shall apply to all counties of the State of Idaho, but shall be subject to the provisions of any specific statute pertaining to the letting of any contract or the purchase or acquisition of any commodity or thing by any county by soliciting and receiving competitive bids therefor, and shall not be construed as modifying or amending the provisions of any such statute, nor preventing the county from doing any work by its own employees.

SECTION 2. EXPENDITURE. — As used in this act, "expenditure" means the granting of a contract, franchise or authority to another by the county, and every manner and means whereby the county disburses county funds or obligates itself to disburse county funds; provided, however, that "expenditure" does not include disbursement of county funds to any county employee, official or agent or to any person performing personal services for the county.

SECTION 3. BIDS - EXPENDITURE REQUIRING NOTICE. — When the expenditure contemplated exceeds $2,500, it shall be contracted for and let to the lowest responsible bidder.

SECTION 4. NOTICE INVITING BIDS — CONTENTS — PUBLICATION. — The notice inviting bids shall set a date and place for the opening of bids. The first publication of the notice shall be at least two weeks before the date of opening the bids. Notice shall be published at least twice, not less than one week apart, in a newspaper of general circulation, printed and published in the county, or if there is none, it shall be published in a newspaper having general circulation in the county. The notice shall succinctly set forth the project to be done. The following documents shall be made available by the county commis-
sioners, free of charge, to any interested bidder: bid form, bidder's instructions, contract documents with general and special instructions, when appropriate, drawings and specifications, when appropriate.

SECTION 5. BIDS — PRESENTATION — BIDDER'S SECURITY. — All bids shall be presented or otherwise delivered, under sealed cover, to the clerk of the board of county commissioners of the appropriate county, with a concise statement marked on the outside thereof generally identifying the expenditure to which said bid pertains. All bids shall contain one of the following forms of bidder's security:

(a) Cash,

(b) Cashier's check made payable to the county,

(c) A certified check made payable to the county,

(d) A bidder's bond executed by a qualified surety company, made payable to the county.

SECTION 6. BIDDER'S SECURITY — AMOUNT — REQUIREMENT OF BIDS. — The security shall be in an amount equal to at least 10% of the amount bid. A bid shall not be considered unless one of the forms of bidder's security is enclosed with it, and unless the bid is submitted in a form which substantially complies with the form provided by the county.

SECTION 7. WITHDRAWAL OF BIDS — DATE OF OPENING — OPEN TO PUBLIC — AWARD. — Any bid received by the county may not be withdrawn after the time set in the notice for opening of bids. All bids received must be opened at the time and place set in the notice inviting bids, and no person shall be denied the right to be present at the opening of bids. If any award is made, it must be made within 30 days of the date of opening bids.

SECTION 8. BIDDER'S SECURITY — FORFEITURE. — If the successful bidder fails to execute the contract, the amount of his bidder's security shall be forfeited to the county as hereinafter provided.

SECTION 9. BIDDER'S SECURITY — DEPOSIT. — The cash or proceeds shall be deposited in the fund out of which the expenses of preparation and printing of the plans and specifications, estimates of costs and publication of notice are paid.
SECTION 10. AWARD — BIDDER'S SECURITY — APPLICATION ON FORFEITURE — RETURN. — The county may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the board of county commissioners awards the contract to the next lowest responsible bidder, the amount of the said lowest responsible bidder's security shall be applied by the county to the difference between the said lowest responsible bid and the said next lowest responsible bid, and the surplus, if any, shall be returned to the said lowest bidder if cash or a check is used, or to the surety on the bidder's bond if a bond is used.

SECTION 11. BIDS — REJECTION — IDENTICAL — NONE RECEIVED. — In its discretion, the board of county commissioners may reject any bids presented and readvertise. If two or more bids are the same and the lowest responsible bids, the board of county commissioners may accept the one it chooses. If no bids are received, the board of county commissioners may make the expenditure without further complying with this act.

SECTION 12. EXPENDITURE ACCOMPLISHED AFTER REJECTION OF BIDS. — After rejecting bids, the board of county commissioners may, after finding it to be a fact, pass a resolution declaring that the thing sought to be accomplished by the expenditures can be performed more economically by day labor, or the materials or supplies furnished at a lower price in the open market. Upon adoption of the resolution, it may have the thing sought to be accomplished done in the manner stated without further complying with this act.

SECTION 13. CALAMITY—EMERGENCY—EXPENDITURES. — If there is a great public calamity, as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for national or local defense, the board of county commissioners may pass a resolution declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property. Upon adoption of the resolution, it may expend any sum required in the emergency without complying with this act.

SECTION 14. SEVERABILITY. — If any clause, section or provision of this act be adjudged by the courts to be unconstitutional or invalid, the same shall not affect the validity of any clause, section or provision thereof which
can be given effect without the clause, section or provision adjudged to be unconstitutional or invalid.

Approved March 14, 1963.

CHAPTER 125
(H. B. No. 128)

AN ACT

AMENDING CHAPTER 14 OF TITLE 72, IDAHO CODE, RELATING TO THE FIREMEN'S RETIREMENT FUND, BY AMENDING SECTION 72-1402 THEREOF TO DEFINE THE TERM "YEARS ACTIVE SERVICE" AND TO RESTRICT AND QUALIFY THE COMPUTATION THEREOF FOR RETIREMENT PURPOSES; AMENDING SECTION 72-1411 THEREOF TO INCREASE THE RATE OF THE EXCISE TAX REQUIRED TO BE PAID BY EACH FIREMAN FROM 4% TO 6% AND TO DELETE THE LIMITATION ON SUCH TAX, AND TO SPECIFY THE MANNER OF DETERMINING THE AVERAGE FIREMAN'S SALARY OR WAGE TO WHICH THE RATE IS APPLIED; AMENDING SECTION 72-1412 THEREOF TO INCREASE THE RATE OF THE CONTRIBUTION TO THE FIREMEN'S RETIREMENT FUND REQUIRED TO BE MADE BY CITIES, TOWNS AND FIRE DISTRICTS; BY ADDING NEW SECTIONS THERETO FOLLOWING SECTION 72-1428, TO BE KNOWN AND DESIGNATED AS SECTION 72-1429A PROVIDING RETIREMENT BENEFITS AFTER TWENTY YEARS' SERVICE AND THE METHOD OF COMPUTING SAME, SECTION 72-1429B PROVIDING RETIREMENT BENEFITS AFTER TWENTY-FIVE YEARS' SERVICE AND THE METHOD OF COMPUTING SAME, SECTION 72-1429C PROVIDING RETIREMENT BENEFITS AFTER THIRTY YEARS' SERVICE AND THIRTY YEARS OF HAVING HAD THE TAX DEDUCTED AND REMITTED AND THE METHOD OF COMPUTING SAME, SECTION 72-1429D PROVIDING RETIREMENT BENEFITS AFTER THIRTY-FIVE YEARS' SERVICE AND THIRTY-FIVE YEARS OF HAVING HAD THE TAX DEDUCTED AND REMITTED AND THE METHOD OF COMPUTING SAME, SECTION 72-1429E PROVIDING RETIREMENT BENEFITS OF A MONTHLY SUM OF TWENTY-FIVE DOLLARS TO A FIREMAN WITH NOT LESS THAN FIVE NOR MORE THAN TWELVE AND ONE-HALF YEARS' SERVICE WHO HAS BEEN DISMISSED OR RETIRED BECAUSE INCAPACITATED NOT IN PERFORMANCE OF DUTY, SECTION 72-1429F PRO-
VIDING RETIREMENT BENEFITS TO A FIREMAN WITH NOT LESS THAN TWELVE AND ONE-HALF YEARS' SERVICE WHO HAS BEEN DISMISSED OR RETIRED BECAUSE INCAPACITATED NOT IN PERFORMANCE OF DUTY AND THE METHOD OF COMPUTING SAME, SECTION 72-1429G PROVIDING RETIREMENT BENEFITS FOR INCAPACITATED OR ILL FIREMEN UNDER CERTAIN CONDITIONS AND THE METHOD OF COMPUTING SAME, SECTION 72-1429H PROVIDING BENEFITS TO THE WIDOW AND CHILDREN OF A FIREMAN KILLED IN THE PERFORMANCE OF DUTY UNDER CERTAIN CONDITIONS AND THE METHOD OF COMPUTING SAME, SECTION 72-1429I PROVIDING BENEFITS TO A WIDOW OF A RETIRED FIREMAN UNDER CERTAIN CONDITIONS, SECTION 72-1429J PROVIDING BENEFITS TO A WIDOW AND CHILDREN OF A RETIRED FIREMAN UNDER CERTAIN CONDITIONS, SECTION 72-1429K, SECTION 72-1429L, SECTION 72-1429M, SECTION 72-1429N, AND SECTION 72-1429O PROVIDING BENEFITS FOR THE WIDOW AND CHILDREN OF A FIREMAN DYING FROM CAUSES DISCONNECTED WITH HIS DUTIES UNDER CERTAIN CONDITIONS AND THE METHOD OF COMPUTING SAME, SECTION 72-1429P PROVIDING THAT IF ANY FIREMAN, WIDOW OR CHILD SHALL BE ENTITLED TO RECEIVE WORKMEN'S COMPENSATION, THE PAYMENT OF SUCH WORKMEN'S COMPENSATION SHALL BE CREDITED TO THE AMOUNT PAYABLE UNDER THIS ACT, SECTION 72-1429Q PROVIDING FOR REFUND TO A FIREMAN OF FIFTY PER CENT OF ALL MONEYS HE PAID INTO THE RETIREMENT FUND UPON TERMINATION OF EMPLOYMENT PRIOR TO THE COMPLETION OF TWENTY YEARS' SERVICE AND PROVIDING UPON HIS RE-EMPLOYMENT FOR REIMBURSEMENT TO THE RETIREMENT FUND, AND SECTION 72-1429R SPECIFYING THE EFFECTIVE DATE FOR SAID NEW SECTIONS AND PROVIDING FOR A CONTINUATION OF BENEFITS PAYABLE PURSUANT TO SECTION 72-1414, IDAHO CODE.

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

SECTION 1. That Section 72-1402, Idaho Code, be, and the same is hereby amended to read as follows:

72-1402. DEFINITIONS.—The following are definitions of terms used in this act:

(A) The words "paid fireman" mean any individual who is on the payroll of any city or town or fire district in the state of Idaho and who devotes his or her principal time of employment to the care, operation, maintenance
or the requirements of a regularly constituted fire department of such city or fire district in the state of Idaho.

(B) "Industrial Accident Board" means the board as authorized and created under the provisions of chapter 5 of title 72.

(C) "Workmen’s Compensation Law" means the Workmen’s Compensation Law as authorized and created under title 72.

(D) "Twenty-five years active service": An individual whose principal means of livelihood for the period of twenty-five years has been through employment by a city, or town, or fire district in the state of Idaho in a regularly constituted fire department of a city, town, or fire district, and has actually been carried on the payroll of an Idaho fire department for twenty-five years or more.

(E) "Five years continuous service": An individual who has been employed by a regularly constituted fire department in a city or town, or fire district in the state of Idaho for a period of five years continuously, without having engaged in any other gainful occupation as his principal gainful occupation and has had "five years continuous service” with a paid fire department of a city, town or fire district in the state of Idaho.

(F) “State Insurance Fund,” as used herein, means the state insurance fund created by chapter 9 of title 72, and the “director” thereof, as used herein, means the duly appointed, qualified and acting director or manager of said fund.

(G) The meaning of the term “incapacitated in a degree which prohibits efficient service” means that degree of mental or physical disability which prohibits the efficient performance of the duties of a paid fireman during a fire or conflagration.

(H) "Years Active Service": Service rendered by an individual whose principal means of livelihood for the prescribed period of years has been through employment by a city, or town, or fire district in the state of Idaho, in a regularly constituted fire department of a city, town, or fire district, and has actually been carried on the payroll of an Idaho fire department for the prescribed period of years. All years of active service as herein defined before the establishment of the firemen’s retirement fund may count only toward the prescribed period of years for
retirement as set out in Sections 72-1429A, 72-1429B, 72-1429F, 72-1429L and 72-1429M. Before any year's service since the establishment of the firemen's retirement fund may count toward the prescribed period of years, the tax must have been deducted from his wage or salary and remitted as set out in Sections 72-1411 and 72-1412 for that year.

SECTION 2. That Section 72-1411, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1411. LEVY OF EXCISE TAX UPON FIREMEN — MANNER OF COLLECTION. — Beginning with the effective date of this act, there is hereby levied upon, and shall be paid into the state treasury to the credit of the firemen's retirement fund, in addition to other provisions of payment to said fund, an excise tax on each paid fireman as defined herein equal to four six per cent (4 6%) of the salaries or wages paid to every fireman as defined herein employed by the cities, towns, or fire districts of the state of Idaho, or the sum of $12.00 per month, whichever is greater, average paid fireman's salary or wage in the state of Idaho, which tax shall be collected by the employer by deducting the amount of the tax from the fireman's wages or salary as and when paid; the said tax shall be payable to the fund quarterly and on the first days of April, July, October and January, and shall be remitted to the state treasury of Idaho by the city, town, or fire district employing said paid fireman. Said average paid fireman's salary or wage shall be determined annually by the director, as defined in Section 72-1405 hereof, from the quarterly reports submitted to him the preceding October by the cities, towns or fire districts; after determining the amount to be collected from each paid fireman as herein set out, the director shall notify each city, town and fire district the amount of said tax to be collected for the ensuing calendar year.

SECTION 3. That Section 72-1412, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1412. PENSION FUND PAYMENTS BY CITIES, TOWNS AND FIRE DISTRICTS—QUARTERLY REMITTANCES. — It shall also be the duty of the cities, towns, and fire districts of this state employing paid firemen, and of the boards and officers having taxing authority therein, beginning with the effective date of this act, to cause to be levied, collected and remitted into the firemen's retirement fund annually, as other taxes are levied,
collected and remitted, and as an incident to and part of the current expenses of such cities, towns, and fire districts, a sum equivalent to four six per cent of the annual average paid fireman's salaries and wages paid firemen by said cities, towns, and fire districts annually, in the state of Idaho for each paid fireman employed by said cities, towns or fire districts; which said sum shall be measured and determined by the actual expenditures for such purpose during the preceding calendar year, and remitted quarterly as herein provided for remittances for individual firemen as set forth in section 72-1409-72-1411 hereof.

SECTION 4. That Title 72, Chapter 14, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following section 72-1428, to read as follows:

72-1429 A. PENSION PAYMENT—VOLUNTARY RETIREMENT AFTER TWENTY YEARS.—Any paid fireman with not less than twenty (20) years' active service as defined in Section 72-1402(H) as a paid fireman as defined in Section 72-1402(A) within the state, may, at his option, retire, and in the event of such retirement he shall be paid from the firemen's retirement fund a monthly sum during the remainder of his life equal to thirty per cent (30%) of the average paid fireman's salary or wage in this state, which said monthly retirement sum shall vary annually according to the determination of the average paid fireman's salary or wage in this state as set forth in Section 72-1411 hereof.

SECTION 5. That Title 72, Chapter 14, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following section 72-1428, to read as follows:

72-1429 B. PENSION PAYMENT—VOLUNTARY RETIREMENT AFTER TWENTY-FIVE YEARS.—Any paid fireman with not less than twenty-five years' active service as defined in Section 72-1402(H) as a paid fireman as defined in Section 72-1402(A) within the state, may, at his option, retire, and in the event of such retirement he shall be paid from the firemen's retirement fund a monthly sum during the remainder of his life equal to fifty per cent (50%) of the average paid fireman's salary or wage in this state, which said monthly retirement sum shall vary annually according to the determination of the average paid fireman's salary or wage in this state as set forth in Section 72-1411 hereof.
SECTION 6. That Title 72, Chapter 14, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following section 72-1428, to read as follows:

72-1429 C. PENSION PAYMENT—VOLUNTARY RETIREMENT AFTER THIRTY YEARS.—Any paid fireman with not less than thirty (30) years' active service as defined in Section 72-1402(H) as a paid fireman as defined in Section 72-1402(A) within the state and not less than thirty (30) years of having had the tax deducted from his wage or salary and the tax remitted as set out in Sections 72-1411 and 72-1412 hereof, may, at his option, retire, and in the event of such retirement he shall be paid from the firemen's retirement fund a monthly sum during the remainder of his life equal to fifty-five per cent (55%) of the average paid fireman's salary or wage in this state, which said monthly retirement sum shall vary annually according to the determination of the average paid fireman's salary or wage in this state as set forth in Section 72-1411 hereof.

SECTION 7. That Title 72, Chapter 14, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following section 72-1428, to read as follows:

72-1429 D. PENSION PAYMENT—VOLUNTARY RETIREMENT AFTER THIRTY-FIVE YEARS.—Any paid fireman with not less than thirty-five (35) years' active service as defined in Section 72-1402(H) as a paid fireman as defined in Section 72-1402(A) within the state and not less than thirty-five (35) years of having had the tax deducted from his wage or salary and the tax remitted as set out in Sections 72-1411 and 72-1412 hereof, may, at his option, retire, and in the event of such retirement he shall be paid from the firemen's retirement fund a monthly sum during the remainder of his life equal to sixty per cent (60%) of the average paid fireman's salary or wage in this state, which said monthly retirement sum shall vary annually according to the determination of the average paid fireman's salary or wage in this state as set forth in Section 72-1411 hereof.

SECTION 8. That Title 72, Chapter 14, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following section 72-1428, to read as follows:

72-1429 E. PENSION PAYMENT — RETIREMENT
OF INCAPACITATED FIREMAN AFTER FIVE YEARS. —Any paid fireman with not less than five (5) nor more than twelve and one half (12½) years' active service as defined in Section 72-1402(H) as a paid fireman as defined in this act and who shall be dismissed or retired by his employer because incapacitated not in the performance of duty in a degree which prohibits efficient service as defined under the provisions of subdivision (G) of Section 72-1402 shall so long as he remains incapacitated be paid the monthly sum of twenty-five dollars ($25.00).

SECTION 9. That Title 72, Chapter 14, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following section 72-1428, to read as follows:

72-1429 F. PENSION PAYMENT — RETIREMENT OF INCAPACITATED FIREMAN AFTER TWELVE AND ONE-HALF YEARS. —Any paid fireman with not less than twelve and one-half (12½) years' active service as defined in Section 72-1402(H) as a paid fireman as defined in this act and who shall be dismissed or retired by his employer because incapacitated not in the performance of duty in a degree which prohibits efficient service, as defined under the provisions of subdivision (G) of Section 72-1402 shall so long as he remains incapacitated be paid a monthly sum equal to two per cent (2%) of the average paid fireman's salary or wage in this state for each year's active service, which said monthly retirement sum shall vary annually according to the determination of the average paid fireman's salary or wage in this state for each year's active service, which said monthly retirement sum shall vary annually according to the determination of the average paid fireman's salary or wage in this state as set forth in Section 72-1411 hereof, and shall in no event exceed fifty per cent (50%) of the average paid fireman's salary or wage.

SECTION 10. That Title 72, Chapter 14, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following section 72-1428, to read as follows:

72-1429 G. PENSION PAYMENT — RETIREMENT OF FIREMAN INCAPACITATED IN PERFORMANCE OF DUTY. —Any paid fireman incapacitated by injury in the performance of duty, or by illness attributable wholly or partially to service as a paid fireman, 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 the monthly retirement sum to which he would be entitled if he elected to retire, but in no event, less than a monthly sum equal to fifty per
cent (50%) of the average paid fireman’s salary or wage as above set out, which said monthly sum shall vary annually according to the determination of the average paid fireman’s salary or wage in this state as set forth in Section 72-1411 hereof.

SECTION 11. That Title 72, Chapter 14, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following section 72-1428, to read as follows:

72-1429 H. DEATH BENEFITS—WIDOW AND CHILDREN OF FIREMAN KILLED IN PERFORMANCE OF DUTY.—In the event a paid fireman is killed or sustains injury, from which death results, while in performance of his duty, and leaves surviving him a widow or a widow with child or children, his widow, during her lifetime and so long as she does not remarry, shall be paid from the said fund the same pension he would be entitled to under Section 72-1429 G hereof had he lived and if she dies the full retirement pay shall be paid to the surviving child or children until they shall reach the age of eighteen years or shall marry, whichever occurs first; provided, however, that if said deceased fireman shall have died without leaving a surviving wife and leaving surviving him a child or children, said surviving child or children shall be entitled to be paid from said fund the same pension he would be entitled to under Section 72-1429 G hereof had he lived until they shall reach the age of eighteen years or shall marry, whichever occurs first.

SECTION 12. That Title 72, Chapter 14, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following section 72-1428, to read as follows:

72-1429 I. DEATH BENEFITS — WIDOW OF RETIRED FIREMAN.—In the event a paid fireman, 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 the retirement or benefit pay to which her deceased husband was entitled during her lifetime and so long as she does not remarry.

SECTION 13. That Title 72, Chapter 14, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following section 72-1428, to read as follows:
72-1429 J. DEATH BENEFITS—WIDOW AND CHILDREN OF RETIRED FIREMAN.—In the event a paid fireman, 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, or a widow and child or children, the widow, during her lifetime and so long as she does not remarry, shall be paid the retirement pay to which her deceased husband was eligible, and if she dies the full retirement pay shall be paid to the surviving child or children until they reach the age of eighteen years or shall marry, whichever occurs first. Should a paid fireman, retired on retirement pay, die without leaving a surviving wife, and leave surviving him a minor child or children, said child or children shall be entitled to receive the pension to which said fireman was entitled until they marry or shall attain eighteen years of age, whichever occurs first.

SECTION 14. That Title 72, Chapter 14, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following section 72-1428, to read as follows:

72-1429 K. DEATH BENEFITS—WIDOW AND CHILDREN OF FIREMAN DYING FROM CAUSES DISCONNECTED WITH DUTIES BUT DURING SERVICE AFTER FIVE YEARS.—In the event a paid fireman who shall have died from causes disconnected with his official duties, but during the period of his service, leaves surviving him a widow or a widow with a child or children, and who shall have completed more than five years, but less than twelve and one-half years of active service as defined in Section 72-1402(H) as a paid fireman as defined in this act, said widow, during her lifetime and so long as she does not remarry, shall be paid from the fund the monthly sum of twenty-five dollars and if she dies said sum of twenty-five dollars shall be paid to the surviving child or children until they reach the age of eighteen years or shall marry, whichever occurs first; provided, however, that if said deceased fireman shall have died without leaving a surviving wife and leaving surviving him a child or children, said surviving child or children shall be entitled to receive said monthly sum of twenty-five dollars until they shall reach the age of eighteen years or shall marry, whichever occurs first.

SECTION 15. That Title 72, Chapter 14, Idaho Code, as amended, be, and the same is hereby amended by adding
a new section thereto following section 72-1428, to read as follows:

72-1429 L. DEATH BENEFITS—WIDOW AND CHILDREN OF FIREMAN DYING FROM CAUSES DISCONNECTED WITH DUTIES BUT DURING SERVICE AFTER TWELVE AND ONE-HALF YEARS.—In the event a paid fireman who shall have died from causes disconnected with his official duties, but during the period of his service, leaves surviving him a widow or a widow with child or children, and who shall have completed less than twenty-five years, but more than twelve and one-half years of active service as defined in Section 72-1402(H) as a paid fireman as defined in this act, said widow, during her lifetime and so long as she does not remarry, shall be paid from the fund a monthly sum equal to two per cent (2%) of the average paid fireman's salary or wage in this state for each year's active service, which said monthly retirement sum shall vary annually according to the determination of the average paid fireman's salary or wage in this state as set forth in Section 72-1411 hereof, and if she dies said monthly sum shall be paid to the surviving child or children until they reach the age of eighteen years or shall marry, whichever occurs first; provided, however, that if said deceased fireman shall have died without leaving a surviving wife and leaving surviving him a child or children, said surviving child or children shall be entitled to receive said monthly sum until they shall reach the age of eighteen years or shall marry, whichever occurs first.

SECTION 16. That Title 72, Chapter 14, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following section 72-1428, to read as follows:

72-1429 M. DEATH BENEFITS — WIDOW AND CHILDREN OF FIREMAN DYING FROM CAUSES DISCONNECTED WITH DUTIES BUT DURING SERVICE AFTER TWENTY-FIVE YEARS.—In the event a paid fireman who shall have died from causes disconnected with his official duties, but during the period of his service, leaves surviving him a widow or a widow with child or children, and who shall have completed twenty-five years' active service as defined in Section 72-1402(H) as a paid fireman as defined in this act, said widow, during her lifetime and so long as she does not remarry, shall be paid from the fund a monthly sum equal to fifty per cent (50%)
of the average paid fireman’s salary or wage as set out in Section 72-1411 hereof, which said sum shall vary annually according to the determination of the average paid fireman’s salary or wage in this state as set forth in Section 72-1411 hereof, and if she dies said monthly sum shall be paid to the surviving child or children until they shall reach the age of eighteen years or shall marry, whichever occurs first; provided, however, that if said deceased fireman shall have died without leaving a surviving wife and leaving surviving him a child or children, said surviving child or children shall be entitled to receive said monthly sum until they shall reach the age of eighteen years or shall marry, whichever occurs first.

SECTION 17. That Title 72, Chapter 14, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following section 72-1428, to read as follows:

72-1429 N. DEATH BENEFITS—WIDOW AND CHILDREN OF FIREMAN DYING FROM CAUSES DISCONNECTED WITH DUTIES BUT DURING SERVICE AFTER THIRTY YEARS.—In the event a paid fireman who shall have died from causes disconnected with his official duties, but during the period of his service, leaves surviving him a widow or a widow with child or children, and who shall have completed thirty years’ active service as defined in Section 72-1402(H) as a paid fireman as defined in this act, and shall for not less than thirty years have had the tax deducted from his wage or salary and the tax remitted as set out in Sections 72-1411 and 72-1412 hereof, then and in that event, his widow, during her lifetime and so long as she does not remarry, shall be paid from the fund a monthly sum equal to fifty-five per cent (55%) of the average paid fireman’s salary or wage as set out in Section 72-1411 hereof, which said sum shall vary annually according to the determination of the average paid fireman’s salary or wage in this state as set forth in Section 72-1411 hereof, and if she dies, said monthly sum shall be paid to the surviving child or children until they shall reach the age of eighteen years or shall marry, whichever occurs first; provided, however, that if said deceased fireman shall have died without leaving a surviving wife and leaving surviving him a child or children, said surviving child or children shall be entitled to receive said monthly sum until they shall reach the age of eighteen years or shall marry, whichever occurs first.
SECTION 18. That Title 72, Chapter 14, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following section 72-1428, to read as follows:

72-1429 O. DEATH BENEFITS—WIDOW AND CHILDREN OF FIREMAN DYING FROM CAUSES DISCONNECTED WITH DUTIES BUT DURING SERVICE AFTER THIRTY-FIVE YEARS.—In the event a paid fireman who shall have died from causes disconnected with his official duties, but during the period of his service, leaves surviving him a widow or a widow with child or children, and who shall have completed not less than thirty-five years' active service as defined in Section 72-1402(H) as a paid fireman as defined in this act, and shall for not less than thirty-five years have had the tax deducted from his wage or salary and the tax remitted as set out in Sections 72-1411 and 72-1412 hereof, then and in that event, his widow, during her lifetime and so long as she does not remarry, shall be paid from the fund a monthly sum equal to sixty per cent (60%) of the average paid fireman's salary or wage as set out in Section 72-1411 hereof, which said sum shall vary annually according to the determination of the average paid fireman's salary or wage in this state as set forth in Section 72-1411 hereof, and if she dies said monthly sum shall be paid to the surviving child or children until they shall reach the age of eighteen years or shall marry, whichever occurs first; provided, however, that if said deceased fireman shall have died without leaving a surviving wife and leaving surviving him a child or children, said surviving child or children shall be entitled to receive said monthly sum until they shall reach the age of eighteen years or shall marry, whichever occurs first.

SECTION 19. That Title 72, Chapter 14, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following section 72-1428, to read as follows:

72-1429 P. WORKMEN'S COMPENSATION CREDIT.—Any fireman, widow, child or children of a fireman 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 Idaho.

SECTION 20. That Title 72, Chapter 14, Idaho Code, as
amended, be, and the same is hereby amended by adding a new section thereto following section 72-1428, to read as follows:

72-1429 Q. REFUND TO FIREMAN TERMINATING EMPLOYMENT.—If the employment of a paid fireman as defined in this act, is terminated for any reason prior to the completion of twenty years of service, and said fireman has worked continuously two years or more as a paid fireman, and he cannot qualify for benefits under any other provision of this act, he shall be entitled to receive at the time of said termination fifty per cent (50%) of whatever sums he has contributed to the retirement fund. If such fireman is subsequently re-employed as a paid fireman with duties which involve or are incidental to fire fighting, he shall, within ninety days from such employment, reimburse the retirement fund to the full extent of the amount he received from said fund upon said termination.

SECTION 21. That Title 72, Chapter 14, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto following section 72-1428, to read as follows:

72-1429 R. DATE OF PAYMENT.—All claims for benefits originating from and after two years from the effective date of this act shall be payable as provided in Section 72-1429 A through Section 72-1429 Q inclusive, and all claims for benefits now being paid or originating prior to said date shall be payable as provided in Section 72-1414 so long as such claims or benefits are entitled to be paid.

Approved March 14, 1963.

CHAPTER 126
(S. B. No. 90)

AN ACT
RELATING TO THE CONSERVATION AND DEVELOPMENT OF THE YOUTH AND NATURAL RESOURCES OF THE STATE OF IDAHO; DECLARING THE STATE'S POLICY FOR SUCH CONSERVATION; DEFINING THE PARTICIPANTS OF SUCH PROJECT; 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; AND DECLARING AN EMERGENCY.

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 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 by the State Forester.

SECTION 4. 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 as funds are available.

SECTION 5. 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 within an effective framework specifically tailored to the needs of Idaho for future programs to conserve timber, water, soil, forage and recreation resources through the use of our youth resources.

SECTION 6. In order to carry out the purposes of this act the State Forester shall have the 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 7. A. (1) The base compensation of participants shall be at a rate of $30.00 per month.

(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, equipment, clothing, medical serv-
ices, and hospital services as the State Forester may deem necessary or appropriate for their needs.

SECTION 8. 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 9. (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 10. 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 15, 1963.
CHAPTER 127
(S.B. No. 133, As Amended in the House of Representatives)

AN ACT
RELATING TO PHYSICAL THERAPY; PROVIDING A SHORT TITLE; DECLARING POLICY; DEFINING TERMS; SPECIFYING EXEMPTIONS FROM ACT; PROVIDING FOR REGISTRATION, EXAMINATION AND ISSUANCE OF CERTIFICATES OF REGISTRATION; PROVIDING FOR RENEWAL OF CERTIFICATES AND FOR REVOCATION OR SUSPENSION OF SAME; FIXING FEES FOR REGISTRATION; PROVIDING FOR AN ADVISORY COMMITTEE; PROVIDING FOR REFUSAL TO RENEW, OR FOR REVOCATION AND SUSPENSION OF REGISTRATION FOR CAUSE AFTER HEARING, AND FOR APPEAL THEREFROM; PROVIDING FOR SEVERABILITY OF PROVISIONS AND PROVIDING PENALTIES.

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

SECTION 1. SHORT TITLE.—This Act shall be known and cited as the “Physical Therapy Practice Act.”

SECTION 2. DECLARATION OF POLICY.—To safeguard life and health, every person practicing or offering to practice physical therapy, as defined herein, shall be registered as hereinafter provided; and it shall be unlawful for any person to practice or offer to practice physical therapy in this state, or to use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a physical therapist, unless such person has been duly registered under the provisions of this chapter.

SECTION 3. DEFINITIONS.—In this Act, unless the context otherwise requires:

“Physical Therapy” means the treatment of a human being by the use of exercise, massage, heat or cold, air, light, water, electricity or sound, and the performance of tests of neuromuscular function; provided, however, that physical therapy shall not include radiology or electro-surgery.

“Physical Therapist” means a person who practices physical therapy.

“Board” means the State Board of Medicine.

Words of masculine gender shall include the feminine.
SECTION 4. EXEMPTIONS.—Nothing in this Act shall prohibit any podiatrist, chiropractor, dentist, osteopath, optometrist, physician, surgeon, nurse, or any other practitioner of the healing arts licensed to practice under the laws of the State of Idaho from engaging in the practice for which he is licensed, nor restrict their employees working under their direct supervision, nor apply to the practice of the religious tenets of any church or religious belief or the activities of a masseuse or masseur so long as such person does not hold himself out as a physical therapist.

SECTION 5. QUALIFICATIONS FOR REGISTRATION. —To be eligible for registration as a physical therapist, a person must:

(a) Be of good moral character; and

(b) Be a graduate of an approved school or course on physical therapy training approved by the Council of Medical Education and Hospitals of the American Medical Association, or if trained prior to 1936 or trained outside of the United States of America, be approved by the American Physical Therapy Association for work as a physical therapist; and

(c) Either pass to the satisfaction of the Board, an examination conducted by it to determine his fitness to practice as a physical therapist, or be entitled to and apply for registration as provided in this chapter.

SECTION 6. REGISTRATION WITHOUT EXAMINATION.

(a) PRACTICING PHYSICAL THERAPIST.—A person who can show to the satisfaction of the Board that he has the qualifications set forth in subsections (a) and (b) of the preceding section, and who is practicing as a physical therapist in the State of Idaho on the effective date of this Act, under the supervision or direction of a person licensed to practice medicine and surgery in Idaho, and who makes application to the Board for registration within six months after the effective date of this Act, shall be entitled to registration without examination, upon paying to the Board the registration fee.

(b) REGISTRATION BY ENDORSEMENT.—A person who can show to the satisfaction of the Board that he has the qualifications set forth in subsections (a) and (b) of the preceding section and who is, at the time of application, a registered or licensed physical therapist in good
standing under the laws of another state or territory, shall be entitled to registration without examination upon payment to the Board of the registration fee.

(c) EMERGENCY.—The Board shall have authority, in the event of epidemics or other emergencies, for which physical therapists are deemed necessary or helpful for the benefit of the people of this state, to issue certificates of registration for a temporary period or periods without examination and without fee, to any physical therapist or registered physical therapist from other states or territories, and to renew or extend such temporary registrations for such time as the Board may deem advisable.

(d) TEMPORARY REGISTRATION.—If it appears to the Board that the person making application for registration, as herein provided, has all the necessary qualifications as set forth in subsections (a) and (b) of the preceding section, the Board may, in its discretion, issue such person a temporary certificate of registration until the next examination is given.

SECTION 7. APPLICATIONS.—Applications for registration shall be on forms prescribed and furnished by the Board. The application shall be made under oath, and shall show the applicant’s address, education and a detail summary of any other qualifications deemed relevant to registration; and applicant shall furnish not less than three (3) references to persons having personal knowledge of applicant’s moral character; and if application is for registration without examination, such references shall also have personal knowledge of applicant’s experience as a physical therapist.

SECTION 8. EXAMINATION—DATES—PLACE.—The Board shall conduct examinations of applicants for registration in the months of January and July of each year on a date to be set by the Board. Such examinations shall be held in the City of Boise, Idaho, at a time and place to be designated by the Board. Each applicant who has qualified for examinations shall be notified by the Board of the day, place, and time of examination at least ten days before such day.

SECTION 9. EXAMINATION—TYPE.—At the time and place fixed for examination, the Board shall examine all applicants who have qualified for examination, which examination may be written, oral or demonstrative, or a combination of all three, in such form as the Board may
deem best to determine the qualifications of the applicant. The Board shall appoint a committee of three registered physical therapists to serve as advisors to the Board and as an examining committee, who shall serve at the pleasure of the Board. The Board may, with the advice and assistance of the committee, promulgate rules and regulations to carry out the purposes of this chapter.

SECTION 10. CERTIFICATES.—The Board shall issue a certificate of registration to any applicant who is found by the Board to be qualified to practice physical therapy as defined in this chapter.

SECTION 11. EXPIRATIONS AND RENEWALS.—Certificates of registration shall expire on the 30th day of June following their issuance or renewal and shall become invalid after that date unless renewed. The failure of any registrant to renew his certificate annually before July 1st as required herein shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after June 30th, shall be increased 20% for each month or fraction of a month that payment of renewal is delayed; provided that the maximum fee for delayed renewal shall not exceed the sum of twenty-five ($25.00).

SECTION 12. REGISTRATION AND RENEWAL FEES.—The registration fee shall be twenty-five dollars ($25.00), which fee must accompany the application. Renewal fees shall be ten dollars ($10.00), and must be paid on or before the expiration date of the certificate. All fees shall be transmitted to the State Treasurer for credit to the State Board of Medicine Fund.

SECTION 13. REFUSAL TO RENEW—REVOCATION OR SUSPENSION OF REGISTRATION.—The Board shall have the power to refuse to renew or to revoke or suspend the certificate of registration of any physical therapist:

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

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

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

(d) Who is found guilty of unprofessional conduct or of gross negligence in his practice as a physical therapist; or
(e) Who has treated, or has undertaken or attempted to treat, any ailment of any human being otherwise than by physical therapy and as authorized by this chapter, or who has practiced or undertaken to practice physical therapy independently of the prescription and direction of a person licensed to practice as a physician and surgeon in this state or any other state.

SECTION 14. PROCEEDINGS FOR REFUSAL TO RE-NEW OR FOR REVOCATION OR SUSPENSION.—When it is brought to the attention of the Board by the written verified statement of any person that a person registered under this chapter has done any act or thing which appears to be grounds for refusal to renew or for revocation or suspension of his registration as set forth in this chapter, the Board shall immediately make investigation of such person, and if it appears to the Board from such investigation that such accusation is well founded, it shall without unnecessary delay transmit to that person by mail, a copy of the charges and shall fix a day not less than ten, nor more than thirty days after said mailing for a hearing upon the matter. The notice shall set the time and place where the hearing will be held. At such hearing the Board will hear testimony offered in support of the charges and testimony offered on behalf of the accused person who may be represented by an attorney and upon the testimony produced at such hearing the Board shall make its findings. If the Board or majority thereof find that the charges are sustained and that the registration of the accused person should be revoked or suspended, or that a renewal of said registration should be denied, the Board shall forthwith revoke or suspend or refuse to renew the registration of such person as such findings may require, and shall mail to the accused person a copy of such finding.

SECTION 15. APPEALS.—Any person who shall be aggrieved by any action of the Board in denying, refusing to renew, suspending or revoking a certificate of registration may appeal therefrom to the District Court in and for the County of Ada. Such appeal shall be perfected by filing with the Clerk of the Court, within thirty (30) days following the action of the Board of which complaint is made, a petition setting forth briefly the action complained of and wherein the petitioner has been deprived of any legal rights. The petition shall constitute the complaint and a copy thereof shall be served upon a member of the Board and upon the Attorney General of the State of Idaho, who shall represent the Board, or appoint a special assist-
ant to do so in any given instance. The complaint shall be answered within twenty (20) days, and the pleadings and proceedings thereafter shall conform to the practice in other civil proceedings. The Court may sustain or reverse the action of the Board or direct the Board to take such further or other action as to the court may seem just and proper in the premises.

SECTION 16. STAY.—Such appeal, if taken, shall not stay the action of the Board, unless the District Judge, after special hearing, shall so order. The hearing upon appeal shall be de novo.

SECTION 17. VIOLATION AND PENALTIES.—Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than $300.00 or by imprisonment in the County Jail for not more than six months or by both such fine and imprisonment.

SECTION 18. SEVERABILITY.—If any provision of this Act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end, the provisions of this Act are declared to be severable.

Approved March 18, 1963.

CHAPTER 128
(S. B. No. 121)

AN ACT

AMENDING SECTION 22-201, IDAHO CODE, RELATING TO CREATION OF COUNTY FAIR BOARDS.

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

SECTION 1. That Section 22-201, Idaho Code, be, and the same hereby is amended to read as follows:

22-201. CREATION OF COUNTY FAIR BOARDS.—County fair boards for the purpose of conducting county fairs may be created in the following manner: in counties where county fairs have not been held for two or more.
years immediately prior to the enactment of this act, a
petition signed by at least fifty and not more than ten
persons, each of whom must be a qualified elector of the
county may be filed with the clerk of the board of county
commissioners of any county. Upon receipt of such petition
the board of county commissioners shall immediately cause
the clerk to give notice by publication in a newspaper of gen-
eral circulation printed within the county, for not less than
two weeks, to the effect that a petition for the creation of a
county fair board has been filed with the clerk of the board
of county commissioners and that a hearing on the petition
will be held by the board of county commissioners on a date
named in such notice not less than three nor more than six
weeks from the date of the first publication of such notice.

Whenever a county has conducted a county fair for at
least two consecutive years immediately prior to the en-
actment of this act, it shall not be necessary to file a peti-
tion, but in such case the board of county commissioners
may cause the clerk to publish a notice in a newspaper of
general circulation printed within the county, for at least
two weeks, to the effect that it is the intention of the board
of county commissioners of such county to create a county
fair board for the purpose of conducting a county fair in
accordance with the provisions of this act, and that a hear-
ing on the same will be held by the board of county com-
missioners on a date named in such notice not less than
three nor more than six weeks from the date of the first
publication of such notice.

Approved March 18, 1963.

CHAPTER 129
(S. B. No. 139)

AN ACT

AMENDING TITLE 49, CHAPTER 7, IDAHO CODE, BY ADDING
A NEW SECTION THERETO FOLLOWING SECTION 49-752, TO REQUIRE A SCHOOL BUS TO BE IDENTIFIED AS
SUCH WHEN TRANSPORTING PUPILS TO AND FROM
APPROVED SCHOOL ACTIVITIES; TO REQUIRE A SCHOOL
BUS TO BE REPAINTED ANOTHER COLOR THAN SCHOOL
BUS CHROME WHEN NO LONGER USED FOR THE TRANSPORTATION OF PUPILS IF THE VEHICLE IS TO BE USED ON THE HIGHWAYS; DEFINING THE DUTIES OF A SCHOOL BUS DRIVER WHEN LOADING OR UNLOADING PUPILS; SUBSTITUTING INCORPORATED CITY OR VILLAGE FOR BUSINESS OR RESIDENTIAL DISTRICT WHEN TRAFFIC MUST STOP FOR LOADING OR UNLOADING SCHOOL BUSES, EXCEPTING DIVIDED HIGHWAYS; REPEALING SECTIONS 49-753 AND 49-768, IDAHO CODE; AND SETTING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-753, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 49, Chapter 7, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 49-752, to read as follows:

IDENTIFICATION OF SCHOOL BUS—SCHOOL BUS REPAINTED, WHEN—DUTIES OF SCHOOL BUS DRIVER—REGULATION OF TRAFFIC WHEN SCHOOL BUS LOADING OR UNLOADING.—Every bus used for the transportation of pupils to or from school or to or from approved school activities shall bear upon the front and rear thereof a plainly visible sign, in letters not less than eight inches in height, the words “school bus.”

Whenever a school bus is used upon the highway for purposes other than those incident to the transportation of pupils, all markings thereon indicating “school bus” shall be covered and concealed; and when any school bus is sold and is no longer to be used for the transportation of pupils, before it may again be used on the highways of this state it shall be painted another color than school bus chrome and all “school bus” markings shall be erased.

When a school bus driver prepares to stop to load or unload pupils he shall use the warning stop light to signify that intention; but no such stop shall be made on any divided highway, if pupils are to cross such highway, except at intersections where traffic signals are operating. He shall drive the bus well over to the right side of the roadway, and off all traffic lanes if the roadway permits. When pupils are to cross any but a divided highway, the stop arm shall be extended and remain extended until the bus is again put into motion. When the stop signal arm is extended, traffic on any but a divided highway, and outside the boundaries
of any incorporated city or village, overtaking or passing
the school bus from either direction shall stop, and remain
stopped, until the stop arm is retracted, or until signaled
by the bus driver to proceed. Pupils who must cross the
highway after the bus has stopped shall cross in front of
the bus, but only upon signal from the driver that it is safe
so to do. When pupils must cross the highway to enter the
bus, the same procedure shall be followed.

SECTION 3. That Section 49-768, Idaho Code, be, and
the same is hereby repealed.

SECTION 4. EFFECTIVE DATE.—This act shall be in
full force and effect on and after the first day of July, 1963.

Approved March 18, 1963.

CHAPTER 130
(H. B. No. 264)

AN ACT

AMENDING SECTION 25-1722, IDAHO CODE, BY ADDING A
NEW SUBSECTION THERETO, EXEMPTING SALES OF
LIVESTOCK BY CERTAIN ASSOCIATIONS AND CORPORA-
TIONS FROM THE PROVISIONS OF THE IDAHO PUBLIC
LIVESTOCK MARKET DEVELOPMENT ACT WITH LIMITA-
TIONS THEREON; AND PROVIDING FOR AN EMERGENCY.

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

SECTION 1. That Section 25-1722, Idaho Code, be, and
the same is hereby amended by adding a new subsection
thereto following Section 25-1722(d), to be known as Sec-
tion 25-1722(e), to read as follows:

25-1722. 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, dairyman, livestock breeder or
feeder who is discontinuing said business and no other live-
stock is sold or offered for sale.

(c) Any place or operation where a breeder or an asso-
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 statewide association or associations composed of persons engaged in the production in Idaho of cattle, calves, sheep, mules, horses, swine, or goats.

(e) Sales of livestock by any non-profit cooperative association, corporation sole or religious, fraternal or benevolent corporation, provided such association or corporation complies with regulations of the board in connection with such sale and such sales are not held in the regular course of business of such corporation or association.

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 18, 1963.

CHAPTER 131
(H. B. No. 253)

AN ACT

REPEALING SECTION 25-220, IDAHO CODE, RELATING TO THE REQUIREMENT OF TUBERCULIN TESTS FOR IMPORTED DAIRY AND BREEDING CATTLE.

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

SECTION 1. That Section 25-220, Idaho Code, be, and the same is hereby repealed.

Approved March 18, 1963.
CHAPTER 132
(H. B. No. 263)

AN ACT

AMENDING SECTION 50-2925, IDAHO CODE, RELATING TO THE ISSUEANCE OF BONDS OR OF WARRANTS IN LOCAL IMPROVEMENT DISTRICTS BY ADDING NEW MATERIAL PROVIDING THAT, IN THE EVENT WARRANTS ARE ISSUED, THE MUNICIPALITY MAY BY ORDINANCE PROVIDE FOR THE METHOD OF COLLECTION OF ASSESSMENTS AND INSTALLMENTS, INCLUDING THE OPTIONAL METHOD OF CERTIFICATION OF DELINQUENT ASSESSMENTS OR INSTALLMENTS TO THE TAX COLLECTOR TO BE EXTENDED UPON THE TAX ROLLS AND COLLECTED AS OTHER TAXES.

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

SECTION 1. That Section 50-2925, Idaho Code, be, and the same is hereby amended to read as follows:

50-2925. INSTALLMENT 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 installments, instead of collecting the entire assessment therefor at one time, such installments to be payable as nearly as may be in ten equal annual payments, and for such installments 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 herein-after 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. Provided further, that in the event registered warrants are issued as herein provided in payment of the costs and expenses of such improvements, the city council may, by ordinance, provide the method for the collection of such assessments and instalments, including, at its option, in addition to the methods provided for in this chapter, certification of delinquent installments to the tax collector, and when so certified, the same shall be extended upon the tax rolls and collectible as are other taxes.

Approved March 18, 1963.

CHAPTER 133
(H. B. No. 201)

AN ACT

AMENDING SECTION 59-503, IDAHO CODE, TO PROVIDE FOR PAYMENT OF SALARIES OF OFFICERS PAYABLE OUT OF THE STATE TREASURY, ON THE FIRST DAY OF EACH MONTH OR IF IT BE A HOLIDAY ON THE FOLLOWING DAY; DECLARING AN EMERGENCY.

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

SECTION 1. That Section 59-503, Idaho Code, be, and the same is hereby amended to read as follows:

59-503.—The salaries of all state and district officers whose salaries are paid from the state treasury, shall be paid monthly, on the first Monday day of each month or, if it be a holiday, on the following day, out of any money in the treasury not otherwise appropriated.
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 18, 1963.

CHAPTER 134
(H. B. No. 221)

AN ACT
AMENDING SECTION 50-201, IDAHO CODE, AS AMENDED, RELATING TO CIVIL SERVICE COMMISSIONS, TO MAKE PERMISSIVE THE CREATION OF CIVIL SERVICE COMMISSIONS IN CITIES OF THE FIRST CLASS NOT OPERATING UNDER THE PROVISIONS OF CHAPTERS 36 TO 42 OF TITLE 50, IDAHO CODE, AS AMENDED.

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

SECTION 1. That Section 50-201, Idaho Code, as amended, be, and the same hereby is amended to read as follows:

50-201. CIVIL SERVICE COMMISSION—APPOINTMENT—QUALIFICATIONS—MANNER OF ABOLISHING COMMISSION.—There is hereby created a civil service commission consisting of three members for each city of the first class in this state, not operating under the provisions of chapters 36 to 42 of title 50. The mayor of each city affected by this chapter may, after this chapter shall have become effective, appoint with the advice and consent of the city council, one member of said civil service commission to serve until May 10, 1941, another member to serve until May 10, 1943, and a third member to serve until May 10, 1945. In the month of April, 1941, and each second year thereafter, one member shall in a like manner be appointed for a term of six years, to take the place of the member whose term shall next expire. If a vacancy occurs in the civil service commission, it shall be filled by appointment by the mayor, with the advice and consent of the city council, for the unexpired term.

There may be created by ordinance by any city of the first class in this state, operating under the provisions of chapters 36 to 42 of title 50 and any city of the second class
in this state having any full-time paid employees, a civil service commission consisting of three members.

The members of such commission shall be appointed by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, commission, or otherwise, is or are vested by law with power and authority to select, appoint or employ the heads of departments in any such city prior to the enactment of this act, and acting with the advice and consent of any legislative body where such action shall be required for such appointments. In each city of the first or second class in this state, which, prior to the enactment of this act, has no or other existing commission exercising substantially the same powers, duties and functions as those conferred herein, one member of the said civil service commission shall be appointed on or before May 10, 1939, to serve until May 10, 1941; another member, to be appointed at the same time, to serve until May 10, 1943, and a third member appointed at the same time to serve until May 10, 1945. In the month of April, 1941 and each second year thereafter, one member shall in a like manner be appointed for a term of six years, to take the place of a member whose term shall next expire. If a vacancy occurs in the civil service commission, it shall be filled by appointment by the person or group of persons making the original appointment as hereinabove provided, for the unexpired term. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of such city for at least three years immediately preceding such appointment, and an elector of the county wherein he resides. Two members of such commission shall constitute a quorum.

Any city hereafter creating a civil service commission by ordinance as in this act provided shall not thereafter abolish such commission except as herein provided. That notice setting forth the proposed ordinance to abolish such commission and the time of the first reading thereof shall be published in one issue of a newspaper having a general circulation within said city, at least 10 days immediately preceding the day of the first reading of said proposed ordinance. That such ordinance shall not be passed unless the same is read at length on three different days. Provided that such ordinance shall also be published before becoming effective as provided by law and shall be subject to the provisions of Section 50-3909 relative to compulsory referendum.

Approved March 18, 1963.
CHAPTER 135
(H. B. No. 151)

AN ACT

AMENDING SECTION 49-107, IDAHO CODE, TO PERMIT CERTAIN TRUCKS OWNED BY NON-RESIDENT TRANSIENT LABOR TO BE REGISTERED FOR ONE-HALF THE ANNUAL GROSS-WEIGHT FEE IF NOT REGISTERED UNTIL ON OR AFTER JULY 1 OF ANY YEAR.

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. 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 noncommercial combinations having a maximum gross weight in excess of 30,000 pounds shall be procured from, and the registration and use tax fees therefor 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 if registered on or before June 30, and for one-half the annual fee if not registered until on or after July 1 of any year, with the county assessor of the county in which the owner resides.

Approved March 18, 1963.

CHAPTER 136
(H. B. No. 238)

AN ACT

REPEALING SECTION 33-513, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-513, Idaho Code, be, and the same is hereby repealed.

SECTION 2. EMERGENCY CLAUSE. An emergency existing, which emergency is hereby declared to exist, this Act shall be and become effective upon its passage and approval.

Approved March 18, 1963.

CHAPTER 137
(H. B. No. 215)

AN ACT

AMENDING SECTION 49-832, IDAHO CODE, RELATING TO MOTOR VEHICLE BRAKING REQUIREMENTS, EXEMPTING FARM TRAILERS USED IN HAULING AGRICULTURAL PRODUCTS WITHIN A RADIUS OF 50 MILES.

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

SECTION 1. That Section 49-832, Idaho Code, be amended
by adding a new subsection thereto, to be known and designated as Section 49-832(A) (4) (a), to read as follows:

49-832 (a) A. Brake equipment required. — 1. Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

2. Every motorcycle and every motor-driven cycle, when operated upon a highway, shall be equipped with at least one brake which may be operated by hand or foot.

3. Every trailer or semi-trailer of a gross weight of 3,000 pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle, the brakes shall be automatically applied.

4. Every new motor vehicle, trailer, or semi-trailer hereafter sold in this state and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle, except any motorcycle or motor-driven cycle, and except that any semi-trailer of less than 1,500 pounds gross weight need not be equipped with brakes.

(a) Every farm trailer while being used hauling agricultural products or livestock from farm to storage, marketing or processing plant, or returning therefrom, and used within a radius of 50 miles, shall be exempt from the braking requirements as set forth above.

5. One of the means of brake operation shall consist of a mechanical connection from the operating lever to the brake shoes or bands and this brake shall be capable of holding the vehicle, or combination of vehicles, stationary under any condition of loading on any upgrade or downgrade upon which it is operated.

6. The brake shoes operating within or upon the drums
on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

(B) B. Performance ability of brakes. — Every motor vehicle or combination of vehicles, at all times and under all conditions of loading, shall, upon application of the service (foot) brake, be capable of decelerating and developing a braking force equivalent to such deceleration according to the minimum requirements set forth herein, and also of stopping within the distances set forth herein:

<table>
<thead>
<tr>
<th></th>
<th>Stopping distance in feet</th>
<th>Deceleration in feet per second</th>
<th>Equivalent braking force in percentage of vehicle or combination weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passenger vehicles,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>not including buses</td>
<td>25</td>
<td>17</td>
<td>53.0%</td>
</tr>
<tr>
<td>Single-unit vehicles</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>with a manufacturer's gross vehicle weight rating of less than 10,000 pounds</td>
<td>30</td>
<td>14</td>
<td>43.5%</td>
</tr>
<tr>
<td>Single-unit, 2-axle vehicles with a manufacturer's gross vehicle weight rating of 10,000 or more pounds</td>
<td>40</td>
<td>14</td>
<td>43.5%</td>
</tr>
<tr>
<td>All other vehicles and combinations with a manufacturer's gross vehicle weight rating of 10,000 or more pounds</td>
<td>50</td>
<td>14</td>
<td>43.5%</td>
</tr>
</tbody>
</table>

Compliance with standards set forth herein shall be determined either (1) by actual road tests conducted on a substantially level (not to exceed a plus or minus one percent grade), dry, smooth, hard-surfaced road that is free from loose material, and with stopping distances measured from the actual instant braking controls are moved and from an initial speed of 20 miles per hour, or else (2) by suitable mechanical tests in a testing lane which recreates such same conditions, or (3) by a combination of both methods.

(c) C. Maintenance of brakes. — All brakes shall be
maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

Approved March 18, 1963.

CHAPTER 138
(H. B. No. 74)

AN ACT

AMENDING TITLE 39, CHAPTER 27, IDAHO CODE, RELATING TO PLUMBING AND PLUMBERS; BY AMENDING SECTION 39-2701 TO CLARIFY THE POLICY AND PURPOSE OF SAID TITLE 39, CHAPTER 27; BY AMENDING SECTION 39-2702 TO PROVIDE THAT REQUIREMENTS OF CERTIFICATES OF COMPETENCY SHALL NOT BE DEEMED TO APPLY TO CERTAIN DEFINED EXCEPTIONS; BY PROVIDING THAT OWNERS AND CONTRACT PURCHASERS OF SINGLE OR DUPLEX FAMILY DWELLINGS INCLUDING ACCESSORY BUILDINGS, QUARTERS AND GROUNDS, DOING PLUMBING WORK THEREON OR THEREIN MUST COMPLY WITH MINIMUM STANDARDS, RULES AND REGULATIONS PROVIDED IN THIS CHAPTER; BY PROVIDING THAT ALTERATIONS, EXTENSIONS AND NEW CONSTRUCTION ON PLUMBING SYSTEMS LOCATED ON PREMISES OWNED OR OPERATED BY AN EMPLOYER REGULARLY EMPLOYING MAINTENANCE OR CONSTRUCTION PLUMBERS MUST COMPLY WITH MINIMUM STANDARDS, RULES AND REGULATIONS PROVIDED IN THIS CHAPTER; BY AMENDING SECTION 39-2711 TO PROVIDE THAT PLUMBING CONTRACTORS FURNISH A COMPLIANCE BOND IN AN AMOUNT NOT TO EXCEED $2,000.00, OR EVIDENCE OF SUCH COVERAGE BY A CORPORATE INDUSTRY GROUP BOND ACCEPTABLE TO THE STATE PLUMBING BOARD; BY AMENDING SECTION 39-2724 TO PROVIDE THAT MUNICIPAL CERTIFICATES OF COMPETENCY SHALL ONLY BE ISSUED TO APPLICANTS POSSESSING A VALID CERTIFICATE OF COMPETENCY ISSUED BY THE STATE PLUMBING BOARD; BY AMENDING SECTION 39-2725 TO STRIKE THEREFROM THE REFERENCE TO SINGLE FAMILY DWELLING AND BY PROVIDING THAT PERMITS FOR PLUMBING WORK SHALL NOT BE REQUIRED IN CERTAIN CASES; BY AMENDING SECTION 39-2732 TO PROVIDE THAT PLUMBING INSPECTORS EMPLOYED BY MUNICI-
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-2701, Idaho Code, be, and the same is hereby amended to read as follows:

39-2701. DECLARATION OF POLICY AND PURPOSE OF ACT.—The purpose of this act is to provide certain minimum standards and requirements for the use of and the design, construction, installation, improvement, extension and alteration of materials, piping, venting, fixtures, appliances and appurtenances in relation to plumbing and plumbing systems hereinafter defined; provided that all plumbing and plumbing systems shall, after the effective date of this act, be designed, constructed, installed, improved, extended and altered in substantial accord with the National Plumbing Code of the American Standards Association and as it shall be amended, revised, compiled and published from time to time and as such amendments or revisions may be adopted by the state plumbing board; provided that the provisions of this act shall not apply, except as hereinafter provided, to incorporated cities and villages, including those especially chartered, if such cities and villages have or enact ordinances or building codes prescribing the minimum standards and requirements including the enforcement thereof as provided by this act.

SECTION 2. That Section 39-2702, Idaho Code, be, and the same is hereby amended to read as follows:

39-2702. EXCEPTIONS.—Nothing in this act shall be deemed to apply to:

(a) Any person who does plumbing work in a single or duplex family dwelling or in a building used exclusively for living purposes, including accessory buildings, quarters and grounds in connection with such buildings, dwelling; provided that such person owns or is a contract purchaser of the premises, and provided further that such person shall comply with the minimum standards, rules and regulations applicable
to plumbing practices provided for by this act as practicable to plumbing practices.

(b) Farm buildings located outside the incorporated limits of any city or town unless such buildings are connected to a public water or sewer system; and a farm is hereby defined to be an agricultural unit on which the owner or occupant resides and from which the owner or occupant derives his principal income and livelihood.

(c) Logging, mining or construction camps when plumbing installations are made to conform with the recommendations of the state board of health.

(d) Piping systems in industrial processing plants located outside the incorporated limits of any city or town unless such systems are connected to a public water or sewer system.

(e) Plumbing systems constructed or to be constructed and maintained by a person, firm or corporation doing their own work on their own property personally or through regularly employed maintenance plumbers, provided that such person shall comply with all applicable laws, rules and regulations in regard to plumbing installations.

Work on plumbing systems on premises owned or operated by an employer who regularly employs maintenance or construction plumbers, provided that alterations, extensions and new construction shall comply with the minimum standards, rules and regulations applicable to plumbing practices provided by this act.

SECTION 3. That Section 39-2711, Idaho Code, be, and the same is hereby amended to read as follows:

39-2711. POWERS AND DUTIES — EXECUTIVE OFFICERS — EMPLOYEES — COMPENSATION — TENURE. — The board shall have the general administration and supervision of the design, construction, installation, improvement, extension and alteration of plumbing and plumbing systems, except that which has been herefore and hereinafter exempted from the jurisdiction of this board, in connection with all buildings, residences and structures in this state including buildings, residences and structures owned by the state or any political subdivision thereof, and shall enforce the minimum standards and requirements therefor as provided by this act. The board may exercise such powers and duties as are reason-
ably necessary to carry out the provisions of this act, and it may among other things:

(a) Employ an executive officer who shall serve as secretary to the board, and who shall be a person well informed in matters of plumbing and plumbing and piping systems; and may employ such other persons as may be necessary to the performance of its duties; and shall fix the compensation of the executive officer and other employees, which officer and employees shall serve during the pleasure of the board.

(b) Hold public meetings and attend or be represented at such meetings, within or without the state, prepare and publish rules and regulations pertaining to this act, and such other information as may be necessary, and furnish copies thereof to those engaged in the business, trade, practice or work of plumbing and pipe fitting and to the public upon request.

(c) Furnish standards and procedures and prescribe reasonable rules and regulations for examinations, qualification and certification of plumbing contractors and journeymen and apprentice plumbers not herein prescribed, including the furnishing of a compliance bond in an amount not to exceed $2,000 for the contractor classification or evidence of such coverage by a corporate industry group bond acceptable to the board.

SECTION 4. That Section 39-2724, Idaho Code, be, and the same is hereby amended to read as follows:

39-2724. MUNICIPAL FEES FOR LICENSES, CERTIFICATES, PERMITS, INSPECTIONS—EXCEPTIONS. —No provision of this act shall deprive incorporated cities or towns, including those specially chartered, from collecting occupational license fees from plumbing contractors and journeymen, or from collections of fees from the issuance of certificates of competency, permits and inspections; provided that municipal certificates of competency shall only be granted to applicants presenting possessing a valid certificate of competency issued by the commissioner of law enforcement state plumbing board.

SECTION 5. That Section 39-2725, Idaho Code, be, and the same is hereby amended to read as follows:

39-2725. PERMITS REQUIRED—EXCEPTIONS.—It shall be unlawful for any person, firm, copartnership, asso-
ciation or corporation to do, or cause or permit to be done, after the adoption of this act, whether acting as principal, agent or employee, any construction, installation, improvement, extension or alteration of any plumbing system in any building, residence or structure, or service lines thereto, in the state of Idaho, except within the boundaries of incorporated cities and towns, including those specially chartered wherein such work is regulated and enforced by an ordinance or code equivalent to this act, without first procuring a permit from the department of law enforcement authorizing such work to be done. Permits shall be issued only to a person, or to a firm, copartnership, association or corporation represented by a person holding a valid certificate of competency, or to a person who does his own work in a single family dwelling as defined in section 39-2702(a), except that permits shall not be required for plumbing work as defined in section 39-2702(b), (c), and (d) and(e).

Provided, a licensed plumber is hereby authorized, after making application for permit and pending receipt of permit, to proceed and complete improvements or alterations to plumbing systems, when the cost of said improvement or alteration does not exceed the sum of five hundred dollars ($500.00). Inspection of such work shall be the responsibility of the permit holder pending an official inspection, which shall be made within sixty (60) days after notification of inspection.

SECTION 6. That Section 39-2732, Idaho Code, be, and the same is hereby amended to read as follows:

39-2732. APPOINTMENT OF INSPECTORS—QUALIFICATIONS—UNLAWFUL PRACTICES. — The board shall appoint a chief inspector and such number of deputy inspectors as may be required for the effective enforcement of this act. All inspectors shall be skilled in plumbing installations with not less than five (5) years actual experience, shall possess certificates of competency prior to appointment, and shall be fully familiar with the provisions of this act and rules and regulations made by both the commissioner of law enforcement and the state plumbing board. No inspector employed by the board and assigned to the enforcement of this act shall be engaged or financially interested in a plumbing business, trade, practice or work, or the sale of any supplies connected therewith, nor shall he act as an agent, directly or indirectly, for any person, firm, copartnership, association or corpo-
ration so engaged. Inspectors employed by municipalities electing to claim exemption under this act must possess the qualifications set forth in this section.

SECTION 7. That Section 39-2734, Idaho Code, be, and the same is hereby amended to read as follows:

39-2734. ATTORNEY GENERAL.—It shall be the right and duty of the attorney general or the prosecuting attorneys of the various counties to represent and appear for the people of the state of Idaho and the commissioner of law enforcement in all actions and proceedings involving any question under this act or under any order or act of said commissioner and perform such other services as required.

SECTION 8. 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 18, 1963.

CHAPTER 139
(H. B. No. 10, As Amended)

AN ACT

AMENDING SECTION 31-3501, IDAHO CODE, RELATING TO THE POWERS OF THE BOARDS OF COUNTY COMMISSIONERS TO CARE FOR AND MAINTAIN INDIGENTS AND TO PROVIDE HOSPITALS FOR SUCH CARE, BY INCLUDING AGED AND INFIRM, AND BY INCLUDING NURSING HOMES WITHIN THE MEANING OF THE WORD HOSPITAL AS USED IN CHAPTER 35; AMENDING SECTION 31-3502, IDAHO CODE, RELATING TO ELECTIONS FOR ISSUANCE OF BONDS TO PROVIDE SUCH HOSPITAL, BY MAKING THE REQUIREMENT OF A PETITION OPTIONAL AND REDUCING THE REQUIRED NUMBER OF SIGNERS ON THE PETITION TO FIVE PER CENT OF PERSONS VOTING FOR SECRETARY OF STATE AT THE LAST PRECEDING ELECTION.

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

SECTION 1. That Section 31-3501, Idaho Code, 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, aged and infirm 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 the county and others who are sick, injured, maimed, aged and infirm 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. The term hospitals as used in this chapter shall be construed to include nursing homes.

SECTION 2. That Section 31-3502, Idaho Code, be, and the same is hereby amended to read as follows:

31-3502. ELECTION FOR ISSUANCE OF BONDS.—The county commissioners may, when they deem the welfare of their counties requires it, or when petitioned thereto by a number of resident taxpayers of their respective counties equal to thirty-five per cent of the number of persons voting for the secretary of state of the state of Idaho, at the election next preceding the date of such petition, submit to the qualified electors of said county at any general election, or at a special election called for such purpose, the proposition whether negotiable coupon bonds of the county to the amount stated in such proposition shall be issued and sold for the purpose of providing such hospital, hospital grounds, nurses’ homes, superintendent’s quarters, or any other necessary buildings, and equipment, and may on their own initiative submit to the qualified electors of the county at any general election the proposition whether negotiable coupon bonds of the county to the amount stated in such proposition shall be issued and sold for the purpose of providing for the extension and enlargement of existing hospital, hospital grounds, nurses’ homes, superintendent’s quarters, or any other necessary buildings, and equipment, and when authorized thereto by two-thirds vote at such election, shall issue and sell
such coupon bonds and use the proceeds therefrom for the purposes authorized by such election. Said proposition may be submitted to the qualified electors at a special election called for the purpose if the board of county commissioners shall by resolution so determine. No person shall be qualified to vote at any election held under the provisions of this section unless he shall possess all the qualifications required of electors under the general laws of this state and is a taxpayer in such county.

The board shall be governed in calling and holding such election and in the issuance and sale of such bonds, and in the providing for the payment of the principal and interest thereon by the provisions of sections 31-1901—31-1909, inclusive, and by the provisions of the "Municipal Bond Law" of the state of Idaho, chapter 2 of title 57; provided, however, that when such bonds have been issued and sold and a period of two years or more has elapsed from the date of sale of said bonds and for any reason the proceeds from the sale of said bonds or other moneys appropriated for the purpose for which said bonds were issued, have not been used for the purpose for which they were appropriated or said bond issue made, the board of county commissioners may, with the written consent of all of the bondholders first having been obtained, submit to the qualified electors, as herein defined, the question of spending such moneys for a definite purpose. The purpose for which it is decided to spend such moneys shall be clearly and plainly stated on the ballot. If a two-thirds majority of the qualified electors shall vote in favor of spending such moneys for the purpose stated, the board of county commissioners shall proceed in the same manner as if such different purpose had been the original purpose for such bond issue or appropriation. Provided, further that if less than a two-thirds majority of the qualified electors shall vote in favor of spending such moneys for such different purpose, or if no such election should be had, when all of the bonds shall have been retired, such excess moneys shall be placed in the general fund.

Approved March 18, 1963.
CHAPTER 140
(H. B. No. 213)

AN ACT
AMENDING SECTION 36-1301, IDAHO CODE, RELATING TO THE USE OF MOTOR-DRIVEN VEHICLES, AIRPLANES, AND BOATS WHILE HUNTING, SHOOTING FROM AND ACROSS HIGHWAYS, AND THE USE OF ARTIFICIAL LIGHT AS AN AID TO HUNTING BY CONSOLIDATING REGULATIONS GOVERNING THE USE OF MOTOR-DRIVEN BOATS AND VEHICLES, AND BY PROVIDING ADDITIONAL CONTROLS AND RESTRICTIONS ON THE USE OF AIRCRAFT OF ALL KINDS, INCLUDING HELICOPTERS, WHEN THE USE OF SAME IS ASSOCIATED WITH HUNTING.

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, AIRCRAFT, 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 hunts for, shoots at, attempts to kill, kills, attempts to capture or captures any game animal, or upland game bird or migratory game birds from or by the use of a power boat, sail boat, automobile, airplane, aircraft of any kind, railroad or interurban car or any craft or 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 or who uses any aircraft, motor-driven vehicle or boat, or any sail boat for the purpose of molesting, stirring up, rallying or driving game animals or game birds in any manner whatsoever is shall be guilty of a misdemeanor. No person in an aircraft in the air shall spot or locate any game, or migratory birds, game or furbearing animals and communicate the location or approximate location thereof by any signals whatsoever, whether radio, visual or otherwise, to any person or persons then on ground. No helicopter shall be used in any manner in the taking of game or in the transportation
C. 141 '63 IDAHO SESSION LAWS 401

of game, hunters or hunting gear, except when such cargo and/or passengers are attached or loaded or dropped, detached or unloaded at established airports, airplane landing fields or at heliports which have been established on private land or which have been established by a department or agency of the federal or state governments or by a county or municipal government, or when such use is in the course of emergency or search and rescue operations. 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 animal by any person or persons while having in their possession or under their control any uncased firearm or contrivance 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 proceeding 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 provisions of this act shall be guilty of a misdemeanor.

Approved March 18, 1963.

CHAPTER 141
(H. B. No. 95, As Amended)

AN ACT

REQUIRING COMPETITIVE BIDDING ON MUNICIPAL EXPENDITURES IN EXCESS OF $2,500; DEFINING EXPENDITURE AND CERTAIN EXCEPTIONS; DEFINING MUNICIPALITY AND LEGISLATIVE BODY; MAKING PROVISION FOR THE APPLICABILITY OF THIS ACT; PROVIDING THAT CONTEMPLATED EXPENDITURES SHALL BE LET TO THE
LOWEST RESPONSIBLE BIDDER; PROVIDING A SYSTEM FOR INVITING BIDS AND GIVING NOTICE THEREOF; REQUIRING THE LEGISLATIVE BODY TO FURNISH APPROPRIATE BIDDING AND CONTRACT DOCUMENTS FREE OF CHARGE; PROVIDING METHOD OF SUBMITTING BIDS, REQUIRING BIDDERS TO SUBMIT SECURITY WITH THEIR BIDS, AND FORMS OF SECURITY; PRESCRIBING AMOUNT OF BIDDER’S SECURITY; PROVIDING THAT BIDS WILL NOT BE CONSIDERED UNLESS ONE OF THE PRESCRIBED FORMS OF BIDDER’S SECURITY IS SUBMITTED WITH THE BID; REQUIRING THAT BIDS BE SUBMITTED IN FORM PRESCRIBED BY THE MUNICIPALITY; PROVIDING THAT BIDS MAY NOT BE WITHDRAWN; PROVIDING A PROCEDURE FOR OPENING BIDS AND MAKING AWARDS; PROVIDING FOR THE FORFEITURE OF BIDDER’S SECURITY AND DISPOSITION OF FORFEITED SECURITY; DEFINING THE PROCEDURE TO BE FOLLOWED IN THE EVENT THE SUCCESSFUL BIDDER FAILS TO ACCEPT THE AWARD AND DISPOSITION OF THE SUCCESSFUL BIDDER’S SECURITY; PROVIDING FOR THE REJECTION OF BIDS, READVERTISING FOR BIDS AND ALLOWING THE MUNICIPALITY TO MAKE AN EXPENDITURE WITHOUT FURTHER COMPLIANCE WITH THIS ACT; DEFINING PROCEDURE AFTER REJECTION OF BIDS AND AUTHORITY TO MAKE EXPENDITURE WITHOUT FURTHER COMPLIANCE WITH THIS ACT; PROVIDING THAT THE PROVISIONS OF THIS ACT NEED NOT BE COMPLIED WITH IN CASES OF EMERGENCY OR GREAT PUBLIC CALAMITY; AND PROVIDING A SEVERABILITY CLAUSE.

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

Section 1. Applicability.—This act shall apply to all municipalities of the State of Idaho, but shall be subject to the provisions of any specific statute pertaining to the letting of any contract or the purchase or acquisition of any commodity or thing by any municipality by soliciting and receiving competitive bids therefor, and shall not be construed as modifying or amending the provisions of any such statute, nor preventing the county from doing any work by its own employees.

Section 2. Definitions.—The following words when used in this act shall, for the purposes of this act, have the meanings respectively ascribed to them in this section:

(a) “Expenditure”—the granting of a contract, franchise or authority to another by the municipality, and every manner and means whereby the munici-
pality disburses municipal funds or obligates itself to disburse municipal funds; provided, however, that “expenditure” does not include disbursement of municipal funds to any municipal employee, official or agent or to any person performing personal services for the municipality.

(b) “Municipality”—a city, town or village within the State of Idaho.

(c) “Legislative Body”—the governing unit or body of a municipality.

SECTION 3. BIDS — EXPENDITURE REQUIRING NOTICE.—When the expenditure contemplated exceeds $2,500, it shall be contracted for and let to the lowest responsible bidder.

SECTION 4. NOTICE INVITING BIDS—CONTENTS—PUBLICATION.—The notice inviting bids shall set a date and place for the opening of bids. The first publication of the notice shall be at least two weeks before the date of opening the bids. Notice shall be published at least twice, not less than one week apart, in a newspaper of general circulation, printed and published in the municipality, or if there is none, it shall be published in a newspaper having general circulation in the municipality. The notice shall succinctly set forth the project to be done. The following documents shall be made available by the legislative body, free of charge, to any interested bidder: bid form, bidder's instructions, contract documents with general and special instructions, when appropriate, drawings and specifications, when appropriate.

SECTION 5. BIDS—PRESENTATION—BIDDER’S SECURITY.—All bids shall be presented or otherwise delivered, under sealed cover, to the municipal clerk of the appropriate municipality, with a concise statement marked on the outside thereof generally identifying the expenditure to which said bid pertains. All bids shall contain one of the following forms of bidder's security:

(a) Cash,

(b) Cashier’s check made payable to the municipality,

(c) A certified check made payable to the municipality,

(d) A bidder's bond executed by a qualified surety company, made payable to the municipality.
SECTION 6. BIDDER'S SECURITY—AMOUNT—REQUIREMENT OF BIDS. — The security shall be in an amount equal to at least 10% of the amount bid. A bid shall not be considered unless one of the forms of bidder's security is enclosed with it, and unless the bid is submitted in a form which substantially complies with the form provided by the municipality.

SECTION 7. WITHDRAWAL OF BIDS — DATE OF OPENING — OPEN TO PUBLIC — AWARD. — Any bid received by the municipality may not be withdrawn after the time set in the notice for opening of bids. All bids received must be opened at the time and place set in the notice inviting bids, and no person shall be denied the right to be present at the opening of bids. If any award is made, it must be made within 30 days of the date of opening bids.

SECTION 8. BIDDER'S SECURITY—FORFEITURE. — If the successful bidder fails to execute the contract, the amount of his bidder's security shall be forfeited to the municipality as hereinafter provided.

SECTION 9. BIDDER'S SECURITY—DEPOSIT. — The cash or proceeds shall be deposited in the fund out of which the expenses of preparation and printing of the plans and specifications, estimates of costs and publication of notice are paid.

SECTION 10. AWARD — BIDDER'S SECURITY — APPLICATION ON FORFEITURE — RETURN. — The municipality may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the legislative body awards the contract to the next lowest responsible bidder, the amount of the said lowest responsible bidder's security shall be applied by the municipality to the difference between the said lowest responsible bid and the said next lowest responsible bid, and the surplus, if any, shall be returned to the said lowest bidder if cash or a check is used, or to the surety on the bidder's bond if a bond is used.

SECTION 11. BIDS — REJECTION — IDENTICAL — NONE RECEIVED. — In its discretion, the legislative body may reject any bids presented and readvertise. If two or more bids are the same and the lowest responsible bids, the legislative body may accept the one it chooses. If no bids are received, the legislative body may make the expenditure without further complying with this act.
SECTION 12. EXPENDITURE ACCOMPLISHED AFTER REJECTION OF BIDS.—After rejecting bids, the legislative body may, after finding it to be a fact, pass a resolution declaring that the thing sought to be accomplished by the expenditure can be performed more economically by day labor, or the materials or supplies furnished at a lower price in the open market. Upon adoption of the resolution, it may have the thing sought to be accomplished done in the manner stated without further complying with this act.

SECTION 13. CALAMITY—EMERGENCY—EXPENDITURES.—If there is a great public calamity, as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for national or local defense, the legislative body may pass a resolution declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property. Upon adoption of the resolution, it may expend any sum required in the emergency without complying with this act.

SECTION 14. SEVERABILITY.—If any clause, section or provision of this act be adjudged by the courts to be unconstitutional or invalid, the same shall not affect the validity of any clause, section or provision thereof which can be given effect without the clause, section or provision adjudged to be unconstitutional or invalid.

Approved March 18, 1963.

CHAPTER 142
(H. B. No. 241)

AN ACT

REPEALING SECTION 63-910, IDAHO CODE.

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

SECTION 1. That Section 63-910, Idaho Code, be, and the same is hereby repealed.

Approved March 18, 1963.
CHAPTER 143
(H. B. No. 83, As Amended)

AN ACT

STATING THE PURPOSE OF THE ACT; DEFINING THE TERMS USED IN THE ACT; STATING GRADES AND STANDARDS FOR EGGS; PROVIDING FOR THE SALE OF UNGRADED EGGS DURING EMERGENCIES, AND FOR THE MARKETING THEREOF; EMPOWERING THE COMMISSIONER OF AGRICULTURE TO ADOPT STANDARDS OF CLEANLINESS, SANITATION, AND TEMPERATURE IN THE HANDLING AND STORAGE OF EGGS, AND TO ADOPT REGULATIONS AND STANDARDS FOR CANDLERS IN HANDLING AND GRADING EGGS; REQUIRING DISTRIBUTORS AND CANDLERS OF EGGS TO BE LICENSED; REQUIRING THAT LICENSES BE DISPLAYED; AUTHORIZING THE COMMISSIONER OF AGRICULTURE TO REFUSE, REVOKE AND SUSPEND LICENSES; FIXING THE AMOUNT OF THE ANNUAL LICENSE FEES; PROVIDING THE DEPOSITORY OF LICENSE FEES AND OTHER MONEYS COLLECTED; REQUIRING ON EACH CONTAINER A SEAL SHOWING THE GRADE OF EGGS THEREIN AND THE IDENTIFICATION OF THE DISTRIBUTOR IN WHOSE ESTABLISHMENT THE EGGS WERE GRADED; AUTHORIZING THE COMMISSIONER OF AGRICULTURE TO PROVIDE OFFICIAL SEALS OR TO AUTHORIZE IMPRINTING A FACSIMILE THEREOF AND TO CHARGE FOR SEALS OR FOR THE PRIVILEGE OF IMPRINTING A FACSIMILE; PROHIBITING THE USE OF CERTAIN WORDS OR SUBSTITUTES FOR GRADE DESIGNATION; REQUIRING ADVERTISEMENTS OF EGGS FOR SALE TO SHOW THE GRADE THEREOF; EMPOWERING THE COMMISSIONER OF AGRICULTURE TO ENFORCE THE ACT, TO REQUIRE MAINTENANCE OF SPECIFIED RECORDS, TO CONDUCT INSPECTIONS, TO SEIZE EVIDENCE; PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATION; PROVIDING FOR THE REPEAL OF CHAPTER 148, IDAHO SESSION LAWS OF 1953, CODIFIED AS SECTIONS 37-1508 TO AND INCLUDING 37-1518, IDAHO CODE; PROVIDING THE EFFECTIVE DATE OF THE ACT.

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

SECTION 1. STATEMENT OF PURPOSE.—The Legislature of the State of Idaho recognizes that the candling, storing, grading, packing, selling, peddling, distributing, labeling, dealing in and trading in eggs in the State of Idaho is in the public interest and hereby declares that the pro-
visions of this act are vital to the economy of the State of Idaho and the well-being of its citizens.

The purpose of this act is to establish standards of grades for eggs and authorize standards of sanitation, cleanliness and temperature for the handling and storage of eggs for sale in the State of Idaho, and to require compliance with the labeling regulations and the designation of the grade of eggs sold in the State of Idaho.

SECTION 2. DEFINITION OF WORDS AND TERMS.—When used in this Act:

(a) The term “candling” shall refer to the act or function of determining the grade of eggs; and the term “candler” shall refer to the person performing that act or function.

(b) The term “carton” shall mean a container containing one dozen eggs.

(c) The term “commissioner” shall refer to the Commissioner of Agriculture, appointed and serving in that capacity as contemplated in Chapter 24, Title 67, Idaho Code.

(d) The term “consumer” shall mean a person who purchases eggs for use as food and not for resale in any form.

(e) The term “container” shall mean any carton, case, box, basket, sack, bag or other receptacle.

(f) The term “dealer” shall mean a person who acquires eggs from a producer or distributor for resale to consumers only.

(g) The term “distributor” shall refer to any person having possession or control of eggs for the purpose of candling, grading, packing, selling, peddling, distributing, dealing in or trading in eggs for resale to a dealer in the State of Idaho, but shall not refer to a producer when engaging in the sale of eggs to a distributor or when engaging in the sale of eggs directly to a consumer at the place of production.

(h) The term “grade” when used as a verb shall mean to classify eggs as to quality and size, and when used as a noun shall mean the classification as to quality and size so established.

(i) The term “person” shall include an individual, partnership, corporation, firm, association and agent.
(j) The term “producer” shall mean a person engaged in the business of operating or controlling the operation of one or more farms, ranches or establishments on which eggs are produced in the State of Idaho.

(k) The term “sale” or “sell” or “selling” or “sold” shall include sale, offer of sale, display for sale, have in possession for sale, exchange, barter, trade or other dealing.

SECTION 3. GRADES AND STANDARDS.—The following standards, grades and weight classifications are hereby established and adopted:

(a) All shell eggs sold for human consumption in the State of Idaho shall be designated as one of the following: “Idaho Consumer Grade AA”, “Idaho Consumer Grade A”, “Idaho Consumer Grade B”, except that a producer may sell eggs directly to consumers at his place of production without grade designation, and that the commissioner, upon the written application of any producer, may find and proclaim that an emergency exists which prevents the normal marketing of eggs by the applicant and other producers in the same area. During such emergency it shall be lawful for such producers to sell to retailers or consumers eggs produced upon the premises of such producers which are ungraded as to size and quality, and for retailers to sell such eggs to consumers; provided that each container of such eggs and all invoices relating to such eggs shall be clearly marked “Ungraded” and shall bear the name and address of the producer.

(b) The following standards for individual Shell Eggs shall be used in determining the consumer grade designation applicable thereto:

(1) Application: The Idaho standards for quality of individual shell eggs contained in this Section are applicable only to eggs that are the product of the domesticated chicken hen and are in the shell. These standards apply to individual eggs with clean or dirty unbroken shells, and checked or cracked shells.

Interior egg quality specifications for these standards are based on the apparent condition of the interior contents of the egg as it is twirled before the candling light. Any type or make of candling light may be used that will enable any particular grader to make consistently accurate determinations of the interior quality of shell eggs. It is desirable to break out an occasional egg and, by use of a color chart approved by the Commissioner, compare the
broken-out and candled appearance, thereby aiding in correlating candled and broken-out appearance.

"C Quality", "Dirty", "Check" and "Leakers" are not grades of eggs, but instead refer to the condition of individual eggs for application of tolerances pursuant to subsection (c) of this Section.

(2) "AA Quality"—the shell must be clean, unbroken, and practically normal. The air cell must not exceed 1/8 inch in depth and be practically regular. The white must be clear and firm so that the yolk appears well centered and its outline only slightly defined when the egg is twirled before the candling light. The yolk must be free from apparent defects.

(3) "A Quality"—the shell must be clean, unbroken, and practically normal. The air cell must not exceed 2/8 inch in depth and must be practically regular. The white must be clear and at least reasonably firm so that the yolk appears at least fairly well centered and its outline only fairly well defined when the egg is twirled before the candling light. The yolk must be practically free from apparent defects.

(4) "B Quality"—the shell must be unbroken and may be slightly abnormal and may show slight stains but no adhering dirt, provided that they do not appreciably detract from the appearance of the egg. When the stain is localized, approximately 1/32 of the shell surface may be slightly stained, and when the slightly stained areas are scattered, approximately 1/16 of the shell surface may be slightly stained. The air cell must not exceed 3/8 inch in depth, may show unlimited movement and may be free but not bubbly. The white must be clear and may be slightly weak so that yolk may appear off-center, with its outline well defined when the egg is twirled before the candling light. The yolk may appear slightly enlarged or slightly flattened and may show other definite, but not serious, defects.

(5) "C Quality"—the shell must be unbroken and may be abnormal and may have slight to moderate stained areas covering not more than 1/4 of the shell surface but no adhering dirt. Prominent stains are not permitted. The air cell may be over 3/8 inch in depth and be free or bubbly. The white may be weak or watery so that the yolk may appear off-centered and its outline plainly visible when the egg is twirled before the candling light. The yolk may appear dark, enlarged and flattened and may show clearly visible germ development but no blood due to such develop-
ment. It may show other serious defects that do not render the egg inedible. Small blood clots or spots may be present.

(6) "Dirty"—the shell must be unbroken and it has adhering dirt or prominent stains, or slight to moderate stains covering more than 1/4 of the shell surface.

(7) "Check"—an individual egg that has a broken shell or crack in the shell but with its shell membranes intact and its contents do not leak.

(8) "Leakers"—an individual egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exuding or free to exude through the shell. An egg which has a portion of the shell missing (in excess of an area 1/4 inch square) is considered a leaker even though the shell membrane is intact.

(9) Terms descriptive of shell:

(i) "Clean" means shell that is free from foreign material and from stains or discolorations that are readily visible. An egg may be considered clean if it has only very small specks or stains, if such specks or stains are not of sufficient number or intensity to detract from the general clean appearance of the egg. Eggs that show traces of processing oil on the shell are considered clean unless otherwise soiled.

(ii) "Dirty" means a shell which has dirt adhering to its surface or which has prominent stains, or slight to moderate stains covering more than 1/4 of the shell surface.

(iii) "Practically normal" means a shell that approximates the usual shape and that is of good even texture and strength and is free from rough areas or thin spots. Slight ridges and rough areas that do not materially affect the shape, texture, and strength of the shell are permitted.

(iv) "Slightly abnormal" means a shell that may be somewhat unusual in shape or that may be slightly faulty in texture or strength. It may show definite ridges but no pronounced thin spots or rough edges.

(v) "Abnormal" means a shell that may be decidedly misshapen or faulty in texture or strength or that may show pronounced ridges, thin spots or rough areas.

(10) Terms descriptive of the air cell:

(i) "Depth of air cell" (Air space between shell mem-
branes, normally in the large end of the egg) means the distance from its top to its bottom when the egg is held air cell upward.

(ii) "Practically regular" means an air cell that maintains a practically fixed position in the egg and shows a fairly even outline with not more than 2/8 inch movement in any direction as the egg is rotated.

(iii) "Free air cell" means an air cell that moves freely toward the uppermost point in the egg as the egg is rotated slowly.

(iv) "Bubbly air cell" means a ruptured air cell resulting in one or more small separate air bubbles usually floating beneath the main air cell.

(11) Terms descriptive of the white:

(i) "Clear" means a white that is free from discolorations or from any foreign bodies floating in it. (Prominent chalazas should not be confused with foreign bodies such as spots or blood clots).

(ii) "Firm" means a white that is sufficiently thick or viscous to permit but limited movement of the yolk from the center of the egg, thus preventing the yolk outline from being more than slightly defined or distinctly indicated, when the egg is twirled.

(iii) "Reasonably firm" means a white that is somewhat less thick or viscous than a firm white. A reasonably firm white permits the yolk to move somewhat more freely from its normal position in the center of the egg and approach the shell more closely. This would result in a fairly well defined yolk outline when the egg is twirled.

(iv) "Slightly weak" means a white that is lacking in thickness or viscosity to an extent that permits the yolk to move quite freely from its normal position in the center of the egg. A slightly weak white will cause the yolk outline to appear well defined when the egg is twirled.

(v) "Weak and watery" means a white that is thin and generally lacking in viscosity. A weak and watery white permits the yolk to move freely from the center of the egg and to approach the shell closely, thus causing the yolk outline to appear plainly visible and dark when the egg is twirled.

(vi) "Blood clots and spots" (not due to germ develop-
ment) means blood clots or spots on the surface of the yolk or floating in the white. These blood clots may have lost their characteristic red color and appear as small clots or foreign material commonly referred to as meat spots. If they are small (aggregating not more than 1/8 inch in diameter), the egg may be classed as “C quality”. If larger, or showing diffusion of blood in the white surrounding them, the egg shall be classified as loss.

(vii) “Bloody white” means an egg, the white of which has blood diffused through it. Such a condition may be present in new-laid eggs. Eggs with bloody whites are classed as loss.

(12) Terms descriptive of the yolk:

(i) “Well centered” means a yolk that occupies the center of the egg and moves only slightly from that position as the egg is twirled.

(ii) “Fairly well centered” means a yolk that it not more than one-fourth of the distance from its normal central position toward the ends of the egg and swings not more than one-half of the distance from its normal position toward the sides of the egg as it is twirled.

(iii) “Off center” means a yolk which is distinctly above or below center and swings close to the sides of the egg as it is twirled.

(iv) “Outline slightly defined” means a yolk outline that is indistinctly indicated and appears to blend into the surrounding white as the egg is twirled.

(v) “Outline fairly well defined” means a yolk outline that is discernible but not clearly outlined as the egg is twirled.

(vi) “Outline well defined” means a yolk outline that is quite definite and distinct as the egg is twirled.

(vii) “Outline plainly visible” means a yolk outline that is clearly visible as a dark shadow when the egg is twirled.

(viii) “Slightly enlarged and slightly flattened” means a yolk in which the yolk membranes and tissues have weakened somewhat causing it to appear slightly enlarged and slightly flattened.

(ix) “Enlarged and flattened” means a yolk in which the yolk membranes and tissues have weakened and moisture
has been absorbed from the white to such an extent that it appears definitely enlarged and flat.

(x) "Free from defects" means a yolk that shows no spots or areas on its surface indicating the presence of germ development or other defects.

(xi) "Practically free from defects" means a yolk that shows no germ development but may show other very slight defects on its surface.

(xii) "Definite but not serious defects" means a yolk that may show definite spots or areas on its surface but with only slight indication of germ development or other pronounced or serious defects.

(xiii) "Other serious defects" means a yolk that shows well developed spots or areas and other serious defects, such as olive yolks, which do not render the egg inedible.

(xiv) "Clearly visible germ development" means a development of the germ spot on the yolk of a fertile egg that has progressed to a point where it is plainly visible as a definite circular area or spot with no blood in evidence.

(xv) "Blood due to germ development" means blood caused by development of the germ in a fertile egg to the point where it is visible as definite lines or as a blood ring. Such an egg is classified as inedible.

(13) General terms:

(i) "Loss" means an egg that is inedible, smashed, or broken so that contents are leaking, cooked, frozen, contaminated, or containing bloody whites, large blood spots, large unsightly meat spots, or other foreign material.

(ii) "Inedible eggs"—Eggs of the following descriptions are classed as inedible: black rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, eggs containing embryo chicks (at or beyond the blood ring stage), and any eggs that are adulterated as such term is defined pursuant to the Idaho Egg Law.

(c) Idaho Consumer Grades for Shell Eggs:

(1) General:

(i) The consumer grade designations established by this Act are applicable to edible shell eggs in "lot" quantities rather than on an "individual" egg basis. A lot may contain
any quantity of two or more eggs. Reference in these standards of identity to the term "case" means thirty dozen eggs in a case as used in commercial practice in the United States.

(ii) Substitution of higher qualities for the lower qualities specified is permitted.

(2) Grade Standards—Tolerances:

(i) "Idaho Consumer Grade AA" shall consist of eggs of which at least eighty percent are AA quality. Within the maximum tolerance of twenty percent, which may be below AA quality, not more than five percent may be of the qualities below A, in any combination, but not including Dirties or Leakers.

(ii) "Idaho Consumer Grade A" shall consist of eggs of which at least eighty percent are A quality or better. Within the maximum tolerance of twenty percent which may be below A quality, not more than five percent may be of the qualities below B, in any combination, but not including Dirties or Leakers.

(iii) "Idaho Consumer Grade B" shall consist of eggs of which at least eighty percent are B quality or better. Within the maximum tolerance of twenty percent which may be below B quality, ten percent may be of C quality, and not over ten percent may be Dirties or Checks in any combination.

(3) Case Lot Tolerances:

(i) In lots of two or more cases, an individual case may not fall below seventy percent of the specified quality and may not contain more than double the tolerance specified for the respective grade.

(ii) Within the maximum tolerance permitted, an allowance will be made at receiving points or shipping destinations for one-half percent leakers in grades "AA", "A" and "B".

(d) Weight classes.

The weight classes for Idaho Consumer Grades for Shell Eggs shall be as indicated in the following table and shall apply to all Idaho Consumer Grades:
C. 143 '63

IDAHO SESSION LAWS

415

<table>
<thead>
<tr>
<th>Size of Weight Class</th>
<th>Minimum net weight per dozen (Ounces)</th>
<th>Minimum net weight per 30 dozen (Pounds)</th>
<th>Minimum weight for individual eggs at rate per dozen (Ounces)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jumbo</td>
<td>30</td>
<td>56</td>
<td>29</td>
</tr>
<tr>
<td>Extra Large</td>
<td>27</td>
<td>50½</td>
<td>26</td>
</tr>
<tr>
<td>Large</td>
<td>24</td>
<td>45</td>
<td>23</td>
</tr>
<tr>
<td>Medium</td>
<td>21</td>
<td>39½</td>
<td>20</td>
</tr>
<tr>
<td>Small</td>
<td>18</td>
<td>34</td>
<td>17</td>
</tr>
<tr>
<td>Peewee</td>
<td>15</td>
<td>28</td>
<td>...</td>
</tr>
</tbody>
</table>

Minimum weights listed for individual eggs at the rate per dozen are permitted in the various size classes only to the extent that they will not reduce the net weight per dozen below the required minimum.

(e) The Commissioner is hereby directed and empowered to adopt, establish and prescribe reasonable standards of cleanliness and sanitation to be followed and complied with in the handling and storage of eggs by distributors and dealers, which standards shall, among other matters, include specification of the maximum temperature at which eggs shall be maintained while in storage.

(f) The Commissioner is hereby directed and empowered to adopt reasonable regulations and standards to be followed by candlers in performing the function of candling and determining the grades of eggs.

SECTION 4. LICENSES AND OFFICIAL SEALS.

(a) No person shall act at a distributor of eggs in the State of Idaho without first obtaining a license therefor from the Commissioner for each physically separate establishment at which such business is conducted.

(b) No person shall engage in candling eggs for official grade designation in the State of Idaho without first obtaining a license therefor from the Commissioner.

(c) Each application for a license under this act shall be in writing upon forms prescribed by the Commissioner, and shall be accompanied by the annual license fee contemplated in Section 5 of this act.

(d) Each license shall be in a form prescribed by the Commissioner and shall bear the license number assigned to each licensee.
(e) The license of a distributor shall be conspicuously displayed and posted at the separate establishment for which that license is issued. The license of an egg candler shall be conspicuously displayed and posted at the place of business where that egg candler is performing those services.

(f) The Commissioner shall refuse to issue a license to a distributor or egg candler who at the time of application therefor is not complying fully with the regulations and standards adopted, established and prescribed therefor under the provisions of this act; and shall be empowered to revoke or suspend a license issued to a distributor or egg candler upon determination of non-compliance with these regulations and standards or during the period of non-compliance with these regulations and standards.

SECTION 5. FEES.

(a) The annual license fee for each physically separate establishment of a distributor shall be Ten Dollars. The annual license fee for each egg candler shall be Two Dollars and Fifty Cents. The period for which the license fee is paid and for which the license is issued shall be July first to and including the following June thirtieth, and if the license is issued within that period the license fee shall nevertheless be the full amount above stated. Each license shall be renewed on July first of each year.

(b) All license fees and moneys collected by the Commissioner under the provisions of this act shall be placed in a separate fund in the State Treasury to be used by the Commissioner solely for the purpose of inspection, administration and the enforcement of this act.

SECTION 6. SEALS AND STATEMENTS ON CONTAINER.

(a) Each carton or other container in which eggs are being sold or offered for sale by a distributor or by a dealer in the State of Idaho shall bear:

(1) A seal acquired from the Commissioner or a facsimile thereof imprinted under authorization from the Commissioner, as contemplated in Section 6 (b).

(2) A legible statement of the grade and size of eggs.

(3) A legible statement of the name and address of the distributor by or for whom the eggs were graded and candled.
(b) The Commissioner shall provide official seals to be affixed to cartons or other containers in which eggs are being sold or offered for sale, as contemplated in this section. In lieu of official seals to be glued or otherwise affixed, under rules and regulations to be adopted from time to time by the Commissioner, a facsimile of the official seal may be imprinted upon each carton or other container upon which a seal is required hereunder.

The Commissioner is authorized to charge for official seals or for the privilege of imprinting a facsimile thereof at the rate calculated to reasonably provide sufficient revenue to finance the administration and enforcement of this act, which shall, however, not exceed 3 mills per dozen eggs (3/10 of a cent per dozen eggs).

(c) The words "fresh", "country", "hennery", "ranch" or words of similar import shall not be deemed a substitute for official grade designation, and may be used upon containers of eggs only as authorized by the Commissioner. Each advertisement of eggs for sale by a dealer shall plainly and conspicuously indicate the official grade and size thereof.

SECTION 7. RECORDS AND ENFORCEMENT.—The Commissioner is hereby directed and empowered:

(a) To administer and enforce the provisions of this act.

(b) To require records to be kept. Every distributor and dealer purchasing or selling eggs in the State of Idaho shall keep a record of each purchase and a record of each sale other than to a consumer. Such record may be an invoice or sales slip and shall show the date of such transaction and the name and address of the person with whom such transaction was made. Such records shall be held for a period of at least ninety days and shall be open for examination by a representative of the Commissioner at any reasonable time.

(c) To require each person who sells to any retailer, or to any restaurant, hotel, boarding house, bakery, or other institution or concern which purchases eggs for serving to guests or patrons thereof or for its use in preparation of any food products for human consumption, candled or graded eggs other than those of his own production sold and delivered on the premises where produced, to furnish that retailer or other purchaser with an invoice covering each such sale, showing the exact grade or quality and the size or weight of the eggs sold, according to the standards pre-
scribed, together with the name and address of the person by whom the eggs were sold. Egg grade seals imprinted on scotch tape or other similar material shall be affixed to the retailer’s copy—or other purchaser’s copy—of the invoice covering the eggs.

(d) Through authorized representatives to enter and inspect any place or conveyance of a distributor or dealer within the State of Idaho where eggs are candled, stored, packed, delivered for shipment, loaded, shipped, transported or sold, and may inspect all invoices, eggs and the cases and containers thereof and equipment found in such places or conveyances, and may take copies of invoices and representative samples of eggs and the cases and containers thereof found in such places or conveyances for inspection and for the purpose of determining whether or not any provisions of this act have been violated.

(e) Through authorized representatives to seize and hold as evidence an advertisement, sign, placard, invoice, case or container of eggs, or such part of any pack, load, lot, consignment or shipment of eggs packed, stored, delivered for shipment, loaded, shipped, transported or sold in violation of any provision of this act, reasonably necessary to establish the fact of such violation.

SECTION 8. PENALTIES. — Any person convicted of violating any provisions of this act or the rules and regulations issued thereunder or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the Commissioner or his duly authorized representative in performance of his duty in connection with the provisions of this act, shall be adjudged guilty of a misdemeanor and shall be fined not more than $100.00 for the first violation, and not less than $100.00 or more than $300.00 for a subsequent violation.

SECTION 9. COMMISSIONER’S DISCRETIONARY ACTION.—Nothing in this act shall be construed as requiring the Commissioner or his representative to report for prosecution or for the institution of seizure proceeding a minor violation of the act when he believes that the public interest will be best served by a suitable warning notice in writing.

Before the Commissioner reports a violation for such prosecution, an opportunity shall be given the person in asserted violation to present his understanding of the facts to the Commissioner.
SECTION 10. DUTY TO PROSECUTE.—It shall be the duty of each Prosecuting Attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted without delay in a court of competent jurisdiction.

SECTION 11. RIGHT TO INJUNCTION.—The Commissioner is hereby authorized to apply for and the court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this act or any rules or regulations promulgated under this act notwithstanding the existence of other remedies at law, said injunction to be issued without bond.

SECTION 12. SEVERABILITY.—If any clause, sentence, paragraph or part of this act shall for any reason be adjudged invalid by any Court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 13. REPEAL.—Chapter 148 of the Idaho Session Laws of 1953, as codified in Sections 37-1508 to and including 37-1518 of the Idaho Code and any other laws or parts of laws in conflict with the provisions of this act are hereby repealed.

SECTION 14. EFFECTIVE DATE.—This act shall take effect and be in force from and after the first day of July, 1963.

Approved March 18, 1963.

CHAPTER 144
(H. B. No. 78)

AN ACT

AMENDING CHAPTER 4, TITLE 48, IDAHO CODE, RELATING TO UNFAIR SALES ACT, BY ADDING A NEW SECTION THERETO TO BE DESIGNATED AND KNOWN AS SECTION 48-413, PROVIDING FOR INHIBITION AGAINST SPECIAL REBATES AND AGREEMENTS CONSTITUTING UNFAIR
COMPETITION; AND DECLARING SUCH REBATES AND AGREEMENTS TO BE UNLAWFUL.

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

SECTION 1. That Chapter 4, Title 48, Idaho Code, be, and the same is hereby amended by adding a new section designated as Section 48-413, to read as follows:

48-413. The inhibition of this chapter against selling merchandise at less than cost and unfair competition contrary to public policy shall embrace any scheme of special rebates, collateral contracts or any device of any nature by and among wholesalers, retailers and direct sellers whereby such rebates or agreements are, in substance or fact, effected in violation of the spirit and intent of this chapter. It is hereby declared to be unlawful, unfair competition, and an act or acts within the purview of Section 48-406, Idaho Code, for any wholesaler, retailer or direct seller to give or receive special rebates or be a party to any such agreements or devices.

This bill became a law without the signature of the Governor effective March 23, 1963.

CHAPTER 145
(H. B. No. 30)

AN ACT

RELATING TO TERMINATION OF PARENT AND CHILD RELATIONSHIP; DECLARING THE PURPOSE OF THIS ACT; SETTING FORTH DEFINITIONS OF TERMS USED WITHIN THIS ACT; PRESCRIBING JURISDICTION TO TERMINATE THE PARENT AND CHILD RELATIONSHIP; PROVIDING WHO MAY FILE PETITIONS TO TERMINATE THE PARENT AND CHILD RELATIONSHIP AND SETTING FORTH THE GROUNDS UPON WHICH AN ORDER OF TERMINATION MAY BE GRANTED; PRESCRIBING THE CONTENTS OF THE PETITION TO TERMINATE; PROVIDING FOR NOTICE OF HEARING ON THE PETITION, WAIVER OF NOTICE AND APPOINTMENT OF GUARDIAN AD LITEM; PROVIDING FOR INVESTIGATION BY AUTHORIZED AGENCIES PRIOR TO HEARING IN CERTAIN CASES; PROVIDING FOR CONDUCT OF HEARING ON THE PETITION; PRESCRIBING CONTENTS OF THE DECREES TERMINATING
THE PARENT-CHILD RELATIONSHIP; DECLARING EFFECT OF DECREE WHEN ENTERED; PROVIDING FOR THE PAYMENT OF COURT COSTS; PROVIDING FOR THE RETENTION OF FILES AND RECORDS AND THE CONFIDENTIALITY THEREOF; PROVIDING FOR APPEALS FROM ORDERS OR DECREES GRANTING OR REFUSING TO GRANT TERMINATION; PROVIDING A GENERAL SAVING CLAUSE; PRESCRIBING RULES OF CONSTRUCTION FOR THIS ACT; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. PURPOSE.—The purpose of this act is to provide for voluntary and involuntary severance of the parent and child relationship and for substitution of parental care and supervision by judicial process, thereby safeguarding the rights and interests of all parties concerned and promoting their welfare and that of the state of Idaho. Implicit in this act is the philosophy that wherever possible family life should be strengthened and preserved and that the issue of severing the parent and child relationship is of such vital importance as to require a judicial determination in place of attempts at severance by contractual arrangements, express or implied, for the surrender and relinquishment of children.

SECTION 2. DEFINITIONS.—When used in this act, unless the text otherwise requires:

a. “Court” means the probate court.

b. “Child” or “Minor” means a person less than eighteen years of age.

c. The singular includes the plural, the plural the singular, and the masculine the feminine, when consistent with the intent of the act.

d. “Neglected” used with respect to a child refers to those situations in which the child lacks proper support or parental care necessary for his health, morals, and well-being.

e. “Abuse” used with respect to a child refers to those situations in which physical cruelty in excess of that required for reasonable disciplinary purposes has been inflicted by a parent or other person in whom legal custody of the child has been vested.

f. “Legal custody” means status created by court order embodying the following rights and responsibilities:
(1) the right to physical possession of the child,
(2) the right and duty to protect, train and discipline the child, and
(3) the responsibility to provide the child with food, shelter, education and medical care,
provided that such rights and responsibilities shall be exercised subject to the powers, rights, duties and responsibilities of the guardian of the person.

g. "Guardianship of the person" means those rights and duties imposed upon a person appointed as guardian of a minor under the laws of Idaho. It includes but is not necessarily limited either in number or kind to:

(1) the authority to consent to marriage, to enlistment in the armed forces of the United States, and to major medical, psychiatric and surgical treatment; to represent the minor in legal actions; and to make other decisions concerning the child of substantial legal significance;
(2) the authority and duty of reasonable visitation, except to the extent that such right of visitation has been limited by court order;
(3) the rights and responsibilities of legal custody except where legal custody has been vested in another individual or in an authorized child placement agency;
(4) when the parent and child relationship has been terminated by judicial decree with respect to the parents, or only living parent, or when there is no living parent, the authority to consent to the adoption of the child and to make any other decision concerning the child which the child's parents could make.

h. "Guardian ad litem" means a person appointed as such pursuant to law, by the court to protect the interest of a minor or an incompetent in a case before the court.

i. "Authorized agency" means the state department of public assistance or a voluntary child placement agency licensed to care for and place children by the state department of public assistance.

j. "Parent" means (1) the mother, (2) a father as to whom a child is legitimate, (3) a person as to whom a
child is presumed to be a legitimate child, or (4) an adoptive parent; but such term does not include a parent as to whom the parent and child relationship has been terminated by judicial decree.

k. "Parent and child relationship" includes all rights, privileges, duties and obligations existing between parent and child, including inheritance rights, and shall be construed to include adoptive parents.

l. "Protective supervision" means a legal status created by court order in proceedings not involving violations of the law but where the legal custody of the child is subject to change, whereby the child is permitted to remain in his home under the supervision of an authorized agency designated by the court and is subject to return to the court during the period of protective supervision.

m. "Parties" includes the child and the petitioners.

SECTION 3. JURISDICTION.—The court shall have exclusive original jurisdiction, other than as provided in Title 32, Idaho Code, to hear petitions to terminate the parent and child relationship when the child is present in the state.

SECTION 4. PETITION—WHO MAY FILE.—A petition may be filed by:

a. Either parent when termination is sought with respect to the other parent.

b. The guardian of the person or the legal custodian of the child or person standing in loco parentis to the child.

c. An authorized agency.

d. Any other person possessing a legitimate interest in the matter.

SECTION 5. CONDITIONS UNDER WHICH TERMINATION MAY BE GRANTED.—The court may grant an order terminating the relationship where it finds one or more of the following conditions exist:

a. The parent has abandoned the child by having failed to maintain a normal parental relationship, including but not limited to reasonable support or regular personal contact; failure of the parent to maintain this relationship without just cause for a period of one year shall constitute prima facie evidence of abandonment under this section.
b. The parent has neglected or abused the child. Neglect as used herein shall mean a situation in which the child lacks parental care necessary for his health, morals and well-being.

c. The presumptive parent is not the natural parent of the child.

d. The parent is unable to discharge parental responsibilities because of mental illness or mental deficiency, and there are reasonable grounds to believe the condition will continue for a prolonged indeterminate period and will be injurious to the health, morals or well-being of the child.

e. If termination is found to be in the best interest of the parent and child, where the petition has been filed by a parent or through an authorized agency, or interested party.

f. Where a consent to termination in the manner and form prescribed by this act has been filed by the parents of the child, no subsequent hearing on the merits of the petition shall be held. Consents required by this act must be witnessed by the probate judge of the county wherein the petition is filed or before any magistrate, whether within or without the county, and shall be substantially in the following form:

IN THE PROBATE COURT OF ................................ COUNTY,
STATE OF IDAHO
In the Matter of the termination
of the parental rights of
.........................................................
.........................................................

I (We), the undersigned, being the ................., do hereby give my (our) full and free consent to the complete and absolute termination of my (our) parental right(s), to the said ......................, who was born ......................, 19........, unto ................. ......................, hereby relinquishing completely and forever, all legal rights, privileges, duties and obligations, including all rights of inheritance to and from the said ......................, and I (we) do hereby expressly waive my (our) right(s) to hearing on the petition to terminate my (our) parental relationship with the said ......................, and respectfully request the petition be granted.

DATED: ........................., 19........
SECTION 6. CONTENT OF PETITION.—The petition for the termination of the parent and child relationship shall include, to the best information and belief of the petitioner:

a. The name and place of residence of the petitioner;

b. The name, sex, date and place of birth, and residence of the child;

c. The basis for the court’s jurisdiction;

d. The relationship of the petitioner to the child, or the fact that no relationship exists;

e. The names, addresses, and dates of birth of the parents; and where the child is illegitimate, the names, addresses and dates of birth of both parents, if known to the petitioner;

f. Where the child’s parent is a minor, the names and addresses of said minor’s parents or guardian of the person; and where the child has no parent or guardian, the relatives of the child to and including the second degree of kindred;

g. The name and address of the person having legal custody or guardianship of the person or acting in loco parentis to the child or authorized agency having legal custody or providing care for the child;

h. The grounds on which termination of the parent and child relationship is sought;

i. The names and addresses of the persons and author-
ized agency or officer thereof to whom or to which legal custody or guardianship of the person of the child might be transferred;

j. A list of the assets of the child together with a statement of the value thereof.

SECTION 7. NOTICE—WAIVER—GUARDIAN AD LITEM.—After a petition has been filed, the court shall set the time and place for hearing, and shall cause notice thereof to be given to the petitioner, the parents of the child, whether said child be legitimate or illegitimate if the names and addresses of said illegitimate parents are set forth in the petition, the guardian of the person of the child, the person having legal custody of the child, any individual standing in loco parentis to the child, and the guardian ad litem of any party, or if service cannot be had on the parent or guardian, then upon the nearest blood relative named in the petition. Notice shall be given by personal service on the parents or guardian. Where reasonable efforts to effect personal service have been unsuccessful, the court shall order service by registered or certified mail to the last known address of the person to be notified and by publication once a week for three successive weeks in a newspaper of general circulation within the county where the court is located. The hearing shall take place no sooner than ten days after service of notice, or where service is by registered or certified mail and publication, the hearing shall take place no sooner than ten days after the date of last publication. Notice and appearance may be waived by a parent in writing before the court or in the presence of, and witnessed by, a clerk of court or a representative of an authorized agency, provided that such parent has been apprised by the court or by such person of the meaning and consequences of the termination action. Where the parent resides outside the state, the waiver shall be acknowledged before a notary of the state and shall contain the current address of the parent. The parent who has executed such a waiver shall not be required to appear. Where the parent is a minor, the waiver shall be effective only upon approval by the court. When the termination of the parent and child relationship is sought under Section 5 d, the court shall appoint a guardian ad litem for the alleged incompetent parent. The court may in any other case appoint a guardian ad litem, as may be deemed necessary or desirable, for any party.
SECTION 8. INVESTIGATION PRIOR TO DISPOSITION.— Upon the filing of a petition, the court shall direct, in all cases where written consent to termination has not been given as provided in this act, that an investigation be made by an authorized agency and that a report in writing of such study be submitted to the court prior to the hearing, except that where an authorized agency is a petitioner, either in its own right or on behalf of a parent, a report in writing of the investigation made by such agency shall accompany the petition. The authorized agency shall have thirty days from notification by the court during which it shall complete and submit its investigation unless an extension of time is granted by the court upon application by the agency. The court may order additional investigation as it deems necessary. The social study shall include the circumstances of the petition, the investigation, the present condition of the child and parents, proposed plans for the child, and such other facts as may be pertinent to the parent and child relationship, and the report submitted shall include a recommendation and the reasons therefor as to whether or not the parent and child relationship should be terminated. Where the parent is a minor, if the report does not include a statement of contact with the parents of said minor, the reasons therefor shall be set forth. The purpose of the investigation is to aid the court in making disposition of the petition and shall be considered by the court prior thereto.

SECTION 9. HEARING.—Cases under this act shall be heard by the court without a jury. The hearing may be conducted in an informal manner and may be adjourned from time to time. Stenographic notes or mechanical recording of the hearing shall be required. The general public shall be excluded and only such persons admitted whose presence is requested by any person entitled to notice under Section 7 or as the judge shall find to have a direct interest in the case or in the work of the court; provided that persons so admitted shall not disclose any information secured at the hearing which would identify an individual child or parent. The court may require the presence of witnesses deemed necessary to the disposition of the petition, except that a parent who has executed a waiver pursuant to Section 7 shall not be required to appear at the hearing.

The parent or guardian ad litem shall be notified as soon as practicable after the filing of a petition and prior
to the start of a hearing of his right to have counsel, and if counsel is requested and the parent or guardian is financially unable to employ counsel, counsel shall be provided. The prosecuting attorneys of the several counties shall represent the department at all stages of the hearing.

The court's finding with respect to grounds for termination shall be based upon a preponderance of evidence under rules applicable to the trial of civil causes, provided that relevant and material information of any nature, including that contained in reports, studies or examinations, may be admitted and relied upon to the extent of its probative value. When information contained in a report, study or examination is admitted in evidence, the person making such report, study or examination shall be subject to both direct and cross-examination. Where the termination is sought under Section 5 d, evidence of the alleged condition shall be no less than that required to support a commitment to an institution for the mentally ill or mentally deficient under Section 66-329, Idaho Code, as amended.

SECTION 10. DECREE.—Every order of the court terminating the parent and child relationship or transferring legal custody or guardianship of the person of the child, or providing for protective supervision of the child, shall be in writing and shall recite the findings upon which such order is based, including findings pertaining to the court's jurisdiction.

a. If the court finds sufficient grounds exist for the termination of the parent and child relationship, it shall so decree and:

(1) Appoint an individual as guardian of the child's person, or

(2) Appoint an individual as guardian of the child's person and vest legal custody in another individual or in an authorized agency, or

(3) Appoint an authorized agency as guardian of the child's person and vest legal custody in such agency.

The court shall also make an order fixing responsibility for the child's support. The parent and child relationship may be terminated with respect to one parent without affecting the relationship between the child and the other parent.
b. Where the court does not order termination of the parent and child relationship, it shall dismiss the petition; provided, however, that where the court finds that the best interest of the child requires the substitution or supplementation of parental care and supervision, it shall make an order placing the child under protective supervision, or vesting temporary legal custody in an authorized agency, fixing responsibility for temporary child support, and designating the period of time during which the order shall remain in effect.

SECTION 11. EFFECT OF DECREE.—An order terminating the parent and child relationship shall divest the parent and the child of all legal rights, privileges, duties, and obligations, including rights of inheritance, with respect to each other.

SECTION 12. COURT COSTS.—All court costs of giving notice and advertising shall be paid by the petitioners, except when the petitioner is an authorized agency. The court, however, may suspend such costs where payment would work a hardship on the petitioner or would be otherwise inappropriate.

SECTION 13. RECORDS.—The files and records of the court in any proceedings had under this act shall be kept in a separate locked file and shall be withheld from public inspection, but shall be open to inspection on special order of the court by persons having a legitimate interest in the case and their attorneys, and by an authorized agency in which legal custody of the child has been transferred. As used in this section, the words “files and records” include the court docket and entries therein, the petitions and other papers filed in any case, transcripts of testimony taken by the court, and findings, orders, and decrees, and other writings filed in proceedings before the court, other than social records. Social records shall be withheld from public inspection except that information from such records may be furnished to persons and agencies having a legitimate interest in the protection, welfare and treatment of the child, in such manner as the court determines. As used in this section, the words “social records” include the social service records of the court, the investigation and reports referred to in Section 8, and related papers and correspondence, including medical, psychological and psychiatric studies and reports, either in the possession of the court or authorized agency.

No person shall be entitled to make copies of such files
and records or social records or parts thereof unless the court so orders. It shall be unlawful, except for purposes for which files and records or social records or parts thereof or information therefrom have been released pursuant to this section, or except for purposes permitted by special order of the court, for any person to disclose, receive, or make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of any information concerning any person before the court directly or indirectly derived from the files and records or communications of the court, or social records, or acquired in the course of the performance of official duties. Any person who shall disclose information in violation of the provisions of this section shall be guilty of a misdemeanor.

SECTION 14. APPEALS.—An appeal may be taken to the district court from an order or decree of the court granting or refusing to grant a termination, in the manner and form as appeals are taken in other civil proceedings from probate to district courts, provided, however, pendency of an appeal or application therefor shall not suspend the order of the court relative to termination of the parent-child relationship.

SECTION 15. CONSTITUTIONALITY AND SEPARABILITY.—If any section, sub-section, sub-division, 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 or ineffective section, sub-section, sub-division, 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, sub-sections, sub-divisions, paragraphs, sentences, parts or provisions may be so found invalid.

SECTION 16. CONSTRUCTION.—This act shall be liberally construed to accomplish the purposes herein set forth.

SECTION 17. EFFECTIVE DATE.—This act shall take effect August 1, 1963. Termination proceedings initiated prior to such date shall not be affected by this act.

Approved March 19, 1963.
AN ACT

PROVIDING THAT NO SPECIAL ELECTION FOR THE FORMATION OF ANY TAXING DISTRICT, APPROVAL OF ANY BOND ISSUE OR OTHER PROPOSAL INVOLVING A TAX LEVY SHALL BE HELD WITHIN SIX MONTHS AFTER ANY SIMILAR PROPOSAL WAS DEFEATED AT A PRIOR ELECTION AFFECTING ANY PART OF THE AREA INCLUDED; PROVIDING THAT THE STATE BOARD OF EDUCATION MAY AUTHORIZE A SCHOOL ELECTION CONTRARY TO SAID PROHIBITION UNDER CERTAIN CIRCUMSTANCES; AND PROVIDING AN EXCEPTION THERETO.

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

SECTION 1. If any election has been held for the formation of any special taxing district, or for the approval of any bond issue or other proposal which would have resulted in a tax levy, as authorized by law, and the proposal submitted at such election was defeated, no subsequent election shall be held within six months from and after the date of such prior election for the same or a similar purpose in any district which includes any part of the area which was affected by the prior election; provided, however, that in the event any school building shall have been destroyed or rendered unusable for school purposes by reason of fire, flood, or other catastrophe, and a school bond election for the purpose of the replacement of such building is prohibited by the provisions of this act, the State Board of Education shall have the power to authorize an election for such purpose by order based upon a finding of such facts; and provided, further, that this act shall not apply to school elections held solely for determining tax levies for general school purposes not involving the issuance of bonds.

Approved March 19, 1963.

CHAPTER 147
(H. B. No. 166, As Amended)

AN ACT

AMENDING TITLE 58, CHAPTER 1, IDAHO CODE, BY ADDING
A NEW SECTION THERETO FOLLOWING SECTION 58-137, TO BE KNOWN AND DESIGNATED AS SECTION 58-138, PROVIDING FOR THE EXCHANGE OF ALL LANDS OWNED BY THE STATE, INCLUDING GRANTED OR ENDOWMENT LANDS, WITH THE UNITED STATES OR ANY AGENCY THEREOF FOR SIMILAR LANDS OF EQUAL VALUE OWNED BY THE FEDERAL GOVERNMENT AND GRANTING THE STATE BOARD OF LAND COMMISSIONERS THE POWER TO TAKE ALL STEPS NECESSARY TO EFFECT SUCH EXCHANGES TO CONSOLIDATE STATE LANDS OR AID IN THE CONTROL AND MANAGEMENT OR USE OF STATE LANDS; PROVIDING THAT NO EXCHANGES SHALL BE MADE INVOLVING LEASED LANDS EXCEPT UPON THE WRITTEN AGREEMENT OF THE LESSEE; AND PROVIDING THAT SUCH EXCHANGES MUST BE ABSOLUTE AND WITHOUT RESERVATIONS OR RESTRICTIONS AS TO THE TITLES GRANTED BY BOTH THE UNITED STATES AND THE STATE OF IDAHO.

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

SECTION 1. That Title 58, Chapter 1, Idaho Code, be, and the same is hereby amended by adding a new Section thereto following Section 58-137, to be known as Section 58-138, to read as follows:

58-138. The State Board of Land Commissioners may at its discretion exchange, and do all things necessary to exchange, with the United States, its agencies, departments, bureaus, boards, or any corporation, the majority of whose capital stock is owned by the United States, any of the state lands now or hereafter held and owned by this state for other similar lands of equal value owned by the United States, so as to consolidate state lands or aid the state in the control and management or use of state lands. No exchanges shall be made involving leased lands except upon the written agreement of the lessee.

Provided, however, that no such exchange shall be made, approved, or authorized by the State Board of Land Commissioners unless the United States shall agree to and grant the state an absolute title in fee simple without reservations or restrictions of any kind or nature whatsoever; and in exchange therefor the State Board of Land Commissioners shall also grant the United States a similar absolute title fee simple without reservations or restrictions.

Approved March 19, 1963.
CHAPTER 148
(H. B. No. 168)

AN ACT

RELATING TO THE CONSERVATION OF OIL AND GAS IN THE STATE OF IDAHO; DECLARING THE PURPOSES OF THIS ACT; PROHIBITING THE WASTE OF OIL AND GAS; CREATING AN OIL AND GAS CONSERVATION COMMISSION CONSISTING OF THE IDAHO BUREAU OF MINES AND GEOLOGY; SPECIFYING THE POWERS AND DUTIES OF THE COMMISSION IN THE ENFORCEMENT OF THIS ACT AND PROVIDING FOR COURT ACTIONS BY AND AGAINST THE COMMISSION AND FOR THE ATTORNEY GENERAL TO ACT AS LEGAL ADVISOR AND ATTORNEY FOR THE COMMISSION; PROVIDING DEFINITIONS FOR CERTAIN TERMS AS USED IN THIS ACT; SPECIFYING THE LANDS TO WHICH THIS ACT HAS APPLICATION, AND THE DUTIES AND AUTHORITY OF THE COMMISSION TO REQUIRE CERTAIN ACTION ON THE PART OF EXPLORERS AND DRILLERS FOR OIL AND GAS AND TO MAKE AND ENFORCE RULES, REGULATIONS AND ORDERS IN THE ADMINISTRATION OF THIS ACT; PROVIDING THAT IT SHALL BE UNLAWFUL TO COMMENCE OPERATIONS FOR THE DRILLING OF AN OIL OR GAS WELL WITHOUT A NOTICE OF INTENT TO AND THE ISSUANCE OF A PERMIT BY THE COMMISSION AS CONDITIONED BY THIS ACT; PROVIDING FOR THE ESTABLISHMENT BY THE COMMISSION OF SPACING UNITS AS REGULATED BY THE ACT, AND FOR PROCEEDINGS AND HEARINGS IN CONNECTION THEREWITH; PROVIDING FOR THE INTEGRATION OF TRACTS WITHIN SPACING UNITS, FOR COOPERATIVE AGREEMENTS, AND FOR REGULATIONS WITH REFERENCE THERETO; PROVIDING PROCEDURES FOR THE ADOPTION OF RULES BY THE COMMISSION AND FOR NOTICES AND HEARINGS IN CONNECTION THEREWITH; PROVIDING PROCEDURES FOR THE ENFORCEMENT OF THIS ACT AND THE RULES, REGULATIONS AND ORDERS ADOPTED BY THE COMMISSION HEREUNDER, FOR COURT ACTIONS TO TEST THE VALIDITY THEREOF, AND PENALTIES FOR VIOLATIONS THEREOF; PROVIDING LIMITS FOR THE APPLICATION AND RULES FOR THE CONSTRUCTION OF THIS ACT, AND A SHORT TITLE THEREFOR; ESTABLISHING AN OIL AND GAS CONSERVATION FUND; PROVIDING FOR THE LEVY OF A TAX ON ALL OIL AND GAS PRODUCED IN AN AMOUNT TO BE DETERMINED BY THE
COMMISSION WITHIN SPECIFIED LIMITS AND WITH CERTAIN EXEMPTIONS, AND FOR THE COLLECTION AND USE OF THE REVENUE THEREFROM; REPEALING SECTIONS 47-301, 47-302, 47-303, 47-304, 47-305, 47-308, 47-309, 47-310, 47-311, 47-312, 47-313, 47-314, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. It is declared to be in the public interest to foster, encourage and promote the development, production and utilization of natural resources of oil and gas in the State of Idaho in such a manner as will prevent waste; to authorize and to provide for the operations and development of oil and gas properties in such a manner that a greater ultimate recovery of oil and gas may be obtained and that the correlative rights of all owners be fully protected; to encourage, authorize, and provide for voluntary agreements for cycling, recycling, pressure maintenance and secondary recovery operations in order that the greatest possible economic recovery of oil and gas may be obtained within the State to the end that the land owners, the royalty owners, the producers and the general public may realize and enjoy the greatest possible good from these vital natural resources.

SECTION 2. The waste of oil and gas or either of them as in this Act defined is hereby prohibited.

SECTION 3. (a) There is hereby created an Oil and Gas Conservation Commission of the State of Idaho consisting of the Idaho Bureau of Mines and Geology.

(b) The Commission shall have and is hereby given jurisdiction and authority over all persons and property, public and private, necessary to enforce the provisions of this Act, and shall have power and authority to make and enforce rules, regulations and orders, and do whatever may reasonably be necessary to carry out the provisions of this Act. Any delegation of authority to any other State Officer, Board or Commission to administer any and all other laws of this State relating to the conservation of oil and gas, or either of them is hereby rescinded and withdrawn and such authority is hereby unqualifiedly conferred upon the Commission, as herein provided. Any person, or the Attorney General, on behalf of the State, may apply for a hearing before the Commission, or the Commission may initiate proceedings, upon any question relating to the administration of this Act,
and jurisdiction is hereby conferred upon the Commission to hear and determine the same and enter its rule, regulation or order with respect thereto.

(c) The Commission may sue and be sued in its administration of this Act in any State or Federal District Court in the State of Idaho having jurisdiction of the parties or of the subject matter.

(d) The Attorney General shall act as the legal advisor of the Commission and represent the Commission in all court proceedings and in all proceedings before it, and in any proceeding to which the Commission may be a party before any department of the Federal Government.

SECTION 4. Unless the context otherwise requires, the terms defined in this section shall have the following meaning when used in this Act:

(a) The word "Commission" shall mean the Oil and Gas Conservation Commission.

(b) "Waste" as applied to oil means and includes underground waste; inefficient, excessive or improper use or dissipation of reservoir energy, including gas energy and water drive; surface waste, open-pit storage, and waste incident to the production of oil in excess of the producer's above-ground storage facilities and lease and contractual requirements, but excluding storage (other than open-pit storage) reasonably necessary for building up and maintaining crude stocks and products thereof for consumption, use and sale; the locating, drilling, equipping, operating, or producing of any well in a manner that causes, or tends to cause, reduction of the quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations.

(c) "Waste" as applied to gas shall include the escape, blowing or releasing, directly or indirectly, into the open air of gas from wells productive of gas only, or gas in an excessive or unreasonable amount from wells producing oil or both oil and gas; and the production of gas in quantities or in such manner as will unreasonably reduce reservoir pressure or unreasonably diminish the quantity of oil or gas that might ultimately be produced; excepting gas that is reasonably necessary in the drilling, completing and testing of wells and in furnishing power for the production of wells.

(d) "Person" means any natural person, corporation,
association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or other representatives of any kind, and includes any government or any political subdivision of any agency thereof. The masculine gender, in referring to a person, includes the feminine and the neuter genders.

(e) “Oil” means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include liquid hydrocarbons that were originally in a gaseous phase in the reservoir.

(f) “Gas” means all natural gas and all other fluid hydrocarbons not hereinabove defined as oil, including condensate because it originally was in the gaseous phase in the reservoir.

(g) “Condensate” means liquid hydrocarbons that were originally in the gaseous phase in the reservoir.

(h) “Pool” means an underground reservoir containing a common accumulation of oil or gas or both; each zone of a structure that is completely separated from any other zone in the same structure is a pool.

(i) “Field” means the general area underlaid by one or more pools.

(j) “Owner” means the person who has the right to drill into and produce from a pool and to appropriate the oil or gas that he produces therefrom, either for himself or for himself and others.

(k) “Producer” means the owner of a well or wells capable of producing oil or gas or both.

(l) “Just and equitable share of the production” means, as to each person, that part of the production from the pool that is substantially in the proportion that the amount of recoverable oil or gas or both in the developed area of his tract or tracts in the pool bears to the recoverable oil or gas or both in the total of the developed areas in the pool.

(m) “Developed area” means a spacing unit on which a well has been completed that is capable of producing oil or gas, or the acreage that is otherwise attributed to a well by the Commission.
(n) "Correlative rights" means the owners' or producers' just and equitable share in a pool.

(o) "Oil and gas" means oil or gas or both.

(p) The use of the plural includes the singular, and the use of the singular includes the plural.

SECTION 5. (a) This Act shall apply to all lands located in the State, however owned, including any lands owned or administered by any government or any agency or political subdivision thereof, over which the State under its police power, has jurisdiction.

(b) The Commission is authorized and it is its duty to prevent waste of oil and gas and to protect correlative rights, and otherwise to administer and enforce this Act. It has jurisdiction over all persons and property necessary for that purpose. In the event of a conflict, the duty to prevent waste is paramount.

(c) The Commission is authorized to make such investigations as it deems proper to determine whether action by the Commission in discharging its duties is necessary.

(d) Without limiting its general authority, the Commission shall have the specific authority:

To require:

(1) identification of ownership of oil or gas wells, producing leases, tanks, plants, structures, and facilities for the transportation or refining of oil and gas;

(2) the taking and preservation of samples and the making and filing with the Commission of true and correct copies of well logs and directional surveys both in form and content as prescribed by the Commission; provided, however, that logs of exploratory or wildcat wells marked confidential shall be kept confidential for twelve (12) months after date prescribed for the filing thereof, if the operator so requests. And provided further, that after four (4) months from the effective date of this Act, the Commission may require the owner of a well theretofore drilled for oil or gas to file within four (4) months of such order a true and correct copy of the log or logs of such well;

(3) the drilling, casing, operation and plugging of wells in such manner as to prevent (a) the escape of oil or gas out of one pool into another, (b) the
detrimental intrusion of water into an oil or gas pool that is avoidable by efficient operations, (c) the pollution of fresh water supplies by oil, gas, or salt water, (d) blow-outs, cavings, seepages, and fires, and (e) waste as hereinabove defined;

(4) the taking of tests of oil or gas wells;

(5) the furnishing of a reasonable performance bond with good and sufficient surety, conditioned upon the performance of the duty to comply with the requirements of this law and the regulations of the Commission with respect to the drilling, maintaining, operating and plugging of each well drilled for oil or gas;

(6) that the production from wells be separated into gaseous and liquid hydrocarbons, and that each be measured by means and upon standards that may be prescribed by the Commission;

(7) that wells not be operated with inefficient gas-oil or water-oil ratios, and to fix these ratios, and to limit production from wells with inefficient gas-oil or water-oil ratios;

(8) metering or other measuring of oil, gas, or product;

(9) that every person who produces oil or gas in the State keep and maintain for a period of five (5) years complete and accurate records of the quantities thereof, which records, or certified copies thereof, shall be available for examination by the Commission or its agents at all reasonable times within said period, and that every such person file with the Commission such reasonable reports as it may prescribe with respect to such oil or gas production;

(10) the filing of reports of plats with the Commission that it may prescribe.

To regulate:

(1) the drilling and plugging of wells and all other operations for the production of oil or gas;

(2) the shooting and treatment of wells;

(3) the spacing or location of wells;

(4) operations to increase ultimate recovery, such
as cycling of gas, the maintenance of pressure, and
the introduction of gas, water, or other substances
into a producing formation; and

(5) the disposal of salt water and oil-field wastes.
To classify and reclassify pools as oil, gas, or con­
densate pools, or wells as oil, gas, or condensate
wells. To make and enforce rules, regulations, and
orders reasonably necessary to prevent waste, pro­
tect correlative rights, to govern the practice and
procedure before the Commission, and otherwise to
administer this Act.

SECTION 6. It shall be unlawful to commence opera­
tions for the drilling of a well for oil or gas without first
giving notice to the Commission of intention to drill and
without first obtaining a permit from the Commission under
such rules and regulations as may be reasonably prescribed
by the Commission and by paying to the Commission a
filing and service fee of $100.00 for such permit, which
shall be remitted to the State Treasurer for deposit in the
Oil and Gas Conservation Fund and shall be used exclusively
to pay the costs and expenses incurred in connection with
the administration and enforcement of this Act.

SECTION 7. (a) The Commission shall promptly estab­
lish spacing units for each pool except in those pools that
have been developed to such an extent that it would be
impracticable or unreasonable to establish spacing units
at the existing stage of development.

(b) An order establishing spacing units shall specify
the size and shape of the units, which shall be such as
will, in the opinion of the Commission, result in the efficient
and economical development of the pool as a whole. The
size of the spacing units shall not be smaller than the
maximum area that can be efficiently and economically
drained by one well; provided, that if, at the time of a
hearing to establish spacing units there is not sufficient
evidence from which to determine the area that can be
efficiently and economically drained by one well, the Com­
mision may make an order establishing temporary spacing
units for the orderly development of the pool pending the
obtaining of the information required to determine what
the ultimate spacing should be.

(c) Except where circumstances reasonably require,
spacing units shall be of approximately uniform size and
shape for the entire pool. The Commission may establish
spacing units of different sizes or shapes for different parts of a pool or may grant exceptions to the size or shape of any spacing unit or units or may change the sizes or shape of one or more existing spacing units.

(d) An order establishing spacing units shall direct that no more than one well shall be drilled to and produced from the common source of supply on any unit, and shall specify the location for the drilling of a well thereon, in accordance with a reasonably uniform spacing pattern, with necessary exceptions for wells drilled or drilling at the time of the filing of the application. If the Commission finds that a well drilled at the prescribed location would not be likely to produce in paying quantities, or that surface conditions would substantially add to the burden or hazard of drilling such well, or for other good cause shown, the Commission is authorized to make an order permitting the well to be drilled at a location other than that prescribed by such spacing order. Application for an exception shall be filed with the Director of the Idaho Bureau of Mines and Geology and may be granted by him where it is shown that good cause for such exception exists and that consent to such exception has been given by the owners of all drilling units directly or diagonally offsetting the drilling unit for which an exception is requested, and, as to the lands upon which drilling units have not been established, by the owners of those lands which would be included in directly or diagonally offsetting drilling units under said order, if said order were extended to include such additional lands. Where an exception is not granted by the Director of the Idaho Bureau of Mines and Geology or where an objection to the action of said director is filed with the Commission within 10 days after he has granted or denied the application no well shall be drilled on said drilling unit except in accordance with the order establishing drilling units, unless and until the Commission shall, after notice and hearing upon the application, grant such exception.

(e) An order establishing spacing units for a pool shall cover all lands determined or believed to be underlaid by such pool, and may be modified by the Commission from time to time to include additional lands determined to be underlaid by such pool or to exclude lands determined not to be underlaid by such pool.

(f) An order establishing spacing units may be modified by the Commission to change the size or shape of one or
more spacing units, or to permit the drilling of additional wells on a reasonably uniform pattern.

(g) Upon the filing of an application to establish spacing units, no additional well shall be commenced for production from the pool until the order establishing spacing units has been made, unless the commencement of the well is authorized by order of the Commission.

SECTION 8. (a) When two or more separately owned tracts are embraced within a spacing unit, or when there are separately owned interests in all or a part of a spacing unit, the interested persons may integrate their tracts or interests for the development and operation of the spacing unit. In the absence of voluntary integration, the Commission, upon the application of any interested person, shall make an order integrating all tracts or interests in the spacing unit for the development and operation thereof and for the sharing of production therefrom. The Commission, as a part of the order establishing a spacing unit or units, may prescribe the terms and conditions upon which the royalty interests in the unit or units shall, in the absence of voluntary agreement, be deemed to be integrated without the necessity of a subsequent separate order integrating the royalty interests. Each such integration order shall be upon terms and conditions that are just and reasonable.

(b) All operations, including, but not limited to, the commencement, drilling, or operation of a well upon any portion of a spacing unit for which an integration order has been entered, shall be deemed for all purposes the conduct of such operations upon each separately owned tract in the spacing unit by the several owners thereof. That portion of the production allocated to a separately owned tract included in a spacing unit shall, when produced, be deemed, for all purposes, to have been actually produced from such tract by a well drilled thereon.

(c) Each such integration order shall authorize the drilling, equipping, and operation, or operation, of a well on the spacing unit; shall provide who may drill and operate the well; shall prescribe the time and manner in which all the owners in the spacing unit may elect to participate therein; and shall make provision for the payment by all those who elect to participate therein; of the reasonable actual cost thereof, plus a reasonable charge for supervision and interest. If requested, each such integration order shall provide for one or more just and equitable
alternatives whereby an owner who does not elect to participate in the risk and cost of the drilling and operation, or operation, of a well may elect to surrender his leasehold interest to the participating owners on some reasonable basis and for a reasonable consideration which, if not agreed upon, shall be determined by the Commission, or may elect to participate in the drilling and operation, or operation, of the well, on a limited or carried basis upon terms and conditions determined by the Commission to be just and reasonable. If one or more of the owners shall drill, equip, and operate, or operate, or pay the costs of drilling, equipping, and operating, or operating, a well for the benefit of another person as provided for in an order of integration, then such owners or owner shall be entitled to the share of production from the spacing unit accruing to the interest of such other person, exclusive of a royalty not to exceed one-eighth \((\frac{1}{8})\) of the production, until the market value of such other person's share of the production, exclusive of such royalty, equals the sums payable by or charged to the interest of such other person. If there is a dispute as to the costs of drilling, equipping, or operating a well, the Commission shall determine such costs. In instances where a well is completed prior to the integration of interests in a spacing unit, the sharing of production shall be from the effective date of the integration, except that, in calculating costs, credit shall be given for the value of the owner's share of any prior production from the well.

SECTION 9. An agreement for the unit or cooperative development or operation of a field, pool, or part thereof, may be submitted to the Commission for approval as being in the public interest or reasonably necessary to prevent waste or protect correlative rights. Such approval shall constitute a complete defense to any suit charging violation of any statute of the State relating to trusts and monopolies on account thereof or on account of operations conducted pursuant thereto. The failure to submit such an agreement to the Commission for approval shall not for that reason imply or constitute evidence that the agreement or operations conducted pursuant thereto are in violation of laws relating to trusts and monopolies.

SECTION 10. (a) The Commission shall prescribe rules and regulations governing the practice and procedure before it.

(b) No rule, regulation or order, or amendment there-
of, shall be made by the Commission without a hearing upon at least ten (10) days' public notice except as hereinafter provided. The hearing shall be held at such time and place as may be prescribed by the Commission and any interested person shall be entitled to be heard.

(c) When an emergency requiring immediate action is found by the Commission to exist, it is authorized to issue an emergency order without notice or hearing, which shall be effective upon promulgation, provided that no such order shall remain effective for more than fifteen (15) days.

(d) Any notice required by this Act, except as hereinafter provided, shall be given at the election of the Commission either by personal service or by one publication in a daily newspaper of general circulation in the City of Boise and County of Ada, Idaho, and in all newspapers of general circulation published in the county where the land affected, or some part thereof, is situated. The notice shall issue in the name of the State, shall be signed by the Commission or the Secretary of the Commission and shall specify the style and number of the proceeding, the time and place of the hearing, and shall briefly state the purpose of the proceeding. Should the Commission elect to give notice by personal service, such service may be made in the same manner and extent as is provided in the Rules of Civil Procedure for the service of summons in civil actions. Proof of service shall be in the form required in the Rules of Civil Procedure with respect to service of summons in civil actions. In all cases where (1) there is an application for the entry of a pooling order or (2) there is an application for an exception from an established well spacing pattern or (3) a complaint is made by the Commission or any party that any provision of this Act, or any rule, regulation or order of the Commission is being violated, notice of the hearing to be held on such application or complaint shall be served on the interested parties in the same manner as is provided in the Rules of Civil Procedure for the service of summons in civil actions.

(e) All rules, regulations and orders issued by the Commission shall be in writing, shall be entered in full in books to be kept by the Commission for that purpose, shall be indexed, and shall be public records open for inspection at all times during reasonable office hours. All rules and regulations shall be printed and copies thereof shall be available to any person upon payment of a reason-
able charge therefor. Except for orders establishing or changing Rules of Practice and Procedure, all orders made and published by the Commission shall include or be based upon written findings of fact, which said findings of fact shall be entered and indexed as public records in the manner hereinafter provided. A copy of any rule, regulation, finding of fact, or order, certified by the Commission or by its Secretary, shall be received in evidence in all courts of this State with the same effect as the original.

(f) The Commission may act upon its own motion, or upon the petition of any interested person. On the filing of a petition for a hearing concerning any matter within the jurisdiction of the Commission, it shall promptly fix a date for a hearing thereon and shall cause notice of the hearing to be given. The hearing shall be held without undue delay after the filing of the petition. The Commission shall enter its order within thirty (30) days after the hearing. Any person affected by an order of the Commission shall have the right at any time to apply to the Commission to repeal, amend, modify, or supplement the same.

SECTION 11. (a) The Commission shall have the power to summon witnesses, to administer oaths, and to require the production of records, books, and documents for examination at any hearing or investigation conducted by it.

(b) In case of failure or refusal on the part of any person to comply with a subpoena issued by the Commission, or in case of refusal of any witness to testify as to any matter regarding which he may be interrogated, any District Court in the State, upon the application of the Commission, may in term time or vacation issue an attachment for such person and compel him to comply with such subpoena, and to attend before the Commission and produce such records, books, and documents for examination, and to give his testimony. Such Court shall have the power to punish for contempt as in the case of disobedience to a like subpoena issued by the Court, or for refusal to testify therein.

(c) Whenever it shall appear that any person is violating or threatening to violate any provision of this Act or any rule, regulation, or order made hereunder, the Commission shall bring suit in the name of the State against such person in the District Court in the county of the residence of the defendant, or in the county of the residence of any defendant, if there be more than one defend-
ant, or in the county where the violation is alleged to have occurred, to restrain such person from continuing such violation or from carrying out the threat of violation. In such suit, the Court may grant injunctions, prohibitory and mandatory, including temporary restraining orders and temporary injunctions.

(d) Nothing in this Act, and no suit by or against the Commission, and no violation charged or asserted against any person under any provisions of this Act, or any rule, regulation or order issued hereunder, shall impair or abridge or delay any cause of action for damages which any person may have or assert against any person violating any provision of this Act, or any rule, regulation, or order issued thereunder. Any person so damaged by the violation may sue for and recover such damages as he otherwise may be entitled to receive. In the event the Commission shall fail to bring suit to enjoin any actual or threatened violation of this Act, or of any rule, regulation or order made hereunder, then any person or party in interest adversely affected and who has, ten (10) days or more prior thereto, notified the Commission in writing of such violation or threat thereof and has requested the Commission to sue, may, to prevent any or further violation, bring suit for that purpose in the District Court of any county in which the Commission could have brought suit. If, in such suit, the court holds that injunctive relief should be granted, then the Commission shall be made a party and shall be substituted for the person who brought the suit, and the injunction shall be issued as if the Commission had at all times been the complaining party.

SECTION 12. (a) Any person adversely affected by any rule, regulation or order made or issued under this Act, may within ninety (90) days after the entry thereof bring a civil suit or action against the Commission in the District Court of Ada County, or in the District Court of the county in which the complaining person resides, or in the U.S. District Court for Idaho (if it otherwise has jurisdiction), and not elsewhere, to test the validity of any provision of this Act, or rule, regulation or order, or to secure an injunction or to obtain other appropriate relief, including all rights of appeal.

(b) An action or appeal involving any provision of this Act, or a rule, regulations or order shall be determined as expeditiously as feasible. The trial court shall determine
the issues on both questions of law and fact and shall affirm or set aside such rule, regulation or order, or remand the cause to the Commission for further proceedings. Such court is hereby authorized to enjoin permanently the enforcement by the Commission of this Act, or any part thereof, or any act done or threatened thereunder, if the plaintiff shall show that as to him the act or conduct complained of is unreasonable, unjust, arbitrary or capricious, or violates any constitutional right of the plaintiff or if the plaintiff shows that the act complained of does not constitute or result in waste, or does not in a reasonable manner accomplish an end that is the subject matter of this Act.

(c) Any person who, for the purpose of evading this Act or any rule, regulation or order of the Commission shall make or cause to be made any false entry in any report, record, account, or memorandum required by this Act, or by any such rule, regulation or order, or shall omit, or cause to be omitted, from any such report, record, account, or memorandum, full, true and correct entries as required by this Act, or by any such rule, regulation or order, or shall remove from this State or destroy, mutilate, alter or falsify any such record, account, or memorandum, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than Five-Thousand Dollars ($5,000) or imprisonment for a term not exceeding six (6) months, or to both such fine and imprisonment.

(d) No suit, action or other proceeding based upon a violation of this Act or any rule, regulation or order of the Commission hereunder shall be commenced or maintained unless same shall have been commenced within one (1) year from date of the alleged violation.

SECTION 13. This Act shall apply to all lands in the State of Idaho lawfully subject to its police power, and shall apply to lands of the United States, or to lands subject to the jurisdiction of the United States over which the State of Idaho has police power, except to the degree that it is inharmonious with the uses, activities or regulations of the United States, and furthermore, the same shall apply to any lands committed to a unit agreement approved by the Secretary of the Interior or his duly authorized representative, except that the Commission may, with respect to such unit agreement, suspend the application of this Act or any part of this Act so long as the
conservation of oil and gas and the prevention of waste as in this Act provided is accomplished under such unit agreements, but such suspension shall not relieve any operator from making such reports as may be required by the Commission with respect to operations under any such unit agreement.

SECTION 14. It is not the intent or purpose of this law to require the proration or distribution or the production of oil and gas among the fields of Idaho on the basis of market demand. This Act shall never be construed to require, permit, or authorize the Commission or any court to make, enter, or enforce any order, rule, regulation or judgment requiring restriction of production of any pool or of any well (except as provided in Section 5 hereof) to any amount less than the well or pool can produce without waste in accordance with sound engineering practices.

SECTION 15. If any section, subsection, sentence, clause, phrase or word of this Act is adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of the remaining portion of this Act. The legislature hereby declares that it would have passed this Act and each division, section, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or words might be adjudged to be unconstitutional or for any other reason invalid.

SECTION 16. This Act may be cited as the Oil and Gas Conservation Act.

SECTION 17. For the purpose of paying the expenses of administration of this Act, there is hereby established a special fund to be known as the “Oil and Gas Conservation Fund”, and there is hereby levied and imposed on all oil and gas produced, saved and sold or transported from the premises in Idaho where produced a tax not to exceed five mills per barrel of oil or per 50,000 cubic feet of gas. The Commission shall by order fix the amount of such charge in the first instance and shall thereafter at its first meeting after the commencement of its fiscal year, determine such charge for the ensuing year as in its judgment the expenses chargeable against the Oil and Gas Conservation Fund may require; provided that the amounts fixed by the Commission shall not exceed the limit hereinabove prescribed. It shall be the duty of the Commission to enforce collection of such assessments and to make such rules and regulations as may be necessary to enforce such charges.
All money so collected shall be remitted to the State Treasurer for deposit in the Oil and Gas Conservation Fund, which fund is hereby created in the office of the State Treasurer of the State of Idaho, and is hereby appropriated and made available for defraying the expenses of the Commission in carrying out the provisions of this Act. The Commission shall audit all bills for salaries and expenses incurred in the enforcement of this Act that may be payable from the Oil and Gas Conservation Fund which shall be audited, allowed and paid as to the claims against the State. The persons owning an interest (working interest, royalty interest, payments out of production, or any other interest), in the oil and gas, or in the proceeds thereof, subject to the charge hereinabove provided for, shall be liable for such charge in proportion to their ownership at the time of production. The charge so assessed and fixed shall be payable quarterly, and the sum so due shall be remitted to the Commission, on or before the twenty-fifth (25th) of the next month following the preceding quarter in which the charge accrued, by the producer on behalf of himself and all other interested persons; provided, however, in the event of a sale of oil or gas within this State said charge may be payable by the purchaser thereof. Any such charge not paid within the time herein specified shall bear interest at the rate of one percent (1%) per month from the date of delinquency until paid, and such charge, together with the interest, shall be a lien upon the oil or gas against which the same is levied and assessed, or, if the same is not available for a lien, upon any oil or gas owned or held by the persons responsible for paying said charge. The person remitting the charge, as herein provided, is hereby empowered and required to deduct from any amounts due the persons owning an interest in the oil and gas, or in the proceeds thereof, at the time of production a proportionate amount of such charge before making payment to such persons. This section shall apply to all lands in the State of Idaho, anything in this Act to the contrary notwithstanding; provided, however, there shall be exempted from the charge hereinabove levied and assessed the following, to-wit:

(a) The interest of the United States of America and the interest of the State of Idaho and the political subdivisions thereof in any oil or gas or in the proceeds thereof.

(b) The interest of any Indian or Indian tribe in any oil or gas or the proceeds thereof, produced from the lands subject to the supervision of the United States.
(c) Oil and gas used in producing operations or for repressuring or recycling purposes.

SECTION 18. That Sections 47-301, 47-302, 47-303, 47-304, 47-305, 47-308, 47-309, 47-310, 47-311, 47-312, 47-313, and 47-314, Idaho Code, be, and the same hereby are repealed.

SECTION 19. An emergency existing therefor, which emergency is hereby declared to exist, this Act shall be in force and effect from and after its passage and approval.

Approved March 19, 1963.

CHAPTER 149
(H. B. No. 224)

AN ACT
AMENDING SECTION 194, HOUSE BILL NO. 92, THIRTY-SEVENTH SESSION, TO DELETE THE PROVISION THAT ELECTION TO CEASE TO BE A MEMBER IS IRREVOCABLE, TO PROVIDE THAT ANY PERSON WHO MAY HAVE WAIVED MEMBERSHIP OR ELECTED TO CEASE TO BE A MEMBER, OR DID NOT ELECT TO BECOME A MEMBER, UPON BECOMING A TEACHER, MAY APPLY FOR AND BE ADMITTED TO MEMBERSHIP; TO DELETE THE PROVISION THAT ABSENCE FROM SERVICE FOR A PERIOD OF FIVE YEARS, IF CONTRIBUTIONS NOT BE WITHDRAWN, SHALL TERMINATE MEMBERSHIP; AND PROVIDING FOR EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. That Section 194, House Bill No. 92, Thirty-Seventh Session of the Legislature of the State of Idaho, be, and the same is hereby amended to read as follows:

SECTION 194. 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. Such election to cease to be a member shall be irrevocable.

Any teacher who may have (a) waived membership in the system upon its first establishment, or (b) who may have, subsequent thereto elected to cease to be a member, or (c) who may not have, prior to the effective date of this act, elected to become a member upon becoming a teacher, may apply for and be admitted to membership as a new member;

3. Should any member after last becoming a member, be absent from service five years or more, or have withdrawn his contributions with interest thereon as provided in section 203, or become an annuitant, or die, he shall thereupon cease to be a member;

4. Any teacher engaged as such in a public school or educational institution of any other state on a temporary exchange basis, or who serves abroad in international exchange of teachers as approved by the state board of education, shall be considered to be employed during such exchange by the employer in Idaho making such exchange;

5. At the option of the organizations named herein, if such employ in executive capacity a person who at the time of such employment was a member of the retirement system, and at the option of such person, such person may remain and be a member of the retirement system. Any option herein shall be evidenced by resolutions approved by the governing board of the organization exercising it, and that of the person so employed shall be by application, each filed with the board of trustees. When the organization and the person exercise such option, the organization shall pay into the service annuity accumulation fund the employers' contribution, from and after the date of the exercise of such option. Organizations which may exercise the options provided hereunder shall be, the Idaho Education Association, Inc., the Idaho Teachers' Mutual Benefit Association, Inc., the Idaho High School Inter-scholastic Activities Association and the Idaho School Trustees Association.

Section 2. EFFECTIVE DATE.—This Act shall be and become effective on and after the first day of July, 1963.

Approved March 19, 1963.
CHAPTER 150
(H. B. No. 244)

AN ACT
AMENDING SECTION 33-2202, IDAHO CODE, RELATING TO FEDERAL VOCATIONAL EDUCATIONAL AID TO CLARIFY THE SAME; AND AMENDING SECTION 33-2205, IDAHO CODE, TO DESIGNATE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AS EXECUTIVE OFFICER OF STATE BOARD FOR VOCATIONAL EDUCATION.

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

SECTION 1. That Section 33-2202, Idaho Code, be, and the same is hereby amended to read as follows:

33-2202. STATE BOARD FOR VOCATIONAL EDUCATION—POWERS AND DUTIES.—The state board of education is hereby designated as the state board for vocational education for the purpose of carrying into effect the provisions of the federal act, known as the Smith-Hughes act, amendments thereto and any subsequent acts now or in the future enacted by the Congress affecting vocational education, and is hereby authorized to cooperate with the United States Office of Education, Vocational Division, or any other agency of the United States designated to administer such legislation, in the administration and enforcement of the provisions of said act, or acts, and to exercise such powers and perform such acts as are necessary to entitle the State of Idaho to receive the benefits of the said act same, and to execute the laws of the State of Idaho relative to vocational education; to administer the funds provided by the federal government and the State of Idaho under the provisions of this act chapter for promotion of education in agricultural subjects, trade and industrial subjects, and home economics subjects.

SECTION 2. That Section 33-2205, Idaho Code, be, and the same is hereby amended to read as follows:

33-2205. COMMISSIONER OF EDUCATION. STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AS EXECUTIVE OFFICER—DESIGNATION OF ASSISTANTS—DUTIES.—The commissioner of education, state superintendent of public instruction shall serve as executive officer of the state board for vocational education and shall designate, by and with the advice and consent of the state
board for vocational education, such officers and assistants as may be necessary to properly carry out the provisions of the federal acts and this chapter for the State of Idaho.

The commissioner of education, state superintendent of public instruction shall also carry into effect such rules and regulations as the state board for vocational education may adopt and shall prepare such reports concerning the condition of vocational education in the state as the state board for vocational education may require.

Approved March 19, 1963.

CHAPTER 151
(S. B. No. 197)

AN ACT

PROVIDING THAT CLASS B SCHOOL DISTRICT NO. 394 AVERY, WHICH DOES NOT OFFER A HIGH SCHOOL EDUCATION ABOVE GRADE TEN, MAY MAKE A LEVY FOR THE PURPOSE OF PAYING TUITION COSTS OF ITS STUDENTS WHO, BY BOARD AUTHORIZATION, ATTEND SCHOOL IN OTHER DISTRICTS, AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Class B School District No. 394 Avery, which does not operate a school that offers instruction above grade ten, is hereby authorized to make a levy above the maintenance and operation levy authorized by law for the purpose of paying tuition costs of its students who, under authorization of the board of trustees of the district, attend school in another district either in or out of Idaho.

SECTION 2. EFFECTIVE DATE.—That this Act shall be and become effective after the first day of July, 1963.

Approved March 19, 1963.
AN ACT

AMENDING SECTION 50-305, IDAHO CODE, TO PREVENT DOUBLE TAXATION OF AREAS ANNEXED BY CITIES AND TO PROVIDE FOR WITHDRAWAL OF THE ANNEXED AREAS FROM DISTRICTS UPON THE FILING OF A CERTIFIED COPY OF THE ANNEXING ORDINANCE WITH THE COUNTY RECORDER.

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

SECTION 1. That Section 50-305, Idaho Code, be, and the same is hereby amended to read as follows:

50-305. EFFECT OF ANNEXATION.—From the date of the filing of the certified copy of said ordinance with the county recorder as provided for in the preceding section, all the property situated within the said annexed territory, and the inhabitants thereof, shall be subject to taxation, as other property and persons within the corporate limits of such city, town or village, and all road taxes and licenses collected therein thereafter shall be distributed in accordance with law, as though said annexed portion had been a part of the said city, town or village from the date of its incorporation.

When the annexed area, or any part thereof, is situated in any district organized under the laws of this state and supported in whole or part by taxes levied upon the annexed territory or any part thereof, and said district provides the same or similar services as that provided by the annexing city to its residents, the annexed area, shall upon the filing of the certified copy of said ordinance be relieved of all liability for levies, taxes and assessments made by said district after the calendar year in which said annexation occurred.

The purpose of this section is to prevent double taxation of said annexed area for the same or similar services by such district and the annexing city.

The filing of the certified copy of said ordinance shall constitute a withdrawal of said annexed territory from the district offering the same or similar services to the annexed territory as the annexing city; which withdrawal shall be effective as of December 31, of the calendar year of annexation; such withdrawal shall have the same effect
as if such withdrawal had been made by the statutory procedure for withdrawal from such district.

Approved March 19, 1963.

CHAPTER 153
(S. B. No. 157)

AN ACT

AMENDING TITLE 58, CHAPTER 2, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 58-205, TO TRANSFER TO SAID CHAPTER THE DEFINITION OF ADDITIONAL SCHOOL LANDS, FORMERLY APPEARING AS SECTION 33-1002, IDAHO CODE; AND SETTING AN EFFECTIVE DATE.

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

SECTION 1. That Title 58, Chapter 2, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 58-205, Idaho Code, to be designated as Section 58-205A, Idaho Code, to read as follows:

58-205A. ADDITIONAL SCHOOL LANDS.—All lands, title to which is acquired by the state by escheat shall be held and treated as school lands, and may be sold and disposed of in the same manner. Said lands shall be under the charge and control of the state board of land commissioners.

SECTION 2. EFFECTIVE DATE.—This Act shall be in full force and effect on and after the first day of July, 1963.

Approved March 19, 1963.

CHAPTER 154
(S. B. No. 144)

AN ACT

AMENDING SECTION 49-128, IDAHO CODE, AS AMENDED, BY THE ADDITION OF SUBSECTION (d) THERETO TO PROVIDE FOR DEPOSIT OR BOND TO SECURE PAYMENT OF FEES AND PENALTIES PAYABLE UNDER SUBSECTION (d) 6, OF SECTION 49-127, AND PROVIDING IF OWNER
CEASES TO BE REGISTERED UNDER THIS CHAPTER, THE COMMISSIONER SHALL REFUND TO THE OWNER ALL DEPOSITS REMAINING TO THE OWNER'S CREDIT AND SHALL RELEASE SURETY ON ANY BOND GIVEN UNDER THIS SECTION, AND THAT ANY OWNER OR APPLICANT REQUIRED TO MAKE DEPOSIT OR SECURE BOND MAY PETITION A HEARING ON THE NECESSITY OR REASONABLENESS OF THE AMOUNT REQUIRED, AND PROVIDING RIGHT OF APPEAL; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-128, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

49-128. QUARTERLY REPORTS — MAINTAINING RECORDS — PENALTIES — DEPOSIT OR BOND TO SECURE PAYMENT OF FEES — APPEAL. — (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.

(d) 1. If the commissioner finds it necessary in order
to insure the collection of any fees or penalties imposed upon an owner of a commercial motor vehicle, trailer or semi-trailer having a maximum gross weight in excess of 16,000 pounds and an owner of a noncommercial or farm vehicle having a maximum gross weight in excess of 30,000 pounds pursuant to this chapter, he may at the time and as a condition of granting a registration or as a condition of continuing a registration require an owner to deposit and keep on deposit with the commissioner a sum equal to the estimated fees computed under Subsection (d) 6, of Section 49-127 for a period of not to exceed three months. In determining the necessity for an applicant or owner to maintain a deposit the commissioner shall consider the applicant or owner’s financial capability and responsibility and the commissioner’s prior experience, if any, in collecting fees or penalties from the applicant, owner or any person having a substantial interest or control, directly or indirectly, in or over the operations conducted or to be conducted under the registration.

2. The commissioner may accept in lieu of such deposit a bond to secure payment of sums payable by the owner. The total amount of the deposit or bond shall be determined by the commissioner in such manner as he shall deem proper, taking into account the nature and scope of the owner’s operations and the amount may be increased or reduced at any time.

3. If an owner ceases to be registered under this chapter, the commissioner, upon receipt of all payments due, shall refund to the owner all deposits remaining to the owner’s credit and shall release the surety on any bond given under this section.

4. Any applicant or owner required under this section to make a deposit to secure the payment of fees or penalties may by proper petition demand a hearing on the necessity of such deposit or the reasonableness of the amount required. A hearing shall be granted and held within 10 days after the demand therefor. The decision of the commissioner shall become final 10 days after service of the order upon the applicant or owner concerned. Notice shall be served personally or by certified mail addressed to the applicant or owner at his address as it appears in the records of the commissioner. An appeal may be taken from any decision of the department as from the decision of a justice of the peace to the district court.

SECTION 2. An emergency existing therefor, which emer-
gency is hereby declared to exist, this act shall be in full force and effect immediately upon its passage and approval.

Approved March 19, 1963.

CHAPTER 155
(S. B. No. 140)

AN ACT
PROVIDING FOR CONSENT FOR POST MORTEM EXAMINATIONS.

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

SECTION 1. POST MORTEM EXAMINATIONS.—Consent for a person licensed to practice medicine and surgery in the State of Idaho, to conduct a post mortem examination of the body of the deceased person shall be deemed sufficient when given by whichever one of the following assumes custody of the body for the purposes of burial: father, mother, husband, wife, child, guardian, next of kin, or in the absence of any of the foregoing, a friend, or a person charged by law with the responsibility for burial. If two or more such persons assume custody of the body, the consent of one of them shall be deemed sufficient.

Approved March 19, 1963.

CHAPTER 156
(S. B. No. 80)

AN ACT
AMENDING TITLE 54, CHAPTER 11, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 54-1120, TO BE KNOWN AND DESIGNATED AS SECTION 54-1121, SETTING FORTH THE PROCEDURE AND PARTIES AND PROVIDING FOR TEMPORARY AND PERMANENT INJUNCTIVE RELIEF AGAINST VIOLATIONS OF SECTION 54-1117, IDAHO CODE, AS AMENDED, OR SECTIONS 54-1118 AND 54-1119, IDAHO CODE, RELATING TO THE SALE OF PERSONAL PROPERTY OR SERVICES UNDER PRE-ARRANGED FUNERAL PLANS; AND DECLARING AN EMERGENCY.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 54, Chapter 11, Idaho Code, be, and the same is hereby amended by adding a new Section thereto following Section 54-1120, to be known as Section 54-1121, to read as follows:

54-1121.—It shall be the duty of the Attorney General of the State of Idaho or the appropriate county attorney to maintain an action in equity to perpetually enjoin any person, association, partnership, firm or corporation in the doing of any act or acts constituting a violation of Section 54-1117, Idaho Code, as amended, or Sections 54-1118 and 54-1119, Idaho Code. In addition, any person who shall suffer injury from or be threatened with injury from any existing or threatened violation of said sections of the Idaho Code, may maintain such an action. Such action shall be brought in the district court of the county in which said act or acts or some of them are claimed to have been or are being committed, by filing a verified complaint setting forth said acts. The court, or a judge thereof at chambers, if satisfied from such complaint or by affidavits that the act or acts complained of have been or are being committed and will probably be persisted in, may issue a temporary writ, without notice, enjoining the defendant from the commission of any such act or acts pending final disposition of the cause. The cause shall proceed as in other cases for injunction. If at the trial the court finds that the defendant committed said act or acts, the court may enter a decree perpetually enjoining the defendant from thereafter committing said or similar acts.

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 19, 1963.

CHAPTER 157
(S. B. No. 145)

AN ACT

AMENDING SECTION 57-701, IDAHO CODE, TO DELETE THEREFROM, FOR THE PURPOSE OF CONFORMING THE SAID SECTION TO THE PROVISIONS OF THE CONSTITUTION
OF THE STATE OF IDAHO, REFERENCE TO THE INVESTMENT OF PERMANENT EDUCATIONAL FUNDS IN FIRST MORTGAGES ON IMPROVED FARM LANDS IN THE STATE OF IDAHO.

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

SECTION 1. That Section 57-701, Idaho Code, be, and the same is hereby amended to read as follows:

57-701. INVESTMENT OF PERMANENT EDUCATIONAL FUNDS.—The department of public investments shall invest the permanent educational funds in the treasury, other than funds arising from the disposition of the university lands, belonging to the state, in first mortgages on improved farm lands within this state, or in United States, state, county, city, village or school district, or highway district bonds, or state warrants.

Approved March 19, 1963.

CHAPTER 158  
(S. B. No. 176)  
AN ACT

RELATING TO THE LIABILITY OF RADIO AND TELEVISION BROADCASTING STATIONS FOR DEFAMATORY STATEMENTS AS A RESULT OF SAID RADIO OR TELEVISION BROADCASTING STATIONS HAVING MADE THEIR BROADCASTING FACILITIES AVAILABLE FOR USE BY OTHERS; PERMITTING RADIO AND TELEVISION BROADCASTING STATIONS TO REQUIRE SUBMISSION OF MATTER INTENDED TO BE BROADCAST; RELATING TO THE LIABILITY OF RADIO AND TELEVISION BROADCASTING STATIONS FOR THEIR DEFAMATORY PUBLICATIONS, PROVIDING FOR THE LIABILITY OF OTHERS WHO UTILIZE THE BROADCASTING FACILITIES OF RADIO AND TELEVISION BROADCASTING STATIONS, AND THE EFFECT OF COMPLIANCE WITH OTHER LAWS; LIMITING LIABILITY UNDER THE LAWS OF LIBEL, SLANDER OR DEFAMATION, IN CASES OF JOINT OR CONNECTED BROADCASTS, TO THE RADIO OR TELEVISION BROADCASTING STATION WHICH IS THE ORIGINATOR OF THE DEFAMATORY BROADCAST; DEFINING PRIVILEGED BROADCASTS; PROVIDING THAT MALICE IS NOT TO BE INFERRED FROM
THE MERE FACT OF BROADCAST; PROVIDING FOR THE LIMITS OF RECOVERY AGAINST NEWSPAPERS, RADIO AND TELEVISION BROADCASTING STATIONS FOR LIBEL AND SLANDER AFTER A RETRACTION OF THE LIBELOUS OR SLANDEROUS PUBLICATION OR BROADCAST HAS BEEN MADE, PROVIDING A PROCEDURE FOR RETRACTION OF SLANDEROUS AND LIBELOUS PUBLICATIONS AND BROADCASTS, THE CONSEQUENCES OF NON-COMPLIANCE WITH A REQUESTED RETRACTION; PROVIDING FOR GENERAL AND EXEMPLARY DAMAGES UPON REFUSAL TO PUBLISH OR BROADCAST A RETRACTION AND PROVIDING THAT ACTUAL MALICE SHALL NOT BE INFERRED FROM MERE FACT OF PUBLICATION OR BROADCAST; DEFINING PRIVILEGED PUBLICATIONS; PROVIDING THAT MALICE IS NOT TO BE INFERRED FROM THE MERE FACT OF PUBLICATION.

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

SECTION 1. RADIO OR TELEVISION BROADCASTING STATION OR NETWORK OF STATIONS—PROOF OF MALICE.—No person, firm, or corporation owning or operating a radio or television broadcasting station or network of stations shall be liable under the laws of libel, slander or defamation on account of having made its broadcasting facilities or network available to any person, in the absence of proof of actual malice on the part of such owner or operator; Provided, however, that this section shall not be construed to amend or modify the provisions of section 6-701, Idaho Code.

SECTION 2. RIGHT OF STATION TO REQUIRE SUBMISSION OF MATTER INTENDED TO BE BROADCAST.—Any person, firm, or corporation owning or operating a radio or television broadcasting station shall have the right, but shall not be compelled, to require the submission and permanent filing, in such station, of a copy of the complete address, script or other form of expression, intended to be broadcast over such station before the time of the intended broadcast thereof.

SECTION 3. LIMITATIONS AND RESTRICTIONS UPON IMMUNITY FROM LIABILITY—FAILURE TO EXERCISE DUE CARE.—Nothing in this act contained shall be construed to relieve any person broadcasting over a radio or television station from liability under the law of libel, slander or defamation. Nor shall anything in this act be construed to relieve any person, firm, or corporation owning or operating a radio or television broadcast-
ing station or network from liability under the law of libel, slander or defamation on account of any broadcast prepared or made by any such person, firm, or corporation or by any officer or employee thereof in the course of his employment. In no event, however, shall any such person, firm, or corporation be liable for any damages for any defamatory statement or act published or uttered on or as a part of a visual or sound broadcast unless it shall be alleged and proved by the complaining party that such person, firm, or corporation has failed to exercise due care to prevent the publication or utterance of such statement or act in such broadcast. Bona fide compliance with any federal law or the regulation of any federal regulatory agency shall be deemed to constitute such due care as hereinabove mentioned.

SECTION 4. LIABILITY IN CASE OF JOINT OPERATION.—In any case where liability shall exist on account of any broadcast where two or more radio or television stations were connected together simultaneously or by transcription, film, or other approved or adapted use for joint operation, in the making of such broadcast, such liability shall be confined and limited solely to the person, firm, or corporation owning or operating the radio or television station which originated such broadcast.

SECTION 5. PRIVILEGED BROADCASTS.—A privileged broadcast which shall not be considered as libelous, slanderous, or defamatory is one made:

(1) In the proper discharge of an official duty,

(2) In any broadcast of or any statement made in any legislative or judicial proceeding,

(3) By fair and true report, without malice of a judicial, legislative, or other public official proceedings, or of anything said in the course thereof, or of a charge or complaint made by any person to a public official, upon which a warrant shall have been issued or an arrest made.

SECTION 6. MALICE NOT INFERRED FROM BROADCAST.—In the cases provided for in subdivision (3) of the preceding section, malice is not to be inferred from the mere fact of communication or broadcast.

SECTION 7. RETRACTION BY NEWSPAPER, RADIO OR TELEVISION BROADCASTING STATION OR NETWORK OF STATIONS—LIMIT OF RECOVERY.—In any
action for damages for the publication of a libel, in a newspaper, or of a slander or libel by radio or television broadcast, plaintiff shall recover no more than actual damages unless a correction be demanded and be not published or broadcast, as hereinafter provided. Plaintiff shall serve upon the publisher, at the place of publication or broadcaster at the place of broadcast, a written notice specifying the statements and the manner in which said statements are claimed to be slanderous or libelous and demanding that the same be corrected. Said notice and demand must be served within 20 days after knowledge of the publication or broadcast of the statement claimed to be slanderous or libelous. If a correction be demanded within said period and be not published or broadcast in substantially as conspicuous a manner in said newspaper or on said radio or television broadcasting station as were the statements claimed to be slanderous or libelous, in a regular issue thereof published or broadcast within three weeks after such service, plaintiff, if he proves such notice, demand and failure to correct, and if his cause of action be maintained, may recover general, actual and exemplary damages; provided that no exemplary damages may be recovered unless the plaintiff shall prove that defendant made the publication or broadcast with actual malice, and actual malice shall not be inferred or presumed from the publication or broadcast. A correction published or broadcast in substantially as conspicuous a manner in said newspaper or on said broadcasting station as the statements claimed in the complaint to be defamatory, prior to receipt of a demand therefor, shall be of the same force and effect as though such correction had been published or broadcast within three weeks after a demand therefor.

SECTION 8. PRIVILEGED PUBLICATION DEFINED.
—A privileged publication in a newspaper which shall not be considered as libelous is one made:

(1) In the proper discharge of an official duty.

(2) In any publication of or any statement made in any legislative or judicial proceeding.

(3) In a communication, without malice, to a person interested therein, by one who is also interested, or by one who stands in such relation to the person interested as to afford a reasonable ground for supposing the motive for the communication innocent, or who is requested by the person interested to give the information.
(4) By a fair and true report, without malice, of a judicial, legislative or other public official proceeding, or of anything said in the course thereof, or of a charge or complaint made by any person to a public official, upon which a warrant shall have been issued or an arrest made.

SECTION 9. MALICE NOT INFERRED FROM PUBLICATION.—In the cases provided for in subdivisions (3) and (4) of the preceding section, malice is not inferred from the communication or publication.

Approved March 19, 1963.

CHAPTER 159
(S. B. No. 112)

AN ACT

REPEALING SECTION 19-1413, IDAHO CODE, WHICH PROVIDES THAT AN INDICTMENT MUST CHARGE BUT ONE OFFENSE; DECLARING AN EMERGENCY.

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

SECTION 1. That Section 19-1413 of the Idaho Code, be, and the same is hereby repealed.

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

Approved March 19, 1963.

CHAPTER 160
(S. B. No. 181)

AN ACT

AMENDING SECTION 61-801, IDAHO CODE, AS AMENDED, BY INCLUDING THE TRANSPORTATION OF HOUSES, BUILDINGS OR STRUCTURES WITHIN THE JURISDICTION OF THE PUBLIC UTILITIES COMMISSION; AMENDING TITLE 61, CHAPTER 8, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 61-801 TO BE
KNOWN AND DESIGNATED AS SECTION 61-801A TO DEFINE THE TERM "INTERSTATE CARRIER"; AMENDING SECTION 61-802, IDAHO CODE, AS AMENDED, TO PROVIDE THAT THE PUBLIC UTILITIES COMMISSION SHALL CONSIDER THE EFFECT OF NEW MOTOR CARRIER OPERATIONS UPON THE OPERATIONS OF AUTHORIZED COMMON CARRIERS PROVIDING THAT THE EXISTENCE OF SUCH COMMON CARRIERS SHALL NOT BE SUFFICIENT CAUSE TO DENY THE EXISTENCE OF A NEW PERMIT; AMENDING TITLE 61, CHAPTER 8, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 61-802 TO BE KNOWN AND DESIGNATED AS SECTION 61-802A TO PROVIDE FOR THE ISSUANCE OF TEMPORARY OPERATING AUTHORITY OR PERMIT FOR NOT MORE THAN NINETY DAYS; AMENDING TITLE 61, CHAPTER 8, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 61-802A TO BE KNOWN AND DESIGNATED AS SECTION 61-802B PROVIDING THAT IT SHALL BE UNLAWFUL FOR INTERSTATE CARRIERS TO OPERATE UPON THE PUBLIC HIGHWAYS OF THE STATE WITHOUT REGISTERING THEIR AUTHORITY OR AFFIDAVIT OF EXEMPTION WITH THE PUBLIC UTILITIES COMMISSION UPON PAYMENT OF A FILING FEE; AMENDING SECTION 61-808, IDAHO CODE, AS AMENDED, TO PERMIT HEARINGS FOR SUSPENSION, REVOCATION OR ALTERATION OF PERMITS UPON COMPLAINT BY INTERESTED PARTIES OR UPON THE COMMISSION'S OWN MOTION, PROVIDING FOR THE GIVING OF NOTICE IN WRITING TO PERMIT HOLDERS OF SUSPENSION FOR FAILURE TO PAY LICENSES, FEES, TAXES OR OTHER REVENUE AND FAILURE TO FILE ANNUAL REPORT; AMENDING SECTION 61-809, IDAHO CODE, TO PROHIBIT THE SELLING, ASSIGNMENT OR TRANSFER OF ANY PERMIT OR ANY PORTION THEREOF WITHOUT WRITTEN APPROVAL OF COMMISSION, PROVIDING A HEARING FOR SUCH TRANSFER, PROVIDING EXCEPTIONS THEREFROM, AND AUTHORIZING THE COMMISSION TO RESTRICT THE SCOPE OF ANY PERMIT UPON A SHOWING OF AN INTENTIONAL FAILURE TO FURNISH THE SERVICES AUTHORIZED BY SUCH PERMIT UPON A TRANSFER THEREOF; AMENDING SECTION 61-810, IDAHO CODE, AS AMENDED, TO INCLUDE THE EMPLOYEES OF THE DEPARTMENT OF LAW ENFORCEMENT AND THE EMPLOYEES OF THE PUBLIC UTILITIES COMMISSION AS ENFORCEMENT AGENTS; AMENDING SECTION 61-811, IDAHO CODE, AS AMENDED, TO REQUIRE THE PAYMENT OF THE REGULATORY FEE THEREIN PROVIDED TO BE MADE ON

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 except transportation of any house, building or structure within a municipality or territory contiguous to such municipality if such operation outside such municipality be a part of 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.

SECTION 2. That Title 61, Chapter 8, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 61-801 to be known and designated as Section 61-801A to read as follows:

61-801A. FURTHER DEFINITIONS.—The term "interstate carrier" when used in Title 61, Chapter 8, Idaho Code, and in Sections 49-109 and 49-124, Idaho Code, as amended, means any person who or which owns or operates any motor vehicle in the state or on the highways of the state, in commerce between the states, on either a general or limited basis, used or maintained for the transportation of persons or property or any class or classes thereof.

SECTION 3. 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.

In considering public convenience and necessity the commission shall, prior to the issuance of a permit, consider the effect of such proposed motor carrier operation upon the operations of any authorized common carrier then operating over the routes or in the territory sought. The mere existence of a common carrier in the territories sought who possesses authority similar to that sought shall be insufficient cause to deny the issuance of the permit.
SECTION 4. That Title 61, Chapter 8, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 61-802 to be known and designated as Section 61-802A to read as follows:

61-802A. TEMPORARY OPERATING AUTHORITY.
—The commission may, upon verified application and compliance with all its rules and regulations, with or without hearing, where there is an immediate and urgent need for service, grant a temporary permit. Such permit shall be valid for the time specified therein, which may not be for more than an aggregate of ninety days. The granting of said temporary authority creates no presumption that corresponding permanent authority will be granted thereafter.

SECTION 5. That Title 61, Chapter 8, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 61-802A to be known and designated as Section 61-802B to read as follows:

61-802B. FILING OF AUTHORITY.—On and after January 1, 1964, it shall be unlawful for any interstate carrier of persons or property to operate upon the public highways of this state without first having registered with the Idaho Public Utilities Commission his operating authority granted by the Interstate Commerce Commission or an affidavit of exemption therefrom. Such registration shall be granted annually upon application, without hearing, upon payment of the filing fee prescribed in section 61-812, Idaho Code, as amended.

Such registration shall be revoked by the Idaho Public Utilities Commission upon revocation of the operating authority by the Interstate Commerce Commission.

SECTION 6. That Section 61-808, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

61-808. FAILURE TO OBSERVE REGULATIONS—REVOCATION OF PERMIT—APPEAL—JOINT HEARINGS RELATIVE TO INTERSTATE COMMERCE.—The commission may at any time, upon complaint by any interested party, or upon its own motion, after a hearing had upon notice to any permit holder hereunder, when it shall be proven that such holder has violated or refused to observe any of the orders, rules or regulations of the said commission or any of the laws of the state of Idaho applicable to such permit holder, or at the request of such
permit holder, by its order duly entered, suspend, revoke, alter or amend any permit issued under the provisions of this chapter, provided, that said In addition the commission, on its own motion or upon complaint filed with it, shall have the power and authority to so suspend, revoke, alter or amend—upon twenty days' notice to the permit holder, such permit for failure to pay any license, fee, tax or other revenue now or hereafter provided by law, unless such permit holder shall have filed a bond with the state of Idaho in double the amount of such license, fee, tax or other revenue and, and the permit holder in good faith protests and litigates the legality of the imposition of such license, fee, tax or other revenue or the amount thereof, or fails to file an annual report. From any order, ruling or decision made by the commission any party aggrieved may appeal to such tribunal in the manner now or hereafter provided for appeals from the public utilities commission. The commission may also hold joint hearings, and sit, with other commissions and tribunals of other jurisdictions having similar powers relative to motor carriers in interstate commerce under any law now existing or that may be enacted providing for such hearings.

SECTION 7. That Section 61-809, Idaho Code, be, and the same is hereby amended to read as follows:

61-809. SALE OR TRANSFER OF PERMIT.—Any No permit issued under the provisions of this chapter or any portion thereof may be sold, assigned or transferred, subject to the consent of the commission without written approval of the commission that such transfer is consistent with the public interest. A hearing shall be held in the manner, and subject to the conditions, prescribed in the statute governing the issuance of the original operating authority to carriers except when such sale, assignment or transfer is made to members of the permit holder's family or to himself when organized as another form of business. The commission may on its own motion or on objection or protest to a transfer restrict the scope of any permit upon a showing of an intentional failure to furnish the service authorized by such permit.

SECTION 8. That Section 61-810, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

61-810. ENFORCEMENT OF REGULATIONS—COLLECTION OF FEES AND CHARGES.—The department of law enforcement of the state of Idaho, its employees,
and the employees of the public utilities commission, are hereby vested with the power and authority, and it is hereby made their duty, to enforce obedience on the part of all motor carriers to all statutes of the state of Idaho applicable to such carriers, and to report to the commission infractions of all rules, regulations and orders adopted, promulgated or issued by the commission pursuant to this chapter.

SECTION 9. That Section 61-811, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

61-811. ANNUAL FEE PAYABLE TO THE COMMISSION BY MOTOR CARRIERS—IDENTIFICATION OF VEHICLES.—Each motor carrier, as defined by section 61-801, Idaho Code, shall on or before the 1st day of January of each year commencing January 1, 1964, or such later date as the commissioner of law enforcement may fix for the registration of motor vehicles as provided by section 49-116, Idaho Code, pay to the commission, in addition to all of the licenses, fees, or taxes imposed upon motor carriers in this state, a regulatory fee based upon the number of power units registered by said motor carrier under the provisions of chapter 1, title 49, Idaho Code, for said year and operated under the provisions of this act, as follows:

Each common carrier, as defined by section 61-801, Idaho Code, the sum of thirty dollars ($30) for the first power unit, and the sum of six dollars ($6) for each additional power unit. Each contract carrier, as defined by section 61-801, Idaho Code, the sum of thirty dollars ($30) for the first power unit, and the sum of six dollars ($6) for each additional power unit. Each private carrier, as defined in section 61-801, Idaho Code, the sum of five dollars ($5) for the first power unit, and the sum of one dollar ($1) for each additional power unit. Each motor carrier shall carry or display on each such power unit such identification as shall be issued by the commission and in such manner as shall be prescribed by the commission.

If any motor carrier, subject to the provisions of this act, shall, subsequent to the time for payment of the fees provided in this section, register any power unit, in any calendar year, under the provisions of chapter 1, title 49, Idaho Code, for operation under the provisions of this act, such motor carrier shall, not later than the time of such registration, pay to the commission the fee that would
have been due under this section if said power unit had
been registered by said motor carrier and operated under
the provisions of this act prior to June 1 in said
calendar year.

Each motor carrier shall on or before June 1, 1963, pay
a regulatory fee as hereinabove required in an amount
equal to one-half of the fee hereinabove imposed, which
shall constitute payment of the regulatory fee from the
time of payment to December 31, 1963.

SECTION 10. That Title 61, Chapter 8, Idaho Code, be,
and the same is hereby amended by adding a new section
thereto following Section 61-811 to be known and design-
ned as Section 61-811A to read as follows:

61-811A. DESIGNATION OF AGENT.—The assessors
of the various counties of the state and the department
of law enforcement shall be agents of the public utilities
commission for the purpose of collecting and remitting the
regulatory fees provided for by section 61-811, Idaho Code,
as amended, and the registration fee of interstate carriers
provided for by section 61-812, Idaho Code, as amended,
which have not otherwise been paid to the public utilities
commission, and shall perform such duties as are pre-
scribed by this act and by section 49-109, Idaho Code, as
amended.

SECTION 11. That Section 61-812, Idaho Code, as amend-
ed, be, and the same is hereby amended to read as follows:

61-812. FEES CONNECTED WITH ADMINISTRATION
OF LAW.—The commission shall charge and collect
the following fees and none other, in the administration
of this chapter:

Application for a permit shall be accompa-
nied by an application fee of $19.50
Application for transfer of a permit 5.00
Application for the assignment of a permit 5.00
Application for the issuance of a dupli-
cate permit 3.00
Application for permit reinstatement 10.00
Application for permit suspension 2.00
For copies of any records of the public utili-
ties commission pertaining to motor carri-
ers, per 100 words or portion thereof .40
**Annual registration of interstate carrier**
authority or exemption 5.00
Application for temporary permit 10.00
SECTION 12. That Section 49-109, Idaho Code, be, and the same is hereby amended to read as follows:

49-109. APPLICATION FOR REGISTRATION—RECEIPT FOR FEE—RECORD OF APPLICANTS.—a. Application for the registrations of a vehicle required to be registered hereunder shall be made to the assessor or the commissioner as provided in section 49-107, as amended by this act, by the owner thereof upon the appropriate form approved or furnished by the department and every application shall be signed by the owner and contain his residence address and a brief description of the vehicle to be registered, including the name of the maker, the type of fuel used, the engine or identification number, whether new or used, and the last license number if known and the state in which issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or dealer to the person first operating such vehicle. The application shall contain such other information as may be required by the department.

b. The assessor shall issue to the applicant a receipt for any fee paid, and shall forward to the department of law enforcement a duplicate copy thereof, together with the application.

c. The assessor shall record on a form prescribed and furnished by the department of law enforcement, the names of all owners of motor vehicles residing in the county who make application for license thereon, together with the amounts of the fees paid by such owners. He shall, on or before the tenth of each month, forward to the department duplicate copy of such record for the preceding month.

d. On and after January 1, 1964, when application for registration is made hereunder by any motor carrier as defined by section 61-801, Idaho Code, as amended, or by any interstate carrier as defined by section 61-801A, Idaho Code, the assessor or the commissioner shall require each such applicant to exhibit a receipt for the payment of the regulatory fee required of any motor carrier by section 61-811, Idaho Code, as amended, or evidence of the payment of the registration fee of any interstate carrier required by section 61-802A and section 61-812, Idaho Code, as amended. The number thereof and the amount paid shall be noted on the application. No receipt, registration or number plates shall in such cases be given or issued by such assessor or the commissioner until such fees have been paid and evidence thereof presented as hereinabove.
required. Pursuant to the authority and duty provided by section 61-811A, Idaho Code, each assessor and the department of law enforcement shall, when the regulatory fees of motor carriers and the registration fees of interstate carriers have not been paid prior to registration hereunder, collect such regulatory fees for the public utilities commission and shall issue the registration required by section 61-802A, Idaho Code, and collect the fees therefor for the public utilities commission. Each assessor and the department of law enforcement shall monthly submit a list of all carriers paying such fees and remit monthly all such fees to the Idaho Public Utilities Commission no later than the tenth day of each month following such collection.

SECTION 13. That Section 49-124, Idaho Code, be, and the same is hereby amended to read as follows:

49-124. RESCISSION OF REGISTRATION.—a. The department shall rescind and cancel the registration of any vehicle which the department shall determine is unsafe or unfit to be operated or is not equipped as required by law.

b. The department shall rescind and cancel the registration of a vehicle whenever the person to whom the registration card or registration number plates therefor have been issued shall make or permit to be made any unlawful use of the same or permit the use thereof by a person not entitled thereto.

c. The commissioner may rescind and cancel the registration of any vehicle for any violation of the Uniform Motor Vehicle Registration Act by the owner or operator thereof in the current or past registration periods.

d. On and after January 1, 1964, the department shall rescind and cancel the registration of a vehicle whenever a motor carrier as defined by section 61-801, Idaho Code, as amended, has his or its permit revoked for any cause except at the request of the permit holder, as provided by section 61-808, Idaho Code, as amended, or whenever an interstate carrier has his or its registration revoked by reason of a revocation of his or its interstate commerce commission operating authority.

SECTION 14. Except as otherwise provided herein, this act shall be in full force and effect sixty days from and after its passage and approval.

Approved March 19, 1963.
CHAPTER 161
(S. B. No. 221)

AN ACT

AMENDING SECTION 67-1401, IDAHO CODE, RELATING TO DUTIES OF THE ATTORNEY GENERAL; DELETING SUBDIVISION (4) OF SAID SECTION 67-1401, IDAHO CODE, AND SUBSTITUTING IN PLACE THEREOF A SUBSECTION PROVIDING THAT THE ATTORNEY GENERAL OF THE STATE OF IDAHO IN CONFORMITY WITH COMMON LAW SHALL HAVE AS ONE OF HIS DUTIES THE SUPERVISION OF NON-PROFIT CORPORATIONS, CORPORATIONS, CHARITABLE OR BENEVOLENT SOCIETIES, PERSON OR PERSONS HOLDING PROPERTY SUBJECT TO ANY PUBLIC OR CHARITABLE TRUST; AND PROVIDING FOR THE INSTITUTION BY THE ATTORNEY GENERAL OF ENFORCEMENT OR CORRECTIVE PROCEEDINGS.

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

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

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

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

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

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

4. To keep a docket of all causes in which he is required to appear, which must, during business hours, be open to
the inspection of the public, and must show the county, district, and court in which the causes have been instituted and tried, and whether they are civil or criminal; if civil, the nature of the demand, the stage of the proceedings, and, when prosecuted to judgment, a memorandum of the judgment, of any process issued thereon, and whether satisfied or not, and if not satisfied, the return of the sheriff; and, if criminal, the nature of the crime, the mode of prosecution, the stage of the proceedings, and, when prosecuted to sentence, a memorandum of the sentence and of the execution thereof, if the same has been executed, and if not executed, of the reasons of the delay or prevention. To supervise non-profit corporations, corporations, charitable or benevolent societies, person or persons holding property subject to any public or charitable trust and to enforce whenever necessary any non-compliance or departure from the general purpose of such trust and, in order to accomplish such purpose, said non-profit corporations, corporations, charitable or benevolent societies, person or persons holding property subject to any public or charitable trust are subject at all times to examination by the attorney general, on behalf of the state, to ascertain the condition of its affairs and to what extent, if at all, said trustee or trustees may have failed to comply with trusts said trustee or trustees have assumed or may have departed from the general purpose for which it was formed. In case of any such failure or departure, the attorney general shall institute, in the name of the state, any proceeding necessary to enforce compliance with the terms of the trust or any departure therefrom.

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

6. To give his opinion in writing, without fee, to the legislature or either house thereof, and to the governor, secretary of state, treasurer, auditor, and the trustees or commissioners of state institutions, when required, upon any question of law relating to their respective offices.

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

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

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

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

11. To discharge the other duties prescribed by law.

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

Approved March 19, 1963.

CHAPTER 162  
(S. B. No. 200)  
AN ACT

AMENDING SECTION 38-116, IDAHO CODE, AS AMENDED, TO CHANGE THE CLOSED SEASON FOR FIRES IN THE FOREST AREAS OF THE STATE FROM THE PERIOD FROM MAY FIRST TO OCTOBER THIRTY-FIRST, INCLUSIVE, OF EACH YEAR, TO THE PERIOD FROM MAY TENTH TO OCTOBER TWENTIETH, INCLUSIVE, OF EACH YEAR; PROVIDING THAT THE STATE FORESTER, ON THE ADVICE AND WITH THE CONSENT OF THE FIRE WARDEN OF EACH PRO-
TECTIVE DISTRICT, SHALL HAVE POWER TO SHORTEN THE PERIOD OF CLOSED FIRE SEASON IN ANY OF THE AFOREMENTIONED DISTRICTS TO MEET THE PARTICULAR FIRE HAZARD OF EACH DISTRICT.

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

SECTION 1. That Section 38-116, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

38-116. CLOSED SEASON FOR FIRES—PERMITS—REGULATIONS APPLICABLE AT ALL TIMES—ADVANCEMENT OR EXTENSION OF CLOSED SEASON—SUSPENSION OF PERMITS—PENALTIES.—The period from May first tenth to October thirty-first twentieth, inclusive, of each year, shall be known as the closed season, during which time it shall be unlawful for any person to set or cause to be set, a fire in any slashing area; to set or cause to be set, fire to any stump or stumps, log or logs, down or standing timber; to set or cause to be set, a fire on any forest lands or dangerously near thereto, or in any field in any forest protective district, without having first procured a permit from the state forester, or fire warden of the district, which permit shall prescribe the conditions upon which the permit is given, and contain rules and regulations governing the setting of fires and the prevention of the spread thereof to the property of another. At no time shall any fire be set when the wind is blowing to such an extent as to cause danger of the fire getting beyond the control of the person responsible for setting it, or without sufficient men, tools, supplies and fire-fighting equipment to control it, and the fire shall be kept under the control of the person responsible for setting it until it is out. The board shall from time to time, make all necessary rules and regulations governing the setting of fires on forest lands for both the closed and open season, and for their proper control and extinguishment. It shall be the duty of the state forester to prepare the proper form of permit to be used in carrying out the provisions of this section. The state forester and the fire wardens shall at all times have authority to refuse permits and/or to revoke the same and to postpone their use when issued, when they shall deem it necessary so to do in the interest of public safety. Any permits obtained by misrepresentation shall be invalid.

Every person to whom such a burning permit is issued shall give at least twenty-four hours’ notice to each resident owner or tenant residing on adjoining land of the
C. 163 '63  IDAHO SESSION LAWS  479
time when he intends to set fire in accordance with the terms of his permit.

In seasons, localities and under conditions of unusual fire danger, the governor state forester, with the advice and consent of the board, or of the state forester, may, fire warden of any protective district, shall have the power to shorten the period of closed fire season in any district of the aforementioned districts to meet the particular fire hazard of each district, and when the safety of the public requires, by proclamation, change the closed season in any district by fixing inclusive dates other than those herein designated; may, by proclamation, close to entry therein by any person or party, the forest lands in any section of the state wherein a critical fire hazard exists, and may restrict or suspend travel on any forest road or trail leading into any such land, until a permit shall have been secured from the fire warden of the forest protective district wherein such lands are situated, and may also, without proclamation, suspend any (and) all permits or privileges authorized by this section and prohibit the setting of any campfires, and/or any fire in or to slashing areas, stumps or logs, down or fallen timber, on forest land or dangerously near to such, or in fields in any forest protective district.

Any violation of the provisions of this section shall be deemed a misdemeanor.

Approved March 19, 1963.

CHAPTER 163
(S. B. No. 257)

AN ACT

AMENDING SECTION 49-1218, IDAHO CODE, AS AMENDED, TO PROVIDE FOR ELIMINATION OF REFUND OF MOTOR FUEL TAX PAID ON FUEL USED IN OPERATING OR PELLELING MOTOR BOATS, EXCEPT WHEN SUCH BOATS ARE ENGAGED IN COMMERCIAL USES OTHER THAN FISHING; AND DECLARING AN EMERGENCY.

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 engaged in commercial uses other than fishing, 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 sepa-
rate 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 hereinafter 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.

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 19, 1963.

CHAPTER 164
(S. B. No. 222)

AN ACT

AMENDING CHAPTER 11, TITLE 15, IDAHO CODE, BY INSERTING A NEW SECTION TO BE PLACED IMMEDIATELY FOLLOWING SECTION 15-1132, IDAHO CODE, TO PROVIDE THAT UPON THE DISTRIBUTION OF AN ESTATE IN PROBATE INVOLVING A CHARITABLE TRUST, THE PROBATE COURT SHALL MAIL THE ATTORNEY GENERAL OF THE
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 11, Title 15, Idaho Code, be, and the same is hereby amended by inserting a new section to be entitled Section 15-1132A, immediately following Section 15-1132, Idaho Code, to read as follows:

15-1132A. Whenever any estate involves, or may involve a charitable trust, the probate court shall at the time of distribution of said estate, forward to the Attorney General of the state of Idaho a certified copy of said decree of distribution of the estate which involves or may involve said charitable trust.

Approved March 19, 1963.

CHAPTER 165
(S. B. No. 211)

AN ACT


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

SECTION 1. That Title 39, Chapter 25, Idaho Code, be, and the same is hereby amended by adding new sections thereto following Section 39-2533 to be known and designated as Sections 39-2534, 39-2535, 39-2536, 39-2537 and 39-2538, to read as follows:

39-2534. DEFINITIONS. — (a) “Aids to navigation” shall mean buoys, beacons or other fixed objects in the
water which are used to mark obstructions to navigation or to direct navigation through safe channels.

(b) "Regulatory markers" shall mean any anchored or fixed marker in the water or anchored platform on the surface of the water other than aids to navigation and shall include but not be limited to bathing beach markers, speed zone markers, information markers, swimming or diving floats, mooring buoys, fishing buoys and ski jumps.

39-2535. GRANT OF AUTHORITY. — The department may make rules for the uniform marking of the water areas of this state through the placement of aids to navigation and regulatory markers. Such rules shall establish a marking system compatible with the system of aids to navigation prescribed by the United States Coast Guard and shall give due regard to the System of Uniform Waterway Markers approved by the Advisory Panel of State Officials to the Merchant Marine Council, United States Coast Guard. No city, county or person shall mark the waters of this state in any manner in conflict with the marking system prescribed by the department.

39-2536. ADMINISTRATIVE PROCEDURES. — The department of law enforcement shall give notice of hearing fifteen days prior to such hearings before authorizing the installation of any waterway marking and is hereby granted authority to hold an administrative review before causing the removal of any waterways marked prior to the passage of this act.

39-2537. RIGHT OF APPEAL TO COURT. — Any person aggrieved by the decision of the department under the provisions of this chapter shall have the right to file a petition within thirty days thereafter for a hearing in the matter in the district court in the county wherein such person resides and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon thirty days written notice to the department, and thereupon to take testimony and examine into the facts and to determine whether or not the department has acted within the scope of the authority conferred by this chapter.

39-2538. PENALTIES. — Any person who shall moor or fasten a vessel to a lawfully placed aid to navigation or shall wilfully damage it shall, upon conviction thereof before a court of competent jurisdiction, be subject to a fine of not more than $100.00.

Approved March 19, 1963.
AN ACT

RELATING TO FEASIBILITY PROPOSALS BY STATE RECLAMATION ENGINEER OR BY ANY AGENCY OR DEPARTMENT OF THE STATE OF IDAHO OR OF THE UNITED STATES, CONCERNING RECLAMATION; AMENDING SECTION 42-1805, IDAHO CODE, REQUIRING THE STATE RECLAMATION ENGINEER TO HOLD PUBLIC HEARINGS ON SUCH PROPOSALS.

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

SECTION 1. That Section 42-1805, Idaho Code, be, and the same is hereby amended to read as follows:

42-1805. ADDITIONAL DUTIES.—In addition to other duties prescribed by law, the state reclamation engineer shall have the following powers and duties:

1. To represent the state in all matters pertaining to interstate and international rights affecting Idaho water resources; and to cooperate with all agencies, now existing or hereafter to be formed, within the state or within other jurisdictions, in matters affecting the development of the water resources of this state.

2. To make surveys and investigations and to prepare studies of the water use and conservation problems of the state, including the availability thereof for the development of hydroelectric power, with a view to their maximum utilization within the state for irrigation, reclamation, soil conservation, flood control, and power development.

3. To familiarize himself with the needs of the various watersheds of the state and their relative importance to regional, area and national use programs; to keep a current record of contemplated projects of the several irrigated areas of the state and to encourage an orderly program of completion of such projects at a rate consistent with sound engineering and fiscal policies.

4. To submit from time to time to the governor and the legislature plans and recommendations for the future development of the state’s water resources.

5. It shall be the duty of the state reclamation engineer, before he can take any action whatsoever upon any feasi-
bility proposals by him or by any officer, agency or department of the state of Idaho or of the United States government, concerning any reclamation proposal, affecting any lands or water rights in any of the counties of this state, to hold a public hearing thereon at the county seat of each and every county affected, and give notice thereof as herein provided.

Two weeks notice of such hearing, setting forth the matters to be considered, shall be served upon the chairman of the Board of County Commissioners of any county affected thereby and shall also be published before such hearing in at least two consecutive weekly issues of a newspaper published and of general circulation in such county, setting forth the date, hour and place of such hearing. At such hearing the governing body of any city, village or county affected thereby, or any citizen or group of citizens, may appear and voice objections or recommendations to such proposal and may present evidence and call witnesses in support of such objections or recommendations.

At the close of such hearing the state reclamation engineer shall make his determination in writing, either for or against such proposal, and give his reasons therefor.

Approved March 19, 1963.

CHAPTER 167
(S. B. No. 138)

AN ACT

AMENDING SECTION 49-346, IDAHO CODE, AS AMENDED, CORRECTLY IDENTIFYING AS THE DRIVER TRAINING FUND THAT FUND TO WHICH CERTAIN PORTIONS OF OPERATOR'S LICENSE, INSTRUCTION PERMIT, CHAUF­FEUR'S LICENSE AND DRIVER TRAINING COURSE FEES SHALL BE CREDITED AND FROM WHICH SAID PORTIONS SHALL BE DISBURSED.

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

SECTION 1. 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 depart-
ment 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 driver training fund. All disbursements for driver training purposes made under certificate of the state board of education shall be made from the driver training fund. All other 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.

Approved March 19, 1963.

CHAPTER 168
(S. B. No. 137, As Amended in the House of Representatives)

AN ACT

RATIFYING, AFFIRMING AND CONTINUING THE ESTABLISHMENT OF THE IDAHO INDUSTRIAL TRAINING SCHOOL AT ST. ANTHONY, CHANGING ITS NAME TO STATE YOUTH TRAINING CENTER AND DEFINING ITS PURPOSE; CREATING THE SAME AS A BODY POLITIC AND CORPORATE AND VESTING CONTROL THEREOF IN THE STATE BOARD OF EDUCATION ACTING AS THE BOARD OF TRUSTEES; PROVIDING FOR THE ORGANIZATION, MEETINGS AND PROCEEDINGS OF THE BOARD OF TRUSTEES; AUTHORIZING THE BOARD OF TRUSTEES TO ACQUIRE AND DISPOSE OF PROPERTY; DEFINING THE GENERAL POWERS OF THE BOARD OF TRUSTEES; PROHIBITING SECTARIAN TESTS IN SELECTION OF EMPLOYEES; PROVIDING FOR HOLDING OF RELIGIOUS SERVICES; PROVIDING FOR REPORTS OF THE SUPERINTENDENT; REPEALING CHAPTER 35, TITLE 33, IDAHO CODE; AND PROVIDING FOR EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. The establishment by law of the Idaho Industrial Training School at St. Anthony, Idaho, is hereby ratified and affirmed, and its operation continued; provided, however, that on and after the effective date of this
act said school shall be known and designated as the State Youth Training Center. The purposes of said school shall be the care, protection, training and education of delinquent children and to provide for the care, control and discharge of juvenile offenders.

SECTION 2. BODY POLITIC AND CORPORATE — BOARD OF TRUSTEES. — The State Youth Training Center is hereby declared to be a body politic and corporate, with its own seal and having power to sue and be sued in its own name. The general supervision, government and control of the State Youth Training Center is vested in the state board of education, which shall act as the board of trustees of the State Youth Training Center.

SECTION 3. ORGANIZATION, MEETINGS AND PROCEEDINGS OF BOARD.—The board of trustees, at its first meeting and annually thereafter, shall organize by electing a chairman, a vice-chairman and a secretary. A majority of the board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. No member of the board shall participate in any proceeding in which he has a pecuniary interest. No vacancy on the board shall impair the right of the remaining trustees to exercise all the powers of the board. Every vote and official act of the board shall be entered of record. The state treasurer shall serve as treasurer of the board. It shall be the duty of the secretary to keep a detailed account of the doings of the board.

SECTION 4. TITLE TO PROPERTY — ACQUIRING, SELLING OR EXCHANGING PROPERTY. — All rights and title to property, real and personal, belonging to or vested in the Idaho Industrial Training School are hereby vested in the board of trustees and their successors. The board of trustees is empowered to acquire, by purchase or exchange, any property which in the judgment of the board is needful for the operation of the said school, and to dispose of, by sale or exchange, any property which in the judgment of the board is not needful for the operation of the same.

SECTION 5. GENERAL POWERS OF BOARD. — The board of trustees of the State Youth Training Center shall have the power:

1. To adopt rules and regulations for its own government and for that of the school;
2. To employ a superintendent of the school, and, with his advice, to appoint such assistants, instructors, specialists and other employees as are required for the operation of the school; to fix salaries and prescribe duties; and to remove the superintendent or any other employee for cause.

All teachers, except specialists, shall hold teaching certificates issued under authority of the state board of education and valid for grades and subjects taught. All specialists shall hold diplomas from some accredited school of their speciality;

3. With the advice of the superintendent, to prescribe the course of study, which shall conform to that commonly taught, or required to be taught, in the several grades in the public schools, together with such vocational, technical and other subjects as may be suitable for the inmates of the school; and for those pupils who complete the requirements for grade twelve the board may authorize the granting of a high school diploma;

4. To have, at all times, general supervision and control of all property, real and personal, appertaining to the school, and to insure the same;

5. To employ architects or engineers in planning and construction, remodeling or repair of any building and, whenever no other agency is designated so to do, to let contracts for the construction, remodeling or repair and to supervise the work thereof;

6. To expend tax moneys appropriated, or otherwise placed to the credit of the school for the maintenance and operation thereof, and to account for the same as prescribed by law.

SECTION 6. SECTARIAN TESTS PROHIBITED. — No religious or sectarian tests shall be applied to the selection of instructors or other employed personnel of the school.

SECTION 7. RELIGIOUS SERVICES. — The superintendent shall provide for the holding of religious services on the Sabbath Day for the inmates of said school, such services to be conducted by ministers of the several religious denominations to which the inmates may belong.

SECTION 8. REPORT OF SUPERINTENDENT.—The superintendent shall, at the close of each month, present a report to the board of trustees showing the number of inmates admitted, the number in attendance and the num-
CHAPTER 169
(S. B. No. 113)

AN ACT

AMENDING SECTIONS 31-3201, AS AMENDED, AND 1-2003, IDAHO CODE, AND REPEALING SECTION 1-1107, IDAHO CODE, ALL RELATING TO THE FEES TO BE CHARGED OR COLLECTED BY THE CLERKS OF THE DISTRICT COURTS OF THE STATE OF IDAHO TO PROVIDE FEES FOR ALL PLEADINGS AUTHORIZED BY THE IDAHO RULES OF CIVIL PROCEDURE, IN PARTICULAR TO PROVIDE FEES FOR FILING OF A COUNTERCLAIM, THIRD PARTY CLAIM, AND CROSS-CLAIM; TO TRANSFER THE FEE PAID TO THE STATE OF IDAHO PURSUANT TO SECTION 1-1107, IDAHO CODE, TO THE JUDGES’ RETIREMENT FUND; TO PROVIDE THAT THE CLERK SHALL BE REQUIRED TO CHARGE A FEE FOR CERTIFIED COPIES OF A FILE OR RECORD, AND TO INCREASE THE FEES OF THE CLERK OF THE COURT FOR FILING CERTAIN INSTRUMENTS.

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

SECTION 1. That Section 31-3201, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

31-3201. CLERK OF DISTRICT COURT—FEES.—The clerk of the district court shall lawfully charge, demand and receive the following fees for services rendered by him in discharging the duties imposed upon him by law:

When a civil action is commenced in the district court the plaintiff therein shall pay to the clerk of said court for the sum of $8.00
And in addition, the plaintiff shall pay the clerk the fee required by section 1-1107 $2.00.

The defendant. Any party, except the plaintiff, in any civil action commenced in the district court shall, upon making an appearance in said action, pay to the clerk of said court, for the county, the sum of $3.00 upon filing a cross-complaint counterclaim in an action, the defendant so filing shall pay to the clerk of the court in which filed the sum of $4.00.

An intervenor upon making an appearance in any civil action in the district court shall pay to the clerk of said court for the county the sum of $3.00.

Upon filing a third-party claim, as defined in the Idaho Rules of Civil Procedure, the party so filing shall pay to the clerk of the court the sum of $4.00.

Upon filing a cross-claim, the party so filing shall pay to the clerk of the court the sum of $4.00.

When an appeal is taken from an inferior court to the district court, the party taking such appeal shall pay to the clerk of the district court, for the county, the sum of $5.00.

When an appeal is taken from the district court to the Supreme Court, the party taking such appeal shall pay to the clerk of the district court, for the county, for comparing and certifying printed transcript on appeal, if such certificate is required, the sum of $2.00.

When a new trial in the district court is granted, the party obtaining such new trial shall pay to the clerk of the district court, for the county, the sum of $3.00.

In consideration of the aforesaid fees the clerk of the district court shall be required to perform all lawful services that may be required of him by any party thereto; provided, that he shall not be required to prepare and furnish any certified copy of any file or record in an action except printed transcript or on appeal, without additional compensation as hereinafter provided.

For filing and docketing abstract or transcript of judgment from another court $1.00.

For issuing execution upon an abstract or transcript of judgment and filing same on return $1.00.
For recording execution issued upon abstract or transcript of judgment, per folio $ .30
For taking affidavits, including jurat $ .50
For taking acknowledgements, including seal $ .50
For taking down testimony or depositions, including certificate and seal, for each folio $ .30
For filing and indexing designation of agent of foreign corporation $ .50
For taking affidavits, including jurat $ .50
For taking acknowledgements, including seal $ .50
For taking down testimony or depositions, including certificate and seal, for each folio $ .30
For filing and indexing notarial statement $1.00
For making copy of any file or record, by the clerk, the clerk shall charge and receive, per folio $ .30
For certifying a prepared copy of any file or record, the clerk shall charge and receive, per folio $ .15
For certifying the same an additional fee for certificate and seal of $ .50
For appearance after judgment, re-open case $ 5.00

For all services not herein enumerated, and of him lawfully required, the clerk of the district court shall demand and receive such fees as are herein allowed for similar services.

All fees collected under the provisions of this section shall be paid over to the county treasurer, at the same time and in the same manner as other fees.

SECTION 2. That Section 1-2003, Idaho Code, be, amended to read as follows:

1-2003. ADDITIONAL FEES IN CIVIL ACTION AND APPEALS.—In addition to the fees and charges to be collected by the clerks of the several district courts of the state as now provided by law, such clerks are hereby authorized and directed to charge and collect from a plaintiff in a civil action, as a part of the cost of filing the complaint in such action, the additional sum of five dollars and fifty cents; from the defendant any party, except the plaintiff, in such action, upon making an appearance therein, the additional sum of two dollars; upon the filing of a counterclaim by such defendant, the additional sum of three dollars; from an intervenor in such an action, the additional sum of four dollars and fifty cents; from a party who files a third party claim, the additional sum of four dollars; from a party who files a cross-claim in an action, the additional sum of four dol-
lars; and for an appeal to the district court from any court, commission, board, or body, the additional sum of five dollars. The clerk of the Supreme Court is hereby authorized and directed to charge and collect, in addition to the fees now prescribed by law and as a part of the cost of filing the transcript on an appeal in any civil case or proceeding, other than criminal, appealed to the Supreme Court, the additional sum of three dollars; for filing a petition for rehearing, the additional sum of five dollars; and for filing an application for any writ for which a fee is now prescribed, the additional sum of five dollars.

The clerks of the district courts and the clerk of the Supreme Court are hereby required to remit all such additional charges and fees hereby authorized, on the first Monday of each month after receipt thereof, to the state treasurer; and the state treasurer is hereby required to place all such sums in the judges' retirement fund.

SECTION 3. That Section 1-1107, Idaho Code, be, and the same hereby is repealed.

Approved March 19, 1963.

CHAPTER 170
(S. B. No. 102, As Amended in the House of Representatives)

AN ACT

AMENDING SECTION 39-2404, IDAHO CODE, RELATING TO THE APPLICATION FOR IDENTIFICATION NUMBER FOR WHICH A CURRENT CERTIFICATE OF NUMBER HAS BEEN AWARDED PURSUANT TO FEDERAL LAW; TO PROVIDE THAT MOTORBOATS OPERATED IN THIS STATE IN EXCESS OF NINETY DAYS MUST RECEIVE A STATE IDENTIFICATION NUMBER; AND AMENDING SECTION 39-2409 DEALING WITH THE REMITTANCE OF FEES COLLECTED PURSUANT TO THIS ACT DEALING WITH REGULATION ON MOTORBOATS; TO PROVIDE THAT THE MONEYS COLLECTED SHALL BE DEPOSITED IN THE MOTOR VEHICLE FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-2404, Idaho Code, be, and the same is hereby amended to read as follows:
39-2404. 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 agent 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 2. That Section 39-2409, Idaho Code, be, and the same is hereby amended to read as follows:

39-2409. REMITTANCE OF FEES.— All moneys 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 department of law enforcement; the department of law enforcement shall transmit said fees to the treasurer of the state of Idaho and be deposited in the motor vehicle fund.

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 19, 1963.

CHAPTER 171
(S. B. No. 101, As Amended in the House of Representatives)

AN ACT

AMENDING SECTION 40-2211, IDAHO CODE, DEALING WITH THE DISPOSITION OF MOTOR VEHICLE LICENSE MONEY; TO PROVIDE THAT ALL MONEYS COLLECTED PURSUANT TO THIS SECTION SHALL BE FORWARDED TO THE STATE TREASURER, NOT LATER THAN THE FIFTEENTH DAY OF THE MONTH FOLLOWING THE CALENDAR MONTH IN WHICH SUCH FEES WERE COLLECTED; AND PROVIDING THE STATE TREASURER SHALL PAY THE MONEYS INTO STATE HIGHWAY FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 40-2211, Idaho Code, be, and the same is hereby amended to read as follows:
40-2211. DISPOSITION OF MOTOR VEHICLE LICENSE MONEY.—All moneys collected in any county of the state from the licensing of motor vehicles, trailers and semi-trailers, and from fines and penalties collected under the provisions of this chapter, shall, not later than the end of each quarter of each fiscal year, be paid to the state treasurer by the treasurer of said county, and by the state treasurer paid into the state highway fund, be forwarded to the state treasurer, not later than the fifteenth day of the month following the calendar month in which such fees were collected. The state treasurer shall then pay the moneys thus collected into the state highway 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 19, 1963.

CHAPTER 172
(S. B. No. 87, As Amended in the House of Representatives)

AN ACT

AMENDING SECTION 37-2205, IDAHO CODE, RELATING TO SALE OF POISONOUS, DANGEROUS, HABIT-FORMING OR HARMFUL DRUGS TO REQUIRE SUCH DETERMINATION BY IDAHO BOARD OF PHARMACY AND THE IDAHO ADMINISTRATOR OF HEALTH, AND TO PROVIDE FOR SUCH SALES TO BE MADE ONLY BY LICENSED PHARMACISTS THROUGH PRESCRIPTION DEPARTMENT OF LICENSED DRUG STORES; AUTHORIZING ANY PERSON TO PETITION IDAHO BOARD OF PHARMACY AND IDAHO ADMINISTRATOR OF HEALTH FOR CANCELLATION OF DRUG ON PRESCRIBED LIST; PRESCRIBING PROCEDURE FOR FILING AND HEARING PETITION; AUTHORIZING ANY PERSON DISSATISFIED WITH ACTION OF IDAHO BOARD OF PHARMACY AND IDAHO ADMINISTRATOR OF HEALTH TO HAVE ACTION REVIEWED BY DISTRICT COURT.

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

SECTION 1. That Section 37-2205, Idaho Code, be, and the same is hereby amended to read as follows:

37-2205. PHARMACIES.—Only registered pharmacists
shall conduct or manage any pharmacy, drug or chemical store, apothecary shop or other place of business for the retailing, compounding or dispensing of any poisonous, habit-forming or dangerous drugs or for the compounding of physicians' prescriptions.

Any drug or medical supply, packaged or bottled, when identified by and sold under a trade mark, trade name or other trade symbol privately owned or registered in the United States Patent Office, and meeting the requirements of the Federal Food, Drug and Cosmetic Act, and the administrator thereof, shall be deemed not to be poisonous, dangerous, habit-forming or harmful under the provisions of this act, unless so determined and designated by the Board and the Idaho Administrator of Health. Whenever such determination and designation is made by the Board and the Idaho Administrator of Health, all such poisonous, dangerous, habit-forming or harmful drugs shall be unavailable to the public and dispensed only by a licensed pharmacist.

Any person believing that any drug or medical supply which has been previously determined and designated as being poisonous, dangerous, habit-forming or harmful may petition the Board and the Idaho Administrator of Health for a cancellation of the determination and designation of the particular drug or medical supply. The petition shall be filed with the Board and upon receipt thereof the Board shall set a time and place for hearing the petition. Time of hearing shall be within 30 days of receipt of the petition. At the hearing the Board shall permit petitioner to present evidence in support of his petition and hear evidence in opposition thereto. Within ten days after the hearing, the Board and the Idaho Administrator of Health shall notify the petitioner in writing of their decision denying or granting the petition.

Any person dissatisfied with the determination and designation of a drug or medical supply as being poisonous, dangerous, habit-forming or harmful by the Board and the Idaho Administrator of Health, or with the refusal of the Board and the Idaho Administrator of Health to cancel a previous determination and designation of a drug or medical supply as being poisonous, dangerous, habit-forming or harmful, may have such determination and designation or refusal to cancel reviewed by the District Court of the county wherein he resides. The petition for review by the District Court shall be filed within three
months from the date of the determination and designation or the date of refusal to cancel. The petition for review shall be a trial de novo in the manner provided by law upon the transcript of the record, of the hearing before the Board and the Idaho Administrator of Health, 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.

Approved March 19, 1963.

CHAPTER 173
(S. B. No. 296)

AN ACT

AMENDING SECTION 63-1201, IDAHO CODE, RELATING TO ASSESSMENT AND ASSESSMENT ROLLS OF PERSONAL PROPERTY, BY ADDING TO THE SO-CALLED FREEPORT PROVISIONS THEREOF CERTAIN PERSONAL PROPERTY MANUFACTURED OR PROCESSED INTO FINISHED PRODUCTS, AS DEFINED IN THIS SECTION, WITHIN THIS STATE, WHICH IS NOT OFFERED FOR SALE IN IDAHO BUT IS THEREAFTER SHIPPED TO A DESTINATION OUTSIDE OF THE STATE, SUBJECT TO REASONABLE REGULATIONS BY THE TAX COMMISSION OF THE STATE OF IDAHO; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 63-1201, Idaho Code, be, and the same is hereby amended to read as follows:

63-1201. All personal property except migratory livestock and transient personal property and all other property as hereinafter set forth, whereon the tax is not a lien on real property, or the value of the estate is insufficient to insure the collection of the full amount of all taxes, shall be entered in a separate roll, to be known as the personal property assessment roll. The said roll shall be made out in tabular form with separate columns with appropriate heads after the manner specified in the form provided for in the next section, and such additional columns as may be required. In the event that there is no property of a particular class in any county the column for the
classification of such property may be omitted from the assessment roll of such county. Only such columns need be provided for extending taxes as are actually required in each county for state, county, city, town, village, school district, road district or other purposes; provided, however, that (a) the personal property of any person, firm or corporation, having neither domicile nor place of business in this state, which property upon being brought or shipped into this state is forthwith stored in the original package in a warehouse operated for public use and for hire, (b) and personal property shipped into this state and stored in a warehouse by persons, firms or corporations having domicile or place of business in Idaho, which property is not offered for sale in Idaho but is thereafter transported or reshipped to a destination outside Idaho, and (c) personal property manufactured or processed in this state by person, firms or corporations having a domicile or place of business in Idaho, which property is identified by mark or separation from like or similar property and designated for shipment out of State when stored and is thereafter transported or shipped to a destination outside of Idaho, shall, while so stored, be deemed to be in transit and not subject to taxation under this chapter nor shall such property be placed on the assessment roll; but no portion of any warehouse which portion is owned or leased by a consignor or consignee of such personal property stored shall be deemed a licensed public storage warehouse. Storage and shipment to destinations outside of Idaho pursuant to subsections (a), (b) and (c) shall be subject to reasonable regulations by the State Tax Commission as to proper record keeping and reports deemed necessary to carry out the intent of these provisions. The term "manufactured or processed" as used herein refers to personal property which has been fabricated, constructed, assembled, milled, or converted, into a finished product, and is not intended to include any personal property undergoing a stage of manufacture or process prior to the end finished product.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall take effect upon its passage and approval.

Approved March 19, 1963.
CHAPTER 174
(S. B. No. 256, As Amended in the House of Representatives)

AN ACT

CREATING A WATERWAYS IMPROVEMENT FUND OF THE STATE OF IDAHO; PROVIDING FOR THE ADMINISTRATION AND USE OF SAID FUND; FINDING THE PROPORTION OF TAX COLLECTED UNDER SECTION 49-1210 AND SECTION 49-1231, IDAHO CODE, THAT IS DERIVED FROM MARINE USE AND NOT USED FOR ADMINISTRATION OR REFUND; AMENDING SECTION 49-1241, IDAHO CODE, TO PROVIDE THAT 1% OF THE TAX COLLECTED ON SPECIAL FUELS BE PAID INTO THE "WATERWAYS IMPROVEMENT FUND."

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

SECTION 1. The legislature hereby finds a fact that of all the taxes collected under Section 49-1210 and Section 49-1231, Idaho Code, 1.4% are derived from motor fuels and special fuels used for marine purposes to propel vessels on the inland and surrounding waterways of this state and that .4% is sufficient to pay the costs of administration and claimed refunds by marine users of special fuels. The legislature hereby declares that it is the policy of this state to use the funds derived from the sale of motor fuels and special fuels for marine use to improve boating facilities throughout this state.

SECTION 2. That Section 49-1241, Idaho Code, be, and the same is hereby amended to read as follows:

49-1241. DISPOSITION OF FUNDS.—All taxes, interest and penalties collected under this act shall be turned over promptly to the state treasurer and the state treasurer shall place 99% thereof to the credit of the state highway fund, and 1% thereof to the credit of the waterways improvement fund.

SECTION 3. CREATION OF FUND.—There is hereby created a fund to be known and designated as the "Waterways Improvement Fund" of the state of Idaho, which fund shall be administered by the Department of Law Enforcement, Bureau of Motor Vehicles, and shall be used for the protection and promotion of safety, waterways improvement, creation and improvement of parking areas for boating purposes, making and improving boat ramps and moorings, marking of waterways, search and rescue, and
all things incident to such purposes including the purchase of real and personal property.

Provided that no funds shall be expended for such improvements in any county of this state until the county waterway committee has approved the plans for such improvements.

Approved March 19, 1963.

CHAPTER 175
(S. B. No. 240)
AN ACT

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

SECTION 1. That Section 42 of Chapter 13 of the 1963 Session Laws be, and the same is amended to read as follows:

Section 42. DIVISION OF SCHOOL DISTRICT. — A school district may be divided so as to form not more than two districts each of which must have continuous boundaries, in the manner hereinafter provided, except that any district which operates and maintains a secondary school or schools shall not be divided unless the two districts created out of the division shall each operate and maintain a secondary school or schools immediately following such division.

A proposal to divide a school district may be initiated by its board of trustees and submitted to the state board of education. Such proposal shall contain all of the information required in a proposal to consolidate school districts as may be relevant to a proposal to divide a school
district. It shall also show the manner in which it is proposed to divide or apportion the property and liabilities of the district, the names and numbers of the proposed new districts, and legal description of the proposed trustee zones.

Before submitting any proposal to divide a school district, the board of trustees shall hold a hearing or hearings on the proposal within the district. Notice of such hearing or hearings shall be posted by the clerk of the board of trustees in not less than three public places within the district, one of which places shall be at or near the main door of the administrative offices of the school district, for not less than ten days before the date of such hearing or hearings.

The state board of education may approve or disapprove any such proposal submitted to it, and shall give notice thereof in the manner of a proposal to consolidate school districts; except, that the state board of education shall not approve any proposal which would result in a district to be created by the division having or assuming a bonded debt in an amount exceeding the limitations imposed by law, or which would leave the area of any city or village in more than one school district.

If the state board of education shall approve the proposal to divide the district, notice of election shall be published, the election shall be held and conducted, and the ballots shall be canvassed, according to the provisions of sections 45 through 50. The division shall be approved only if a majority of the school district electors residing in each of the proposed districts to be created by the division, voting in the election, shall approve the division, 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, and upon such approval two new school districts shall be thereby created.

If the division be approved, as herein provided, the board of canvassers shall thereupon notify the state board of education and the trustees of the district which has been divided. The state board shall give notice to the board of county commissioners of any county in which the newly created districts may lie.

Approved March 19, 1963.
CHAPTER 176
(S. B. No. 237)

AN ACT

PROVIDING FOR THE EXECUTION BY THE STATE OF IDAHO OF A COMPACT KNOWN AS THE PACIFIC MARINE FISHERIES COMPACT WITH THE STATES OF CALIFORNIA, OREGON, AND WASHINGTON, RELATIVE TO THE UTILIZATION, PROTECTION AND CONSERVATION OF MARINE, SHELL AND ANADROMOUS FISHERIES IN ALL OF THOSE AREAS OF THE PACIFIC OCEAN OVER WHICH THE STATES OF CALIFORNIA, OREGON, AND WASHINGTON HAVE JURISDICTION AND/OR THE WATERS OF SIGNATORY STATES HAVING RIVERS OR STREAMS TRIBUTARY TO THE PACIFIC OCEAN; PROVIDING FOR THE SUBSTANTIAL FORM AND CONTENTS OF SUCH COMPACT; PROVIDING FOR THE APPOINTMENT OF REPRESENTATIVES FROM THE STATE OF IDAHO TO MEMBERSHIP OF THE PACIFIC MARINE FISHERIES COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Governor of the State of Idaho is authorized to execute a compact on behalf of this State with the States of California, Oregon and Washington for the purpose of cooperating with those states in the Pacific Marine Fisheries Commission.

SECTION 2. The form and contents of such Compact shall be substantially as provided in this Section, and the effect of its provisions shall be interpreted and administered in conformity with the provisions of this Section:

The Pacific Marine Fisheries Compact
The contracting states do hereby agree as follows:

Article I

The purposes of this compact are and shall be to promote the better utilization of fisheries, marine, shell, and anadromous, which are of mutual concern, and to develop a joint program of protection and prevention of physical waste of such fisheries in all of those areas of the Pacific Ocean over which the States of California, Oregon and Washington jointly or separately now have or may hereafter acquire jurisdiction.

Nothing herein contained shall be construed so as to
authorize the aforesaid states or any of them to limit the production of fish or fish products for the purpose of establishing or fixing the prices thereof or creating and perpetuating a monopoly.

Article II
This agreement shall become operative immediately as to those states executing it whenever two or more of the States of California, Oregon and Washington have executed it in the form that is in accordance with the laws of the executing state and the Congress has given its consent.

Article III
Each state joining herein shall appoint, as determined by state statutes, one or more representatives to a commission hereby constituted and designated as the Pacific Marine Fisheries Commission, of whom one shall be the administrative or other officer of the agency of such state charged with the conservation of the fisheries resources to which this compact pertains. This commission shall be invested with the powers and duties set forth herein.

The term of each commissioner of the Pacific Marine Fisheries Commission shall be four (4) years. A commissioner shall hold office until his successor shall be appointed and qualified, but such successor's term shall expire four (4) years from legal date of expiration of the term of his predecessor. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled for the unexpired term, or a commissioner may be removed from office, as provided by the statutes of the state concerned. Each commissioner may delegate in writing from time to time to a deputy the power to be present and participate, including voting as his representative or substitute, at any meeting of or hearing by or other proceeding of the commission.

Voting powers under this compact shall be limited to one (1) vote for each state regardless of the number of representatives.

Article IV
The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about the conservation and the prevention
of the depletion and physical waste of the fisheries, marine, shell, and anadromous, in all of those areas of the Pacific Ocean over which the States of California, Oregon and Washington jointly or separately now have or may hereafter acquire jurisdiction. The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions and said conservation zones to promote the preservation of those fisheries and their protection against overfishing, waste, depletion, or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the signatory parties hereto.

To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the governors and legislative branches of the various signatory states hereto legislation dealing with the conservation of the marine, shell and anadromous fisheries in all of those areas of the Pacific Ocean over which the States of California, Oregon and Washington jointly or separately now have or may hereafter acquire jurisdiction. The commission shall, more than one (1) month prior to any regular meeting of the legislative branch in any state signatory hereto, present to the governor of such state its recommendations relating to enactments by the legislative branch of that state in furthering the intents and purposes of this compact.

The commission shall consult with and advise the pertinent administrative agencies in the signatory states with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable and which lie within the jurisdiction of such agencies.

The commission shall have power to recommend to the states signatory hereto the stocking of the waters of such states with marine, shell, or anadromous fish and fish eggs or joint stocking by some or all of such states, and, when two (2) or more of the said states shall jointly stock waters, the commission shall act as the coordinating agency for such stocking.

Article V

The commission shall elect from its number a chairman and a vice chairman and shall appoint and at its pleasure remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties,
qualifications, and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business, and may meet at any time or place within the territorial limits of the signatory states, but must meet at least once a year.

Article VI

No action shall be taken by the commission except by the affirmative vote of a majority of the whole number of compacting states represented at any meeting. No recommendation shall be made by the commission in regard to any species of fish except by the vote of a majority of the compacting states which have an interest in such species.

Article VII

The fisheries research agencies of the signatory states shall act in collaboration as the official research agency of the Pacific Marine Fisheries Commission.

An advisory committee to be representative of the commercial fishermen, commercial fishing industry, and such other interests of each state as the commission deems advisable shall be established by the commission as soon as practicable for the purpose of advising the commission upon such recommendations as it may desire to make.

Article VIII

Nothing in this compact shall be construed to limit the powers of any state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any state imposing additional conditions and restrictions to conserve its fisheries.

Article IX

Continued absence of representation or of any representative on the commission from any state party hereto shall be brought to the attention of the governor thereof.

Article X

The states agree to make available annual funds for the support of the commission in proportion to the primary market value of the products of their fisheries as recorded in the latest published reports (five-year (5)
average); provided, no state shall contribute less than $2,000.00 per annum and the annual contribution of each state above the minimum shall be figured to the nearest $100.00.

The compacting states agree to make available initially the annual amounts scheduled below, which amounts are calculated in the manner set forth herein, on the basis of the latest five-year (5) catch records. Subsequent budgets shall be recommended by a majority of the commission and the total amount thereof allocated equitably among the states in accordance with the above formula.

Schedule of Initial Annual State Contributions

<table>
<thead>
<tr>
<th>State</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>$11,000.00</td>
</tr>
<tr>
<td>Oregon</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Washington</td>
<td>$2,000.00</td>
</tr>
</tbody>
</table>

$15,000.00

Article XI

This compact shall continue in force and remain binding upon each state until renounced by it. Renunciation of this compact must be preceded by sending six (6) months' notice in writing of intention to withdraw from the compact to the other parties hereto.

Article XII

The States of Alaska or Hawaii or any state having rivers or streams tributary to the Pacific Ocean may become a contracting state by enactment of the Pacific Marine Fisheries Compact. Upon admission of any new state to the compact, the purposes of the compact and the duties of the commission shall extend to the development of joint programs for the conservation, protection, and prevention of physical waste of fisheries in which the contracting states are mutually concerned and to all waters of the newly admitted state necessary to develop such programs.

This article shall become effective upon its enactment by the States of California, Oregon and Washington, and upon ratification by Congress by virtue of the authority vested in it under Article I, Section 10, of the Constitution of the United States.

SECTION 3. In furtherance of the provisions contained
in the compact, there shall be three (3) members of the commission from the State of Idaho. One (1) such commissioner shall be the Director or other officer of the Idaho Department of Fish and Game charged with the conservation of the state's anadromous fisheries resource. The other two (2) commissioners shall be members of the Idaho Fish and Game Commission who shall be appointed by the chairman of the Idaho Fish and Game Commission.

SECTION 4. The effective date of this act shall be July 1, 1963, and it shall be in full force and effect thereafter.

Approved March 19, 1963.

CHAPTER 177
(S. B. No. 236)

AN ACT

AUTHORIZING THE PURCHASE AND USE OF VOTING MACHINES IN PRIMARY ELECTIONS, GENERAL ELECTIONS, ELECTIONS IN MUNICIPAL CORPORATIONS OR DISTRICTS; AUTHORIZING ISSUANCE OF BONDS FOR THE PURCHASE OF VOTING MACHINES; PROVIDING FOR MAINTENANCE AND CONTROL OF VOTING MACHINES AND MANNER AND METHOD OF USING VOTING MACHINES; DESIGNATING ELECTION OFFICERS TO BE APPOINTED WHEN VOTING MACHINES ARE USED AND DEFINING THEIR DUTIES; PROVIDING METHOD OF COUNTING AND CANVASSING VOTES WHEN VOTING MACHINES USED; PROVIDING THAT ANY PROVISIONS OF LAW, CITY CHARTERS OR CITY ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ACT SHALL BE OF NO FORCE OR EFFECT IN ELECTION DISTRICTS OR PRECINCTS WHERE VOTING MACHINES ARE USED.

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

SECTION 1. DEFINITIONS.—The following words used in this chapter have the meaning given them in this section:

(1) "Ballot label" means the paper containing the names of offices and candidates and the statements of propositions to be voted upon;

(2) "Candidate counters" and "question counters" mean
the counters on which are registered the votes cast for candidates and on questions respectively;

(3) "Public counter" means a counter or other device, which shall at all times publicly indicate how many times the machine has been voted on at an election;

(4) "Protective counter" or "protective devices" means a counter or device that will register each time the machine is operated and shall be so constructed, and so connected that it cannot be reset, altered or operated, except by operating the machine;

(5) "Diagram" means illustration of a voting machine complete with ballot labels prepared for a particular election or primary;

(6) "Irregular ballot" means a ballot cast by means of a voting machine by the use of a label which is a ballot label with no printing thereon;

(7) "Statement of canvass" means a statement in book form of the votes cast upon a voting machine together with suitable certificates of correctness or, if the voting machine is equipped with printed election returns mechanism, the printed returns therefrom, together with suitable certificates thereon;

(8) "Vote indicator" means the lever over each ballot label;

(9) "Voting machine booth" means the inclosure occupied by a voter while operating a voting machine;

(10) "Printed election returns" means the papers, original and duplicates, which are produced by the voting machine after the close of the polls and which have imprinted and inscribed thereon the complete record of votes cast in the election in the precincts where voting machines equipped with printed election returns mechanism are used.

SECTION 2. AUTHORITY FOR USE — APPLICABILITY OF STATUTES. — At all elections, ballots or votes may be cast, registered, recorded and counted by means of voting machines. The provisions of all statutes, charters and ordinances relating to elections and primaries shall apply to the use of voting machines in so far as they are consistent with the provisions of this chapter; in so far as they are inconsistent, they shall be of no force and effect in precincts where voting machines are used.
SECTION 3. STATE VOTING MACHINE COMMITTEE MEMBERS.—The governor, the secretary of state and the attorney general shall constitute the state voting machine committee.

SECTION 4. STATE VOTING MACHINE COMMITTEE—GENERAL DUTIES.—The state voting machine committee shall examine all voting machines submitted to it and determine whether they conform to the statutory requirements and can be safely used by voters.

SECTION 5. STATE VOTING MACHINE COMMITTEE—SUBMITTING MACHINES TO.—Any owner of a voting machine or any person interested therein may submit it to the state voting machine committee for examination and the committee must publicly examine and report upon the machine so submitted.

SECTION 6. STATE VOTING MACHINE COMMITTEE—EMPLOYEES AUTHORIZED.—The voting machine committee may employ not more than three expert machinists to assist it in examining machines. The machinists shall receive not more than ten dollars per day to be paid by the person who submits the machine for examination.

SECTION 7. STATE VOTING MACHINE COMMITTEE—REPORTS ON MACHINES.—Within thirty days after completing the examination of a voting machine, the voting machine committee shall make and file with the secretary of state its report thereon together with such description, drawings, and photographs as will clearly identify the machine examined and the mechanical operation thereof.

SECTION 8. REPORTS ON MACHINES—TRANSMITTAL TO CLERK OF THE BOARD OF COUNTY COMMISSIONERS.—Within ten days after receiving a report on a voting machine from the state voting machine committee, the secretary of state shall send a copy thereof to the clerk of the board of county commissioners of each county, and to the governing body of every city, town, and district within the state. Only voting machines which have the approval of the state voting machine committee may be used for conducting any election, but any change or improvement thereon that does not impair its accuracy, efficiency, or capacity may be made without the necessity of reexamination or reapproval.

SECTION 9. REQUIREMENTS OF VOTING MACHINES FOR APPROVAL.—No voting machine shall be
approved by the state voting machine committee unless it is constructed so as to fulfill the following requirements:

(1) It shall secure to the voter secrecy in the act of voting;

(2) It shall provide facilities for voting for the candidates of as many political parties or organizations as may make nominations, and for or against as many measures as may be submitted;

(3) Except at primary elections the voting devices for the candidates shall be arranged in separate parallel party lines, one or more lines for each party and in parallel office rows transverse thereto;

(4) It shall permit the voter to vote for any person for any office that he shall have the right to vote for but none other;

(5) It shall permit the voter to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties;

(6) It shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for but no more;

(7) It shall prevent the voter from voting for the same person more than once for the same office;

(8) It shall permit the voter to vote for or against any measure he may have the right to vote on but none other;

(9) It shall correctly register or record all votes cast for any and all persons and for or against any and all measures;

(10) It shall be provided with a lock or locks by which all operation of the registering mechanism can be prevented as soon as the polls of the election are closed;

(11) It shall be provided with a protective counter whereby any operating or tampering with the machine before or after the election will be detected;

(12) It shall be provided with a counter which will show at all times during an election how many persons have voted;

(13) It shall be provided with a mechanical model, illus-
trating the manner of voting on the machine suitable for the instruction of voters;

(14) It shall be provided with one device for each party for voting for the presidential and vice presidential candidates of said party in the years in which said officers are elected.

**SECTION 10. PURCHASE OF MACHINES — AUTHORITY FOR.**—The governing body of any public corporation may adopt and provide for the use of voting machines approved by the state voting machine committee in any or all of the election precincts thereof.

**SECTION 11. PURCHASE OF MACHINES — JOINT USE AND PURCHASE AUTHORIZED.**—In purchasing voting machines, the board of county commissioners of a county, and the governing body of one or more of the public corporations therein may enter into an agreement to provide for the joint purchase and subsequent ownership thereof and for the care, maintenance and use of the same.

**SECTION 12. PURCHASE OF MACHINES—MANNER OF PAYMENT.**—The governing body of a public corporation for the purpose of paying for voting machines may issue or sell at not less than par negotiable obligations bearing interest at a rate not to exceed five percent per annum, may make their payment a charge upon the corporation any may make such contract for the purchase of voting machines as to it shall seem proper.

**SECTION 13. CUSTODIANS.**—The clerk of the board county commissioners of a county, the city clerk, or proper officer of a district, in which voting machines are to be used shall cause them to be properly prepared therefor; and for that purpose shall employ for such time as is necessary one or more competent persons who shall be election officers known as the voting machine custodians. Voting machine custodians shall be sworn to perform their duties honestly and faithfully, and shall be paid for the time actually spent in the discharge of their duties. If more than one is employed they shall be selected from the political parties entitled to representation on a board of election officers.

**SECTION 14. CHIEF CUSTODIAN.**—The clerk of the board of county commissioners, the clerk of a city or district, having two hundred voting machines or more, shall appoint a permanent employee who shall be a competent mechanic. He shall be known as the chief custodian of
voting machines, shall be sworn to perform his duties honestly and faithfully, and shall furnish a corporate surety bond in the sum of five thousand dollars for the honest and faithful performance of his duties. His salary shall be set by the board of county commissioners, paid out of the current expense fund of the county or the general fund of the city or district, as the case may be.

The chief custodian of voting machines shall supervise the work of all other voting machine custodians, and shall instruct and supervise them and have general charge of the preparation and approval of voting machines for elections.

He shall also have charge of the instruction schools for election officials, and of the procuring and rental of all polling places in precincts where voting machines are to be used. He shall have continuous charge of the maintenance, upkeep and care of the voting machines in his jurisdiction.

SECTION 15. PREPARATION OF MACHINE FOR USE.—In preparing a voting machine for an election, the custodian shall arrange the machine and labels therefor according to the printed directions furnished by the auditor or clerk so that it will in every particular meet the requirements for voting and counting at such elections, thoroughly test same, and certify thereto to the said clerk. A voting machine may be so arranged for an election that the names of candidates nominated independently may be placed in the same party row with those nominated by a major political party, if such placing does not prevent such independently nominated candidates from being voted for individually. It may also be so arranged that candidates nominated independently, or by political organizations which nominated but one candidate, are placed in the same party row and voted for individually; in which event the party voting device of the party row shall be locked against movement, and the political designation of each candidate shall be printed upon the ballot labels in connection with his name. The auditor or clerk shall direct the arrangement of all ballot labels on a voting machine in case of nonpartisan primaries and elections in cities of the first class so that the arrangement of the names of candidates shall conform as nearly as practicable to the provisions for the arrangement of names on paper ballots. In all other cases of nonpartisan primaries and elections, and in all cases of party primaries and elections, the arrangement of names of can-
didates upon the ballot labels shall conform as nearly as practicable to the statutory provisions for the arrangement of names on paper ballots.

After being prepared for a primary or an election, each machine shall be examined by the auditor or clerk, and if it was prepared in accordance with law for use thereat, he shall file a certificate to be delivered to the polling places in charge of an authorized official who shall certify to their delivery in good order on the certificate furnished therefor. After such delivery the auditor or clerk shall provide proper protection therefor. The custodian shall provide a lantern or proper light for every machine, which light shall be in good order and give sufficient light to enable voters while in the booth to read the ballot labels, and suitable for use by the election officers in examining the counters.

SECTION 16. GENERAL PROVISIONS FOR USE.—
General provisions with reference to use of voting machines are:

(1) The list of offices and candidates and the statements of measures when properly arranged and affixed by ballot labels to a voting machine shall be deemed an official ballot.

(2) A "diagram" as in this chapter defined shall be deemed a sample ballot.

(3) The protective counter on a voting machine must be so constructed that it cannot be reset, altered, or operated except by operating the machine in the manner it is operated when actually voting.

(4) Statements of canvass take the place of tally-keepers, statements, and returns provided for in connection with voting in precincts where voting machines are not used.

(5) Not later than forty days before any primary or election, for the purpose of using one or more voting machines therein, the county may create, unite, combine or divide elections precincts. More than one voting machine may be used in the same precinct. There shall be at least one machine in each precinct.

(6) No voting machine shall be used at any election unless each (party) voting device thereon is locked against movement, and the machine has been prepared in such a way that the voter cannot by a single operation vote for all the candidates of one party.

SECTION 17. EXHIBITING SPECIMEN MACHINES.
Before each election at which voting machines are to be used the custodian shall place on public exhibition a suitable number of machines for the proper instruction of voters. Such machines shall be so arranged and so equipped with ballot labels as to best illustrate the method of voting at that election, and so far as practical shall contain the names of the offices to be filled, the names of the candidates to be voted for, together with their proper party designations, in case of party elections, and statements of the measures to be voted on.

Section 18.—Publication of Diagrams. — Not more than ten nor less than three days before each election at which voting machines are to be used the board or officer charged with the duty of providing ballots shall publish in newspapers representing at least two political parties a diagram of reduced size showing the face of the voting machines after the official ballot labels are arranged thereon, together with illustrated instructions how to vote and a statement of the locations of voting machines which are on public exhibition. In lieu of publication thereof, the board may send by mail or otherwise at least three days before the elections a printed copy of the diagram to each registered voter.

Section 19. Printed Matter and Supplies. — The board or officer charged with the duty of providing ballots shall provide for each voting machine for each election the following printed matter and supplies:

1. Suitable printed or written directions to the custodian for testing and preparing the voting machines for the election;

2. One certificate on which the custodian can certify that he has properly tested and prepared the voting machine for the election;

3. One certificate on which some person other than the custodian can certify that the voting machine has been examined and found to have been properly prepared for the election;

4. One certificate on which the party representatives can certify that they have witnessed the testing and preparation of the machines;

5. One certificate on which the deliverer of the machines can certify that he has delivered the machines to the polling places in good order;
(6) One card stating the penalty for tampering with or injuring a voting machine;

(7) Two seals for sealing a voting machine;

(8) One envelope in which the keys to the voting machine can be sealed and delivered to the election officers, said envelope to have printed or written thereon the designation and location of the election precinct in which the machine is to be used, the number of the machine, the number shown on the protective counter thereof after the machine has been prepared for the election and the number or other designation on such seal as the machine is sealed with; said envelope to have attached to it a detachable receipt for the delivery of the keys to the voting machine to the inspector of election;

(9) One envelope in which the keys to the voting machine can be returned by the inspector of election;

(10) One card stating the name and telephone address of the custodian on the day of election;

(11) One statement of canvass on which the election officers can report the canvass of the votes as shown on the voting machine together with other necessary information relating to the election;

(12) Two diagrams;

(13) Five suitable printed instructions to the inspector of election;

(14) Three notices to inspectors and judges of election to attend the instruction meetings;

(15) Three certificates that the inspector and judges of an election have attended the instruction meeting, have received the necessary instruction, and are qualified to conduct the election with the machine;

(16) A sufficient number of paper ballots or extra diagrams for use in case it shall be impossible to make use of the voting machine in any such precinct or precincts;

(17) Three complete sets of the ballot labels; the ballot labels shall be printed in black ink on clear white material of such size and arrangements as to suit the construction of the machine. The titles of offices on the ballot labels shall be printed in type as large as the space for such office will reasonably permit, and where more than one candi-
date can be voted for an office, there shall be printed below the office title the words "vote for any two," or such number as the voter is lawfully entitled to vote for out of the whole number of candidates nominated.

The ballot labels for measures may contain a condensed statement of each measure to be voted on, accompanied by the words "Yes" and "No."

SECTION 20. SAMPLES OF PRINTED MATTER WHEN INSTALLING MACHINES.—Within a proper and reasonable time before the first election at which voting machines are used, the secretary of state shall prepare samples of the printed matter and supplies to be used in connection with voting by voting machines. The samples must meet the requirements and suit the construction of the machine to be used. One sample of each piece of material must be furnished to the board or officer in charge of the election in each public corporation in which voting machines are to be used.

SECTION 21. PRECINCT OFFICERS—VARIATION IN NUMBER AND CHARACTER.—The election board of each election district in which a voting machine is used shall consist of one inspector and two judges of election who shall also act as clerks of election. Where more than one machine is to be used in an election district, one additional inspector of election shall be appointed for each additional machine. In any voting precinct or district where the number of registered voters is less than one hundred, the election board may consist of one inspector, one judge and one clerk.

SECTION 22. PRECINCT OFFICERS—INSTRUCTION IN USE OF MACHINES.—Before each election at which voting machines are to be used, the custodian shall instruct all inspectors and judges of election who are to serve thereat in the use of the machine and their duties in connection therewith. He shall give to each inspector and judge who has received instruction and is fully qualified to conduct the election with a machine a certificate to that effect. For the purpose of instruction, the custodian shall call such meetings of the inspectors and judges as may be necessary. Every inspector and judge shall attend the meetings and receive instruction in the proper conduct of the election with a machine. As compensation for the time spent in receiving instruction each inspector and judge who qualifies and serves in the election shall receive the sum of two dollars to be paid to him at the same time and in the same
manner as compensation is paid him for his services on election day. No inspector or judge of election shall serve in any election at which a voting machine is used unless he has received the required instruction and is fully qualified to perform his duties in connection with the machine and has received a certificate to that effect from the custodian of the machines: PROVIDED, That this shall not prevent the appointment of an inspector, or judge of election to fill a vacancy in an emergency.

SECTION 23. MACHINES KEPT LOCKED AFTER ELECTION—EXCEPTIONS.—Except for reopening to make a recanvass, the registering mechanism of each machine used in any primary or election shall remain locked and sealed against operation for thirty days following any state or county primary or election and for eight days following any primary or election held by a city or other constituency not greater than a county.

SECTION 24. BALLOTS. — Where voting machines are legally used in any county, city, or other municipality, the ballot arrangement of candidates to be voted on at the primary shall be substantially in form with that heretofore set forth in this section, but may be varied so as to carry out the purposes required by use of voting machines.

SECTION 25. ADDITIONAL SUPPLIES FOR VOTING MACHINES.—When voting machines are used the county auditor or other officer shall deliver to the inspector or one of the judges of each precinct the following additional supplies:

(1) The key for each voting machine, sealed in an envelope upon which is written the designation and location of the polling place, the number of the voting machine, the number or other designation mark of the seal on the machine, and the number registered on the protective counter thereof;

(2) Two diagrams;

(3) One extra set of ballot labels;

(4) One envelope containing a seal for sealing the machine after the polls are closed;

(5) One envelope for the return of the keys;

(6) Two statements of canvass.

SECTION 26. RECEIPT FOR KEY TO VOTING MA-
CHINE.—At the time of delivering the key to a voting machine, the county auditor or other officer shall require a receipt therefor bearing upon it the identical information required to be placed upon the envelope in which it is delivered.

SECTION 27. POSTING OF INSTRUCTIONS. — The judges of election shall post in and about the polling place at least two voters’ instruction cards and where voting machines are used at least two diagrams of the voting machine.

SECTION 28. INSPECTION OF VOTING MACHINE. — In precincts where machines are used the election officers before unlocking the machine for voting shall proceed as follows:

(1) They shall see that the voting machine is placed where it can be conveniently attended by the election officers and conveniently operated by the voters, and where, unless its construction requires otherwise, the ballot labels thereon can be plainly seen by the election officers and the public when not being voted on;

(2) They shall see that the model is placed where each voter can conveniently operate it and receive instructions thereon as to the manner of voting, before entering the machine booth;

(3) They shall post one diagram inside the polling room and one outside, in places where the voters can conveniently examine them;

(4) They shall see that the lantern or other means provided for giving light is in such condition that the voting machine is sufficiently lighted to enable voters to readily read the names on the ballot labels;

(5) They shall see that the ballot labels are in the proper places on the machine;

(6) They shall see whether the number or other designating mark on the seal sealing the machine, also the number registered on the protective counter agree with the number written on the envelope containing the keys. If they do not agree they shall at once notify the custodian and delay unlocking the machine, and opening the polls until he has reexamined the machine;

(7) If the numbers or marks on the envelope containing the keys and upon the machine do agree, they shall
proceed to see whether the public counter and all the candidate and question counters register "000". If any of the counters are found to register a number other than "000", one of the judges shall at once notify the custodian who shall set such counter at "000";

(8) Where voting machines equipped with printed election returns mechanism are used, they shall proceed to operate the mechanism provided to produce one imprinted "before election inspection sheet" showing whether the candidate and question counters register "000". If said sheet has imprinted thereon any numbers below any candidate's name or below any question's designation other than "000" one of the judges shall, after the polls close, under the scrutiny of the other members of the board of election officials, deduct that number from that candidate's or question's total in the space provided for on the return sheet.

After performing their duties as provided in this section, the election officers shall certify thereto in the appropriate places on the statement of canvass as provided thereon. When the polls are declared open, one of the election officers shall break the seal and unlock the machine for voting.

Section 29. Request and Delivery of Ballot to Voter.—A voter desiring to vote shall give his name to one of the election officers, who shall then in an audible tone announce it. A challenge may then be interposed. If no challenge is interposed or if it is overruled, the voter shall be permitted to enter a voting machine booth.

Section 30. Voting Machine—Help in Use.—If voting machines are being used, the election officers shall inform the voter as clearly as possible how to operate the machine and illustrate its use upon the model, calling his attention to the diagram. If after entering the booth, any voter asks for information regarding its operation, the election officers must give him the necessary information.

Section 31. Voting Machine—When All Voters Do Not Vote on All Offices.—Whenever a voter enters the booth who has the right to vote only on certain offices and measures, an election officer shall adjust the machine so that he can vote on such offices and measures and no others.

Section 32. Voting Machine—Periodic Exam-
INATIOn.—The election officers shall occasionally examine the face of the machine and the ballot labels to determine whether they have been injured or tampered with.

SECTION 33. Voting Machine—Out of Order.—If a voting machine installed in an election precinct become inoperative in any particular, the inspector or a judge shall give immediate notice to the custodian who must repair the machine or substitute another machine. If a substituted machine is used, the records of that and the machine for which it was substituted must be added in ascertaining the results of the election.

If the defective machine cannot be repaired or no effective machine can be substituted immediately a ballot box must be furnished and the officers of election shall use diagrams of the machine if available or the regular printed ballots furnished precincts where machines are not used and count them with the votes registered on the voting machine and the result declared as though a voting machine had been used throughout the election. Any marking of the diagrams or ballots by the voters which clearly indicates their intention shall be sufficient. The diagrams or ballots thus voted must be preserved and returned to the county election officer with a certificate setting forth how and why the same came to be voted.

SECTION 34. Vote Only Once—Spoiled Ballots.—No voter shall be permitted to enter a voting machine booth or move the operating lever more than once.

SECTION 35. Physically Disabled Voters.—The operation of voting shall be secret except to the extent necessary to assist physically disabled voters.

If any voter declares in the presence of the election officers that by reason of physical disability, he is unable to register or record his vote upon the machine, two election officers who must be of opposite political parties in case of partisan elections or primaries, shall enter the voting machine booth with him and register his vote for such candidates and for or against such measures as he may designate.

SECTION 36. Time Allowed Each Voter to Vote.—No voter shall remain within a voting machine booth longer than two minutes unless there are no other voters waiting to vote. If he refuses to leave at the end of his allotted time, the precinct election officers may remove him by force.
SECTION 37. VOTING MACHINE COUNT—METHOD. —At any election or primary where machines are used, as soon as the last voter has voted, the election officers shall lock and seal the machine, unlock and open the doors of the counter compartment, and canvass the votes registered on the counters therein and the votes recorded on or in the device or devices for voting for persons not nominated, and shall make two statements of canvass thereof in the following manner;

(1) One election officer shall call the designating number and letter of each candidate’s counter in the order given on the statement of canvass, and another election officer shall repeat such number and letter as it is read, and announce the vote registered on such counter, which shall thereupon be entered in ink on each of the statements of canvass;

(2) The canvass of each office shall be completed before proceeding to the next;

(3) The vote on each question shall be canvassed in the same manner;

(4) The votes cast on the irregular ballots and paper ballots shall then be canvassed;

(5) All votes for persons or questions, the names or propositions of which appear on the ballot labels, must be cast on the proper counters therefor. All votes for persons or questions, whose names or propositions do not appear upon the ballot labels must be cast in the proper places or in the device for irregular ballots. Any votes not so cast shall not be counted, except in case of the use of paper ballots;

(6) In precincts where voting machines equipped with printed election returns mechanism are used, the original and duplicate originals of the printed returns sheet of the votes cast for questions and for candidates regularly nominated, or who have duly filed, together with the tabulation and inclusion of any votes written in on the paper roll for those not regularly nominated, or who have not filed, shall constitute the “election returns” and “statement of canvass” from each such precinct when properly certified by the board of election officials.

During the canvassing said printed return sheets shall be available for public inspection and opportunity shall
be given any person lawfully present to examine the return sheets to ascertain the record of votes cast.

SECTION 38. VOTING MACHINE COUNT—VERIFICATION AND CERTIFICATION.—After completing and writing down the canvass of the votes cast, the election officers shall verify it by comparing the figures on the statement of canvass with the figures on the counters in the machine and the names recorded on a device for voting for persons not nominated. They shall then certify, in the appropriate place on each of the statements of canvass:

1. The number of voters that voted at the election as shown by the poll-list and by the number registered on the public counter;
2. The number registered on the protective counter; and
3. The number or other designating marks on the seal with which the machine has been sealed.

SECTION 39. VOTING MACHINE COUNT—PUBLIC ANNOUNCEMENT.—After completing and certifying to the statements of canvass, the inspector or judge shall read therefrom in a distinct voice the name of each candidate, the designating number and letter of his counter as stated thereon, and the vote entered for each; also the vote for or against each question. One copy thereof shall then be placed in an envelope and sealed to become part of the returns. During the canvassing and announcing of the vote, the counter compartment shall remain open, and opportunity shall be given any person lawfully present to examine the counters to determine the correctness of the vote as announced: PROVIDED, That where voting machines equipped with printed election returns mechanism are used, during the canvassing the printed returns sheets shall be available for public inspection and opportunity shall be given any person lawfully present to examine the returns sheets to ascertain the record of votes cast.

SECTION 40. VOTING MACHINE COUNT—CLOSING MACHINES—DELIVERY OF KEY.—The counter compartment shall then be locked and all keys of the machine shall be delivered in a sealed envelope to the clerk of the board of county commissioners or other election officer.

SECTION 41. TRANSMITTAL OF RETURNS—PENALTY.—The returns from each election precinct shall be transmitted to the clerk of the board of county com-
missioners or other election officer either by registered mail or in person by one of the judges or the inspector.

Failure to transmit the returns is a misdemeanor punishable by a fine of not less than five dollars nor more than fifteen dollars.

Section 42. Recanvass of Votes Cast on Machines Authorized—Procedure.—Whenever the board authorized to canvass the returns finds, in its discretion, that there is an apparent discrepancy or an inconsistency in the election returns such board may order that recanvass of the voting machines be made of all, or of any number less than all, of the precincts of the county, and said recanvass may, in the discretion of said board, be made as to all, or as to any number less than all, of the candidates or measures voted upon. In conducting such recanvass said board, or any duly authorized representative or employee of the board, may open the counter compartment of any voting machine without unlocking the machine against voting and recheck the vote cast thereon. If in the course of such recanvass the board determines that there is an error in the return of any precinct said board shall summon the inspector and judges of the precinct and the inspector and judges shall correct such error by making notation thereof in the poll book and shall initial such notation: PROVIDED, That in the event that the election officials do not appear, or fail or refuse to make the correction as indicated, the canvassing board shall correct such error in the poll book and initial such correction.

Section 43. Recanvass of Machine Votes—Notice—Representation—Relocking.—Before recanvassing the votes cast on a voting machine, the canvassing board or officer shall give notice in writing to the custodian and to each political party that nominated candidates for the election, of the time and place where the canvass is to be made, and may invite representatives or organizations or other persons involved or interested in any candidate or measure voted upon to be present at the time any such recanvass or recount be made. Each political party may send two representatives to be present at the recanvass. After the recanvass shall have been made the voting machines shall be immediately reclosed and the counter compartments relocked.

Section 44. Recanvass of Machine Vote—Procedure to Test Counting Mechanism—Statement.—If upon such recanvass, it should be
found that the original canvass of the returns has been correctly made from the machine, and that the discrepancy still remains unaccounted for, the canvassing board, with the assistance of the custodian shall in the presence of such said inspector and judges of election and the authorized representatives of the several political parties or organizations who are attendant, make a record of the number or other designating mark on the seal, and the number on the protective counter and unlock the voting and counting mechanism of said machine and proceed to thoroughly examine and test the machine to determine and reveal the true cause or causes, if any, of the discrepancy in the returns from said machine. Before being tested the counter shall be set at “000”, after which each counter shall be operated at least one hundred times. After the completion of said examination and test, the custodian shall then and there prepare a statement in writing giving in detail the result thereof and said statement shall be witnessed by the persons present and shall be filed with the clerk of the board of county commissioners or other election officer.

SECTION 45. RECOUNTING THE BALLOTS.—If any candidate makes application for and obtains a recount of votes the voting machines used in the precincts concerned in said recount shall be opened by the proper election judges in the presence of all persons who are in attendance at such recount, and the voting machines shall be rechecked as to the votes for such candidate and no other. The procedure shall be as by statute provided.

SECTION 46. PRIMARY AND ELECTION LAWS MADE APPLICABLE TO USE OF VOTING MACHINES.—All the provisions of the primary and election laws and of any city charter or ordinance not inconsistent with this act shall apply to all elections in districts or precincts where voting machines are used; and any provisions of law or of any city charter or ordinance which conflict with the use of such machines as herein set forth, shall not apply to the districts or precincts in which voting machines are used; and all acts or parts of acts or city charters or ordinances in conflict with any of the provisions of this act, shall be of no force or effect in election districts or precincts where voting machines are used.

Approved March 19, 1963.
CHAPTER 178
(S. B. No. 220)

AN ACT

EMPOWERING THE STATE BOARD OF HEALTH OF THE STATE OF IDAHO TO ESTABLISH RULES AND REGULATIONS GOVERNING SANITATION FOR VENDING MACHINES DISPENSING FOOD AND BEVERAGES AND THEIR OPERATION; DEFINING TERMS USED IN THIS ACT; PROVIDING THAT ALL FOODS AND BEVERAGES VENDED SHALL BE WHOLESOME AND FREE FROM SPOILAGE, AND PROVIDING REGULATIONS THEREFOR; PROVIDING FOR THE CLEANING OF FOOD CONTACT SURFACES; PROVIDING FOR USE OF SINGLE SERVICE ARTICLES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. DEFINITIONS.—The following definitions shall apply in the interpretation and the enforcement of this act:

A. Vending Machine: The term "vending machine" shall mean any self-service device offered for public use which, upon insertion of a coin, or by other means, dispenses unit servings of food or beverage, either in bulk or in package, without the necessity of replenishing between each vending operation.

B. Single Service Article: The term "single service article" shall mean any utensil, container, implement, or wrapper intended for use only once in the service or consumption of food or beverage.

C. Board: The term "board" shall mean the State Board of Health of the state of Idaho.

SECTION 2. RULES AND REGULATIONS.—The board is hereby empowered to establish and enforce such reasonable rules and regulations governing sanitation for vending machines dispensing food and beverages and for the operation thereof as it shall deem necessary and desirable for the protection of the public health.

SECTION 3. WHOLESOME FOODS AND BEVERAGES.—All foods and beverages offered for sale through vending machines shall be wholesome and free from spoilage, contamination and adulteration, and shall be dispensed automatically from within the vending machine.
SECTION 4. CLEANING REGULATIONS.—All food contact surfaces shall be cleaned by such bactericidal treatment as shall be prescribed by the rules and regulations of the board.

SECTION 5. DISPENSING OF FOOD.—All single service articles which receive food or beverages from machines dispensing such products in bulk shall be used only once and shall be dispensed automatically from within the vending machine. If any food is to be dispensed manually in conjunction with any vending machine operated for the use of the general public in a public place, that location shall be subject to compliance with all sanitation regulations pertaining to a Grade A restaurant.

SECTION 6. This act shall be in full force and effect on and after July 1, 1963.

Approved March 19, 1963.
Be invested pursuant to the requirements of the Prudent Man Investment Act and further providing a return of the initial deposit of twenty-five thousand dollars in the trust fund upon certain conditions; eliminating the initial deposit requirement in the trust fund with respect to cemetery authorities doing an endowment care cemetery business prior to the effective date of this act; providing for annual registration and specific contents of the registration statement of endowment care cemeteries with the cemetery board; providing for an annual registration fee; creating a state cemetery board and defining the membership of the board, the manner of appointment thereof, the qualifications and the duties of said board, including the administration of the act, the examination of endowment funds, the issuance of certificates of authority and providing for regulatory charge to be paid annually to the board; providing for revocation or suspension of certificates of authority and the hearing and appeal procedure therefor; providing for a cemetery fund exempting burial spaces sold from property taxes; specifying penalties for the violation of this act; providing for separability of its provisions; and providing an effective date.

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

Section 1. Declaration of Policy.—It is hereby declared to be in the public interest that cemeteries, as hereinafter in this act defined, advertising and/or selling "endowment care" or "perpetual care" cemetery lots, burial spaces, or interment facilities of any type or kind, be subject to regulation by the State of Idaho in order to insure the sound business practices essential to the continued furnishing of the endowment or perpetual care guaranteed. The provisions of this act shall be liberally construed to carry out this purpose.

Section 2. Short Title.—This act may be cited as the "Endowment Care Cemetery Act of 1963".

Section 3. Definitions.—When used herein, unless the context or subject matter requires otherwise, the terms hereinafter set forth shall have the following respective meanings:
(a) Cemetery. The term "cemetery" shall mean a place dedicated to, used and intended to be used for the permanent interment of the human dead, and shall include a burial plot for earth interments, a mausoleum for vault or crypt interments, a crematory, or a crematory and columbarium for cinerary interments, or any combination of one or more of the above.

(b) Endowed or Perpetual Care. The terms "endowed care" or "perpetual care" mean the maintenance and care of all places where interments have been made, of the trees, shrubs, roads, streets and other improvements contained within and/or forming a part of the cemetery. The term shall not include the maintenance or repair of monuments, tombs, copings or other man-made ornaments as associated with individual burial spaces.

(c) Perpetual or Endowed Care Cemetery. The term "perpetual or endowed care cemetery" means a cemetery wherein lots or other burial spaces are sold or transferred under the representation that said cemetery will receive perpetual or endowed care as herein defined, free of further cost to the purchaser after payment of the original purchase price for said lot or burial space.

(d) Trustee. The term "trustee" means the financial institution, or the board of directors of a cemetery authority designated as trustee of the cemetery care fund.

(e) Cemetery authority. The term "cemetery authority" means any person, firm, corporation, trustee, partnership, association or joint venture owning, operating, controlling or managing the cemetery or holding lands for burial purposes.

(f) Burial Space. The term "burial space" means a space in the ground in a burial park for the interment of the remains of a deceased person, and/or a crypt or vault in a mausoleum for the uncremated remains of a deceased person, and/or a niche in a columbarium, other structure or in the ground for the interment of the cremated remains of a deceased person.

SECTION 4. From and after the effective date of this act it shall be unlawful to operate a perpetual or endowed care cemetery in this state except by means of a corporation organized under the laws of this state; provided, however, that this section shall not apply to any person, firm, corporation or association which, prior to the effective
date of this act, was engaged in the business of operating a cemetery or cemeteries and had sold or contracted to sell burial space with a provision for perpetual or endowed care, if such person, firm or corporation has otherwise complied with the provisions of this act. It is further provided that the provisions of this act shall not apply to any person licensed under the provisions of Chapter 11, Title 54, Idaho Code, if said person was licensed as provided therein on the effective date of this act. Provided, however, that said exemption shall not be transferrable.

SECTION 5. After the effective date of this act, no charter shall be issued to a corporation organized for the purpose of maintaining and operating a perpetual or endowed care cemetery unless the articles of incorporation thereof certify to the establishment of an endowment or perpetual care trust fund for such care in accordance with the further provisions of this act, and that there is attached to said articles of incorporation the written instrument establishing said trust fund accompanied by the receipt of the trustee therein designated for the minimum care fund hereinafter provided.

SECTION 6. After the effective date of this act no owner of a cemetery in existence at the effective date of this act, who, previous to such date, has not sold or contracted to sell lots in said cemetery with a provision for perpetual or endowed care, shall thereafter advertise or otherwise hold out to the public that said cemetery or any individual lot therein is entitled to perpetual or endowed care unless and until said owner shall have established a trust fund for the care of said cemetery as provided by this act.

SECTION 7. After the effective date of this act, no corporation hereafter organized for the operation of a perpetual or endowed care cemetery nor any owner of a cemetery not previously operating as a perpetual or endowed care cemetery shall advertise or sell lots in said cemetery under the representation that said cemetery or individual space therein is entitled to perpetual or endowed care until there shall have been established a trust fund to provide for such care in accordance with the following requirements:

(a) That the cemetery authority deposit in an irrevocable trust fund with a trustee, as hereinafter qualified, the sum of $25,000.00 in cash.

(b) That from the final proceeds of any sale made by
the cemetery authority of an adult ground burial space there be deposited in said trust fund a sum equal to 10% of the selling price of each space, or the sum of $10.00, whichever is greater; the deposit for an infant burial space shall be 10% of the selling price received therefor.

(c) That there be deposited in said trust fund, from the final proceeds of any sale, the sum of $5.00 for each niche sold.

(d) That there be deposited in said trust fund, from the final proceeds of any sale, the sum of $25.00 for each crypt sold.

(e) All monies herein required to be paid said trust fund shall be deposited therein not later than 30 days from receipt of the final payment by the purchaser of the burial space.

(f) That the income from the trust or endowment care fund shall be used solely for the general care, maintenance, and embellishment of the cemetery and shall be applied in such manner as the cemetery authority may from time to time determine be for the best interests of the cemetery.

SECTION 8. That trust fund so created shall be evidenced by an instrument in writing, and shall contain in addition to the requirements of Section 7, of this act, the following provisions:

(a) That there shall be designated a trustee under this act, which shall be any financial institution located within the State of Idaho, duly authorized to transact a trust business, or the board of directors of the cemetery authority. When the trust fund is in the care of such board of directors as a board of trustees, the secretary of the cemetery authority shall act as its secretary and keep a true record of all of its proceedings.

(b) Where the trust is vested in such board of directors as a board of trustees, each of said trustees shall be bonded in the amount of not less than $5,000.00, conditioned upon his full and faithful performance of his trust obligations.

(c) As compensation, the trustee, whether it be a financial institution acting in such capacity or the board of directors of a cemetery authority acting as the trustee, shall be entitled to compensation in an amount not exceeding $25.00 quarterly, or a sum equal to 1/2 of 1% per
annum of the principal of the trust fund, whichever is the greater.

(d) In connection with its investment of the trust fund, the trustee shall be governed by the terms of the Prudent Man Investment Act, Title 68, Chapter 5, Idaho Code, as presently enacted or as may be from time to time amended.

(e) The principal of the trust fund shall remain permanently intact and only the income therefrom shall be expended. The income shall be used exclusively for the care of those portions of the cemetery in which lots have been sold with a provision for perpetual or endowed care. It is the intent of this section that the income of said fund shall be used solely for the care of lots or other burial spaces sold to third persons with a provision for perpetual or endowed care, and the care and embellishment of such other portions of the cemetery as may be desirable to preserve the beauty and dignity of the lots sold.

(f) The initial endowment care fund established for any cemetery shall remain in an irrevocable trust fund until such time as this fund has reached the sum of $50,000.00, when it may be withdrawn at the rate of $1,000.00 from the original $25,000.00 for each additional $3,000.00 added to the fund, this to continue until the entire original $25,000.00 has been withdrawn by the cemetery authority.

SECTION 9. Any cemetery authority in existence prior to the effective date of this act, which has in fact sold burial spaces under the representation that perpetual care shall be afforded to such lot, shall not be required to make the initial deposit of $25,000.00 in said irrevocable trust fund, but said cemetery authority, in order to comply with the provisions hereof, must meet each and every other requirement henceforth as are prescribed and set forth and required by the provisions of this statute.

SECTION 10. The endowed care funds authorized here-in and all sums paid therein or contributed thereto are, and each thereof are, hereby expressly permitted and shall be deemed to be for charitable purposes. Such endowed care shall be deemed to be provisioned for the discharge of the duty due from the person or persons contributing thereto to the persons interred and to be interred in the cemetery, and likewise a provision for the benefit and protection of the public by preserving and keeping cemeteries from becoming places of disrepair, reproach and desolation in the communities in which they are situated. The trust
funds authorized herein, the income therefrom, and the
monies received under any contract providing for care of
a burial space, and deposited in the trust fund shall be
exempt from taxation. No payment, gift, grant, bequest
or other contribution for such general endowed care shall
be deemed to be invalid by reason of any indefiniteness
or uncertainty of the person designated as beneficiaries in
the instruments creating such trust, nor shall said fund
or any contribution thereto be deemed to be invalid as
violating any law against perpetuities or the suspension
of the power of alienation of title to property.

SECTION 11. Every cemetery authority owning, oper­
at­ing, controlling or managing an endowed care cemetery
shall register with the Cemetery Board, as hereinafter
created, by filing an annual registration statement on forms
furnished by said Board, which shall show, as of the end
of the preceding calendar year or fiscal year, whichever
is more convenient to the cemetery authority, the following:

(a) The amount of the principal of the care funds held
by the trustee of said funds of such cemetery authority,
at the beginning of such year, and in addition thereto all
monies or property received during such year, from the
following sources:

(1) Under and by virtue of the sale of a lot, grave,
crypt or niche.

(2) Under and by virtue of any gift, grant, devise,
bequest, payment or other contribution made
subsequent to the effective date of the Endowed
Care Cemetery Act of 1963.

(b) The income received from such care funds during
the preceding calendar or fiscal year as the case may be.
Where any of the care funds of a cemetery authority are
held by a trustee, other than the board of directors of
the cemetery authority, the annual registration statement
filed by any cemetery authority shall also contain a cer­
tificate signed by the trustee of the care funds of such
cemetery authority certifying to the truthfulness of the
statements in the report as to:

(1) The total amount of principal of the care funds
held by the trustee.

(2) The securities in which such care funds are
invested and the cash on hand as of the day
of the report; and
(3) The income received from such care funds during the preceding calendar year or fiscal year as the case may be.

Such statement shall be filed by the cemetery authority on or before December 31 of each calendar year with the Secretary of the board. If the fiscal year of such cemetery authority is other than on a calendar year basis, then such statement shall be filed within 30 days of the end of its fiscal year.

SECTION 12. The State Cemetery Board, hereinafter known as the Board, is hereby created and established. The Board shall consist of three members, who shall be appointed by the Governor of the State of Idaho, and shall include the following: The Commissioner of Finance of the State of Idaho shall be a permanent member and Secretary of the Board; the remaining two directors shall be appointed from officers, owners, directors or operators of any cemetery authority in Idaho, as in this act defined, in good standing under the terms hereof.

The members of the Board who are either officers, owners, directors or operators of a cemetery authority shall be appointed for terms of three years.

No member of the Board shall receive compensation for his services in such capacity, but shall receive only his necessary traveling and other actual expenses involved in attending Board meetings. Annually the Board shall organize and elect from among its members a Chairman and a Vice-Chairman. The Board shall meet a minimum of twice a year at any place within the State of Idaho or elsewhere as the majority of the Board shall determine.

SECTION 13. ADMINISTRATION AND ENFORCEMENT.—The Cemetery Board shall enforce and administer the provisions of this act. The Board is authorized to bring actions to enforce the provisions of this act, subject to its jurisdiction in which actions it shall be represented by the Attorney General of the State of Idaho.

SECTION 14. EXAMINATION OF ENDOWMENT FUNDS—EXPENSE.—The Board shall examine the endowment care funds of a cemetery authority: (1) within one year from the effective date of this act, and whenever it otherwise deems necessary, but at least once every three years after the original examination; (2) whenever the cemetery authority in charge of endowment funds fails
to file the report required by this chapter; and (3) the expense of the examination as provided herein shall not exceed $25.00 per day for each examiner engaged in the examination. Whenever the examination requires more than two days, the expenses shall be paid by the cemetery authority. The examination shall be privately conducted in the principal office of the cemetery authority. All examination expense monies shall be paid into the state treasury to the credit of the cemetery fund.

In lieu of examination as herein set forth, the Board may accept, at its sole discretion, a certified audit report of a Certified Public Accountant, licensed in the State of Idaho.

**SECTION 15. POWERS AND DUTIES OF THE BOARD CONCERNING EXAMINATION FUNDS.**—In making the examination of endowment care funds under this act, the Board: (1) shall have free access to the books and records relating to the endowment care funds, their collection and investment, and the number of graves, crypts and niches under endowment care; (2) shall inspect and examine the endowment care funds to determine their condition and the existence of the investments; (3) shall ascertain that the cemetery authority has complied with all the laws applicable to endowment care funds.

**SECTION 16. RULES AND REGULATIONS.** — The Cemetery Board may establish, adopt and promulgate necessary rules and regulations for the administration and enforcement of this title, and the laws subject to its jurisdiction, and prescribe the form of statements and reports provided for in this title.

**SECTION 17. CERTIFICATES OF AUTHORITY.** — It shall be unlawful from and after the date of this act for any cemetery authority to hold out to the public or sell endowed or perpetual care in connection with the sale of burial spaces without a valid and subsisting certificate of authority. Applications in writing for a certificate of authority shall be made by a cemetery authority to the cemetery board, accompanied by the regulatory charge provided for in this act. Such application must show that the cemetery authority owns or is actively operating a cemetery which is subject to the provisions of this act.

**SECTION 18.**—**REGULATORY CHARGES.** — The regulatory charges for cemetery certificates of authority are payable at the time of the filing of the application for a
certificate of authority, and in advance of the issuance of the certificate. All certificates shall be issued for the calendar year and shall expire at Midnight on the 31st day of December of each calendar year. Failure to pay the regulatory charge automatically shall suspend the certificate of authority. Such certificate may be restored upon payment to the Board of the prescribed charges. Every cemetery authority shall pay for each cemetery operated by it, an annual regulatory charge not to exceed the sum of $50.00, which shall be fixed by the Board. Upon payment of the charge, the Board will issue a certificate of authority, assuming the applicant complies with the other terms and provisions of this act relating thereto.

SECTION 19. REVOCATION OR SUSPENSION — HEARING PROCEDURE. — The Board shall have the power to suspend or revoke the certificate of any cemetery authority for any violation of this act. Before such action shall be taken, the Board shall serve written charges on the cemetery authority and shall set a date for hearing said charges not sooner than 10 days after such service. The accused shall have the right to be represented by counsel. The Board shall have the power of subpoena, and the accused shall have said right upon application to the Board. A transcript of all proceedings at the hearing shall be kept by a reporter. At the conclusion of the hearing the Board shall make written findings and render its judgment.

Appeal from the judgment of the Board may be taken by the cemetery authority affected thereby to the District Court of the county wherein the accused resides or has its principal place of business, within 20 days from the entry of the order. The District Court shall require the Board to certify and deliver to it a complete copy of the transcript and record of proceedings, and all exhibits, within 20 days of the court’s order. Review by the court shall be limited to the question of whether the Board has regularly pursued its authority and whether the findings are supported by competent evidence.

SECTION 20. CEMETERY FUND.—There shall be in the office of the State Treasurer a fund to be known and designated as the “Cemetery Fund”. All regulatory fees or other monies to be paid under this act, unless provision be made otherwise, shall be paid at least once a month to the State Treasurer to be credited to the cemetery fund. All monies credited to the cemetery fund shall be used,
when appropriated by the legislature, by the cemetery board to carry out the provisions of this chapter.

SECTION 21. CONTRIBUTIONS.—A cemetery authority which has established an endowment care fund may take and hold, as a part of or incident to the fund, any property, real, personal or mixed, bequeathed, devised, granted, given or otherwise contributed to it for its endowment care fund.

SECTION 22. EXEMPTION FROM TAXATION. — A perpetual or endowed care cemetery shall be exempt from any and all property taxes on any burial space or spaces, as herein defined, sold by it for the purpose of interment. The cemetery authority shall report annually in writing to the assessor of the county in which the cemetery is located, such burial spaces sold during said year, and the same shall be removed from the tax rolls, effective from and after the year in which the space was sold.

SECTION 23. VIOLATIONS—MISDEMEANORS.—Violations of this act shall constitute a misdemeanor and each violation shall constitute a separate offense. Any cemetery authority, person, firm or corporation violating any of the provisions of this act shall, upon conviction, be punishable by a fine of not less than $100.00 nor more than $300.00, or if a person, by a fine or by imprisonment in the County Jail not exceeding six months, or by both such fine and imprisonment.

SECTION 24. The provisions of this act shall not apply to any family, religious, fraternal, municipal cemetery district, state or federal cemetery.

SECTION 25. SEPARABILITY.—If any part or parts 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 the remaining parts of this act irrespective of the fact that any part or parts hereof be declared unconstitutional.

SECTION 26. EMERGENCY.—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 passage and approval.

Approved March 19, 1963.
CHAPTER 180
(S. B. No. 116)

AN ACT

RELATING TO BANKS AND BANKING; AMENDING SECTION 26-1001, IDAHO CODE, AS AMENDED, TO REMOVE CERTAIN RESTRICTIONS AGAINST BRANCH BANKS AND BANKING.

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

SECTION 1. That Section 26-1001, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

26-1001. BRANCH BANKS—RIGHT TO MAINTAIN—REQUIREMENTS.—No bank shall maintain any branch bank office except as hereinafter provided. Any corporation organized under the laws of Idaho and authorized to engage in the banking and/or trust business may, with the approval of the commissioner of finance, establish and operate branch banking offices for the transaction of its business within the limits of the city, town, or village, in which it is situated, or at any point within this state: Provided, that such corporation shall have a paid-in capital stock of not less than $100,000 and a surplus fund, paid-in or earned, in the amount of not less than twenty per cent of its capital stock. The provisions of sections 26-201, being section 6 of chapter 133 of the laws of 1925, shall not apply to any corporation operating branch banking offices, but no such corporation shall establish or maintain branch banking offices unless its paid-in capital stock shall, in the aggregate, amount to at least $25,000 for each of the banking offices, and from and after the effective date of this act no new branch bank or new branch office of any bank shall be established unless the corporation establishing the same has a paid-in and unimpaired capital stock in an amount not less than the minimum capital stock now required by subsections (c) (d) of section 36 of title 12 of the United States Code as amended by section 23 of the Bank Act of 1933, being an Act of Congress approved June 16, 1933, for a national banking association establishing and operating new branches outside the city, town or village in which such association is situated. Branch banking offices shall not be established in any city, town or village, in which there is located a bank or banks, state or national, regularly transacting a customary banking business unless the corporation establishing such branch.
CHAPTER 181
(S. B. No. 77)

AN ACT

TO PRESERVE THE ARCHAEOLOGICAL AND VERTEBRATE PALEONTOLOGICAL RESOURCES OF IDAHO; TO PROVIDE FOR THE ISSUANCE OF EXCAVATION PERMITS BY THE IDAHO STATE HISTORICAL SOCIETY; TO PROHIBIT REMOVAL OF RELICS WITHOUT CONSENT OF THE SOCIETY, EXCEPTING THEREFROM ADMINISTRATIVE MANAGEMENT OF PROPERTY OF THE STATE OF IDAHO; TO PROVIDE FOR REGULATIONS GOVERNING EXCAVATION; AND PROVIDING A PENALTY FOR VIOLATIONS OF THE ACT.

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

SECTION 1. DECLARATION OF PURPOSE.—The purpose of this act is to protect archaeological and vertebrate paleontological sites and resources on public lands in the state of Idaho and to ensure their safety and availability for scientific research.

SECTION 2. PERMITS FOR EXCAVATION.—A permit shall first be obtained from the Board of Trustees of the Idaho State Historical Society before any excavation in or on any prehistoric site, ruins, pictographs, petroglyphs, or any other ancient marking or writing, or in or on any archaeological or vertebrate paleontological deposit or site on any public lands in Idaho. Such permits shall be issued only to applicants who are qualified by experience or professional training to conduct such excavations in an approved scientific manner. Said trustees may appoint any such professionally qualified advisors as, in their opinion, may be needed to advise them upon the granting of said permits.
SECTION 3. REGULATIONS.—The Board of Trustees of the Idaho State Historical Society is hereby authorized and empowered to promulgate and to enforce such regulations as it may deem needful to protect the prehistoric ruins and relics and archaeological and vertebrate paleontological sites and deposits on any public land in Idaho. No person shall remove from the state of Idaho any part of any such ruins, pictographs, petroglyphs, relics, deposits, objects, specimens, or artifacts recovered from any such archaeological or vertebrate paleontological site or deposit without first obtaining the consent of the Board of Trustees of the Idaho State Historical Society. Said Board of Trustees may require, as a condition to such consent, that such portion of such relics, ruins, pictographs, petroglyphs, objects, specimens, artifacts, or deposits as said Board of Trustees shall require, shall become or remain the property of the state of Idaho. Nothing in this section shall be construed to interfere with the administrative management of relics, ruins, pictographs, petroglyphs, deposits, objects, specimens, or artifacts which have been recovered from any such sites or deposits and which are the property of any agency or institution of the government of the state of Idaho.

SECTION 4. PENALTIES.—Any person violating this act shall be guilty of a misdemeanor and, upon conviction thereof, shall, in addition to any other penalties imposed, forfeit to the state of Idaho all articles and materials he acquired from or discovered on such archaeological or vertebrate paleontological sites.

Approved March 19, 1963.

CHAPTER 182
(S. B. No. 81)

AN ACT
TO PROVIDE THAT A TESTATOR MAY MAKE A DEVISE OR BEQUEST TO AN EXISTING TRUST, AND THE EFFECT THEREOF; PROVIDING THAT THE ACT SHALL HAVE NO EFFECT ON A WILL EXECUTED PRIOR TO ITS EFFECTIVE DATE; PROVIDING FOR UNIFORMITY OF INTERPRETATION; AND PROVIDING A SHORT TITLE.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. TESTAMENTARY ADDITIONS TO TRUST.—A devise or bequest, the validity of which is determinable by the law of this state, may be made by a will to the trustee or trustees of a trust established or to be established by the testator or by the testator and some other person or persons or by some other person or persons (including a funded or unfunded life insurance trust, although the trustor has reserved any or all rights of ownership of the insurance contracts) if the trust is identified in the testator’s will and its terms are set forth in a written instrument (other than a will) executed before or concurrently with the execution of the testator’s will or in the valid last will of a person who has predeceased the testator (regardless of the existence, size, or character of the corpus of the trust). The devise or bequest shall not be invalid because the trust is amendable or revocable, or both, or because the trust was amended after the execution of the will or after the death of the testator. Unless the testator’s will provides otherwise, the property so devised or bequeathed (a) shall not be deemed to be held under a testamentary trust of a testator but shall become a part of the trust to which it is given and (b) shall be administered and disposed of in accordance with the provisions of the instrument or will setting forth the terms of the trust, including any amendments thereto made before the death of the testator (regardless of whether made before or after the execution of the testator’s will) and, if the testator’s will so provides, including any amendments to the trust made after the death of the testator. A revocation or termination of the trust before the death of the testator shall cause the devise or bequest to lapse.

SECTION 2. EFFECT ON PRIOR WILLS.—This Act shall have no effect upon any devise or bequest made by a will executed prior to the effective date of the Act.

SECTION 3. 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.

SECTION 4. SHORT TITLE.—This Act may be cited as the Uniform Testamentary Additions to Trusts Act.

Approved March 19, 1963.
CHAPTER 183
(S. B. No. 184)

AN ACT

AMENDING TITLE 57, CHAPTER 2, IDAHO CODE, AS AMENDED, DESIGNATED AS THE MUNICIPAL BOND LAW; AND BY DECLARING AN EMERGENCY; FIXING AN EFFECTIVE DATE FOR THIS ACT.

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

SECTION 1. Section 57-203, Idaho Code, is hereby amended to read as follows:

57-203. AUTHORIZATION OF BONDS.—Whenever the governing board of any such corporation shall deem it advisable to issue the negotiable coupon bonds thereof for any authorized purpose, such governing board shall provide therefor by ordinance or resolution, duly passed and adopted and spread at length on the permanent record of its proceedings, which ordinance or resolution shall specify and state the amount and purpose of such proposed bond issue, the ultimate maturity of such bond issue, and that the annual bond maturities thereof shall be amortized and payable in accordance with the provisions of this act. If such issue will create a new debt the object thereof must be stated; and if the purpose thereof shall be the funding or refunding of an existing indebtedness, such existing indebtedness shall be described sufficiently for identification and all bonds, warrants or other securities thus to be funded or refunded shall be described by setting forth their identifying numbers, dates and amounts and the fund or funds out of which the same, according to their terms, are payable; and said ordinance or resolution, or a subsequent ordinance or resolution which shall be passed or adopted before or at the time of incurring such bond indebtedness, shall specify the provisions to be made for the payment of principal and interest of such bonds and also to constitute a sinking fund for the payment of the principal thereof within twenty years from the time of contracting such bond indebtedness as required by law: provided, that where such bonds shall be required by law to be authorized by an election upon the question of the authorization thereof, the ordinance or resolution providing for and calling such election thereon shall comply with the foregoing provisions and requirements of this section in the ordinance or resolution. The governing body of the issuing corporation shall prescribe the bond form and coupon form by ordi-
nance or resolution at any time prior to the delivery of such bonds to the purchaser thereof.

SECTION 2. Section 57-207, Idaho Code, is hereby amended to read as follows:

57-207. BONDS — DENOMINATION. — The denominations of each such bonds shall be $100.00, or any even multiple thereof not exceeding $1,000-$5,000, as fixed by ordinance or resolution prior to the issuance thereof: provided, that bond number one of each series or issue may be issued in any denomination not exceeding $1,000-$5,000.

SECTION 3. Section 57-210, Idaho Code, is hereby amended to read as follows:

57-210. BONDS—MAXIMUM TERM.—No bonds shall be issued to run for a longer term than twenty years from the date of the issue thereof.

SECTION 4. Section 57-211, Idaho Code, is hereby amended to read as follows:

57-211. BONDS—AMORTIZED MATURITIES.—The bonds of any one issue shall mature and be payable upon an annual amortization plan, the first annual amortized principal payment shall mature and be payable at the expiration of within two years from and after the date of issue the bonds, and the various annual maturities shall, as nearly as practicable, be in such principal amounts as will, together with the accruing interest on all outstanding bonds of such issue, be met and paid by an equal annual tax levy for the payment of the principal of said bonds and interest thereon during the term for which such bonds shall be issued: provided, that it shall not be necessary to prescribe such amortized annual maturities in any bond issue until the interest rate to be borne by such bonds shall have been ascertained upon and after the sale thereof. Provided, further, that in cities of the first class, the first annual amortized principal payment may, at the option of the governing board of such city of the first class, mature and be payable at the expiration of not more than seven years from and after the date of issue. Provided further, that the first annual amortized principal payment on funding bonds and on refunding bonds issued within three years after the effective date of this act, other than those issued by cities of the first class, may, at the option of the governing board, be made to mature and be payable at any time not less than two nor more than five years after the date of issue however:
(a) That anything in this section to the contrary notwithstanding, whenever the governing body of the issuing corporation shall in its sole discretion determine it to be to the advantage of such corporation, it may issue and sell such bonds with such annual maturities as it shall determine either prior to or after the fixing of the interest rates such bonds will bear, and in every such instance it shall be permissible for the governing body to issue such bonds in the annual maturities so determined upon and bearing the rate or rates of interest ascertained upon the sale of such bonds.

(b) That nothing herein contained shall be construed as prohibiting any serial maturity from being in the sum of $5,000 or an even multiple thereof.

SECTION 5. If any provision of this act or the application thereof to any person or circumstances is held invalid, such 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 declared to be severable.

SECTION 6. 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 19, 1963.

CHAPTER 184
(H. B. No. 194)

AN ACT

AMENDING SECTION 23-1033, IDAHO CODE, TO ELIMINATE THE REQUIREMENT THAT ADVERTISING DISPLAYS FOR BEER, AS NOW AUTHORIZED BY SAID SECTION, MUST BE MADE UP OF, OR HAVE AS A PART THEREOF, FILLED CONTAINERS OF BEER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 23-1033, Idaho Code, be, and the same is hereby amended to read as follows:

23-1033. FINANCIAL INTEREST IN OR AID TO RETAILERS PROHIBITED—CERTAIN AID PERMITTED.
—(1) 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 therefore sold and delivered to such licensed retailer referred to in subsection (1) (b) of this section; 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 subsec-
(a) of this section, as a part of said display, advertising materials, equipment and supplies for use in and relating to advertising displays for beer on the interior of such licensed retailer's premises; provided, however, that such advertising displays and the materials, equipment and supplies composing such displays 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.

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 19, 1963.
AMENDING CHAPTER 4 OF TITLE 36, IDAHO CODE, RELATING TO FISH AND GAME LICENSES, BY AMENDING SECTION 36-404 THEREOF RELATING TO RESIDENT LICENSES, PERMITS AND TAGS, TO INCREASE THE FEES FOR TAGS TO BE ATTACHED TO DEER AND ELK AND TO DELETE THEREFROM THE PROVISION PROHIBITING THE TRANSFERS OF LICENSES, PERMITS AND TAGS TO ANY OTHER PERSON, AND BY ADDING A NEW SECTION THERETO, FOLLOWING SECTION 36-411, IDAHO CODE, TO BE KNOWN AND DESIGNATED AS 36-412, IDAHO CODE, PROVIDING THAT IT SHALL BE UNLAWFUL AND A MISDEMEANOR TO TRANSFER TO ANOTHER PERSON, AND FOR SUCH OTHER PERSON TO USE ANY SUCH LICENSE, PERMIT OR TAG; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE FOR THIS ACT.

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

SECTION 1. That Section 36-404, Idaho Code, be, and the same is hereby amended to read as follows:

36-404. Any person over the age of 12 years, who has been a bona fide resident of the state of Idaho for a period of six months last preceding the application for a license, upon the payment of the fee fixed by section 36-407 to the state fish and game director, or to any license vendor, shall be entitled to receive from the officer, or any authorized agent to whom such payment is made, a fish and game license combined, or a fish or game license or both, which shall permit such person to pursue, hunt and kill any of the game or birds, except deer, pronghorn antelope, mountain sheep, moose, elk or goats, mentioned in this act, during the time when it shall be lawful to kill the same in any of the counties of this state subject to the limitations as to the number of each kind of animals or birds provided herein, and to catch fish with a hook and line according to the provisions of this act. Any such person shall be entitled to receive from the officer or any authorized agent to whom such payment is made, a permit to kill deer, pronghorn antelope, mountain sheep, moose, elk or goats in accordance with the laws of this state. Such a permit or license shall be issued to a person holding a license provided for in this chapter. section, and shall
be evidenced by a tag which may be purchased upon payment of one dollar for the privilege of hunting deer and pronghorn antelope, two dollars for elk, three dollars for elk, and ten dollars for moose, mountain sheep and goat. Provided that a license must be had for the hunting or taking of each and every one of said animals. Said tags are to bear and have serial numbers to be endorsed on said license by the vendor at the time of sale. Said tags are to be prepared, constructed and handled by and under the direction of the state fish and game director in such manner as he shall deem expedient. Such license, tag or permit shall not be transferred to any other person. Provided, that any regularly appointed officer or members of the military and naval forces of the United States who are employed and lodged in the state, shall be entitled to purchase resident licenses, irrespective of their residence or the length of time they have resided within this state.

SECTION 2. That Chapter 4 of Title 36, Idaho Code, be, and the same hereby is amended by adding a new section thereto, following Section 36-411, Idaho Code, to be known and designated as Section 36-412, Idaho Code, and to read as follows:

36-412. It shall be unlawful and a misdemeanor for any person to transfer any fishing, hunting or trapping license, tag, or permit to any other person, and for any person to make use of a fishing, hunting or trapping license, permit, or tag issued to any other person.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after May 1, 1963.

Approved March 19, 1963.

CHAPTER 186
(H. B. No. 195)

AN ACT
RELATING TO THE PRACTICE OF PSYCHOLOGY IN THE STATE OF IDAHO; DEFINING CERTAIN TERMS AS USED IN THIS ACT; DECLARING CERTAIN ACTS WITH REFERENCE TO THE PRACTICE OF PSYCHOLOGY TO BE UN-
LAWFUL WITHOUT A LICENSE, AND EXEMPTING SPECIFIED ACTIVITIES FROM SAID REQUIREMENT; CREATING AN IDAHO STATE BOARD OF PSYCHOLOGIST EXAMINERS AND PROVIDING FOR THE QUALIFICATIONS, MANNER OF APPOINTMENT, TERMS OF OFFICE, EXPENSES, AND MEETINGS OF THE MEMBERS OF SAID BOARD; PROVIDING THE POWERS AND DUTIES OF THE DEPARTMENT OF LAW ENFORCEMENT IN THE ADMINISTRATION OF THIS ACT, INCLUDING LICENSING, THE ADOPTION OF RULES AND REGULATIONS, AND THE CONDUCT OF EXAMINATIONS AND HEARINGS; PROVIDING FOR THE EXERCISE OF SUCH FUNCTIONS BY THE BOARD; EXEMPTING SOCIAL PSYCHOLOGISTS FROM THE PROVISIONS OF THIS ACT; SPECIFYING THE QUALIFICATIONS FOR A LICENSE TO PRACTICE PSYCHOLOGY; REQUIRING THE PAYMENT OF FEES OF $25.00 FOR THE INITIAL LICENSE AND $10.00 FOR RENEWALS THEREOF; PROVIDING FOR THE ISSUANCE OF LICENSES WITHOUT EXAMINATION IN CERTAIN CASES WHERE APPLICATIONS THEREFOR ARE SUBMITTED WITHIN ONE YEAR FROM THE EFFECTIVE DATE OF THIS ACT; PROVIDING CERTAIN GROUNDS FOR THE REVOCATION OR DENIAL OF A LICENSE; PROVIDING THAT CERTAIN ACTS WITHOUT A LICENSE SHALL CONSTITUTE A MISDEMEANOR, AND THAT IT SHALL BE THE DUTY OF THE PROSECUTING ATTORNEYS TO PROSECUTE VIOLATIONS OF THIS ACT; PROVIDING FOR THE GRANTING OF LICENSES WITHOUT EXAMINATION TO PERSONS LICENSED IN ANOTHER STATE UPON CERTAIN CONDITIONS; PROVIDING THAT NOTHING IN THIS ACT SHALL AUTHORIZE ANY PERSON LICENSED AS A PSYCHOLOGIST TO ENGAGE IN THE PRACTICE OF MEDICINE; PROVIDING THAT INFORMATION ACQUIRED BY A PSYCHOLOGIST SHALL BE CONFIDENTIAL AND PRIVILEGED; AND PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS OF THIS ACT AND FOR THE APPLICATION OF THE PROVISIONS OF CHAPTER 29 OF TITLE 67 TO ITS ADMINISTRATION.

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

SECTION 1. The practice of psychology in the State of Idaho is hereby declared to affect the public health, safety and welfare, and to be subject to regulation and control in the public interest to protect the public from unprofessional, improper, unauthorized and unqualified practice of psychology, and from unprofessional conduct by persons licensed to practice psychology. This act should be liberally construed to carry out these objects and purposes.
SECTION 2. Within the meaning of this act the following definitions obtain:

(a) "Department" means the Department of Law Enforcement of the State of Idaho.

(b) "Commissioner" means the Commissioner of Law Enforcement of the State of Idaho.

(c) "Board" means the Idaho State Board of Psychologist Examiners.

(d) "Person," "he" and "his" mean either male or female persons unless a contrary intention is made manifest. None of these words shall be taken to mean other than a natural person.

(e) "Psychological services" means any services to which the words "psychological," "psychologist" or "psychology" are applied by the person rendering or offering to render them or to the "practice of psychology" as defined in Section 2 (f).

(f) "Practice of psychology" means the application of established principles of learning, motivation, perception, thinking, and emotional relationships to problems of personnel evaluation, group relations, and behavior adjustment. The application of said principles includes, but is not restricted to, counseling and the use of psychotherapeutic measures with persons or groups with adjustment problems in the areas of work, family, school, and personal relationships; measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes, and skills; and doing research on problems relating to human behavior.

(g) A person represents himself to be a psychologist when he holds himself out to the public by any title or description incorporating the words "psychological," "psychologist" or "psychology" or offers to render or renders psychological services for remuneration.

SECTION 3. It shall be unlawful for any person to practice or to offer to practice psychology, or to represent himself to be a psychologist, unless he shall first obtain a license pursuant to this act, except as hereinafter provided.

Nothing in this act shall be construed to limit the activities, and use of an official title on the part of a person in the employ of a federal, state, county, or municipal
agency, or other political subdivision, or a duly chartered educational institution, insofar that such activities or services are a part of the duties in his salaried position, and insofar that such activities or services are performed solely on behalf of his employer.

Nothing in this act shall be construed to limit the activities and services of a student, interne, or resident in psychology, pursuing a course of study approved by the board as qualifying training and experience for psychologists, provided that such activities and services constitute a part of his supervised course of study, and he is designated by such titles as "psychology interne," "psychology trainee," or other title clearly indicating such training status.

Nothing in this act shall be construed to prevent qualified members of other professions such as physicians, social workers, or pastoral counselors from doing work of a psychological nature consistent with their training and consistent with the code of ethics of their respective professions.

SECTION 4. There is hereby created an Idaho State Board of Psychologist Examiners as follows:

(a) Said board shall consist of three members who are citizens of the United States, residents of the State of Idaho, and appointed by the Governor within thirty days after July 1, 1963, to serve the following terms: one member for a term ending June 30, 1964; one member for term ending June 30, 1965; one member for term ending June 30, 1966.

(b) Each board member shall be licensed under this act, except that members comprising the board as first appointed shall be persons who have rendered services, teaching, training or research in psychology for at least five years and who have held a doctoral degree in psychology or closely related field from an accredited school for a period of three years.

(c) When the term of each member of the board ends, the Governor shall appoint his successor for a term of three years from a list of eligible candidates for board membership submitted to the Governor by the President of the Idaho Psychological Association. Any vacancy occurring on the board shall be filled by the Governor, from a list of all eligible candidates for board membership, by appointment for the unexpired term. The Governor may
remove any board member for misconduct, incompetency, or neglect of duty after giving the board member a written statement of the charges and an opportunity to be heard thereon.

(d) At all times, the board shall have at least one member who is engaged primarily in rendering services in psychology and at least one member who is engaged primarily in teaching, training, or research in psychology.

(e) No Board member shall serve more than two consecutive terms.

(f) Each board member shall receive actual necessary traveling and subsistence expenses incidental to board meetings.

(g) The board shall within sixty days after the effective date of this act, and annually thereafter in the month of July, hold a meeting, and elect a chairman and vice-chairman. The board shall meet at such other times as deemed necessary and advisable by the Chairman, or by a majority of its members, or by the Commissioner, or by the Governor. Reasonable notice of all meetings shall be given in the manner prescribed by the board. A majority of the board shall constitute a quorum at any meeting or hearing.

SECTION 5. The department shall have the following powers:

(a) To pass upon the qualifications and fitness of applicants for licenses and reciprocal licenses; and, at its option to adopt and revise rules and regulations requiring applicants to pass examinations relating to their qualifications as a prerequisite to the issuance of licenses.

(b) To adopt, and, from time to time, revise such rules and regulations not inconsistent with the law as may be necessary to carry into effect the provisions of this act. Such rules and regulations shall include, but not be limited to, (1) a code of ethics for psychologists in the state consistent with the current, and as future amended, ethical standards for psychologists of the American Psychological Association; (2) the educational and professional qualifications of applicants for licensing under this act.

(c) To examine for, deny, approve, issue, revoke, suspend and renew the licenses of psychologist applicants
pursuant to this act, and to conduct hearings in connection therewith.

(d) To conduct hearings upon complaints concerning violations of the provisions of and the rules and regulations adopted pursuant to this act and cause the prosecution and enjoinder of all such violations.

Provided, however, that any one or more of the powers hereinbefore set forth may be assumed and exercised by the board at any time, upon its adoption of a resolution to so act, with notice thereof given in writing to the Commissioner.

SECTION 6. A person describing himself as a "social psychologist" is exempt from any and all provisions of this act, provided he is verified to be a "social psychologist" by the American Sociological Association.

SECTION 7. An applicant shall be qualified for a license to practice psychology provided he submits proof satisfactory to the board that

(a) He is of acceptable moral character; and

(b) He is either (1) a graduate of an accredited college or university holding a degree of doctor of philosophy in psychology plus two years of post graduate experience acceptable to the board, such two years not to include terms of internship, or (2) a graduate of a recognized college or university holding a doctoral degree in a field related to psychology, provided his experience and training are acceptable to the board; and

(c) He has passed an examination if such examination is required by the rules and regulations duly adopted by the Commissioner or the Board; and

(d) His application has been accompanied by a $25.00 application fee payable to the Commissioner. This application fee is not returnable.

SECTION 8. The qualification provisions of Section 7 shall not apply and a license shall be issued without examination to any applicant who has submitted an application for license accompanied by an application fee, as specified in Paragraph (d) of said Section 7, within one year from and after the effective date of this act, and

(a) Who, on the effective date of this act, has resided in the State of Idaho continuously for the past one year,
is of good moral character and holds the degree of doctor of philosophy in psychology or other doctoral degree acceptable to the board; or

(b) Who holds the Master of Arts or Master of Science degree in psychology from an accredited college or university; has engaged in psychological practice for five years after the attainment of his highest degree; has had an internship approved by the board; and has practiced in Idaho for the past one year.

SECTION 9. No license shall be issued, and a license previously issued may be revoked, if the person applying, or the person licensed be:

(a) Convicted of a crime involving moral turpitude;

(b) An habitual user of narcotics;

(c) An habitual drunkard;

(d) Convicted of a violation of any provision of this act; or

(e) Found guilty by the Commissioner or the board of the unethical practice of psychology as detailed by the current, and future amended, Ethical Standards of the American Psychological Association.

SECTION 10. Any person who shall practice or attempt to offer to practice psychology, as defined in this act, without having at the time of so doing a valid, unexpired, unrevoked, and unsuspended license issued under this act shall be deemed guilty of a misdemeanor.

SECTION 11. It shall be the duty of the several prosecuting attorneys to prosecute all violations of this act in their respective counties.

SECTION 12. The board may recommend the granting of a license without examination to any person who, at the time of application, is licensed or certified by a board of psychologist examiners of another state, provided the requirements for such certification or licensure were substantially the equivalent of the requirements of this act, and upon payment of the fee specified in Paragraph (d) of Section 7.

SECTION 13. Nothing herein shall be construed as authorizing any person licensed as a psychologist to engage
in any manner in the practice of medicine as defined in the laws of this state.

SECTION 14. A person licensed as a psychologist under the provisions of this act cannot, without the written consent of his client, be examined in a civil or criminal action as to any information acquired in the course of his professional services in behalf of the client. The confidential relations and communications between a psychologist and his client are on the same basis as those provided by law between an attorney and client, and nothing in this article shall be construed to require any such privileged communication to be disclosed.

SECTION 15. If any section of this act, or any part thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of any section or part thereof.

SECTION 16. This act shall be administered by the Department, as limited herein, pursuant to the applicable provisions of Chapter 29 of Title 67, Idaho Code. The fee for renewal of license shall be $10.00 per annum.

Approved March 19, 1963.

CHAPTER 187
(H. B. No. 104)

AN ACT

Providing for a uniform principal and income act in testamentary and inter vivos trusts; providing definitions and terms; prescribing duty of trustee as to receipts and expenditures; defining "income" and "principal" and the manner of handling charges; providing when right to income arises and for apportionment of income; providing for disposition of income earned during administration of decedent's estate; providing for disposition of corporate distributions; providing for disposition of bond premiums and discounts; providing for disposition of principal and income utilized in business and farming operations; providing for disposition of
PRINCIPAL AND INCOME FROM NATURAL RESOURCES; PROVIDING FOR DISPOSITION OF PRINCIPAL AND INCOME FROM PRINCIPAL; PROVIDING FOR PROPERTY SUBJECT TO DEPLETION; PROVIDING FOR UNDERPRODUCTIVE PROPERTY; PRESCRIBING WHAT CHARGES MAY BE MADE AGAINST INCOME AND PRINCIPAL; PROVIDING FOR APPLICATION OF ACT AND FOR UNIFORMITY OF INTERPRETATION; PROVIDING A SHORT TITLE; PROVIDING FOR SEVERABILITY.

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

SECTION 1. DEFINITIONS.—As used in this Act:

(1) "income beneficiary" means the person to whom income is presently payable or for whom it is accumulated for distribution as income;

(2) "inventory value" means the cost of property purchased by the trustee and the market value of other property at the time it became subject to the trust, but in the case of a testamentary trust the trustee may use any value finally determined for the purposes of an estate or inheritance tax;

(3) "remainderman" means the person entitled to principal, including income which has been accumulated and added to principal;

(4) "trustee" means an original trustee and any successor or added trustee.

SECTION 2. DUTY OF TRUSTEE AS TO RECEIPTS AND EXPENDITURE.

(a) A trust shall be administered with due regard to the respective interests of income beneficiaries and remaindermen. A trust is so administered with respect to the allocation of receipts and expenditures if a receipt is credited or an expenditure is charged to income or principal or partly to each—

(1) in accordance with the terms of the trust instrument, notwithstanding contrary provisions of this Act;

(2) in the absence of any contrary terms of the trust instrument, in accordance with the provisions of this Act; or

(3) if neither of the preceding rules of administration is applicable, in accordance with what is
reasonable and equitable in view of the interests of those entitled to income as well as of those entitled to principal, and in view of the manner in which men of ordinary prudence, discretion and judgment would act in the management of their own affairs.

(b) If the trust instrument gives the trustee discretion in crediting a receipt or charging an expenditure to income or principal or partly to each, no inference of imprudence or partiality arises from the fact that the trustee has made an allocation contrary to a provision of this Act.

SECTION 3. INCOME; PRINCIPAL; CHARGES.

(a) Income is the return in money or property derived from the use of principal, including return received as

1. rent of real or personal property, including sums received for cancellation or renewal of a lease;
2. interest on money lent, including sums received as consideration for the privilege of prepayment of principal except as provided in section 7 on bond premium and bond discount;
3. income earned during administration of a decedent's estate as provided in section 5;
4. corporate distributions as provided in section 6;
5. accrued increment on bonds or other obligations issued at discount as provided in section 7;
6. receipts from business and farming operations as provided in section 8;
7. receipts from disposition of natural resources as provided in sections 9 and 10;
8. receipts from other principal subject to depletion as provided in section 11;
9. receipts from disposition of underproductive property as provided in section 12.

(b) Principal is the property which has been set aside by the owner or the person legally empowered so that it is held in trust eventually to be delivered to a remainderman while the return or use of the principal is in the meantime taken or received by or held for accumulation for an income beneficiary. Principal includes
(1) consideration received by the trustee on the sale or other transfer of principal or on repayment of a loan or as a refund or replacement or change in the form of principal;

(2) proceeds of property taken on eminent domain proceedings;

(3) proceeds of insurance upon property forming part of the principal except proceeds of insurance upon a separate interest of an income beneficiary;

(4) stock dividends, receipts on liquidation of a corporation, and other corporate distributions as provided in section 6;

(5) receipts from the disposition of corporate securities as provided in section 7;

(6) royalties and other receipts from disposition of natural resources as provided in sections 9 and 10;

(7) receipts from other principal subject to depletion as provided in section 11;

(8) any profit resulting from any change in the form of principal except as provided in section 12 on underproductive property;

(9) receipts from disposition of underproductive property as provided in section 12;

(10) any allowances for depreciation established under sections 8 and 13 (a) (2).

(c) After determining income and principal in accordance with the terms of the trust instrument or of this Act, the trustee shall charge to income or principal expenses and other charges as provided in section 13.

SECTION 4. WHEN RIGHT TO INCOME ARISES; APPORTIONMENT OF INCOME.

(a) An income beneficiary is entitled to income from the date specified in the trust instrument, or, if none is specified, from the date an asset becomes subject to the trust. In the case of an asset becoming subject to a trust by reason of a will, it becomes subject to the trust as of the date of the death of the testator even though there is an intervening period of administration of the testator's estate.
(b) In the administration of a decedent's estate or an asset becoming subject to a trust by reason of a will

(1) receipts due but not paid at the date of death of the testator are principal;

(2) receipts in the form of periodic payments (other than corporate distributions to stockholders), including rent, interest, or annuities, not due at the date of the death of the testator shall be treated as accruing from day to day. That portion of the receipt accruing before the date of death is principal, and the balance is income.

(c) In all other cases, any receipt from an income producing asset is income even though the receipt was earned or accrued in whole or in part before the date when the asset became subject to the trust.

(d) On termination of an income interest, the income beneficiary whose interest is terminated, or his estate, is entitled to

(1) income undistributed on the date of termination;

(2) income due but not paid to the trustee on the date of termination;

(3) income in the form of periodic payments (other than corporate distributions to stockholders), including rent, interest, or annuities, not due on the date of termination, accrued from day to day.

(e) Corporate distributions to stockholders shall be treated as due on the day fixed by the corporation for determination of stockholders of record entitled to distribution or, if no date is fixed, on the date of declaration of the distribution by the corporation.

SECTION 5. INCOME EARNED DURING ADMINISTRATION OF A DECEDENT'S ESTATE.

(a) Unless the will otherwise provides and subject to subsection (b), all expenses incurred in connection with the settlement of a decedent's estate, including debts, funeral expenses, estate taxes, interest and penalties concerning taxes, family allowances, fees of attorneys and personal representatives, and court costs shall be charged against the principal of the estate.
(b) Unless the will otherwise provides, income from the assets of a decedent's estate after the death of the testator and before distribution, including income from property used to discharge liabilities, shall be determined in accordance with the rules applicable to a trustee under this Act and distributed as follows:

(1) to specific legatees and devisees, the income from the property bequeathed or devised to them respectively, less taxes, ordinary repairs, and other expenses of management and operation of the property, and an appropriate portion of interest accrued since the death of the testator and of taxes imposed on income (excluding taxes on capital gains) which accrue during the period of administration;

(2) to all other legatees and devisees, except legatees of pecuniary bequests not in trust, the balance of the income, less the balance of taxes, ordinary repairs, and other expenses of management and operation of all property from which the estate is entitled to income, interest accrued since the death of the testator, and taxes imposed on income (excluding taxes on capital gains) which accrue during the period of administration, in proportion to their respective interests in the undistributed assets of the estate computed at times of distribution on the basis of inventory value.

(c) Income received by a trustee under subsection (b) shall be treated as income of the trust.

SECTION 6. CORPORATE DISTRIBUTIONS.

(a) Corporate distributions of shares of the distributing corporation, including distributions in the form of a stock split or stock dividend, are principal. A right to subscribe to shares or other securities issued by the distributing corporation accruing to stockholders on account of their stock ownership and the proceeds of any sale of the right are principal.

(b) Except to the extent that the corporation indicates that some part of a corporate distribution is a settlement of preferred or guaranteed dividends accrued since the trustee became a stockholder or is in lieu of an ordinary cash dividend, a corporate distribution is principal if the distribution is pursuant to
(1) a call of shares;

(2) a merger, consolidation, reorganization, or other plan by which assets of the corporation are acquired by another corporation; or

(3) a total or partial liquidation of the corporation, including any distribution which the corporation indicates is a distribution in total or partial liquidation or any distribution of assets, other than cash, pursuant to a court decree or final administrative order by a government agency ordering distribution of the particular assets.

(c) Distributions made from ordinary income by a regulated investment company or by a trust qualifying and electing to be taxed under federal law as a real estate investment trust are income. All other distributions made by the company or trust, including distributions from capital gains, depreciation, or depletion, whether in the form of cash or an option to take new stock or cash or an option to purchase additional shares, are principal.

(d) Except as provided in subsections (a), (b), and (c), all corporate distributions are income, including cash dividends, distributions of or rights to subscribe to shares or securities or obligations of corporations other than the distributing corporation, and the proceeds of the rights or property distributions. Except as provided in subsections (b) and (c), if the distributing corporation gives a stockholder an option to receive a distribution either in cash or in its own shares, the distribution chosen is income.

(e) The trustee may rely upon any statement of the distributing corporation as to any fact relevant under any provision of this Act concerning the source or character of dividends or distributions of corporate assets.

SECTION 7. BOND PREMIUM AND DISCOUNT.

(a) Bonds or other obligations for the payment of money are principal at their inventory value, except as provided in subsection (b) for discount bonds. No provision shall be made for amortization of bond premiums or for accumulation for discount. The proceeds of sale, redemption, or other disposition of the bonds or obligations are principal.

(b) The increment in value of a bond or other obligation for the payment of money payable at a future time
in accordance with a fixed schedule of appreciation in excess of the price at which it was issued is distributable as income. The increment in value is distributable to the beneficiary who was the income beneficiary at the time of increment from the first principal cash available or, if none is available, when realized by sale, redemption, or other disposition. Whenever unrealized increment is distributed as income but out of principal, the principal shall be reimbursed for the increment when realized.

SECTION 8. BUSINESS AND FARMING OPERATIONS.

(a) If a trustee uses any part of the principal in the continuance of a business of which the settler was a sole proprietor or a partner, the net profits of the business, computed in accordance with generally accepted accounting principles for a comparable business, are income. If a loss results in any fiscal or calendar year, the loss falls on principal and shall not be carried into any other fiscal or calendar year for purposes of calculating net income.

(b) Generally accepted accounting principles shall be used to determine income from an agricultural or farming operation, including the raising of animals or the operation of a nursery.

SECTION 9. DISPOSITION OF NATURAL RESOURCES.

(a) If any part of the principal consists of a right to receive royalties, overriding or limited royalties, working interests, production payments, net profit interests, or other interests in minerals or other natural resources in, on or under land, the receipts from taking the natural resources from the land shall be allocated as follows:

1. If received as rent on a lease or extension payments on a lease, the receipts are income.

2. If received from a production payment, the receipts are income to the extent of any factor for interest or its equivalent provided in the governing instrument. There shall be allocated to principal the fraction of the balance of the receipts which the unrecovered cost of the production payment bears to the balance owed on the production payment, exclusive of any factor for interest or its equivalent. The receipts not allocated to principal are income.
(3) If received as a royalty, overriding or limited royalty, or bonus, or from a working, net profit, or any other interest in minerals or other natural resources, receipts not provided for in the preceding paragraphs of this section shall be apportioned on a yearly basis in accordance with this paragraph whether or not any natural resource was being taken from the land at the time the trust was established. Twenty-seven and one-half per cent of the gross receipts (but not to exceed 50% of the net receipts remaining after payment of all expenses, direct and indirect, computed without allowance for depletion) shall be added to principal as an allowance for depletion. The balance of the gross receipts, after payment therefrom of all expenses, direct and indirect, is income.

(b) If a trustee, on the effective date of this Act, held an item of depletable property of a type specified in this section he shall allocate receipts from the property in the manner used before the effective date of this Act, but as to all depletable property acquired after the effective date of this Act by an existing or new trust, the method of allocation provided herein shall be used.

(c) This section does not apply to timber, water, soil, sod, dirt, turf, or mosses.

SECTION 10. TIMBER.—If any part of the principal consists of land from which merchantable timber may be removed, the receipts from taking the timber from the land shall be allocated in accordance with section 2 (a) (3).

SECTION 11. OTHER PROPERTY SUBJECT TO DEPLETION.—Except as provided in sections 9 and 10, if the principal consists of property subject to depletion, including leaseholds, patents, copyrights, royalty rights, and rights to receive payments on a contract for deferred compensation, receipts from the property, not in excess of 5% per year of its inventory value, are income, and the balance is principal.

SECTION 12. UNDERPRODUCTIVE PROPERTY.

(a) Except as otherwise provided in this section, a portion of the net proceeds of sale of any part of principal which has not produced an average net income of at least 1% per year of its inventory value for more than a year
(including as income the value of any beneficial use of the property by the income beneficiary) shall be treated as delayed income to which the income beneficiary is entitled as provided in this section. The net proceeds of sale are the gross proceeds received, including the value of any property received in substitution for the property disposed of, less the expenses, including capital gains tax, if any, incurred in disposition and less any carrying charges paid while the property was underproductive.

(b) The sum allocated as delayed income is the difference between the net proceeds and the amount which, had it been invested at simple interest at 4% per year while the property was underproductive, would have produced the net proceeds. This sum, plus any carrying charges and expenses previously charged against income while the property was underproductive, less any income received by the income beneficiary from the property and less the value of any beneficial use of the property by the income beneficiary, is income, and the balance is principal.

(c) An income beneficiary or his estate is entitled to delayed income under this section as if it accrued from day to day during the time he was a beneficiary.

(d) If principal subject to this section is disposed of by conversion into property which cannot be apportioned easily, including land or mortgages (for example, realty acquired by or in lieu of foreclosure), the income beneficiary is entitled to the net income from any property or obligation into which the original principal is converted while the substituted property or obligation is held. If within 5 years after the conversion the substituted property has not been further converted into easily apportionable property, no allocation as provided in this section shall be made.

SECTION 13. CHARGES AGAINST INCOME AND PRINCIPAL.

(a) The following charges shall be made against income:

(1) ordinary expenses incurred in connection with the administration, management, or preservation of the trust property, including regularly recurring taxes assessed against any portion of the principal, water rates, premiums on insurance taken upon the interests of the income beneficiary, remainderman, or trustee, interest paid by the trustee, and ordinary repairs;
(2) a reasonable allowance for depreciation on property subject to depreciation under generally accepted accounting principles, but no allowance shall be made for depreciation of that portion of any real property used by a beneficiary as a residence or for depreciation of any property held by the trustee on the effective date of this Act for which the trustee is not then making an allowance for depreciation;

(3) one-half of court costs, attorney's fees, and other fees on periodic judicial accounting, unless the court directs otherwise;

(4) court costs, attorney's fees, and other fees on other accountings or judicial proceedings if the matter primarily concerns the income interest, unless the court directs otherwise;

(5) one-half of the trustee's regular compensation, whether based on a percentage of principal or income, and all expenses reasonably incurred for current management of principal and application of income;

(6) any tax levied upon receipts defined as income under this Act or the trust instrument and payable by the trustee.

(b) If charges against income are of unusual amount, the trustee may by means of reserves or other reasonable means charge them over a reasonable period of time and withhold from distribution sufficient sums to regularize distributions.

(c) The following charges shall be made against principal:

(1) trustee's compensation not chargeable to income under subsections (a) (4) and (a) (5), special compensation of trustees, expenses reasonable incurred in connection with principal, court costs and attorney's fees primarily concerning matters of principal, and trustee's compensation computed on principal as an acceptance, distribution, or termination fee;

(2) charges not provided for in subsection (a), including the cost of investing and reinvesting principal, the payments on principal of an in-
debtedness (including a mortgage amortized by periodic payments of principal), expenses for preparation of property for rental or sale, and, unless the court directs otherwise, expenses incurred in maintaining or defending any action to construe the trust or protect it or the property or assure the title of any trust property;

(3) extraordinary repairs or expenses incurred in making a capital improvement to principal, including special assessments, but, a trustee may establish an allowance for depreciation out of income to the extent permitted by subsection (a) (2) and by section 8;

(4) any tax levied upon profit, gain, or other receipts allocated to principal notwithstanding denomination of the tax as an income tax by the taxing authority;

(5) if an estate or inheritance tax is levied in respect of a trust in which both an income beneficiary and a remainderman have an interest, any amount apportioned to the trust, including interest and penalties, even though the income beneficiary also has rights in the principal.

(d) Regularly recurring charges payable from income shall be apportioned to the same extent and in the same manner that income is apportioned under section 4.

SECTION 14. APPLICATION OF ACT.—Except as specifically provided in the trust instrument or the will or in this Act, this Act shall apply to any receipt or expense received or incurred after the effective date of this Act by any trust or decedent's estate whether established before or after the effective date of this Act and whether the asset involved was acquired by the trustee before or after the effective date of this Act.

SECTION 15. 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.

SECTION 16. SHORT TITLE.—This Act may be cited as the Uniform Principal and Income Act.

SECTION 17. SEVERABILITY.—If any provision of this Act or the application thereof to any person or circumstance
is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application and to this end the provisions of this Act are severable.

Approved March 19, 1963.

CHAPTER 188
(H. B. No. 245)

AN ACT

PROVIDING FOR CREATION OF LIBRARY DISTRICTS; DECLARING THE PURPOSE AND POLICY; DEFINING QUALIFICATIONS OF LIBRARY DISTRICT ELECTORS; DEFINING TERRITORY OF SUCH DISTRICTS; PRESCRIBING FORMS OF PETITIONS; PROVIDING FOR ELECTION AND CONDUCT OF SAME; PRESCRIBING PROCEDURE WHEN PROPOSED DISTRICT EMBRACES AREA IN MORE THAN ONE COUNTY; PRESCRIBING PROCEDURE FOR ADDITION TO TERRITORY OF LIBRARY DISTRICT; PROVIDING FOR CONSOLIDATION OF LIBRARY DISTRICTS; BOARD OF TRUSTEES, TERM, APPOINTMENT, ELECTION, AND ORGANIZATION OF BOARD; PROVIDING FOR NOMINATION OF TRUSTEES; PRESCRIBING FOR MEETINGS OF BOARDS; DEFINING THE POWERS AND DUTIES OF BOARD OF TRUSTEES; AUTHORIZING EMPLOYMENT OF LIBRARIAN AND OTHER EMPLOYEES; AUTHORIZING A LEVY OF NOT MORE THAN TWO MILLS FOR MAINTENANCE AND OPERATION OF DISTRICT; PROVIDING FOR TREASURER OF DISTRICT; DESIGNATING STATE TREASURER AS TRUSTEE OF CERTAIN FUNDS; PROVIDING FOR AUDITS AND ANNUAL REPORTS; AUTHORIZING CONTRACTS FOR SERVICES WITH OTHER LIBRARY DISTRICTS; PRESCRIBING PROCEDURE FOR DISSOLUTION OF DISTRICT; CONFORMING PRESENTLY EXISTING LIBRARY DISTRICTS; REPEALING SECTIONS 33-2609 THROUGH 33-2638, IDAHO CODE, AS AMENDED, AND PROVIDING EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. PURPOSE AND POLICY. — It is hereby declared to be the policy of the state of Idaho, as a part of the provisions for public education, to promote the establishment and development of free library service for
all the people of Idaho. It is the purpose of this act to make more adequate provision for an informed electorate by integrating, extending, and adding to existing library services and resources in such manner that free local library service may be available to children in their formative years and to adults for their continuing education.

SECTION 2. QUALIFIED ELECTOR.—Any person voting, or offering to vote, at an election to create a library district, add territory thereto, elect trustees thereof, authorize a tax levy therefor, or for any purpose whatever related to a library district must be, at the time of the election, a resident of the area involved, an elector within the meaning of article 6, section 2 of the Constitution of the State of Idaho except that registration shall not be required, and a taxpayer, or the spouse of a taxpayer, on real or personal property situate within the area involved. Each voter shall be required to execute an oath of election attesting his qualification, and file said oath with the board of election at the time he casts his ballot.

SECTION 3. LIBRARY DISTRICTS — TERRITORY — LIMITATIONS. — A library district may be organized by vote of the qualified electors of the proposed district in an election called and held as provided by this chapter, with the following limitations:

(a) The district may include incorporated or unincorporated territory or both, in one or more counties, but in any county in which the proposed district may lie it shall include all of the area thereof except as may be excluded by this section.

b. The territory of the district shall be continuous, and no territory of an incorporated municipality shall be divided.

c. In the initial organization of the district, any governmental unit maintaining a tax-supported public library shall be excluded.

d. If, subsequent to the organization of a library district, any area thereof is annexed to a municipality which maintains a tax-supported library, such area shall cease to be a part of the library district, and the board of trustees of said municipality shall so notify the board of county commissioners.

SECTION 4. PETITION—VERIFICATION.—A petition or petitions, signed by fifty or more qualified electors residing in the proposed library district, giving the name of
the proposed district, which shall include the words “free library,” and describing the boundaries thereof and praying for the organization of the territory therein described as a free library, shall be filed with the clerk of the board of county commissioners of the county in which the proposed district is situate.

The petition or petitions shall be verified by at least one qualified elector, which verification shall state that the affiant knows that all of the parties whose names are signed to the petition are qualified electors of the proposed district, and that their signatures to the petition were made in his presence. The verification may be made before any notary public.

SECTION 5. CONDUCT OF ELECTION.—Upon the receipt of such petition or petitions the clerk of the board of county commissioners shall file the original in his office, and said board shall enter an order that an election be called within the proposed library district for the purpose of voting on the creation of the district. Whenever more than one petition is presented to the county commissioners calling for an election to create library districts, the first presented shall take precedence. Notice of said election shall be given, the election shall be conducted, and the returns thereof canvassed as provided for elections for the consolidation of school districts. The ballot shall contain the words “Library District—Yes” and “Library District—No,” each followed by a box wherein the voter may express his choice by marking a cross “X”. The board or board of election shall make returns and certify the results to the boards of county commissioners within three days after the election, and said board shall, within seven days after the election, canvass the returns. If a majority of all votes cast be in the affirmative, the board shall enter an order declaring the library district established and designating its boundaries.

SECTION 6. ORGANIZATION OF LIBRARY DISTRICT EMBRACING MORE THAN ONE COUNTY.—When the proposed library district embraces more than one county, the petition and procedure for praying for the organization of the district shall be carried forward in each such county as though that county were the only county affected. Each petition, however, shall designate the same county as the home county of the proposed district.

The board of county commissioners of said home county shall advise with the board of county commissioners in
any other county affected to the end that the election shall be held in each county on the same day. The board of county commissioners in each county shall proceed in the conduct of the election as though the election were being held only in that county. After the canvass of the returns, the results in each other county shall be certified to the board of county commissioners of the home county, together with all ballots and tally sheets. Said board shall canvass all returns and certify the results of the election to the board of county commissioners of any other county affected. The proposal shall be deemed approved only if a majority of all votes cast in each county were cast in the affirmative. If this be the case, the board of county commissioners of the home county shall enter an order declaring the library district to be created, and defining its boundaries. A certified copy of said order shall be sent to the board of county commissioners of any other county affected, which shall enter such order in its minutes; and to the state library board.

SECTION 7. ADDITION OF TERRITORY TO A LIBRARY DISTRICT—PETITIONS AND SIGNATURES—ELECTION.—A county contiguous to a library district may become a part of said district by petition and election as herein, and hereinbefore, provided. The limitation of section 3 shall be fully applicable.

A petition may arise as hereinbefore provided, in the county seeking to become a part of the library district. A true copy thereof shall be transmitted to the board of trustees of said district, and to the board of county commissioners of the home county of said district. The board of trustees of the library district may approve or disapprove such petition, and shall give notice of its decision to the board of county commissioners in each county affected.

When said notice carries the approval of the board of trustees of the district, the board of county commissioners in each county affected shall enter its order calling for an election on the question. Notice of the election shall be given, the election shall be conducted, and the returns thereof canvassed as provided in the case of the creation of a library district embracing more than one county. The ballot shall bear the question: "Shall ------------ county become a part of the ---------------- library district -------- Yes" and "Shall ------------ county become a part of the ---------------- library district -------- No," each followed by a box in which the voter may express
his choice by marking a cross "X". The proposal shall be deemed approved only if the majority of the votes cast in the library district, and the majority of the votes cast in the county seeking to become a part thereof, are in the affirmative.

If the proposal has been approved by the majorities herein required, the board of county commissioners of the home county of the district shall enter its order amending the boundaries of the district, and a copy thereof shall be transmitted to the board of trustees of the library district, and to the board of county commissioners of the county in which the petition arose. Each such board shall enter said order in its record of proceedings.

SECTION 8. EXISTING TAX-SUPPORTED LIBRARIES MAY JOIN LIBRARY DISTRICTS.—Any taxing district maintaining a tax-supported library under the provisions of law may have its area included in an established library district by majority vote of the qualified electors of such taxing district and of the established library district according to procedure set forth in section 7 except that if the library district embrace territory in but one county, all said proceedings shall be had in that county. In any election held for the purposes of this section, the area of not more than one other taxing district may be added to the library district.

SECTION 9. BOARD OF TRUSTEES — SELECTION — NUMBER — QUALIFICATIONS — TERM — OATH — APPOINTMENT OF FIRST BOARD. — Each library district shall be governed by a board of trustees of five members elected or appointed as provided by law, who at the time of their selection and during their terms of office shall be qualified electors of the district and be representative of the several areas of the district. One trustee shall be elected at each annual trustee election. The regular term of a trustee shall be for five years, or until his successor has been elected and qualified. Within ten days after his election or appointment a trustee shall qualify and assume the duties of his office as of the date of such qualification which shall be by taking the oath of office required of state officers, to be administered by one of the present trustees or by a trustee retiring.

Following the initial establishment of a library district, the board of county commissioners of the home county within five days shall appoint the members of the first board of trustees, who shall serve until the next annual
election of trustees or until their successors are elected and qualified. Addition of new territory to an existing library district shall not be considered an initial establishment. Said first board of trustees shall be sworn by a member of the board of county commissioners of the home county of the district.

At its first meeting, and after each trustee election, the board shall organize and elect from its membership a chairman and such other officers as may be deemed necessary to conduct the affairs of the district.

Members of the board shall serve without salary but shall receive their actual and necessary expenses while engaged in business of the district.

SECTION 10. BOARD OF TRUSTEES—NOMINATION AND ELECTION.—The names of all candidates for election as trustees of a library district, together with the terms for which nominated, shall be filed with the secretary of the board of trustees at least six days prior to the day of election, by one or more qualified electors of the district, but nothing shall prevent any qualified elector from writing on the ballot the name of any qualified elector for whom he wishes to vote. At least five days prior to the day of election, the secretary shall notify each nominee who has not personally filed his nomination of the filing of his name as a nominee. Unless the nominee files a written declination of his nomination three days prior to the day of election, his name shall be placed on the ballot.

The election of library district trustees shall be held annually on the second Monday of June. At such election following the organization of a library district, one trustee shall be elected for term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. Thereafter the successors of the trustees so elected shall be elected for terms of five years each.

Notice of the election, the conduct thereof and the canvassing of the returns shall be as provided for an election to create a library district.

When a vacancy occurs on a board of trustees of a library district, the remaining members of the board shall appoint a qualified person to such vacancy, and the person so appointed shall serve until the next annual election of library board trustees.
SECTION 11. BOARD OF TRUSTEES—MEETINGS.—The regular meetings of the board of trustees shall be held once in each quarter, at such uniform day of such uniform month as the board of trustees shall determine at its annual meeting. Special or adjourned meetings may be held from time to time as the board may determine, but written notice thereof shall be given to the members at least two days prior to the day of the meeting. A quorum shall consist of three members, but a smaller number may adjourn.

SECTION 12. POWERS AND DUTIES OF THE BOARD OF TRUSTEES.—The board of trustees of each library district shall have the following powers:

1. To make rules and regulations for its own government and that of the library or libraries under its control;

2. To establish and locate libraries, branch libraries or stations to serve the district and to provide suitable rooms, structures, facilities, furniture, apparatus and appliances necessary for the conduct thereof;

3. To acquire by purchase, devise, lease, or otherwise, and to own and hold real and personal property for the use and purposes of the library district, and to sell, exchange or otherwise dispose of property real or personal, when no longer required by the district, and to insure the real and personal property of the district;

4. To accept gifts of real or personal property under such terms as may be a condition of the gift;

5. To purchase and distribute books, pamphlets, documents or publications;

6. To issue warrants in the manner specified for the issuance of warrants by school districts;

7. To invest any funds of the district in the manner specified for investment of funds by school districts, or in savings accounts insured by the federal deposit insurance corporation, to the extent of such insurance;

8. To pay necessary expenses of members of the library staff when on business of the district;

9. To exercise such other powers, not inconsistent with law, necessary for the effective use and management of the library.
SECTION 13. LIBRARIAN AND OTHER EMPLOYEES. — The board of trustees of each library district shall appoint the chief librarian, who shall serve as the secretary of the board. With the recommendation of the chief librarian, the board shall employ such other persons as may be necessary in the administration of the affairs of the library district. The board may fix and pay their salaries and compensation, classify employees and adopt schedules of salaries; determine their number and prescribe their duties and discharge any librarian or other employee for cause.

SECTION 14. TAXES FOR THE SUPPORT OF LIBRARY DISTRICT. — For the maintenance and operation of the library district, the board of trustees may levy upon the taxable property within the district a tax not to exceed two mills. Said levy shall be certified to the clerk of the board of county commissioners of each county in which the district may lie, not later than the second Monday in September of each year.

SECTION 15. TREASURER. — The board of trustees of each library district shall appoint some qualified person in the library district, who may or may not be a member of the board of trustees, to act as treasurer of the library district. Such person shall, on taking office, give bond to the library district, with sureties approved by the board of trustees, in the amount of one thousand dollars ($1,000), which bond shall be paid for by the district, and shall be conditioned upon faithful performance of the duties of his office and his accounting for all moneys of the library district received by him or under his control. All moneys raised for the library district by taxation or received by the district from any other sources shall be paid over to him, and he shall disburse the funds of the district upon warrants drawn thereon by order of the board of trustees pursuant to vouchers approved by the board.

The treasurer shall deposit all moneys of the district in accordance with the Public Depository Law.

SECTION 16. STATE TREASURER TRUSTEE OF LIBRARY FUNDS WHEN REQUIRED. — When the conditions of the grant or appropriation so require, the state treasurer shall serve as trustee of funds appropriated to the state from any appropriation made by the federal government, the state, or any other agency for providing and equalizing library service in Idaho.

SECTION 17. LIBRARY DISTRICTS — PUBLIC COR-
PORATIONS.—Each library district shall be a public corporation, may sue and be sued in its corporate name and may contract and be contracted with.

SECTION 18. FISCAL YEAR—ANNUAL REPORTS—AUDIT.—The fiscal year of each library district shall commence on the first day of July of each year. The board of trustees of each library district shall annually, not later than the first day of September, file with the state library board a report of the operations of the district for the fiscal year just ended. The report shall be of such form and contain such information as the state library board may require, but in all cases must include a complete accounting of all financial transactions for the fiscal year being reported.

At intervals of not more than two years the board of trustees of each library district shall cause to be made a full and complete audit of the books and accounts of the district, in form prescribed by the bureau of public accounts. Upon acceptance of the audit report by the board a copy thereof shall forthwith be filed with the bureau of public accounts, and a copy shall also be filed with the state library board.

SECTION 19. PURCHASE AND SALE OF LIBRARY SERVICES—CONTRACTS.—In lieu of establishing an independent library, the board of trustees may purchase specified library services by contract from a city, village, school district, or institution of higher education maintaining a library, providing that such city, village, school district or institution of higher education shall file an annual report with the board of trustees of the library district showing in detail the manner in which the funds of the library district have been spent.

The board of trustees of a library district may sell specified library services to any city, village, school district or institution of higher education which agrees to make an acceptable annual appropriation for such services.

Any such purchase or sale of library services shall be under contract for a term of three years, which contract shall be automatically renewed at the end of said three-year period unless either party thereto gives notice not less than six months before the termination of any existing contract, of intention not to renew said contract.

SECTION 20. DISSOLUTION OF LIBRARY DISTRICT.
A library district may be dissolved according to procedures followed in its original organization, but not earlier than five years after the date of its establishment. If the library district embrace territory in more than one county, an election for its dissolution shall be deemed approved only if a majority of the votes cast in each such county were cast in the affirmative. If, upon the canvass of ballots, it be determined that the proposition has been approved, the board of county commissioners of the home county shall enter its order to that effect and transmit a copy of said order to the board of county commissioners in any other county affected, and said order shall by them be made a matter of record. When any library district is dissolved, all unpaid taxes shall, when collected, revert to the general fund of the county where levied, and all property and assets of the library district shall be disposed of by the state library board. Receipts from the sale of assets shall be apportioned to the counties embraced in the library district in proportion to the assessed valuation of each which was included in the library district.

Section 21. Present Library Districts Continued.—Any library district heretofore organized under any previous statute, and now operating, is hereby confirmed and continued. Nothing herein contained shall affect the term of office of any trustee nor impair any contract, obligation or other act lawfully entered into under such statute.

Section 22. That Section 33-2609 through 33-2638, both inclusive, Idaho Code, as amended, be, and the same are hereby repealed.

Section 23. Effective Date.—This Act shall be in full force and effect on and after the first day of July, 1963.

Approved March 25, 1963.

CHAPTER 189
(H. B. No. 231)

AN ACT

Making it Unlawful to Obtain or Attempt to Obtain Goods, Property or Service by False or Fraudu-
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It shall be unlawful for any person knowingly to obtain or attempt to obtain credit, or to purchase or attempt to purchase any goods, property or service, by the use of any false, fictitious, counterfeit or expired credit card, telephone number, credit number or other credit device, or by the use of any credit card, telephone number, credit number or other credit device of another without the authority of the person to whom such card, number or device was issued, or by the use of any credit card, telephone number, credit number or other credit device in any case where such card, number or device has been revoked and notice of revocation has been given to the person to whom issued.

SECTION 2. It shall be unlawful for any person to obtain or attempt to obtain, by the use of any fraudulent scheme, device means or method, telephone or telegraph service or the transmission of a message, signal or other communication by telephone or telegraph, or over telephone or telegraph facilities with intent to avoid payment of charges therefor.

SECTION 3. It shall be unlawful for any person to steal, take or remove a credit card or credit device from the person or possession of the person to whom issued, or, to retain or secrete a credit card or credit device without the consent of the person to whom issued, with the intent of using, delivering, circulating or selling or causing said card or device to be used, delivered, circulated or sold without the consent of the person to whom issued.

SECTION 4. It shall be unlawful for any person to have in his possession or under his control or to receive from another person any forged, altered, counterfeited, fictitious, or stolen credit card or credit device with the intent to use, deliver, circulate or sell the same, or to permit or cause to procure the same to be used, delivered, circulated or sold, knowing the same to be forged, altered, counterfeited, fictitious, or stolen.

SECTION 5. The word "notice" as used in Section 1 of this act shall be construed to include either notice given in person or notice given in writing to the person to whom
the number, card or device was issued. The sending of
a notice in writing by registered or certified mail in the
United States mail, duly stamped and addressed to such
person at his last address known to the issuer, shall be
prima facie evidence that such notice was duly received.

SECTION 6. The presentation or use of a false, fictitious,
counterfeit, expired, unauthorized or revoked credit card,
telephone number, credit number or other credit device
for the purpose of obtaining credit or the privilege of
making a deferred payment for the article or service pur­
chased shall be prima facie evidence of knowledge that
the said credit device is false, fictitious, counterfeit, ex­
pired, or its use is unauthorized or revoked.

SECTION 7. Any person who violates any provision of
Sections 1, 2, 3 or 4 of this act shall be guilty of a mis­
demeanor, punishable as provided by law therefor; pro­
vided, however, that if the value of the goods or services
obtained through a violation of the provisions of Section
1 or 2 of this act amounts to the sum of $60.00 or more,
or if the value of the goods or services obtained through
a series of violations of Section 1 or 2 of this act com­
mited within a period not exceeding six months amounts
in the aggregate to the sum of $60.00 or more, any such
violation or violations shall constitute a felony and shall
be punishable as provided by law therefor.

SECTION 8. Sections 1 and 2 of this act shall apply when
the telephone or telegraph service or message, signal or
other communications by telephone or telegraph or over
telephone or telegraph facilities either originates or termi­
nates, or both originates and terminates in this state.

Approved March 25, 1963.

CHAPTER 190
(H. B. No. 134)

AN ACT

DECLARING CERTAIN TRADE PRACTICES DETRIMENTAL TO
PUBLIC HEALTH AND WELFARE; DEFINING TERMS; DE­
CLARING CERTAIN MARKETING PRACTICES AND ACTS
UNLAWFUL IN CONNECTION WITH THE SALE OF DAIRY
PRODUCTS AND DECLARING EXCEPTIONS THERETO; PRO-
VIDING PENALTIES FOR VIOLATION OF THE ACT; PROVIDING FOR INJUNCTIVE ACTIONS BY THE ATTORNEY GENERAL OR COUNTY ATTORNEY AND CERTAIN OTHER PERSONS AND FOR COSTS, ATTORNEY’S FEES AND DAMAGES IN CONNECTION WITH SUCH SUITS UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR PROSECUTING OF SUITS FOR INJUNCTIVE RELIEF AND COSTS BY TRADE ASSOCIATIONS UNDER CERTAIN CIRCUMSTANCES; PROVIDING A SAVINGS CLAUSE; REPEALING SECTIONS 37-1003 (c), 37-1003 (d), 37-1003 (e), and 37-1003 (f), IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. The practices being conducted by many dairy processors, wholesalers, and distributors in Idaho of selling below cost and in the subsidization of retail dealers through secret discounts, gifts, loans and other means and the furnishing of equipment, adversely affect the stable economy of Idaho. Such trade conduct causes unfair price discrimination, destructive and predatory trade practices, tends to reduce the price paid to the dairy farmer, increases the price paid by the consumer, and misleads the public as to the true value of dairy products, and is detrimental to the public health and welfare.

SECTION 2. As used in this act:

(a) The term “dairy products” shall include milk, milk without butterfat, cream, combinations of milk and cream, evaporated milk, condensed milk, flavored milk, milk drinks, buttermilk, cottage cheese, butter, ice milk and ice cream.

(b) The term “distributor” means any person engaged in the business of distributing dairy products for resale.

(c) The term “persons” shall include individuals, partnerships, associations, firms and corporations.

(d) The term “processor” means any person engaged in the business of processing or manufacturing dairy products.

(e) The term “retail dealer” shall mean any person who sells or distributes dairy products at retail to the consumer.

(f) The term “wholesaler” means any person engaged in the business of selling dairy products for resale.

SECTION 3. It shall be unlawful for any person engaged in business as a wholesaler, processor, or distributor, individually or through or by affiliates, subsidiaries, asso-
ciates, agents or stockholders, directly or indirectly, to
do or cause to be done any of the following acts:

(a) Furnish, give, rent, lease, sell, or lend to a retail
dealer or consumer any money, equipment, fixtures, in-
cluding ice cream cabinets or bulk milk dispensers, sup-
plies, or other things having a real or substantial value,
or any expendable supplies commonly provided in con-
nection with sales of dairy products to the consumer, (ex-
cept that he may sell dairy products) except it shall be
lawful to lend or rent ice cream cabinets, milk dispensers
or milk coolers for periods of not to exceed ten (10) days
in any one period of six (6) consecutive months to be
used in community fairs and exhibits. Any existing arrange-
ment covering any equipment or fixtures between any whole-
saler, processor or distributor, on the one hand, and any
retail dealer or consumer, on the other, shall become auto-
matically terminated at the end of one hundred eighty
(180) days after the effective date of this act. Any whole-
saler, processor, or distributor owning any such equip-
ment may, however, within one hundred eighty (180) days
from the effective date of this act, sell such equipment
to any retail dealer or consumer without being deemed in
violation of this act, provided, however, that any such
contract of sale shall terminate within thirty (30) months
of the effective date of this act. All deferred payments on
such contract shall carry interest at a rate of not less than
six per cent per annum.

SECTION 4. Any person who shall violate any of the
provisions of this act shall be guilty of a misdemeanor.
Each day during which, and each point at which a violation
exists or continues shall constitute a separate offense. Upon
conviction a person violating the terms of this act shall
be punished by a fine of not more than five hundred dol-
lars ($500) for each violation.

SECTION 5. In addition to the penalties provided in
this act, violations or threatened violations hereof may
be enjoined. It shall be the duty of the attorney general
or the appropriate county attorney to, and any person
who shall suffer injury from or be threatened with in-
jury from any existing or threatened violation of this
act may, maintain an action in a court of equitable juris-
diction to prevent, restrain, or enjoin any violation or
threatened violation. Upon the granting of such relief,
the court shall assess in favor of the plaintiff and against
the defendant the costs, including reasonable attorney's
fees for plaintiff. Any damages suffered may be sued for and recovered in the same action and in addition to injunctive relief.

SECTION 6. Any duly organized and existing trade association, whether incorporated or not, is hereby authorized to institute and prosecute a suit or suits for injunctive relief and costs, provided by this act, as the real party in interest for and on behalf of one or more of the members of such association, when violation of this act directly or indirectly affects or threatens to affect or injure such member or members, or where violation of this act threatens or otherwise affects such member as provided therein.

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.

SECTION 8. The provisions of this act shall be severable and if any phrase, clause, sentence, or provision of this act is declared to be unconstitutional or the applicability thereof to any state, agency, person or circumstance is held invalid, the constitutionality of this act and the applicability thereof to the state, agency, person or circumstance shall, with respect to all severable matters, not be affected thereby. It is the legislative intent that the provisions of this act be reasonably and liberally construed.

SECTION 9. That Sections 37-1003 (c), 37-1003 (d), 37-1003 (e) and 37-1003 (f), Idaho Code, be, and the same hereby are repealed.

Approved March 25, 1963.

CHAPTER 191
(S. B. No. 293)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
SOIL CONSERVATION COMMISSION:
For: Salaries and Wages $23,745
Travel Expense ........................................ 9,000
Other Current Expense ......................... 4,110
Capital Outlay .................................. 555

Total ........................................... $37,410
From the General Fund .................................. $37,410

Approved March 25, 1963.

CHAPTER 192
(S. B. No. 277)

AN ACT


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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:
To Whom Appropriated: Appropriations:
For:  Children's Home Society of
       Idaho, Boise, Idaho .................. $75,000
       Children's Home Finding and
       Aid Society, Lewiston, Idaho ......... 97,000
       Booth Memorial Hospital for
       Indigent Mothers, Boise, Idaho ....... 36,000

       Total .................................. $208,000
From the General Fund ........................ $208,000

Approved March 25, 1963.

CHAPTER 193
(S. B. No. 276)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF
THE STATE OF IDAHO, TO THE BOARD OF TRUSTEES
OF THE TEACHERS' RETIREMENT SYSTEM FOR THE PUR-
POSE OF PAYING SALARIES AND WAGES, TRAVEL EX-
PENSE, AND OTHER CURRENT EXPENSE, FOR THE
PERIOD COMMENCING JULY 1, 1963, AND ENDING JUNE
30, 1965; 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, travel expense, and
other current expense, of the agency herein named, for
the period commencing July 1, 1963, and ending June 30,
1965; subject to the provisions of the Standard Appropri-
ations Act of 1945:

To Whom Appropriated: Appropriations:
BOARD OF TRUSTEES OF THE
TEACHERS' RETIREMENT SYSTEM:
For:  Salaries and Wages ...................... $31,950
       Travel Expense ........................ 2,200
       Other Current Expense .................. 10,150
CHAPTER 194
(S. B. No. 275)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE TAX COMMISSION:
For: Salaries and Wages ......................... $214,000
Travel Expense ................................. 44,000
Other Current Expense ....................... 27,000
Capital Outlay .................................. 5,000

Total ........................................... $290,000
Less Other Income ............................. 1,000

From the General Fund ....................... $289,000

Approved March 25, 1963.
CHAPTER 195
(S. B. No. 274)

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, 1963, and ending June 30, 1965; 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:
For: Salaries and Wages $41,440
      Travel Expense 460
      Other Current Expense 8,265
      Capital Outlay 1,835

Total $52,000
From the General Fund $52,000

Approved March 25, 1963.

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
LIEUTENANT GOVERNOR:
For: Salaries and Wages $7,500
     Travel Expense 1,900
     Other Current Expense 560
     Total $9,960

From the General Fund $9,960

Approved March 25, 1963.

CHAPTER 197
(S. B. No. 190)

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 commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
COMMISSIONER OF AGRICULTURE  
FOR MEAT INSPECTION:

For:  
Salaries and Wages ..............................$278,300
Travel Expense ..................................40,000
Other Current Expense .........................11,000
Capital Outlay ..................................25,000

Total .............................................$354,300

From the General Fund .........................$210,300
From the Meat Inspection Fund .................$144,000

Approved March 25, 1963.

CHAPTER 198  
(S. B. No. 189)

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 Presidential Electors' expense for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:
To Whom Appropriated: Appropriations:
SECRETARY OF STATE FOR PRESIDENTIAL ELECTORS’ EXPENSE:
For: Travel Expense $250
Total $250
From the General Fund $250

Approved March 25, 1963.

CHAPTER 199
(S. B. No. 214)

AN ACT

APPROPRIATING MONEY FROM THE STATE HIGHWAY FUND TO PAY THE CLAIM OF PAULINE J. TACY; EXCEPTING THE ACT FROM THE PROVISIONS OF THE STANDARD APPROPRIATIONS ACT OF 1945, SECTION 67-3509 AND THE PROVISIONS OF SECTIONS 67-3516 TO 67-3523, INCLUSIVE, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated out of the State Highway Fund of the State of Idaho the sum of $52.36 to Pauline J. Tacy for the purpose of reimbursing Pauline J. Tacy for damages to her automobile caused by blasting operations carried on by Highway Department employees in connection with the construction of a State Highway Maintenance building at Pocatello, Idaho.

SECTION 2. The appropriation herein made is expressly exempt from the provisions of the Standard Appropriations Act of 1945, the provisions of Section 67-3509 and the provisions of Section 67-3516 to 67-3523, inclusive, Idaho Code.

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.

Approved March 25, 1963.
CHAPTER 200
(S. B. No. 188)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE TREASURER:
For: Salaries and Wages $72,960
Travel Expense 1,400
Other Current Expense 10,000
Capital Outlay 300
Total $84,660

From the General Fund $84,660

Approved March 25, 1963.

CHAPTER 201
(S. B. No. 146)

AN ACT

APPROPRIATING MONEYS FROM THE HONEY ADVERTISING FUND OF THE STATE OF IDAHO, TO THE HONEY ADVERTISING COMMISSION FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE AND OTHER CUR-

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
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 March 25, 1963.

CHAPTER 202
(S. B. No. 61)

AN ACT

AMENDING SECTIONS 54-102 AND 54-103, IDAHO CODE, BY PROVIDING FOR USE OF ABSTRACT, TITLE INSURANCE POLICY OR TITLE REPORT AS EVIDENCE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-102, Idaho Code, be, and the same hereby is, amended to read as follows:

54-102. CERTIFICATE OF ABSTRACTER—EFFECT. —When any abstracter shall have duly filed his bond as above provided, he shall be entitled to receive a certificate from such county recorder that said bond has been by him duly approved and filed for record, which certificate
shall be valid so long as such abstracter shall maintain his surety upon the bonds as herein provided for unimpaired, and the possession of such valid certificate at the date of issuance of any abstract, policy of title insurance, or title report, shall entitle such abstract of title, policy of title insurance, or title report to real estate, certified to or countersigned and issued by such abstracter, to be received in all courts as prima facie evidence of the existence of the record of deeds, mortgages and other instruments, conveyances, or liens, affecting the real estate mentioned in such abstract, policy of title insurance, or title report, and that such record is as described in said abstract of title-, policy of title insurance or title report.

SECTION 2. That Section 54-103, Idaho Code, be, and the same is, hereby amended to read as follows:

54-103. USE OF ABSTRACT, TITLE INSURANCE POLICY OR TITLE REPORT AS EVIDENCE—SERVICE OF COPY.—Any party to a civil action, who may desire to use in evidence at the trial thereof, any abstract of title, policy of title insurance or title report issued by a duly qualified title insurance company in Idaho, to real estate as herein provided, shall furnish to the opposing party or his attorneys a copy of such abstract, title policy or title report at least three days before the trial of said action, and in case such real estate be not in the county where such trial is to take place, then such copy shall be furnished to the opposing party or his attorney, in time to allow a sufficient number of days for such opposing party to proceed, by the usual route of travel, to the county seat of the county where such real estate may be situated and return to the place of trial, in addition to the three days for preparation above provided for.

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 25, 1963.
AN ACT

AUTHORIZING THE STATE BOARD OF LAND COMMISSIONERS TO ACCEPT AND ADMINISTER CERTAIN LANDS OR RIGHTS THERETO, IN BENEWAH AND LATAH COUNTIES, 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 to accept for inclusion within the boundaries of Mary Minerva McCroskey State Park certain lands situate in Section 30, Twp. 44 North, Range 5, West; in Section 20, Twp. 43 North Range 4 West Boise Meridian; in Section 8, Twp. 43 North Range 5, West Boise Meridian, in Latah and Benewah Counties.

SECTION 2. That the State Board of Land Commissioners upon receipt of a valid conveyance describing said property in detail from the heirs of said Mary Minerva McCroskey, is hereby directed to include such property within the boundaries of said park and administer said lands in the same manner as the original park is administered.

SECTION 3. 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. Said Board is hereby authorized to accept and administer the said lands.

Approved March 25, 1963.
THE SAME OR SIMILAR CHARACTER OR ARE BASED UPON THE SAME ACT OR TRANSACTION SO CONNECTED TOGETHER AS TO CONSTITUTE PART OF A COMMON SCHEME OR PLAN; AND DECLARING AN EMERGENCY.

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

SECTION 1. COUNT PLEADING.—Two or more offenses may be charged in the same indictment or information in a separate count for each offense if the offenses charged, whether felonies or misdemeanors or both, are of the same or similar character or are based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

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 25, 1963.

CHAPTER 205
(S. B. No. 129)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Bean Marketing and Production Promotion 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, 1963, and ending June
CHAPTER 206
(S. B. No. 131)

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, 1963, and ending June 30, 1965; 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 ..................$284,496
       Travel Expense .................. 40,000
       Other Current Expense ........... 45,000
       Capital Outlay .................. 41,000
       Refunds .......................... 200

       Total ...................................$410,696

From the Livestock Disease Control Fund ....$410,696

Approved March 25, 1963.

CHAPTER 207
(S. B. No. 148)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Public Works 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 refunds, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  Appropriations:
PUBLIC WORKS CONTRACTORS
STATE LICENSE BOARD:
For:  Salaries and Wages .................$56,760
       Travel Expense .................. 1,850
       Other Current Expense ........... 19,250
       Capital Outlay .................. 300
       Refunds .......................... 200
CHAPTER 208
(S. B. No. 149)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
BAR COMMISSION:
For: Salaries and Wages $34,100
Travel Expense 13,950
Other Current Expense 11,250
Capital Outlay 1,350

Total $60,650

From the Bar Commission Fund $60,650

Approved March 25, 1963.
AN ACT

AMENDING SECTION 10-1110, IDAHO CODE, AS AMENDED, TO PROVIDE FOR THE RECORDING OF A TRANSCRIPT OR ABSTRACT OF JUDGMENT.

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

SECTION 1. That Section 10-1110, Idaho Code, as amended, be, and the same hereby is amended to read as follows:

10-1110. FILING TRANSCRIPT OF JUDGMENTS — LIEN ACQUIRED — A transcript or abstract of any judgment or decree of any court of this state or in a district court of the United States the enforcement of which has not been stayed as provided by law, if rendered within this state, certified by the clerk having custody thereof, may be recorded with the recorder of any county of this state, who shall immediately record and docket the same as by law provided, and from the time of such recording, and not before, the judgment so recorded becomes a lien upon all real property of the judgment debtor in the county, not exempt from execution, owned by him at the time or acquired afterwards at any time prior to the expiration of the lien; provided that where a transcript or abstract is recorded of any judgment or decree of divorce or separate maintenance making provision for installment or periodic payment of sums for maintenance of children or alimony or allowance for wife's support, such judgment or decree shall be a lien only in an amount for payments so provided, delinquent or not made when due. The lien continues five years from the date of the judgment, unless the judgment be previously satisfied, or unless the enforcement of the judgment be stayed upon an appeal as provided by law. The transcript or abstract above mentioned shall contain the title of the court and cause and number of action, names of judgment creditors and debtors, time of entry, where entered in judgment book and amount of judgment.

Approved March 25, 1963.
CHAPTER 210
(S. B. No. 7, As Amended)

AN ACT

RELATING TO OATH OF OFFICE OF PUBLIC OFFICERS AND EMPLOYEES; AMENDING SECTION 59-401, IDAHO CODE, TO PROVIDE FOR A LOYALTY OATH WHICH SHALL INCLUDE A STATEMENT OR AFFIRMATION THAT THE OFFICER TAKING THE SAME DOES NOT ADVOCATE NOR IS A MEMBER OF ANY PARTY OR ORGANIZATION THAT ADVOCATES THE OVERTHROW OF THE GOVERNMENT OF THE UNITED STATES OR THE STATE OF IDAHO BY FORCE OR VIOLENCE OR OTHER UNLAWFUL MEANS, THAT WITHIN THE FIVE YEARS IMMEDIATELY PRECEDING THE TAKING OF THE OATH, HE HAS NOT BEEN A MEMBER OF ANY PARTY OR ORGANIZATION THAT DOES THUS ADVOCATE, AND THAT HE WILL NOT BECOME A MEMBER OF SUCH PARTY OR ORGANIZATION; PROVIDING SEPARABILITY; REPEALING CONFLICTING LAWS.

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

SECTION 1. That Section 59-401, Idaho Code, be, and the same is hereby amended to read as follows:

59-401. FORM OF OATH—LOYALTY OATH.—Before any public officer or employee elected or appointed to fill any office, created by the laws of the state of Idaho, enters upon the duties of his office, he must take and subscribe an oath, to be known as the official oath, which is as follows:

I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution and the laws of this state; that I will faithfully discharge all the duties of the office of ____________________ according to the best of my ability. So help me God.

I, ____________________, do further solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Idaho against all enemies, foreign or domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Idaho; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

And I do further swear (or affirm) that I do not advo-
cate, nor am I a member of any party or organization, political or otherwise, that now advocates the overthrow of the Government of the United States or of the State of Idaho by force or violence or other unlawful means; that within the five years immediately preceding the taking of this oath (or affirmation) I have not been a member of any party or organization, political or otherwise, that advocates the overthrow of the Government of the United States or of the State of Idaho by force or violence or other unlawful means except as follows:

(If no affiliation, write in the words “No Exceptions”) and that during such time as I hold the office of

I will not advocate nor become a member of any party or organization, political or otherwise, that advocates the overthrow of the Government of the United States or of the State of Idaho by force or violence or other unlawful means. So help me God.

And no other oath, declaration, or test, shall be required as a qualification for any public office or employment, except as otherwise provided by law.

A failure or refusal to take and subscribe such oath shall make such person ineligible to hold such office or to receive compensation for the same.

Public “Officer” and “employee” includes every officer and employee of the State, University of Idaho, Idaho State College, every other college and every county, city, school district, and authority, including any department, division, bureau, board, commission, agency, or instrumentality of any of the foregoing.

SECTION 2. SEPARABILITY.—If any of the provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications which can be given effect without said invalid provisions or applications.

SECTION 3. REPEALING CONFLICTING LAWS.—All laws or parts of laws in conflict, in whole or in part, with the provisions of this act are hereby repealed.

Approved March 25, 1963.
AMENDING SECTION 66, SUBSECTION 5, OF H. B. NO. 92, THIRTY-SEVENTH SESSION, BY SUBSTITUTING A NEW SUBSECTION 5 RELATING TO THE DUTIES AND POWERS OF BOARDS OF TRUSTEES OF SCHOOL DISTRICTS AND TO PROVIDE FOR THE PREPARATION AND PUBLICATION OF AN ANNUAL STATEMENT OF FINANCIAL CONDITION AND REPORT; PROVIDING FOR SUCH ADDITIONAL AND SUPPLEMENTARY REPORTS AS ANY SUCH SCHOOL DISTRICT MAY ELECT TO MAKE; PRESCRIBING THE FORM AND CONTENT OF SUCH STATEMENT OF FINANCIAL CONDITION AND REPORT AND PROVIDING FOR THE CERTIFICATION AND THE MANNER OF PUBLICATION THEREOF; AND DECLARING THE DUTY OF THE STATE BOARD OF EDUCATION WITH RESPECT THERETO UPON FAILURE OF ANY BOARD OF TRUSTEES TO PREPARE AND PUBLISH SUCH ANNUAL STATEMENT OF FINANCIAL CONDITION AND REPORT.

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

SECTION 1. That Section 66, H. B. No. 92, Thirty-seventh Session, be, and the same is hereby amended to read as follows:

SECTION 66. FISCAL YEAR—PAYMENT AND ACCOUNTING OF FUNDS.—The fiscal year of each school district shall be a period of twelve months commencing on the first day of July in each year.

The board of trustees of each school district shall have the following powers and duties:

1. To determine and order paid all lawful expenses for salaries, wages and purchases, whether or not there be money in the treasury for payment of warrants drawn against any fund of the district.

Whenever any school district other than an elementary school district has sufficient funds on deposit so to do, it may pay any allowed claim for salaries, wages or purchases by regular bank check signed by the treasurer of the district and countersigned by the chairman, or vice-chairman, of the board of trustees.

The total amount of warrants or orders for warrants
drawn on any fund, together with disbursements from such fund in any other manner made, shall not exceed ninety-five per cent of the estimated income and revenue accrued or accruing to such fund for the same school year, until such income and revenue shall have been paid into the treasury to the credit of the district.

2. To invest all or part of any plant facilities reserve fund, or any fund accumulated for the payment of interest on, and the redemption of, outstanding bonds of the district in bonds or certificates of indebtedness of the United States of America, or in bonds or warrants of the state of Idaho, or in warrants or tax anticipation notes of any county or school district of the state of Idaho, when such investments shall be due and payable on or before the date any plant facilities reserve fund shall be required to be expended or any bonds, or interest thereon, of the investing district shall become payable.

Whenever in the judgment of the board of trustees, the proceeds of any bond issue should be temporarily invested pending the expenditure of such proceeds for the purposes for which such bonds were issued, the proceeds may be invested in the manner and form hereinabove prescribed. Any interest, or profits accruing from such investments shall be used for the purposes for which the bonds were issued. Unless otherwise provided by law, any interest or profits accruing from the investment of any funds shall be credited to the general fund of the district;

3. To insure any schoolhouse and other property, and the district, against any loss by fire, casualty, or liability, and the board, its officers and employees, as provided in chapter 35 of title 41, and to preserve its property for the benefit of the district. In case of loss of any insured property, any proceeds from insurance may be expended in constructing a temporary or permanent structure, but no sum greater than the insurance proceeds shall be so expended except upon approval of a majority of the school district electors voting in an election called for that purpose.

If the proceeds of any insurance received by a school district by reason of loss on real property shall be less than one thousand dollars ($1,000), such proceeds may be credited to the general fund of the district;

4. To pay from the general fund of the district the expense of any member of the board incurred while traveling
on the business of the board, or attending any meeting called by the state board of education or by the state superintendent of public instruction, or attending any annual or special meetings of the state school trustees association, and to pay the membership fee of the board of trustees in said association. Whenever any member of the board of trustees resides at such distance from the meeting place of the board as to require, in the judgment of the board, such member to incur extraordinary expense in traveling from his home to and from said meeting place, the board may approve payment to such member of the extraordinary expense incurred in attending any meeting of the board.

For the purpose of this paragraph, the term "expense" or "extraordinary expense" shall include allowance for mileage or actual travel expense incurred;

5. To make a financial report in writing, as of the 30th day of June in each year, of the financial condition of the school district, showing the amount of money received from what sources, the amount of money expended and in what manner, during the fiscal year then ended, and the amount of money in the treasury of the district, or to its credit, as of the date of said report. Any such report shall be in the form prescribed by the state board of education and shall be posted, and published once, in the manner provided in section 46. A copy of said report shall be kept in the administrative office of the board or the office of the clerk of the district for examination by any person;

5. To prepare, or cause to be prepared and published, in the manner hereinafter prescribed, within sixty (60) days from the last day of each fiscal year, an Annual Statement of Financial Condition and Report of the school district as of the end of such fiscal year, showing assets and liabilities, the amounts of money received, from what sources, the amounts expended, for what purposes, and to whom paid; such Annual Statement of Financial Condition and Report to show in full the financial condition of the district, and to contain a detailed itemization of expenditures of school district funds during the fiscal year, naming each recipient and the purposes and amounts of expenditures made to each; provided, however, that if during the same fiscal year more than one payment is made to the same recipient for the same purpose, the total of such payments to that recipient may be reported by purpose classification without itemization of warrants; and provided, further, that teacher salaries may be reported in gross amount,
showing the number of teachers paid at each of the several stated gross salary levels in effect in the district, but without naming the individual recipients of teacher salary payments.

Nothing herein provided shall be construed as limiting any school district as to any additional or supplementary statements and reports it may elect to make for the purpose of informing the public of its financial operations, either as to form, content, method, or frequency; and if all the information required herein to be published shall have been published as provided herein at regular intervals during the fiscal year covering successive portions of the fiscal year, then such information may be omitted from the Annual Statement of Financial Condition and Report for such portions of the fiscal year as already have been reported.

The Annual Statement of Financial Condition and Report shall be published within the time above prescribed in one issue of a newspaper printed and published within the district, or, if there be none, then in a newspaper printed and published in the county in which the school district is located, or, if more than one newspaper is printed and published in said district or county, then in the newspaper most likely to give notice of the contents of such Annual Statement of Financial Condition and Report to the residents of said district; provided, that if no newspaper is printed and published in the said district or county, then such Statement of Financial Condition and Report shall be published in a newspaper of general circulation most likely to give notice of the contents to the residents of said district.

The chairman, clerk and treasurer of each such school district shall certify said Annual Statement of Financial Condition and Report to be true and correct, and the certification shall be included in each published statement.

In the event the board of trustees of any such school district shall fail to prepare or cause to be prepared or to publish the Annual Statement of Financial Condition and Report as herein required, the state board of education shall cause the same to be prepared and published, and the cost thereof shall be an obligation of such school district. One copy of such Annual Statement of Financial Condition and Report shall be retained in the office of the clerk of the board of school trustees, where the same shall
be open at all times to examination and inspection by any person;

6. To cause to be made each year, a full and complete audit of all of the financial transactions of the district, and of the activities or student body funds, except that in elementary school districts such audit shall be made at intervals of not more than two years. Any audit shall be in accordance with uniform specifications prescribed therefor by the bureau of public accounts.

The auditor shall be employed on written contract, the form of which shall be prescribed by the bureau of public accounts.

One copy of the report of the audit shall be filed with the bureau of public accounts, and one copy shall be filed with the state board of education, not more than ten days after its acceptance by the board of trustees;

7. To file annually with the state board of education such financial and statistical reports as said state board of education may require;

8. To order and have destroyed any canceled check or warrant, or any form of claim or voucher which has been paid, at any time after five years from the date the same was canceled and paid.

SECTION 2. EFFECTIVE DATE.—This Act shall be and become effective on and after the first day of July, 1963.

Approved March 25, 1963.

CHAPTER 212
(S. B. No. 210)

AN ACT

AMENDING SECTION 26-2201, IDAHO CODE, AS AMENDED, TO INCLUDE RECEIVING MONEY FROM DEBTORS FOR PAYMENT OR PRO-RATING TO CREDITORS' ACCOUNTS AND ASSIGNEES FOR THE BENEFIT OF CREDITORS WITHIN THE DEFINITION OF A COLLECTION AGENCY; AMENDING SECTION 26-2202, IDAHO CODE, TO REQUIRE THE FILING OF A FINANCIAL STATEMENT BY EVERY APPLICANT FOR A PERMIT AND A DESIGNATION BY PART-
NERSHIPS AND CORPORATIONS OF PERSONS TO BE EXAMINED FOR SUCH PERMIT; AMENDING SECTION 26-2203, IDAHO CODE, AS AMENDED, TO INCLUDE FORMS USED IN CONNECTION WITH THE PAYMENT OR PRO-RATING FOR CREDITORS; ADDING A NEW SECTION FOLLOWING SECTION 26-2203, IDAHO CODE, TO BE KNOWN AS SECTION 26-2203a TO ESTABLISH A COLLECTION AGENCIES BOARD, PROVIDE FOR THE MANNER OF APPOINTMENT, NUMBER AND QUALIFICATIONS OF MEMBERS, AND TERM OF OFFICE; ADDING A NEW SECTION FOLLOWING SECTION 26-2203a, IDAHO CODE, TO BE KNOWN AS SECTION 26-2203b TO PROVIDE FOR THE ORGANIZATION, TERM OF OFFICE, QUORUMS, AND MEETINGS OF THE BOARD; ADDING A NEW SECTION FOLLOWING SECTION 26-2203b, IDAHO CODE, TO BE KNOWN AS SECTION 26-2203c TO PROVIDE THE MANNER, METHOD, TIME, AND SUBJECT MATTER OF CONDUCTING EXAMINATIONS FOR PERMITS AND TIME OF FILING APPLICATIONS WITH COMMISSIONER; AMENDING SECTION 26-2204, IDAHO CODE, AS AMENDED, TO REQUIRE FAIR AND EQUITABLE CONTRACTS RELATING TO PAYMENT, RECEIVING OR PRO-RATING MONEY RECEIVED FROM DEBTORS FOR CREDITORS; AND TO PROVIDE THAT THE BOARD SHALL EXAMINE APPLICANTS AND THEREUPON ADVISE THE COMMISSIONER OF THE APPLICANTS WHO HAVE PASSED THE EXAMINATION; AND PROVIDING FOR THE COMPENSATION FOR PERMIT OR LICENSE HOLDERS ENGAGED IN RECEIVING MONEY FROM DEBTORS FOR PAYMENT OR PRO-RATING TO ACCOUNTS OF CREDITORS; AMENDING SECTION 26-2204b, IDAHO CODE, AS AMENDED, REQUIRING PERMIT HOLDERS TO FILE A FINANCIAL STATEMENT AT THE TIME OF RENEWING BONDS; AMENDING SECTION 26-2205, IDAHO CODE, AS AMENDED, REQUIRING BONDS ON RENEWAL TO BE INCREASED IN CERTAIN CASES BASED ON A PERCENTAGE OF NET COLLECTIONS FOR PRECEDING YEAR; AMENDING SECTION 26-2205a, IDAHO CODE, AS AMENDED, TO PROVIDE FOR THE FILING OF COMPLAINTS AT THE REQUEST OF THE COLLECTION AGENCIES BOARD, TO PROVIDE FOR THE ISSUANCE OF RECEIPTS FOR ACCOUNTS PLACED FOR COLLECTION, KEEPING A RECORD OF THE SAME, REQUIRING SEPARATE TRUST ACCOUNTS FOR EACH BUSINESS LOCATION AND AUTHORIZING THE COMMISSIONER TO VERIFY AMOUNTS ON DEPOSIT IN SUCH ACCOUNTS; AMENDING SECTION 26-2205b, IDAHO CODE, TO DISQUALIFY APPLICANTS OR PERMIT HOLDERS FOR CONVICTION OF CERTAIN OFFENSES AND PRO-
HIBIT THE LICENSING OF PERSONS DISBARRED FROM THE PRACTICE OF LAW; AMENDING SECTION 26-2207, IDAHO CODE, TO PROVIDE PUNISHMENT AS A FELONY FOR CERTAIN VIOLATIONS AND AS A MISDEMEANOR AS TO OTHER VIOLATIONS; AMENDING SECTION 26-2211, IDAHO CODE, TO DISQUALIFY APPLICANTS FOR AGENTS' LICENSES FOR CONVICTION OF CERTAIN OFFENSES AND TO PROHIBIT THE LICENSING AS AN AGENT OF PERSONS DISBARRED FROM THE PRACTICE OF LAW; ADDING A NEW SECTION FOLLOWING SECTION 26-2212, IDAHO CODE, TO BE KNOWN AS SECTION 26-2213 TO PROVIDE THAT AN ASSIGNMENT OF AN ACCOUNT FOR COLLECTION CONSTITUTES A PROPERTY RIGHT IN THE PERMIT HOLDER BUT NOT A RIGHT TO PRACTICE LAW; AND PROVIDING THAT THE EXAMINATION PROVISIONS HEREOF SHALL NOT APPLY TO EXISTING PERMIT HOLDERS AND FOR NON-RETROACTIVE EFFECT.

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

SECTION 1. That Section 26-2201, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

26-2201. COLLECTION AGENCY PERMITS.—No person, firm, copartnership, company, association or corporation shall for compensation conduct a collection agency, collection bureau or collection office in this state, or engage, either directly or indirectly, in this state in the business of collecting or receiving payment for others of any account, bill, claim or other indebtedness, or solicit or advertise for the right to collect or receive payment for another of any account, bill, claim or other indebtedness, or sell or otherwise distribute any system or systems of collection letters and similar printed matter where the name of any person, firm, co-partnership, company, association or corporation other than the particular editor to whom the debt is owed appears or indicates, directly or indirectly, that a third party may be involved in effecting any collection, or engages or offers to engage in the business of receiving money from debtors for application to or payment of or pro-rating of any creditor or creditors of such debtor, for compensation or otherwise, without complying with the terms of this chapter and obtaining a permit from the commissioner of finance.

SECTION 2. That Section 26-2202, Idaho Code, be, and the same is hereby amended to read as follows:

26-2202. FORM OF APPLICATION.—Every applicant
for such permit shall file in the department of finance, an application in form to be prescribed by said commissioner setting forth:

1. The name of the applicant if an individual. If the applicant is a corporation, a list of its officers and directors and their addresses. If the applicant is a partnership, then a list of the members of said partnership and their addresses must be filed with the application. Every partnership in its application for a permit shall designate and appoint one or more of its members, and every corporation in its application for a permit shall designate and appoint one or more of its officers or employees who shall submit to the examination hereinafter required. No permits shall be issued to any partnership or corporation unless and until the persons and officers so designated by the partnership or corporation shall submit to and pass the examination required by this act.

2. The location of the principal office or place of business of the applicant.

3. Other names, if any, in which the applicant conducts, engages in or solicits business.

4. The names of all persons and organizations with which the applicant is affiliated in such business, and the location of the principal office or place of business of each such affiliation.

5. A general description of the business to be conducted, or plan of operation contemplated, by the applicant in this state.

6. A list of all papers and filings accompanying the application identified as exhibits by number.

7. A financial statement showing the applicant to have a financial net worth of not less than $2,500.00 for each place of business for which a permit is sought, which statement shall be confidential and not be disclosed to the public.

8. Such other information concerning the applicant's business as the said commissioner may reasonably require. Such application shall be executed and verified by the applicant or applicants personally, or by the president or secretary where the applicant is an association or corporation.

SECTION 3. That Section 26-2203, Idaho Code, as amended, be, and the same is hereby amended to read as follows:
26-2203. OTHER FILINGS — LITERATURE AND CONTRACT.—Such application shall be accompanied by:

1. Complete copies of all literature and circulars issued or circulated by or on behalf of applicant in soliciting or advertising for business including circular and form letters.

2. Complete forms of all contracts designed for execution by persons in this state placing any account, bill, claim or other indebtedness in the hands of the applicant for collection.

   Complete forms of all contracts and assignments designed for execution by debtors making any assignments to or placing any property with the applicant for the purpose of paying the creditors of such debtors.

   Complete forms of all contracts and releases designed for execution by creditors to whom payments are made or are to be made by the applicant.

3. If the applicant is a corporation or association, a copy of its articles of incorporation or association, duly authenticated.

4. A list of the names and addresses of all agents, representatives and solicitors who will represent or solicit business for the applicant in this state.

5. The names and addresses of all directors and officers, if the applicant is a corporation or association, and the names of the members, if the applicant is an unincorporated company, a firm or copartnership.

6. An agreement executed by the applicant stipulating that no literature or form of contract not submitted with the application will be issued, circulated or used by the applicant prior to the filing thereof in said department, and that no agent, representative or solicitor of the applicant will solicit, engage in or conduct business as such in the state of Idaho, until his name and address have been filed in said department.

7. An initial examination fee, in the sum of fifty dollars.

SECTION 4. That Chapter 22, Title 26 of the Idaho Code be amended by adding thereto a new section following Section 26-2203 to be known and designated as Section 26-2203a to read as follows:

26-2203a. COLLECTION AGENCIES BOARD.—There
is hereby established a collection agencies board consisting of three appointive members. The commissioner of finance shall act as the secretary of said board or shall designate a member of his staff to act as secretary, who shall keep minutes of all meetings of the board and keep all records required by law and perform such other duties as the commissioner or the board may specify. Within sixty days from the effective date of this act, the governor shall appoint the members to the board. The term of office for each board member shall be three years except that the first board shall, immediately upon its appointment, by lots, determine that one member shall serve for one year, one member for two years and one member for three years. Thereafter as each year expires the governor shall make an appointment for a term of three years. In making appointments the governor shall give consideration to the appointment of board members from the three areas of Idaho, namely, northern Idaho, southwestern Idaho and southeastern Idaho. In making such appointments the governor shall also give consideration to the recommendations made to him by the Idaho Collectors Association. No person shall be qualified to act as a member of the board unless he is and continues to be a licensed collector under the provisions of Chapter 22, Title 26, Idaho Code. The governor may remove any member for cause. Any vacancy on the board shall be filled by the governor for the unexpired term. Members of the board shall receive no per diem or reimbursement for expenses from the general fund of the state of Idaho for services performed in attending meetings or otherwise.

SECTION 5. That Chapter 22, Title 26, Idaho Code, be, and the same is hereby amended by adding a new section following Section 26-2203a to be known and designated as Section 26-2203b to read as follows:

26-2203b. MEETINGS OF BOARD.—Immediately upon the appointment of the collection agencies board the appointees shall meet and organize by the election of a chairman and vice-chairman. All meetings shall be held at Boise, Idaho, unless the board by rule or regulation provides for holding of meetings elsewhere within the state. Regular meetings of the board shall be held on the first Monday of April and October of each year. Special meetings may be called by the chairman or vice-chairman or in the manner which the board by rule or regulation may provide. A majority of the board shall constitute a quorum for the transaction of any business. The chairman and vice-
chairman shall hold their office for a period of one year when their successors shall be selected and qualified.

SECTION 6. That Chapter 22, Title 26, Idaho Code, be, and the same is hereby amended by adding a new section following Section 26-2203b to be known and designated as Section 26-2203c to read as follows:

26-2203c. POWERS OF THE BOARD.—The collection agencies board shall have the power to:

1. Provide the manner and method for conducting examinations and shall conduct all examinations for permits required by Chapter 22, Title 26, Idaho Code, such examinations to be held at least twice each year at the time of the regular meetings of said board as provided in section 26-2203b, Idaho Code. Applications for examination shall be filed with the commissioner at least thirty days prior to the examination date. The examination shall be uniformly given, may be written or oral or a combination of both and shall be practical in nature. The examination may include questions on bookkeeping, credit adjusting, business law, collection procedure, business ethics, agency, debtor and creditor relationships, trust funds, fiduciary relationships, and the provisions of Chapter 22, Title 26, Idaho Code, and such other subject matter as the board by rule or regulation may specify.

SECTION 7. That Section 26-2204, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

26-2204. EXAMINATION—PERMIT.—The commissioner of finance shall examine such application and accompanying papers and investigate the qualifications of the applicant and if he finds therefrom that the same are in proper form, that the literature proposed to be circulated does not tend to conceal or misrepresent any fact to the detriment of any person dealing with the applicant in this state, that the contract or contracts proposed to be entered into in this state for the collection or payment or pro-rating of accounts, bills, claims or other indebtedness by the applicant or pro-rating or receiving money for payment to creditors are equitable, fair and reasonable, and that the applicant meets all other requirements and qualifications of this chapter, he shall advise the collection agencies board. Such board shall then examine the applicant, if an individual, or the designated officer or officers or employees of any corporation and the designated member or members of any partnership in the manner described
in section 26-2203c, and if such applicant or designee passes a satisfactory examination, the board shall advise the commissioner of finance and he shall cause a permit to issue authorizing the applicant to conduct such business in this state subject to the provisions of this chapter, until the thirty-first day of December next thereafter: provided, that no collection contract shall be deemed equitable, fair or reasonable within the meaning of this section which in substance either:

a. Stipulates, directly or indirectly, for the payment of any fee, commission or compensation in excess of fifty percent of the amount actually collected on any account, bill, claim or other indebtedness entrusted to the applicant for collection.

b. Permits the applicant to retain any sums due the creditor on any account, bill, claim or other indebtedness collected for him by the applicant on account of, or as a setoff against, any fee, commission, charge, expense or compensation claimed, other than the regular collection fees or commissions, to be due from such creditor on any other account whatever.

c. Penalizes the creditor for failure to produce evidence in support of any account, bill, claim or item of indebtedness placed with the applicant for collection in addition to that delivered upon the execution of such contract.

d. Penalizes such creditor for any unintentional error, mistake or omission in furnishing to the applicant the correct name or address of any debtor.

A permit or license holder, engaging in the business of receiving money from debtors for application to or payment of or pro-rating the account or accounts of any creditor or creditors of such debtor, for compensation or otherwise, or in the business of acting as the assignee for the benefit of creditors as a primary or secondary object, shall not take or receive for services performed by such permit or license holder for any one person more than fifteen percent of the amount received by it at any one time from or on behalf of that person for payment or pro-rating to creditors and no other charges shall be made or received for any such service.

If the commissioner or board finds that the applicant does not qualify under the provisions of this chapter, Title 26, Chapter 22, he must deny the application. If he finds the applicant is qualified and the board recommends the
issuance of a license, he must issue a permit upon the filing of the bond required by this chapter and the payment of an annual permit fee in the sum of twenty-five dollars.

SECTION 8. That Section 26-2204b, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

26-2204b. RENEWAL OF PERMIT.—Upon application made prior to the 1st day of January of each year, the holder of any permit issued under the provisions of this chapter shall be entitled to have such permit renewed for an additional year upon the payment of an annual permit fee of twenty-five dollars, and the filing of the bond required by this chapter, and the filing of a financial statement showing a net worth of at least $2,500.00 for each place of business for which a permit is sought.

SECTION 9. That Section 26-2205, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

26-2205. BONDS.—Upon approval of application and prior to the issuance of permit the applicant shall file in said department of finance a bond to the state of Idaho, in the penal sum of $5000 or upon renewal, such larger sum hereafter provided, and in form to be approved by the attorney-general, conditioned upon the compliance by the applicant with all of the provisions of this chapter and with the terms and conditions of all contracts entered into by the applicant within the state of Idaho, including the agreement referred to in subdivision 6, section 26-2203, which bond shall be for the term of any permit issued to the applicant hereunder, and shall be executed by the applicant as principal and by some surety company authorized to do business in this state as surety. In any case where a collection agency or person holding a permit issued under the provisions of this chapter has failed to account for and pay over proceeds of any collection made or moneys received for payment or pro-rating to creditors, the creditors shall have, in addition to all other legal remedies, a right of action in his own name on such bond for the loss suffered by him not exceeding the face of the bond and without the necessity of joining the collection agency in such suit or action.

Upon the renewal of any permit or license, the applicant shall supply the commissioner with a statement of the preceding year’s net collections that were due to creditors. The amount of the bond on renewal shall be the sum of $5,000.00 or two times the average monthly net collec-
tions due to creditors for the preceding year computed to the next highest $1,000.00, whichever sum is greater.

SECTION 10. That Section 26-2205a, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

26-2205a. INVESTIGATIONS, RECORDS AND PAYMENT OF FUNDS.—The commissioner may, upon his own motion, and shall, upon the sworn complaint in writing of any person, or at the request of the collection agencies board, investigate the actions of any person or persons, claimed to have violated the provisions of this chapter and for that purpose the commissioner shall have free access to the offices and places of business, books, accounts, records, papers, files, safes, and vaults of all such persons, but no complaint shall be held to be a sufficient basis for the denial, cancellation or suspension of a permit unless it specifies in detail the charges made against such person or persons. The actual cost of every such investigation shall be paid to the commissioner by the permit holder so investigated, and the commissioner may maintain an action for recovery of such costs in any court of competent jurisdiction. Every holder of a permit shall acknowledge in writing each account received for collection and shall maintain a record of such account, make a permanent record of all sums collected by him and of all disbursements made by him and he shall maintain and keep all such records and all creditor's funds in the state of Idaho, and shall keep and preserve all records relating to collection and disposal or disbursement of all creditor's funds for a period of five years, and it shall be unlawful for any person to intentionally make any false entry in any such collection agency record or to intentionally mutilate, destroy or otherwise dispose of any such record. A holder of a permit shall not commingle the money of his creditors with money of such holder of such permit, but shall maintain a separate trust account for such creditors' funds, and shall maintain a separate trust account for each business location. The commissioner is hereby authorized to verify from time to time the amounts of money on deposit in any licensee's or permittee's trust account in any bank or depository. Every holder of a permit shall, within thirty days after the close of each calendar month, report and pay to his creditors the net proceeds of all collections made during said calendar month.
SECTION 11. That Section 26-2205b, Idaho Code, be, and the same is hereby amended to read as follows:

26-2205b. QUALIFICATIONS.—Permits shall be issued hereunder only to persons who are and to partnerships, firms, companies, and associations whose members and managers are and to corporations whose managers are citizens of the United States of America, over twenty-one years of age, who are trustworthy and competent to transact the business of a collection agency; provided, however, a permit shall not be issued to a person, partnership, firm, company, association or corporation if any such person, or member or manager of a partnership, firm, company or association or officer or manager of a corporation has been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or other like offense, until five years after completion of any sentence imposed for such conviction or has been disbarred from the practice of law. Should the holder of a permit have a branch or subsidiary office or location, each manager thereof must have all of the qualifications and none of the disqualifications set forth in this section. The conviction of any of the crimes hereinabove listed while a permit is in effect shall constitute grounds for suspension or cancelation of such permit by the commissioner.

SECTION 12. That Section 26-2207, Idaho Code, be, and the same is hereby amended to read as follows:

26-2207. VIOLATION A MISDEMEANOR.—Any person, member of a firm, partner or company or officer of any association or corporation failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor. partnership, association, company, corporation, firm, or any member, officer, stockholder, director or employee of any partnership, association, company, corporation, or firm which shall operate a collection agency as defined in section 26-2201, Idaho Code, as amended, without a permit, or any permit holder or license holder who fails to maintain a separate trust account for such creditors' funds for each place of business for which he holds a permit or fails to make and keep the records required by Title 26, Chapter 22, Idaho Code, shall be guilty of a felony and punishable by a fine of not exceeding $5,000.00, five years' confinement in the Idaho State Penitentiary, or both, and any person, partnership, association, company, corporation, firm, or any member, officer, stock-
holder, director or employee of any partnership, association, company, corporation, or firm who shall fail to comply with any of the other provisions of Title 26, Chapter 22, Idaho Code, shall be guilty of a misdemeanor.

SECTION 13. That Section 26-2211, Idaho Code, be, and the same is hereby amended to read as follows:

26-2211. REFUSAL, DENIAL OR REVOCATION OF LICENSE—GROUNDS.—A license shall be refused and, after notice and hearing, be denied, revoked or the renewal thereof refused by the commissioner if he finds that the holder of or the applicant for such license:

(a) Has wilfully violated any provision of this chapter; or,

(b) Has intentionally made a material misstatement in the application to qualify for such license; or,

(c) Has obtained or attempted to obtain a license by fraud or misrepresentation; or

(d) Has misappropriated or converted to his own use or illegally withheld moneys collected or held for any other person; or,

(e) Has intentionally and without properly qualifying as herein provided represented himself as an agent for the purpose of soliciting for or representing any business covered by this chapter; or,

(f) Has been convicted within a period of five years of forgery, embezzlement, obtaining money under false pretenses, larceny or extortion; or

(g) Is not a bona fide resident of this state; or,

(h) Has been disbarred from the practice of law.

SECTION 14. That Title 26, Chapter 22, Idaho Code, is hereby amended by adding a new section thereto following Section 26-2212, Idaho Code, to be known and designated as Section 26-2213, Idaho Code, to read as follows:

26-2213. PROPERTY RIGHT.—A permit holder shall have a property right in any account assigned to it for collection; provided, however, no right herein granted shall authorize such permit holder to engage in the practice of law.

SECTION 15. Nothing in this act shall be construed to
invalidate the permit or license of any person holding a valid, unrevoked and unsuspended permit as a collection agency, collection bureau or collection office in this state on the effective date of this act except as provided in sections 26-2205b, 26-2206 and 26-2211. Any permit holder holding a valid permit on the effective date of this act shall be entitled to have the same renewed as in this act provided without the taking of the examination hereinabove provided for.

Approved March 25, 1963.

CHAPTER 213
(S. B. No. 217, As Amended in the House of Representatives)

AN ACT
AMENDING TITLE 63, CHAPTER 1, IDAHO CODE, BY ADDING THERETO A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 63-105T, IDAHO CODE; PROVIDING FOR TAX EXEMPTION OF FACILITIES, INSTALLATIONS OR EQUIPMENT DESIGNED FOR AND UTILIZED IN THE ELIMINATION OR CONTROL OF WATER OR AIR POLLUTION, PROVIDING FOR THE DETERMINATION OF SUCH EXEMPTION AND EXCLUDING THEREFROM FACILITIES WHICH HAVE VALUE AS THE SPECIFIC SOURCE OF MARKETABLE BY-PRODUCTS.

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

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

63-105T. PROPERTY EXEMPT FROM TAXATION—FACILITIES FOR WATER OR AIR POLLUTION CONTROL.—The following property is exempt from taxation: Facilities, installations, machinery or equipment, attached or unattached to real property, and designed, installed and utilized in the elimination, control or prevention of water or air pollution, or, in event such facilities, installations, equipment or machinery shall also serve other beneficial purposes and uses, such portion of the assessed valuation thereof as may reasonably be calculated to be necessary for and devoted to elimination, control or prevention of
water or air pollution. The State Tax Commission shall determine such exempt portion, and shall not include as exempt any portion of any facilities which have value as the specific source of marketable by-products.

Approved March 25, 1963.

CHAPTER 214
(S. B. No. 228)

AN ACT

RELATING TO RECLAMATION; AMENDING SECTION 42-204, IDAHO CODE, AS AMENDED, TO EXTEND THE TIME FOR COMPLETION FOR WORKS; DECLARING AN EMERGENCY.

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

SECTION 1. That Section 42-204, Idaho Code, as amended, be, and the same is hereby amended, to read as follows:

42-204. EXAMINATION — PERMIT — COMMENCEMENT OF WORK — BOND. — On receipt of the application, which shall be of a form prescribed by the department of reclamation, it shall be the duty of that department to make an endorsement thereon of the date of its receipt, and to make a record of such receipt in some suitable book in its office. It shall be the duty of the department to examine said application and ascertain if it sets forth all the facts necessary to show the location, nature and amount of the proposed use. If upon such examination the application is found defective, it shall be the duty of the department of reclamation to return the same for correction within thirty days from the receipt of such application, and the date of such return, with the reason therefor, shall be endorsed on the application, and a record made thereof in a book kept for recording the receipt of such applications. A like record shall be kept of the date of the return of corrected applications, but such corrected applications shall be returned to the department of reclamation within a period of sixty days from the date endorsed thereon by the department: provided, that if it be returned after such period of sixty days such corrected application shall be treated in all respects as an original application. All applications which shall comply with the provisions of this chapter and with the regulations of the
department of reclamation shall be numbered consecutively, and shall be recorded in a suitable book kept for that purpose, and it shall be the duty of the department to approve all applications, made in proper form, which contemplate the application of water to a beneficial use: provided, that the department may deny any such application or may refuse to grant a renewal of same where it appears to the satisfaction of the department that such application is not made in good faith, is made for delay or speculative purposes, that the applicant has not sufficient financial resources with which to complete the work involved therein, or if a renewal permit that such applicant has not proceeded diligently in applying the waters involved therein to any beneficial use or purpose, or that the water supply itself is insufficient for the purpose for which it is sought to be appropriated.

The approval of an application shall be endorsed thereon, and a record made of such endorsement in the department of reclamation. The application so endorsed shall constitute a permit, and shall be returned to the applicant, and he shall be authorized, on receipt thereof, to proceed with the construction of the necessary works for the diversion of such water, and to take all steps required to apply the water to a beneficial use and to perfect the proposed appropriation. In its endorsement of approval on any application the department shall require that actual construction work shall be complete within a period of five years from the date of such approval, and that one-fifth of such work of construction shall be done within one-half the period of time allowed for the completion of such works, but may limit the application to a less period of time for the completion of such works than is asked for, and likewise the perfecting of the proposed right for a less period than is named in the application, and such endorsement shall give the date when such work shall be completed, also the date when beneficial application of the water to be diverted by such works shall be made for the purposes intended; Provided that:

1. In cases where the applicant is prevented from proceeding with his work by his failure to obtain necessary consent or final approval or rejection from the federal government because of the pendency of an application for right of way or other matter within the jurisdiction of the United States, or by litigation of any nature which might bring his title to said water in question, the department of reclamation upon proper showing of the existence
of any such condition, and being convinced that said applicant is proceeding diligently and in good faith, shall extend the time so that the amount of time lost by such delays shall be added to the time given in the original permit for each and every action required.

2. The time for completion of works under any permit involving the construction of a reservoir of more than 200,000 acre feet capacity or for the appropriation of water to be impounded in such reservoir of more than 200,000 acre feet capacity, or a diversion of more than 25,000 acre feet in one irrigation season for a project of no less than 5,000 acres, may upon application to the state commissioner of reclamation supported by a showing that additional time is needed on account of the time required for organizing, financing and constructing works of such large size, be extended by the state commissioner of reclamation for an additional period of five years, but not to exceed ten years in all from the date of permit, and that extension of time for completion of works under this proviso shall automatically extend the time for completion of the twenty per cent required to be done in half the time, and for making proof of application of water to beneficial use: Provided, that no such extension shall be granted unless the applicant for such extension shall show that there has been actually expended toward the construction of said reservoir or diversion (including expenditures for the purchase of rights of way and property in connection therewith) at least $100,000.

3. In connection with permits held by the United States, whether acquired as the original applicant, by assignment or otherwise, the state reclamation engineer may extend the time for completion of the works for such additional period or periods of time as he may deem necessary upon application supported by a showing that such additional time is required by reason of the status of plans, authorization, construction fund appropriations, construction, or any arrangements which the secretary of the interior or his authorized representative has found to be requisite to completion of the construction of such works. The extension of time for completion of works under this proviso shall automatically extend the time for completion of the one-fifth required to be done in half the time, and for making proof of application of water to beneficial use.

Any applicant feeling himself aggrieved by the endorsement made by the department of reclamation upon his
application may appeal therefrom to the district court of the county in which the point of diversion of the proposed appropriation shall be situated. Such appeal shall be taken within sixty days from the return of the application by the department of reclamation, and shall be perfected when the applicant shall have filed in the office of the clerk of such district court a copy of the application, certified by the department of reclamation as a true copy, together with the petition to such court, setting forth the appellant's reason for appeal. Such appeal shall be heard and determined upon such competent proof as shall be adduced by the appellant, and such like proof as shall be adduced by the department or some person duly authorized in its behalf.

The maps accompanying such applications must contain the name of the proposed work, and, when it is possible, the number of the permit. They must in addition, have the name or names of the applicant or applicants, and when the proposed works have a capacity of more than twenty-five second-feet, a certificate of the surveyor giving the date of the survey, his name and post-office address. It shall be the duty of the department of reclamation to examine these maps or plats, and to ascertain if they agree with the description contained in the application, and when found to agree, to approve the same, file one copy in its office and return the other, approved, to the party filing them.

Every holder of a permit which shall be issued under the terms and conditions of an application filed hereafter appropriating twenty-five cubic feet or less per second must, within sixty days from the date upon which said permit issues from the office of the department of reclamation, commence the excavation or construction of the works by which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted through no fault of the holder of such permit by circumstances, over which he has no control.

Every holder of a permit, except the United States acting through the bureau of reclamation, of the department of the interior, which shall be issued under the terms and conditions of an application filed hereafter, appropriating more than twenty-five cubic feet per second must, within sixty days from the date upon which the said permit issues from the office of the department of reclamation, file with
the department a bond in an amount to be fixed by the department, not exceeding $10,000, in form and sufficiency of sureties to be approved by the department, conditioned upon faithfully carrying to completion the works of diversion as specified in said permit; the amount of the bond to be fixed by the department within the limits hereinbefore prescribed.

The holder of any permit who shall fail to comply with the provisions of this section within the time or times specified shall be deemed to have abandoned all rights under his permit.

SECTION 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 25, 1963.

CHAPTER 215
(S. B. No. 229)

AN ACT

AMENDING SECTION 23-903, IDAHO CODE, AS AMENDED, RELATING TO THE ISSUANCE OF RETAIL LIQUOR LICENSES, BY PROVIDING THAT POPULATION DETERMINATIONS MAY BE BASED UPON ANY SUBSEQUENT SPECIAL CENSUS MADE BY THE UNITED STATES BUREAU OF THE CENSUS.

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

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

23-903. LICENSE TO RETAIL LIQUOR. — The commissioner of law enforcement is hereby empowered, authorized, and directed to issue licenses to qualified applicants, as herein provided, whereby the licensee shall be authorized and permitted to sell liquor by the drink at retail and, upon the issuance of such license, the licensee therein named shall be authorized to sell liquor at retail by the drink, but only in accordance with the rules and regulations promulgated by the said commissioner and the provisions of this act. No license shall be issued for the sale of liquor on any premises outside the incorporated limits of any city or village except as provided in this act.
and the number of licenses so issued for any city or village shall not exceed one license for each 1,500 of population of said city or village, or fraction thereof, as established in the last preceding census or any subsequent special census conducted by the United States Bureau of the Census, except that upon proper application thereof not more than two licenses may be issued for each incorporated city or village with a population of 1,500 or less, unless the retail licensing of liquor by the drink has been previously disapproved under the provisions of sections 23-917, 23-918, 23-919, 23-920 and 23-921, Idaho Code; provided, however, that any license heretofore issued may be renewed from year to year without regard to the population of the city or village for which such license is issued. Nothing herein contained shall prohibit the issuance of a license to the owner, operator, or lessee of an actual, bona fide golf course, or to the lessee of any premises situate thereon, no part of which said golf course or the premises thereon is situate within the incorporated limits of any city or village. For the purpose of this section a golf course shall comprise real property of not less than forty contiguous acres in area, laid out and improved as an actual, bona fide golf course, and which is regularly used for the playing of the game of golf, and having not less than nine tees, fairways and greens laid out and used in the usual and regular manner of a golf course, including buildings and other improvements thereon. Where any such golf course is owned or leased by an association of members and is used or enjoyed by such members, or their guests, none of the disqualifications contained in section 23-910 shall apply to such association as a licensee where such disqualifications, or any of them, would apply only to a member of such association where such member has no interest therein except as a member thereof. Not more than one licensed premises shall be permitted on any golf course or within the area comprising the same.

Approved March 25, 1963.

CHAPTER 216
(S. B. No. 232)

AN ACT
RELATING TO APPROPRIATION OF GROUND WATER; AMEND.
ING SECTION 42-229, IDAHO CODE, PROVIDING METHOD OF APPROPRIATION; AMENDING SECTION 42-233a, IDAHO CODE, DEFINING CRITICAL GROUND WATER AREA AND AUTHORITY OF STATE RECLAMATION ENGINEER TO GRANT OR DENY APPLICATIONS FOR PERMITS; AMENDING SECTION 42-237g, IDAHO CODE, PROVIDING PENALTIES; REPEALING SECTION 42-233b, IDAHO CODE, RELATING TO PROTEST AND HEARING; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 42-229, Idaho Code, be, and the same is hereby amended to read as follows:

42-229. METHODS OF APPROPRIATION.—The right to the use of ground water of this state may be acquired only by appropriation. Such appropriation may be perfected by means of diversion and application to beneficial use or by means of the application permit and license procedure as provided in this act provided, however, that in the event an appropriation has been commenced by diversion and application to beneficial use prior to the effective date of this act it may be perfected under such method of appropriation. All proceedings commenced prior to the effective date of this act for the acquisition of rights to the use of ground water under the provisions of Sections 42-201—42-225, Idaho Code, may be completed under the provisions of said sections and rights to the use of ground water may be thereby acquired. But the administration of all rights to the use of ground water, whenever or however acquired or to be acquired, shall, unless specifically excepted herefrom, be governed by the provisions of this act.

SECTION 2. That Section 42-233a, Idaho Code, be, and the same is hereby amended to read as follows:

42-233a. NOTICE OF APPLICATION.—Within a period of ten days after the filing of any application for permit with the state reclamation engineer as herein provided, the state reclamation engineer in a critical ground water area as hereinafter defined in this section, shall issue a notice of such application stating the name of the applicant, the location of the well or wells, the amount of the flow of water proposed to be used, and the description of the premises upon which the water is proposed to be used. Such notice shall also state that all persons having an interest in the critical ground water area de-
siring to oppose the issuance of a permit pursuant to such application, must within a period of thirty days from the first publication of such notice file in the office of the state reclamation engineer a protest to such application. A copy of the notice shall be furnished to the applicant, who shall cause the same to be published in a newspaper published in the county where the well described in said application is proposed to be located; or if no newspaper is published in such county, then in a newspaper of general circulation in such county. Publication of such notice shall be made two times, once each week for two consecutive weeks, and proof of such publication shall be furnished by the applicant to the state reclamation engineer.

CRITICAL GROUND WATER AREA.—“Critical ground water area” means is defined as any ground water basin, or designated part thereof, not having sufficient ground water to provide a reasonably safe supply for irrigation of cultivated lands in the basin at the then current rates of withdrawal, as may be determined and designated, from time to time, by the state reclamation engineer.

In the event the application for permit is made with respect to an area that has not been designated as a critical ground water area the state reclamation engineer shall forthwith issue a permit in accordance with the provisions of section 42-234. Without requiring compliance with the provisions of the preceding paragraph of this section or the provisions of section 42-2336.

In the event the application for permit is made in an area which has been designated as a critical ground water area, if the state reclamation engineer from the investigation made by him on said application as herein provided, or from the investigation made by him in determining the area to be critical, or from other information that has come officially to his attention, has reason to believe that there is insufficient water available subject to appropriation at the location of the proposed well described in the application, the state reclamation engineer may forthwith deny said application; provided, however, that if ground water at such location is available in a lesser amount than that applied for the state reclamation engineer may issue a permit for the use of such water to the extent that such water is available for such appropriation.

Any applicant dissatisfied with the decision of the state reclamation engineer may appeal to the district court in the manner provided for in Section 42-237e.
SECTION 3. That Section 42-237g, Idaho Code, be, and the same is hereby amended to read as follows:

42-237g. PENALTIES.—Any person violating any provision of this act, or any decision of the state reclamation engineer, or order of a local ground water board, shall be guilty of a misdemeanor and any continuing violation shall constitute a separate offense for each day during which such violation occurs, but nothing in this section or in the pendency or completion of any criminal action for enforcement hereof shall be construed to prevent the institution of any civil action for injunctive or other relief for the enforcement of this act or the protection of rights to the lawful use of water; provided, further, that if in the opinion of the state reclamation engineer there has been a violation of any such decision or order, he shall request the attorney general or the prosecuting attorney of any county in which such violation has occurred to bring and prosecute in the name of the state reclamation engineer or of the State of Idaho an appropriate action for injunctive or other relief to enforce any such decision or order, and, upon such request, the attorney general and any such prosecuting attorney shall forthwith bring and prosecute such action.

SECTION 4. That Section 42-233b, Idaho Code, be, and the same is hereby repealed.

SECTION 5. 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.

Approved March 25, 1963.

CHAPTER 217
(S. B. No. 234)

AN ACT

REPEALING SECTION 31-3209, IDAHO CODE, AND ENACTING A NEW SECTION 31-3209, IDAHO CODE, CONTAINING A NEW AND COMPLETE SCHEDULE OF FEES OF JUSTICE COURTS; 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 31-3209, Idaho Code, be, and the same is hereby repealed and simultaneously replaced by a new Section 31-3209, Idaho Code, reading as follows:

31-3209. JUSTICE OF THE PEACE—FEES.—A justice of the peace shall charge, demand and receive the following fees for services performed in discharge of the duties imposed upon him by law:

For all services in each criminal proceeding, as to each defendant adjudged guilty by that court, which shall be assessed each such defendant as costs $5.00.

For all services in each civil action $7.50.

For all services with respect to a marriage $5.00.

Said fee relative to civil actions shall be collected on the filing of the complaint (but no fee shall be charged nor collected for appearance by the defendant, cross-complainant, intervenor or third-party claimant) in said action.

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

Approved March 25, 1963.

CHAPTER 218
(S. B. No. 243)

AN ACT

AMENDING CHAPTER 16 OF TITLE 40, IDAHO CODE, RELATING TO HIGHWAY DISTRICT LAW, BY AMENDING SECTION 40-1614 THEREOF, TO PROVIDE THAT WHERE ROADS PROVIDE PUBLIC ACCESS TO PUBLIC LANDS OR WATERS, THE SAME MAY NOT BE ABANDONED WITHOUT FIRST CONDUCTING A PUBLIC HEARING THEREON AND PROVIDING FOR PUBLICATION OF NOTICE OF SAID HEARING.

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

SECTION 1. That Section 40-1614, Idaho Code, be, and the same is hereby amended to read as follows:

40-1614. POWERS OF HIGHWAY COMMISSIONERS.—The highway board shall have power to receive road
petitions and lay out, alter, create and abandon public highways within their respective districts, subject to an appeal therefrom to the district court of the judicial district in which such highway district is situated, in the same manner in which appeals are taken from the board of county commissioners to the district court; provided, however, that where highways furnish public access to public lands, state or federal, and/or public waters, before the same may be abandoned the highway board must first be in receipt of a petition for abandonment and that no abandonment shall be made without conducting a public hearing thereon, notice of which hearing shall be published at least once a week for four (4) successive weeks in some newspaper of general circulation in a county in which the highway district is wholly or partially located, at which hearing any person may appear and show cause for or against abandonment. If it appears at such hearing that the highway does serve a public use, said highway may not be abandoned without first providing other suitable public access route or routes to said public lands and/or public waters at the expense of the party petitioning for abandonment of the highway.

Approved March 25, 1963.

CHAPTER 219
(S. B. No. 251)

AN ACT
RELATING TO EDUCATION; AMENDING SECTION 183, CHAPTER 13, 1963 SESSION LAWS, TO PROVIDE FOR INSTRUCTION AND TRAINING OF PERSONS BETWEEN THE AGES OF SIX AND TWENTY-ONE YEARS.

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

Section 1. That Section 183, Chapter 13, of the 1963 Session Laws be, and the same is hereby amended to read as follows:

Section 183. RESPONSIBILITY OF SCHOOL DISTRICTS FOR EDUCATION OF HANDICAPPED.—Each public school district is responsible for and shall provide for the education of handicapped school-age pupils resi-
dent therein, who are not being educated or eligible for education in state-supported institutions,

Every public school district in the state may provide instruction and training for persons within the various school districts of the state between the ages of six and twenty-one years who are trainable mentally handicapped children as defined by the state board of education, as distinguished from those children who are educable. The state board of education shall determine eligibility criteria for the trainable mentally handicapped children, qualifications of teachers, programs of instruction and minimum standards for classrooms and equipment to be used in administering the provisions of this act. To the extent that the school districts provide for the training of trainable mentally handicapped children said school districts shall be entitled to state apportionment of funds in the same manner and to the same extent as said school districts are entitled to receive funds for the educable mentally handicapped children.

Approved March 25, 1963.

CHAPTER 220
(S. B. No. 69)

AN ACT

RELATING TO THE PLACING OF DEBRIS AND OTHER WASTE SUBSTANCES ON PUBLIC OR PRIVATE PROPERTY AT ANY PLACE NOT AUTHORIZED BY ANY COUNTY, CITY, VILLAGE OR PRIVATE OWNER; PROVIDING PENALTIES; DECLARING AN EMERGENCY.

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

SECTION 1. That it shall constitute a misdemeanor, and be punishable as such, for any person, natural or artificial, to deposit upon any public or private property within this state any debris, paper, litter, glass bottles, glass, nails, tacks, hooks, cans, barbed wire, boards, trash, garbage, lighted material or other waste substances on any place not authorized by any county, city, village or the owner of such property.

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

Approved March 25, 1963.

CHAPTER 221
(S. B. No. 130)

AN ACT


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, 1963, and ending June 30, 1965; 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 $6,000
Travel Expense 2,500
Other Current Expense 500

Total $9,000
From the Bee Inspection Fund $9,000

Approved March 25, 1963.
CHAPTER 222
(S. B. No. 150)

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, and capital outlay, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
STATE BRAND INSPECTOR:

Appropriations:

For:  
Salaries and Wages ....................... $380,960  
Travel Expense .......................... 61,000  
Other Current Expense .................. 64,500  
Capital Outlay .......................... 20,000  

Total .................................. $526,460  

From the Brand Inspection Fund .............. $526,460

Approved March 25, 1963.

CHAPTER 223
(S. B. No. 160)

AN ACT
REPEALING SECTION 16-1010, IDAHO CODE, AND AMENDING SECTION 16-1011, IDAHO CODE, TO PROVIDE FOR EXECUTION OF A JUDGMENT FOLLOWING THE RECORDING OF THE ABSTRACT AND AMENDING SECTION 16-1012,
IDAHO CODE, TO PROVIDE FOR THE LIEN OF A JUDGMENT FOLLOWING THE RECORDING OF THE ABSTRACT.

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

SECTION 1. That Section 16-1010, Idaho Code, be, and the same hereby is, repealed.

SECTION 2. That Section 16-1011, Idaho Code, be, and the same is hereby amended to read as follows:

16-1011. EXECUTION FROM DISTRICT COURT.—From the time of recording in the office of the county recorder, execution may be issued thereon by the clerk of the district court to the sheriff of any county in the state, in the same manner and with like effect as if issued on judgments of the district courts.

SECTION 3. That Section 16-1012, Idaho Code, be, and the same is hereby amended to read as follows:

16-1012. JUDGMENT NOT A LIEN UNLESS TRANSCRIBED — EFFECT AND DURATION OF LIEN.—A judgment rendered in a probate or justice’s court creates no lien upon any lands of the defendant unless such an abstract is filed and docketed recorded in the office of the clerk of the district court recorder of the county in which the lands are situated. When so filed and docketed recorded such judgment is a lien upon the lands of the judgment debtor situated in that county, not exempt from execution, owned by him at the time, or which he may afterward, and before the lien expires, acquire. The lien continues for five years from the date of the judgment, unless the judgment be previously satisfied.

Approved March 25, 1963.

CHAPTER 224
(S. B. No. 164)

AN ACT

APPROPRIATING MONEYS FROM THE LIQUOR LAW ENFORCEMENT FUND OF THE STATE OF IDAHO, TO THE COMMISSIONER OF LAW ENFORCEMENT FOR LIQUOR LAW ENFORCEMENT FOR THE PURPOSE OF PAYING SALARIES
C. 225 '63  IDAHO SESSION LAWS  633


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, 1963, and ending June 30, 1965; 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 .......................$170,485  Travel Expense .......................26,900
Other Current Expense ..................... 53,600  Capital Outlay .......................17,900
Refunds ........................................ 1,000  
Total ........................................ $269,885  
From the Liquor Law Enforcement Fund .......$269,885

Approved March 25, 1963.

________________

CHAPTER 225  
(S. B. No. 266)

AN ACT

RELATING TO THE BUDGET COMMITTEE IN THE EXECUTIVE BRANCH OF THE GOVERNMENT; REPEALING SECTION 67-3531, IDAHO CODE (SECTION 5, CHAPTER 232, 1955 SESSION LAWS); AMENDING SECTION 67-3505, IDAHO CODE, AS AMENDED, PROVIDING ASSISTANCE BY THE LEGISLATIVE COUNCIL TO THE DIRECTOR OF THE BUDGET.

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

SECTION 1. That Section 67-3531, Idaho Code, (Sec-
tion 5, Chapter 232, 1955 Session Laws), be, and the same is hereby repealed.

SECTION 2. That Section 67-3505, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

67-3505. PREPARATION OF THE BUDGET.—Upon receipt of the reports of expenditures and the estimates of requirements for the succeeding biennium, and after checking and investigating the same, the director of budget, with the assistance of the legislative council, shall on or before the 20th day of November next succeeding prepare, print and submit to the governor, and to the governor-elect if one there be, a budget setting forth the following:

1. Receipts for the preceding biennium of each department, office and institution of the state (including the elective officers in the executive and judicial departments of the state and the state board of education) which receipts shall be segregated as to sources.

2. A statement showing the amounts expended during the preceding biennium by each department, office and institution of funds received from sources other than from direct appropriation by the legislature; said expenditures shall be itemized according to the standard classification hereinafter set forth.

3. The amounts appropriated by the preceding legislature itemized according to the standard classification.

4. The amounts expended from such appropriations itemized according to the standard classification up to July first and the amounts estimated to be necessary for the carrying on of the work of such department, office or institution up to July first next, similarly itemized.

5. The amount estimated by the department, office or institution to be necessary for the carrying on of the work of such department, office or institution for the coming biennium similarly itemized.

6. The amount approved by the director of budget as necessary for the carrying on the work of each department, office or institution similarly itemized.

7. A summary showing the appropriations for each department, office and institution for the preceding biennium and estimates of the amounts necessary for the succeeding biennium as approved by the director of budget.
Such budget when so prepared and printed shall be submitted to the legislature by the governor, together with his recommendations in regard thereto, as soon as possible after the legislature shall convene and not later than five days thereafter.

Approved March 25, 1963.

CHAPTER 226
(S. B. No. 269)

AN ACT

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

SECTION 1. In conformity with the purposes as set forth in House Bill 20 as enacted by the Thirty-seventh Session of the Idaho Legislature, there is hereby created in the State Treasury the Economic Poison Fund. All monies in or hereafter to come into said fund are hereby appropriated to the Commissioner of Agriculture for the purpose of carrying out the objects of the Economic Poison Law and to pay all costs and expenses heretofore or hereafter incurred therein or connected therewith for the period commencing July 1, 1963, and ending June 30, 1965, subject to the provisions of the Standard Appropriations Act of 1945.

Approved March 25, 1963.

CHAPTER 227
(S. B. No. 295)

AN ACT
RELATING TO APPROPRIATION OF MONEY FROM THE STATE BOARD OF NURSE REGISTRATION AND NURSING EDUCATION FUND TO THE COMMISSIONER OF LAW ENFORCE-
MENT FOR THE NURSE REGISTRATION AND NURSING EDUCATION BOARD UNDER CHAPTER 64, 1961 SESSION LAWS; TRANSFERRING $2,000.00 FROM "OTHER EXPENSE" TO "SALARIES AND WAGES" FOR THE PERIOD COMMENCING JANUARY 1, 1963, AND TERMINATING JUNE 30, 1963; AND DECLARING AN EMERGENCY.

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

SECTION 1. That the sum of $2,000.00 is hereby transferred from "Other Expenses" to "Salaries and Wages" under appropriation of money from the Nurse Registration and Nursing Education Fund to the Commissioner of Law Enforcement for the Nurse Registration and Nursing Education Board under Chapter 64, 1961 Session Laws.

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 25, 1963.

CHAPTER 228
(S. B. No. 271, As Amended in the House of Representatives)

AN ACT

APPROPRIATING A TOTAL SUM OF $7,696,612, INCLUDING IN THAT TOTAL $7,096,612 FROM THE PERMANENT BUILDING FUND, $50,000 FROM THE COMMERCIAL FEED AND FERTILIZER FUND, $100,000 FROM THE POTATO AND ONION FUND, $200,000 FROM FEDERAL MATCHING FUNDS, AND $250,000 FROM PRIVATE DONATIONS, FOR THE PURPOSE OF ACQUIRING LAND, CONSTRUCTING BUILDINGS, PURCHASING EQUIPMENT AND FURNITURE, REBUILDING, RECONSTRUCTING, RENOVATING, AND REPAIRING NEW AND EXISTING BUILDINGS AND FACILITIES AT STATE HOSPITAL SOUTH, NAMPA STATE SCHOOL, STATE HOSPITAL NORTH, IDAHO NATIONAL GUARD ARMORIES, STATE DEPARTMENT OF AGRICULTURE AND STATE BOARD OF HEALTH AT BOISE, IDAHO VETERANS' COMMISSION SOLDIERS' HOME, INDUSTRIAL TRAINING SCHOOL, UNIVERSITY OF IDAHO, IDAHO STATE COLLEGE, LEWIS-CLARK NORMAL SCHOOL, STATE DEPARTMENT OF AGRICULTURE AND UNIVERSITY OF IDAHO AT ABERDEEN, SCHOOL FOR DEAF AND BLIND, IDAHO STATE
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated from the Permanent Building Fund, the Potato and Onion Fund, the Commercial Feed and Fertilizer Fund, U.S. Government sources, and private donations to the Commissioner of Public Works and the Permanent Building Fund Advisory Council the sums of money set forth in the following schedule, or so much thereof as in each case may be necessary, for the purpose of paying the cost of any land, building, equipment, furniture, or the rebuilding, reconstruction, renovation or repair of the following buildings, installations, and facilities at the institutions and agencies named and listed in the following schedule. The Permanent Building Fund Advisory Council shall, in its discretion, determine the priority of work and construction authorized herein.

1. STATE HOSPITAL SOUTH—BLACKFOOT.
   Central Hospital Admission Ward and Administration Building .......... $ 800,000
   Auxiliary boiler in heating plant ........................................ 150,000
   General Repairs and Renovation designed to permit accreditation & licensure .......... 75,000

   From Permanent Building Fund ....................................... $1,025,000

2. NAMPA STATE SCHOOL—NAMPA.
   Razing of two wings of White Hall and major renovation of remainder of building ........................................ $ 160,000
   Repair & protection of buildings and water tank, including general roof protection .... 90,000

   From Permanent Building Fund ....................................... $ 250,000

3. STATE HOSPITAL NORTH—OROFINO.
   Repairs & Protection of buildings .................................. $ 50,000
   Remodeling McKelway and Givens Hall ................ 145,000
   Domestic water tank .................................................... 5,000

   From Permanent Building Fund ....................................... $ 200,000
From Permanent Building Fund $ 200,000

4. IDAHO NATIONAL GUARD.
   National Guard Armory, Gowen Field, Boise $ 42,612
   National Guard Armory, Pocatello 95,000

From Permanent Building Fund $ 137,612

The appropriation made in this item may with the approval of the Director of the Budget be made available by the Commissioner of Public Works 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 government contributions. Upon completion and acceptance of the new facility hereby authorized at Pocatello, Idaho, the Adjutant General is directed and hereby authorized to transfer title and interest in the present National Guard Armory in that city to the Idaho State University.

5. STATE DEPARTMENT OF AGRICULTURE AND STATE BOARD OF HEALTH.
   A joint laboratory facility, including real estate to be acquired or designated at Boise.
   From Permanent Building Fund $600,000
   Federal Matching Funds 200,000
   Commercial Feed & Fertilizer Fund 50,000

   Total Appropriation $850,000

6. IDAHO VETERANS' COMMISSION—VETERANS HOME.
   For acquisition of a new site and construction thereon of two housing units, recreational and dining facilities
   From Permanent Building Fund $400,000

The Governor is hereby authorized and directed to acquire by donation or exchange a site located in close proximity to the Veterans' Facility Hospital located at Boise, Idaho, or other site, for the new Soldiers' Home. When the new facility is constructed and in use the present site of the Home is hereby declared surplus and will become the general property of the State of Idaho, to be held for later disposition by the Legislature. The Idaho Veterans' Commission is hereby authorized and directed to establish appropriate admissions criteria for the new home and to establish by regulation a schedule of charges for residence
there in those cases where residents have available resources for this purpose.

7. INDUSTRIAL TRAINING SCHOOL—ST. ANTHONY.

- Boys' cottage ........................................... $ 100,000
- Combination Recreation Hall and Auditorium .................. 175,000
- Remodel Girls' Infirmary ................................ 11,000
- Repair existing steam lines ................................ 5,000

From the Permanent Building Fund ................... $ 291,000

8. UNIVERSITY OF IDAHO.

- Dairy Science Center ...................................... $ 475,000
- Art and Architecture Building ............................ 475,000
- Renovation of Science Hall, Moscow ..................... 350,000
- Two Greenhouse Units, Moscow ........................... 145,000
- Modification of Second floor of Chemical Engineering Laboratory ..................................................... 6,000
- Modification in Kirtley Engineering Laboratory No. 1 ................................................................. 6,000
- General Storage Building, College of Agriculture ......................... 20,000
- Renovation of Room II, Agriculture Science Building .................. 5,000
- Construct Utility Tunnel for Memorial Gymnasium and Library .................. 25,000

From Permanent Building Fund ......................... $1,512,000

9. IDAHO STATE COLLEGE—POCATELLO.

- General Multi-purpose classroom Building, Pocatello ................. $1,050,000
- Science Hall—Remodeling .................................. 110,000

From Permanent Building Fund ......................... $1,160,000

10. LEWIS-CLARK NORMAL SCHOOL—LEWISTON.

- Repair, renovation and protection of buildings ......................... $ 125,000

From Permanent Building Fund ......................... $ 125,000
11. STATE DEPARTMENT OF AGRICULTURE & UNIVERSITY OF IDAHO.
Laboratory facility for potato research to be located at Aberdeen.

- From Permanent Building Fund $200,000
- From Idaho Potato & Onion Fund 100,000
- From Private Industry Sources (donations) 50,000

$350,000

This laboratory facility will be constructed on the real estate now in the control of the University of Idaho and used for an Agricultural Experimental Station at Aberdeen.

12. SCHOOL FOR DEAF AND BLIND—GOODING.
Physical Education and Recreation Building $90,000
Automatic Fire Alarm System 22,000
60 H. P. Boiler Heating Plant 10,000

From Permanent Building Fund $122,000

13. IDAHO STATE TUBERCULOSIS HOSPITAL—GOODING.
Repair, protection and maintenance of buildings (General)
From Permanent Building Fund $19,000

14. IDAHO STATE CAPITOL AND CAPITOL OFFICE BUILDING, BOISE.
For acquisition of real estate adjacent to the Capitol for an office building; for planning the renovation of the legislative establishment in the Capitol Building and for the rental of office space to house agencies of government.
From Permanent Building Fund $350,000

The Governor is hereby directed to acquire by purchase or condemnation property located on State Street between 6th Street and 8th Street in Boise for the purpose of locating thereon a multipurpose office building to serve governmental agencies. The Legislative Council shall advise and consult with the Permanent Building Fund Council and the Commissioner of Public Works in the preparation of plans for the renovation of the legislative rooms in the Capitol and the preparation of plans for construction of
the new building. The Governor is authorized and directed to lease adequate facilities for the use of agencies of government now housed in legislative space and others and is authorized to expend funds from this appropriation for the rental thereof, at a time and in an amount concurred in by the Legislative Council. The plans for renovation and construction of the new building are to be available when the 38th Legislature convenes.

15. IDAHO STATE PENITENTIARY, BOISE.
For acquisition of a site for a new penitentiary to be located in Ada County, for the preparation of plans therefor, and for the construction thereon of a new penitentiary facility $ 275,000
Construction of Slaughter Facility—Eagle Island $ 75,000
From Permanent Building Fund $ 350,000

16. IDAHO STATE HISTORICAL MUSEUM, BOISE.
For construction of a new Museum, state archive, and genealogical library
From Permanent Building Fund $ 200,000
From private donations $ 200,000
$ 400,000

It is the express intention of the Legislature that this appropriation is made only in the event that matching private donations are committed for construction of the new facility. If private funds in excess of $200,000 are granted the State, they may be utilized for additional facilities. When the new facility is built the present Museum building in Julia Davis Park, Boise will be available for total use by the Idaho Traveling Library.

17. LAVA HOT SPRINGS FOUNDATION.
Repairs and renovation of flood damaged facilities.
From Permanent Building Fund $ 75,000

18. FOR ADMINISTRATION OF PERMANENT BUILDING FUND AND PERMANENT BUILDING FUND COUNCIL.
Salaries and Wages $ 51,200
Other expense—travel 5,100
SECTION 2. 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.

Approved March 25, 1963.

CHAPTER 229
(S. 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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
STATE BOARD OF EDUCATION FOR LEWIS-CLARK NORMAL SCHOOL:

Appropriations:

For:  Salaries and Wages ...................... $484,000
      Travel Expense ..........................  3,600
CHAPTER 230
(S. B. No. 147)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  Appropriations:
REAL ESTATE BROKERS BOARD:
For:  Salaries and Wages .................... $ 65,000
       Travel Expense .......................... 24,000
       Other Current Expense ................ 36,600
       Capital Outlay ........................ 2,000

Total ...................................... $127,600
From the Real Estate Brokers Fund ....... $127,600

Approved March 27, 1963.
CHAPTER 231
(S. B. No. 309)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE BOARD OF HEALTH FOR THE
DEPARTMENT OF PUBLIC HEALTH:
For: Salaries and Wages .......................$2,750,000
       Travel Expense ........................ 330,000
       Other Current Expense .................. 450,000
       Capital Outlay .......................... 65,000
       Relief and Pensions .................... 600,000

       Total ..................................$4,195,000
       Less Other Income ..................... 2,303,000

       From the General Fund ................$1,892,000

Approved March 27, 1963.
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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
COMMISSIONER OF LAW ENFORCEMENT  
FOR NURSE REGISTRATION AND NURSING EDUCATION:

<table>
<thead>
<tr>
<th>Appropriations</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
<td>$40,560</td>
</tr>
<tr>
<td>Travel Expense</td>
<td>10,000</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>24,895</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>2,000</td>
</tr>
<tr>
<td>Refunds</td>
<td>500</td>
</tr>
</tbody>
</table>

Total $77,955

From the Nurse Registration and Nursing Education Fund $77,955

Approved March 27, 1963.
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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: 

Appropriations:

STATE BOARD OF EDUCATION FOR THE DEAF AND BLIND SCHOOL:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
<td>$600,000</td>
</tr>
<tr>
<td>Travel Expense</td>
<td>5,200</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>200,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>30,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$855,200</strong></td>
</tr>
</tbody>
</table>

Less Other Income            | 26,147

From the General Fund        | $809,053

Approved March 27, 1963.
CHAPTER 234
(S. B. No. 303)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
BOARD OF LAND COMMISSIONERS FOR PARKS ADMINISTRATION:
For: Salaries and Wages ..................... $ 99,340
      Travel Expense .......................  4,945
      Other Current Expense ..............  30,735
      Capital Outlay ...................... 119,980

      Total ................................ $255,000
      Less Other Income ..................  2,000

From the General Fund .................. $253,000

Approved March 27, 1963.

CHAPTER 235
(S. B. No. 300)

AN ACT
APPROPRIATING MONEYS FROM THE GENERAL FUND 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 and refunds, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
DEPARTMENT OF INSURANCE:
For: Salaries and Wages .................. $125,000
Travel Expense .................. 5,000
Other Current Expense .................. 25,000
Capital Outlay .................. 2,000
Refunds .................. 500

Total .................. $157,500
From the General Fund .................. $157,500

Approved March 27, 1963.

CHAPTER 236
(S. B. No. 281)

AN ACT


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, and capital outlay, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
MANAGER OF THE STATE INSURANCE FUND:
For: Salaries and Wages $328,960
      Travel Expense 13,000
      Other Current Expense 152,400
      Capital Outlay 26,500
Total $520,860
From the State Insurance Fund $520,860

Approved March 27, 1963.

CHAPTER 237
(S. B. No. 287)
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, 1963, and ending
June 30, 1965; 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 $205,300
Travel Expense 8,700
Other Current Expense 31,590
Capital Outlay 13,410
Total $259,000
From the General Fund $259,000

Approved March 27, 1963.

CHAPTER 238
(S. 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 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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE TAX COLLECTOR:
For: Salaries and Wages $ 964,900
Travel Expense 100,000
Other Current Expense 235,000
**CHAPTER 239**  
(S. 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, other current expense, and capital outlay, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

<table>
<thead>
<tr>
<th>Appropriations:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>To Whom Appropriated:</td>
<td>BOARD OF LAND COMMISSIONERS FOR CAPITOL MAINTENANCE:</td>
</tr>
<tr>
<td>For:</td>
<td>Salaries and Wages</td>
</tr>
<tr>
<td></td>
<td>Other Current Expense</td>
</tr>
<tr>
<td></td>
<td>Capital Outlay</td>
</tr>
<tr>
<td>Total</td>
<td>$390,300</td>
</tr>
<tr>
<td>Less Other Income</td>
<td>300</td>
</tr>
<tr>
<td>From the General Fund</td>
<td>$390,000</td>
</tr>
</tbody>
</table>

Approved March 27, 1963.
CHAPTER 240
(S. B. No. 165)

AN ACT

APPROPRIATING MONEYS FROM THE STATE LIQUOR FUND
OF THE STATE OF IDAHO, TO THE STATE LIQUOR DIS-
PENSARY FOR THE PURPOSE OF PAYING SALARIES AND
WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE,
AND CAPITAL OUTLAY FOR THE PERIOD COMMENCING
JULY 1, 1963, AND ENDING JUNE 30, 1965; 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
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 expense, and capital outlay, of the agency herein
named, for the period commencing July 1, 1963, and end-
ing June 30, 1965; subject to the provisions of the Stand-
ard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE LIQUOR DISPENSARY:
For: Salaries and Wages $1,218,728
Travel Expense 12,000
Other Current Expense 450,000
Capital Outlay 40,000
Total $1,720,728
From the State Liquor Fund $1,720,728

Approved March 27, 1963.

CHAPTER 241
(S. B. No. 306)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF
THE STATE OF IDAHO, TO THE STATE SUPERINTENDENT
OF PUBLIC INSTRUCTION FOR THE PURPOSE OF PAY-
ING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER

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 and payments as agent, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
<td>$ 530,000</td>
</tr>
<tr>
<td>Travel Expense</td>
<td>75,000</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>70,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>10,000</td>
</tr>
<tr>
<td>Payments as Agent</td>
<td>2,872,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,557,000</strong></td>
</tr>
<tr>
<td>Less Other Income</td>
<td>2,982,861</td>
</tr>
</tbody>
</table>

From the General Fund .......... $ 574,139

Approved March 27, 1963.

CHAPTER 242  
(S. 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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE FORESTER:
For: Salaries and Wages $ 974,000
      Travel Expense 35,000
      Other Current Expense 550,000
      Capital Outlay 150,000

   Total $1,709,000
Less Other Income 356,804

From the General Fund $1,352,196

Approved March 27, 1963.

CHAPTER 243
(S. B. No. 187)

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 Development and Publicity 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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
DEPARTMENT OF COMMERCE  
AND DEVELOPMENT:

For:  
Salaries and Wages $125,000  
Travel Expense 25,000  
Other Current Expense 222,054  
Capital Outlay 5,500  
Refunds 96

Total $377,650

From the General Fund $235,000
From the Development and Publicity Fund $142,650

Approved March 27, 1963:

CHAPTER 244  
(S. B. No. 168)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Outfitter's and Guide's 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 and other current expense, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
OUTFITTER'S AND GUIDE'S BOARD:

For:  
Salaries and Wages $3,000
CHAPTER 245
(S. B. No. 186)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:

DEPARTMENT OF RECLAMATION:

For: Salaries and Wages .................. $370,000

Travel Expense .................. 20,000

Other Current Expense .................. 37,000

Capital Outlay .................. 6,000

Total .................. $433,000

Less Other Income .................. 30,800

From the General Fund .................. $402,200

Approved March 27, 1963.
CHAPTER 246
(S. B. No. 283)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
COMMISSIONER OF PUBLIC WORKS:
For: Salaries and Wages $24,200
     Other Current Expense 2,500
     Capital Outlay 1,200

Total $27,900
From the General Fund $27,900

Approved March 27, 1963.

CHAPTER 247
(S. B. No. 286)

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 payments as agent, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: STATE FORESTER FOR BLISTER RUST CONTROL, LAND ACQUISITION AND PEST CONTROL:

For: Payments as Agent Total

$160,000 $160,000

From the General Fund $160,000

Approved March 27, 1963.

CHAPTER 248
(S. B. No. 316)

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 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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:
To Whom Appropriated:  
COMMISSIONER OF LAW ENFORCEMENT FOR DEPARTMENT OF LAW ENFORCEMENT:

For:  
Salaries and Wages ........................................... $3,050,000
Travel Expense .................................................. 235,000
Other Current Expense ......................................... 1,300,000
Capital Outlay ................................................... 412,000
Refunds ............................................................ 3,000

Total ............................................................... $5,000,000

From the Motor Vehicle Fund .................................. 1,273,500

From the Highway Fund ........................................... $3,726,500

Approved March 27, 1963.

CHAPTER 249  
(S. 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 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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
COMMISSIONER OF LAW ENFORCEMENT FOR DEPARTMENT OF LAW ENFORCEMENT:

Appropriations:

Salaries and Wages ........................................... $3,050,000
Travel Expense .................................................. 235,000
Other Current Expense ......................................... 1,300,000
Capital Outlay ................................................... 412,000
Refunds ............................................................ 3,000

Total ............................................................... $5,000,000

From the Motor Vehicle Fund .................................. 1,273,500

From the Highway Fund ........................................... $3,726,500

Approved March 27, 1963.
MENT FOR OCCUPATIONAL LICENSE
BUREAU:
For:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
<td>$96,520</td>
</tr>
<tr>
<td>Travel Expense</td>
<td>38,768</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>38,512</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>6,000</td>
</tr>
<tr>
<td>Refunds</td>
<td>200</td>
</tr>
</tbody>
</table>

Total .................................. $180,000

From the Occupational License Fund ................ $180,000

Approved March 27, 1963.

CHAPTER 250
(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 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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Commissioner of Agriculture For Fresh Fruit and Vegetable Inspection:

<table>
<thead>
<tr>
<th>Description</th>
<th>Appropriations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
<td>$1,744,065</td>
</tr>
</tbody>
</table>
CHAPTER 251  
(S. 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 and the listed special funds 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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
DIRECTOR OF THE BUDGET FOR THE BUREAU OF PUBLIC ACCOUNTS:

Appropriations:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
<td>$134,640</td>
</tr>
<tr>
<td>Travel Expense</td>
<td>7,750</td>
</tr>
</tbody>
</table>

Approved March 27, 1963.
Other Current Expense ........................................ 3,550
Capital Outlay .................................................. 2,500

Total ...................................................................... $148,440
From the General Fund ........................................... $ 83,640
From the Highway Fund ........................................... 15,000
From the Fish and Game Fund .................................... 6,500
From the various Special Agricultural Funds ............. 6,000
From the Potato and Onion Fund ................................. 1,750
From the Wheat Commission Fund ............................... 1,250
From the Liquor Control Act Fund .............................. 7,500
From the State Insurance Fund .................................... 6,000
From the Motor Vehicle Fund ..................................... 6,500
From the Employment Security Agency Fund .................. 3,000
From the Aeronautics Fund ......................................... 1,500
From the Bar Commission Fund ................................... 350
From the Brand Inspection Fund ................................. 500
From the Electrical Board Accounts Fund ..................... 500
From the Industrial Accident Fund ............................... 800
Lava Hot Springs Foundation Fund ............................... 1,500
Board of Medicine Fund ............................................ 400
Nurses Registration and Nursing Education Fund .......... 500
Occupational License Fund ........................................ 1,000
Pharmacy Fund ...................................................... 500
Plumbing Board Fund .............................................. 700
Professional Engineers’ Fund ..................................... 350
Real Estate Brokers’ Board Fund .................................. 1,000
Surplus Property Fund .............................................. 500
Public Works Contractors’ State License Fund .............. 1,000
Athletic Commission Fund .......................................... 200

SECTION 2. It is hereby declared to be the intent of this Legislature that one-half of the moneys here appropriated, or so much thereof as may be necessary, shall be used to employ the services of a qualified and competent firm, or firms, of Certified Public Accountants to audit one or more state agencies; and, further, that the Director of the Budget in consultation with the Idaho Legislative Council is hereby empowered to select the agency or agencies to be so audited.

Approved March 27, 1963.
CHAPTER 252
(S. B. No. 282)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
INDUSTRIAL ACCIDENT BOARD:
For: Salaries and Wages ......................$157,456
    Travel Expense .......................... 6,400
    Other Current Expense ................. 49,425
    Capital Outlay ...................... 9,440

    Total ..................................$222,321
    Less Other Income .................... 4,400

From the Industrial Administration Fund ......$218,321

Approved March 27, 1963.

CHAPTER 253
(S. B. No. 288)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO THE PUBLIC UTILITIES COM-

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
PUBLIC UTILITIES COMMISSION:
For: Salaries and Wages $252,480
Travel Expense 34,500
Other Current Expense 63,300
Capital Outlay 5,000
Total $355,280
Less Other Income 284,224

From the General Fund $ 71,056

Approved March 27, 1963.

CHAPTER 254
(S. 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 salaries and wages, travel expense, other current expense, and capital outlay, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:               Appropriations:
BUREAU OF THE BUDGET:               
For:   Salaries and Wages .............. $46,000
       Travel Expense ..................  2,500
       Other Current Expense ..........  8,000
       Capital Outlay ..................  900

Total .................................. $57,400
From the General Fund .................$57,400

Approved March 27, 1963.

CHAPTER 255
(S. 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, and capital outlay, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:
CHAPTER 256
(S. 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 sum 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, 1963, and ending June 30, 1965:

To Whom Appropriated: Appropriations:
GOVERNOR: An emergency fund for disaster relief, civil defense, law enforcement and other emergencies $125,000
From the General Fund $125,000

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

Approved March 27, 1963.
CHAPTER 257
(S. B. No. 307)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE BOARD OF CORRECTION FOR PROBATION AND PAROLE:
For: salaries and Wages $166,000
Travel Expense 40,000
Other Current Expense 30,000
Capital Outlay 7,000

Total $243,000
From the General Fund $243,000

Approved March 27, 1963.

CHAPTER 258
(S. B. No. 308)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO THE STATE INSPECTOR OF MINES FOR THE PURPOSE OF PAYING SALARIES AND
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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
STATE INSPECTOR OF MINES:

<table>
<thead>
<tr>
<th>Appropriations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>For: Salaries and Wages</td>
</tr>
<tr>
<td>Travel Expense</td>
</tr>
<tr>
<td>Other Current Expense</td>
</tr>
<tr>
<td>Capital Outlay</td>
</tr>
</tbody>
</table>

Total $55,400

From the General Fund $55,400

Approved March 27, 1963.

CHAPTER 259
(S. B. No. 311)

AN ACT


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

SECTION 1. There is hereby appropriated out of the 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, payments as agent and refunds, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
STATE LIBRARY BOARD:  
Appropriations:

For:  
Salaries and Wages $118,620  
Travel Expense 10,785  
Other Current Expense 37,170  
Capital Outlay 65,058  
Refunds 25  
Payments as Agent 60,000  
Total $291,658  
Less Other Income 151,658  

From the General Fund $140,000  

Approved March 27, 1963.

CHAPTER 260  
(S. B. No. 315)  
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, 1963, and end-
ing June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
DEPARTMENT OF LABOR: 
For: Salaries and Wages $72,120
Travel Expense 7,530
Other Current Expense 12,630
Capital Outlay 2,720
Total $95,000

From the General Fund $95,000

Approved March 27, 1963.

CHAPTER 261
(S. B. No. 264)

AN ACT
AMENDING SECTION 31-3210, IDAHO CODE, AS AMENDED, TO PROVIDE THAT A CONSTABLE SHALL RECEIVE THE SAME FEES AS ARE ALLOWED SHERIFFS FOR SIMILAR SERVICES.

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

SECTION 1. That Section 31-3210, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

31-3210. CONSTABLE'S FEES. — A constable is allowed and may collect and receive for any services required of him by law, fees as follows:

- For serving summons in civil cases, for each defendant $1.00.
- For summoning a jury before a justice of the peace 3.00.
- For taking a bond required to be taken 1.00.
- For summoning each witness 50.
- For serving an attachment against the property of the defendant 1.00.
- For receiving and taking care of property on execution attachment or order, his actual necessary disbursements and expenses to be allowed by the justice who issued the process, upon satisfactory
proof that such charges are correct, not to exceed
per day, the sum of ............................................................ 2.00-

- For collecting all sums of money on execution,
three per cent to be charged against the defendant
in the execution.

- For serving a warrant or order for the delivery
of personal property or making an arrest in civil
cases .................................................................................... 1.00-

- Constables must receive mileage for each mile
necessary traveled, in going only, at the rate per-
mile of ................................................................................ .20-

- For services in criminal cases, the same fees as
sheriffs are authorized to receive for like services.

- For all other services, except attending court,
the same fees as are allowed sheriffs for similar
services.

Approved March 27, 1963.

CHAPTER 262
(S. B. No. 273)

AN ACT

AMENDING CHAPTER 15, TITLE 54, IDAHO CODE, BY ADDING
A NEW SECTION TO BE KNOWN AND DESIGNATED AS
SECTION 54-1511a TO PROVIDE FOR APPEAL TO THE
DISTRICT COURT FROM ORDER OF THE DEPARTMENT
OF LAW ENFORCEMENT SUSPENDING OR REVOKING
LICENSE OF OPTOMETRIST, AND FOR TRIAL DE NOVO
IN THE DISTRICT COURT, AND FOR APPEAL FROM THE
JUDGMENT OF SUCH DISTRICT COURT TO THE SUPREME
COURT.

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

SECTION 1. That Chapter 15, Title 54, Idaho Code, be,
and the same is hereby amended by adding thereto a new
section, immediately following Section 54-1511, to be known
and designated as Section 54-1511a, to read as follows:

54-1511a. APPEAL.—Any person whose optometrist's
license shall be suspended or revoked by the department
pursuant to Section 54-1511 shall have the right to appeal
to the district court of the county in which such person resides. Such appeal shall be taken by serving written notice thereof on the Commissioner of Law Enforcement and the president of the Idaho State Board of Optometry and filing the same with the clerk of said district court within twenty (20) days after the order of the department suspending or revoking said license. The department and the Idaho State Board of Optometry, or either of them, shall within thirty (30) days after the receipt of said notice file with said district court the originals or certified true copies of said order, and of all documents and exhibits theretofore filed or introduced in connection therewith. The matter upon appeal shall thereupon be heard and tried de novo by said district court, without a jury, either in open court or by the judge in chambers, at the judge's discretion, and shall be heard and tried upon questions of law and fact. The district court shall have the power to modify, affirm or reverse the action of the department, and upon the entry of the judgment of said district court certified copies thereof shall be forthwith filed with the department and the Idaho State Board of Optometry, whose decision shall be modified, if necessary, to conform to said judgment. Appeals may be taken from said judgment to the Supreme Court of Idaho by either party within thirty (30) days after the entry of such judgment, and in the same manner that appeals are taken and records prepared on appeals in civil actions.

Approved March 27, 1963.

CHAPTER 263
(S. B. No. 270)

AN ACT

AMENDING SECTION 103, H. B. NO. 92, THIRTY-SEVENTH SESSION, TO AUTHORIZE DEPARTURE FROM PLAN AND FORM OF BONDS WHENEVER IN THE JUDGMENT OF THE BOARD OF TRUSTEES SUCH DEPARTURE WILL RESULT TO THE BENEFIT AND ADVANTAGE OF THE SCHOOL DISTRICT; AND PROVIDING FOR EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. That Section 103, House Bill No. 92, Thirty-
seventh Session of the Legislature of the State of Idaho, be, and the same hereby is amended to read as follows:

SECTION 103. PLAN AND FORM OF BONDS—AMORTIZATION.—School district bonds shall be issued in denominations of one hundred dollars ($100.00) or multiples thereof, not to exceed five thousand dollars ($5,000.00), and in form prescribed by the state board of education.

No school district bonds shall be issued except upon an amortization plan, each issue of bonds to be redeemed in full within twenty years from the date of issue of the bonds. The first amortized principal payment shall mature and be payable not more than two years from and after the date of issue of the bonds, and the various annual maturities of any issue of bonds shall as nearly as practicable be in such principal amounts as will, together with accruing interest on all outstanding bonds of such issue, be met and paid by an equal annual tax levy during the term for which such bonds shall be issued. No bond shall mature and be payable as to principal in partial payments.

Each bond shall bear interest from the date of issue, payable semiannually on the first days of such months as shall be determined by the board of trustees, at such interest rate as said board may determine. Each bond of any issue shall be numbered in a consecutive series. Each interest payment on each bond shall be evidenced by an interest coupon thereto attached. Such coupons shall be numbered in a consecutive series; shall be identified with the bond to which attached; shall show the number and name of the issuing school district, and the date and place of payment of such interest.

The foregoing plan and form of bonds and bonding may be departed from whenever in the judgment of the board of trustees such departure will result to the benefit and advantage of the district, but such issue must amortize and the board of trustees may issue and sell such bonds with such annual maturities as it shall determine either prior to or after the fixing of the interest rates such bonds will bear, and in every such instance it shall be permissible for the board of trustees to issue such bonds in the annual maturities so determined upon and bearing the rate or rates of interest ascertained upon the sale of such bonds, and the plan and form thereof together with the contract, if any, for the issue must be approved by a majority of the members of the state board of education.
SECTION 2. EFFECTIVE DATE.—This Act shall be and become effective on and after the first day of July, 1963. Approved March 27, 1963.

CHAPTER 264
(S. B. No. 280)

AN ACT

AMENDING SECTION 25-2402, AS AMENDED, RELATING TO THE CREATION OF A HERD DISTRICT BY OMITTING THE REQUIREMENT THAT A HERD DISTRICT SHALL INCLUDE ONE OR MORE VOTING PRECINCTS AND REQUIRING THAT SUCH HERD DISTRICT SHALL INCLUDE AN AREA OR DISTRICT OF THE COUNTY; AND PROVIDING FOR PRESENTLY ESTABLISHED HERD DISTRICTS AND PROVIDING THAT HERD DISTRICTS SHALL NOT INCLUDE OPEN RANGE AND SHALL NOT APPLY TO LIVESTOCK, EXCEPTING SWINE, ROAMING, DRIFTING OR STRAYING FROM OPEN RANGE UNLESS THE DISTRICT SHALL BE ENCLOSED BY LAWFUL FENCES AND CATTLE GUARDS IN ROADS PENETRATING THE DISTRICT AND DEFINING THE TERM OPEN RANGE.

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

SECTION 1. That Section 25-2402, as amended, be, and the same is hereby amended to read as follows:

25-2402. PETITION FOR DISTRICT.—A majority of the land owners in any area which shall include one or more voting precincts or district described by metes and bounds not including open range and who are also resident in, and qualified electors of, the state of Idaho may petition the board of county commissioners in writing to create such area a herd district. Such petition shall describe the boundaries of the said proposed herd district, and shall designate what animals of the species of horses, mules, asses, cattle, swine, sheep and goats it is desired to prohibit from running at large, also prohibiting said animals from being herded upon the public highways in such district; and shall designate that the herd district shall not apply to nor cover livestock, excepting swine, which shall roam, drift or stray from open range into the district unless the district shall be enclosed by lawful fences
and cattle guards in roads penetrating the district so as to prevent livestock, excepting swine, from roaming, drifting or straying from open range into the district; and may designate the period of the year during which it is desired to prohibit such animals from running at large, or being herded on the highways. Provided, any herd district heretofore established shall retain its identity, geographic definition, and remain in full force and effect, until vacated or modified hereafter as provided by Section 25-2404, Idaho Code, as amended.

Open range means all unenclosed lands outside cities and villages upon which by custom, license or otherwise, livestock, excepting swine, are grazed or permitted to roam.

Approved March 27, 1963.

CHAPTER 265
(S. B. No. 247)

AN ACT

AMENDING SECTION 49-330, IDAHO CODE, AS AMENDED, RELATING TO AUTHORITY OF DEPARTMENT OF LAW ENFORCEMENT TO SUSPEND OR REVOKE MOTOR VEHICLE OPERATOR LICENSES OR DRIVING PRIVILEGES, AND ALSO RELATING TO THE UNIFORM SYSTEM OF DEMERIT POINTS FOR VARIOUS MOVING TRAFFIC VIOLATIONS BY DELETING PARAGRAPH "(aa)" RELATING TO UNIFORM SYSTEM OF DEMERIT POINTS FOR VARIOUS MOVING TRAFFIC VIOLATIONS AND BY ADDING IN THE PLACE THEREOF A PARAGRAPH, TO BE DESIGNATED AND KNOWN AS "49-330 7. (a)" TO PROVIDE FOR UNIFORM VIOLATION POINT COUNT SYSTEM AND DEFINING THE TERMS "VIOLATION CONVICTION" AND "VIOLATION POINT COUNT"; 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 prelimi-
nary hearing upon a showing by its records or other sufficient evidence that the licensee:

1. Has committed an offense for which mandatory revocation of license is required upon conviction;

2. Has been convicted in any court in this state of an offense against a municipal ordinance which would have been grounds for suspension or revocation of license had the charge been prosecuted under a state law;

3. Is an habitual violator of the traffic laws;

4. Is incompetent to drive a motor vehicle;

5. Has permitted an unlawful or fraudulent use of such license; or

6. Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation.

(a) 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 oper-
7-9. (a) Has a driving record which shows a violation point count of 12 or more points in any consecutive 12 month period.

The term "violation" as herein used shall mean conviction on a charge involving moving traffic violation in any police court, justice court, probate court or district court.

The term "conviction" as herein used shall mean a final conviction, also a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

In determining the "violation point count" as herein used conviction on any charge involving a moving traffic violation shall be given a value of one point for less serious violations to four points for more serious violations; provided, that conviction for only one violation arising from one occasion of arrest or citation shall be counted in determining the violation point count for the purposes of this section.

(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. 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 27, 1963.

CHAPTER 266  
(S. B. No. 182)  
AN ACT  
AMENDING SECTION 204, H. B. NO. 92, THIRTY-SEVENTH SESSION, TO PROVIDE THAT FUNDS OF THE TEACHERS' RETIREMENT SYSTEM MAY BE INVESTED IN DIRECT OBLIGATIONS OF CERTAIN PUBLIC UTILITIES, UNDER CERTAIN CONDITIONS; AND PROVIDING FOR EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. That Section 204, H. B. No. 92, Thirty-seventh Session of the Legislature of Idaho, be, and the same is hereby amended to read as follows:

204. MANAGEMENT OF FUNDS — INVESTMENT.  
— 1. The several funds of the retirement system 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; and they shall be subject to disbursement on the order of the board of trustees. Cash on hand in said funds shall be deposited by the state treasurer under the provisions of the Public Depository Law;

2. The department of public investments shall at the direction of the board invest and reinvest the money in such funds in (a) securities in which the public school fund may be invested; or (b) in bonds issued under the authority of the state board of education (and board of regents of the university) for the construction of facilities at state educational institutions; or (c) in bonds or obligations, the payment of principal and interest of which is unconditionally guaranteed by the United States of America; or (d) bonds, debentures, or equipment trust certificates
which are the direct obligations (and in the case of equipment trust certificates are secured also by the equipment purchased as required under the so-called Philadelphia Plan) of a railroad or a corporation engaged directly and primarily in the production, transportation, distribution, or sale of electricity, or gas, or the operation of telephone or telegraph systems or waterworks, or in some combination thereof: provided the obligor corporation is incorporated under the laws of the United States, or any state thereof, or the District of Columbia, and that said obligations are rated at the time of purchase within the three highest classifications by at least two standard rating services such as Moody’s and Standard and Poor’s; or (e) 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 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 for making such investments when signed by the director and by the state auditor. Upon sale of any such investments the proceeds thereof shall be paid into the fund entitled thereto.
CHAPTER 267
(S. B. No. 242, As Amended)

AN ACT

AMENDING CHAPTER 1 OF TITLE 40, IDAHO CODE, RELATING TO DEFINITIONS AND GENERAL PROVISIONS OF HIGHWAY ADMINISTRATION, BY AMENDING SECTION 40-104 THEREOF, RELATING TO ABANDONMENT OF HIGHWAYS, AND ROADS ESTABLISHED BY PRESCRIPTION, TO PROVIDE THAT PUBLIC USE OF ACCESS ROADS TO PUBLIC LANDS OR WATERS CANNOT BE RESTRICTED WITHOUT FIRST PETITIONING FOR THE ABANDONMENT OF SAID ROADS.

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

SECTION 1. That Section 40-104, Idaho Code, be, and the same is hereby amended to read as follows:

40-104. ABANDONMENT OF HIGHWAYS. — A road established by prescription not worked or used for the period of five years ceases to be a highway for any purpose whatever; provided, however, that in the case of roads furnishing public access to public lands, state or federal, and/or public waters, no person may encroach upon the same and thereby restrict public use without first petitioning for the abandonment of the road to the county commissioners of the county in which the road is located or if the road be located in a highway district then to the board of commissioners of the highway district in which the same is located, and until such time as abandonment is authorized by the commissioners having jurisdiction thereof, public use of the roadway may not be restricted or impeded by encroachment or installation of any obstruction restricting public use or by the installation of signs or notices that might tend to restrict or prohibit public use.

Approved March 27, 1963.
CHAPTER 268
(S. B. No. 246)

AN ACT

PROVIDING FOR VOTING BY NEW RESIDENTS IN PRESIDENTIAL ELECTIONS; PRESCRIBING ELIGIBILITY OF NEW RESIDENTS TO VOTE; PROVIDING FOR APPLICATION FOR PRESIDENTIAL BALLOT BY NEW RESIDENTS; REQUIRING MAILING OF DUPLICATE OF APPLICATION TO APPROPRIATE OFFICIAL OF APPLICANT'S FORMER STATE OF RESIDENCE; REQUIRING THE COUNTY AUDITOR TO FILE AND INDEX INFORMATION FROM OTHER STATES; AUTHORIZING DELIVERY OF BALLOT TO APPLICANT; PROVIDING FOR THE VOTING BY NEW RESIDENTS; PROVIDING LIST OF APPLICANTS OPEN FOR PUBLIC INSPECTION; PROVIDING FOR DELIVERY AND DEPOSIT OF BALLOTS; PROVIDING FOR CHALLENGE OF NEW RESIDENT'S VOTE; PROVIDING FOR PENALTIES; PROVIDING FOR APPLICATION OF OTHER STATUTES; DEFINING THE TERM "STATE"; PROVIDING FOR UNIFORMITY OF INTERPRETATION, SEVERABILITY, AND SHORT TITLE.

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

SECTION 1. ELIGIBILITY OF NEW RESIDENTS TO VOTE.—Each citizen of the United States who, immediately prior to his removal to this state, was a citizen of another state and who has been a resident of this state for sixty days next preceding the day of election but for less than the six month period of required residence for voting prior to a presidential election, is entitled to vote for presidential and vice-presidential electors at that election, but for no other offices, if

(1) he otherwise possesses the substantive qualifications to vote in this state, except the requirement of residence and registration, and

(2) he complies with the provisions of this Act.

SECTION 2. APPLICATION FOR PRESIDENTIAL BALLOT BY NEW RESIDENTS.—A person desiring to qualify under this Act in order to vote for presidential and vice-presidential electors shall be considered as registered within the meaning of this Act if on or before ten days prior to the date of the general election, he shall make an application in the form of an affidavit executed in
duplicate in the presence of the county auditor, substantially as follows:

State of Idaho           }  ss.
County of ........................ }  

I, ...................................., do solemnly swear that:

1. I am a citizen of the United States.

2. Before becoming a resident of this state, I resided at ................................ street, in (town, township, village, city) of ................................, county of ................................., state of .....................................

3. On the day of the next presidential election, I shall be at least 21 years of age. I have been a resident of this state since ................................., 19......, now residing at ................................ street, in ................................ precinct, in the city or town of ................................, county of ................................., Idaho.

4. I have resided in Idaho less than six months. I believe I am entitled under the laws of this state to vote at the presidential election to be held November ................., 19.......

5. I hereby make application for a presidential and vice-presidential ballot. I have not voted and will not vote otherwise than by this ballot at that election.

Signed ........................................

(Applicant)

Subscribed and sworn to before me this .............. day of ................................., 19......

Signed ........................................

County Auditor

SECTION 3. MAILING DUPLICATE APPLICATION.—
The county auditor shall immediately mail to the appropriate official of the state in which the applicant last resided the duplicate of the application.

SECTION 4. FILING AND INDEXING INFORMATION FROM OTHER STATES.—The county auditor shall file each duplicate application or other official information received by him from another state indicating that a former resident of this state has made application to vote at a presidential election in another state and shall maintain
an alphabetical index thereof, for a period of one year after the election.

**SECTION 5. DELIVERY OF BALLOT TO APPLICANT.**
—If satisfied that the application is proper and that the applicant is qualified to vote under this Act the county auditor shall deliver to the applicant a ballot for presidential and vice-presidential electors at any time after the ballots are available in his office, and not later than ten days prior to the next presidential election.

**SECTION 6. VOTING BY NEW RESIDENTS.—**

(1) The applicant, upon receiving the ballot for presidential and vice-presidential electors shall mark forthwith the ballot in the presence of the county auditor, but in a manner that the official cannot know how the ballot is marked. He shall then fold the ballot in the county auditor’s presence so as to conceal the markings, and deposit and seal it in an envelope furnished by the county auditor.

(2) The voter shall enclose the envelope containing the ballot in a carrier envelope which shall be securely sealed. There shall be imprinted on the outside of the carrier envelope a statement substantially as follows:

"Certification of New Resident Voter.
I have qualified as a new resident voter in this state to vote for presidential and vice-presidential electors. I have not applied nor do I intend to apply for an absentee voter's ballot from the state from which I have removed. I have not voted and I will not vote otherwise than by this ballot.
Dated ______________________

__________________________________________"  
(Signature of Voter)

Witness __________________________
County Auditor

The voter shall sign the certification upon the carrier envelope as set forth above, and shall then deliver the sealed carrier envelope to the county auditor, who shall keep the carrier envelope in his office until delivered by him to the judges of election of the precinct in which it belongs.

**SECTION 7. LIST OF APPLICANTS OPEN FOR PUBLIC INSPECTION.—**The county auditor shall keep open to public inspection a list of all persons who have applied
under this Act to vote as new residents with their names, addresses and application dates.

SECTION 8. DELIVERY AND DEPOSIT OF BALLOTS.—

(1) County auditors shall prepare and deliver the ballots for new residents to the judges of election of the various precincts in the manner prescribed by law for absentee ballots. The ballots shall be processed in accordance therewith.

(2) The judges of election shall record the new resident voter's name in the poll books with a notation designating him as a new resident voting for presidential and vice-presidential electors only.

SECTION 9. CHALLENGE OF NEW RESIDENT'S VOTE.—The vote of a new resident may be challenged for cause. The judges of election have all the powers and authority conferred upon them by law in respect to hearing and determining the legality of challenged votes.

SECTION 10. PENALTIES.—Any person wilfully making a false statement or affidavit under this Act is guilty of a misdemeanor. Any public official who wilfully refuses or neglects to perform any of the duties prescribed by this Act or violates any of its provisions is guilty of a misdemeanor.

SECTION 11. APPLICATION OF OTHER STATUTES. —Except as provided in this Act, the provisions of law relating to absentee ballots apply also to the casting and counting of ballots and challenging of votes by new residents, the furnishing of election supplies, ballots, canvassing of ballots, and making proper returns of the results of the election.

SECTION 12. DEFINITION OF "STATE".—As used in this Act "State" includes the District of Columbia.

SECTION 13. 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.

SECTION 14. SEVERABILITY.—If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be
given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.

SECTION 15. SHORT TITLE.—This Act may be cited as the Uniform Act for voting by New Residents in Presidential elections.

Approved March 27, 1963.

CHAPTER 269
(S. B. No. 297)

AN ACT
AMENDING TITLE 61, CHAPTER 3, IDAHO CODE, BY ADDING TWO SECTIONS TO BE KNOWN AND DESIGNATED AS 61-333A AND 61-333B; AMENDING 61-333 TO INCLUDE MUNICIPAL CORPORATIONS THEREIN, PROVIDING FOR EXTENSION OF SERVICES TO EXISTING SERVICE CONNECTIONS, AMENDING TITLE 61, CHAPTER 3, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AS SECTION 61-333A PROVIDING FOR THE CONTINUATION AND EXTENSION OF ELECTRIC SERVICE, SUBJECT TO SECTION 61-332 AND 61-333, IDAHO CODE, PROVIDING SUCH CONTINUATION AND EXTENSION SHALL BE SUBJECT TO PURCHASE OF ELECTRICAL FACILITIES IN A NEWLY ANNEXED OR INCORPORATED AREA BY A MUNICIPAL CORPORATION, IN AREAS WHICH SHALL HERE-AFTER BE INCLUDED WITHIN THE BOUNDARIES OF A MUNICIPAL CORPORATION AS A RESULT OF ANNEXATION OR INCORPORATION. FURTHER PROVIDING FOR UTILIZATION OF PUBLIC STREETS, ALLEYS AND THOROUGHFARES, OR OTHER DESIGNATED AREAS FOR EASEMENT, FOR PURPOSE OF FURNISHING ELECTRIC SERVICE OR OPERATING ELECTRIC FACILITIES, PROVIDING USE OF SUCH AREAS IS SUBJECT TO LAWFUL AND REASONABLE SAFETY REQUIREMENTS, THE LAWS OF THE STATE OF IDAHO AND ORDINANCES OF SUCH MUNICIPAL CORPORATION FOR THE MANNER OF CONSTRUCTING AND MAINTAINING ELECTRICAL FACILITIES THEREIN; AMENDING TITLE 61, CHAPTER 3, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AS 61-333B PROVIDING FOR THE RIGHT OF A MUNICIPAL CORPORATION FURNISHING ELECTRIC SERVICE TO ITS RESIDENTS OR HEREAFTER COMMENCING FURNISHING OF ELECTRIC
TRIC SERVICE TO ITS CITIZENS, TO EXTEND ITS SERVICE TO ANY ANNEXED AREA UPON PAYMENT OF JUST COMPENSATION, PROVIDING FOR METHOD OF DETERMINATION OF JUST COMPENSATION, DEFINING ITEMS TO BE CONSIDERED IN DETERMINING JUST COMPENSATION TO INCLUDE REAL AND PERSONAL PROPERTY AND DAMAGES TO REMAINDER OF SYSTEM OF ANY COOPERATIVE OR PUBLIC UTILITY PREVIOUSLY SERVICING SUCH ANNEXED AREA; PROVIDING FURTHER RESTRICTIONS IN THE EVENT ANNEXED AREA WAS PREVIOUSLY SERVED BY A COOPERATIVE ASSOCIATION, AND PROVIDING THAT WHERE THE ANNEXED OR NEWLY INCORPORATED AREA WAS PREVIOUSLY SERVED BY A COOPERATIVE ASSOCIATION THAT THE MUNICIPAL CORPORATION, UNLESS VOLUNTARY AGREEMENT BE REACHED, SHALL NOT ACQUIRE THE EXISTING FACILITIES OF SUCH COOPERATIVE ASSOCIATION UNTIL SUCH ACQUISITION HAS BEEN APPROVED BY A MAJORITY OF THE VOTERS UPON A SPECIAL BALLOT IN THE CITY AND BY A MAJORITY OF THE MEMBERS VOTING OF THE COOPERATIVE ASSOCIATION AND PROVIDING FOR SUBMISSION OF THE CONTROVERSY TO THE DISTRICT COURT IF AGREEMENT CANNOT BE REACHED AND PROVIDING AN APPEAL AND FOR A TIME CERTAIN FOR THE TRANSFER OF THE FACILITIES; FURTHER AMENDING TITLE 61, CHAPTER 3, IDAHO CODE, BY PROVIDING A NEW SECTION TO BE KNOWN AS 61-333C TO PROVIDE THAT NO COOPERATIVE ASSOCIATION OR PUBLIC UTILITY HAVING TRANSMISSION LINES WITHIN CORPORATE LIMITS OF ANY MUNICIPAL CORPORATION PRESENTLY ENGAGED IN THE SALE OF ELECTRIC ENERGY TO MAKE ANY SERVICE CONNECTIONS WITHIN THE CORPORATE LIMITS OF SUCH MUNICIPAL CORPORATION FROM SUCH TRANSMISSION LINES, AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Section 61-333 of the Idaho Code be amended to read as follows:

61-333. EXTENSION OF SERVICE PROHIBITED WHEN ALREADY AVAILABLE WITHIN CERTAIN DISTANCE.—No public utility, municipal corporation, or quasi municipal corporation, and no cooperative association organized for the purpose of furnishing electric service to its members or consumers only, shall hereafter construct any electric service line to serve any consumer where the prop-
Property to be served is already receiving electric service from another source or previously served by another agency, provided that nothing shall preclude any public utility, municipal corporation, quasi municipal corporation or cooperative association from extending electric service to its own property or facilities; nor shall a public utility, municipal corporation, quasi municipal corporation or cooperative association hereafter construct any electric service line to serve any customer or consumer where the property to be served is within one thousand feet of existing central station service, electric lines or lines of another public utility, municipal corporation, quasi municipal corporation or cooperative association; provided, however, that in the event two existing lines are within the said one thousand feet of a new consumer, the public utility, municipal corporation, quasi municipal corporation or cooperative association whose line is nearest the said new consumer shall serve the same.

SECTION 2. That Title 61, Chapter 3, Idaho Code, be, and the same is hereby amended by adding a new Section thereto following Section 61-333, to be known as Section 61-333A to read as follows:

61-333A. In the event an area hereafter shall be included as a result of incorporation or annexation within the boundaries of a city, town or village, any public utility and any cooperative association organized for the purpose of furnishing electric service to its members or consumers only, furnishing electric service or operating electric facilities in such area prior to such inclusion, shall, unless the municipality acquire such facilities pursuant to Section 61-333B, and subject to the provisions of Sections 61-332 and 61-333, Idaho Code, have the right to continue and extend the furnishing of electric services in such area, and to utilize public streets, alleys and thoroughfares, or such portion of such annexed area as is designated on the recorded plat for the installation of utilities, for such purpose. Such public utility or cooperative association shall comply with all lawful and reasonable safety requirements and the laws of the State of Idaho and nondiscriminatory ordinances of the city, town or village, as to the manner of constructing and maintaining electrical facilities therein.

SECTION 3. That Title 61, Chapter 3, Idaho Code, be, and the same is hereby amended by adding a new Section thereto following the new Section 61-333A, to be known as Section 61-333B, to read as follows:
61-333B. In the event the annexing municipality has been furnishing electric service to its residents at the time of such annexation, or thereafter commences the furnishing of such service to its residents, nothing in this chapter shall prevent such municipality from extending its service to the annexed or incorporated area, upon the payment of just compensation, as defined in Section 7-711, Idaho Code, to such public utility or cooperative serving such area prior to annexation, for any property, real or personal, including damages to the remainder of the system, if any, of such cooperative or public utility, used in distribution, transmission or supply of electrical energy to such area prior to annexation. As used herein, just compensation shall include consideration of new installations necessarily made between the time of annexation or incorporation and final settlement.

Provided, however, in case the annexed area was previously served by a cooperative association, no extension shall be made by the municipal corporation, except upon the following conditions:

1. Until the terms and conditions of such extension, including just compensation therefor, have been finally determined by voluntary agreement between the annexing municipality and the servicing cooperative association, or

2. In the event that such voluntary agreement cannot be made within ninety days of the date of incorporation or annexation of such territory served by such cooperative association, then the municipal corporation may, if so determined by unanimous vote of its governing body, submit to the qualified electors of such municipality upon a special ballot to be voted upon at the next regular election of such municipality, the question “Shall portions of the ______________ of ______________ , Idaho which have heretofore been served electrical energy by ______________ become a part of the electrical system of the ______________ of ______________ , Idaho. Said areas are generally known and described as follows: (Insert description).”

A majority of the votes cast on said special ballot must be in favor of the proposition in order to approve the transaction on the part of the municipal corporation. Further, the cooperative association shall submit either by mail or at an annual or special meeting to its members, at the same time of the municipal election above mentioned, the question of whether or not the board of such cooperative association be authorized to sell to the municipality upon
payment of just compensation, to be agreed upon, or if agreement be not reached, upon compensation determined as provided hereinafter. A majority of the votes cast must be in favor of the proposition in order to approve the transaction on the part of the cooperative association. At least 15 days before the vote by the members of the cooperative association, the association shall submit to the municipality a list of members eligible to vote and the municipality is hereby authorized to submit to said members a written statement of the reasons for the transfer to electric service by the municipality.

If agreement can not be reached upon the amount of just compensation, the matter shall be submitted to the district court of the county wherein the municipality is located pursuant to procedures of Title 10, Chapter 12, Idaho Code, for this purpose of fixing and determining the amount of just compensation as hereinbefore defined.

The court may appoint not more than two experts to advise the Court, and the costs of the action, including fees of such experts, shall be taxed equally to the parties.

Either party may appeal from the decision of the Court in the same manner that other appeals are taken therefrom. No transfer of facilities shall be made until the amount of compensation has been finally determined and paid.

SECTION 4. That Title 61, Chapter 3, Idaho Code, be, and the same is hereby amended by adding a new Section thereto following the new Section 61-333B, to be known as Section 61-333C, to read as follows:

61-333C. Nothing contained herein shall authorize any cooperative association or public utility having transmission lines presently within corporate limits of any municipal corporation, presently engaged in the sale of electrical energy to its citizens, to make any service connections within corporate limits of such municipal corporation from such transmission lines.

SECTION 5. This act shall be in full force and effect from and after June 1, 1963.

Approved March 27, 1963.
AN ACT

RELATING TO EDUCATION; AMENDING SECTION 184 OF HOUSE BILL NO. 92 OF THE THIRTY-SEVENTH SESSION OF THE LEGISLATURE, CHAPTER 13, 1963 SESSION LAWS, AND FURTHER DEFINING "MENTALLY HANDICAPPED CHILD".

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

SECTION 1. That Section 184 of House Bill No. 92 of the Thirty-seventh Session of the Legislature, Chapter 13, 1963 Session Laws, be, and the same is hereby amended to read as follows:

SECTION 184. HANDICAPPED CHILD DEFINED.—The term “physically handicapped child” shall mean any educable minor between the ages of six and twenty-one years who is of sound mind, but, by reason of physical impairment, cannot receive the full benefit of ordinary or regular educational facilities as provided in the public school district in which he lives, and whose education requires modification of existing educational programs or the formation of new educational services or programs.

The term “mentally handicapped child” shall mean any educable minor between the ages of six and twenty-one years whose intellectual development renders him incapable of being practically and efficiently educated by ordinary classroom instruction in the public schools of the district in which he resides, but who does possess the ability to learn and may reasonably be expected to benefit from special programs. The term “mentally handicapped” child may include the trainable minor between the ages of six and twenty-one years as defined by the state board of education.

Physical and mental handicaps shall be determined according to diagnostic procedures established by the state board of education.

Approved March 27, 1963.
AMENDING SECTION 72-1366, IDAHO CODE, AS AMENDED, RELATING TO PERSONAL ELIGIBILITY CONDITIONS OF A BENEFIT CLAIMANT.

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

SECTION 1. That Section 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. Any individual who has drawn 75 percent or more of his total benefit amount in any benefit year shall not be eligible for benefits in the next succeeding benefit year until he has had subsequent earnings from bona fide work of at least eight times his weekly benefit amount, 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 section 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. For purposes of this section, a law of the United States providing any payments of any type and in any amounts for periods of unemployment due to involuntary unemployment shall be considered an unemployment compensation law of the United States.

(1) A benefit claimant shall not be entitled to benefits if he has willfully made a false statement or representation
or willfully failed to report a material fact to obtain said benefits under the provisions of this act.

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

(n) A benefit claimant who has been found ineligible for benefits under the provisions of 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.

Approved March 27, 1963.

CHAPTER 272

(S. B. No. 263, As Amended in the House of Representatives)

AN ACT

RELATING TO LICENSE TAXES IN CITIES OF THE FIRST AND SECOND CLASS OR INCORPORATED VILLAGES BY AMENDING SECTION 63-2313, IDAHO CODE, AS AMENDED, TO ABOLISH THE LICENSE TAX ON BOWLING ALLEYS AND CERTAIN GAMING TABLES IN CITIES OF THE FIRST AND SECOND CLASS AND INCORPORATED VILLAGES.

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

SECTION 1. That Section 63-2313, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

63-2313. EXHIBITIONS, PAWNBROKERS 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 27, 1963.

CHAPTER 273
(S. B. No. 272)

AN ACT

RELATING TO AND PROVIDING FOR THE CREATION AND ORGANIZATION OF INDUSTRIAL DEVELOPMENT CORPORATIONS; DEFINING CERTAIN TERMS; PRESCRIBING THE PROCEDURE AND PURPOSES FOR THE CREATION AND ORGANIZATION OF SUCH CORPORATIONS; PROVIDING THAT SUCH CORPORATIONS MAY BE CREATED AND ORGANIZED UNDER THE GENERAL LAWS OF IDAHO AND PRESCRIBING ADDITIONAL POWERS FOR SUCH CORPORATIONS, SUBJECT TO CERTAIN RESTRICTIONS AND LIMITATIONS; AUTHORIZING PERSONS, INCLUDING CORPORATIONS ORGANIZED UNDER THE LAWS OF IDAHO, PUBLIC UTILITIES, INSURANCE COMPANIES, CORPORATIONS LICENSED TO DO BUSINESS IN IDAHO, FINANCIAL INSTITUTIONS AS DEFINED IN THIS ACT AND TRUSTS, TO BECOME MEMBERS OF SUCH CORPORATIONS AND TO ACQUIRE, DEAL WITH AND DISPOSE OF, THE REAL AND PERSONAL PROPERTY, ASSETS, BONDS, SECURITIES AND OTHER EVIDENCES OF INDEBTEDNESS OF SUCH INDUSTRIAL DEVELOPMENT CORPORATIONS AND PRESCRIBING THE MANNER AND CONDITIONS THEREOF; AUTHORIZING FINANCIAL INSTITUTIONS TO BECOME MEMBERS OF AND TO MAKE LOANS TO SUCH CORPORATIONS AND PRESCRIBING THE PROCEDURE THEREFOR AND FOR WITHDRAWAL OF MEMBERSHIP; PRESCRIBING THE POWERS OF THE STOCKHOLDERS AND DIRECTORS OF SUCH CORPORATIONS AND PROCEDURE FOR AMENDMENT OF ITS ARTICLES OF INCORPORATION; PROVIDING FOR THE MANAGEMENT AND CONDUCT OF THE AFFAIRS OF SUCH CORPORATION; PROVIDING FOR
AND THE MANNER OF SETTING UP A SURPLUS AS A RESERVE FUND FOR SUCH CORPORATIONS; PROVIDING FOR THE SELECTION OF DEPOSITORIES FOR THE FUNDS OF SUCH CORPORATIONS; PROVIDING SUCH CORPORATIONS SHALL BE SUBJECT TO EXAMINATION BY THE STATE COMMISSIONER OF FINANCE AND HIS DUTIES, POWER AND AUTHORITY OVER SUCH CORPORATIONS CREATED AND ORGANIZED UNDER THIS ACT; PROVIDING FOR THE MANNER OF CALLING AND HOLDING OF THE FIRST MEETING OF SUCH CORPORATION, THE ELECTION OF DIRECTORS AND OTHER BUSINESS TO BE TRANSACTED AT SUCH MEETING; PRESCRIBING THE PERIOD OF DURATION OF SUCH A CORPORATION AND THE METHOD AND THE PROCEDURE FOR ITS DISSOLUTION; PROVIDING THAT THE CREDIT OF THE STATE OF IDAHO SHALL NOT BE PLEDGED TO ANY SUCH CORPORATION; PROVIDING THAT ANY SUCH CORPORATION ORGANIZED UNDER THE PROVISIONS OF THIS ACT SHALL BE A STATE DEVELOPMENT COMPANY, AS DEFINED IN THE SMALL BUSINESS INVESTMENT ACT OF 1958, OR ANY OTHER SIMILAR FEDERAL LEGISLATION, AND SHALL BE AUTHORIZED TO OPERATE ON A STATE-WIDE BASIS; FIXING THE FISCAL YEAR OF SUCH CORPORATIONS; PROVIDING A SAVINGS CLAUSE AND DECLARING THIS ACT NECESSARY AND ALSO DECLARING AN EMERGENCY.

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

SECTION 1. As used in this act, the following words and phrases, unless differently defined or described, shall have the meanings and references as follows:

(1) “Corporation” means an Idaho industrial development corporation created under this act.

(2) “Financial institution” means any banking corporation or trust company, savings and loan association, insurance company or related corporation, partnership, foundation, or other institution engaged primarily in lending or investing funds.

(3) “Member” means any financial institution authorized to do business within this state which shall undertake to lend money to a corporation created under this act, upon its call, and in accordance with the provisions of this act.
(4) "Board of directors" means the board of directors of the corporation created under this act.

(5) "Loan limit" means for any member, the maximum amount permitted to be outstanding at one time on loans made by such member to the corporation, as determined under the provisions of this act.

SECTION 2. Fifteen (15) or more persons, a majority of whom shall be residents of this state, who may desire to create an industrial development corporation under the provisions of this act, for the purpose of promoting, developing and advancing the prosperity and economic welfare of the state and, to that end, to exercise the powers and privileges hereinafter provided, may be incorporated by filing in the office of the secretary of state, as hereinafter provided, articles of incorporation. The articles of incorporation shall contain:

(1) The name of the corporation, which shall include the words "Industrial Development Corporation of Idaho."

(2) The location of the principal office of the corporation, but such corporation may have offices in such other places within the state as may be fixed by the board of directors.

(3) The purposes for which the corporation is founded, which shall be to promote, stimulate, develop and advance the business prosperity and economic welfare of Idaho and its citizens; to encourage and assist through loans, investments or other business transactions in the location of new business and industry in this state and to rehabilitate and assist existing business and industry; to stimulate and assist in the expansion of all kinds of business activity which will tend to promote the business development and maintain the economic stability of this state, provide maximum opportunities for employment, encourage thrift, and improve the standard of living of the citizens of this state; similarly, to cooperate and act in conjunction with other organizations, public or private, in the promotion and advancement of industrial, commercial, agricultural and recreational developments in this state, and to provide financing for the promotion, development, and conduct of all kinds of business activity in this state.

(4) The names and post office addresses of the members of the first board of directors, who, unless otherwise provided by the articles of incorporation or the bylaws,
shall hold office for the first year of existence of the corporation or until their successors are elected and have qualified.

(5) Any provision which the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation and any provision creating, dividing, limiting and regulating the powers of the corporation, the directors, stockholders or any class of the stockholders, including, but not limited to a list of the officers, and provisions governing the issuance of stock certificates to replace lost or destroyed certificates.

(6) The amount of authorized capital stock and the number of shares into which it is divided, the par value of each share and the amount of capital with which it will commence business and, if there is more than one class of stock, a description of the different classes; the names and post office addresses of the subscribers of stock and the number of shares subscribed by each. The aggregate of the subscription shall be the minimum amount of capital with which the corporation shall commence business which shall not be less than Fifty Thousand Dollars ($50,000.00). The articles of incorporation may also contain any provision consistent with the laws of this state for the regulation of the affairs of the corporation.

(7) The articles of incorporation shall be in writing, subscribed by not less than five (5) natural persons competent to contract and acknowledged by each of the subscribers before an officer authorized to take acknowledgments and filed in the office of the secretary of state for approval. A duplicate copy so subscribed and acknowledged may also be filed.

(8) The articles of incorporation shall recite that the corporation is organized under the provisions of this act.

The secretary of state shall not approve articles of incorporation for a corporation organized under this act until a total of at least ten (10) national banks, state banks, savings banks, industrial savings banks, federal savings and loan associations, domestic building and loan associations, or insurance companies authorized to do business within this state, or any combination thereof, have agreed in writing to become members of said corporation; and said written agreement shall be filed with the secretary of state with the articles of incorporation and the filing of same shall be a condition precedent to the approval of the articles of incorporation by the secretary of state.
Whenever the articles of incorporation shall have been filed in the office of the secretary of state and approved by him and all taxes, fees and charges, have been paid, as required by law, the subscribers, their successors and assigns shall constitute a corporation, and said corporation shall then be authorized to commence business, and stock thereof to the extent herein or hereafter duly authorized may from time to time be issued.

SECTION 3. In furtherance of its purposes and in addition to the powers now or hereafter conferred on business corporations by the provisions of Chapter 1, Title 30, Idaho Code, the corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(1) To elect, appoint and employ officers, agents and employees; to make contracts and incur liabilities for any of the purposes of the corporation; provided, that the corporation shall not incur any secondary liability by way of guaranty or endorsement of the obligations of any person, firm, corporation, joint stock company, association or trust, or in any other manner.

(2) To borrow money from its members and the Small Business Administration and any other similar or successor federal agency, for any of the purposes of the corporation; to issue therefor its bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust or other lien on its property, franchises, rights and privileges of every kind and nature or any part thereof or interest therein, without securing stockholder or member approval; provided, that no loan to the corporation shall be secured in any manner unless all outstanding loans to the corporation shall be secured equally and ratably in proportion to the unpaid balance of such loans and in the same manner.

(3) To make loans to any person, firm, corporation, joint-stock company, association or trust, and to establish and regulate the terms and conditions with respect to any such loans and the charges for interest and service connected therewith; provided, however, that the corporation shall not approve any application for a loan unless and until the person applying for said loan shall show that he has applied for the loan through ordinary banking channels and that the loan has been refused by at least one (1) bank or other financial institution.
(4) To purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including, but not restricted to, any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

(5) To acquire the good will, business, rights, real and personal property, and other assets, or any part thereof, or interest therein, of any persons, firms, corporations, joint-stock companies, associations or trusts, and to assume, undertake, or pay the obligations, debts and liabilities of any such person, firm, corporation, joint-stock company, association or trust; to acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others for the construction of industrial plants or other business establishments; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease, or otherwise dispose of industrial plants or business establishments.

(6) To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint-stock company, association or trust, and while the owner or holder thereof to exercise all the rights, powers and privileges of ownership, including the right to vote thereon.

(7) To mortgage, pledge, or otherwise encumber any property, right or things of value, acquired pursuant to the powers contained in subsections (4), (5), or (6), as security for the payment of any part of the purchase price thereof.

(8) To cooperate with and avail itself of the facilities of the United States Department of Commerce, the Idaho Department of Commerce and Development, and any other similar or successor state or federal governmental agencies; and to cooperate with and assist, and otherwise encourage organizations in the various communities of the state in the promotion, assistance and development of the business prosperity and economic welfare of such communities or of this state or of any part thereof.
(9) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

SECTION 4. Notwithstanding any rule at common law or any provision of any general or special law or any provision in their respective charters, agreements of association, articles of organization or trust indentures:

(1) Any person, including all domestic corporations organized for the purpose of carrying on business within this state and further including without implied limitation, public utility companies and insurance companies, and foreign corporations licensed to do business within this state, and all financial institutions as defined herein, and all trusts, are hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of any bonds, securities or other evidences of indebtedness created by, or the shares of the capital stock of, the corporation, and while owners of said stock to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the state except as otherwise provided in this act; provided, however, that a financial institution which does not become a member of the corporation shall not be permitted to acquire any shares of the capital stock of the corporation;

(2) All financial institutions are hereby authorized to become members of the corporation and to make loans to the corporation as provided herein and;

(3) Each financial institution which becomes a member of the corporation is hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of, any bonds, securities or other evidences of indebtedness created by, or the shares of the capital stock of the corporation, and while owners of said stock to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the state; provided, that the amount of the capital stock of the corporation which may be acquired by any member pursuant to the authority granted herein shall not exceed ten per cent (10%) of the loan limit of such member.

The amount of capital stock of the corporation which any member is authorized to acquire pursuant to the authority granted herein is in addition to the amount of capi-
tal stock in corporations which such member may otherwise be authorized to acquire.

SECTION 5. Any financial institution may request membership in the corporation by making application to the board of directors on such form and in such manner as said board of directors may require, and membership shall become effective upon acceptance of such application by said board.

Each member of the corporation shall make loans to the corporation as and when called upon by it to do so on such terms and other conditions as shall be approved from time to time by the board of directors, subject to the following conditions:

(1) All loan limits shall be established at the thousand dollar amount nearest to the amount computed in accordance with the provisions of this section.

(2) No loan to the corporation shall be made if immediately thereafter the total amount of the obligations of the corporation would exceed ten (10) times the amount then paid in on the outstanding capital stock of the corporation.

(3) The total amount outstanding on loans to the corporation made by any member at any time, when added to the amount of the investment in the capital stock of the corporation then held by such member, shall not exceed:

(a) Twenty per cent (20%) of the total amount then outstanding on loans to the corporation by all members, including in said total amount outstanding, amounts validly called for loan but not yet loaned.

(b) The following limit, to be determined as of the time such member becomes a member on the basis of the audited balance sheet of such member at the close of its fiscal year immediately preceding its application for membership, or in the case of an insurance company, its last annual statement to the state insurance commissioner; two and one-half per cent (21/2%) of the capital and surplus of commercial banks and trust companies; one-half of one per cent (1/2%) of the total outstanding loans made by savings and loan associations, and building and loan associations; two and one-half per cent (21/2%) of the capital and unassigned surplus of stock insurance companies, except fire insurance companies; two and one-half per cent (21/2%) of the unassigned surplus of mutual insurance
companies, except fire insurance companies; one-tenth of one per cent (1/10%) of the assets of fire insurance companies; and such limits as may be approved by the board of directors of the corporation for other financial institutions.

(4) Subject to paragraph (a) of subsection (3) of this section, each call made by the corporation shall be prorated among the members of the corporation in substantially the same proportion that the adjusted loan limit of each member bears to the aggregate of the adjusted loan limits of all members. The adjusted loan limit of a member shall be the amount of such member’s loan limit, reduced by the balance of outstanding loans made by such member to the corporation and the investment in capital stock of the corporation held by such member at the time of such call.

(5) All loans to the corporation by members shall be evidenced by bonds, debentures, notes, or other evidences of indebtedness of the corporation, which shall be freely transferable at all times, and which shall bear interest at a rate of not less than one-quarter of one per cent (1¼%) in excess of the rate of interest determined by the board of directors to be the prime rate prevailing at the date of issuance thereof on unsecured commercial loans.

SECTION 6. Membership in the corporation shall be for the duration of the corporation; provided, that upon written notice given to the corporation five (5) years in advance, a member may withdraw from membership in the corporation at the expiration date of such notice.

A member shall not be obligated to make any loans to the corporation pursuant to calls made subsequent to notice of the intended withdrawal of said member.

SECTION 7. The stockholders and the members of the corporation shall have the following powers of the corporation:

(1) To determine the number of and elect directors as provided in section 9 hereof;
(2) To make, amend and repeal bylaws;
(3) To amend this charter as provided in section 8;
(4) To dissolve the corporation as provided in section 15;
(5) To do all things necessary or desirable to secure
aid, assistance loans and other financing from any financial institutions, and from any agency established under the Small Business Investment Act of 1958, and amendments thereto or other similar federal laws now or hereafter enacted.

(6) To exercise such other of the powers of the corporation consistent with this act as may be conferred on the stockholders and the members by the bylaws.

As to all matters requiring action by the stockholders and the members of the corporation, said stockholders and said members shall vote separately thereon by classes, and, except as otherwise herein provided, such matters shall require the affirmative vote of a majority of the votes to which the stockholders present or represented at the meeting shall be entitled and the affirmative vote of a majority of the votes to which the member present or represented at the meeting shall be entitled.

Each stockholder shall have one (1) vote, in person or by proxy, for each share of capital stock held by him, and each member shall have one (1) vote, in person or by proxy, except that any member having a loan limit of more than One Thousand Dollars ($1,000.00) shall have one (1) additional vote, in person or by proxy, for each additional One Thousand Dollars ($1,000.00) which such member is authorized to have outstanding on loans to the corporation at any one (1) time as determined under paragraph (b) of subsection (3) of section 5.

SECTION 8. The articles of incorporation may be amended by the votes of the stockholders and the members of the corporation, voting separately by classes, and such amendments shall require approval by the affirmative vote of two-thirds (2/3) of the votes to which the stockholders shall be entitled and two-thirds (2/3) of the votes to which the members shall be entitled; provided, that no amendment of the articles of incorporation which is inconsistent with the general purposes expressed herein or which authorizes any additional class of capital stock to be issued, or which eliminates or curtails the right of the Commissioner of Finance to examine the corporation or the obligation of the corporation to make reports as provided in section 12, shall be made; and provided, further, that no amendment of the articles of incorporation which increases the obligation of a member to make loans to the corporation, or makes any change in the principal amount, interest rate, maturity date, or in the security or credit position of
outstanding loan of a member to the corporation, or affects a member's right to withdraw from membership as provided herein, or affects a member's voting rights as provided herein, shall be made without the consent of each member affected by such amendment.

Within thirty (30) days after any meeting at which an amendment of the articles of incorporation has been adopted, articles of amendment signed and sworn to by the president, treasurer, and a majority of the directors, setting forth such amendment and due adoption thereof, shall be submitted to the secretary of state, who shall examine them and if he finds that they conform to the requirements of this act, shall so certify and endorse his approval thereon. Thereupon, the articles of amendment shall be filed in the office of the secretary of state and no such amendment shall take effect until such articles of amendment shall have been filed as aforesaid.

SECTION 9. The business and affairs of the corporation shall be managed and conducted by a board of directors, a president, a vice-president, a secretary, a treasurer, and such other officers and such agents as the corporation by its bylaws shall authorize. The board of directors shall consist of such number, not less than eleven (11) nor more than twenty-one (21), as shall be determined in the first instance by the incorporators and thereafter annually by the members and the stockholders of the corporation. The board of directors may exercise all the powers of the corporation except such as are conferred by law or by the bylaws of the corporation upon the stockholders or members and shall choose and appoint all the agents and officers of the corporation and fill all vacancies except vacancies in the office of director which shall be filled as hereinafter provided. The board of directors shall be elected in the first instance by the incorporators and thereafter at the annual meeting, which annual meeting shall be held during the month of January, or, if no annual meeting shall be held in the year of incorporation, then within ninety (90) days after the approval of the articles of incorporation at a special meeting as hereinafter provided. At each annual meeting, or at each special meeting held as provided in this section, the members of the corporation shall elect two-thirds ($2/3$) of the board of directors and the stockholders shall elect the remaining directors. The directors shall hold office until the next annual meeting of the corporation or special meeting held in lieu of the annual meeting after the election and until their successors
are elected and qualified unless sooner removed in accordance with the provisions of the bylaws. Any vacancy in the office of a director elected by the members shall be filled by the directors elected by the members, and any vacancy in the office of a director elected by the stockholders should be filled by the directors elected by the stockholders.

Directors and officers shall not be responsible for losses unless the same shall have been occasioned by the willful misconduct of such directors and officers.

SECTION 10. Each year the corporation shall set apart as earned surplus not less than ten per cent (10%) of its net earnings for the preceding fiscal year until such surplus shall be equal in value to one-half (½) of the amount paid in on capital stock then outstanding. Whenever the amount of surplus established herein shall become impaired, it shall be built up again to the required amount in the manner provided for its original accumulation. Net earnings and surplus shall be determined by the board of directors, after providing for such reserves as said directors deem desirable, and the determination of the directors made in good faith shall be conclusive on all persons.

SECTION 11. The corporation shall not deposit any of its funds in any banking institution unless such institution has been designated as a depository by a vote of a majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated. The corporation shall not receive money on deposit.

SECTION 12. The corporation shall be examined at least once annually by the state Commissioner of Finance and shall make reports of its condition not less than annually to said state Commissioner of Finance and more frequently upon call of the state Commissioner of Finance, who in turn shall make copies of such reports available to the state Commissioner of Insurance and the Governor; and the corporation shall also furnish such other information as may from time to time be required by the state Commissioner of Finance and Secretary of State. The corporation shall pay the actual cost of said examinations. The state Commissioner of Finance shall exercise the same power and authority over corporations organized under this act as is now exercised over banks and trust companies by the provisions of the Title 26, Idaho Code, where
the provision of Title 26, Idaho Code, are not in conflict with this act.

SECTION 13. The first meeting of the corporation shall be called by a notice signed by three (3) or more of the incorporators, stating the time, place and purpose of the meeting, a copy of which notice shall be mailed, or delivered, to each incorporator at least five (5) days before the day appointed for the meeting. Said first meeting may be held without such notice upon agreement in writing to that effect signed by all the incorporators. There shall be recorded in the minutes of the meeting a copy of said notice or of such unanimous agreement of the incorporators.

At such first meeting, the incorporators shall organize by the choice, by ballot, of a temporary clerk; by the adoption of bylaws; by the election by ballot of directors; and by action upon such other matters within the powers of the corporation as the incorporators may see fit. The temporary clerk shall be sworn and shall make and attest a record of the proceedings. Ten (10) of the incorporators shall be a quorum for the transaction of business.

SECTION 14. Unless otherwise provided in the articles of incorporation, the period of duration of the corporation shall be perpetual, subject, however, to the right of the stockholders and the members to dissolve the corporation prior to the expiration of said period as provided in section 15.

SECTION 15. The corporation may upon the affirmative vote of two thirds (2/3) of the votes to which the stockholders shall be entitled and two thirds (2/3) of the votes to which the members shall be entitled dissolve said corporation as provided by Chapter 3, Title 30, Idaho Code, insofar as said Chapter 3 is not in conflict with the provisions of this act. Upon any dissolution of the corporation, none of the corporation's assets shall be distributed to the stockholders until all sums due the members of the corporation as creditors thereof have been paid in full.

SECTION 16. Under no circumstances shall the credit of the State of Idaho be pledged to any corporation organized under the provisions of this act.

SECTION 17. Any corporation organized under the provisions of this act shall be a state development company, as defined in the Small Business Investment Act of 1958, and amendments thereto, or any other similar federal legis-
lation, and shall be authorized to operate on a statewide basis.

SECTION 18. Corporations organized under this act shall adopt the calendar year as their fiscal year.

SECTION 19. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the part or parts adjudged to be unconstitutional or invalid.

SECTION 20. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions, and 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 27, 1963.

CHAPTER 274
(S. B. No. 241)

AN ACT

AMENDING CHAPTER 248, 1953 SESSION LAWS (TITLE 33, CHAPTER 40, IDAHO CODE), BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 33-4003, IDAHO CODE, TO BE KNOWN AND DESIGNATED AS SECTION 33-4004, IDAHO CODE, PROVIDING FOR A DETERMINATION OF THE COST EXPENDED BY THE STATE OF IDAHO FOR EACH STUDENT UNDER THE PROVISIONS OF SAID CHAPTER, AND FOR REPAYMENT OR COLLECTION THEREOF; PROVIDING THAT NO REPAYMENT SHALL BE REQUIRED OF A STUDENT WHO WITHIN THREE YEARS ENGAGES IN THE PRACTICE OF HIS PROFESSION CONTINUOUSLY FOR TWO YEARS IN THE STATE OF IDAHO.

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

SECTION 1. That Chapter 248, 1953 Session Laws (Title 33, Chapter 40, Idaho Code), be, and the same is hereby amended by adding a new section thereto, following Section 33-4003, to be known as Section 33-4004, to read as follows:
33-4004. The Idaho members of the Western Interstate Commission for Higher Education shall annually determine the cost to the state of Idaho of each student attending any out of state institution under the provisions of this chapter.

Each student attending any institution under the provisions of this act shall, by the acceptance of the benefits of this act, become obligated to the state of Idaho for the cost to the state of Idaho for such student, as determined by the Idaho Members of the Western Interstate Commission for Higher Education. Such sum or sums, together with interest thereon at the rate of 5% per annum from the time of the expenditure by the state of Idaho shall be repaid as follows: one-fourth of said sum, together with accrued interest on or before three years from the date such student completes or terminates his education and/or internship and one-fourth of such sum with accrued interest on the same date annually thereafter until said sum, together with accrued interest shall have been fully paid. In case any student shall fail to make payment in accordance with the provisions of this section, the total unpaid balance shall become immediately due and payable and shall be recovered by suit brought by the Attorney General on behalf of the state of Idaho; Provided, however, that any student who shall, within three years of completion of his education, engage in the practice of his profession continuously for the period of two years in the state of Idaho, shall not be obligated to repay the cost of his education or any part thereof.

Approved March 27, 1963.

CHAPTER 275
(S. B. No. 258)

AN ACT

AMENDING SECTION 59-502, IDAHO CODE, AS AMENDED, TO INCREASE THE SALARIES OF THE JUSTICES OF THE SUPREME COURT; AND PRESCRIBING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 59-502, Idaho Code, as amended, 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 $15,000 per annum, 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 determination thirty days prior to his taking and subscribing said oath.

SECTION 2. This Act shall be in full force and effect from and after July 1, 1963.

Approved March 27, 1963.

CHAPTER 276
(S. B. No. 201, As Amended)

AN ACT
RELATING TO WORKMEN'S COMPENSATION LAW, AMENDING SECTION 72-1001, IDAHO CODE, CHANGING THE PERIOD WITHIN WHICH EMPLOYERS REPORT INJURIES RECEIVED BY EMPLOYEES TO THE INDUSTRIAL ACCIDENT BOARD FROM WITHIN FORTY-EIGHT HOURS TO AS SOON AS PRACTICABLE BUT NOT LATER THAN TEN DAYS AFTER THE HAPPENING THEREOF, AND PROVIDING EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. That Section 72-1001, Idaho Code, be, and the same is hereby amended to read as follows:

72-1001. REPORTS OF ACCIDENTS BY EMPLOYERS.—Every employer shall hereafter keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within forty-eight hours, not counting Sundays and legal holidays, as soon as practicable, but not later than ten days, after the occurrence of an injury causing absence from work for one day
or more, a report thereof shall be made in writing to the (industrial accident) board in the form prescribed by the board.

Upon the termination of the disability of the injured employee the employer shall make a supplemental report to the board, in form prescribed by the board. If the disability extends beyond a period of sixty days, the employer shall report to the board at the end of such period that the injured employee is still disabled, and upon the termination of the disability shall file a final supplemental report as provided above.

The said reports shall contain the name and nature of the business of the employer, the situation of the establishment, the name, age, sex, wages and occupation of the injured employee and shall state the date and hour of the accident causing the injury, the nature and cause of the injury, and such other information as may be required by the board.

Any employer who refuses or neglects to make the report required by this section shall be punished by a fine of not more than $500.00 for each offense.

Within sixty days after the termination of the disability of the injured employee, the employer or other party liable to pay the compensation provided for by this act shall file with the board a statement showing the total payments made or to be made for compensation and for medical services for such injured employee.

SECTION 2. This act shall be and become effective on and after July 1, 1963.

Approved March 27, 1963.
SECTION 1. That Section 72-323, Idaho Code, be, and the same is hereby amended to read as follows:

72-323. DEDUCTIONS FOR PREEXISTING INJURIES AND INFIRMITIES.—Except as provided in section 72-311, Idaho Code.

(a) If the degree or duration of disability resulting from an accident is increased or prolonged because of a preexisting injury or infirmity the employer shall be liable only for the additional disability resulting from such accident.

(b) Any compensation previously paid an injured workman for permanent disability to any member or part of his body shall be deducted from the amount of compensation provided for the permanent disability to the same member or part of his body caused by a change in his physical condition or by a subsequent accident.

If death following an accident is contributed to by any condition or infirmity which existed prior to the date of injury, the board shall determine to what extent such condition or infirmity contributed to the death. The total benefits payable for accidental death shall be reduced accordingly.

Approved March 27, 1963.

CHAPTER 278

(H. B. No. 37, As Amended)

AN ACT

AUTHORIZING THE ESTABLISHMENT OF AMBULANCE SERVICES BY THE SEVERAL BOARDS OF COUNTY COMMISSIONERS TO SERVE THE AREAS BOTH WITHIN AND OUTSIDE THE CITIES AND VILLAGES IN THEIR RESPECTIVE COUNTIES; PROVIDING FOR THE ADOPTION OF A SCHEDULE OF FEES TO BE CHARGED FOR SAID SERVICE; PROVIDING FOR THE DEPOSIT OF REVENUE FROM SAID TAX AND SAID FEES IN AN AMBULANCE SERVICE FUND; PROVIDING THE POWERS AND DUTIES OF THE BOARD OF COUNTY COMMISSIONERS WITH REFERENCE TO SAID SERVICE; PROVIDING FOR AUTHORIZATION OF SUCH SERVICE WITHIN CITIES AND VILLAGES AND FOR COOPERATIVE AGREEMENTS WITH ADJACENT COUNTIES
TO PROVIDE SAID SERVICE, WITH EQUITABLE APPOR­TIONMENT OF COSTS; PROVIDING FOR THE TERMINA­TION OF SAID SERVICE AND FOR THE DISPOSITION OF THE PROPERTY AND FUNDS UPON SUCH TERMINATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. The Boards of County Commissioners in the several counties are hereby authorized to establish an ambu­lance service to serve the areas both within and out­side the cities and villages in their respective counties.

SECTION 2. The county treasurer of each county in which an ambulance service has been established pursuant to this act shall establish a fund to be designated as the ambu­lance Service Fund, and used exclusively for the purposes of this Act.

SECTION 3. The Board of County Commissioners shall determine the manner in which said ambulance service shall be operated, and is empowered to make expenditures from the Ambulance Service Fund for the purchase or lease of real property and the construction of buildings necessary in connection with said service, to acquire necessary equip­ment for the operation and maintenance of said service, and to pay necessary salaries.

SECTION 4. The Board of County Commissioners shall adopt a schedule of fees to be charged for the use of said ambulance service. All such fees shall be collected, account­ed for and paid to the County Treasurer for deposit in the Ambulance Service Fund, and shall be used to pay expenses as incurred in the maintenance and operation of said ambulance service.

SECTION 5. All cities and villages within the county, upon resolution duly passed and approved and presented to the Board of County Commissioners, may authorize said Ambulance Service to operate within the boundaries of said city or village, but the failure of any such governing body to authorize said ambulance service to operate within the limits of said village or city, shall not affect the right of the Board of County Commissioners to levy the tax as hereinbefore provided.

SECTION 6. The Board of County Commissioners of any county wherein such Ambulance Service has been estab­lished is authorized in its discretion and under such terms and conditions as it deems appropriate to enter into a
cooperative agreement with adjacent counties to provide ambulance service for such county or counties or a portion thereof. All cost of said service shall be apportioned equitably among the participating counties as determined by their respective Boards of County Commissioners.

SECTION 7. Any county having adopted and established an ambulance service as provided in this act, may terminate the same for good cause by the adoption of a resolution by the Board of County Commissioners. Upon the termination of said Ambulance Service, all vehicles and property not necessary for other county purposes shall be sold and the proceeds therefrom paid to the County Treasurer to be deposited in the General Fund of the county. All monies on deposit in the Ambulance Service Fund shall be transferred to the General Fund of the county.

SECTION 8. 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 27, 1963.

CHAPTER 279
(H. B. No. 65)

AN ACT
AMENDING SECTION 59-508, IDAHO CODE, TO PROVIDE FOR FIXING THE SALARIES FOR APPOINITIVE OFFICERS, AND MEMBERS OF THE PUBLIC UTILITIES COMMISSION AND INDUSTRIAL ACCIDENT BOARD.

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

SECTION 1. That Section 59-508, Idaho Code, be, and the same is hereby amended to read as follows:

59-508. From and after July 1, 1969, the salaries of the appointive administrative officers hereinafter listed in this section shall be fixed by the officer or authority making such appointment within the limits of appropriations made therefor by each successive session of the legislature, the provisions of any other statute to the contrary notwithstanding; provided, however, that each member of the Public Utilities Commission and the Industrial Accident Board shall receive, from whatever source or sources,
a total salary equal to the salary provided by law from time to time for judges of the District Courts of Idaho.

The following state officers shall be paid in compensation for their services to the state, annual salaries in an amount equal to or between the following amounts, to wit:

- Members of Industrial Accident Board: (Portion paid from Industrial Admin. Fund only) $4,666.
- State Reclamation Engineer 7,000.
- Tax Collector 7,000.
- Commissioner of Law Enforcement 7,000.
- State Land Commissioner 7,000.
- State Forester 7,000.
- Commissioner of Agriculture 7,000.
- Commissioner of Finance 7,000.
- Commissioner of Public Works 7,000.
- State Liquor Superintendent 7,000.
- Adjutant General 7,000.
- State Purchasing Agent 7,000.
- Commissioners of the Public Utilities Commission: each 7,000.
- State Insurance Commissioner 7,000.
- Commissioner of Labor 7,000.
- Director of Aeronautics 7,000.
- Members of the State Board of Correction, each 7,000.
- Manager of the State Insurance Fund 7,000.
- Director of Disaster Relief and Civil Defense 7,000.
- Commandant of Soldiers’ Home 4,000.

Approved March 27, 1963.

CHAPTER 280
(H. B. No. 24, As Amended)

AN ACT

RELATING TO THE REGISTRATION OF PROFESSIONAL SANITARIANS AND SANITARIANS IN TRAINING; DEFINING CERTAIN TERMS AS USED IN THIS ACT; AUTHORIZING THE DEPARTMENT OF LAW ENFORCEMENT TO ISSUE CERTIFICATES OF REGISTRATION AS PROFESSIONAL SANITARIANS TO QUALIFIED PERSONS IN THE MANNER AND UPON THE PAYMENT OF FEES AS SPECIFIED IN THIS ACT; PROVIDING FOR THE ESTABLISHMENT OF A BOARD OF SANITARIAN EXAMINERS FOR PROFESSIONAL SANITARIANS FOR A SPECIFIED PURPOSE; PROVIDING
THE DUTIES AND RESPONSIBILITIES OF SAID BOARD; PROVIDING FOR THE MANNER OF APPOINTMENT, QUALIFICATIONS, TERMS OF OFFICE, REMOVAL FROM OFFICE AND PAYMENT OF THE EXPENSES OF THE MEMBERS OF SAID BOARD; PROVIDING FOR THE RECORDS TO BE MAINTAINED, PROCEDURES TO BE FOLLOWED AND FUNCTIONS TO BE PERFORMED BY SAID BOARD; PROVIDING FOR FEES TO BE PAID BY APPLICANTS FOR REGISTRATION AND THE DISPOSITION THEREOF; PROVIDING QUALIFICATIONS FOR THE ISSUANCE OF CERTIFICATES OF REGISTRATION FOR PROFESSIONAL SANITARIANS AND SANITARIAN TRAINEES, AND FOR THE RENEWAL THEREOF; PROVIDING FOR THE SUSPENSION AND REVOCATION OF SUCH CERTIFICATES BY SAID BOARD UPON THE RECOMMENDATION OF THE COMMISSIONER OF LAW ENFORCEMENT BASED UPON SPECIFIED GROUNDS, FOR PROCEEDINGS IN CONNECTION THEREWITH; AND FOR APPEALS THEREFROM; AUTHORIZING THE USE OF THE TITLE "REGISTERED PROFESSIONAL SANITARIAN"; PROVIDING FOR RECIPROCITY WITH OTHER STATES; DECLARING CERTAIN ACTS TO BE UNLAWFUL AND PRESCRIBING PENALTIES THEREFOR; EXCLUDING THE EMPLOYMENT OF CERTAIN UNREGISTERED PERSONS UNDER THE SUPERVISION OF REGISTERED SANITARIANS FROM THE PROVISIONS OF THIS ACT; PROVIDING FOR THE CONSTRUCTION OF THIS ACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. (a) The word "Person" wherever used in this act shall be taken to include both male and female persons unless a contrary intention is made manifest, provided that person shall not be taken to mean any other than a natural person.

(b) The word "Department" wherever used in this act shall mean the Department of Law Enforcement of the State of Idaho.

(c) The word "Commissioner" wherever used in this act shall mean the Commissioner of Law Enforcement of the State of Idaho.

(d) The word "Board" wherever used in this act shall mean the State Board of Sanitarian Examiners created by Section 3 of this act.

(e) The word "Sanitarian" wherever used in this act
shall mean a person trained and experienced in the physical, biological, chemical, social and sanitary sciences, whose duties involve the control of these features of the environment.

(f) The words “Environmental Sanitation” wherever used in this act shall mean the sanitary control of man’s physical surroundings and within it those factors which may adversely influence and affect his health, safety and welfare.

(g) The words “Sanitarian Trainee” wherever used in this act shall mean a person engaged in environmental sanitation who has not fulfilled the experience qualifications prescribed by this act for sanitarian.

(h) The words “Certificate of Registration” wherever used in this act shall mean a document showing the name of the registrant, the date of issue, serial number and the signature of those authorized by this act to grant it.

(i) Registration in this Act shall not be interpreted as a qualification for the practice of engineering as defined in Section 54-1202, Idaho Code.

SECTION 2. The Department of Law Enforcement shall, upon the certification of the Board and subject to the provisions of this act, issue certificates of registration as professional sanitarians to persons who have qualified therefor in accordance with this act. Such certificates shall be issued for a period of one year and shall bear on their face the seal of the department, the signature of the Commissioner thereof, and will be effective until the first day of July next after issuance. Such certificates so issued shall be renewed annually on the first day of July of every year. The department shall collect a fee of $10.00 for each such annual renewal of such certificate, and shall deposit all fees in the State Treasury in accordance with Section 67-2920, Idaho Code. The provisions of Sections 67-2917, 67-2918, 67-2921 and 67-2922, Idaho Code, shall apply to certificates issued pursuant to this act, except as in this act modified.

SECTION 3. In order to safeguard life, health and property, and to protect the public health and establish the professional status of persons whose duties in public health and environmental sanitation require a knowledge of the physical, biological, social, chemical and sanitary sciences, there is hereby established a Board of Sanitarian Examin-
ers for Professional Sanitarians, hereinafter called the Board. It shall be the duty of the Board to carry out the provisions of this act, review applications for registration, conduct written and oral examinations, keep records of its transactions, adopt rules and regulations, conduct hearings and record all matters which appropriately may come before it. These records shall at reasonable times be open to examination by the public.

SECTION 4. The Commissioner of Law Enforcement shall within thirty days after the effective date of this act appoint three members to the Board, subject to the provisions of Section 67-2915, Idaho Code, all of whom shall be sanitarians eligible for registration under the terms of this act who are citizens of the United States and have been engaged officially in work involving public health sanitation for a period of at least five years at the time of their appointment. Selection of persons to be named as appointees by the Commissioner of Law Enforcement shall be taken from a list of six eligibles submitted to him by the Idaho Association of Sanitarians with this state. The numbers of the first Board to serve for the following terms: One member for one year, one member for two years, one member for three years from the effective date of their appointment or until their successor is duly appointed and qualified. Upon the expiration of the term of any member of the Board, the Commissioner of Law Enforcement shall appoint for a term of three years a registered professional sanitarian or sanitarians having met the qualifications set forth in this act and each member shall hold office until the expiration of the term for which said member is appointed, provided, that any member appointed by the Commissioner of Law Enforcement to fill a vacancy in the Board shall be selected from a list of three names of qualified, registered professional sanitarians submitted to the Commissioner of Law Enforcement by the Idaho Association of Sanitarians within this state. The Commissioner of Law Enforcement may remove any member of the Board for misconduct, incompetency, neglect of duty or for any other just and sufficient cause.

SECTION 5. The members of the Board shall, as soon as appointed, organize and annually thereafter in the month of June elect from their number a chairman, and the Commissioner of Law Enforcement or his duly appointed representative shall act as secretary and treasurer to the Board.
The Board shall make and adopt all necessary rules not inconsistent with this act, the laws of this state or of the United States of America, whereby to perform the duties and to transact the business required under the provisions of this act, and shall hold at least two meetings each year to receive and review applications for registration as professional sanitarians, hold interviews, prepare and approve reports and transact such other business as may be necessary to carry out the provisions of this act. Two members of the Board shall constitute a quorum and special meetings of the Board shall be called by the secretary upon written request of any two members; all meetings shall be open to any registered professional sanitarian and to others who have interest in the Board's work. The members of the Board shall receive traveling expenses, a per diem allowance not to exceed $10.00 per day for each day actually engaged in official Board meetings, provided, that no funds shall be disbursed for such purposes without the approval of the Board and, provided, further, that approval and payment of claims for travel, per diem expenses, or for any other purposes, shall be subject to availability of funds collected under the provisions of this act. Funds collected under the provisions of the act shall be used to pay the expenses of the department and for such other proper purposes approved by the Board which will improve the professional status of sanitarians registered under the provisions of this act.

SECTION 6. The Board shall keep a record of its proceedings and an accurate register of all applicants for registration, which register shall show: (a) name, age and place of residence of each applicant; (b) the name and address of the employer or business connection of each applicant; (c) the date of the application; (d) complete information relative to applicant's educational and experience qualifications; (e) the action of the Board; (f) the serial number of the certificate of registration issued to the applicant; (g) the date on which the Board reviewed and acted on the application; (h) date of renewal; (i) such other information as may be deemed pertinent and necessary to the Board.

SECTION 7. The Board shall prescribe and provide an application form for the use of applicants. The applicant shall pay at the time of filing his original application with the Board a fee in the amount of $25.00. If the Board finds upon the basis of evidence submitted and in accordance with the provisions of this act that the applicant
does not meet registration requirements, one-half of the fee shall be refunded to the applicant submitting it.

SECTION 8. The Board shall accept for review the application of any person whose application, accompanied by the necessary fee, is submitted. The Board shall carefully evaluate the evidence submitted, and shall issue a certificate of registration to any applicant of good moral character who has qualifications of combined education and experience such that in the opinion of the Board, registration of the applicant would be in substantial conformance with the basic policies and principles set forth in this Act, and who: (a) has held a position in environmental sanitation in Idaho not less than six months prior to the effective date of this act, and provided further, that the application is received by the Board not later than ninety days after the effective date of this act; or, (b) is a graduate of a college or university of recognized standing and holds, as a minimum, a baccalaureate degree in public health, or equivalent, and who has not taken less than a total of thirty credit hours of academic work in physical, biological, chemical, social and sanitary sciences; or, (c) is a graduate of a college or university of recognized standing and holds, as a minimum, a bachelor's degree and who has not taken less than a total of thirty credit hours of academic work in the physical, biological, chemical, social and sanitary sciences, and who has been gainfully employed in environmental sanitation for a period of not less than twelve calendar months prior to the date of application; or, (d) has attended a college or university of recognized standing for not less than two full academic years and who has been gainfully employed in environmental sanitation for a period of not less than three years prior to the date of application and; or (e) has taken, in addition to the two full academic years of training, not less than twelve weeks of special training in environmental sanitation, as given at a recognized training center or centers conducted by a college or university or by an appropriate agency of the Federal or State or Municipal government, and has been gainfully employed in environmental sanitation for a period of not less than two years prior to the date of application.

Any applicant who meets all qualifications for registration as a professional sanitarian as stipulated herein except qualifications of experience may, upon making application and paying the necessary fee, be granted upon approval of the department, a certificate of registration
as a ‘Sanitarian Trainee.’ Such registration shall remain in effect unless revoked for cause by the department, for a period not to exceed three years after date of issue.

**SECTION 9.** Every professional sanitarian registered under the provisions of this act who desires to continue to work in the field of sanitation in this state shall annually pay to the Board a renewal fee as prescribed in this act. Registration revoked for failure to pay renewal fees shall be reinstated according to Section 67-2918, Idaho Code.

**SECTION 10.** The Commissioner shall have the power to revoke a registration if it is found that any holder thereof is guilty of unprofessional conduct, the practice of fraud or deceit in obtaining a registration, gross negligence of duty, incompetence in the practice of environmental sanitation, malfeasance or misfeasance in office or other serious infractions of office, provided that a registration shall not be revoked until the party in question has had an opportunity to be heard before the Commissioner. The Commissioner of Law Enforcement, upon a written request of the Board, shall give notice in writing not less than twenty days prior to the date of the hearing to be held at a specified time and place. The Commissioner shall cause a copy of such order of hearing and a verified copy of the accusation to be served upon the person so accused not less than twenty days prior to the day appointed in the order for said hearing. The Commissioner, the Board, and the accused, may be represented by counsel at such hearing.

**SECTION 11.** The Commissioner shall have the power to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and shall have power throughout the State of Idaho to require the attendance of such witnesses and the production of such books, records and papers as it may desire, relevant to any hearing before him of any matter which he has authority to investigate, and for that purpose the Commissioner may issue a subpoena for any witness or a subpoena duces tecum to compel the production of books, records or papers, directed to the Sheriff of any county of the State of Idaho where such witness resides or may be found, which shall be served and returned in the same manner as a subpoena in a criminal case. Fees and mileage of the witnesses shall be the same as that allowed in District Courts in criminal cases and shall be
paid from any funds in the state treasury and in the same manner as other expenses of the Board are paid. In the event of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the District Court of any county in this state in which such disobedience, neglect or refusal occurs, or any Judge thereof, on application of the Commissioner of Law Enforcement, to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or for refusal to testify therein. The accused person shall have the same right of subpoena upon making application to the Commissioner thereof.

Should the person accused fail to appear at the time and place appointed for the hearing in person or by counsel, the Commissioner may proceed to determine the facts of the accusation in his absence; or at his discretion, may deem neglect or failure to appear to constitute an admission of the truth of the facts set forth in the accusation.

SECTION 12. The Board shall cause a transcript of all such proceedings to be kept by a reporter and shall, upon request, after completion thereof, furnish a copy of such transcript to the person accused. After full and mature deliberation the Commissioner shall make findings of fact and shall enter the same upon the record of proceedings. If the Commissioner shall find that the person accused has violated any of the provisions of this act, the Commissioner may recommend that the certificate of such person be revoked or suspended for such a term as may to the Commissioner appear just and proper in the circumstances. The Commissioner may recommend the suspension of the certificate of a person accused for not less than thirty days nor more than two years. Such recommendations shall be entered upon the record of proceedings. When the Commissioner has entered his findings and recommendations upon the record, the Commissioner shall forward the entire record to the Board who shall thereupon and without delay request an order revoking or suspending the certificate concerned in accordance with the Commissioner's findings and recommendations. A certificate so revoked may not be reinstated except upon order of a District Court reversing the Commissioner. A certificate so suspended may not be reinstated during the term of suspension except upon order of a District Court reversing the Board
or upon order of the Board itself, after hearing new or additional evidence not available at the original proceedings.

SECTION 13. Any revocation of certificate shall be certified in writing by the said Department of Law Enforcement and attested with the official seal of said department affixed thereto, and such revocation of certificate 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. The holder of any certificate may within twenty days after the filing of such certificate with the Secretary of State appeal from such order of revocation to the District Court in the county where the holder resides by filing with the Clerk of said court a notice of appeal, together with a certified copy of the certificate of revocation and payment to said Clerk a fee of $5.00. Such case shall be tried in said court de novo the same as all other cases are tried, and in case the said order of jurisdiction shall be reversed, a certified copy of such judgment shall be filed with the Secretary of State and Department of Law Enforcement and, thereafter, the sanitarian whose certificate was revoked shall have his certificate reinstated. Any person whose certificate has been revoked by said department for cause and the order revoking the same shall not thereafter be reversed by a court of competent jurisdiction, shall not be granted another certificate in the State of Idaho for a period of one year after the order of revocation.

SECTION 14. Any person who holds a registration to practice environmental sanitation in this state shall have the privilege of using the title 'Registered Professional Sanitarian,' and may use the abbreviation 'R.P.S.' after his name.

SECTION 15. Any person who holds a valid registration to practice environmental sanitation from any other state in which the legally enacted qualifications for registration are not lower than the qualifications for registration set forth in this act shall upon proper application and payment of the prescribed fee and with the approval of the Board, be accepted for registration as a professional sanitarian.

SECTION 16. It shall be unlawful for any person to represent himself as a sanitarian or registered professional sanitarian without being duly registered and certified by the department. Violation of this section shall be deemed a misdemeanor punishable by fine or imprisonment upon conviction by a court of applicable jurisdiction.
Nothing in this act shall be interpreted as preventing or discouraging the employment of persons who meet the academic requirements but lack necessary experience for registration. Employment of such persons under the supervision of registered sanitarians in order that necessary experience may be obtained is to be encouraged.

SECTION 17. This act shall be liberally construed, and if any part or portion thereof be declared invalid or the application thereof to any person, circumstance or thing, is declared invalid, the validity of the remainder of this act and/or the applicability thereof to any person, circumstance or thing shall not be affected thereby, and it is the intention of the Legislature to preserve any and all parts of this act if possible.

SECTION 18. 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 27, 1963.

CHAPTER 281
(H. B. No. 73, As Amended in the Senate)

AN ACT

AMENDING SECTION 44-1107, IDAHO CODE, BY REMOVING THE RESTRICTION AGAINST THE EMPLOYMENT OF FEMALE EMPLOYEES MORE THAN NINE HOURS A DAY, BY PROVIDING PREMIUM PAY FOR FEMALE EMPLOYEES FOR EACH HOUR WORKED IN EXCESS OF EIGHT HOURS A DAY OR FORTY-EIGHT HOURS A WEEK, AND BY DELETING A PROVISION CONCERNING THE EFFECT OF THE PARTIAL INVALIDITY OF THIS ACT.

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

SECTION 1. That Section 44-1107, Idaho Code, be, and the same is hereby amended to read as follows:

44-1107. No female shall be employed. It shall be unlawful to employ any female employee in any mechanical or mercantile establishment, laundry, hotel or restaurant, or telegraph or telephone establishment, or office, or by any express or transportation company, in this state more than nine eight hours during any day, in any one day, or
over forty-eight hours in any work week, without the pay­
ment of time and a half for each hour worked in excess of eight hours in any twenty-four hour period, or each hour worked in excess of forty-eight hours in any work week. The hours of work may be so arranged as to per­mit the employment of females at any time so that they
shall not work more than nine hours during the twenty­four—provided Provided, however, that the provisions of this section in relation to the hours of employment shall not apply to nor affect females employed in harvesting, packing, curing, canning or drying any variety of perish­able fruit or vegetable. If it shall be adjudicated that the foregoing proviso and exception shall be unconstitutio­nal and invalid for any reason, an adjudication of invalidity of said proviso or of any part of this act shall not affect the validity of the act as a whole or any part thereof.

Approved March 27, 1963.

CHAPTER 282
(H. B. No. 138)

AN ACT

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

SECTION 1. It is the legislative intent to provide for the incorporation of an individual or group of individuals to render the same professional service to the public for which such individuals are required by law to be licensed or to obtain other legal authorization.

SECTION 2. This act may be cited as the "Professional Service Corporation Act".

SECTION 3. As used in this act the following words shall have the meaning indicated:

(1) The term "professional service" shall mean any type of service to the public which can be rendered by a member of any profession within the purview of his profession, which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization and which prior to the passage of this act and by reason of law could not be performed by a corporation.

(2) The term "Professional corporation" means a corporation organized under this act for the sole and specific purpose of rendering professional service and which has as its shareholders only natural persons who themselves are duly licensed or otherwise legally authorized within the State of Idaho to render the same professional service as the corporation.

SECTION 4. An individual or group of individuals duly licensed or otherwise legally authorized to render the same professional services within this state may organize and become a shareholder or shareholders of a professional corporation for pecuniary profit under the provisions of the Business Corporation Act of the State of Idaho (Chapter 1 of Title 30 of the Idaho Code) for the sole and specific purpose of rendering the same and specific professional service.

SECTION 5. No corporation organized and incorporated under this act may render professional services except through its officers, employees and agents who are duly licensed or otherwise legally authorized to render such professional services within this state. The term "employee" as used in this act does not include clerks, secretaries, bookkeepers, technicians and other assistants who are not usually and ordinarily considered by custom and practice to
be rendering professional services to the public for which a license or other legal authorization is required.

SECTION 6. Nothing contained in this act shall be interpreted to abolish, repeal, modify, restrict or limit the law now in effect in this state applicable to the professional relationship and liabilities between the person furnishing the professional services and the person receiving such professional service and to the standards for professional conduct. Any officer, shareholder, agent or employee of a corporation organized under this act shall remain personally and fully liable and accountable for any negligent or wrongful acts or misconduct committed by him, or by any person under his direct supervision and control, while rendering professional services on behalf of the corporation to the person for whom such professional services were being rendered. The corporation shall be liable up to the full value of its property for any negligent or wrongful acts or misconduct committed by any of its officers, shareholders, agents or employees while they are engaged on behalf of the corporation in the rendering of professional services.

The relationship of an individual to a professional corporation organized under this act, with which such individual is associated, whether as shareholder, director, officer or employee, shall in no way modify or diminish the jurisdiction over him of the governmental authority or state agency which licensed, certified or registered him for a particular profession.

SECTION 7. No corporation organized under this act shall engage in any business other than the rendering of the professional services for which it was specifically incorporated; provided, however, nothing in this act or in any other provisions of existing law applicable to corporations shall be interpreted to prohibit such corporation from investing its funds in real estate, mortgages, stocks, bonds or any other type of investments, or from owning real or personal property necessary for the rendering of professional services.

SECTION 8. No corporation organized under the provisions of this act may issue any of its capital stock to anyone other than an individual who is duly licensed or otherwise legally authorized to render the same specific professional services as those for which the corporation was incorporated. No shareholder of a corporation organized under this act shall enter into a voting trust agree-
ment or any other type agreement vesting another person with the authority to exercise the voting power of any or all of his stock.

SECTION 9. If any officer, shareholder, agent or employee of a corporation organized under this act who has been rendering professional service to the public becomes legally disqualified to render such professional services within this state, or is elected to a public office or accepts employment that, pursuant to existing law, places restrictions or limitations upon his continued rendering of such professional services, he shall sever all employment with, and financial interests in, such corporation forthwith. A corporation’s failure to require compliance with this provision shall constitute a ground for forfeiture of its articles of incorporation and its dissolution. When a corporation’s failure to comply with this provision is brought to the attention of the office of the secretary of state, the secretary of state forthwith shall certify that fact to the attorney general for appropriate action to dissolve the corporation.

SECTION 10. No shareholder of a corporation organized under this act may sell or transfer his shares in such corporation except to another individual who is eligible to be a shareholder of such corporation, and such sale or transfer may be made only after the same shall have been approved, at a stockholders’ meeting specially called for such purpose, by such proportion, not less than a majority, of the outstanding stock as may be provided in the certificate of incorporation or in the bylaws. At such stockholders’ meeting the shares of stock held by the shareholder proposing to sell or transfer his shares may not be voted or counted for any purpose, unless all stockholders consent that such stock be voted. The articles of incorporation may provide specifically for additional restraints on the alienation of shares and may require the redemption or purchase of such shares by the corporation at prices and in a manner specifically set forth in such articles or the articles may specifically authorize the corporation’s board of directors or its shareholders to adopt bylaws restraining the alienation of shares and providing for the purchase or redemption by the corporation of its shares; provided, however, such provisions dealing with the purchase or redemption by the corporation of its shares may not be invoked at a time or in a manner that would impair the capital of the corporation.

SECTION 11. The corporate name of a corporation or-
ganized under this act shall contain the last names of some or all of the shareholders and shall end with the word "chartered" or "professional association" or the abbreviation "P. A." The corporate name need not contain the word "company", "corporation" or "incorporated" or any abbreviation of any such word. It shall be permissible, however, for the corporation to render professional services and to exercise its authorized powers under a name which is identical to its corporate name except that the word "chartered" or "professional association" or the abbreviation "P. A." may be omitted, provided that the corporation record certificate of such name and the names of its shareholders in the office of the County Recorder of the county in which its principal office is located.

SECTION 12. The Business Corporation Act of the State of Idaho shall be applicable to a corporation organized pursuant to this act except to the extent that any of the provisions of this act are interpreted to be in conflict with the provisions thereof, and in such event the provisions of this act shall take precedence with respect to a corporation organized pursuant to the provisions of this act. A professional corporation organized under this act shall consolidate or merge only with another domestic professional corporation organized under this act to render the same specific professional service and a merger or consolidation with any foreign corporation is prohibited.

SECTION 13. The provisions of this act shall not be considered as repealing, modifying or restricting the applicable provisions of law regulating the several professions except insofar as such laws conflict with the provisions of this act.

SECTION 14. The annual statement of a professional corporation shall list the name and post office address of each shareholder and shall certify that all shareholders are duly licensed or otherwise legally authorized in this state to render the same professional service as the corporation.

SECTION 15. That Section 30-102, Idaho Code, be, and the same is hereby amended to read as follows:

30-102. Purpose of incorporation—Qualification of incorporators.—Three or more natural persons of full age, at least two-thirds of whom are citizens of the United States or of its territories, incorporated or unincorporated or possessions, may form a corporation under this act for any lawful business purposes except:
1. For the carrying on or practice of any profession, excepting that corporations may be created hereunder for erecting, owning and conducting hospitals and sanitariums for receiving and caring for patients, their medical, surgical and hygienic treatment, and the instructions of nurses in the treatment of diseases and hygiene, and excepting that professional service corporations may be created as provided by the Professional Service Corporation Act.

2. Where special provision is made by law for the preparation, contents and filing of articles of incorporation of designated classes of corporations, such corporations shall be formed under special provisions and not hereunder.

Approved March 27, 1963.

CHAPTER 283
(H. B. No. 106)

AN ACT
SUPPLEMENTING 1955 SESSION LAWS, CHAPTER 77, PAGE 148; AUTHORIZING CONSTRUCTION OF TWO ADDITIONAL STORIES ON THE INDUSTRIAL ADMINISTRATION BUILDING, RECONSTRUCTION AND REFORMATION OF PRESENT STRUCTURE NECESSARY TO ACCOMMODATE AND SERVICE SUCH ADDITIONAL STORIES, AND ACQUISITION OF ADDITIONAL LAND FOR OUTBUILDINGS AND PARKING SITES; PROVIDING OFFICE SPACE FOR STATE AGENCIES AND DEPARTMENTS; PRESCRIBING POWERS AND DUTIES OF THE GOVERNOR AND OF PARTICIPATING STATE AGENCIES AND DEPARTMENTS; MAKING AN APPROPRIATION FROM THE STATE INSURANCE FUND; AUTHORIZING AND DIRECTING ADDITIONAL INVESTMENT OF STATE INSURANCE FUND IN SUCH BUILDING AND SITE; AND DECLARING AN EMERGENCY.

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

SECTION 1. PURPOSE.—The construction of the State of Idaho’s building at the Capital, designated as the Industrial Administration Building, was authorized by Chapter 77 of the 1955 Session Laws, p. 148. It was constructed with a partial basement and two stories on a foundation sufficient to sustain two additional stories. The purpose of this act is to authorize the construction by contract of
two additional stories; to authorize the reformation and reconstruction of such portions of the present building as may be necessary to accommodate and service the additional stories, and to authorize the acquisition by purchase or otherwise of additional land adjoining or in the vicinity of the building site for necessary or convenient outbuildings and parking sites. The additional office space by this act authorized is needed in part for the expanding work of the agencies and departments presently quartered in the building and in part to make available quarters for other agencies and departments which have been or may be leased or rented by the state, with disbursements for rental from the general fund or from special funds.

SEC. 2. POWERS AND DUTIES OF GOVERNOR AND OTHER OFFICIALS.—The Governor is hereby vested with full authority to supervise and carry out the provisions hereof. The administrative heads of participating agencies and departments shall cooperate with and assist him in such undertaking. In his discretion the Governor may employ a superintendent or supervising architect and any other assistants he deems necessary. In his discretion, he may delegate any part or all of the powers and duties herein vested in him to any official, department or agency in the state.

SEC. 3. OCCUPYING AND PARTICIPATING AGENCIES.—Presently quartered in the Industrial Administration Building are the offices of the Industrial Accident Board, the State Insurance Fund, and the Employment Security Agency, maintained out of special funds, and the Department of Labor, maintained out of the General Fund. Other agencies and departments of the state, with the approval of the Governor, may, as prospective occupants of the additional space herein authorized, by contract, as authorized by Section 4 of this act, become participants as lessees or owners.

SEC. 4. DIVISION OF INTERESTS AND RESPONSIBILITIES.—To meet the budgetary or proprietary requirements and controlling regulations of the several occupying or participating agencies and their respective maintenance responsibilities, ownership of the site and building and control of the space therein may be divided or partitioned among the State Insurance Fund, as a proprietary trust, the Employment Security Agency, the finances of which are regulated by the Federal Government, and the State itself on behalf of its governmental departments or
agencies, or between any of them. The Governor, the Manager of the State Insurance Fund and the Employment Security Agency are hereby vested with authority to make such cooperative or reciprocal contracts or arrangements and upon such terms and conditions as are necessary to effectuate such division. They are also authorized and directed to give such assurances to and make such contracts with the Federal Government as may be required by federal law or regulations.

SEC. 5. APPROPRIATION FROM STATE INSURANCE FUND.—There is hereby appropriated from the State Insurance Fund the sum of $900,000 or so much thereof as may be found necessary, which the Manager of said fund is hereby authorized and directed to invest in land and building, as herein provided, in part for rental to state departments and agencies as well as to provide office space for the administration of said fund.

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

Approved March 27, 1963.

CHAPTER 284
(H. B. No. 198)
AN ACT
REGULATING PRACTICE AS A CERTIFIED PUBLIC ACCOUNTANT, STATING THE PURPOSE THEREOF; MAKING IT UNLAWFUL TO PRACTICE AS A CERTIFIED PUBLIC ACCOUNTANT WITHOUT A CERTIFICATE AND LICENSE; PROVIDING FOR INJUNCTIONS RESTRAINING UNLAWFUL PRACTICE; PRESCRIBING THE REQUIREMENT FOR THE ISSUANCE OF CERTIFICATES AND LICENSES 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; PROVIDING PENALTIES FOR CHEATING OR OTHER FRAUD; PROVIDING FOR THE ISSUANCE AND RENEWAL OF CERTIFICATES AND LICENSES BY THE DEPARTMENT OF LAW ENFORCEMENT OR THE STATE BOARD OF AC-
COUNTANCY, AND THE FEES THEREFOR; PROVIDING FOR EXAMINATION AND RE-EXAMINATION FEES; PROVIDING FOR THE ISSUANCE BY THE DEPARTMENT OF LAW ENFORCEMENT OR STATE BOARD OF ACCOUNTANCY OF SPECIAL CERTIFICATES INDICATING THE HOLDER THEREOF IS LICENSED TO PRACTICE AS A CERTIFIED PUBLIC ACCOUNTANT, AND SETTING THE FEE THEREFOR; CREATING A STATE BOARD OF ACCOUNTANCY AND PROVIDING FOR THE COMPOSITION THEREOF; DEFINING THE POWERS AND DUTIES OF THE STATE BOARD OF ACCOUNTANCY; AUTHORIZING THE BOARD TO MAKE RULES AND REGULATIONS CONCERNING THE EXAMINATION OF APPLICANTS, AND TO PRESCRIBE AND ESTABLISH RULES AND REGULATIONS TO CARRY INTO EFFECT THE PROVISIONS OF THE ACT; SETTING A PASSING GRADE FOR SUCH EXAMINATIONS; PROVIDING THAT THE STATE BOARD OF ACCOUNTANCY SHALL HAVE ITS PRINCIPAL OFFICE WITH THE DEPARTMENT OF LAW ENFORCEMENT AND THE MANNER IN WHICH SUCH BOARD SHALL CONDUCT ITS AFFAIRS; ESTABLISHING THE STATE BOARD OF ACCOUNTANCY FUND AND PROVIDING THAT ALL FEES UNDER THE ACT SHALL BE PAID INTO SUCH FUND AND THAT ALL EXPENSES UNDER THE ACT SHALL BE PAID OUT OF SUCH FUND AND PERPETUALLY APPROPRIATING SUCH FUNDS TO CARRYING OUT THE PURPOSES OF THIS ACT; PROVIDING FOR THE SUSPENSION AND/OR REVOCATION OF LICENSES AND CERTIFICATES TO PRACTICE AS A CERTIFIED PUBLIC ACCOUNTANT BY THE STATE BOARD OF ACCOUNTANCY AND THE DEPARTMENT OF LAW ENFORCEMENT AND ENUMERATING THE GROUNDS FOR SUCH SUSPENSION AND/OR REVOCATION; PROVIDING FOR RULES OF PROFESSIONAL ETHICS AND THAT CERTIFIED PUBLIC ACCOUNTANTS SHALL ADHERE TO AND COMPLY WITH SUCH RULES; PROVIDING THE MANNER OF PROCEEDING IN SUSPENSION AND/OR REVOCATION CASES; PROVIDING FOR THE REVIEW OF PROCEEDINGS OF REVOCATION AND/OR SUSPENSION OF SUCH A LICENSE OR CERTIFICATE IN THE DISTRICT COURT AND THE PROCEDURE IN CONNECTION WITH SUCH REVIEW; PROVIDING THAT THE DOING BY A CERTIFIED PUBLIC ACCOUNTANT OF ANY OF THE ACTS OR THINGS CONSTITUTING GROUNDS FOR REVOCATION AND/OR SUSPENSION SHALL ALSO CONSTITUTE A MISDEMEANOR, AND PRESCRIBING THE PUNISHMENT THEREFOR; PROVIDING THE DUTIES OF THE ATTORNEY GENERAL AND THE PROSECUTING ATTORNEY; PROVIDING FOR THE
SEVERABILITY OF THE ACT; REPEALING TITLE 54, CHAPTER 2, IDAHO CODE; PROVIDING THAT TITLE 67, CHAPTER 29, IDAHO CODE, SHALL HAVE NO APPLICATION TO CREATION OF OR APPOINTMENT OF THE STATE BOARD OF ACCOUNTANCY, EXCEPT THAT THE BOARD EXISTING ON THE EFFECTIVE DATE OF ACT SHALL CONTINUE UNTIL THE TERMS OF EACH MEMBER THEREOF SHALL EXPIRE; AND SETTING AN EFFECTIVE DATE FOR THE ACT.

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

SECTION 1. PURPOSE OF ACT.—Recognizing that to practice as a certified public accountant is a privilege granted by the State of Idaho and is not a natural right of individuals, it is deemed necessary as a matter of state policy in the interest of public welfare to provide laws and provisions covering the granting of the privilege and its subsequent use, control, and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice as a certified public accountant and from unprofessional conduct by a person licensed to practice as a certified public accountant, all of which enhances the confidence of the public and the business community on sound financial reporting and advice on business affairs.

SECTION 2. UNLAWFUL TO PRACTICE WITHOUT LICENSE—PENALTIES.—No person shall assume or use the title of certified public accountant or the letters C.P.A. without holding a valid, unrevoked, or unsuspended certificate and license as a certified public accountant granted by the Board, and any person who shall assume or use such title, or words, letters, or figures indicating such title, without holding such certificate and license, 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 3. ENJOINABLE ACTS.—Whenever any person is found violating any of the provisions of this chapter, the Department of Law Enforcement or the Board, without regard to criminal prosecution, may maintain an action in the name of the State of Idaho to enjoin said person from doing any of the acts above described, said action to be brought in the county in which said acts are claimed to have been or are being committed; and upon the filing of a verified petition in the district court of the county where said acts have been or are being committed, the
court, or a judge thereof at chambers, if satisfied by affidavit or otherwise that the acts complained of have been or are being committed, shall issue a temporary injunction, without bond, as a matter of course, enjoining the defendant from the commission of any such act or acts. A copy of said verified complaint shall be served upon the defendant, and the proceedings shall thereafter be conducted as in other civil cases. If the commission of said act or acts be established, the court, or a judge thereof at chambers, shall enter a decree perpetually enjoining said defendant from committing said act or acts. In case of violation of any injunction issued under the provisions of this section, the court, or a judge thereof, at chambers, may summarily try and punish the offender for his contempt of court.

SECTION 4. CERTIFIED PUBLIC ACCOUNTANT—APPLICATION FOR CERTIFICATE OR LICENSE.—(a) Every person, except as hereinafter provided, desiring to practice as a certified public accountant within this state shall make a written application for a license and certificate to the State Board of Accountancy, hereinafter in this act sometimes referred to as the Board, upon forms to be prescribed and furnished by the Board.

(b) Such applications shall be accompanied by an examination fee of $35.00.

SECTION 5. CERTIFIED PUBLIC ACCOUNTANTS—QUALIFICATION OF APPLICANTS.—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 procure a high school education and file notice in writing of his intention to apply for admission to take the examination with the Board in the form prescribed by such Board; provided, however, that such high school education shall be completed and such notice shall be filed by June 30, 1967; or

(2) 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, lead-
ing 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

(3) He shall show, to the satisfaction of the Board, that he has had the equivalent of the educational qualifications required by paragraph (2) of this section.

(4) It is the intention of this section to expressly require that applicants, not having complied with the requirements of subsection (1) above, shall have a college or university education or its equivalent as set out in subsections (2) and (3) above, after June 30, 1967.

SECTION 6. EXAMINATION.—The applicant for a certificate and license to practice as a certified public accountant must pass written examinations before the Board under its rules and regulations, with a grade of not less than seventy-five 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 accepted by the Board 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 Board.

(b) An applicant must be a resident of the State of Idaho at the time he takes the examination.

SECTION 7. EXPERIENCE REQUIRED BEFORE ISSUANCE OF CERTIFICATE OR LICENSE.—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 which may be adopted by the Board under its rules and regulations.

(e) Experience of a character and for a length of time which is, in the opinion of the Board, substantially equivalent to the requirements of paragraphs (a), (b), (c) or (d) hereof.

Provided, the Board 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 8. 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 thereof.

SECTION 9. RECIPROCITY.—The Board may issue a certified public accountant certificate to an applicant who holds a valid, unrevoked, or unsuspended certificate issued by a state or other political subdivision of the United States or a comparable certificate or degree issued by a 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 Board 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.

(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; or,

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 10. TEMPORARY PRACTICE BY NON-RESIDENT.—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 11. CHEATING.—In the event the Board of Accountancy finds, prior to the issuance of a certificate, that an applicant, whether or not receiving a passing grade in the examination, had made any false statement with intent to mislead or deceive the Board or its members in or in connection with his application, or has cheated or attempted to cheat in examination, such applicant shall be denied a certificate and shall be notified thereof in writing with the reasons therefor, and such fact and the date and means of notification shall be recorded with the Board.

In the event of such finding, subsequent to the issuance of a certificate of qualification, proceedings may be maintained to revoke such certificate and any annual license outstanding, on such ground.

SECTION 12. STATE BOARD OF ACCOUNTANCY
OR DEPARTMENT OF LAW ENFORCEMENT TO ISSUE LICENSES.—The State Board of Accountancy or the Department of Law Enforcement, upon the certification of the Board and subject to the provisions of this act, shall issue certificates and licenses to practice as a certified public accountant to persons who have qualified therefor in accordance with the provisions, where applicable, of Sections 5, 6, 7, 8 and 9. Each license shall be issued for a period of one year, and shall bear on its face the seal of the Department of Law Enforcement, the signature of the Commissioner thereof, and will be effective until the first day of July next after its issuance. The said Board or the Department of Law Enforcement shall collect a fee of $20.00 for each annual license, and a like fee for each annual renewal of such license, the provisions of Sections 67-2919, Idaho Code, to the contrary notwithstanding, and shall deposit each and both of the same in the State Treasury in accordance with Section 16 of this act. The provisions of Sections 67-2917, 67-2918, and 67-2921, Idaho Code, shall apply to licenses issued pursuant to this act, except as in this act modified, and the fees collected thereunder shall be deposited in the State Treasury in accordance with Section 16. In the event an applicant, who is required to take an examination hereinbefore mentioned in this act, fails to pass such required examination, the applicant may be re-examined at any regular or special meeting of the Board upon the payment of a fee of $25.00, unless the re-examination of the applicant shall cover not more than three sections of the examination in which latter event the fee shall be $15.00, which fees shall be collected by the Board or the Department of Law Enforcement, and shall be deposited in the State Treasury in accordance with Section 16. Every person who is licensed by the Board as a pre-requisite to practicing as a certified public accountant may, upon the payment of a one dollar fee, receive a special certificate setting forth that the holder thereof is duly registered and licensed to practice as a certified public accountant in the State of Idaho, which fee shall be collected and deposited in accordance with Section 16 of this act.

SECTION 13. STATE BOARD OF ACCOUNTANCY ESTABLISHED.—There is hereby established in the Department of Law Enforcement, a State Board of Accountancy to be composed of four members. The Commissioner of Law Enforcement shall be a member of the Board. The other three members shall be appointed by the governor.
in the manner hereinafter set forth. The existing State Board of Accountancy, as created and constituted under Title 67, Chapter 29, Idaho Code, immediately prior to the effective date of this act, shall continue in office until the terms of each respective member thereof shall expire; provided, however, that the Commissioner of Law Enforcement shall, immediately upon the effective date of this act, constitute an additional member of said Board. Thereafter, all appointments to the Board shall be made for three year terms, except as herein provided. Whenever the term of a member of the Board expires or becomes vacant from any cause, the Idaho Society of Certified Public Accountants shall nominate two persons licensed to practice as a certified public accountant in this state for each such vacancy and shall forthwith forward the nominations to the governor who shall thereupon appoint from among such nominees the requisite number of persons to be members of the Board to fill such vacancy or vacancies. Appointments to fill vacancies occurring for some other reason than expiration of the term herein provided for which a member was appointed shall be made for the unexpired term which is being filled.

SECTION 14. STATE BOARD OF ACCOUNTANCY—POWERS AND DUTIES.—The State Board of Accountancy, in addition to other powers and duties set out in this code, and except as herein otherwise provided, shall have the following powers and duties:

(a) To prescribe and establish rules and regulations to carry into effect the provisions of this act, particularly Section 1 hereof, including, but without limitations, regulations deemed necessary and expedient to carrying out and enforcing the Rules of Professional Ethics, hereinafter adopted and set out, particularly, but not necessarily limited thereto; to provide additional definitions of the phrase “discreditable acts”; to provide definitions of the word “independent” as respects a certified public accountant’s relationship with an enterprise upon whose financial statements such accountant is giving an opinion; to provide definitions of the word “encroach” in relationship to an accountant’s interference with the practice of another certified public accountant; and to provide definitions of such other words and phrases which the Board deems necessary to be defined.

(b) To hold written examinations of applicants for certificates, at least annually, at such places as circumstances
and applications may warrant. Proper notice of time and place for such examinations shall be given and selected pursuant to rules and regulations adopted by the Board.

(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, professional ethics, and such other subjects relating to accounting as the Board may determine to be necessary and who meet the other requirements established by this act.

(d) To charge and collect from all applicants and licensees such fees as hereinbefore prescribed.

(e) To conduct hearings or proceedings to revoke or suspend certificates or licenses of persons practicing as certified public accountants and to revoke or suspend such certificates or licenses; provided, that the minimum license suspension shall be thirty (30) days.

(f) To prescribe rules and regulations for a fair and wholly impartial method of the examining, as hereinbefore prescribed, of applicants, for certificates to practice as certified public accountants.

All rules and regulations shall be filed in the office of the Secretary of State and also the office of the Board, and open to the public inspection.

SECTION 15. STATE BOARD OF ACCOUNTANCY—MISCELLANEOUS POWERS AND DUTIES.—The Board shall have its principal office at Boise, Idaho. Two members of the Board shall constitute a quorum, and the Board shall meet not less than twice in each year. The Board shall elect a chairman from among its membership. The members of the Board shall receive no compensation for their services as members of said Board, but shall receive their actual and necessary expenses while engaged upon the business of the State Board of Accountancy away from their respective homes. The Board may act by virtue of a majority vote of the members present at a meeting. The Board shall have the power to name an executive secretary who need not be a member of the Board or a person licensed to practice as a certified public accountant and who may be a full or part-time employee of the State of Idaho. The Board shall prescribe the duties of such executive secretary and these duties shall include the preparation of all papers and records under this act for the
Board and the Department of Law Enforcement, and shall include such enforcement activities as to the Board or the Department of Law Enforcement may from time to time appear advisable. The Board shall have the power to designate any impartial and fair-minded citizen as hearing officer to hear, in its name, any proceeding which the Board is required to conduct under the provisions of Section 21 and to make a record thereof as hereinafter directed. Should the Board not name an executive secretary, clerical service to the Board shall be provided by the Department of Law Enforcement until such time as the said secretariyship is filled, but the expenses thereof shall be paid from the fund established in Section 16.

SECTION 16. STATE BOARD OF ACCOUNTANCY FUND—CREATION OF.—All fees of any kind collected under the provisions of this act shall be deposited in the State Treasury to the credit of a separate fund to be known as the State Board of Accountancy Fund and all such moneys as may hereafter come into such fund are hereby appropriated to carrying out the purposes and objects of this act, and to pay all costs and expenses incurred in connection therewith. No other state funds shall be expended for the purposes of this act provided that funds collected after January 1, 1964, hereunder shall be immediately available in the biennium 1963-65, the provisions of the budget law notwithstanding. Such moneys shall be paid out upon warrants drawn by the State Auditor upon presentation of proper vouchers approved by the State Board of Accountancy and the Commissioner. Such claims and vouchers shall be examined by the Board of Examiners as are other claims against the state.

SECTION 17. REVOCATION FOR CONVICTIONS OF CRIME.—A certificate to practice as a certified public accountant and an annual license shall be revoked by the Board whenever it shall be shown to the Board that the holder of such certificate or license has been finally adjudged guilty of a felony, or of a misdemeanor involving moral turpitude, whether such final judgment shall have been entered before or after issuance of such certificate or license.

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

It shall constitute a misdemeanor for any person after being adjudged guilty as aforesaid or after revocation as aforesaid, to practice or hold himself out as qualified to practice as a certified public accountant.

SECTION 18. OTHER GROUNDS FOR REVOCATION OR SUSPENSION OF LICENSE OR CERTIFICATE.— Every license heretofore or hereafter issued to any person to practice as a certified public accountant in this state shall be subject to revocation or suspension by the Board in the manner and form herein set forth upon any of the following grounds:

(a) Conviction of the crime of practicing as a certified public accountant during any period in which the certificate or license of the person so practicing has been suspended by the Board. The record of conviction, or a certified copy thereof, certified by the clerk of the court, or the judge in whose court the conviction was had, shall be prima facie evidence of conviction in such cases.

(b) Practicing as a certified public accountant under a false or assumed name.

(c) Being addicted to the use of drugs or intoxicants to such a degree as to render the licensee unreliable and unfit to practice as a certified public accountant.

(d) Having been declared insane by a court of competent jurisdiction, provided, however, that when a licensed person's license or certificate shall have been revoked or suspended for this cause, such license may be reinstated by the Board upon a declaration of sanity being made.

(e) Non-payment of the annual license fee required under Section 12 of this act, said non-payment having continued for a period of ninety (90) days after the expiration of the previous annual license.

(f) Violation of any of the provisions of this act, including, but not limited to, the rules of professional ethics hereinafter established and set out.

SECTION 19. RULES OF PROFESSIONAL ETHICS.— A licensee or holder of a certificate to practice as a certified public accountant in this state shall adhere to and comply with the following rules of ethical conduct.
(A) RELATIONS WITH CLIENTS AND PUBLIC.

1. Neither a licensee, nor a firm of which he is a partner, shall express an opinion on financial statements of any enterprise unless he and his firm are in fact independent with respect to such enterprise.

2. A licensee shall not commit an act discreditable to the profession.

3. A licensee shall not violate the confidential relationship between himself and his client.

4. Professional service shall not be rendered or offered for a fee which shall be contingent upon the findings or results of such service. This rule does not apply to cases involving federal, state or other taxes, in which the findings are those of the tax authorities, and not those of the accountant. Fees to be fixed by courts or other public authorities, which are therefore of an undeterminate amount at the time when an engagement is undertaken, are not regarded as contingent fees within the meaning of this rule.

(B) TECHNICAL STANDARDS.

1. A licensee shall not sign a report purporting to express his opinion as the result of examination of financial statements unless they have been examined by him, a member or an employee of his firm, a member of the American Institute of Certified Public Accountants, a member of a similar association in a foreign country, or a certified public accountant of a state or territory of the United States or the District of Columbia.

2. In expressing an opinion on representations in financial statements which he has examined, a licensee may be held guilty of an act discreditable to the profession if:

   a. he fails to disclose a material fact known to him which is not disclosed in the financial statements but disclosure of which is necessary to make the financial statements not misleading; or

   b. he fails to report any material misstatement known to him to appear in the financial statement; or

   c. he is materially negligent in the conduct of his examination or in making his report thereon; or

   d. he fails to acquire sufficient information to warrant
expression of an opinion, or his exceptions are sufficiently material to negative the expression of an opinion; or

e. he fails to direct attention to any material departure from generally accepted accounting principles or to disclose any material omission of generally accepted auditing procedure applicable in the circumstances.

3. A licensee shall not permit his name to be associated with statements purporting to show financial position or results of operations in such a manner as to imply that he is acting as an independent public accountant unless he shall:

a. express an unqualified opinion; or

b. express a qualified opinion; or

c. disclaim an opinion on the statements taken as a whole and indicate clearly his reasons therefor; or

d. when unaudited financial statements are presented on his stationery without his comments, disclose prominently on each page of the financial statements that they were not audited.

4. A licensee shall not permit his name to be used in conjunction with an estimate of earnings contingent upon future transactions in a manner which may lead to the belief that the licensee vouches for the accuracy of the forecast.

(C) PROMOTIONAL PRACTICES.

1. A licensee shall not advertise his professional attainments or services.

A listing in a directory is restricted to the name, title, address, and telephone number of the person or firm, and it shall not appear in a box, or other form of display or in a type or style which differentiates it from other listings in the same directory. Listing of the same name in more than one place in a classified directory is prohibited.

2. A licensee shall not directly or indirectly solicit clients by circulars or advertisements, nor by personal communication or interview, not warranted by existing personal relations.

3. A licensee shall not make a competitive bid for a professional engagement. Competitive bidding for public
accounting services is not in the public interest, is a form of solicitation, and is unprofessional.

4. Commissions, brokerage, or other participation in the fees or profits of professional work shall not be allowed directly or indirectly to the laity by a licensee.

Commissions, brokerage, or other participation in the fees, charges, or profits or work recommended or turned over to the laity as incident to services for clients shall not be accepted directly or indirectly by a licensee.

(D) OPERATING PRACTICES.

1. A firm or partnership, all the individual members of which are licensed hereunder, may describe itself as “Certified Public Accountants”, but a firm or partnership, not all the individual members of which are licensed, or an individual practicing under a style denoting a partnership when in fact there be no partner or partners, or a corporation, or an individual or individuals practicing under a style denoting a corporate organization shall not use the designation “Certified Public Accountants.”

2. A licensee shall not allow any person to practice in his name who is not in partnership with him or in his employ.

3. A licensee in his practice of public accounting shall not permit an employee to perform for the licensee's clients any services which the licensee himself or his firm is not permitted to perform.

4. A licensee shall not engage in any business or occupation conjointly with that of a public accountant, which is incompatible or inconsistent therewith.

5. A licensee engaged in an occupation in which he renders services of a type performed by public accountants, or renders other professional services, must observe the Rules of Professional Ethics, herebefore set out, in the conduct of that occupation.

6. A licensee shall not be an officer, director, stockholder, representative, or agent of any corporation engaged in the practice of public accounting in any state or territory of the United States or the District of Columbia.

(E) RELATIONS WITH FELLOW LICENSEEES.

1. A licensee shall not encroach upon the practice of
another public accountant. A licensee may furnish service to those who request it.

2. A licensee who receives an engagement for services by referral from another public accountant shall not extend his services beyond the specific engagement without consulting with the referring public accountant.

3. Direct or indirect offer of employment shall not be made by a licensee to an employee of another public accountant without first informing such accountant. This rule shall not be construed so as to inhibit negotiations with anyone who of his own initiative or in response to public advertisement shall apply to a licensee for employment.

SECTION 20. MISDEMEANORS.—The doing by a certified public accountant of any of the acts or things constituting grounds for revocation or suspension as set forth in Sections 18 or 19 of this act shall also constitute a misdemeanor, and punishable as prescribed in Section 2 of this act.

SECTION 21. PROCEEDINGS FOR REVOCATION OR SUSPENSION OF LICENSE.—The State Board of Accountancy, or a hearing officer, designated by the Board as provided in Section 15 of this act, shall conduct hearings for the revocation or suspension of a license as provided in Section 14 (e). Proceedings to revoke or suspend any license under the provisions of Section 17 must be taken by the Board upon receipt of a certified copy of the record of conviction. The proceedings under Section 18 may be taken upon the information and accusation of another. All accusations must be in writing, signed and verified by some party familiar with the facts therein charged, and three copies thereof must be filed with the Board. Upon receiving the accusation, the Board shall, either personally or through its executive secretary, make a preliminary examination of all the facts and circumstances. Such preliminary examination and papers in connection therewith shall not be public records. If the accusation be deemed insufficient by the Board no further action shall be taken. If the Board shall deem the complaint set forth in the accusation to be sufficient to require formal action, the Board shall make an order setting the same for hearing at a specified time and place. The Board shall cause a copy of such order and a copy of the verified accusation to be served upon the licensed person accused not less than twenty (20) days before the day appointed in
the order for said hearing. The Board, the person accusing, and the licensed person accused may be represented by counsel at such hearing. The Board, or its hearing officer, shall have power to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and shall have power throughout the State of Idaho to require the attendance of such witnesses and the production of such books, records, and papers as it may desire at any hearing before it of any matter which it has authority to investigate, and for that purpose the Board may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of any county of the State of Idaho, where such witness resides, or may be found, which shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases, which fees and mileage shall be paid from any funds in the State Treasury in the same manner as other expenses of the Board are paid. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of the district court of any county in this state in which such disobedience, neglect or refusal occurs, or any judge thereof, on application by the Board acting through the Commissioner, to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or for refusal to testify therein. The licensed person accused in such proceeding shall have the same right of subpoena upon making application to the Board therefor. If the licensed person accused does not appear at the time and place appointed for the hearing in person or by counsel the Board, or its hearing officer, may proceed and determine the facts of the accusation in his absence; or in its discretion may deem neglect or failure to make an appearance to constitute an admission of the facts set forth in the accusation. The Board may cause such proceedings to be conducted at places within this state convenient to all concerned and may adjourn such proceedings from day to day or for longer periods. The Board, or its hearing officer as the case may be, shall cause a record of all proceedings to be kept by a reporter or a recording device, and shall upon request furnish a copy or transcript, respectively, to the licensed
person accused in such proceeding. If the hearing in such proceeding has been conducted by a hearing officer as in this act provided, such hearing officer and/or transcriber shall certify the copy as the transcript of proceedings taken thereon to be true and correct and shall transmit the same together with any exhibits to the Board with such certificate. If the Board shall itself conduct the proceedings, the chairman of the Board shall make such certificate. After the transcript has been certified the Board shall take the proceedings under advisement. After full and mature deliberation, the Board shall make findings of fact and shall enter the same upon the record of proceedings. If the Board shall find that the licensed person accused has violated any of the provisions of Section 18, the Board may recommend that the license of such licensed person accused shall be revoked or suspended for such a term as may to the Board appear just and proper in the circumstances. The Board may suspend the license of a licensed person accused for not less than thirty (30) days. Such recommendation shall be entered upon the record of proceedings. When the Board has entered its findings and its recommendations upon the record, all members of the Board concurring in the findings and recommendations shall sign the same, and the Board shall forward the entire record to the Commissioner of Law Enforcement who shall thereupon and without delay enter an order revoking or suspending the license concerned in accordance with the tenor of the Board's findings and recommendations, and shall cause the appropriate notations to be made upon the records of the Department of Law Enforcement and the Board. A license so revoked may not be reinstated except upon order of a district court reversing the decision of the State Board of Accountancy. A license so suspended may not be reinstated during the term of such suspension except upon order of a district court reversing the decision of the State Board of Accountancy, or upon a reversal of such decision by the State Board itself after hearing new or additional evidence not available at the original proceeding in the case.

SECTION 22. REVIEW OF PROCEEDINGS REVOKING OR SUSPENDING LICENSE.—Any person whose license shall be revoked or suspended by the Board and the Department of Law Enforcement pursuant to Sections 17 and 18, shall have the right to have the proceedings of said Department of Law Enforcement and the Board revoking or suspending his license reviewed by the district
court of the county in which the person holding the license so revoked or suspended resides. Such review shall be had upon filing by the licensed person, whose license has been revoked or suspended, of a notice of appeal with the clerk of such court and service of such notice upon the Commissioner. Such appeal must be taken within twenty (20) days of the action of the Department of Law Enforcement revoking or suspending the license. The court shall command the Department of Law Enforcement to certify a copy of the complete record and transcript of proceedings in the case, and all of the evidence in the Board's or Department of Law Enforcement's records pertaining to the revocation or suspension of said license and deliver the same to the court in twenty (20) days. The jurisdiction of said court shall be limited to ascertaining whether the Department of Law Enforcement and the Board have regularly pursued their authority and the findings of fact of the State Board of Accountancy in such cases shall be conclusive upon the courts if supported by substantial evidence in the record. A district court shall, if a showing of irreparable damage is made by the licensed person accused, stay the order of the Commission revoking or suspending such license pending a determination of the appeal herein provided. Should the district court affirm the Board or Department of Law Enforcement any such injunction shall forthwith be dissolved. The district court may affirm the action of the Department of Law Enforcement and the Board, or it may reverse such action if it determines that the Board and the Department of Law Enforcement have not regularly pursued their authority. Such court may only affirm or reverse and may not modify such action. An appeal may be taken by the Department of Law Enforcement or by the licensed person whose license has been revoked or suspended from the final order of the district court in such cases to the Supreme Court of Idaho within twenty (20) days of the entry of such final order or in the district court. The Supreme Court of Idaho shall thereupon review the proceedings in the same manner and subject to the same limitations as surround the review in the district courts.

SECTION 23. DUTIES OF ATTORNEY GENERAL AND PROSECUTING ATTORNEYS.—It shall be the duty of the prosecuting attorneys to prosecute all violations of this act within their respective counties. In all cases of appeal and in cases of appeal under Section 22, the attorney general shall represent the Department of Law En-
enforcement and the Board upon such appeal. The Department of Law Enforcement shall investigate all complaints of non-compliance with, or violation of, the provisions of this chapter, and bring all such cases to the attention of the appropriate prosecuting officers or to the Board as the case may be. The Board may, with the approval of the Department of Law Enforcement, direct its executive secretary to undertake such investigations and said secretary may be temporarily commissioned by the Department of Law Enforcement as a law enforcement officer for such purposes. In such cases, the executive secretary of the Board may make the verified accusation referred to in Section 21, provided that if the secretary makes such accusation, he shall not be designated by the Board as hearing officer in connection with any proceeding which ensues.

SECTION 24. 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 25. REPEALS.—Title 54, Chapter 2, Idaho Code, should be, and the same is hereby repealed. No other provision of law shall be deemed repealed by this act unless plainly and fundamentally in conflict herewith; providing, however, that the provisions of Title 67, Chapter 29, which authorize appointment of a Board for each profession or occupation shall have no application to the certifying or licensing of certified public accountants.

SECTION 26. EFFECTIVE DATE.—This act, and each and every part thereof, shall be effective on and after January 1, 1964.

Approved March 27, 1963.
CHAPTER 285
(H. B. No. 219)

AN ACT
AMENDING SECTION 50-1102, IDAHO CODE, RELATING TO LEGISLATIVE POWERS OF MUNICIPAL CORPORATIONS BY INCREASING THE TAX LEVY FOR GENERAL REVENUE PURPOSES FROM TWENTY-FIVE (25) TO THIRTY (30) MILLS.

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

SECTION 1. That Section 50-1102, Idaho Code, be and the same hereby is amended to read as follows:

50-1102. TAX LEVY FOR GENERAL PURPOSES.—Levy taxes for general revenue purposes not to exceed twenty-five thirty mills on the dollar in any one year on all property within the limits of the municipal corporation, taxable according to the laws of the state of Idaho, the valuation of such property to be ascertained from the books or assessment rolls of the proper county: provided, however, that no levy shall be made in excess of ten mills unless the council or board of trustees of any city or village coming under the terms of this act shall grant a public hearing before the appropriation bill provided for in section 50-1915 shall be passed and notice given of such public hearing by at least two publications in a newspaper printed and published in such city or village, or if no newspaper is printed or published therein, then by the posting up of three notices in three of the most public places in such city or village at least two weeks before the time fixed for the hearing on the proposed appropriation bill.

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 27, 1963.

CHAPTER 286
(H. B. No. 237)

AN ACT
RELATING TO HOUSING FACILITIES AND DINING HALLS AT
THE SEVERAL INSTITUTIONS OF HIGHER EDUCATION; AMENDING SECTIONS 33-3701 AND 33-3706, IDAHO CODE, TO SUBSTITUTE LEWIS-CLARK NORMAL SCHOOL FOR NORTHERN IDAHO COLLEGE OF EDUCATION, TO DELETE REFERENCE TO SOUTHERN IDAHO COLLEGE OF EDUCATION, AND TO SUBSTITUTE IDAHO STATE UNIVERSITY FOR IDAHO STATE COLLEGE; AMENDING SECTION 33-3707, IDAHO CODE, TO PROVIDE THAT PROFITS FROM DINING HALLS MAY BE USED TO PAY INTEREST OR PRINCIPAL OF REVENUE BONDS; AND PROVIDING FOR EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. That Section 33-3701, Idaho Code, be, and the same hereby is amended to read as follows:

33-3701. CONTRACTS FOR HOUSING FACILITIES AT STATE INSTITUTIONS.—The state board of education and board of regents of the University of Idaho, acting as the board of regents of the University of Idaho, or as the board of trustees of the Southern Idaho College of Education, or as the board of trustees of the Northern Idaho College of Education, Lewis-Clark Normal School, or as the board of trustees of the Idaho State University are hereby authorized to enter into contracts with persons, firms and corporations, for the purpose of providing dormitory and housing facilities for the students of said institutions; for said purposes said board may contract for the leasing and purchase of lands and buildings and for the purchase and installation of fixtures, furniture, furnishings and equipment in such buildings; said board may contract to pay as rent or otherwise a sum sufficient to pay, on the amortization plan, the principal and interest thereon, of the purchase-price of lands and buildings, such contracts to run not over twenty years; the rate of interest on the principal on any purchase shall not exceed seven per cent per annum payable semiannually or annually.

SECTION 2. That Section 33-3706, Idaho Code, be, and the same hereby is amended to read as follows:

33-3706. PERMANENT REVOLVING FUNDS FOR OPERATION OF DINING HALLS.—Out of such aggregate accumulations of money there is hereby appropriated to the Northern Idaho College of Education, Lewis-Clark Normal School, in its capacity as an educational corporation, the sum of $8,000.00; to the Southern Idaho College,
of Education, the sum of $7,000.00, and to the Idaho State
College University, the sum of $25,000.00, which said sums
shall be paid over to the said bursars of said institutions
to be kept, used and utilized by the said institutions in
their corporate capacities in the financing of the opera­
tions of such dining halls as permanent revolving funds
belonging to such institutions severally, and in such man­
ner as may be directed by the state board of education in
its capacities as trustees of such institutions.

SECTION 3. That Section 33-3707, Idaho Code, be, and
the same hereby is amended to read as follows:

33-3707. RECEIPTS USED IN OPERATION OF DIN­
ING HALLS.—The receipts of said dining halls shall, in
addition to said revolving fund, be used and utilized by
said institutions in the operation of said dining halls; and
only the any net profits over and above the amount of said
permanent revolving fund herein appropriated may be dis­
bursed upon the authority of the board of trustees for
the payment of interest or principal of any revenue bonds
issued by the institution under the authority of chapter
38, title 33, Idaho Code. Otherwise, such excess shall be
paid into the general fund, as provided by section 33-3709.

SECTION 4. EFFECTIVE DATE.—That this Act shall
be and become effective on and after the first day of July,
1963.

Approved March 27, 1963.

CHAPTER 287
(H. B. No. 205)

AN ACT
AMENDING SECTION 18-2506, IDAHO CODE, RELATING TO
ESCAPE BY ONE CHARGED WITH OR CONVICTED OF A
MISDEMEANOR; PROVIDING THAT UNDER AGGRAVATED
CIRCUMSTANCES ESCAPE OR ATTEMPTED ESCAPE BY
SUCH A PERSON SHALL BE A FELONY.

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

SECTION 1. That Section 18-2506, Idaho Code, be, and
the same is hereby amended to read as follows:
18-2506. Every prisoner charged with or convicted of a misdemeanor who is confined in any county jail or other place or who is engaged in any county work outside of such jail or other place, or who is in the lawful custody of any officer or person, who escapes or attempts to escape therefrom, is guilty of a misdemeanor; however, in cases involving escape or attempted escape by use of threat, intimidation, force, violence, injury to person or property other than that of the prisoner, or wherein the escape or attempted escape was perpetrated by use or possession of any weapon, tool, instrument or other substance, the prisoner shall be guilty of a felony.

Approved March 27, 1963.

CHAPTER 288
(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 salaries and wages, travel expense, other current expense, and capital outlay, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
BUREAU OF MINES AND GEOLOGY:
For: Salaries and Wages $115,752
       Travel Expense 12,128
       Other Current Expense 17,687
       Capital Outlay 9,433
CHAPTER 289
(R. B. No. 281)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE BOARD OF EDUCATION FOR THE INDUSTRIAL TRAINING SCHOOL:
For: Salaries and Wages ......................... $ 830,000
      Travel Expense .......................... 5,000
      Other Current Expense ................... 325,000
      Capital Outlay ........................... 36,000

      Total ......................................... $1,196,000

      Less Other Income ...................... 90,000

      From the General Fund .................. $1,106,000

Approved March 27, 1963.
DECLARING A POLICY FOR THE STATE OF IDAHO RELATIVE TO SECONDARY ROADS AND HIGHWAYS; DEFINING SECONDARY ROADS AND IMPROVED ROADS; PROVIDING FOR A LOCAL OPTION COUNTYWIDE ELECTION FOR METHODS OF SECONDARY ROAD ADMINISTRATION AND PROVIDING FOR THE ESTABLISHMENT OF ONE OF THREE OPTIONAL METHODS OF SECONDARY ROAD ADMINISTRATION—ONE: COUNTY ADMINISTRATION THEREOF; TWO: COUNTY-WIDE HIGHWAY DISTRICT INDEPENDENT OF THE ADMINISTRATION OF COUNTY COMMISSIONERS; THREE: FOR THE DIVISION OF THE COUNTY INTO HIGHWAY DISTRICTS COVERING THE ENTIRE COUNTY SECONDARY ROAD SYSTEM TO THE EXCLUSION OF ANY COUNTY ROAD ADMINISTRATION; PROVIDING PUBLIC HEARING THEREON; PROVIDING THAT A MAJORITY VOTE BE REQUIRED FOR SELECTION OF ANY OPTION HEREUNDER; PROVIDING A MEANS WHEREBY THE SUBMISSION OF SAID LOCAL OPTION MATTER MAY BE MADE UPON LOCAL OPTION PETITIONS SUBMITTED TO THE COUNTY COMMISSIONERS FOR THE FIXING OF A LOCAL OPTION ELECTION FOR DETERMINATION THEREOF; PROVIDING REQUIREMENTS OF PETITIONS FOR ELECTION; PROVIDING THE MANNER AND MEANS OF SAID LOCAL OPTION ELECTION, THE REQUIREMENTS OF NOTICE, PUBLICATION THEREOF, AND THE QUALIFICATION OF THE ELECTORS IN SAID ELECTION; PROVIDING FOR A LIMITATION UPON THE TIME FOR THE HOLDING OF SUCCESSIVE AND SUBSEQUENT LOCAL OPTION ELECTIONS; PROVIDING FOR THE MAXIMUM OF SIX HIGHWAY DISTRICTS IN ANY ONE COUNTY UNDER OPTION THREE; PROVIDING FOR COUNTY-WIDE HIGHWAY DISTRICTS, ORGANIZATION THEREOF, AND THE NUMBER OF COMMISSIONERS, AND THE MANNER OF ELECTION THEREOF, INCLUDING THE APPOINTMENT OF THE ORIGINAL COMMISSIONERS BY THE GOVERNOR; PROVIDING BONDING AUTHORITY TO HIGHWAY DISTRICTS AND THE REQUIREMENTS THEREFOR, INCLUDING LEVY FOR PAYMENT THEREOF; PROVIDING FOR A METHOD AND MANNER OF COUNTY COMMISSIONERS TO ADJUST HIGHWAY DISTRICT BORDERS WITHIN THE LIMITS OF SAID COUNTY AND AN APPEAL THEREFROM TO THE DISTRICT COURT ON THE REQUIREMENTS THEREOF; PROVIDING FOR THE
LEVIRES OF HIGHWAY TAXES WHERE A COUNTY-WIDE HIGHWAY DISTRICT OR AN ENTIRE COUNTY SHALL BE UNDER THE ADMINISTRATION OF HIGHWAY DISTRICTS; PROVIDING THAT HIGHWAY ADMINISTRATION WITHIN COUNTIES, AFTER LOCAL OPTION ELECTION, SHALL BE COUNTY-WIDE EITHER BY COUNTY ADMINISTRATION, COUNTY-WIDE HIGHWAY DISTRICT, OR WHOLLY DIVIDED INTO HIGHWAY DISTRICTS; PROVIDING FOR APPORTIONMENT OF HIGHWAY FUNDS AT COUNTY LEVEL WHERE HIGHWAY DISTRICTS EXIST UNDER OPTION NUMBER THREE; PROVIDING FOR THE JURISDICTION OF BOARDS OF COUNTY COMMISSIONERS AND PROCEDURE ON THE REORGANIZATION OF HIGHWAY DISTRICTS, GOOD ROADS DISTRICTS, AS PROVIDED FOR IN THIS ACT; PROVIDING FOR THE EXPENSES OF DISSOLVED HIGHWAY DISTRICTS, GOOD ROADS DISTRICTS UNDER THE PROVISIONS OF THIS ACT; PROVIDING FOR THE ALLOCATION OF EXPENSES OF LOCAL OPTION ELECTIONS; PROVIDING FOR THE DISPOSITION UPON DISSOLUTION OF PROPERTY AND FUNDS OF HIGHWAY AND/OR GOOD ROADS DISTRICTS AND INVENTORY OF ASSETS AND STATEMENT OF LIABILITIES; PROVIDING FOR THE APPORTIONMENT OF REVENUE FOR THE BENEFIT OF DISSOLVED DISTRICTS; PROVIDING FOR A SPECIAL TAX LEVY FOR THE PAYMENT OF DISTRICT OBLIGATIONS; PROVIDING FOR THE ANNEXATION OF ADJACENT AREAS TO HIGHWAY DISTRICTS, INCLUDING AREAS IN ADJACENT COUNTIES; PROVIDING FOR THE PROCEDURE FOR DISSOLUTION OF DISTRICTS IN TWO OR MORE COUNTIES; PROVIDING FOR THE PAYMENT OF INDEBTEDNESS UPON DISSOLUTION OF DISTRICTS IN TWO OR MORE COUNTIES; PROVIDING FOR THE MANNER AND METHOD OF DISSOLUTION OF ROAD DISTRICTS WHERE MORE THAN ONE DISTRICT EXISTS IN THE COUNTY; PROVIDING FOR THE JURISDICTION AFTER DISSOLUTION OF DISTRICTS IN TWO OR MORE COUNTIES; PROVIDING FOR THE JURISDICTION AFTER DISSOLUTION OF HIGHWAY DISTRICTS OR GOOD ROADS DISTRICTS BY A SUCCEEDING OPERATIONAL UNIT, VALIDATING THE OUTSTANDING OBLIGATION OF ANY AND ALL DISSOLVED HIGHWAY OR GOOD ROADS DISTRICTS; PROVIDING FOR THE DISPOSITION OF SURPLUS FUNDS OF DISSOLVED HIGHWAY OR GOOD ROADS DISTRICTS; PROVIDING FOR THE CONTINUATION IN SERVICE OF EMPLOYEES OF ALL DISSOLVED HIGHWAY OR GOOD ROADS DISTRICTS BY THE SUCCEEDING OPERATIONAL UNIT; PROVIDING THAT NO HIGHWAY OR GOOD ROADS
DISTRICTS SHALL BE DISSOLVED WITHOUT THE PROVISION OF SUCCESSION OF OPERATIONAL UNITS TO IMMEDIATELY TAKE OVER THE OPERATION OF SAID DISSOLVED DISTRICTS; AMENDING THE PROVISIONS OF SECTION 40-1618, IDAHO CODE, PROVIDING FOR THE COMPENSATION AND PAYMENT OF EXPENSES TO HIGHWAY COMMISSIONERS, OFFICERS, AGENTS, AND EMPLOYEES; REPEALING SECTIONS 40-605, 40-1633, 40-1636, 40-1639 AND 63-904 OF THE IDAHO CODE; PROVIDING A SAVING CLAUSE FOR ACTS AND SUITS IN PROGRESS BEING CARRIED OUT BY ANY DISSOLVED HIGHWAY OR GOOD ROADS DISTRICT; PROVIDING THAT SAID ACT SHALL BE SUPERIOR TO ALL LAWS IN CONFLICT THEREWITH; PROVIDING A SAVING CLAUSE IN THE EVENT OF THE UNCONSTITUTIONALITY OF ANY PROVISION OF SAID ACT AND REPEALING ALL PRIOR LAWS IN CONFLICT THEREWITH AND PROVIDING THAT THIS ACT SHALL BE KNOWN AS THE "COUNTY LOCAL OPTION SECONDARY HIGHWAY REORGANIZATION ACT"; AND DECLARING AN EMERGENCY.

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

SECTION 1. It is hereby declared as the policy of the state of Idaho, that it is necessary in the further promotion, regulation, control and construction of secondary highways at the county level within the state of Idaho for an amendment and policy declaration of the laws of the state of Idaho relative to the home rule regulation and control by the electorate at such election to adopt one of the systems for a secondary highway system of the state of Idaho at the county level and for the elimination of impractical and uneconomical units and still maintain the element of home rule and administration of highways in the secondary class within the various county and district units exclusive of state-wide application for the state of Idaho.

SECTION 2. Definitions of terms used in this act:

(1) Secondary highways within the meaning of this act shall be those roads within the counties, exclusive of those within municipalities, villages or under state or federal administration.

(2) Improved roads within the meaning of this act shall be all roads which have been graded, graded and graveled, or with paved surface.
SECTION 3. In any county where there is a petition for vote under this act, the county commissioners must refer by popular vote to the entire electorate of said county the question of administration thereof, allowing such electorate at such election to adopt one of the following systems for administration:

(1) To establish a county-wide highway system for the administration of the secondary road system of the entire county by county commissioners;

(2) For the formation of a county-wide highway district independent of the administration of the county commissioners;

(3) For the division of the county or area into highway districts covering the entire county secondary road system which could include parts of adjacent counties.

In any county, petitions signed by five per cent of the qualified voters of each highway or good roads district within the county and of the qualified voters in each county commissioner district of the county or portion thereof not contained in a highway or good roads district, may be filed with the county clerk and upon the county commissioners finding that such petitions have been properly signed and filed, submit the matter to vote of the entire county by a special election not less than ninety days from the filing of said petitions. All of the laws of the state of Idaho relating to the holding of elections at the county level shall apply to the holding of such special election provided for in this act, except as may be specifically modified herein. In addition to the other requirements of the law, the notice of election shall notify the electors of the issues to be voted upon at said election, and publication of such notice shall be as required for elections at the county level. Public hearing within the county shall be held, as deemed advisable, by the county commissioners.

A. The county commissioners in the notice of election shall designate such polling places in each precinct as shall adequately provide for the vote at such election. Every qualified elector of the precinct who was registered to vote at the last general election may vote thereat.

B. The vote shall be canvassed by the Board of County Commissioners within five days of the election.

C. Upon any one of the three options herein receiving a majority of the valid votes cast at such election, such
option shall be declared to have been selected by the said vote.

D. In the event that no one of the three options voted upon shall receive a majority then the county commissioners shall provide a run-off election to be held within the next thirty days to determine which of the two optional methods receiving the highest number of votes shall be adopted.

SECTION 4. Another election may be similarly called and held by the submission of the petition as hereinabove required, and such subsequent election shall be held not oftener than two years after the holding of any elections submitting this question to the vote of the county.

SECTION 5. Highway districts hereinafter organized or consolidated from existing highway districts or good roads districts, or formed hereafter under the provisions of said option law, shall consist of areas having sufficient mileage, valuation and budget to be considered economically workable. The county commissioners shall organize such districts with regard to geographical locations as shall make for the most efficient operation. In no event shall any county consist of more than six highway districts.

SECTION 6. County-wide highway districts may be organized under the laws applicable to highway districts and for county highway districts and number of commissioners to be elected shall be three. The formation of the county-wide highway district shall be effected by the board of county commissioners of the county so affected, and, upon the determination that said county shall be organized as a county-wide highway district, the original board of county-wide highway district commissioners shall be appointed by the governor of the state of Idaho. The county shall be divided by the county commissioners into three subdistricts as nearly equal in mileage, assessed valuation, and population as is practicable under the circumstances, for the purpose of determining each commissioner’s district, and each commissioner for said county-wide highway district shall represent and be elected or appointed from the district in which he resides.

Upon their appointment, qualification and entering into the performance of their duties as highway commissioners for the county, the commissioners originally appointed shall, by lot, determine two of the original appointed commissioners who shall serve for terms of original appointment for two years, or until the next regular election
for highway commissioners. The remaining one commissioner shall serve for a period of four years, or until the next succeeding election for highway commissioners. Thereafter, the commissioners elected shall be elected for four year terms as their terms shall expire, thus providing a continuation in office of highway district commissioners, and providing for the staggered election of the commissioners in subsequent elections.

The laws applicable to the election of highway commissioners shall apply to the conducting of highway district elections throughout the county, said election for commissioners to be on a non-partisan basis.

Where county-wide highway district results from the election under the local option law, it shall be the duty of the governor, in the appointment of the original board of highway commissioners for the county, where there shall have been in existence at the time of the creation of the county-wide highway district, any good roads districts or highway districts within the limits of said county to appoint, whenever practicable, one of the existing commissioners as they shall qualify by reason of residence in the territorial limits of the districts of the county-wide highway district as a commissioner of the county-wide highway system.

SECTION 7. County-wide highway districts or highway districts existing within any limits of this act, shall have no power and authority to issue negotiable coupon bonds of the district.

SECTION 8. In areas where, according to the formula set forth in this act, highway districts shall exist in number more than one, the county commissioners shall have the duty and obligation from time to time as shall be practical and for the best interests of the county-wide administration of the secondary road systems, to adjust the borders of the highway districts co-existing in the county as shall most equitably and economically permit the administration, operation and construction of the secondary road system within said county. Notice of said proposal to change the boundaries of said highway districts, within the county, shall be given by the county commissioners through the county clerk to the districts affected or to be affected, at least ten days prior to the public meeting of the county commissioners at which time any person objecting thereto may be heard in opposition thereof, and, upon the closing of the hearing, the county
commissioners shall, within ten days after the hearing, notify the districts affected of the decision of the county commissioners, and any district, aggrieved thereby, shall have the right through its highway commissioners to appeal said decision directly to the district court of the county wherein said districts lie. Said matters so referred to the district court on appeal thereof, shall be submitted by petition for hearing thereof to the district court within twenty days of the announcement of the decision of the county commissioners and the matter disposed of by the district court by reversal or approval thereof. Failure to prosecute diligently such matter before the district court shall justify the district court in dismissing said appeal without hearing. Any reapportionment herein shall not be in violation of the basic requirements for districts as hereinbefore provided in this act.

SECTION 9. The county commissioners of a county-wide highway system, the commissioners of a county-wide highway district, and the commissioners of highway districts under option three of this act, shall be empowered and authorized to make the following highway levies for road and bridge purposes. The tax for road and bridge purposes must be levied by the proper board above designated for the unit which the board represents at the time when the tax is to be levied for other county purposes and must be collected by the same officers and in the same manner as any other state and county taxes are collected, and paid into the county treasurer and apportioned to the units in the full amount of the levy assessed exclusive of ordinary collection fees to the county. The tax levy for bridge and road purposes in any county shall not exceed one dollar on each one hundred dollars of such assessed valuation, and the administrative unit levying such taxes may use such proportion of such highway funds for state and federal matching fund construction projects as shall be deemed most suitable in the opinion of the commissioners of such unit making the levy. The county commissioners shall make no levy for county road or bridge building purposes after the election and selection of one of the three optional methods set forth in Section 3 of this act, except where the county shall operate under a county-wide road system as distinguished from a county-wide highway district. Any tax raised by such levy which shall have been levied upon property within the limits of any incorporated city, town, or village, must be apportioned to such city, town, or village, as follows: to any incorporated city, village or mu-
nicipality fifty per cent thereof. In case there exists after
the enactment of this act, both county operated units and
highway or good road districts, the operational units in
existence shall make road levies in accordance with the
provisions of this section.

The commissioners of any county-wide road operation,
county-wide highway district, or highway districts within
a county shall be authorized to make a special levy of
thirty cents on each one hundred dollars of assessed valu-
ation, said levy to be for the specific purpose of federal
and state aid matching funds for secondary roads, and
any such funds raised under this levy must be utilized for
matching funds with federal or state construction projects.
No part of this levy shall go to any incorporated city,
village or municipality.

SECTION 10. After the special election hereinbefore pro-
vided, no county shall exist part highway district and part
county road system except under the provisions of Sec-
tion 18 hereof and the county commissioners are author-
ized to take such action to re-district said districts at
any time so this condition shall not exist, subject to the
limitations as set forth in this act herein provided for.

SECTION 11. The apportionment of highway users' fund
in counties where highway districts exist under option
three of this act shall be as follows:

1. Ten per cent shall be divided equally among all high-
way districts within the county.

2. Forty-five per cent shall be divided among the high-
way districts in the county in the proportion that the
amount collected from motor vehicles registrations in each
highway district during the last calendar year, bears to
the total amount of such collections in all highway districts
in the county.

3. Forty-five per cent shall be divided among the high-
way districts of the county in the proportion that the num-
ber of miles of improved roads in the highway district
of each highway district compares to the total number of
miles of improved road in the entire county road system
of said county.

Each highway district shall be required to certify to
the county auditor of the county in which said highway
district exists, the amount of improved roads within said
SECTION 12. In any county where by the election, option number one or option number two shall be selected in which at the time of reorganization under the provisions of this act there already exist highway or good road districts, the county commissioners shall take all such steps as are required to dissolve such districts and transfer all funds.

SECTION 13. The expense of all notices and proceedings in relation to the dissolution of a highway or good roads district shall be chargeable to and borne by each respective highway or good roads district dissolved.

SECTION 14. In all cases where local option elections shall be held under the provisions of this act, county commissioners shall, in the first instance, pay expenses of local option elections from general fund of county, the expense thereof shall then be prorated by the county commissioners according to the mileage, assessed valuation, and the population to highway districts and good roads districts and the county area, and upon certification of this pro-rata share by the county commissioners the same shall be paid to the county forthwith. Any appeals shall follow the appeals procedure set forth in this act for appeals from readjustment of district borders.

SECTION 15. Upon the election being held under this act for exercise of the options hereunder, and an option being chosen, all highway districts or good roads districts shall prepare and file with the county commissioner an inventory and financial statement to be filed not later than ten days subsequent to the canvass of such election.

Title to all machinery, buildings, lands and property of every kind and nature, belonging to each said district shall immediately upon the dissolution of the district and without further conveyance, be vested in the board of county commissioners as custodians thereof, and immediately thereafter, as soon as may be practical, delivered to the succeeding operational unit and such unit shall be liable for any and all unliquidated obligations of said dissolved highway or good roads districts.

SECTION 16. Each year after its dissolution and until all indebtedness including outstanding warrants of such district shall have been fully paid, it shall be the duty of
the succeeding operational units in which said districts were situated, to apportion for the benefit of any such dissolved highway district such portion of moneys arising out of highway users’ fund and the moneys from all other sources as such district would be entitled to receive, had the same not been dissolved, and the treasurer of the succeeding operational units wherein the proceedings to dissolve such district and wind up its affairs are had, said funds to be used for payment of the district’s bonded or funded indebtedness as in this act or otherwise provided by law.

SECTION 17. After dissolution of a highway or good roads district and at the next regular annual meeting of such succeeding operational unit when levies for state and county purposes are fixed, such board shall in addition to all other tax levies, including general road and bridge levies, levy a special tax upon all of the property situated within the former boundaries of such dissolved highway district, sufficient to raise, by taxation, funds for the payment of all remaining, unpaid current claims against or debts of such district, together with funds for payment of current and accruing terms and conditions of outstanding bonds and warrants of such district, and shall each year thereafter continue such levy, or make such other or additional levies as may be required, to fully pay and retire the indebtedness of such dissolved highway or good roads district according to the terms and conditions thereof; and such taxes must be collected as are other county taxes and shall be turned over to the treasurer of the succeeding operational unit, who must redeem, or post for redemption, all warrants and bonds as the same mature and in order of their line, and for which he has funds arising from such dissolved highway or good roads district for the payment of the same; provided, however, that the succeeding operational unit whenever it may deem it necessary or expedient, shall have the power, and it shall be its duty, to issue highway users’ fund bonds for and on behalf of such dissolved highway or good roads district and of the same force and effect as if validly issued by the board of commissioners of such district during its existence. All such bonds shall be in form and shall be issued, registered, sold or exchanged and redeemed in accordance with the provisions of Chapter 2, Title 57, Idaho Code, known as the “municipal Bond Law” of the state of Idaho, and of general law relating to bond issues, except where different provision is here made.
SECTION 18. Upon petition of twenty per cent of the registered, qualified voters in any area of a county or highway district adjacent to a county-wide highway district or highway district within the limits of an adjoining county, made to the commissioners of said highway district within thirty days of the submission of said petition, the county commissioners shall, upon determining such annexation will be for the best interests of the administration of the road system of the petitioning area and the annexing area, approve the same by resolution entered upon the minutes of the county commissioners and the minutes of the annexing district; said area outside of the county but adjacent thereto, may become attached to and operated under the highway district to which said group has petitioned to belong; all levies and assessments made thereon when certified by the commissioners of said county-wide highway district or district within the county, to the clerk of the county affected, shall be adopted and endorsed by the county commissioners of the county in which said area lies, upon the tax rolls, and the administration thereof shall conform in all particulars to the rules and regulations and laws governing the collection of tax for highway districts and apportionment as if the area were within the county. The power and ability to have annexed adjacent areas across county lines for highway administration shall be permissive regardless of the type of highway operation of the two counties affected under any of the three options herein provided. The effective date of annexation shall be ninety days after the entry of the resolution.

SECTION 19. When any highway or good roads district of this state is to be dissolved, is situated in two or more counties, the board of county commissioners of the county whose county seat is situated most nearly to the geographical center of such district, shall have jurisdiction of the dissolution of such district and the same procedure shall be followed as provided in this act for dissolution of highway or good roads districts situated in one county; that the meeting shall be had at the county seat of the county having jurisdiction of the dissolution of such highway or good roads district before a joint session of the boards of county commissioners from all the counties affected by such dissolution. The boards of county commissioners of the counties affected at such meeting shall cause to be made and entered an order for the dissolution and winding up of the affairs of such highway or good roads dis-
trict and specifying when the same shall be dissolved, and
the succeeding operational unit.

SECTION 20. In the case of dissolved highway or good
roads districts situated in two or more counties as men-
tioned in the preceding section, the board of county com-
misioners of the county having jurisdiction of the disso-
lution of such district shall compute the indebtedness of
the entire district and shall provide for the payment there-
of out of the district funds on hand, or to be raised by
special levies, which shall be determined and levied by
such county, and shall be certified to the clerk of the board
of county commissioners of each of the counties wherein
is situated any part of such district and such tax shall be
levied and imposed by each of such counties upon such
property of the district as may be within such county,
and the tax shall be collected and, not less than quarterly,
shall be remitted to the treasurer of the succeeding oper-
ational unit to be applied in payment of the indebtedness
of such district in the manner hereinbefore provided.

SECTION 21. Upon a petition for dissolution being pre-
sented by any highway district in a county where several
highway districts exist, subsequent to reorganization under
the terms and provisions of this act and amendments there-
to, the county commissioners may thereupon apportion the
area of the district to be dissolved in such manner as they
see fit, to other districts within the county.

SECTION 22. The succeeding operational unit of the
county wherein the proceedings for the dissolution of high-
way or good roads districts, situated in two or more counties
are had, shall, after such order of dissolution, have ex-
clusive jurisdiction over all of the property, business and
affairs of such dissolved district, whether situate in such
county or not, and including the power to issue funding
bonds, against the whole territory of such district for the
payment of funding of bonds, warrants, and for other in-
debtedness of such district when funds for payment there-
of cannot be secured by current taxation.

SECTION 23. After the dissolution of any highway or
good roads district, the succeeding operational unit of the
county or counties wherein such dissolved district was situ-
ate, shall have the same control over all roads, bridges,
and highways of such district, situate in such county, as
was or is vested in such commissioners in other territory
of the county and as provided for in Section 9 of this act.
SECTION 24. Nothing in this act shall be construed as impairing the validity of any outstanding bonds or warrants of any dissolved highway or good roads district.

SECTION 25. After final payment of all expenses of proceedings in relation to dissolution and of all legal claims, liabilities, bonded and other indebtedness of the dissolved highway or good roads district, and after liquidation and winding up of the affairs of such district, all surplus moneys of such dissolved highway or good roads districts remaining in the special fund of such dissolved district shall immediately be delivered to the treasurer of the succeeding operational unit.

No municipality or municipalities whose incorporated limits lie wholly or partially within the boundaries of a dissolved highway or good roads district shall be entitled to receive any share of the moneys of such dissolved highway or good roads district.

SECTION 26. All persons in the employ of any dissolved highway or good roads district, may be continued in service so far as their services may be required by the succeeding operational unit as the case may be.

SECTION 27. No highway or good roads districts dissolved under the terms and provisions of this act shall be deemed to have been dissolved and shall not cease to operate and perform its duties and obligations hereunder until there shall have been organized and existing a succeeding operational unit under one of the three options hereinbefore provided for in this act.

SECTION 28. That Section 40-1618, Idaho Code, be, and the same is hereby amended to read as follows:

40-1618. The highway commissioners shall receive as compensation for their services as commissioners not to exceed $5.00-$10.00 per day plus actual expenses for the time actually employed in the performance of their duties, but in no case shall the total amount to be received as compensation exceed $300.00 per year including mileage and other out-of-pocket expenses necessary in the performance of their duties, either as commissioners, or in the administration of their office as commissioners, and that the total amount to be received as compensation per diem as commissioner shall not exceed the sum of $1,000.00 per year, said sum so specifically limited herein shall not include the amount of necessary and actual expenses incurred by the commissioners in the performance of their duties.
herein required to be done. Said amount shall be paid from the funds of the district upon the presentation of itemized vouchers, signed by the commissioners and under oath made to the secretary of the district. Provided, however, when the secretary is a commissioner, the two remaining commissioners may fix the compensation to be paid him for his services as such secretary. The secretary shall be entitled to his necessary and actual expenses but shall not be entitled to draw a per diem as a commissioner when placed upon a salary. The board shall fix the compensation to be paid to the other officers named in this chapter, and of the agents and employees of the board, to be paid out of the treasury of the district.

SECTION 29. That Sections 40-605, 40-1633, 40-1636, 40-1639, and 63-904 and 63-905, Idaho Code, be, and the same are hereby repealed.

SECTION 30. This act shall not affect any act done, ratified or confirmed, or any right accrued, or established, or any action or proceeding had or commenced in a civil or criminal cause before this act takes effect; but such actions or proceedings may be prosecuted and continued by the county, city, or village, and, when required, jointly.

SECTION 31. Wherever any provisions of the existing laws of the state of Idaho or of any laws enacted by the thirty-seventh session of the legislature of the state of Idaho, are in conflict with the provisions of the act, the provisions of this act shall control and supersede all such laws.

SECTION 32. If any part or parts of this act shall be adjudged by the courts to be unconstitutional or invalid, the same shall not affect the validity of any part or parts thereof, which can be given effect without the part or parts adjudged to be unconstitutional or invalid.

SECTION 33. All laws and parts of laws in conflict with the provisions of this act, shall be and the same are hereby repealed.

SECTION 34. This act shall be known as the “County Local Option Secondary Highway Reorganization Act.”

SECTION 35. 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 27, 1963.
AN ACT

AMENDING SECTION 14-516, IDAHO CODE, RELATING TO DISPOSITION OF UNCLAIMED PROPERTY AND THEREBY PROVIDING THAT A SALE OF ABANDONED PROPERTY BY THE TAX COLLECTOR MAY BE MADE ELSEWHERE THAN IN THE STATE OF IDAHO; AMENDING SECTION 14-517, IDAHO CODE, RELATING TO DISPOSITION OF UNCLAIMED PROPERTY AND THEREBY REDUCING THE AMOUNT OF THE TRUST FUND CREATED FOR PAYMENT OF CLAIMS FROM $250,000.00 TO $100,000.00; AND DECLARING AN EMERGENCY.

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

SECTION 1. That section 14-516, Idaho Code, be and the same is hereby amended to read as follows:

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 or elsewhere 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.

SECTION 2. That section 14-517, Idaho Code, be and the same is hereby amended to read as follows:

14-517. DEPOSIT OF FUNDS.—(a) All funds re-
ceived 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-$100,000.00 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-$100,000.00 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 $100,000.00.

(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.

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 27, 1963.

CHAPTER 292
(H. B. No. 283, As Amended in the Senate)
AN ACT
AMENDING CHAPTER 19 OF TITLE 54, IDAHO CODE, RE-
LATING TO PUBLIC WORKS CONTRACTORS, BY ADDING THERETO A NEW SECTION FOLLOWING SECTION 54-1904, IDAHO CODE, TO BE KNOWN AND DESIGNATED AS SECTION 54-1904A, IDAHO CODE, PROVIDING FOR THE FILING OF CERTAIN NOTICES AND INCOME TAX RETURNS WITH THE TAX COLLECTOR AND FOR THE PAYMENT OF IDAHO INCOME TAXES BY CONTRACTORS PERFORMING CONSTRUCTION WORK IN THE STATE OF IDAHO INVOLVING THE EXPENDITURE OF PUBLIC MONEYS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 19 of Title 54, Idaho Code, be, and the same is hereby amended by adding thereto a new section following Section 54-1904, Idaho Code, to be known and designated as Section 54-1904A, Idaho Code, and to read as follows:

54-1904A. Within 30 days after any public works contractor who is required to be licensed pursuant to this chapter has been awarded a contract for construction to be performed within the State of Idaho involving the expenditure of any public moneys, the contract awarding agency shall file with the tax collector a signed statement showing the date on which such contract was made or awarded, the names and addresses of the home offices of the contracting parties, including all sub-contractors, the state of incorporation if the party is a corporation, the project number and a general description of the type and location of the work to be performed, the amount of the prime contract and all sub-contracts, and all other relevant information which may be required on forms which may be prescribed by the tax collector. Every contractor or sub-contractor whose name appears on any such notice shall be required to file income tax returns with the state tax collector and to pay all income taxes which may be due thereon pursuant to law for all years in which any public moneys were received by him in connection with any construction work which was performed within the State of Idaho. A failure to pay any income taxes which may be due thereon, in addition to all other penalties therefor as provided by law, shall constitute a ground for suspension or revocation of license as in this act 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 27, 1963.

CHAPTER 293
(H. B. No. 206)

AN ACT
RELATING TO BURGLARY; AMENDING SECTION 18-1401, IDAHO CODE, BY INCLUDING CLOSED VEHICLE, CLOSED TRAILER AND AIRPLANE WITHIN DEFINITION OF BURGLARY.

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

SECTION 1. That Section 18-1401, Idaho Code, be, and the same is hereby amended to read as follows:

18-1401. Every person who enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse, or other building, tent, vessel, closed vehicle, closed trailer, airplane or railroad car, with intent to commit grand or petit larceny or any felony, is guilty of burglary.

Approved March 27, 1963.

CHAPTER 294
(H. B. No. 250, As Amended in the Senate)

AN ACT
AMENDING SECTION 40-109, IDAHO CODE, ESTABLISHING AND DEFINING HIGHWAY SYSTEMS TO CLARIFY SUCH SECTION BY MORE ADEQUATELY DEFINING COUNTY ROAD SYSTEMS AND HIGHWAY AND GOOD ROADS DISTRICTS SYSTEMS; AND AMENDING TITLE 40, CHAPTER 15, IDAHO CODE, RELATING TO GOOD ROADS DISTRICTS, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 40-1503, TO BE KNOWN AND DESIGNATED AS SECTION 40-1503A, DEFINING THE DUTY OF COMMISSIONERS OF GOOD ROADS DISTRICTS IN THE MAINTEN-
NANCE AND CONSTRUCTION OF HIGHWAYS, AND AMENDING SECTION 40-1506, IDAHO CODE, CLARIFYING, DEFINING AND LIMITING THE TAX LEVIES OF GOOD ROADS DISTRICTS IN THE MAINTENANCE AND CONSTRUCTION OF HIGHWAYS.

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

SECTION 1. That Section 40-109, Idaho Code, be, and the same is hereby amended to read as follows:

40-109. STATE HIGHWAY, COUNTY ROAD AND CITY STREET AND HIGHWAY AND GOOD ROAD DISTRICT SYSTEMS ESTABLISHED AND DEFINED. —There shall be a system of state highways in the state, a system of county roads in each county, a system of municipal streets in each incorporated village and city, and a system of highways and good roads in each highway and good roads district. These systems are hereby defined as follows:

(a) The “state highway system” shall comprise the principal highway arteries in the state, including connecting highway arteries and extensions through cities and villages, and shall include a road to every county seat in the state.

(b) A “county road system” shall comprise all public highways in a county except those included within the state highway system, those included within municipal street systems of incorporated cities and villages, and those under federal control; but highway districts and good road districts shall have jurisdiction over the highways in their respective districts.

(c) A “municipal street system” shall comprise all public highways within the corporate limits of a village or city except those which are a part of the state highway system.

(d) A “highway or good roads district system” shall comprise all public highways within each such highway or good roads district.

SECTION 2. That Title 40, Chapter 15, Idaho Code, be, and the same is hereby amended by adding a new section thereto immediately following Section 40-1503, to be known as Section 40-1503A, to read as follows:

40-1503A. JURISDICTION OF COMMISSIONERS OF GOOD ROAD DISTRICTS OVER GOOD ROADS DIS-
TRICT SYSTEMS.—The commissioners of each good road district shall have jurisdiction and supervision over all roads and highways in the good roads district system of the district with full power to construct, maintain, repair and improve all such roads and highways.

SECTION 3. That Section 40-1506, Idaho Code, be, and the same is hereby amended to read as follows:

40-1506. TAX LEVY — APPROPRIATION FROM GENERAL TAX LEVY — COLLECTION OF DELINQUENT POLL TAXES. — It shall be the duty of the boards of good road commissioners to provide for a tax levy each year, within their respective districts, upon all the assessable property within their respective districts, to pay for the maintenance, repair, construction and improvement of roads and highways, which levy shall not exceed $1.00 on each $100.00 of assessed valuation, and to provide for a tax levy each year sufficient to pay the interest on bonds outstanding against such district, also to pay any other indebtedness incurred during the year in which such levy is made, and also to provide for a permanent sinking fund of not less than five per cent of the bonded indebtedness of their district. They shall, on or before the first day of September of each year, make an estimate of the amount of money necessary to be collected, together with the amount of assessable property within their district, together with the names of the owners thereof, and shall deliver said list to the county auditors of their respective counties. The county auditor shall apportion such assessment to each property owner within said district according to the values returned by the county assessor of the county in which such district is located, and all taxes so levied shall become a valid lien against such property and shall be collected by the county treasurer as other taxes are collected. For the purpose of providing moneys for the more extensive maintenance, repair, construction and improvement of roads in such districts, there is hereby appropriated and the county auditor shall set apart seventy-five per cent of the general tax levy raised for road and bridge purposes in the district to the credit of such district, which shall constitute a fund for the improvement of the roads and bridges in such district.

The county tax collector shall have power to collect
delinquent poll tax in the same manner as provided for in cities and villages.

Approved March 27, 1963.

CHAPTER 295
(H. B. No. 207)

AN ACT

AMENDING SECTION 54-505, IDAHO CODE, PROVIDING FOR QUALIFICATIONS FOR CERTIFICATE OF REGISTRATION AS REGISTERED BARBER, RELATING TO CHANGING ELIGIBILITY REQUIREMENTS TO RETAKE EXAMINATION FOR A REGISTERED BARBERS LICENSE BY THOSE WHO FAIL TO PASS THE EXAMINATION; AMENDING SECTION 54-506 PROVIDING FOR QUALIFICATIONS FOR CERTIFICATE OF REGISTRATION AS REGISTERED APPRENTICE, RELATING TO CHANGING THE ELIGIBILITY REQUIREMENTS TO TAKE THE APPRENTICE BARBERS EXAMINATION; AMENDING SECTION 54-512 PROVIDING FOR PERSONS HAVING PRACTICED BARBERING IN ANOTHER STATE OR COUNTRY, REQUIRING THAT A LICENSE FOR REGISTERED APPRENTICE IN ANOTHER STATE OR COUNTRY MUST NOT HAVE FAILED THE IDAHO APPRENTICE BARBERS EXAMINATION BEFORE HE IS ALLOWED TO PRACTICE BARBERING IN THIS STATE; AMENDING SECTION 54-516 PROVIDING FOR REFUSAL OR SUSPENSION OF CERTIFICATE AND LICENSES, CHANGING REQUIREMENTS FOR THE REFUSAL OR SUSPENSION OF CERTIFICATES AND LICENSE; AMENDING SECTION 54-518 PROVIDING FOR FEES, REQUIRING A FEE OF $25.00 TO BE PAID BY AN APPLICANT FOR AN ORIGINAL BARBERSHOP LICENSE AND A RENEWAL FEE OF $5.00 ANNUALLY, AND REQUIRING AN EXAMINATION FEE OF $50.00 FOR APPLICANTS FOR TEACHERS CERTIFICATES AND A RENEWAL FEE OF $5.00 THEREFOR ANNUALLY; AMENDING SECTION 54-521 PROVIDING FOR DEPARTMENT OF LAW ENFORCEMENT POWER AND DUTIES AND DESIGNATION OF PERSONS TO REPORT TO DEPARTMENT, CHANGING THE COMPOSITION OF THE STATE BOARD OF BARBER EXAMINERS AND DELEGATING AUTHORITY TO THE COMMISSIONER OF LAW ENFORCEMENT TO ORDER REEXAMINATION OR REHEARING OF DECISIONS OF THE BOARD OF BARBERS EX-
AMINERS; AMENDING SECTION 54-524, PROVIDING PHYSICAL EXAMINATION REQUIRED OF PRACTITIONERS AND INSPECTION RULES, GIVING THE DEPARTMENT OF PUBLIC HEALTH AUTHORITY TO ENTER UPON AND INSPECT BARBER SHOPS AND BARBER SCHOOLS AND GIVING THE AUTHORITY TO PROMULGATE SANITARY REGULATIONS.

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

SECTION 1. That Section 54-505, Idaho Code, 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 month course in an approved 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, practice as a registered apprentice barber for an additional six months under the immediate personal supervision of a registered barber 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, 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 course consisting of at least 1,248 hours within a period of seven and one-half months 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 54-512, 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 barber’s examination. It is unlawful for any per-
son 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, provided, however, that such person shall not have failed the Idaho apprentice barber examination.

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 4. That Section 54-516, Idaho Code, be, and the same is hereby amended to read as follows:

54-516. REFUSAL OR SUSPENSION OF CERTIFICATE AND LICENSE.—The department of law enforcement may either refuse to issue or renew or may suspend any certificate of registration for any one or combination of the following causes:

1. Conviction of a felony shown by a certified copy of the record of the court of conviction;

2. Gross malpractice or gross incompetency;

3. Continued practice by a person knowingly having an infectious or contagious disease; Failure to meet the sanitary and health requirements as promulgated for barbers under the provisions of this chapter by the department of health of the state of Idaho;
4. Advertising by means of knowingly false or deceptive statements;

5. Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit-forming drugs;

6. Immoral or unprofessional conduct; and,

7. The commission of any of the offenses described in section 54-519, subdivisions 3, 4, and 6.

The department of law enforcement may suspend for not more than thirty days or until compliance with the requirements, a barber shop license if the owner and operator fail to meet the sanitary requirements of the department of public health and if either the owner or operator employs unlicensed apprentice barbers or unlicensed barbers in the shop.

SECTION 5. 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 barber 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 to be paid by an applicant for an original barber shop license shall be $25.00; the fee for renewal of a barber shop license which must be renewed annually shall be $5.00; the fee to be paid by an applicant required to take an examination to determine his fitness to receive a teachers certificate shall be $50.00. Should the applicant for a teachers certificate fail in the examination, the fee is not returnable. Teachers certificates shall be renewable annually upon payment of a renewal fee of $5.00.

The department shall, when necessary, examine an applicant to determine his preliminary education, upon the payment of $5.00.

SECTION 6. 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 fore-
going 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 this district the Board of Barber Examiners, which board shall be composed as follows: The Board of Barber Examiners shall be composed of the present members of the Board of Barber Examiners as appointed by the commissioner of law enforcement. When vacancies occur on said board, the commissioner shall appoint new members, but not more than a total of five members, each of whom shall be a registered barber, and shall have been a resident of, and lawfully practicing barbering within the state of Idaho for a period of at least five years next before his appointment, and who is neither directly nor indirectly in any way connected with or interested in the barber supply business nor in any institution offering instruction in barbering. In appointing the members of such board the commissioner shall give consideration to the recommendations received from the Idaho State Barbers Association. 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 regular term of office of a member of the board shall begin as of the first Monday of July of the year in which he is appointed and shall continue for five years thereafter. A member appointed to fill a vacancy occasioned otherwise than by expiration of a term shall serve the unexpired term of his predecessor.
A vacancy in membership in the board shall occur, and be declared by the commissioner of the department of law enforcement, whenever the regular term of a member expires, or whenever a member dies, resigns, or is found by the commissioner to be mentally or physically incapable of acting, or to be neglecting or refusing to act, or to cease to have the qualifications of a member, or to have acquired disqualifications of a member, or to have been absent without reasonable cause from two successive meetings of the board.

The Board of Barber Examiners shall select from its members a chairman, vice chairman, and secretary who shall serve at the pleasure of the board, and notify the department of law enforcement thereof.

The action and report in writing of the board so designated shall be sufficient authority upon which the commissioner 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 the board, either in examination or in revocation of a license or otherwise, he may order a reexamination or rehearing by the same or other boards of the matter by the board.

SECTION 7. 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, and the department of public health 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 departments of public health, officers of which, and the officers of said departments, 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 and the department of public health 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.

Approved March 27, 1963.

CHAPTER 296
(H. B. No. 269)

AN ACT

AMENDING TITLE 23, CHAPTER 3, IDAHO CODE, RELATING TO THE SALE OF ALCOHOLIC LIQUORS TO PERMIT HOLDERS ONLY, BY REPEALING SECTION 23-308 THEREOF; AMENDING TITLE 23, CHAPTER 5, IDAHO CODE, RELATING TO CONSUMERS' PERMITS, BY REPEALING SECTION 23-511 THEREOF; AND AMENDING SECTION 23-512 THEREOF, RELATING TO SPECIAL PERMITS AND PROVIDING THAT THERE BE NO FEE AND NO ISSUANCE OF SPECIAL PERMITS.

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

SECTION 1. That Section 23-308 of Title 23, Chapter 3, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 23-511 of Title 23, Chapter 5, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 23-512 of Title 23, Chapter 5, Idaho Code, be, and the same is hereby amended to read as follows:

23-512. Under such rules and regulations as the dispensary may adopt, it may issue the following special permits to purchase alcoholic liquor and ethyl alcohol from the dispensary only:

(a) To a registered pharmacist operating a drug store,
for scientific and mechanical purposes and for compounding and preparing medicines.

(b) To a licensed physician, dentist, or veterinarian or other licensed practitioner entitled to prescribe for healing purposes, for administering medicinally and in compounding prescriptions.

(c) To a person in charge of a regularly conducted hospital or sanitorium for administering to the sick and aged.

(d) To a person in charge of a laboratory for use in scientific pursuits and experiments.

(e) For other purposes, similar to those mentioned in this section and not specifically covered by this act.

The fee for a special permit shall be $3.00.

Approved March 27, 1963.

CHAPTER 297
(H. B. No. 185)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:
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 72-1348 (d), 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 as authorized by section 72-1348 (d); Idaho Code, as amended.
SECTION 2. 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 3. 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 and paid out for benefits and charged against the moneys thus credited to this state's account during such five (5) twelve-month periods.

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 27, 1963.

CHAPTER 299
(H. B. No. 124)

AN ACT

PROVIDING FOR THE PUBLICATION OF LEGAL NOTICES BY RADIO AND TELEVISION BROADCASTING STATIONS, REQUIRING THAT SUCH NOTICE HAVE NO REFERENCE TO ANY PERSON BY NAME WHO IS AT THAT TIME A CANDIDATE FOR POLITICAL OFFICE, AND PROVIDING THAT LEGAL NOTICES BY POLITICAL SUBDIVISIONS OF THE STATE MAY ONLY BE MADE BY STATIONS SITUATED WITHIN THE POLITICAL SUBDIVISION OF ORIGIN OF THE LEGAL NOTICE, BUT IF THERE BE NO RADIO OR TELEVISION STATION SITUATED IN SAID POLITICAL SUBDIVISION, SAID NOTICE MAY BE BROADCAST OVER ANY RADIO OR TELEVISION STATION HAVING GENERAL COVERAGE THEREIN; REQUIRING THE RADIO OR TELEVISION BROADCASTING STATION WHICH PUBLISHED THE LEGAL NOTICE TO RETAIN A COPY THEREOF FOR PUBLIC INSPECTION; AND PROVIDING FOR PROOF OF PUBLICATION OF LEGAL NOTICES BY RADIO AND TELEVISION BROADCASTING STATIONS.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. PUBLICATION OF LEGAL NOTICES BY RADIO OR TELEVISION — RESTRICTIONS. — Any official of the State of Idaho or any of its political subdivisions who is required by law to publish any notice required by law may supplement publication thereof by radio or television broadcast or both when, in his judgment, the public interest will be served thereby: Provided, that the time, place and nature of such notice only be read or shown with no reference to any person by name then a candidate for political office, and that such broadcasts shall be made only by duly employed personnel of the station from which such broadcasts emanate, and that notices by political subdivisions may be made only by stations situated within the political subdivision of origin of the legal notice, but if no radio or television broadcasting station be situated in the political subdivision of origin, said notice may be broadcast over any radio or television station having general coverage therein.

SECTION 2. BROADCASTER TO RETAIN COPY OR TRANSCRIPTION. — Each radio or television station broadcasting any legal notice or notice of event shall for a period of six months subsequent to such broadcast retain at its office a copy or transcription of the text of the notice as actually broadcast which shall be available for public inspection.

SECTION 3. PROOF OF PUBLICATION BY RADIO AND TELEVISION. — Proof of publication of legal notice or notice of event by radio or television broadcast shall be by affidavit of the manager, an assistant manager or a program director of the station broadcasting the same, annexed to a copy or transcription of the text of the notice as actually broadcast, specifying the dates on which, and time of day, the publication was made.

Approved March 27, 1963.

CHAPTER 300
(H. B. No. 184)

AN ACT
AMENDING SECTION 40-1618, IDAHO CODE, RAISING ALLOWABLE COMPENSATION OF HIGHWAY COMMISSIONERS FROM $5.00 PER DAY TO $10.00 PER DAY, RAISING ALLOW-
ABLE TOTAL COMPENSATION FROM $300.00 PER YEAR TO $600.00 PER YEAR, PROVIDING ACTUAL AND NECESSARY EXPENSES IN ADDITION TO COMPENSATION LIMIT.

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

SECTION 1. That Section 40-1618, Idaho Code, be, and the same is hereby amended to read as follows:

40-1618. The highway commissioners shall receive as compensation for their services as commissioners not to exceed $5.00-$10.00 per day plus actual expenses for the time actually employed in the performance of their duties, but in no case shall the total amount to be received as compensation exceed $300.00-$600.00 per year, exclusive of actual and necessary expenses which shall be in addition to the compensation limit of $600.00 for services. Said amount shall be paid from the funds of the district upon the presentation of itemized vouchers. Provided, however, when the secretary is a commissioner, the two remaining commissioners may fix the compensation to be paid him for his services as such secretary. The board shall fix the compensation to be paid to the other officers named in this chapter, and of the agents and employees of the board, to be paid out of the treasury of the district.

Approved March 27, 1963.

CHAPTER 301
(H. B. No. 282)

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 payments as agent, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
THE GOVERNOR FOR THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION:

Appropriations:
For:  
Salaries and Wages $ 3,600  
Other Current Expense 316,400  
Payments as Agent 30,000  
Total $350,000  
From the General Fund $350,000  

Approved March 27, 1963.

CHAPTER 302  
(H. B. No. 302)

AN ACT

AMENDING CHAPTER 10, TITLE 46, IDAHO CODE, RELATING TO DISASTER RELIEF AND CIVIL DEFENSE BY ADDING THERETO A NEW SECTION TO BE DESIGNATED SECTION 46-1010, IDAHO CODE, AUTHORIZING EACH CITY, VILLAGE AND COUNTY TO APPROPRIATE MONEY FROM ITS GENERAL FUND FOR DISASTER RELIEF AND CIVIL DEFENSE; AMENDING CHAPTER 10, TITLE 46, IDAHO CODE, BY ADDING A NEW SECTION TO BE DESIGNATED SECTION 46-1011, IDAHO CODE, VALIDATING ALL PAYMENTS HERETOFORE MADE BY EACH CITY, VILLAGE OR COUNTY TO EFFECTUATE THE PURPOSES OF THIS CHAPTER; AMENDING CHAPTER 10, TITLE 46, IDAHO CODE, BY ADDING A NEW SECTION TO BE DESIGNATED SECTION 46-1012, IDAHO CODE, LIMITING THE LIABILITY OF OWNERS OF BUILDINGS OR PREMISSES DESIGNATED AS CIVIL DEFENSE SHELTERS FOR INJURIES SUSTAINED BY PERSONS USING SAID SHELTERS DURING AUTHORIZED TESTS OR ENEMY ATTACK; PROVIDING A SAVING CLAUSE AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Chapter 10, Title 46, Idaho Code, be, and the same is hereby amended by adding thereto immediately following Section 46-1009, Idaho Code, a new section to be known and designated as Section 46-1010, Idaho Code, to read as follows:

46-1010. AUTHORIZATION FOR EXPENDITURE.—Notwithstanding any other provision of law, each city, village or county is authorized to appropriate sufficient funds from its general fund for the purpose of payment of salaries, supplies and facilities necessary to maintain an effective disaster relief and civil defense program.

SECTION 2. That Chapter 10, Title 46, Idaho Code, be, and the same is hereby amended by adding thereto immediately following Section 46-1010, Idaho Code, a new section to be known and designated as Section 46-1011, Idaho Code, to read as follows:

46-1011. VALIDITY OF PAST PAYMENTS.—All payments heretofore made by any city, village or county for the purposes enumerated in Section 46-1010, are declared to be valid and proper expenditures and are hereby confirmed, ratified and approved.

SECTION 3. That Chapter 10, Title 46, Idaho Code, be, and the same is hereby amended by adding thereto immediately following Section 46-1011, Idaho Code, a new section to be known and designated as Section 46-1012, Idaho Code, to read as follows:

46-1012. LIABILITY FOR PROPERTY DAMAGE, BODILY INJURY OR DEATH.—No person, partnership, corporation, association, the State of Idaho or any political subdivision thereof or other entity who owns, leases, controls, occupies or maintains any building or premises which shall have been designated by proper authority for civil defense as a shelter from destructive operations or attacks by enemies of the United States shall be liable to any person for property damages, bodily injury or death resulting from or caused by the condition of said building or premises or as a result of any act or omission or in any way arising from the designation of said building or premises as a shelter when such person has entered or gone upon or into said building or premises for the purpose of seeking refuge therein during destructive operations or attacks by enemies of the United States or during tests ordered by lawful authority, except for acts of willful negligence by the owner or occupant of such building
or premises or other person responsible for the mainte-
nance thereof, or by his servants, agents or employees.

SECTION 4. SAVING CLAUSE.—If any part or parts of
this act shall be adjudged to be unconstitutional or in-
valid, the same shall not affect the validity of any part
or parts thereof which can be given effect without the
part or parts adjudged to be unconstitutional or invalid.
The legislature hereby declares that it would have passed
the remaining parts of this act if it had been known that
such other part or parts thereof would be declared un-
constitutional or invalid.

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 27, 1963.

CHAPTER 303
(H. B. No. 307)

AN ACT

AMENDING CHAPTER 5 OF TITLE 68, IDAHO CODE, BY ADD-
ING A NEW SECTION THERETO DESIGNATED AS SECTION
68-506, TO PROVIDE THAT THE PRUDENT MAN INVEST-
MENT ACT SHALL APPLY TO BANKS AND TRUST COM-
PANIES ACTING AS GUARDIANS; AND DECLARING AN
EMERGENCY.

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

SECTION 1. That Chapter 5 of Title 68, Idaho Code, be,
and the same is, hereby amended by adding a new Section
thereto following Section 68-505, to be known and design-
ated as Section 68-506, which shall read as follows:

68-506. GUARDIANS.—Notwithstanding the limita-
tions and restrictions imposed upon guardians by section
15-1836, Idaho Code, as to the type and kind of invest-
ments that may legally be made by guardians, the term
"fiduciary", as used in his act, and all of the provisions of
this act, shall apply to and govern any bank or trust com-
pany authorized and duly appointed, by a court of compe-
tent jurisdiction, to act as a guardian under the laws of the State of Idaho.

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 27, 1963.

CHAPTER 304
(H. B. No. 228, As Amended in the Senate)

AN ACT
AMENDING SECTION 31-3106, IDAHO CODE, TO PROVIDE FOR ANNUAL SALARIES BETWEEN $1,500.00 AND $8,000.00 FOR COUNTY SHERIFFS, ASSESSORS AND TREASURERS; BETWEEN $1,500.00 AND $10,000.00 FOR COUNTY CLERKS; BETWEEN $1,500.00 AND $10,000.00 FOR PROBATE JUDGES; BETWEEN $50.00 AND $2,400.00 FOR CORONERS; 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 1963, 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 from and after its passage and approval.

Approved March 27, 1963.

CHAPTER 305
(H. B. No. 249, As Amended)

AN ACT
REGULATING THE HONEY INDUSTRY OF THE STATE; DECLARING THE POLICY OF THE STATE WITH REFER-
ENCE THERETO; DEFINING CERTAIN TERMS AS USED IN THIS ACT; PROVIDING FOR THE ESTABLISHMENT OF A DIVISION OF APIARY INSPECTION AND INVESTIGATION WITHIN THE DEPARTMENT OF AGRICULTURE AND FOR THE APPOINTMENT OF AN ENTOMOLOGIST AND APIARY INSPECTOR AND FOR THE MANNER OF THEIR APPOINTMENT, PAYMENT OF THEIR SALARIES, THEIR DUTIES, FOR THE TREATMENT AND DESTRUCTION OF DISEASED BEES; PROHIBITING THE SHIPMENT OF BEES INTO THIS STATE EXCEPT UNDER SPECIFIED CONDITIONS AND FOR THE ISSUANCE OF PERMITS THEREFOR, THE FEES THEREFOR AND EXCEPTIONS THERETO; REQUIRING THE USE OF MOVABLE BROOD FRAME HIVES; PROVIDING FOR THE DISINFECTION OF TOOLS USED IN INSPECTION; PROVIDING FOR ANNUAL STATEMENTS BY BEEKEEPERS, FOR THE LEVY OF A TAX ON BEES AND FOR THE COLLECTION THEREOF; PROVIDING FOR A "BEE INSPECTION SPECIAL FUND" AND PROVIDING FOR THE DEPOSIT THEREIN OF ALL MONEYS RECEIVED PURSUANT TO THE PROVISIONS OF THIS ACT; AUTHORIZING THE DEPARTMENT OF AGRICULTURE TO MAKE RULES AND REGULATIONS AND TO PRINT FORMS IN THE ADMINISTRATION OF THIS ACT; PROVIDING THAT VIOLATIONS OF ANY PROVISIONS OF THIS ACT SHALL BE MISDEMEANORS; REPEALING CHAPTER 25 OF TITLE 22, IDAHO CODE, RELATING TO BEE INSPECTION; PROVIDING FOR SEVERABILITY OF THE PROVISIONS OF THIS ACT; AND DECLAREING AN EMERGENCY.

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

SECTION 1. Whereas the bee industry of the State of Idaho has had problems arise in respect to inspection of apiaries throughout the State of Idaho, and has had difficulty in respect to regulation of such industry, including the financing of and the policing of said industry and the eradication of diseases prevalent in said industry, and the control of intrastate transportation of bees and equipment; now, therefore, it is hereby declared to be the public policy of the State of Idaho to have an entomologist establish standards by which the bee industry in the State of Idaho shall be governed, and to provide the means whereby diseases among the apiaries of the State of Idaho may be prevented, controlled and eradicated, and to engage in the acquisition and dissemination of knowledge in respect to bee culture tending to advance beekeeping in the State of Idaho, and to formulate rules and regulations in re-
spect to the intrastate transportation of bees and equipment.

SECTION 2. The following terms shall be construed respectively when used in this act to mean:

(a) "Apiary" any place where one or more colonies of bees are kept, or one or more hives containing honey combs or bee combs are kept.

(b) "Equipment" hives, supers, frames, veils, gloves or any apparatus, tools, machines or other devices used in the handling and manipulation of bees, wax and hives, and shall also include any containers for honey and wax which may be used in any apiary or in transporting bees and their products and apiary supplies.

(c) "Hive" frame, hive, box, barrel, log gum, skep, or any other receptacle or container, natural or artificial, or any part thereof, which may be used as a domicile for bees.

(d) "Bees" any stage of common honey bee, Apis Mellifera L.

(e) "Bee diseases" American or European foulbrood, sacbrood, bee paralysis or any other disease or abnormal condition of egg, larval, pupil or adult stages of bees.

(f) "Colony" the hive and bees therein with or without extra supers.

(g) "Persons" individuals, associations, partnerships and corporations.

(h) "Queen apiary" any apiary or premises in which queen bees are reared or kept for sale or gift.

(i) "Entomologist" a student of or specialist in entomology.

(j) "Entomology" a branch of zoology that deals with insects.

(k) "Qualified Bi-state beekeeper" a person who is a bona fide registered beekeeper and resident of and tax payer of the State of Idaho, owning a bee yard or bee yards in both Idaho and another state, whose headquarters are in the State of Idaho.

SECTION 3. The Bureau of Plant Industry of the Department of Agriculture shall establish a division of apiary inspection and investigation. The apiary inspection shall
be for the purpose of prevention, control or eradication of bee diseases. The apiary investigation shall be for the purpose of gaining and disseminating such knowledge of bee culture as will advance beekeeping in the State of Idaho.

SECTION 4. The Commissioner of Agriculture of the State of Idaho shall appoint an entomologist for the State of Idaho, said entomologist’s salary to be determined by the Commissioner of Agriculture, with the approval of the governor, such salary to be paid from funds to be appropriated therefor by the state legislature.

SECTION 5. The Commissioner of Agriculture, subject to the approval of the governor, shall appoint not less than one apiary inspector, whose official title shall be apiary inspector and investigator, for the State of Idaho. The State Beekeepers Association shall submit a list of qualified applicants for such position to the Commissioner of Agriculture, and the apiary inspector shall be appointed from one of the applicants whose name appears on the list as recommended by the State Beekeepers Association. The apiary inspector’s salary shall be determined by the Commissioner of Agriculture, with the approval of the governor, such salary to be paid from the Bee Inspection Special Fund hereinafter provided for.

SECTION 6. It shall be the duty of the state apiary inspector and his deputies upon receiving information from any source of the existence in any apiary of the disease known as foulbrood, or any other infectious or contagious disease of bees, forthwith to inspect the premises on which said apiary is located and each colony of bees and all hives, implements and apparatus, buildings and supplies on hand or used in connection with such apiary which said inspector believes infected and if disease exists therein, he shall so notify the owner or person in charge of said bees, in writing, prescribing such treatment as may be necessary and the time within which such disease shall be eradicated, and may quarantine such apiary subject to reasonable terms and conditions as he sees fit.

The owner of said bees, or the person in charge thereof, shall, forthwith and in good faith, apply to and thereafter fully and effectually carry out upon every diseased colony such treatment as may have been prescribed by the apiary inspector of the department for such cases. He shall also thoroughly disinfect, to the satisfaction of such inspector, all beehives, combs, buildings and apparatus
that have been used in connection with any such diseased colony; or, at his election, the said owner or person in charge of such bees, may, within the same time, utterly and completely destroy such bees, hives, combs, comb houses and apparatus by fire, and bury the residue or ashes in the ground, with a covering of not less than one foot of earth.

Any person, firm or corporation having bees in his or its possession, or under his or its control, which are or have been infected with foulbrood or other infectious or contagious disease, who removes or attempts to remove the same from one location to another, without first procuring a permit therefor from the state entomologist or his deputies, is guilty of a misdemeanor.

SECTION 7. Any owner or keeper of bees, knowing or being notified by the state apiary inspector or his deputies of the existence of foulbrood or other infectious or contagious disease in his apiary, who fails either to comply with the instructions of the inspector, designed to cure said disease, or to destroy the infected bees, hives or appliances, within the time designated by the inspector, is guilty of a misdemeanor.

SECTION 8. The state apiary inspector and his deputies shall have the right to enter the premises of any beekeeper where bees or equipment are kept, and inspect such bees or equipment, and any person resisting or refusing to allow such inspection shall be guilty of a misdemeanor.

SECTION 9. It shall be unlawful and a misdemeanor to ship into the State of Idaho for delivery within the state without securing a permit from the state entomologist as hereinafter provided, bees on drawn combs, or combs or any used beekeeping equipment, except that it shall not be necessary to secure such a permit for the purpose of shipping into said state bees shipped in combless packages, or comb honey in sections intended for human consumption.

SECTION 10. Any beekeeper who is not a "qualified bi-state beekeeper" desiring to move bees into Idaho shall, before bringing such bees into said state, be required to obtain a permit from the state entomologist, as provided in Section 11 of this act. Before such a permit will be issued, a certificate of health must be obtained from the state of origin showing lack of foulbrood, or other infectious or contagious disease in said bees, combs, hives or
beekkeeping equipment, and be delivered to the Idaho state entomologist. There shall be a permit charge of 25 cents per colony for each colony of bees moved into the State of Idaho. This amount shall be paid to the State of Idaho by the beekeeper prior to the movement. Permit issued hereunder shall expire six months from date of issuance.

SECTION 11. In the application for a permit as provided in Section 10 of this act, the applicant shall advise said state entomologist of his desire to move bees into said state, the purpose therefor, the date when it is desired to bring said bees into Idaho, the number of colonies to be brought into Idaho, and the location by governmental subdivision of the place where he intends to place such apiary or apiaries. Upon receipt of such application, the state entomologist shall cause an investigation to be made as to the feasibility of location of such bees in such governmental subdivision, giving consideration to whether such area is overburdened with apiaries and the need for additional apiaries. If the entomologist determines the granting of such permit to such person would overburden such area with bees, or that there is no need for additional apiaries in such area, he shall, with the approval of the Commissioner of Agriculture, deny such permit. In the event the entomologist, with the approval of the Commissioner of Agriculture, determines that cause exists for the granting of such permit, the Commissioner of Agriculture shall then cause a hearing to be held on such application, giving at least ten days' notice thereof by notifying such applicant of said hearing by certified mail, and notice by publication in one issue of a newspaper of general circulation located in the county in which such governmental subdivision location is situate, at which hearing any person, firm or corporation may appear and show cause, if any they have, why such permit should not be granted. After such hearing is held, the Commissioner of Agriculture shall then, on the basis of the investigation made and of the hearing so held, determine whether such permit should be granted, the commissioner's decision to be final, except that any affected party shall have the right to appeal from such decision to the district court of the county in which such governmental subdivision is located.

SECTION 12. Any permittee securing a permit pursuant to Section 10 of this act shall keep the apiaries moved into Idaho under such permit in the governmental subdivision described in such application for a period of at least six months from date of arrival of said bees in Idaho,
in order that such apiaries may be kept under close supervision by the state apiary inspector for such period to determine existence of disease in such apiaries. Such apiaries moved into such area under said permit shall be stamped by the state apiary inspector with the permit number under which such apiary was moved into the State of Idaho. Moving of any apiaries from such governmental subdivision during such quarantine period shall constitute a misdemeanor.

SECTION 13. This act shall not be construed to prevent the transportation across the Idaho state line of bees in hives, or bee supplies and equipment, between bee yards owned by, or under the control of a "qualified bi-state beekeeper". However, such transportation shall not be lawful unless a general and continuing permit therefor as hereinafter provided in Section 14 of this act shall have been first obtained from the state entomologist, and such permit may be revoked by said state entomologist upon a showing that such privilege has been or is being abused.

SECTION 14. An annual general and continuing permit shall be issued to a "qualified bi-state beekeeper" by the Commissioner of Agriculture or by his authorized agent upon receipt of application of a satisfactory certificate of health from the Idaho state apiary inspector as to health and condition of applicant's Idaho bee colonies.

SECTION 15. A special pollination permit may be issued for the importation of bees on comb and boxes containing comb into a designated district of this state from another state for a period not to exceed 6 months if the applicant submits an application on forms supplied by the department stating:

(1) The number of hives or the number of boxes containing comb, or both, to be moved.

(2) The locality, city or cities (if any), the county, or counties, and the state of origin of the hives or boxes of comb.

(3) The property, locality and county in which the hives or boxes of comb will be placed.

(4) The proposed date of entry into the State of Idaho.

(5) Facts pertaining to the purpose for which the bees and boxes of comb, or both, are to be moved, including
evidence establishing the existence of a contract or agreement for pollination service for a colony fulfilling the following minimum requirements: (a) free from American foulbrood; (b) European foulbrood, not seriously infected; (c) 3,000 square inches of comb, with brood covering not less than 700 square inches; (d) sufficient bees to cover and care for brood; (e) ten pounds of honey or its equivalent of suitable bee food other than pollen or pollen substitute; and (f) a normal laying queen present.

Any such pollination permittee shall immediately notify the department of the arrival and location of all bees and equipment imported into this state, and shall register with the department all bees and apiary equipment. Registration shall be made within five days after arrival and shall show (a) the number of colonies in each apiary or amount and type of equipment, and (b) the location of each apiary and equipment. Registration shall be accompanied by the registration fee in the amount of 25 cents per colony of bees.

SECTION 16. All moneys received pursuant to the provisions of this act shall be paid to the state treasurer and kept by the state treasurer in a special and separate fund to be known as the “Bee inspection special fund”.

SECTION 17. It shall be the duty of every apiary inspector by written order to notify any owner or keeper of bees in box hives (which are containers of bees without movable brood frames, tops and bottom boards, or upon brood frames which cannot be removed readily by the inspector) to transfer such bees within five days after such notice to movable brood frame hives, with brood frames that can be readily and separately removed from the hives. Upon the failure of the owner or keeper to comply with such order, he shall be deemed guilty of a misdemeanor, and the apiary inspector shall destroy or order the destruction of such box hives and the bees dwelling therein, by burning the same and burying the residue or ashes at least one foot underground.

SECTION 18. Every apiary inspector, after inspecting infected hives or fixtures or handling diseased bees, before proceeding to another hive, shall properly disinfect all tools and any other thing that has come in contact with the infected material. Any apiary inspector who fails to comply with this section may be dismissed from service, upon satisfactory proof of such delinquency being filed with the Department of Agriculture.
SECTION 19. No person, partnership, or corporation, or any association of whatsoever nature, of persons (who hereinafter shall be designated owner), shall hereafter engage in or continue in the business of apiculture, or engage in the raising or keeping of bees for any purpose within the State of Idaho without first making, on or before May 1 of each year, or thereafter within ten days after engaging in such business, a statement in writing to the Department of Agriculture on blanks furnished by the department, specifying the name, residence and place of business of the owner, the number of colonies of bees owned or controlled by him and the number and location by governmental subdivision of the apiaries maintained by him. Upon receipt of said statement it shall be the duty of the Department of Agriculture to issue to such owner an ownership stencil, which shall be conspicuously posted at each apiary maintained by such owner and which numbered designation shall be permanent as to number for each individual owner. Upon receipt of such annual statement it shall be the duty of the Commissioner of Agriculture, within fifteen days thereafter, to transmit to the county assessor of the county in which said bees are located, the information contained in such annual statement, and the ownership number designation. Such county assessor shall forthwith place the same upon the assessment rolls for his county to be assessed as hereinafter provided. Failure of those engaging in apiculture or the raising or keeping of bees within the State of Idaho to file the statement as required by this section shall constitute a misdemeanor.

SECTION 20. There shall be and there hereby is levied in addition to a general property tax upon each colony of bees within the State of Idaho a continuing annual levy beginning with the year 1963 of 3 cents per colony of bees, and it shall be the duty of each county assessor in the State of Idaho, upon receipt of such information from the Department of Agriculture, to forthwith place upon his personal property assessment roll for such calendar year, the name and address of such tax payer and the number of colonies of bees assessed to the tax payer, which assessment shall be levied and collected in the manner and as a part of other taxes on personal property and the collection of such tax shall be enforced by the proper county officers as taxes on other personal property, as provided in this Code. It shall be the duty of the proper county officers of each county to remit such taxes when collected to the state treasurer of the State of Idaho in
the manner in which other state taxes are remitted, said moneys so received by the state treasurer from such special levy to be paid into the Bee Inspection Special Fund.

SECTION 21. All moneys received from said special levy shall be kept by the state treasurer in a special and separate fund to be known as the “Bee Inspection Special Fund”, and in addition thereto the said fund shall consist of any appropriations made by the legislature to said fund; that said fund is hereby permanently appropriated for the purpose of bee inspection in accordance with the provisions of this chapter, and said fund is hereby declared to be a continuing fund and all claims against said fund shall be paid therefrom by warrant drawn by the state auditor upon the treasurer of the state upon allowance of a verified claim by the State Board of Examiners in the manner provided by law, but no claim shall be allowed unless the approval of the Commissioner of Agriculture be endorsed thereon.

SECTION 22. It is hereby made the duty of the Department of Agriculture to make reasonable rules and regulations as necessary for or as an aid to the effectuation of any provision of this act, and to prepare and cause to be printed suitable forms for the proper administration of this act.

SECTION 23. Any person who violates or who causes or permits a violation of any of the provisions of this act shall be guilty of a misdemeanor.

SECTION 24. That Chapter 25 of Title 22, Idaho Code, be, and the same is hereby repealed.

SECTION 25. If any clause, sentence, paragraph, section, or any part or portion of this act shall be declared or adjudged to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect, invalidate, or nullify the remainder of this act.

SECTION 26. 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 27, 1963.
AN ACT

AMENDING SECTION 36-104 RELATING TO THE GENERAL POWERS AND DUTIES OF THE IDAHO FISH AND GAME COMMISSION AND PROVISIONS FOR WILDLIFE HARVEST ON GAME PRESERVES; REPEALING SECTION 36-2702 RELATING TO SUSPENSION OF THE GENERAL LAW IN PRESERVES AND AMENDING SECTION 36-2703 RELATING TO PROTECTION OF GAME ANIMALS, PERMIT FEES AND SPECIAL HUNTS ON GAME PRESERVES BY DELETING, IN SECTION 36-104, THE REQUIREMENT FOR SPECIAL HUNT DRAWINGS PRIOR TO ESTABLISHING GENERAL SEASONS; PROVIDING FOR TRAPPING FURBEARING ANIMALS ON GAME PRESERVES; BY DELETING PROHIBITION OF HUNTING LODGES FROM SECTION 36-2703; BY PROVIDING AUTHORITY FOR THE FISH AND GAME COMMISSION, RATHER THAN THE DIRECTOR OF THE FISH AND GAME DEPARTMENT, TO ESTABLISH DRAWINGS BY LOT FOR PERMITS TO HUNT ON GAME PRESERVES; BY PROVIDING AUTHORITY FOR THE COMMISSION TO DECLARE GENERAL OPEN SEASONS ON GAME PRESERVES, AND BY MAKING TRANSFER OF PERMITS UNLAWFUL, EXEMPTING THE MYRTLE CREEK GAME PRESERVE.

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

SECTION 1. That Section 36-104, Idaho Code, be, and the same is hereby amended to read as follows:

36-104. GENERAL POWERS AND DUTIES OF COMMISSION.—(a) Chairman, Secretary, and Meetings.—The members of the commission shall, within thirty days after their appointment, and annually thereafter, meet at their offices in the City of Boise and organize by electing from their membership a chairman, who shall hold office for a period of one year, or until his successor has been duly elected. In addition to the regular annual meeting, to be held thereafter in January of each year, said commission shall hold regular quarterly meetings in April, July and October of each year, at its offices in the city of Boise, or at such other place or places within the state as the commission shall select, for the transaction of business. Special meetings may be called at any time and place by the chairman and/or a majority of the members
of the commission. Notice of the time and place, and the purpose of any and all special meetings shall be given by the secretary in writing to each member of the commission at least seven days before the date of said meeting.

(b) Powers and Duties. — 1. Because conditions are changing and in changing affect the preservation, protection, and perpetuation of Idaho wildlife, the methods and means of administering and carrying out the state's policy must be flexible and dependent on the ascertainment of facts which from time to time exist and fix the needs of regulation and control of fishing, hunting, and trapping, to carry out the state's policy, and because it is inconvenient and impracticable for the legislature of Idaho to find such facts, the commission is empowered to investigate and find facts in the administration of the state policy in order to give effect to the policy of the state hereinbefore announced. The commission is not authorized to change such policy but only to administer it.

The fish and game commission of the state of Idaho is hereby authorized to make and declare such rules and regulations, and shall have such other and further powers as may be necessary to carry out the purposes and intent of all laws pertaining to wild animals, wild birds, game fish, and other wildlife, and the preservation, protection, perpetuation, and management thereof, under the policy above announced and consistent therewith, and with the constitution and laws of the state of Idaho pertaining thereto. The game commission shall submit to each legislature a statement of its plans and objectives for the coming biennium. This program shall be in a form providing for approval and if necessary amendment of such plans by the legislature. This program when so approved is to provide a general schedule of activities but not to be considered as binding the commission so as to prevent necessary variations and emergency action. A report of such actions is to be submitted with the next statement of objectives.

2. Said commission shall have power and authority to determine in hearings to be held for that purpose, during what part of any particular year or years the supply of any particular species of game fish, game birds, or game and fur-bearing animals, or other wildlife, will be injuriously affected by depletion by permitting the same to be taken, and whenever the said commission shall find that in any particular portion or portions or the whole
of the state of Idaho during any period of time the supply of any species of game fish, game birds, or game and fur-bearing animals will be injuriously affected by depletion by the taking thereof, and shall give notice as hereinafter provided in sections 36-102—36-106, 36-108—36-111, then the season for taking any such game fish, game birds, or game or fur-bearing animals, or other wildlife, is hereby declared to be closed in conformity with such order and notice, and hunting, pursuing, killing, taking, angling for or having in possession any such species shall be unlawful in any portion of the state, or such portion thereof as shall be named in such closing order, during any period of time, either within any year, or over any period of years fixed in such order and notice; or if it is determined by said commission after hearing and notice as aforesaid that the protection of any species of game fish, game birds, or game and fur-bearing animals, or other wildlife, will be served by either reducing or increasing the bag limit therefor, then the number of game fish, game birds, or game and fur-bearing animals, or other wildlife, which the said commission shall find as fact to constitute a reasonable number which may be taken without injuriously affecting by depletion or overcrowding the supply thereof, is hereby declared to be a reasonable number, and shall constitute the legal bag limit therefor, and it shall be unlawful for any person to take or have in their possession more than such number as found by said commission.

Provided, that should the said commission find at any such hearing that the supply of any species of game fish, game birds, or game and fur-bearing animals, or other wildlife, is such that an open season may be permitted, or longer, or different opening and/or closing dates for existing open seasons for the taking thereof will not injuriously affect by depletion or overcrowding the supply thereof, then such open season or such longer season, or such dates for the opening and/or closing of any existing season for the taking of any game fish, game birds, or game and fur-bearing animals, or other wildlife, as such commission shall find to be best for the protection thereof, is hereby declared to be and shall constitute the season therefor; and when said commission shall give notice in the manner hereinafter provided of such findings, then the season for taking any such game fish, game birds, game or fur-bearing animals, or other wildlife, is hereby declared to be as ordered by said commission, and
it shall be unlawful for any person to hunt, take, capture, trap, or fish for, or pursue any of such game fish, game birds, or game and fur-bearing animals, or other wildlife, except during such open seasons.

For the purpose of determining the facts as to when the supply of any of the species named in this section will be injuriously affected by depletion by the taking thereof, or for the purpose of determining when an open season may be declared for the taking of game fish, game birds, or game and fur-bearing animals, or other wildlife, for which no open season now exists, said commission shall, at its regular quarterly meetings in April and July of each year, or on such other days as may be determined or appointed by said commission, at its office in the city of Boise, or elsewhere, meet for the purpose of hearing testimony and considering evidence pursuant to carrying out the provisions of this section, and whenever said commission at any such meeting find that the supply of any particular species of game fish, game birds, or game and fur-bearing animals, or other wildlife, is being, or will be, during any particular period of time, either within one year or over a period of years, injuriously affected by depletion by permitting the same to be taken, or if it should find a longer or different season, or different bag limit should be adopted for the better protection thereof, or if it finds that an open season may be declared without endangering the supply thereof, then it shall be the duty of said commission to make an order embodying its findings in respect thereto and specify the period of time, and portion of the state within which the taking of any species will injuriously affect, by depletion or overcrowding, the supply thereof, and where open seasons have been declared for specified game fish, game birds, or game and fur-bearing animals, or other wildlife, and thereupon at least ten days prior to taking effect of said order, shall give notice of its findings as aforesaid by posting a copy of such order in a conspicuous place in the courthouse of each county in the state where such order is to take effect, and it shall be the duty of the sheriff of each county to cause such notice to remain posted for a period of ten days, and said order shall be published as hereinafter provided.

3. The said commission, whenever it finds it necessary to the preservation, protection, or management of any game fish, animal or birds of this state, by reason of any act of God or any other sudden or unexpected emergency, is
hereby authorized and directed by a written order to declare the existence of such necessity, and the cause thereof, and prescribe and designate all affected areas or streams, and to close the same to hunting or angling, or impose such restrictions and conditions upon hunting or angling therein as said commission shall find it to be necessary. Every such order shall become immediately effective upon its adoption, and shall be rescinded by further order of said commission as soon as it shall find the necessity therefore has ceased to exist; provided, that such order shall remain in full force and effect until so rescinded.

Any person knowingly hunting or angling in an area or stream closed by any order adopted in accordance with the preceding paragraph, and before such order has been rescinded, shall be deemed guilty of a misdemeanor.

4. The fish and game commission shall also have the power to open to hunting, fishing or trapping any game preserve or other closed area when such an opening is in the interests of conservation of the birds, animals, or fish of the state in accordance with the provisions of section 36-2703. Provided when the commission finds that sufficient applications for permits cannot be obtained under the provisions of section 36-2703 to remove the necessary number, the commission may dispense with drawings and permit fees and limit the number by regulating the time of the opening.

5. Said commission shall have the power to acquire for and on behalf of the state of Idaho, by purchase, condemnation, lease, agreement, gift, or devise, lands or waters suitable for the purposes hereinafter enumerated, and develop, operate, and maintain the same for said purposes, which are hereby declared a public use:

(a) For fish hatcheries, nursery ponds, or game animal or game bird farms;

(b) Lands or waters suitable for game, bird, fish or fur-bearing animal restoration, propagation, or protection;

(c) For public hunting, fishing, or trapping areas to provide places where the public may fish, hunt, or trap in accordance with the provisions of law, or the regulations of the commission;

(d) To extend and consolidate by exchange, lands or waters suitable for the above purposes.
6. Said commission shall have the power to enter into cooperative agreements with educational institutions, and state, federal, or other agencies to promote wildlife research and to train men for wildlife management.

7. Said commission shall have the power to enter into cooperative agreements with federal agencies, municipalities, corporations, organized groups of landowners, associations, and individuals for the development of game, bird, fish or fur-bearing animal, rearing, propagating, management and demonstration projects.

8. Said commission shall have the power to capture, propagate, transport, buy, sell, or exchange any species of game, bird, fish or fur-bearing animal needed for propagation or stocking purposes, or to exercise control measures of undesirable species.

(c) Limitation on Powers.—Nothing in sections 36-102—36-106, 36-108—36-111, however, shall be construed to authorize the commission to change any penalty prescribed by law for a violation of its provisions, or to change the amount of license fees or the authority conferred by licenses prescribed by law.

(d) Organization of Work.—The commission shall establish such departmental bureaus or divisions, and shall authorize the director to employ such experts, clerks, or other employees as it may deem necessary for the conduct of the work of the commission, and it shall fix their salaries or other compensation which shall be paid out of the fish and game fund, as hereinafter set forth. The commission shall authorize such scientific and other studies as may be deemed necessary to its work, and shall collect, classify, and disseminate such statistics, data, and information as in its discretion will tend to promote the objectives of sections 36-102—36-106, 36-108—36-111.

Said commission shall establish civil service rules and regulations to cover the employment of its officers, clerks and employees, and all such officers, clerks and employees, shall be employed, retained, and/or discharged in accordance with said rules and regulations.

SECTION 2. That Section 36-2702, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 36-2703, Idaho Code, be, and the same is hereby amended to read as follows:
36-2703. GAME ANIMALS PROTECTED—SPECIAL CONTROLLED HUNTS—LICENSE PERMIT FEES.
It shall be unlawful for any person or persons to pursue, hunt or kill any deer or elk or mountain goat, or any other game animals, game birds or fur-bearing animals in any of the game preserves within the state of Idaho which have been created by law; and it shall be unlawful to maintain any hunting lodges or dude camps within the boundaries of any of the state game preserves. Provided, that if the director of the fish and game department shall at any time deem it necessary for the protection or propagation of big game animals proper management of wildlife on any game preserve or other area in the state of Idaho that the animals thereon be thinned by removal, the said director of the fish and game department, it may declare a general open season in such preserves or areas, or, in such manner as he it deems most likely to shall give notice to the public, shall hold a public drawing giving to license-holders, under the game laws of this state, the privilege of drawing by lot for the right to shoot or kill a controlled hunt permit authorizing the person to whom issued to hunt, kill, or attempt to kill any class of game animals or game birds or to trap fur-bearing animals specially designated by the said director of the fish and game department, on any game preserve or elsewhere commission under such rules and regulations and upon payment of a as it shall prescribe. A permit fee of not to exceed three dollars for deer and antelope, five dollars for elk and goat and twenty-five dollars for moose and sheep, for the killing of any of the animals aforesaid, as may be designated in each instance by the said director of the fish and game department shall be charged. All procedure under this section shall be under the control and in the discretion of the director of the fish and game department. Provided, that such permits to hunt any game animals are not transferrable, it shall be unlawful for any person to transfer any such permit to any other person, or for any person to make use of such permit issued to any other person.

SECTION 4. Exempted from the provisions of this act is the Myrtle Creek preserve in Bonner County.

Approved March 27, 1963.
CHAPTER 307
(S. B. No. 319)

AN ACT


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-
seventh 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-seventh 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. That in addition to the other sums which have heretofore been appropriated by the Thirty-seventh Session of the Legislature of the State of Idaho by House Bill No. 5, any balance of the appropriation carried in such bill being hereby reappropriated, there is hereby further appropriated out of any moneys in the General Fund not otherwise appropriated, the sum of $30,000.00, or so much thereof as may be necessary, for the purpose of paying salaries, wages and other expenses, and for the payment of any and all unpaid expenses of the Thirty-seventh Legislative Session, to be paid in the same way as other claims for legislative expenses and salaries are paid; and any unexpended balance remaining in said fund shall revert to the General Fund July 1, 1965.

SECTION 3. The appropriations herein made are expressly exempt from the provisions of the Standard Appropriation Act of 1945.

SECTION 4. All acts or parts of acts in conflict herewith are hereby suspended.

SECTION 5. 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 308
(S. B. No. 68, As Amended)

AN ACT


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

SECTION 1. It is the purpose of this Act to eliminate all legal requirements, as purposeless and needlessly costly, of recording in record books of Probate Courts of instruments filed in estate, guardianship and similar proceedings, and to authorize the disposal of all such records and record books which have already been accumulated.

SECTION 2. That Section 15-219, Idaho Code, be, and the same hereby is, amended to read as follows:

15-219. WILL, CERTIFICATE AND TESTIMONY TO BE FILED.—The will and a certificate of the proof thereof must be filed by the clerk, and recorded by him in a book to be provided for the purpose. All testimony shall be filed by the clerk.

SECTION 3. That Section 15-333, Idaho Code, be, and the same hereby is, amended to read as follows:

15-333. OATH RECORD OF OATH AND BOND._Before letters testamentary or of administration are issued to the executor or administrator, he must take and subscribe an oath before some officer authorized to administer oaths, that he will perform, according to law, the duties of executor or administrator, which oath must be attached to the letters. All letters testamentary and of administration issued to, and all bonds executed by, executors or administrators, with the affidavits and certificates thereon must be forthwith recorded by the clerk of the court having jurisdiction of the estates, in books to be kept by him in his office for that purpose.
SECTION 4. That Section 15-339, Idaho Code, be, and the same hereby is, amended to read as follows:

15-339. JUSTIFICATION OF SURETIES. — In all cases where bonds or undertakings are required to be given under this title, the sureties must justify thereon as required by this code, and the certificate thereof must be attached to, and filed and recorded with, the bond or undertaking. All such bonds and undertakings must be approved by the probate judge before being filed or recorded.

SECTION 5. That Section 15-603, Idaho Code, be, and the same hereby is, amended to read as follows:

15-603. COPY AND PROOF OF NOTICE—ORDER.—After the notice is given, as required in the preceding section, a copy thereof, with the affidavit of due publication or of publication and posting must be filed, and upon such affidavit or other testimony to the satisfaction of the court, an order or decree showing that due notice to creditors has been given, and directing that such order or decree be entered in the minutes and recorded, must be made by the court.

SECTION 6. That Section 15-1004, Idaho Code, be, and the same hereby is, amended to read as follows:

15-1004. ORDER OF CONVEYANCE.—If, after a full hearing upon the petition and objections, and examination of the facts and circumstances of the claim, the court is satisfied that the petitioner is entitled to a conveyance of the real estate described in the petition, a decree authorizing and directing the executor or administrator to execute a conveyance thereof to the petitioner must be made, entered on the minutes of the court, and recorded.

SECTION 7. That Section 15-1501, Idaho Code, be, and the same hereby is, amended to read as follows:

15-1501. ORDERS AND DECREES — SIGNING AND FILING—ENTRY IN RECORD—SIGNING OF RECORD. — All orders and decrees made by the probate court must be signed and filed and entered at length in the records of the court; each page of said record must be signed by the probate judge.

SECTION 8. That Section 15-1825, Idaho Code, be, and the same hereby is, amended to read as follows:

15-1825. INVENTORY OF ESTATE.—Every guardian
must return to the probate court an inventory of the estate of his ward within three months after his appointment, and annually thereafter. The probate court may, upon application for that purpose by any person, compel the guardian to render an account to the probate court of the estate of his ward. The inventories and accounts so to be returned or rendered must be sworn to by the guardian. All the estate of the ward described in the first inventory must be appraised by appraisers appointed, sworn, and acting in the manner provided for regulating the settlement of the estate of decedents.

Such inventory, with the appraisement of the property therein described, must be recorded by the clerk of the probate court in a proper book kept in his office for that purpose. Whenever any other property of the estate of any ward is discovered, not included in the inventory of the estate already returned, and whenever any other property has been succeeded to or acquired by any ward, or for his benefit, the like proceedings must be had for the return and appraisement thereof that are herein provided in relation to the first inventory and return.

SECTION 9. That Section 15-1810, Idaho Code, be, and the same hereby is, repealed.

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


CHAPTER 309
(S. B. No. 177, As Amended)

AN ACT

RELATING TO TRESPASS; AMENDING SECTION 18-7008, IDAHO CODE, TO PROVIDE THAT EVERY PERSON, EXCEPT UNDER LANDLORD-TENANT RELATIONSHIP, WHO, BEING FIRST NOTIFIED IN WRITING OR VERBALLY, BY THE OWNER OR AGENT OF THE OWNER OF REAL PROPERTY, TO IMMEDIATELY DEPART FROM THE SAME, AND WHO REFUSES SO TO DEPART AFTER BEING SO NOTIFIED, IS GUILTY OF TRESPASS.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 18-7008, Idaho Code, be, and the same is hereby amended to read as follows:

18-7008. TRESPASS — ACTS CONSTITUTING. — Every person who wilfully commits any trespass, by either:

1. Cutting down, destroying or injuring any kind of wood or timber belonging to another, standing or growing upon the lands of another; or

2. Carrying away any kind of wood or timber lying on such lands; or

3. Maliciously injuring or severing from the freehold of another, anything attached thereto, or the produce thereof; or

4. Digging, taking, or carrying away from any lot situated within the limits of any incorporated city, without the license of the owner or legal occupant thereof, any earth, soil, stone; or

5. Digging, taking, or carrying away from any land in any of the cities of the state, laid down on the map or plan of such city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil or stone; or

6. Wilfully opening, tearing down, or otherwise destroying any fence on the inclosed land of another, or opening any gate, bar, or fence of another and wilfully leaving it open, or using the corral or corrals of another without the permission of the owner; or

7. Wilfully cover(ing) up or encumber(ing) in any manner, the land or city lot of another, without written permission from the owner or custodian thereof; or

8. Every person, except under landlord-tenant relationship, who, being first notified in writing, or verbally by the owner or authorized agent of the owner of real property, to immediately depart from the same and who refuses so to depart after being so notified:

Is guilty of a misdemeanor.


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 Portland, Oregon, on the
8th day of October, 1962, 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:

ARTICLE I — 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 states 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 hydroelectric 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.

ARTICLE III — THE COLUMBIA COMPACT COMMISSION

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 Com-
mission 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, fix their compensation and define their duties, and require bonds of such of them as the Commission may designate.

G. The Commission may:

(1) Follow, 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, recommendations 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 rep-
resents. 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 exceed 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 legis­
lative 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 construction 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 this 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 — COOPERATION IN POWER DEVELOPMENT**

The best interests of the region will be served by the cooperation of the member states in securing the development and construction of power projects in sufficient number and with sufficient capacity to meet the present and future energy requirements of the region, but no recommendation shall be made by the Commission with respect to power allocations except by unanimous affirmative vote of all member states, anything in Article III notwithstanding; provided, however, that any member state shall have the right acting independently through its officers or agencies to secure in connection with any project located wholly or partly within such state, such protections and reservations of power as such state may consider necessary to safeguard its present or future interests or power requirements.

**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 situated 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 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 respect 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 the 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.

(8) To impair or affect marketing provisions for Federally generated power as the same may be now or hereafter established.

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 circumstance 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 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 ap­
pointed 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 un­
expired 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 provision to the contrary, be an officer
or employee holding another public position.

SECTION 6. The remuneration and expenses of the com­
missioners 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 author­
ized and directed to do all things, falling within their re­
spective provinces and jurisdiction, necessary to or inci­
dental to the carrying out of said Compact in every par­
ticular. 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 commis­
sion 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, and Chapter 91 of the Idaho Session Laws of 1961 are hereby repealed.


CHAPTER 311
(H. B. No. 285)

AN ACT

AMENDING SECTION 94, H.B. No. 92, THIRTY-SEVENTH SESSION, TO DESIGNATE THE COUNTY SCHOOL EMERGENCY FUND LEVY AS THE SCHOOL EMERGENCY FUND LEVY, AND TO REQUIRE THAT THE LEVY BE MADE UPON TAXABLE PROPERTY IN THE SCHOOL DISTRICT; AMENDING SECTION 95, H.B. NO. 92, THIRTY-SEVENTH SESSION, TO DESIGNATE THE COUNTY SCHOOL SPECIAL ASSISTANCE LEVY AS THE SCHOOL SPECIAL ASSISTANCE LEVY, AND TO REQUIRE THAT THE LEVY BE MADE UPON TAXABLE PROPERTY IN THE SCHOOL DISTRICT; REPEALING SECTIONS 137 AND 138, H.B. No. 92, THIRTY-SEVENTH SESSION; REPEALING SECTIONS 63-907, IDAHO CODE, AS AMENDED, AND 63-908A, IDAHO CODE; AND PROVIDING FOR EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. That Section 94, House Bill No. 92, Thirty-Seventh Session of the Legislature of the State of Idaho, be, and the same is hereby amended to read as follows:

SECTION 94. COUNTY SCHOOL EMERGENCY FUND LEVY.—Before the second Monday of September in each year, the board of trustees of any school district which qualifies under the provisions of this section may certify its needs hereunder to the board of county commissioners in each county in which the district may lie, and request a county school emergency fund levy be made upon all taxable property in the county district.

The board of trustees shall compute the number of classroom units in the schools of the district as of such date,
in the manner as the number of classroom units was computed for the last preceding annual report of the district; and if there be one or more classroom units above the total allowed on said last annual report the board shall:

1. Divide the total of the foundation program allowance based on said last annual report by the total number of classroom units allowed thereon;

2. Multiply the quotient so derived by the number of additional classroom units determined herein.

The quotient amount so derived shall be certified to the board of county commissioners of the county in which the district lies.

In the case of a joint district, the board of trustees shall certify to the board of county commissioners of each county in which the district lies, to each, that proportion of the quotient amount derived, as hereinabove, as the assessed value of taxable property within the district situate in each county bears to the total assessed value of all taxable property in the district.

After receiving the amounts certified, as hereinabove provided, the board, or boards, of county commissioners shall determine and fix the levy, according to section 63-907, and for and in behalf of the aforesaid board of trustees, which, when made upon the taxable property in the school district situate in such county, will produce the amount of money certified to such board of trustees as prescribed by this section.

No levy made by any board of county commissioners under the provisions of this section shall exceed three mills on the dollar of the assessed value of the taxable property upon which said levy is herein authorized. The proceeds of any such levy shall be collected and paid over to the district requesting the levy, to be there credited to the general fund of the district.

SECTION 2. That Section 95, House Bill No. 92, Thirty-Seventh Session of the Legislature of the State of Idaho, be, and the same is hereby amended to read as follows:

SECTION 95 - COUNTY SCHOOL SPECIAL ASSISTANCE LEVY. for the better equalization of educational opportunity in the several school districts. The board of trustees of any school district which qualifies hereunder may request and certify to the board of county commissioners
of any county in which such district lies to make a County School special assistance levy, not to exceed three mills on the taxable property in the county school district situate in such county, in addition to other levies authorized by law. No such levy shall be authorized except upon the certification of the board of trustees that the assessed valuation of taxable property in the school district was less than twenty-five hundred dollars ($2,500) per pupil in average daily attendance during the year next preceding, and that the board of trustees has certified a levy of thirty mills in the maximum amount authorized by law for maintaining and operating the school or schools of the district for the next ensuing year.

If any such school district be a joint district, the money required by it for maintenance and operation, in excess of the amount to be produced by its levy of thirty mills, shall be divided among the several counties in which the district lies in the proportion of the total assessed valuation of the school district in each county; and the board of trustees shall compute the amount of a levy which, when made upon all of the taxable property in each county, will produce the amount of money divided to each county as hereinabove; and shall request the board of county commissioners of each county to levy the number of mills so computed.

Request for the levy authorized by this section shall be made to the board of county commissioners not later than the second Monday in September in each year.

SECTION 3. That Sections 137 and 138, House Bill No. 92, Thirty-Seventh Session of the Legislature of the State of Idaho, be, and the same are hereby repealed.

SECTION 4. That Section 63-907, Idaho Code, as amended, and Section 63-908A, Idaho Code, be, and the same are hereby repealed.

SECTION 5. EFFECTIVE DATE.—That this Act shall be and become effective on and after the first day of July, 1963.

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

SECTION 1. That Section 49-1215, Idaho Code, as amended, be, and the same hereby is amended to read as follows:

49-1215. EXPORTATION — DEDUCTION — CERTIFICATE.—

(a) There shall be deducted from motor fuels received which are subject to the excise tax imposed under section 49-1210 of this chapter any motor fuels exported from the state of Idaho to any other state, territory or nation by a licensed dealer; provided, however, that any motor fuel carried from this state in the fuel tank of a motor vehicle shall not be considered as exported from this state.

(b) In support of any deduction from said excise tax claimed under this section on account of the exportation of motor fuel by a dealer, other than stock transfers or deliveries in his own equipment, such dealer must execute and file in the office of the dealer an export certificate in such form as shall be prescribed, prepared and furnished by the commissioner, containing a sworn statement made by some person having actual knowledge of the fact of such exportation, that the motor fuel has been exported from the state of Idaho, and giving such details with reference to such shipment as said commissioner may require. All export certificates in support of shipments to other states or territories must be completed and on file in the office of the dealer within 6 months after the close of the calendar month in which shipments to which they
relate are made unless the state or territory of destination would not be prejudiced with respect to its collection of taxes thereon should the certificate not be filed within such time but in no event longer than the time specified in section 49-1213 (b); provided, however, that upon showing of reasonable cause for delay in completion and filing such export certificates, the commissioner may grant such additional time as he may deem necessary for such completion and filing, and certificates filed within such additional time will be recognized for all purposes hereunder. The commissioner may waive the required certificate in any instance in which he considers that no useful purpose would be served thereby. The commissioner may demand of any dealer such additional data as are deemed necessary in support of any such certificate, and failure to supply such data will constitute a waiver of all right to the deduction claimed by virtue of such certificate.

(c) The excise tax imposed on motor fuels as provided in Chapter 12, Title 49, Idaho Code, shall not be imposed on any motor fuels sold to the Idaho National Guard for use in ships and aircraft, for export, and for off highway use. Every dealer shall report such sales to the collector in such form and under such rules and regulations as shall be prescribed by the collector. A certificate by an authorized officer of the armed forces shall be accepted by a dealer as sufficient proof that the sale is for the purpose specified in the certificate.

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


CHAPTER 313
(H. B. No. 256)

AN ACT

AMENDING CHAPTER 23 OF TITLE 67, IDAHO CODE, BY AMENDING SECTION 67-2304 THEREOF TO REQUIRE APPROVAL OF THE PERMANENT BUILDING FUND COUNCIL BEFORE COMMISSIONER OF PUBLIC WORKS PROVIDES OR SECURES PLANS AND SPECIFICATIONS, TO REQUIRE APPROVAL OF BIDS BEFORE LETTING CON-
TRACTS, AND TO PERMIT THE PERMANENT BUILDING
FUND COUNCIL TO ADOPT RULES AND REGULATIONS;
AND BY ADDING A NEW SECTION THERETO, TO BE
KNOWN AND DESIGNATED AS 67-2304A, IDAHO CODE,
REQUIRING PERMANENT BUILDING FUND COUNCIL TO
SUBMIT TO THE GOVERNOR BY SEPTEMBER 1 NEXT
PRECEDING THE CONVENING OF A REGULAR SESSION
OF THE LEGISLATURE A PROJECTION OF BUILDING
NEEDS OF ALL INSTITUTIONS AND AGENCIES INCLUD­
ing NEW CONSTRUCTION AND MAINTENANCE AND RE­
PAIR FOR EXISTING STATE BUILDINGS.

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

SECTION 1. That Section 67-2304, Idaho Code, be, and
the same is hereby amended to read as follows:

67-2304. The commissioner of public works of the state
of Idaho, is authorized and empowered, subject to the
approval of the Permanent Building Fund Council and it
is hereby made his duty personally or by his authorized
agent, to provide or secure all plans and specifications
for, to let all contracts for, and to have charge of and
supervision of the construction, alteration and repair of
any and all buildings, improvements of public works of
the state of Idaho, and of all charitable, penal, educa­
tional, or other institutions or departments of the state
of Idaho, the cost of which construction, alteration or re­
pair exceeds the sum of $500.00 provided, that the com­
missioner of public works and Permanent Building Fund
Council shall, in the letting of contracts under this sec­
tion, comply with the procedure for the calling of bids
provided in section 67-1608, Idaho Code; provided, how­
ever, that this section shall not apply to the construction,
alteration or repair of public buildings under the juris­
diction and control of the board of regents of the Uni­
versity of Idaho, and provided further that this section
shall have no application to the preparation and submis­
sion of plans and specifications pursuant to section 57­
1105, Idaho Code; provided further, that the Permanent
Building Fund Council may adopt rules and regulations
consistent with existing law to carry out the provisions
of this act.

SECTION 2. That Chapter 23 of Title 67, Idaho Code,
be, and the same is hereby amended by adding thereto a
new section, following Section 67-2304, Idaho Code, to be
known and designated as Section 67-2304A, Idaho Code, and
to read as follows:
CHAPTER 314
(H. B. No. 53, As Amended in the Senate)

AN ACT

AMENDING SECTION 72-1313, IDAHO CODE, AS AMENDED, DEFINING COMPUTATION DATE; AMENDING SECTION 72-1319, IDAHO CODE, AS AMENDED, DEFINING THE QUALIFYING PERIOD FOR AN ELIGIBLE EMPLOYER; AMENDING TITLE 72, CHAPTER 13, IDAHO CODE, AS AMENDED, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 72-1319 TO BE KNOWN AND DESIGNATED AS SECTION 72-1319A, DEFINING DEFICIT EMPLOYER; AMENDING SECTION 72-1322, IDAHO CODE, AS AMENDED, DEFINING EXPERIENCE RATING; AMENDING SECTION 72-1328, IDAHO CODE, AS AMENDED, PROVIDING THAT A COVERED EMPLOYER SHALL PAY CONTRIBUTIONS ON THAT PART OF THE REMUNERATION WHICH, AFTER REMUNERATION EQUAL TO $3,600.00 HAS BEEN PAID TO AN INDIVIDUAL BY A COVERED EMPLOYER; AMENDING SECTION 72-1350, IDAHO CODE, AS AMENDED, DEFINING THE STANDARD RATE AND BASE OF CONTRIBUTIONS; AMENDING SECTION 72-1351, IDAHO CODE, AS AMENDED, PROVIDING FOR AN EMPLOYER'S EXPERIENCE RATE; REPEALING SECTION 72-1351A, IDAHO CODE, PROVIDING FOR ADJUSTMENT OF CONTRIBUTION RATE IF WAGES IN FEDERAL ACT AMENDED, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 72-1313, Idaho Code, as amended, be and the same is hereby amended to read as follows:

72-1313. COMPUTATION DATE.—The term "computation date" means the June 30 preceding the commence-
ment of the calendar year for which an eligible covered employer's contribution rate is effective except that the charging of benefits to an eligible covered employer's account shall be made in accordance with the formula as provided in section 72-1351 (b).

SECTION 2. That Section 72-1319, Idaho Code, as amended, be and the same is hereby amended to read as follows:

72-1319. ELIGIBLE EMPLOYER. — (a) The term "eligible employer" means a covered employer who has completed a qualifying period as defined in subsection (b) of this section, and who has had covered employment in each of the calendar years within such qualifying period, who has filed all payroll reports required, has paid, on or before the cut-off date, all contributions and penalties due and has established a record of accumulated contributions in excess of benefits charged to his account. For the purposes of this section, delinquencies of a minor nature may be disregarded if showing is made to the satisfaction of the director that such covered employer has acted in good faith and that forfeiture of a reduced contribution rate because of such minor delinquency would be inequitable.

(b) "Qualifying period" shall be the period of two and one-half consecutive calendar fiscal years ending on the computation date, except that no employer shall be eligible for a reduced contribution rate if his record shows that he has reported no covered employment for either of the two calendar years preceding the computation date.

(c) If the director finds that an employer's business is closed solely because of the entrance of one or more of the owners, officers, partners, or the majority stockholder into the armed forces of the United States, of any of its allies, or of the United Nations after January 1, 1951, such employer's account shall not be terminated; and, if the business is resumed within 2 years after the discharge or release from active duty in the armed forces of such person or persons, the employer's experience shall be deemed to have been continuous throughout such period. The experience factor as defined in section 72-1351 (a) (1) of any such employer shall be the total contributions paid by such employer minus all benefits (including benefits paid to any individual during the period such employer was in the armed forces) based upon wages paid by him prior to his entrance into such forces, divided by the average of his annual payrolls for the number of fiscal years
immediately preceding the computation date such employer has been in business prior to and after service in the armed forces, using a minimum of two fiscal years and a maximum of four fiscal years.

SECTION 3. That Title 72, Chapter 13, Idaho Code, as amended, be and the same is hereby amended by adding a new section thereto to be known and designated as Section 72-1319A, to read as follows:

72-1319A. DEFICIT EMPLOYER.—The term "deficit employer" means a covered employer who has established a record of accumulated benefits charged to his account in excess of his accumulated contributions paid as of the cut-off date.

SECTION 4. That Section 72-1322, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1322. EXPERIENCE RATING DEFINED.—The term "experience rating" means a method of determining variable contribution rates allowed to eligible covered employers who, by their experience in covered employment, have contributed to employment stabilization.

SECTION 5. That Section 72-1328, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1328. WAGES.—(a) The term "wages" means all remuneration for personal services from whatever source, including commissions and bonuses and the cash value of all remuneration in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the director.

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

(1) For the purposes of sections 72-1349, 72-1350, and 72-1351, that part of the remuneration which, after remuneration equal to $3,600.00 has been paid to an individual by a covered employer with respect to covered employment in this state, or with respect to employment under the unemployment compensation or insurance law of any other state during any calendar year, is paid to such individual by such covered employer or his predecessor during any such calendar year, provided that if the definition of the term "wages" as contained in the Federal Unemployment Tax Act is amended to include remuneration in excess of $3,600.00 paid to an individual.
by an employer under the Federal Act during any calendar year; wages for the purposes of sections 72-1349, 72-1350, and 72-1351 shall include remuneration paid in a calendar year to an individual by an employer subject to this act or his predecessor with respect to employment during any calendar year up to an amount equal to the dollar limitation specified in the Federal Unemployment Tax Act.

(A) The amount of any payment made after June 30, 1955, (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), to, or on behalf of, an individual or any of his dependents under a plan or system established by an employer which makes provision generally for individuals performing service for him (or for such individuals generally and their dependents) or for a class or classes of such individuals (or for a class or classes of such individuals and their dependents), or (on) account of (i) retirement, or (ii) sickness or accident disability, or (iii) medical or hospitalization expenses in connection with sickness or accident disability, or (iv) death;

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

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

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

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

(F) Dismissal payments before June 30, 1955, which the employer is not legally required to make.

SECTION 6. That Section 72-1350, Idaho Code, as amended, be and the same is hereby amended to read as follows:

72-1350. STANDARD 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 subject, however, to modification as provided by section 72-1351 of this act. No covered employer’s rate shall be varied lowered 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 $2,750,000 per centum of the total 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 7. That Section 72-1351, Idaho Code, as amended, be and the same is hereby amended to read as follows:

72-1351. EXPERIENCE RATING.—(a) Subject to the other provisions of this act, each eligible and deficit employer’s contribution rate shall be determined in the manner set forth below for the calendar year 1956-1963 and for each calendar year thereafter:

(1) (i) Each eligible employer shall be given an “experience factor” which shall be the ratio of excess of con-
tributions over benefits paid on the employer's account since December 31, 1939, to his average annual taxable payroll rounded to the next lower dollar amount for the four fiscal years immediately preceding the computation date, except that when an employer first becomes eligible, his "experience factor" will be computed on his average annual payroll for the two and one-half fiscal years or more (but not to exceed four fiscal years) immediately preceding the computation date. In the event an otherwise eligible employer has ceased to do business for a period of 2 years, his "experience factor" shall be withdrawn, and if said employer thereafter re-enters business, he will be considered as though he were a new employer without any previous experience under the act. The computation of such "experience factor" shall be to six decimal places.

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

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

(2) A schedule—Schedules shall be prepared listing all eligible employers in inverse numerical order of their experience factors, beginning with the employer having the highest experience factor numerically and ending with the employer having the lowest experience factor numerically, and all deficit employers in numerical order of their deficit experience factors. There shall be listed on such schedules for each eligible such employer in addition to the experience factor (a) the amount of his taxable payroll for the fiscal year ending on the computation date, and (b) a cumulative total consisting of the sum of such employer’s taxable payroll for the fiscal year ending on the computation date and the corresponding taxable payrolls for all other eligible employers preceding him on such schedules.

(3) The cumulative taxable payroll amounts listed on the schedules provided for in paragraph (2) of this subsection shall be segregated into groups whose limits shall be those set out in Column B of the table in paragraph (5) of this subsection. Each of such groups shall be identified by the rate class number listed in Column A which is directly opposite the figures listed in Column B which represent the percentage limits of each group. Each employer on the schedules shall be assigned that contribution rate listed in Column C which is directly opposite the rate class in which such employer’s cumulative payroll amount falls.

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

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

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

(5) The contribution rate of each employer listed on the schedule provided for in paragraph (2) of this subsection shall be determined in accordance with one of the five tables set out herein. The determination as to which table is applicable shall be made as follows: If, as of the computation date, the ratio of the unencumbered balance available in the employment security fund for the payment of benefits to the total payroll as reported for the fiscal year ending on such date is less than 4.75 per centum but is not less than 4.25 per centum, contribution rates for eligible and deficit employers shall be determined in accordance with the tables set out herein.

(i) If, as of the computation date, the ratio of the unencumbered balance available in the employment security fund for the payment of benefits to the total taxable payroll as reported for the fiscal year ending on such date is not less than 5.75 per centum, contribution rates for eligible and deficit employers shall be determined in accordance with Table I reduced by subtracting .6 per centum from each contribution rate listed in the following tables; provided, however, that in no event shall a deficit employer's rate be reduced below 2.7 per centum.

(ii) If, as of the computation date, the ratio of the unencumbered balance available in the employment security fund for the payment of benefits to the total taxable payroll as reported for the fiscal year ending on such date is less than 5.75 per centum but is not less than 5.25 per centum, contribution rates for eligible and deficit employers shall be determined in accordance with Table II reduced by subtracting .4 per centum from each contribution rate listed in the following tables; provided, however, that in no event shall a deficit employer's rate be reduced below 2.7 per centum.

(iii) If, as of the computation date, the ratio of the unencumbered balance available in the employment security fund for the payment of benefits to the total taxable payroll as reported for the fiscal year ending on such date is less than 5.25 per centum but is not less than 4.75 per centum, contribution rates for eligible and deficit employers shall be determined in accordance with Table III reduced by subtracting .2 per centum from each contribution rate listed in the following tables.
(iv) If, as of the computation date, the ratio of the unencumbered balance available in the employment security fund for the payment of benefits to the total taxable payroll as reported for the fiscal year ending on such date is less than 4.25 per centum but is not less than 3.75 per centum, contribution rates shall be determined in accordance with Table IV of all employers shall be increased by adding .2 per centum to each contribution rate listed in the following tables, and the standard rate shall be 2.9 per centum.

(v) If, as of the computation date, the ratio of the unencumbered balance available in the employment security fund for the payment of benefits to the total payroll as reported for the fiscal year ending on such date is less than 3.75 per centum but is not less than 3.25 per centum, contribution rates shall be increased by adding .4 per centum to each contribution rate listed in the following tables, and the standard rate shall be 3.1 per centum.

(vi) If, as of the computation date, the ratio of the unencumbered balance available in the employment security fund for the payment of benefits to the total payroll as reported for the fiscal year ending on such date is less than 3.25 per centum but is not less than 2.75 per centum, contribution rates of all employers shall be increased by adding .6 per centum to each contribution rate listed in the following tables, and the standard rate shall be 3.3 per centum.

(vii) If, as of the computation date, the ratio of the unencumbered balance available in the employment security fund for the payment of benefits to the total payroll as reported for the fiscal year ending on such date is less than 2.75 per centum, contribution rates of all employers shall be increased by adding .6 per centum to each contribution rate listed in the following tables; provided, however, that in no event shall the rate for any employer be less than 2.7 per centum, and the standard rate shall be 3.3 per centum.
### TABLE I (415)

<table>
<thead>
<tr>
<th>Rate Class</th>
<th>Payroll Limits</th>
<th>Contribution Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>MORE THAN</td>
<td>EQUAL TO OR LESS THAN</td>
<td></td>
</tr>
<tr>
<td>(% of taxable payroll)</td>
<td>( % of total taxable payroll)</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>20</td>
<td>0.2</td>
</tr>
<tr>
<td>2</td>
<td>40</td>
<td>0.4</td>
</tr>
<tr>
<td>3</td>
<td>50</td>
<td>0.6</td>
</tr>
<tr>
<td>4</td>
<td>55</td>
<td>0.8</td>
</tr>
<tr>
<td>5</td>
<td>60</td>
<td>1.0</td>
</tr>
<tr>
<td>6</td>
<td>65</td>
<td>1.2</td>
</tr>
<tr>
<td>7</td>
<td>70</td>
<td>1.4</td>
</tr>
<tr>
<td>8</td>
<td>75</td>
<td>1.6</td>
</tr>
<tr>
<td>9</td>
<td>80</td>
<td>1.8</td>
</tr>
<tr>
<td>10</td>
<td>85</td>
<td>2.0</td>
</tr>
<tr>
<td>11</td>
<td>90</td>
<td>2.2</td>
</tr>
<tr>
<td>12</td>
<td></td>
<td>2.4</td>
</tr>
</tbody>
</table>

### TABLE II (105)

<table>
<thead>
<tr>
<th>Rate Class</th>
<th>Payroll Limits</th>
<th>Contribution Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>MORE THAN</td>
<td>EQUAL TO OR LESS THAN</td>
<td></td>
</tr>
<tr>
<td>(% of taxable payroll)</td>
<td>( % of total taxable payroll)</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>25</td>
<td>0.5</td>
</tr>
<tr>
<td>2</td>
<td>50</td>
<td>0.7</td>
</tr>
<tr>
<td>3</td>
<td>55</td>
<td>0.9</td>
</tr>
<tr>
<td>4</td>
<td>60</td>
<td>1.1</td>
</tr>
<tr>
<td>5</td>
<td>65</td>
<td>1.3</td>
</tr>
<tr>
<td>6</td>
<td>70</td>
<td>1.5</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>1.7</td>
</tr>
<tr>
<td>8</td>
<td>75</td>
<td>1.9</td>
</tr>
<tr>
<td>9</td>
<td>80</td>
<td>2.1</td>
</tr>
<tr>
<td>10</td>
<td>85</td>
<td>2.3</td>
</tr>
<tr>
<td>11</td>
<td>90</td>
<td>2.5</td>
</tr>
<tr>
<td>12</td>
<td></td>
<td>2.7</td>
</tr>
</tbody>
</table>
### TABLE III (.005)

<table>
<thead>
<tr>
<th>Rate Class</th>
<th>Cumulative Taxable</th>
<th>Contribution Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Payroll Limits</td>
<td></td>
</tr>
<tr>
<td><strong>MORE THAN</strong></td>
<td><strong>EQUAL TO OR</strong></td>
<td><strong>LESS THAN</strong></td>
</tr>
<tr>
<td>(% of total taxable payroll)</td>
<td>(% of total taxable payroll)</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>30</td>
<td>0.9</td>
</tr>
<tr>
<td>2</td>
<td>60</td>
<td>1.1</td>
</tr>
<tr>
<td>3</td>
<td>65</td>
<td>1.9</td>
</tr>
<tr>
<td>4</td>
<td>70</td>
<td>1.5</td>
</tr>
<tr>
<td>5</td>
<td>75</td>
<td>1.7</td>
</tr>
<tr>
<td>6</td>
<td>80</td>
<td>1.9</td>
</tr>
<tr>
<td>7</td>
<td>85</td>
<td>2.1</td>
</tr>
<tr>
<td>8</td>
<td>90</td>
<td>2.3</td>
</tr>
<tr>
<td>9</td>
<td>95</td>
<td>2.5</td>
</tr>
<tr>
<td>10</td>
<td>95</td>
<td>2.7</td>
</tr>
</tbody>
</table>

### TABLE IV (.005)

<table>
<thead>
<tr>
<th>Rate Class</th>
<th>Cumulative Taxable</th>
<th>Contribution Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Payroll Limits</td>
<td></td>
</tr>
<tr>
<td><strong>MORE THAN</strong></td>
<td><strong>EQUAL TO OR</strong></td>
<td><strong>LESS THAN</strong></td>
</tr>
<tr>
<td>(% of total taxable payroll)</td>
<td>(% of total taxable payroll)</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>35</td>
<td>1.8</td>
</tr>
<tr>
<td>2</td>
<td>50</td>
<td>1.5</td>
</tr>
<tr>
<td>3</td>
<td>70</td>
<td>1.7</td>
</tr>
<tr>
<td>4</td>
<td>75</td>
<td>1.9</td>
</tr>
<tr>
<td>5</td>
<td>80</td>
<td>2.1</td>
</tr>
<tr>
<td>6</td>
<td>85</td>
<td>2.3</td>
</tr>
<tr>
<td>7</td>
<td>90</td>
<td>2.5</td>
</tr>
<tr>
<td>8</td>
<td>95</td>
<td>2.7</td>
</tr>
</tbody>
</table>
TABLE V (.075-)

<table>
<thead>
<tr>
<th>Rate Class</th>
<th>Cumulative Taxable Payroll Limits</th>
<th>Contribution Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>MORE THAN</td>
<td>EQUAL TO OR LESS THAN</td>
<td></td>
</tr>
<tr>
<td>(%) of total taxable payroll</td>
<td>(%) of total taxable payroll</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>30</td>
<td>1.7</td>
</tr>
<tr>
<td>2</td>
<td>60</td>
<td>1.9</td>
</tr>
<tr>
<td>3</td>
<td>70</td>
<td>2.1</td>
</tr>
<tr>
<td>4</td>
<td>80</td>
<td>2.3</td>
</tr>
<tr>
<td>5</td>
<td>90</td>
<td>2.5</td>
</tr>
<tr>
<td>6</td>
<td>100</td>
<td>2.7</td>
</tr>
</tbody>
</table>

TABLE FOR RATED ACCOUNTS

<table>
<thead>
<tr>
<th>Rate Class</th>
<th>Cumulative Taxable Payroll Limits</th>
<th>Contribution Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>MORE THAN</td>
<td>EQUAL TO OR LESS THAN</td>
<td></td>
</tr>
<tr>
<td>(%) of Total Taxable Payroll</td>
<td>(%) of Total Taxable Payroll</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>10</td>
<td>0.9</td>
</tr>
<tr>
<td>2</td>
<td>25</td>
<td>1.2</td>
</tr>
<tr>
<td>3</td>
<td>40</td>
<td>1.5</td>
</tr>
<tr>
<td>4</td>
<td>55</td>
<td>1.8</td>
</tr>
<tr>
<td>5</td>
<td>70</td>
<td>2.1</td>
</tr>
<tr>
<td>6</td>
<td>85</td>
<td>2.4</td>
</tr>
<tr>
<td>7</td>
<td>85</td>
<td>2.7</td>
</tr>
</tbody>
</table>
TABLE FOR DEFICIT ACCOUNTS

<table>
<thead>
<tr>
<th>Rate Class</th>
<th>Cumulative Taxable Payroll Limits</th>
<th>Contribution Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>MORE THAN</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(%) of Total Taxable Payroll</td>
<td>16 2/3</td>
<td>3.0</td>
</tr>
<tr>
<td>2</td>
<td>16 2/3</td>
<td>3.0</td>
</tr>
<tr>
<td>3</td>
<td>33 1/3</td>
<td>3.3</td>
</tr>
<tr>
<td>4</td>
<td>50</td>
<td>3.6</td>
</tr>
<tr>
<td>5</td>
<td>66 2/3</td>
<td>3.9</td>
</tr>
<tr>
<td>6</td>
<td>83 1/3</td>
<td>4.2</td>
</tr>
</tbody>
</table>

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

(b) For experience rating purposes, all previously accumulated benefit charges to covered employers' accounts pursuant to the applicable regulations prior to the effective date of this subsection shall not be changed except as provided by this act. Benefits paid prior to the cut-off date, with respect to benefit years commencing with July, 1951, and thereafter shall, as of the end of such benefit year preceding the calendar year for which an eligible a covered employer's contribution rate is effective, be charged to the account of the covered employer who paid the largest individual amount of base period wages as shown on the determination used as the basis for the payment of such benefits, except that after the effective date of this act no charge shall be made to the account of such covered employer with respect to benefits paid under the following situations:

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

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

(3) If paid to multi-state claimants and based upon wages paid or payable in more than one state pursuant to the reciprocal arrangement provisions of section 72-1344.

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

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

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

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

(ii) If the successor was not a covered employer prior to the date of the acquisition of all or a part of the prede-
cessor’s business, his rate shall be the rate applicable to the predecessor with respect to the period immediately preceding the date of acquisition, but if there were more than one predecessor the successor’s rate shall be a newly computed rate based on the combined experience of the predecessors, becoming effective immediately after the date of acquisition, and shall remain in effect the balance of the rate year.

(e) Each employer shall be notified of his rate of contribution as determined for any calendar year pursuant to this section. Such determination shall become conclusive and binding upon the employer unless, within fourteen days after delivery or mailing of the notice thereof to his last known address, the employer files an application for redetermination setting forth his reasons therefor. Reconsideration shall be limited to transactions occurring subsequent to any previous determination which has become final in accordance with the provisions of this or previous acts. The employer shall, after notice and opportunity for hearing, be promptly notified of the redetermination which shall become final unless within thirty days after delivery or mailing of notice thereof to his last known address an appeal is filed with the board. A decision of the board in the absence of fraud shall be final and conclusive unless within thirty days after the mailing of notice thereof to his last known address an appeal is filed with the Supreme Court. In any proceedings under this section, the findings of the board as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive and the jurisdiction of the court shall be confined to questions of law.

SECTION 8. That Section 72-1351A, Idaho Code, be and the same is hereby repealed.

SECTION 9. 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.

RATIFYING AND APPROVING AND ACCEPTING ON BEHALF OF THE PEOPLE OF THE STATE OF IDAHO THE TERMS AND CONDITIONS OF THAT CERTAIN AGREEMENT MADE AND ENTERED INTO BY E. ROLAND HARRIMAN, W. AVERELL HARRIMAN, AND ROBERT E. SMYLIE WHICH SAID AGREEMENT CONVEYS BY GIFT THAT PROPERTY KNOWN AS "RAILROAD RANCH" TO BE USED AND ENJOYED AS A STATE PARK.

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

SECTION 1. Ratification, approval and acceptance is hereby made on behalf of the people of the State of Idaho to the terms and conditions set forth in that certain agreement dated December 4, 1961 made and entered into by and between E. Roland Harriman, W. Averell Harriman, and Robert E. Smylie which said agreement conveys by gift to the State of Idaho that property known as "Railroad Ranch" to be used and enjoyed as a State Park; which agreement is set forth in full as follows:

AGREEMENT

THIS AGREEMENT made and entered into as of December 4, 1961, between E. ROLAND HARRIMAN residing at Arden, New York, W. AVERELL HARRIMAN residing at Harriman, New York and THE PEOPLE OF THE STATE OF IDAHO acting by and through ROBERT E. SMYLIE, Governor of the State of Idaho.

WITNESSETH:

WHEREAS, for over fifty years the Harriman family has been a part of the Idaho community, enjoying at the Railroad Ranch health and recreational facilities unequalled elsewhere. In return, the Harriman family has conducted a cattle operation thus contributing in some measure to the growth of the Idaho economy and the development of its resources. Recognizing that the wild life of Idaho is not the exclusive property of any one generation but is a limited resource that must be passed on to succeeding generations the Railroad Ranch has protected game, birds and fish and certain areas have been protected as
a sanctuary for all forms of wild life. In the early 1930's over 100 elk which were pastured in captivity at the Railroad Ranch were released into the forest preserve in order to build up the natural elk herd which at that time was practically nonexistent. All these steps have improved the hunting on the lands adjacent to the Railroad Ranch during the years of Harriman occupancy.

In keeping with these principles and in order that the people of Idaho in particular and visitors from other states and countries may continue to enjoy these privileges in perpetuity, E. Roland Harriman and W. Averell Harriman desire to make a gift of the property known as Railroad Ranch to the people of Idaho to be maintained as a State Park on the terms and conditions hereinafter set forth, and

WHEREAS, E. Roland Harriman and W. Averell Harriman are the only beneficial owners of shares of the corporate capital stock of Island Park Land and Cattle Company, a Utah corporation, owning certain real property situated in the County of Fremont, State of Idaho, and in the County of Beaverhead, State of Montana, are General Partners in Railroad Ranch Cattle Co., a Utah partnership, owning real property situated in the County of Fremont, State of Idaho, and are joint owners of certain other real property situated in the County of Fremont, State of Idaho, and

WHEREAS, E. Roland Harriman and W. Averell Harriman in order to carry out their desire to make said gift desire to make formal arrangements for the donation to The People of the State of Idaho all of their respective shares of stock in Island Park Land and Cattle Company and indebtedness owing to them respectively by said Island Park Land and Cattle Company, so much of their respective interests as General Partners in Railroad Ranch Cattle Co. as consists of real property and improvements thereon situated in the County of Fremont, State of Idaho and also their respective interests in their jointly-owned real property and improvements thereon situated in the County of Fremont, State of Idaho, in consideration of the People of the State of Idaho utilizing said real property and improvements thereon for the purpose of creating in perpetuity a State Park under the terms and conditions hereinafter set forth.

NOW, THEREFORE, the undersigned, E. Roland Harriman, W. Averell Harriman and Robert E. Smylie, Governor of the State of Idaho acting for and in behalf of
The People of the State of Idaho, do hereby covenant and agree as follows:

1. E. Roland Harriman agrees that he will by his last Will and Testament bequeath and devise subject, however, to a legal life estate in his wife, Gladys F. Harriman, to the Governor of Idaho in trust for The People of the State of Idaho:

   (a) all of his right, title and interest in and to all shares of the corporate capital stock of Island Park Land and Cattle Company together with all indebtedness owing from said corporation to him at the time of his death; provided, however, that such bequest shall be on the condition that The People of the State of Idaho shall execute and deliver to Gladys F. Harriman an irrevocable power of attorney to her or her substitute or substitutes to vote as proxy all such shares of stock at stockholders’ meetings of said corporation and further provided that if at any time said corporation shall be dissolved during the lifetime of said Gladys F. Harriman, The People of the State of Idaho shall take all necessary action and deliver to the said Gladys F. Harriman all documents necessary to confer upon her a legal life estate in and to any and all real property owned by said corporation located in the County of Fremont, State of Idaho;

   (b) all of his right, title and interest in and to so much of his capital interest as a General Partner in Railroad Ranch Cattle Co. as shall consist of real property and improvements thereon situated in the County of Fremont, State of Idaho;

   (c) all of his right, title and interest in and to any real property situated in the County of Fremont, State of Idaho owned by him individually at the time of his death.

2. W. Averell Harriman agrees that he will by his last Will and Testament bequeath and devise to the Governor of Idaho in trust for The People of the State of Idaho, subject to a legal life estate in E. Roland Harriman and in his wife, Gladys F. Harriman, and in the survivor of them:

   (a) all of his right, title and interest in and to all shares of the corporate capital stock of Island Park Land and Cattle Company then owned by him together with all indebtedness then owing from said corporation to him;
provided, however, that such bequest shall be on the con-
dition that The People of the State of Idaho shall execute
and delived to E. Roland Harriman and Gladys F. Harri-
man an irrevocable power of attorney to them and the
survivor of them or their substitute or substitutes to vote
as proxy all such shares of stock at stockholders' meetings
of said corporation and further provided that if at any
time said corporation shall be dissolved during the life-
times of the said E. Roland Harriman and Gladys F. Harri-
man The People of the State of Idaho shall take all neces-
sary action and deliver to the said E. Roland Harriman
and Gladys F. Harriman all documents necessary to con-
fer upon them or the survivor of them a legal life estate
in and to any and all real property owned by said corpo-
ration located in the County of Freemont, State of Idaho;

(b) all of his right, title and interest in and to so
much of his capital interest as a General Partner in Rail-
road Ranch Cattle Co. as may then consist of real prop-
erty and improvements thereon situated in the County of
Fremont, State of Idaho; and

(c) all of his right, title and interest in and to any
real property situated in the County of Fremont, State of
Idaho, then owned by him individually.

3. No bond or other security shall be required of either
E. Roland Harriman or Gladys F. Harriman as such legal
life tenant.

4. The People of the State of Idaho acting by and
through Robert E. Smylie, Governor of the State of Idaho,
hereby accept the foregoing gifts and agree that upon
the performance by the said E. Roland Harriman and W.
Averell Harriman of the foregoing covenants The People
of the State of Idaho will take the necessary action to
establish a State Park for the use and recreation of the
general public upon such terms and conditions as shall
be deemed appropriate and desirable by the State of Idaho,
subject, however, to the following conditions;

(a) The name of the park shall be “Harriman State
Park of Idaho.”

(b) The People of the State of Idaho acting by and
through the Legislature of Idaho will establish pursuant
to law a professionally staffed career Park Service whose
personnel shall be chosen on the basis of merit alone, and
which shall be administered under merit system procedures
for personnel administration, and the said Park Service shall, when established, be vested with the control and administration of the Park, subject to the advice and consent of the Governor of Idaho.

(c) The People of the State of Idaho agree to pay to the County of Fremont, after the gifts herein agreed to be devised and bequeathed have vested fully and finally in the State of Idaho and its people, a sum of money in lieu of taxes equal to the sum which would have been paid had the property remained in private ownership. This payment shall be computed by applying the millage levies applicable to the property in the ordinary course to the assessed valuation of the property as it appears on the books of the County Assessor of Fremont County on November 27, 1961.

(d) In order to protect the visitors to the park and add to the protection of wild life, hunting, shooting and trapping by the general public shall be at all times prohibited and The People of the State of Idaho shall take all measures necessary for the strict enforcement of this prohibition. In the event that the proper State or Park officials shall deem it necessary for conservation or other purposes to destroy animals, birds or vermin, such destruction shall be undertaken only by game wardens, Park officials or other duly authorized State Officers.

(e) Fishing by the general public shall be permitted in season, except as hereinafter provided, but fishermen shall be restricted to the use of dry and wet flies and no bait or other lures shall be allowed at any time.

(f) The present bird sanctuary located between the Ranch Bridge and the Osborne Bridge shall be continued in perpetuity. This sanctuary shall be closed to the general public by the proper State or Park officials at such times as shall be appropriate and consistent with the maintenance of a sanctuary. No fishing shall be permitted in the sanctuary during migratory bird season and the sanctuary shall be closed to the public at that time.

(g) The People of the State of Idaho shall upon termination of all legal life estates provided for herein take all necessary action to sell the real property and improvements thereon located in the County of Beaverhead, State of Montana, now belonging to Island Park Land and Cattle Company and shall use the net proceeds of such sale and the income therefrom for the general purposes of the Park
and for the acquisition of surrounding lands for the general uses of the Park.

(h) In order to extend the boundaries of the Park, The People of the State of Idaho shall employ their best efforts to acquire from the United States Government and others in whole or in part from time to time from the date hereof by exchange or otherwise as a part of the Park all lands west of the Snake River from the Osborne Bridge to the Island Park Reservoir Dam thence westerly to Green Canyon Road back to the point of beginning. In order to further protect the visitors to the Park and to add to the further protection of wild life, such lands whether or not so acquired shall be subject to the same prohibitions as are contained in Article 4(d) hereof from and after the time that the Park is established.

(i) The People of the State of Idaho may either directly or by concession make such provisions as may seem to them proper for food, lodging and saddle horses within the Park and may also make such arrangements for forestry, agriculture and cattle raising. The People of the State of Idaho, acting through the Department of Aeronautics of the State of Idaho may establish, construct and maintain a small aircraft landing strip in the Park.

5. During the lifetimes of E. Roland Harriman and Gladys F. Harriman, The People of the State of Idaho may by way of gift or devise from Charles S. Jones or by devise from W. Averell Harriman acquire an interest in the foregoing real property situated in the County of Fremont, State of Idaho, whether by way of fee, lease, remainder or otherwise. In the event The People of the State of Idaho shall acquire any such interest in such real property whether by way of fee, lease, remainder or otherwise, it is expressly understood and agreed that neither The People of the State of Idaho nor any officer, agent or representative of The People of the State of Idaho shall have any right to enter upon any such real property except for fire wardens, game wardens and law enforcement officers in the regular performance of their duties, without the express consent of E. Roland Harriman or his duly authorized representative or after his death, Gladys F. Harriman or her duly authorized representative, so long as E. Roland Harriman or Gladys F. Harriman shall live.

The People of the State of Idaho recognize that the right of E. Roland Harriman and Gladys F. Harriman to
the quiet and peaceful enjoyment of such property during their lifetimes and the lifetime of the survivor is paramount and of the essence of this contract. Accordingly, The People of the State of Idaho expressly agree that the said E. Roland Harriman and W. Averell Harriman may condition the foregoing bequests and devises in their said Wills or any \textit{inter vivos} instrument of conveyance upon the absolute compliance by The People of the State of Idaho, their officers, agents and representatives with the prohibition of entry hereinabove set forth. Said bequests, devises or instruments of conveyance may be conditioned so that if either E. Roland Harriman or W. Averell Harriman or their respective executors shall severally or jointly in his or their uncontrolled discretion determine that said prohibition has been violated this contract shall thereafter be null, void and of no effect and any and all property theretofore devised, bequeathed or conveyed pursuant here-to shall upon the termination of all legal life estates provided for herein revert to E. Roland Harriman and W. Averell Harriman or to their respective estates if either of them shall be deceased at the time of such determination, and The People of the State of Idaho shall have no further right, title or interest in or to any such property. It is expressly understood and agreed that The People of the State of Idaho, their officers, agents and representatives shall have no recourse in any court in any jurisdiction in the event that a determination that said prohibition has been violated shall be made as aforesaid.

It is also understood and agreed that in the event W. Averell Harriman shall survive both E. Roland Harriman and Gladys F. Harriman, The People of the State of Idaho shall after the death of the survivor of said E. Roland Harriman and Gladys F. Harriman and during the lifetime of W. Averell Harriman have a right of entry upon said property for the purposes of establishing said State Park upon the terms and conditions aforesaid.

6. This agreement shall not become effective or binding upon any of the parties until ratified and approved by the Legislature of the State of Idaho.

IN WITNESS WHEREOF, this Agreement has been executed as of the day and year hereinbefore set forth.

\begin{center}
\textit{s/E. Roland Harriman} \\
\textit{s/W. Averell Harriman}
\end{center}
THE PEOPLE OF THE STATE OF IDAHO
By.................................................................
Governor of the State of Idaho

CHAPTER 316
(H. B. No. 54, As Amended in the Senate)

AN ACT
AMENDING SECTION 72-1329, IDAHO CODE, AS AMENDED, DEFINING WAITING PERIOD; AMENDING TITLE 72, CHAPTER 13, IDAHO CODE, AS AMENDED, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 72-1355, TO BE KNOWN AND DESIGNATED AS SECTION 72-1355A, PROVIDING FOR CONTRACTORS' AND PRINCIPALS' LIABILITY FOR CONTRIBUTIONS; AMENDING SECTION 72-1360, IDAHO CODE, AS AMENDED, PROVIDING THAT A LIEN MAY BE ENFORCED BY THE DIRECTOR, HIS AUTHORIZED REPRESENTATIVE, OR BY ANY SHERIFF OF THE VARIOUS COUNTIES; AMENDING SECTION 72-1371, IDAHO CODE, AS AMENDED, PROVIDING A CRIMINAL PENALTY FOR A MISREPRESENTATION TO OBTAIN BENEFITS OR TO PREVENT PAYMENTS OR TO EVADE CONTRIBUTION LIABILITY; AND DECLARING AN EMERGENCY.

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 following section 72-1315, to be known and designated as section 72-1315A, to read as follows:

SECTION 2. That Section 72-1316, Idaho Code, as amended, be and the same is hereby amended to read as follows:

72-1316. COVERED EMPLOYMENT.—(a) The term “covered employment” means an individual’s entire service, including service in interstate commerce, performed by him for wages or under any contract of hire, written or oral, express or implied, except—

(1) Agricultural labor, as defined by section 72-1304;

(2) Service performed as domestic service in a private
home, local college club, or local chapter of a college fraternity or sorority;

(3) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one years in the employ of his father, mother, brother or sister;

(4) Service performed in the employ of the United States Government or an instrumentality of the United States exempt under the constitution of the United States from the contributions imposed by this act except that, to the extent that the Congress of the United States shall permit states to require any instrumentality of the United States to make payments into a fund under a state unemployment compensation or insurance law, all of the provisions of this act shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent, and on the same terms as to all other covered employers, persons, individuals, and services; provided, that if this state shall not be certified for any year by the secretary of labor under section 3304 of the Federal Internal Revenue Code of 1954, the payments required of such instrumentality with respect to such year shall be refunded by the director from the employment security fund in the same manner and within the same period as is provided in section 72-1357 with respect to contributions erroneously collected;

(5) Service performed in the employ of any state other than Idaho, or any political sub-division thereof, or any instrumentality of the foregoing which is wholly owned by such other states or political subdivisions; and any service performed in the employ of any instrumentality of one or more other states or political subdivisions to the extent that the instrumentality is, with respect to such service, exempt under the constitution of the United States from the tax imposed by chapter 23, sub-title C of the Federal Internal Revenue Code of 1954;

(6) Service performed in the employ of: (A) any public institution or instrumentality which pays the wages of its employees out of moneys raised solely by exercise of the power of taxation, including but not limited to, municipalities, highway districts, drainage district, cemetery districts, and school districts; provided, however, that service performed in the employ of irrigation districts and soil conservation districts shall be considered covered
employment; (B) a children's home or _eleemosynary_ hospital, no part of the net earnings of which inures to the benefit of any private shareholder or individual; and (C) a fraternal benefit society organized or licensed under the provisions of chapter 30 of title 41;

(7) Service performed in the employ of a corporation, community chest, fund, foundation, or association organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is commercial in nature and in direct competition with commercial businesses, or engaged in carrying on propaganda, or otherwise attempting to influence legislation;

(8) Service with respect to which unemployment compensation or insurance is payable under an unemployment compensation system established by an Act of Congress other than the Social Security Act;

(9) Service performed as a student nurse in the employ of a hospital or nurses' training school by an individual who is enrolled and is regularly attending courses in a nurses' training school chartered or approved pursuant to the state law, and service performed as an intern in the employ of a hospital by an individual who has completed a course in a medical school chartered or approved pursuant to state law;

(10) Service performed by an individual under the age of eighteen years in the delivery or distribution of newspapers or shopping news not including delivery or distribution to any point for subsequent delivery or distribution; and

(10a) Service performed by an individual for a person as an insurance agent or as an insurance soliciter, if all such service performed by such individual for such person is performed for remuneration solely by way of commission.

(11) Service covered by an election duly approved by the agency charged with the administration of any other state or federal employment compensation or unemployment insurance law, in accordance with an arrangement
pursuant to 72-1344 during the effective period of such election.

(b) Notwithstanding any of the other provisions of this section, services shall be deemed to be in covered employment if with respect to such services a tax is required to be paid under section 1600 of the Federal Internal Revenue Code, as amended.

(c) Services covered by an election pursuant to section 72-1352 and services covered by an election duly approved by the director in accordance with an arrangement pursuant to section 72-1344 shall be deemed to be covered employment during the effective period of such election.

(d) Services performed by an individual only as an employee shall be covered employment, but there shall not be included in said covered employment, nor shall such term employee include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules.

(e) The term "covered employment" shall include an individual's entire service, performed within or both within and without this state,

(1) if the service is localized in this state; or

(2) if the service is not localized in any state but some of the service is performed in this state and (A) the individual's base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state, or (B) the individual's base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state.

(3) Service shall be deemed to be localized within a state if

(A) the service is performed entirely within such state; or

(B) the service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state,
for example, is temporary or transitory in nature or consists of isolated transactions.

SECTION 3. That section 72-1329, Idaho Code, as amended, be and the same is hereby amended to read as follows:

72-1329. WAITING PERIOD.—(a) The waiting period of an eligible benefit claimant shall consist of one week.

(b) A waiting period 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 (except that the last week of his benefit year may be credited as a waiting week), provided, that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment; and

(2) with respect to which benefits have not been paid to him; and

(3) in which he complied with all 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 his weekly benefit amount.

SECTION 4. That Title 72, Chapter 13, Idaho Code, as amended, be and the same is hereby amended by adding a new section thereto following section 72-1355, to be known as section 72-1355A, to read as follows:

72-1355A. CONTRACTORS' AND PRINCIPALS' LIABILITY FOR CONTRIBUTIONS.—No covered employer which contracts with any contractor or subcontractor who is a covered employer under the provisions of this act shall make final payment to such contractor or subcontractor for any indebtedness due, until after the contractor or subcontractor has paid or has furnished a good and sufficient bond acceptable to the director for payment of contributions due, or to become due, in respect to personal services which have been performed by individuals for such contractor or subcontractor. Failure to comply with the provisions of this section shall render said covered employer directly liable for such contributions; and the director shall have all of the remedies of collection against said covered employer under the provisions of this act as though the services in question were performed directly for said covered employer.
SECTION 5. That section 72-1360, Idaho Code, as amended, be and the same is hereby amended to read as follows:

72-1360. LIENS.—(a) Upon the failure of any covered employer to pay contributions or penalties when due, the director may file with the clerk of the district court of the county, wherein such employer has his principal place of business, and a copy thereof with the clerk of the district court of any county in which such employer may have real or personal property, a certificate under his official seal, stating:

(1) the name of the covered employer;
(2) his address;
(3) the amount of contributions and penalties in the form of an itemized statement thereof owing and in default; and
(4) that the time in which an appeal or review is permitted, pursuant to section 72-1358, has expired without having been taken or that delay will jeopardize collection. Thereupon, such clerk shall enter in the judgment docket of the court, the name of the employer mentioned in the certificate, the amount of such contributions and penalties in default and the date when such certificate is filed. When such certificate is duly filed and recorded, the amount of the contributions and penalties in default shall be a lien upon the entire interest of such employer, legal or equitable, in any property, real or personal, tangible or intangible, not exempt from execution, situated in the county where the certificate or a copy thereof was filed. The lien thus created shall be in favor of the state of Idaho and shall be prior to all other liens and encumbrances, except previously existing mortgage liens, labor liens and tax liens, and it shall have equal priority with tax liens. No lien for contributions or penalties shall be valid against one who purchases personal property from the delinquent employer in the usual course of business and in good faith and without actual notice of such lien. Such lien may be enforced against any real or personal property of the delinquent employer by the director, his authorized representative, or by any sheriff of the various counties in the same manner as a judgment of the district court duly docketed and the amount, secured by the lien thus established, shall bear interest at the rate of six per centum per annum. The foregoing remedy shall be in addition to all other remedies against the covered employer.
(b) The employer against whose property such lien has been filed may cause his property to be released by filing with the county clerk of the county where such lien is recorded a bond in a sum double the amount claimed in said lien, executed by a surety company licensed to do business in Idaho or by two private sureties residing in Idaho, to be approved by the district judge of the district in which said lien is filed, or, in the event of his absence from the county in which said lien is filed, then by the probate judge of said county, running to the state of Idaho and conditioned for the payment of all contributions, penalties, interest, and costs that may be recovered by the state of Idaho against such employer or that may be found to be a lien upon or against the property of such employer. The clerk shall then issue to such employer a certificate stating that the bond is substituted in lieu of the property of said employer and that the lien on said property is forever released and discharged and a marginal entry on said release and bond shall be made in the lien docket containing the original record of certificate of claim of lien, and if the state establish the validity of its lien by a suit to foreclose the same, it shall be entitled to a judgment or decree against the sureties upon said bond.

(c) Any lien as provided in this section shall be released or satisfied by the director, upon the payment of the debt secured by the lien, and the property against which a lien is claimed shall be released therefrom by filing a notice of such release or satisfaction with the clerk of the county in which the certificate of claim of lien was filed. In any suit or action involving the title to real or personal property against which the state has or may claim a lien, the state may be made a party to such suit or action.

SECTION 6. 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 OR TO PREVENT PAYMENTS OR TO EVADE CONTRIBUTION LIABILITY — CRIMINAL PENALTY. —(a) The making of a false statement or representation when the maker knows the statement to be false, or the wilful 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.
(b) The making by an employer or any officer or agent of an employer or any other person of a false statement or representation when the maker knows such statement or representation to be false, or the willful failure to disclose a material fact to prevent or reduce the payment of benefits to any individual entitled thereto or to avoid becoming or remaining a covered employer or to avoid or reduce any contribution or other payment required from a covered employer from this act or under any unemployment compensation or unemployment insurance law of any state or of the federal government, or the willful failure or refusal to make any such contributions or other payment or to furnish any such reports required under this act as required for the administration of this act, is hereby declared to be a misdemeanor.

SECTION 7. That Section 72-1372, Idaho Code, as amended, be, and the same is hereby repealed.

SECTION 8. 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 317
(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 moneys received by the State of Idaho through the United States Office of Education for Civil Defense Adult 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 payments as agent, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:

STATE BOARD OF EDUCATION FOR CIVIL DEFENSE ADULT EDUCATION:

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
<td>$43,000</td>
</tr>
<tr>
<td>Travel Expense</td>
<td>12,000</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>7,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>8,000</td>
</tr>
<tr>
<td>Payments as Agent</td>
<td>120,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$190,000</strong></td>
</tr>
</tbody>
</table>

From the moneys received by the State of Idaho through the United States Office of Education for Civil Defense Adult Education...

This Bill became a law without the signature of the Governor, effective March 28, 1963.

CHAPTER 318
(H. B. No. 131, As Amended)

AN ACT

AMENDING SECTION 72-1316, IDAHO CODE, AS AMENDED BY HOUSE BILL NO. 54, LEGISLATURE OF THE STATE OF IDAHO, THIRTY-SEVENTH SESSION, DEFINING COVERED EMPLOYMENT AND EXCEPTIONS THERETO BY EXEMPTING PUBLIC INSTITUTIONS OR INSTRUMENTALITIES OTHER THAN THE STATE OF IDAHO WHICH ACQUIRE OPERATING FUNDS PRIMARILY THROUGH DIRECT OR INDIRECT TAXATION; REPEALING SECTION 72-1316B WHICH INCLUDES WITHIN THE DEFINITION COVERED EMPLOYMENT SERVICE PERFORMED FOR ANY PUBLIC INSTITUTION OR INSTRUMENTALITY OTHER THAN THE STATE OF IDAHO.

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

SECTION 1. That Section 72-1316, Idaho Code, as amended by House Bill No. 54, Legislature of the State of Idaho,
Thirty-seventh Session, be, and the same is hereby amended to read as follows:

72-1316. COVERED EMPLOYMENT.—(a) The term “covered employment” means an individual’s entire service, including service in interstate commerce, performed by him for wages or under any contract of hire, written or oral, express or implied, except—

1) Agricultural labor, as defined by section 72-1304;

2) Service performed as domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;

3) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one years in the employ of his father, mother, brother or sister;

4) Service performed in the employ of the United States Government or an instrumentality of the United States exempt under the constitution of the United States from the contributions imposed by this act except that, to the extent that the Congress of the United States shall permit states to require any instrumentality of the United States to make payments into a fund under a state unemployment compensation or insurance law, all of the provisions of this act shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent, and on the same terms as to all other covered employers, persons, individuals, and services; provided, that if this state shall not be certified for any year by the secretary of labor under section 3304 of the Federal Internal Revenue Code of 1954, the payments required of such instrumentality with respect to such year shall be refunded by the director from the employment security fund in the same manner and within the same period as is provided in section 72-1357 with respect to contributions erroneously collected;

5) Service performed in the employ of any state other than Idaho, or any political subdivision thereof, or any instrumentality of the foregoing which is wholly owned by such other states or political subdivisions; and any service performed in the employ of any instrumentality of one or more other states or political subdivisions to the extent that the instrumentality is, with respect to such service, exempt under the constitution of the United States
from the tax imposed by Chapter 23, sub-title C of the Federal Internal Revenue Code of 1954;

(6) Service performed in the employ of: (A) any public institution or instrumentality which pays the wages of its employees out of money raised solely by the exercise of the power of acquires its operating funds primarily through direct or indirect, taxation, including but not limited to, counties, municipalities, highway districts, drainage districts, cemetery districts, and school districts; provided, however, that service performed in the employ of irrigation districts and soil conservation districts shall be considered covered employment; (B) a children's home or eleemosynary hospital, no part of the net earnings of which inures to the benefit of any private shareholder or individual; and (C) a fraternal benefit society organized or licensed under the provisions of chapter 30 of title 41;

(7) Service performed in the employ of a corporation, community chest, fund, foundation, or association organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is commercial in nature and in direct competition with commercial businesses, or engaged in carrying on propaganda, or otherwise attempting to influence legislation;

(8) Service with respect to which unemployment compensation or insurance is payable under an unemployment compensation system established by an Act of Congress other than the Social Security Act;

(9) Service performed as a student nurse in the employ of a hospital or nurses' training school by an individual who is enrolled and is regularly attending courses in a nurses' training school chartered or approved pursuant to the state law, and service performed as an intern in the employ of a hospital by an individual who has completed a course in a medical school chartered or approved pursuant to state law;

(10) Service performed by an individual under the age of eighteen years in the delivery or distribution of newspapers or shopping news not including delivery or distrib-
bution to any point for subsequent delivery or distribution; and

(10a) Service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission.

(11) Service covered by an election duly approved by the agency charged with the administration of any other state or federal employment compensation or unemployment insurance law, in accordance with an arrangement pursuant to 72-1344 during the effective period of such election.

(b) Notwithstanding any of the other provisions of this section, services shall be deemed to be in covered employment if with respect to such services a tax is required to be paid under section 1600 of the Federal Internal Revenue Code, as amended.

(c) Services covered by an election pursuant to section 72-1352 and services covered by an election duly approved by the director in accordance with an arrangement pursuant to section 72-1344 shall be deemed to be covered employment during the effective period of such election.

(d) Services performed by an individual only as an employee shall be covered employment, but there shall not be included in said covered employment, nor shall such term employee include, (1) any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common law rules in an independently established trade, business, or profession in which the individual is customarily engaged.

(e) The term "covered employment" shall include an individual's entire service, performed within or both within and without this state,

(1) if the service is localized in this state; or

(2) if the service is not localized in any state but some of the service is performed in this state and (A) the individual's base of operations, or, if there is no base of
operations, then the place from which such service is
directed or controlled, is in this state, or (B) the indi­
vidual's base of operations or place from which such serv­
ice is directed or controlled is not in any state in which
some part of the service is performed but the individual's
residence is in this state.

(3) Service shall be deemed to be localized within a
state if

(A) the service is performed entirely within such state; or

(B) the service is performed both within and without
such state, but the service performed without such state
is incidental to the individual's service within the state,
for example, is temporary or transitory in nature or con­
sists of isolated transactions.

SECTION 2. That Section 72-1316B, Idaho Code, be, and
the same is hereby repealed.

This Bill became a law without the signature of the
Governor, effective March 28, 1963.

CHAPTER 319
(H. B. No. 26, As Amended, As Amended in the Senate)

AN ACT
RELATING TO THE REHABILITATION OF CHILDREN IN THIS
STATE WHERE THE CHILD'S CONDUCT IS IN CONFLICT
WITH THE LAW; DECLARING THE POLICY OF THE STATE
OF IDAHO; DEFINING TERMS USED WITHIN THIS ACT;
PRESCRIBING JURISDICTION OVER CHILDREN AND
MINORS WHOSE CONDUCT FALLS WITHIN THE PUR­
VIEW OF THIS ACT; PROVIDING FOR TRANSFER FROM
OTHER COURTS IN CERTAIN CASES; PROVIDING FOR
RETENTION OF JURISDICTION; PROVIDING FOR TRANS­
FER TO OTHER COURTS IN CERTAIN CASES; PROVID­
ING FOR INVESTIGATIONS AND CONTENTS OF THE
PETITION; PROVIDING FOR SUMMONS, NOTICE, AND
CUSTODY OF CHILDREN; PROVIDING FOR SERVICE OF
SUMMONS AND PAYMENT OF TRAVEL EXPENSES IN
CERTAIN CASES FOR PERSONS ATTENDING HEARINGS;
PROVIDING PENALTIES FOR FAILURE TO OBEY SUM­
MONS; PROVIDING FOR APPREHENSION, DETENTION
AND RELEASE OF CHILDREN WITHIN THE PURVIEW OF THIS ACT; PROVIDING FOR DETENTION ACCOMMODATIONS FOR CHILDREN WITHIN THE PURVIEW OF THIS ACT; PROVIDING FOR CONDUCT OF HEARINGS FOR CHILDREN WITHIN THE PURVIEW OF THIS ACT; PROVIDING FOR ENTRY OF DEGREE, PROBATION, COMMITMENT AND MEDICAL OR REMEDIAL TREATMENT; PROVIDING FOR THE SUPPORT OF CHILDREN COMMITTED TO CUSTODIAL AGENCIES; PROVIDING FOR THE PRESERVATION OF RECORDS AND THE CONFIDENTIALITY THEREOF; PROVIDING PENALTIES FOR THE ENCOURAGING OF CHILDREN TO COME WITHIN THE PURVIEW OF THIS ACT; PROVIDING THAT SCHOOL DISTRICT BOARDS OF TRUSTEES REPORT TRUANTS; PROVIDING FOR APPEALS FROM PROBATE COURTS TO DISTRICT COURTS; PROVIDING FOR APPOINTMENT OF COUNTY PROBATION OFFICERS; PRESCRIBING DUTIES OF THE BOARD OF HEALTH; PROVIDING FOR EXAMINATION AND RE-EXAMINATION OF PERSONS COMMITTED TO THE BOARD OF HEALTH UNDER THIS ACT; DIRECTING THE BOARD OF HEALTH TO MAINTAIN RECORDS OF EXAMINATION, PROGNOSIS AND ALL ORDERS RELATING TO DISPOSITION AND TREATMENT OF EVERY PERSON COMMITTED TO IT; PRESCRIBING THE PERIOD OF CONTROL OVER PERSONS COMMITTED TO THE BOARD OF HEALTH; PRESCRIBING POWERS OF THE BOARD OF HEALTH; ESTABLISHING THE YOUTH REHABILITATION DIVISION OF THE BOARD OF HEALTH; AUTHORIZING THE BOARD OF HEALTH TO ENTER INTO AGREEMENTS IN CERTAIN CASES; AUTHORIZING THE BOARD OF HEALTH TO ENTER INTO CONTRACTS FOR APPROPRIATE RESEARCH AND TRAINING OF PERSONNEL; PROVIDING FOR THE DISPOSITION AND DISBURSEMENT OF CERTAIN MONEYS RECEIVED BY THE BOARD OF HEALTH UNDER THE PROVISIONS HEREOF; PROVIDING FOR THE UTILIZATION OF EXISTING INSTITUTIONS AND FACILITIES; PROVIDING FOR THE DISPOSITION OF PERSONS COMMITTED TO THE BOARD OF HEALTH UNDER THIS ACT; DIRECTING THAT ORDERS OF THE BOARD OF HEALTH ARE TO BE CONSIDERED WARRANTS; PROVIDING THAT DISTRICT COURTS MAY MAKE COMMITMENTS TO THE BOARD OF HEALTH IN CERTAIN CASES; PROVIDING FOR DETENTION OF PERSONS COMMITTED TO THE BOARD OF HEALTH; AND PROVIDING FOR THE PAYMENT OF COSTS OF TRANSPORTATION OF COMMITTED PERSONS; PROVIDING FOR NOTIFICATION OF COMMITMENT BY DISTRICT COURTS AND PRESCRIBING THE FORM OF COM-
MITMENT ORDER; PROVIDING FOR THE TRANSFER OF CUSTODY TO THE BOARD OF HEALTH IN CERTAIN CASES BY THE BOARD OF CORRECTIONS; PROVIDING FOR THE DISPOSITION BY THE BOARD OF HEALTH OF INCORRIGIBLE FELONS; PRESCRIBING THE EFFECT OF DISCHARGE BY THE BOARD OF HEALTH; DIRECTING THAT APPEALS SHALL NOT STAY ORDERS OF COMMITMENT AND PROVIDING EXCEPTIONS THERETO; PRESCRIBING PENALTIES FOR WILLFULLY FAILING OR NEGLECTING TO EXECUTE DUTIES IMPOSED BY THIS ACT; PROVIDING FOR THE APPOINTMENT OF A SPECIAL COMMISSIONER; PROVIDING A GENERAL SAVING CLAUSE; PRESCRIBING CERTAIN RULES OF CONSTRUCTION FOR THIS ACT; PRESCRIBING THE DUTIES IMPOSED UPON SPECIAL COMMISSIONER; PROVIDING A MANNER OF DESIGNATING AND CITING THIS ACT; AND REPEALING SECTIONS 16-1801 THROUGH 16-1843, IDAHO CODE, AS AMENDED.

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

SECTION 1. POLICY.—The policy of the state of Idaho is hereby declared to be the establishment of a legal framework conducive to the constructive judicial processing of children's cases where the child's conduct is in conflict with the law; and the providing of professional assistance to courts handling children's cases, through a coordinated program of rehabilitation, thereby insuring integrated treatment and assistance to communities throughout the state in their programs of prevention and control of juvenile delinquency.

SECTION 2. DEFINITIONS.—When used in this act, unless context otherwise requires:

a. “Court” means probate court.

b. “Judge” means probate judge.

c. “Child” means a person less than eighteen years of age.

d. “Adult” means a person eighteen years of age or older.

e. The singular includes the plural, the plural the singular, and the masculine the feminine, when consistent with the intent of the act.

f. “Juvenile traffic violator” shall mean a child who has violated any state laws or any ordinance or regulations of any county, city or village in this state pertaining to the operation of a motor vehicle.
g. "Board" means State Board of Health.

h. "Legal custody" means the relationship created by the court's decree which imposes upon the custodian responsibilities of physical possession of the child, the duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care.

i. "Commit" means to transfer legal custody.

j. "Detention" means the temporary care of children who require secure custody for their own or the community's protection in physically restricting facilities pending court disposition.

SECTION 3. JURISDICTION—CHILDREN—MINORS. —Except as otherwise provided herein and subject to the prior jurisdiction of a United States court, the court shall have exclusive jurisdiction in proceedings:

1. Concerning any child living or found within the county:
   a. who wanders the streets in the nighttime without being on any lawful business or occupation or who is an habitual truant from school; or
   b. who has violated any federal, state or local law or municipal ordinance, regardless of where the violation occurred, excepting violations of regulations and ordinances pertaining to the operation of motor vehicles unless in violations of sub-sections (c) and (d) hereof; or
   c. who operates a motor vehicle during such time as his permit or license shall have been suspended or revoked; or
   d. who shall have been convicted for the third time of violating any state or local law in this state pertaining to the operation of a motor vehicle, provided, however, that the prosecuting attorney of any county may bring under the provisions of this act any juvenile violating a statute or local law pertaining to drunken driving or reckless driving.

2. Concerning any child eighteen years of age or older living or found within the county who has violated or attempted to violate any federal, state or local law or municipal ordinance, except juvenile traffic
violators, prior to having become eighteen years of age. Such a child shall be dealt with under the provisions of this act relating to children. Justice courts, police and municipal courts, as well as the probate court shall have concurrent original jurisdiction in all proceedings affecting juvenile traffic violators.

3. Concerning any child found to be within the purview of the Interstate Compact on Juveniles, Sections 16-1901 through 16-1910, Idaho Code.

SECTION 4. TRANSFER FROM OTHER COURTS.—If during the pendency of a criminal or quasi-criminal charge against any minor in any other court, it shall be ascertained that the child was under the age of eighteen years at the time of committing the alleged offense, except where such child has left the state, or where said charge is that such child is a juvenile traffic violator, or is within the purview of Section 6 (a) or (b) of this act it shall be the duty of such court forthwith to transfer the case, together with all the papers, documents and testimony connected therewith, to the court. The magistrate, justice of the peace or district court making such transfer shall order the child to be taken forthwith to the court or place of detention designated by the court or shall release such child to the custody of some suitable person to be brought before the court at a time designated. The court shall then proceed as provided in this act.

SECTION 5. RETENTION OF JURISDICTION.—Jurisdiction obtained by the court in the case of a child shall be retained by it for the purposes of this act until he becomes twenty-one years of age, unless terminated prior thereto. If a child under the jurisdiction of the probate court and after attaining eighteen years of age, is charged with a felony, he shall be treated as any other adult offender. If a child eighteen years of age or older already under probate court jurisdiction is convicted of a felony that conviction shall terminate the jurisdiction of the probate court, provided, however, nothing herein contained shall prohibit any court from proceeding as provided in Section 6 (2) of this act.

SECTION 6. TRANSFER TO OTHER COURTS.—

1. The court may waive jurisdiction and order a child held for criminal proceedings after full investigation and hearing when:
a. a child sixteen years of age or over is alleged to have committed an act prior to having become eighteen which would be a felony if committed by an adult; or

b. a child eighteen years of age or over is alleged to have committed an act prior to having become eighteen which would be a crime if committed by an adult, and the court finds that the child is not committable to an institution for the mentally deficient or mentally ill, is not treatable in any available institution or facility within the state designed for the care and treatment of children, or that the safety of the community requires that the child continue under restraint for a period extending beyond his minority.

2. The court shall waive jurisdiction over a child eighteen years of age or more already under the jurisdiction of the court who is alleged to have committed an act which if committed by an adult would be a crime, provided, however, that when any court has jurisdiction over a child eighteen years of age or older, but under twenty-one years of age, and the child is found guilty, the court in its discretion may commit such child to the Board of Health.

3. If the child is not to be charged as a felon, the court in a county other than the child’s home county, after entering a decree that the child is within the purview of this act, may certify the case for disposition to the court of the county in which the child resides upon being notified the receiving court is willing to accept transfer. In the event of a transfer, which should be made unless the court finds it contrary to the interest of the child, the jurisdiction of the receiving court shall attach to the same extent as if the court had original jurisdiction.

SECTION 7. INFORMATION — INVESTIGATION — PETITION. — Any peace officer, any prosecuting attorney, or any authorized representatives of the board of trustees of school districts of this state, having knowledge of a child who is within the purview of this act may file a petition with the court in such form as may be required by the court. Said individual or agency shall be responsible for providing the evidence to support the allegations made in the petition, provided this in no way shall relieve peace officers from enforcement of the law as set
forth in Section 31-2227, Idaho Code. The court shall make a preliminary inquiry to determine whether the interests of the public or of the child require that further action be taken. Such inquiry may be made through the county probation officer, if available, or the field agent of the board. Thereupon, the court may make such informal adjustment as is practicable, or dismiss the petition, or set the matter for hearing. Probation officers shall not file a petition unless the child has previously been under the jurisdiction of the court. The petition and all subsequent court documents shall be entitled “In the interest of ........................., a child under eighteen years of age.” The petition may be made upon information and belief but it shall be made under oath. It shall set forth plainly: (1) the facts which bring the child within the purview of this act; (2) the name, age, and residence of the child; (3) the names and residences of his parents and spouse, if any; (4) the name and residence of his legal guardian, if there be one, or the person or persons having custody or control of the child, or of the nearest known relative if no parent or guardian can be found. If any of the facts herein required are not known by the petitioner the petition shall so state.

SECTION 8. SUMMONS — NOTICE — CUSTODY OF CHILD. — After a petition shall have been filed and after such further investigation as the court may direct, and if the matter is set for hearing, the court shall issue a summons requiring the person or persons who have custody or control of the child to appear personally and bring the child before the court at a time and place stated; provided, however, if hearing is to be held, it shall be held not later than fifteen days after the summons is issued unless the court should order on being shown cause that the time be extended. If the person so summoned shall be other than a parent or guardian of the child, then the parent or guardian or both shall also be notified of the pendency of the case and of the time and place appointed for the hearing. Notice shall be given as hereinafter provided. A subpoena may be issued requiring the appearance of any other person whose presence is required by the child, his guardian or any other person who, in the opinion of the judge, is necessary. If it appears the child is in such condition or surroundings that his welfare requires that he be taken into custody immediately, the judge, as provided in Section 11, hereof, may order by endorsement upon the summons that the officer serving
the same shall at once take the child into custody and bring him before the court.

SECTION 9. SERVICE OF SUMMONS—TRAVEL EXPENSES.—Service of summons shall be made personally by delivery of an attested copy thereof to the person summoned; provided that if the judge is satisfied that it is impracticable to serve personally such summons or the notice provided for in the preceding section, he may order service by registered mail addressed to the last known address, or by publication thereof, or both. It shall be sufficient to confer jurisdiction if service is effected at least forty-eight hours before the time fixed in the summons for the hearing. When publication is used the summons shall be published in two consecutive issues of a weekly newspaper printed and published in the county; such newspaper to be designated by the court in the order for publication of the summons, and such publication shall have the same force and effect as though such person had been personally served with said summons. Service of summons, process or notice required by this act shall be made by the sheriff or a probation officer upon the request of the court and a return must be made by the sheriff on the summons showing that such service has been made. The judge may authorize payment of any necessary travel expenses incurred by any person summoned or otherwise required to appear at the hearing of any case coming within the purview of this act, and such expenses when approved by the judge shall be a charge upon the county, except that not more than five witnesses on behalf of any parent or guardian may be required to attend such hearing at the expense of the county. The court may summon the appearance of any person whose presence is deemed necessary as a witness or possible resource for the care and treatment of the child, including persons whom the child or the family wishes to have present. As early as possible in the proceedings before the hearing the child and his parents, guardian or custodian shall be notified of their right to have counsel. If they desire counsel and are financially unable to employ counsel, the court may appoint counsel to represent them, said counsel to receive reasonable compensation from the county.

SECTION 10. FAILURE TO OBEY SUMMONS, A CONTTEMPT, WARRANT.—If any person summoned as here provided shall, without reasonable cause, fail to appear, he may be proceeded against for contempt of court. In case the summons cannot be served, or the parties served
fail to obey the same, or in any case when it shall be
made to appear to the judge that the service will be in-
effectual, or that the welfare of the child requires that
he be brought forthwith into custody of the court, a war-
rant or a copy may be issued for the parent, guardian or
the child.

SECTION 11. APPREHENSION AND RELEASE OF
CHILDREN—DETENTION.—

1. A peace officer may take a child into custody without
order of the court:

   a. when he has reasonable cause to believe that the
      child has committed an act which would be a felony
      if committed by an adult; or

   b. when in the presence of a peace officer the child
      has violated any local, state or federal law or mu-
      nicipal ordinance; or

   c. when there are reasonable grounds to believe the
      child has run away from his parents, guardian or
      legal custodian.

A peace officer may take a child into custody at any time upon a written order or warrant signed
by the judge or other magistrate in the judge's absence when there is reasonable cause to believe
the child has committed an act which would be a misdemeanor if committed by an adult where
such misdemeanor was committed out of the presence of the officer. Such taking into custody shall
not be deemed an arrest. Jurisdiction of the court shall attach from the time the child is taken into
custody. When an officer takes a child into cus-
tody, he shall notify the parent, guardian or cus-
todian of the child as soon as possible. Unless
otherwise ordered by the court, or unless it appears
to the officer taking the child into custody that
it is contrary to the welfare of society or the child,
such child shall be released to the custody of his
parent or other responsible adult upon written
promise, signed by such person, to bring the child
to the court at a stated time. Such written promise
shall be submitted to the court as soon as possible.
If such person shall fail to produce the child as
agreed, or upon notice from the court, a summons
for such person may be issued by the court and a
warrant may be issued for apprehension of the child.

2. When a child is not released he shall be taken forthwith to the court or place of detention specified by the court and then not later than twenty-four hours, excluding Saturdays, Sundays and holidays, shall be brought before the court.

3. The person in charge of a detention facility shall give immediate notice to the court that the child is in his custody.

4. No child shall be held in detention longer than twenty-four hours, exclusive of Saturdays, Sundays and holidays, unless a petition has been filed and the court has signed the detention order.

5. As soon as a child is detained by court order, his parents, guardian or legal custodian shall be informed by notice in writing on forms prescribed by the court that they may have a prompt hearing regarding release or detention.

6. Neither fingerprints nor photographs shall be taken of any child taken into custody without consent of the judge, unless a peace officer determines it necessary for the detection and apprehension of an unknown offender. When fingerprints are taken, copies of the fingerprint cards shall not be sent to central, state or federal depositories except in national security cases or marked "for identification only"; and cards shall be removed from the local police file and destroyed by the local police chief, sheriff, or city or county clerk, whoever is responsible for the files: (a) if the decision after investigation of the case is that no basis for court jurisdiction exists; or (b) when the individual charged reaches his twenty-first birthday, if there has been no record of violation of law after reaching his eighteenth birthday.

7. Peace officers' records of children shall be kept separate from records of adults and shall not be open to public inspection.

SECTION 12. DETENTION ACCOMMODATION.—The county commissioners shall provide a detention home or homes for the temporary detention of children to be conducted by the court, or, subject to the approval of the court, by other appropriate public agency; or within the
limits of funds provided by the county commissioners the court may arrange for the use of private homes for such detention, subject to the supervision of the court or other agency, or may arrange with any institution or agency to receive for temporary care and custody children within the jurisdiction of the court, provided said private individual or agency facilities shall meet the licensing requirements of the state department of public assistance for care of children. For the purpose of carrying out the provisions of this section, the county commissioners may enter into contracts or agreements with public or private agencies, individuals, other counties, or the board of health which may include the expenditures of monies outside the county boundaries.

SECTION 13. HEARING.—All children's cases shall be dealt with by the court at separate hearings and without a jury, except when more than one child is involved in a specific act within the purview of this statute the hearing may be held jointly in obtaining the evidence necessary to establish the participation of each child in the act and then heard separately as far as the findings of the social study and disposition are concerned. Cases of children of the same family involved in the same act may be heard at one hearing. The hearings shall be conducted in an informal manner and may be adjourned from time to time. Stenographic notes or other transcript of the hearings shall be required only if the court so orders. The general public shall be excluded and only such persons admitted as the judge shall find to have a direct interest in the case or in the work of the court. The presence of the child in court may be waived by the court at any stage of the proceedings. If the parent or guardian is without counsel, the court shall inform him and the child of their right to counsel and right to appeal under Section 19 of this act from any disposition or order of the court.

If, in the course of the hearing it shall appear to be in the best interest of the child, the court may terminate proceedings under this act and cause the case to be processed under the child protective act.

SECTION 14. DEGREE — PROBATION — COMMITMENT — MEDICAL OR REMEDIAL TREATMENT. — When a child is found by the court to come within the provisions of Section 3 hereof, the court shall so decree and in its decree shall make a finding of the facts upon
all allegations of the petition and conclusions of law therefrom, provided, however, that no decree other than one of discharge shall be entered until an inquiry into the environment, past history, and physical and mental condition of the child has been made and a written report of such inquiry has been presented to and considered by the court. Upon entry of its decree, the court may proceed as follows:

1. Place the child on probation under supervision in his own home or in the legal custody of a suitable person or licensed private agency or institution, provided, however, any commitment other than to the youth rehabilitation division shall not relieve the county of the support of the child. Probation shall not be ordered or administered as punishment, but as a measure for the protection, guidance and well-being of the child and his family. Probation methods shall be directed to the discovery and correction of the basic causes of maladjustment and to the development of the child's personality and character with the aid of the social resources of the community. Whenever a child has been placed on probation in his own home for one year, he shall be automatically discharged unless the youth rehabilitation division or probation officer requests of the court and receives an extension of time to determine the desirability of a discharge. If, in the court's opinion, the child fails to respond to probation treatment, the court may take any other action authorized by this section.

2. Commit the child to jail for correction under reasonable surveillance of an adult for periods not in excess of thirty days for any one offense, provided that such incarceration shall be in a place where the child is segregated from adult offenders.

3. Commit the child to the legal custody of the board or a private institution or agency authorized to care for children or to place them in family homes, providing said private institution, home or agency gives its consent and is licensed by the state department of public assistance, or is approved by the court, or if such institution or agency is in another state, by the analogous department of that state. When a person or licensed agency has been granted legal custody, it shall have the right to determine where and with whom the child shall live, provided that placement of the child does not remove him from the territorial
jurisdiction of the court without consent of the court. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by the court. Such commitment shall be for an indeterminate period but in no event shall continue beyond the child's twenty-first birthday. A private institution or agency vested with legal custody shall make a periodic review of the case of each child committed to it and report to the court at intervals not exceeding one year. The youth rehabilitation division or any person or agency having legal custody may petition the court for a change of legal status of the child. The child, parent or guardian may petition the court for review of the board's decision regarding any change in placement and/or treatment determinations of that agency, provided, there shall not be more than one review of any change nor more than one review every three months. When a child is committed to the board, the court shall appoint the sheriff of the county from which the child is committed or any probation officer or agent of the board to take said child to the place designated by the board or its representative, provided, that the sheriff may delegate this responsibility to an assistant. The expense of conveying said child to the designated place shall be paid by the county from which said child is committed. In placing a child under the custody of an individual or private agency or institution, the court and the board, in dealing with children committed to it, shall, whenever practicable, select a person, agency or institution governed by persons of the same religious faith as that of the parents of such child, or in case of a difference in the religious faith of the parents, then of the religious faith of the child, or if the religious faith of the child is not ascertainable, then of the faith of either of the parents.

4. Cause any child to be examined or treated by a physician, psychiatrist or psychologist, and for such purpose may place the child in a hospital or other facility, provided this shall not be construed as limiting the right of a parent, guardian or person standing in loco parentis in providing any medical or remedial treatment recognized or permitted under the laws of this state, and provided further, the court shall be prohibited from committing the child to the State Industrial Training School for observation and evaluation.
5. Order such other care and treatment as the court may deem best, except as herein otherwise provided. In support of any order or decree the court may require the parents, guardian or other persons having the custody of the child, or any other person who has been found by the court to be encouraging, causing or contributing to the acts or conditions which bring the child within the purview of this chapter, to do or refrain from doing any acts required or forbidden by law, when the judge deems such requirement necessary for the welfare of the child. In case of failure to comply with such requirement, the court may proceed against such person for contempt of court. No adjudication by the court of the status of any child shall be deemed a conviction nor shall such adjudication operate to impose any of the civil disabilities ordinarily resulting from conviction, nor shall any child be found guilty as or be deemed a criminal by reason of such adjudication. The disposition made of a child or any evidence given in the court, shall not operate to disqualify the child in any future civil service application or appointment. Whenever the court shall commit a child to any institution or agency it shall transmit with the order of commitment a summary of its information concerning the child which may aid in protection, guidance and well-being of the child, and such institution or agency shall give to the court such information concerning such child as the court may at any time require.

6. In all cases where a child is charged with violating any state law or any ordinance or regulation of any county, city or village in this state pertaining to the operation of a motor vehicle the disposition shall be the same as provided by law or ordinance for a like traffic offense when committed by an adult; provided, however, that upon such conviction the court may, in imposing sentence upon said child, suspend or revoke the driver's permit or license of said child whether or not empowered so to do under any other law relating to specific traffic violations.

SECTION 15. SUPPORT OF CHILD COMMITTED TO A CUSTODIAL AGENCY.—Whenever a child is placed by the court in custody other than that of his parents, or is given medical, psychological or psychiatric treatment under order of the court, and no provision is otherwise made by law for the support of such child or payment
for such treatment, compensation for the care and treatment of such child, when approved by order of the court, shall be a charge upon the county where such child resides. The court may, after giving the parent a reasonable opportunity to be heard, order and decree that such parent shall pay in such manner as the court may direct such sum, within his ability to pay, as will cover in whole or in part the support and treatment of such child. If such parent shall wilfully fail or refuse to pay such sum, the court may proceed against him as for contempt or other civil remedies.

SECTION 16. RECORDS — PRIVILEGED INFORMATION. — The court shall maintain records of all cases brought before it. In proceedings under this act the following records shall not be withheld from public inspection, except on court order, which order must be made in writing in each case: the court docket, petitions, complaints, information, motions and other papers filed in any case; transcripts of testimony taken by the court; and findings, verdicts, judgments, orders, decrees and other papers filed in proceedings before the court. These records shall be open to inspection by the parties and their attorneys, by an institution or agency to which custody of a child has been transferred, by an individual who has been appointed guardian; with consent of the court, by persons having a legitimate interest in the proceedings; and, pursuant to rule or special order of the court, by persons conducting pertinent research studies, and by persons, institutions, and agencies having a legitimate interest in the protection, welfare or treatment of the child. Reports of social and clinical studies or examinations made pursuant to this act shall be withheld from public inspection, except that facts contained in such reports shall be furnished upon request in a manner determined by the court to persons and governmental and private agencies and institutions conducting pertinent research studies or having a legitimate interest in the protection, welfare and treatment of the child. All information obtained and social records prepared in the discharge of official duty by an employee of the court shall not be disclosed directly or indirectly to anyone other than the court or others entitled under this act to receive such information, unless and until otherwise ordered by the court.

SECTION 17. ENCOURAGING VIOLATIONS. — Any person who by any act or neglect encourages, aids or causes a child to come within the purview of this act, or who
after notice that a driver’s license of any such child has been suspended or revoked under the provisions of this chapter knowingly permits or encourages said child to operate a motor vehicle during the period that such driver’s license is suspended shall be guilty of a misdemeanor. The court may impose conditions upon any person found guilty under this section, and so long as such person shall comply therewith to the satisfaction of the court, the sentence imposed may be suspended.

SECTION 18. SCHOOL TRUSTEES TO REPORT TRUANTS.—When a child of compulsory school age is expelled the board of trustees of each school district or their delegated representatives shall give prompt written notice to the court which shall cause an investigation to be made and upon receipt of such a report in writing, the court may proceed under this act or the child protective act or under Section 33-1904, Idaho Code, as amended.

SECTION 19. APPEALS.—All orders or final judgments made by any court in matters affecting a child within the purview of this act may be appealed and reviewed as provided in Chapter 1, Title 17, Idaho Code, except no undertaking shall be required. Upon filing of the notice of appeal, the district court shall take jurisdiction of the case. If a child is in detention the court must promptly hold a hearing after the filing of a request as to whether the child shall remain in detention.

SECTION 20. APPOINTMENT OF COUNTY PROBATION OFFICERS.—The courts in the several counties of this state shall enter into a contract or agreement with the board to provide probation services to the counties or, if the court deems local probation services are necessary, may appoint one or more persons to serve as probation officers at the expense of the county, using the same standards for selection and compensation as used by a state merit system when such a system is established. The probation officer or youth rehabilitation counselor of the board shall be a friend of the child at all times and shall never be required to arrest, apprehend, accuse or prove that a child comes within the purview of this act, unless the child has previously been decreed by a court under Section 14, to be within the purview of this act and is under the supervision of the court, in which instance the probation officer or field agent of the board shall have the same authority as any peace officer to take the child into custody. The efforts of the probation officer or youth re-
habilitation counselor of the board shall be directed to
the discovery and correction of the basic causes of malad­
justment and to the development of the child's personality
and character with the aid of the social resources of the
community.

SECTION 21. YOUTH REHABILITATION DUTIES OF
BOARD.—To promote youth rehabilitation, the board with­
in the limits of its allotted appropriation, shall:

(a) Serve as the youth correction agency of the state
by administering the treatment programs and facili­
ties utilized in the rehabilitation of children and
youth by:

1. Establishing and supervising a field staff on a
state-wide basis which shall perform investiga­
tive, counseling, detention and supervisory serv­
ces for the board and for the courts, upon their
request, in behalf of children subject to their
jurisdiction.

2. Establishing places for examination and study of
persons committed to the board or referred by
courts for examination prior to disposition as
provided in Section 14 of this act.

(b) On December 1, make an annual statistical report
to the governor covering the preceding fiscal year,
showing the number of persons committed to the
board, the disposition made of such persons, num­
ber of persons placed under their supervision on
probation by courts and the results thereof, the
number of juveniles referred to the various courts,
petitions filed, children detained awaiting court hear­
ings, offenses, personal data, dispositions, and such
other data as will provide sufficient facts for sound
planning in the conservation of youth. The board
shall also conduct research to measure the effec­
tiveness of the treatment methods it employs in
seeking the reformation of juveniles and youthful
offenders with a view to improving its service to
youth. All officials and employees of the state and
of every county and city shall furnish the board,
upon request, such information within their knowl­
dge and control as the board deems necessary to
be collected pursuant to the provisions of this sec­
(c) Establish professional standards of prevention, treatment and research in all board functions and maintain those standards by conducting inservice training programs for board personnel.

(d) In a consultative capacity assist communities in their development of constructive programs to reduce and prevent delinquency and crime among youths.

SECTION 22. EXAMINATION OF COMMITTED PERSON.—When a child has been committed to the board it shall, under rules established by it, forthwith examine and study him and investigate all the pertinent circumstances of his life and the antecedents of the acts for which he was committed. The board in its inquiry may, if it so desires, utilize the study and investigation previously rendered in accordance with Section 14 of this act.

SECTION 23. RE-EXAMINATION OF COMMITTED PERSONS.—The board shall make periodic re-examination of all persons committed to it for the purpose of determining whether existing orders and dispositions in individual cases should be modified or continued in force. Examinations may be made as frequently as the board considers desirable and shall be made with respect to every person at intervals not exceeding one year. Reports of periodic re-examinations made pursuant to this section shall be filed with the court from which the child was committed.

SECTION 24. WRITTEN RECORDS.—The board shall keep written records of examination, prognosis, and all orders concerning disposition or treatment of every person committed to it.

SECTION 25. FAILURE TO RE-EXAMINE—EFFECT OF.—Failure of the board to examine a committed person or to re-examine him within one year of a previous examination shall not of itself entitle the person to discharge from the control of the board but shall entitle him to petition the committing court for an order of discharge and the court shall discharge him unless the board satisfies the court of the need for further control.

SECTION 26. PERIOD OF BOARD’S CONTROL.—The board shall keep under continued study a person in its control and shall retain him under supervision and control so long as, in its judgment, such control is necessary for the protection of the public, except no person may be
retained under control after he becomes twenty-one years of age. The board shall discharge a person as soon as, in its opinion, there is reasonable probability that he can be given full liberty without danger to the public. Notification of final discharge shall be made in writing by the board to the court, parents or legal guardian, and shall be entered on the court records.

SECTION 27. POWERS OF BOARD.—The board is authorized to make and enforce all rules and regulations appropriate to the proper accomplishment of its duties and the purpose of this act, including the correcting of socially harmful tendencies of a person committed to it by:

(a) Requiring his participation in vocational, physical, educational and correctional training and activities.

(b) Requiring such modes of life and conduct as seem best adapted to fit him for return to full liberty without danger to the public.

(c) Providing such medical or psychiatric treatment as is necessary and authorizing, upon recommendation of the attending physician, necessary medical, psychiatric, surgical or dental service.

(d) Requiring any person placed in any facility under control of the board to engage in physical activity to facilitate its maintenance or operation or to accomplish the designated objectives of the facility or to perform any other work or engage in any studies or activities prescribed or permitted by the board or person designated by it.

SECTION 28. CREATION OF YOUTH REHABILITATION DIVISION—POWERS AND DUTIES.—The board shall create a youth rehabilitation division which in general, in addition to any other duties delegated to it, shall, to the extent directed by the board, exercise the powers and duties given the board by this act.

SECTION 29. AGREEMENTS BY BOARD.—For the purpose of carrying out the provisions of this act the board is authorized to make use of or enter into agreements with any appropriate firm, agency, governmental unit, or individual, public or private, to execute the duties assigned it under Section 21 of this act, including separate care, employment, or special treatment not provided by the board for persons under its control, except prior approval of
the board of examiners of any fees to be paid by the board as a result of such agreements shall be required.

SECTION 30. CONTRACTS OF BOARD.—The board may, with approval of the state board of examiners, enter into contracts with colleges, universities, other state agencies, and other organizations for the purposes of appropriate research or the training of specialists, as volunteers or for compensation, part-time or full-time, in the fields of education, recreation, mental health and treatment and prevention of delinquency.

SECTION 31. DISPOSITION AND DISBURSEMENT OF MONEY.—If the board should receive any moneys pursuant to contracts or agreements entered into under Section 30, hereof, such moneys shall be paid into the state treasury and credited to the appropriation of the board. The appropriation to be credited shall be the appropriation current at the time of rendering the services. The board may pay each person committed to its custody and rendering services under contract pursuant to Section 30, hereof, such sum as the board deems proper and consistent with the purposes of this act, and at such time and in such proportions as it determines, or provide for sums earned to be paid in reparation or to the parents or dependents of the person.

SECTION 32. UTILIZATION OF EXISTING INSTITUTIONS AND AGENCIES.—The following shall apply as the board utilizes existing institutions and agencies:

(a) Nothing in this act shall be taken to give the board control over existing facilities, institutions or agencies, or to require them to serve the board inconsistently with their functions or with the authority of their officers, or with the laws and regulations governing their activities; or give the board power to make use of any private institution or agency without its consent; or pay a private institution or agency for services which a public institution or agency is willing and able to perform.

(b) Public institutions and agencies are hereby required to accept and care for persons sent to them by the board, in the same manner as would be required had such persons been committed by a court.

(c) No person committed to the board under Sections 14 and 35 of this act shall be transferred to any
state institution for the mentally ill or mentally retarded except for observation and diagnosis. When a person committed to the board is found physically or mentally ill or mentally retarded the board may return the person to the committing court for discharge from control of the board under this act and recommitment, in accordance with law, to the appropriate state institution.

(d) The board may inspect all public institutions and agencies whose facilities the board is authorized to utilize and all private institutions and agencies whose facilities the board uses. Every institution or agency, whether public or private, is required to afford the board reasonable opportunity to examine or consult persons committed to the board who are for the time being in custody of the institution or agency.

(e) Placement of a person by the board in an institution or agency not operated by the board, or discharge of such person by such an institution or agency, shall not terminate control of the board over such person.

(f) No person placed in such an institution or under such an agency may be released by the institution or agency without approval of the board, unless the institution or agency would have power under the law to release at its own discretion persons placed by the board, until a reasonable time after it has notified the board of its intention to release him.

SECTION 33. 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 the board may order transfer of a person to the Idaho Industrial Training School without consent of the superintendent, and provided further that the superintendent of the Idaho Industrial Training School, upon notification to the board, may order, in his discretion, the permanent release of a child from the institution to the youth rehabilitation division, or the temporary release of a child for work purposes, and under such conditions as the superintendent considers conducive to satisfactory conduct.

SECTION 34. ORDER OF BOARD IS WARRANT.—The written order of the board is a sufficient warrant for any peace officer to return to custody of the board any person committed thereto who has been permitted his liberty upon condition, or has escaped from the custody of the board or from any institution in which he has been placed by the board. The board may suspend, cancel, or revoke any release without notice.

SECTION 35. COMMITMENTS TO BOARD.—In addition to commitments permitted under Section 14, hereof, district courts may commit to the board a person under twenty-one years of age convicted of a felony, said commitment to be for an indeterminate period not to exceed the person's twenty-first birthday.

SECTION 36. DETENTION OF COMMITTED PERSON.—When any court commits a person to the board it may order him conveyed forthwith to a place of detention designated by the board or may direct that he be left at liberty until otherwise ordered by the board under such conditions as, in the opinion of the court, will insure his submission to any order which the board may issue. The district court shall appoint the sheriff of the county from which the child is committed to take said child to the place designated by the board or its representative, provided, that the sheriff may delegate this responsibility to an assistant, and provided further that a probation officer or a youth rehabilitation counselor of the board may also transfer the child to a place of detention. Expenses of conveying said child to said designated place
shall be paid by the county from which said child is committed.

SECTION 37. NOTIFYING BOARD OF COMMITMENT—FORM OF COMMITMENT.—When committing a child or person to the board the district court shall at once forward the board a certified copy of the order of commitment. The commitment may, in general terms, be in the following form:

In the District Court of the ............... Judicial District of the State of Idaho, in and for ............... County. State of Idaho, ............... County, ss

Be it remembered that on the .......... day of ............... , 19........, .........., a child of said county under the age of eighteen years, was charged with the crime of ............... , and upon trial was convicted of said offense. And after an examination the court finds that said ............... is a suitable person to be committed to the State Board of Health.

And I further find that the said ............... is a resident of said ............... County and will be .......... years of age on the .......... day of ............... , 19......... That his father's name is ............... , and that his residence is ............... , and by occupation is ............... .

I further find and hereby certify that said ............... resided with ............... in ............... , ............... County, State of Idaho, when arrested for said offense. The facts in relation to said matter are as follows: ............... . That aside from his mother and father the names of his next near relatives and their residences are as follows: ............... .

Now, therefore, in view of the premises aforesaid, and the judgment of conviction entered herein, it is hereby ordered that said ............... be, and he is hereby, committed to the State Board of Health until he attains the age of twenty-one years or until he is legally discharged by the Board.

I therefore command you, ............... , that you take said child and deliver him without delay to the place designated by the representative of said Board.

Witness my hand this .......... day of ............... , 19.........

District Judge
State of Idaho, ........................................ County, ss

I, ........................................ , Clerk of the District Court of the ............ Judicial District of the State of Idaho, in and for ................................ County, do hereby certify that the Honorable ....................................... , ...... , whose signature is appended to the foregoing order of commitment, was at the date thereof, and now is, the Judge of the District Court in and for said ................. Judicial District.

In witness whereof I have hereunto set my hand and affixed the seal of said court this ...... day of ........................., 19...........

........................
Clerk, District Court

SECTION 38. TRANSFER OF PERSON BY BOARD OF CORRECTIONS.—The board of corrections by its order may transfer to the custody of the board any person under eighteen years of age sentenced to the Idaho State Penitentiary for such disposition within its powers, as in the opinion of the board, after study, will best serve the needs of that person and the best protect the interest of the public, including the granting of a final discharge.

SECTION 39. DISPOSITION OF INCORRIGIBLE FELONS.—When a felon appears improper for retention under the jurisdiction of the board or appears to be so incorrigible or incapable of reformation under the discipline of the board as to render his retention detrimental to the interests of the board and those committed thereto, the board may return him to the committing court or to the board of corrections from whichever he came. Said court may then sentence him as provided by law for his original offense.

SECTION 40. EFFECT OF DISCHARGE BY BOARD.—Whenever a person committed to the board by a district court is discharged from its control such discharge shall, when so ordered by the board, restore such person to all civil rights and shall have the effect of setting aside the conviction, provided, however, that when a child is placed on probation under the youth rehabilitation division of the board, such commitment shall be automatically discharged at the expiration of said term, unless the youth rehabilitation division shall receive an extension of time from the court. Such conviction shall not operate to disqualify him for any future examination, appointment or application for public service within the state. The records
of commitment to the board shall be withheld from pub-
lic inspection except with the consent of the board, but
such records concerning any child under eighteen shall
be open, at all reasonable times, to the inspection of the
child, his parents, guardian or attorney. A commitment
to the board shall not be received in evidence or used in
any way in any proceeding in any court except in subse-
quently proceedings for a law violation against the same
child, and except when imposing sentence in any criminal
proceeding against the same person.

SECTION 41. APPEAL NOT TO STAY COMMITMENT
—EXCEPTION.—When a person who has been convicted
of a felony and committed to the board appeals from the
conviction, the execution of commitment to the board shall
not be stayed by taking of the appeal except he may be
admitted to bail upon discretion of the court or left at
liberty, under conditions as in the court’s opinion will
insure his cooperation in reasonable expedition of the appel-
late proceedings and his submission to control of the board
at the proper time.

SECTION 42. PENALTY CLAUSE.—Any person re-
sponsible for duties under this act who wilfully fails, re-
fuses or neglects to execute such duties shall be guilty of
a misdemeanor.

SECTION 43. SPECIAL COMMISSIONER — DUTIES.
—The court is authorized to appoint a special commis-
sioner to assist in the conduct of proceedings under this
act. In any case in which the court refers a petition to
the commissioner, the commissioner 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 this act and make recommenda-
tion to the court regarding the disposition of the matter
and such commissioner shall be paid for the services ren-
dered on order of the court from county funds such amount
as is determined by the court.

SECTION 44. CONSTITUTIONALITY AND SEPARA-
BILITY.—If any section, sub-section, sub-division, para-
graph, 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 or ineffective sec-
tion, sub-section, sub-division, 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,
sub-sections, sub-divisions, paragraphs, sentences, parts or provisions may be so found invalid.

Section 45. Construction of Act. — This act shall be liberally construed to the end that the legislative policy expressed herein is achieved.

Section 46. Citation of Act. — This act may be cited as the Youth Rehabilitation Act.

Section 47. Repeals. — Sections 16-1801 through 16-1843, Idaho Code, as amended, shall be and the same hereby are repealed.

Approved March 29, 1963.

CHAPTER 320
(H. B. No. 29)

AN ACT

Relating to the Licensing of Child Care Agencies Within the State; Declaring the Policy of the State of Idaho; Defining Terms Used Within This Act; Setting Forth Standards for Children's Agencies and Institutions and Authorizing the Department of Public Assistance to Implement and Enforce Standards Contained Within This Act; Setting Forth Standards for Foster Homes, Day Care Homes and Day Care Centers and Authorizing the Department of Public Assistance to Implement and Enforce Standards Contained Within This Act; Providing for Hearings, Protests and Appeals from Rules and Regulations Promulgated by the Department of Public Assistance Pursuant to Authority Contained in This Act; Designating the Commissioner of Public Assistance as the Licensing Authority Under This Act; Setting Forth Eligibility Criteria for Licenses; Providing for Renewal of Licenses Issued Pursuant to the Authority of This Act; Providing for the Issuance of Provisional Licenses in Certain Cases; Providing for Visitation of Licensed Agencies by the Department of Public Assistance or Its Representative; Setting Forth Procedures for Denying, Suspending,
REVOKING OR NON-RENEWAL OF LICENSES AND PROVIDING FOR HEARINGS THEREON WHEN REQUESTED; PROVIDING FOR APPEALS FROM DETERMINATIONS RESULTING IN DENIAL, SUSPENSION, REVOCATION OR FAILURE TO RENEW LICENSES; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ACT; PROVIDING PROCEDURES FOR REMOVAL OF CHILDREN FROM AGENCIES FOUND TO BE OPERATING WITHOUT A LICENSE; PROVIDING FOR MAINTENANCE OF ACTIONS AGAINST UNLICENSED AGENCIES IN VIOLATION OF THIS ACT; PROVIDING A GENERAL SAVING CLAUSE; PROVIDING CERTAIN RULES OF CONSTRUCTION RELATIVE TO THE PROVISIONS OF THIS ACT; PROVIDING A MANNER OF DESIGNATING AND CITING THIS ACT; PROVIDING AN EFFECTIVE DATE AND REPEALING SECTIONS 39-1201 THROUGH 39-1207, AS AMENDED, IDAHO CODE.

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

SECTION 1. POLICY.—It is hereby declared to be the policy of this state to insure that children of this state shall receive adequate substitute parental care in the event of absence, temporary or permanent inability of parents to provide care and protection for their children. This policy is predicated upon the fact that a child is not capable of protecting himself, and when his parents for any reason have relinquished his care to others, there arises the possibility of certain risks to the child which require offsetting statutory protection of licensing.

SECTION 2. DEFINITIONS AS USED IN THIS ACT.—

1. “Department” means the state department of public assistance.

2. “Commissioner” means the commissioner of public assistance.

3. “Child” means a person less than eighteen years of age.

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

5. “Day care home” means a home or place in which any child or children not related by blood or marriage to the person or persons operating such home are regularly received and cared for during any part of the twenty-four hour day.
6. "Day care center" means a home or place providing care to a group of five or more children for all or part of the twenty-four hour day.

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

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


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

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

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

13. "Representative" means an employee of the state department of public assistance.

SECTION 3. STANDARDS FOR CHILDREN'S AGENCIES AND CHILDREN'S INSTITUTIONS, DEPARTMENT TO IMPLEMENT AND ENFORCE.—The department shall have the power and it shall be its duty to promulgate appropriate rules and regulations necessary to implement and enforce the following standards for licensing children's agencies and children's institutions:

1. Assure the organizational stability of the agency, which may require incorporation under the laws of Idaho.

2. Require from the policy-making authority of the
agency the promulgation of a statement setting forth the agency's purposes and objectives and describing the character and extent of the services which it offers and maintains, and the geographical area to be served.

3. Require evidence of income and resources sufficient to maintain facilities and personnel necessary to achieve its purposes and objectives and to maintain its services.

4. Assure such record-keeping and reporting as may be deemed necessary to the agency's services and to the department's licensing responsibility.

5. Assure the safety and physical care of children for whom the agency assumes or accepts responsibility.

6. Establish the legal status of each child accepted for care and the legal authority and responsibility of the agency for him.

7. Require a statement of intake policy which shall set forth criteria for accepting children for care or service in relation to the agency's purposes and facilities.

8. Provide through observation and collateral inquiry for studies of homes into which children may be placed sufficient to enable a judgment determining the adequacy of the homes in relation to the needs of the children, and

9. In the case of an institution specializing in maternity care to unmarried mothers:

   (a) Assure social services on behalf of both the mother and infant, and

   (b) Assure protection of the legal rights and rights to confidential treatment of minor unmarried mothers and their children.

Section 4. Standards for Foster Homes, Day Care Homes and Day Care Centers—Department Authorized to Implement and Enforce.—The department of public assistance shall have the power, and it shall be its duty to promulgate appropriate rules and regulations necessary to implement and enforce the following standards for licensing private foster homes, day care homes and day care centers, pursuant to this act.

1. Require evidence of income and resources sufficient to maintain the home and the services offered.
2. Require such record-keeping and reporting as may be deemed necessary.

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

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

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

SECTION 5. HEARING, PROTESTS, DECISION, APPEALS.—The commissioner or his representative shall hold a public hearing at Boise, Idaho, at which interested agencies may appear and protest any rule or regulation and subsequent amendments thereto promulgated by the department, pursuant to the authority of this act. Notice of hearing, together with a copy of the proposed rules and regulations shall be sent to all known agencies which would be affected by any rule or regulation so promulgated within thirty days prior to the date of hearing.

Protestants may appear at the hearing and voice objections to the action proposed to be taken by the department and may introduce evidence and call witnesses in support of such objections. The commissioner or his representative shall give consideration to the protests and objections and render a written decision thereon determining whether the proposed action will apply to all agencies rendering like care and service and will be of substantial benefit to the care and protection of children expressed in the legislative policy of this act as opposed to any economic loss and damage to the child which may be sustained by the protesters.

Within twenty days after hearing, the commissioner or his representative shall serve by registered or certified mail its written decision upon all protestants appearing and no action shall be taken by the department prior to service of the decision.

Within ten days after service of the decision an appeal may be taken by any protestant to the district court in and for the county of the protestant's residence, provided, however, the filing of the notice of appeal shall not, unless
otherwise ordered, stay the proceedings of the department. The appeal shall be taken and perfected in the following manner:

1. Within ten days after being served with notice of appeal, the commissioner or his representative shall file with the clerk of the court the record of the case on appeal and no further pleadings shall be necessary to bring the appeal to issue. The district court shall decide the case on the record and may affirm, reverse or modify the order appealed from, including the granting of any injunctive relief which may appear necessary for the protection of the interests of any party. No bond or undertaking shall be required of any party appealing to the district court under the provisions of this section.

2. The filing fees required in the district court shall be the same as provided for filing civil cases originally in said court. Any final order or judgment of the district court shall be appealable to the supreme court of the state of Idaho within thirty days following entry of such final order or judgment in the same manner as are appeals in other civil actions. The filing of the notice of appeal shall not, unless otherwise ordered by the district court, stay the proceedings of the department.

SECTION 6. LICENSING AUTHORITY.—The commissioner is hereby authorized and directed to establish procedures for licensing foster homes, children’s agencies and children’s institutions which are maintained and operated in conformity with the rules, regulations and standards authorized herein. Such procedures shall include the manner and form for making application for license, investigation upon application and notice of decision.

SECTION 7. ELIGIBILITY FOR LICENSE.—Any foster home, children’s agency or children’s institution which applies for a license in the manner and form prescribed by the commissioner and is found upon investigation by the department to be established in conformity with the rules, regulations and standards established by the department under the authority conferred herein shall be licensed for a period of one year.

SECTION 8. EXPIRATION, RENEWAL.—If a licensee desires to apply for a renewal of its license, an application for renewal shall be filed sixty days prior to the expiration date of the license in force. When such application for renewal has been made in the proper manner and form,
the existing license shall, unless officially revoked, remain
in force until the department has acted on the application
for renewal.

SECTION 9. PROVISIONAL LICENSE.—Upon initial
investigation, should an applicant for a license be unable
to meet a standard because of conditions that are unlikely
to endure beyond six months from the date of such investi-
gation, the department may, if in its judgment the health
and safety of any child is not thereby endangered, issue
a provisional license for a period not to exceed six months.
No more than one provisional license shall be issued to
the same foster home, children's agency or children's in-
stitution in any twelve month period.

SECTION 10. VISITATION.—For the purpose of deter-
mining whether every licensed foster home, licensed chil-
dren's agency and licensed children's institution consist-
tently maintains conformity with the standards established
under the authority conferred herein, the department,
through an authorized representative, shall visit each such
home, agency and institution as often as it deems neces-
sary or desirable, but in any event at intervals not to ex-
cceed six months.

SECTION 11. LICENSE, DENIAL, SUSPENSION,
REVOCATION, NON-RENEWAL, HEARING. — Any
license issued pursuant to this act may be denied, sus-
pended, revoked or not renewed, by notice in writing by
the commissioner or his authorized representative served
upon the applicant or licensee by registered or certified
mail, setting forth the reasons therefor, if upon investi-
gation it is found that the licensee has failed or refused
to comply with any of the provisions of this act or with
any of the rules, regulations or standards established pur-
suant to this act. Within fifteen days from receipt of
notice of grounds for denial, suspension, revocation or non-
renewal, the applicant or licensee may serve upon the com-
missioner by registered or certified mail, a written request
for hearing. Upon receipt of such request, the commis-
ioner shall fix a date for hearing, which date shall not
be more than thirty days from receipt of the request and
shall give the applicant or licensee at least fifteen days
notice of said hearing date. If no request for hearing is
made within the time specified, the license shall be deemed
denied, suspended or revoked. The department shall notify
the applicant or licensee of the commissioner's decision
within thirty days after conclusion of the hearing.
SECTION 12. APPEAL FROM DECISION OF COMMISSIONER.—If an applicant or licensee feels aggrieved by a decision rendered as a result of a hearing, as provided in Section 10, appeal may be taken to the district court of the county in which the institution is located, in the manner and form as provided in section 5, provided, however, the filing of notice of appeal shall not, unless otherwise ordered, stay the proceedings of the commissioner.

SECTION 13. PENALTY FOR OPERATING WITHOUT A LICENSE.—Any person or persons who operate a foster home, children’s agency or children’s institution, within this state, without first obtaining a license as provided in this chapter shall be guilty of a misdemeanor.

SECTION 14. REMOVAL OF CHILDREN.—Any child or children receiving child care in a foster home, children’s agency or children’s institution found to be operating without a license shall be removed from such home, agency or institution upon order of the probate court of the county in which the child is receiving care and returned to his or their own home, or placed in the custody of the department. The prosecuting attorneys of the several counties shall represent the department at all stages of the proceedings before the probate court.

SECTION 15. ACTION AGAINST UNLICENSED FOSTER HOME, CHILDREN’S AGENCY OR CHILDREN’S INSTITUTION.—Notwithstanding the existence or pursuit of any other remedy, the department shall, upon showing good cause to the prosecuting attorney who shall represent the department in the proceeding, maintain an action in the name of the state for injunction or other process against a person or persons, organization, corporation, society or association which shall hereafter operate or maintain any foster home, children’s agency or children’s institution without first having secured a license pursuant to the provisions of this act.

SECTION 16. CONSTITUTIONALITY AND SEPARABILITY CLAUSE. — If any section, sub-section, 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 or ineffective section, sub-section, sub-division, 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, sub-sections, sub-divisions, paragraphs, sentences, parts or provisions may be so found invalid.

SECTION 17. CONSTRUCTION OF ACT. — This act shall be liberally construed to the end that the legislative policy expressed herein is attained.

SECTION 18. TITLE OF ACT. — This act shall be known and cited as the “Child-Care Licensing Act”.

SECTION 19. EFFECTIVE DATE. — Except as otherwise specifically provided, the effective date of this act shall be on and after September 1, 1963.

SECTION 20. REPEALS. — Sections 39-1201 through 39-1207, as amended, Idaho Code, shall be, and the same are hereby repealed.

Approved March 29, 1963.

CHAPTER 321
(H. B. No. 275)

AN ACT
RELATING TO THE PROTECTION OF ABUSED, NEGLECTED, EXPLOITED AND ABANDONED CHILDREN WITHIN THE STATE; DECLARING THE PURPOSE OF THIS ACT; DEFINING TERMS USED WITHIN THIS ACT; PROVIDING FOR JURISDICTION OVER CHILDREN AS DEFINED WITHIN THIS ACT; PROVIDING FOR RETENTION OF JURISDICTION; PROVIDING FOR INVESTIGATION BY THE DEPARTMENT OF PUBLIC ASSISTANCE AND SETTING FORTH THE CONTENTS OF THE PETITION; PROVIDING FOR TRANSFER TO OTHER COURTS IN CERTAIN CASES; PROVIDING FOR SUMMONS, NOTICE OF HEARING ON THE PETITION AND CUSTODY OF CHILD PENDING HEARING; PROVIDING FOR SERVICE OF SUMMONS AND PAYMENT OF TRAVEL EXPENSES OF PERSONS SUMMONED OR OTHERWISE REQUIRED TO ATTEND HEARINGS; PROVIDING PENALTIES FOR FAILURE TO OBEY SUMMONS; PROVIDING CONDITIONS UPON WHICH CHILDREN MAY BE TAKEN INTO CUSTODY; PROVIDING SHELTER CARE FOR CHILDREN TAKEN INTO CUSTODY PENDING HEARING; PROVIDING FOR IMMEDIATE NOTICE TO THE COURT AND PARENTS THAT A CHILD HAS BEEN TAKEN TO A PLACE OF SHELTER; PROVIDING THAT CHILDREN
TAKEN INTO CUSTODY MAY NOT BE HELD IN SHELTER LONGER THAN 24 HOURS EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS, UNLESS A PETITION HAS BEEN FILED; PRESCRIBING FOR CONDUCT OF HEARINGS; PROVIDING FOR INVESTIGATION AND REPORTING TO THE COURT PRIOR TO ENTRY OF DECREES; PROVIDING FOR ENTRY OF DEGREE AND PROCEEDINGS THEREON; PROVIDING FOR MODIFICATION OF DEGREE AND REHEARINGS; PROVIDING FOR SUPPORT OF CHILDREN COMMITTED TO AUTHORIZED AGENCIES; PROVIDING FOR APPEALS TO DISTRICT COURTS AND THE SUPREME COURT; PROVIDING FOR THE REPORTING OF PHYSICAL INJURIES TO CHILDREN TO THE DEPARTMENT OF PUBLIC ASSISTANCE; PROVIDING A GENERAL SAVING CLAUSE; PROVIDING RULES OF CONSTRUCTION RELATIVE TO THE PROVISIONS OF THIS ACT; PROVIDING A MANNER OF DESIGNATING AND CITING THIS ACT; PROVIDING AN EFFECTIVE DATE; AND REPEALING SECTIONS 16-1601 THROUGH 16-1623, IDAHO CODE, AS AMENDED.

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

SECTION 1. PURPOSE.—The purpose of this act is to provide a comprehensive, protective service for abused, neglected, exploited and abandoned children found within the state of Idaho, and to direct activities of the Department of Public Assistance to assist these children and their parents or those persons legally responsible for them in their own homes to aid in overcoming the problems leading to the abuse, neglect and exploitation, thereby strengthening parental care and supervision.

SECTION 2. DEFINITIONS.—As used in this act:

a. "Court" means the probate court.

b. "Judge" means the judge of the probate court.

c. "Child" means a person less than 18 years of age.

d. "Minority" means the period of a person's life prior to age 18.

e. "Department" means department of public assistance.

f. "Legal custody" means a status created by the court embodying the right to have the physical possession of a child; the right and the duty to protect, train and discipline the child; and the responsibility to provide the child with food, shelter, education and ordinary medical care,
provided that such rights and responsibilities shall be ex­ercised subject to the powers, rights, duties and responsi­bilities of the guardian of the child, if any, and subject to any residual parental rights and responsibilities not terminated by judicial decree.

g. "Custodian" means any person having a child in his care through informal arrangements or by legal action.

h. "Protective supervision" means a legal status created by court order in proceedings not involving violations of law by the child involved, but where the legal custody of the child is subject to change, whereby the child is permitted to remain in his own home under the supervision of the department.

i. "Abandoned" means the failure of the parent to maintain a normal parental relationship with his child, including but not limited to reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of one year shall constitute prima-facie evidence of abandonment.

j. "Emotional maladjustment" means the condition of a child who has been denied proper parental love, or adequate affectionate parental association, and who behaves unnaturally and unrealistically in relation to normal situations, objects and other persons.

k. "Authorized agency" means the department of public assistance or an organization, corporation, benevolent society or association licensed by the department of public assistance to receive children for control, care, maintenance or placement.

l. "Neglect" means a situation where:

1. the child lacks parental care necessary for support or education as required by law, or

2. the child lacks parental care necessary for his health, morals and well-being, or

3. the child has been abandoned as defined in this act for a period less than one year.

m. "Abused" means the infliction of physical injury upon a child by his parents or others legally responsible for him and shall include exploiting or overworking a child to such an extent that his health, morals or well-being are endangered.
n. "Shelter care" means a place of temporary care for children within the purview of this act and shall not be construed to include jails or other secured places of detention.

SECTION 3. JURISDICTION: CHILDREN, MINORS. —Except as otherwise provided herein, the court shall have exclusive jurisdiction in proceedings concerning any child living or found within the county:

a. Who is neglected, abused or abandoned by his parents or other legal custodian, or who, being an orphan, is homeless; or

b. Whose behavior indicates social or emotional maladjustment; or

c. Whose environment or associations are injurious to his welfare.

SECTION 4. RETENTION OF JURISDICTION.—Jurisdiction obtained by the court under this act shall be retained until the child becomes 18 years of age, unless terminated prior thereto.

SECTION 5. INFORMATION, INVESTIGATION, PETITION. —Whenever the court is adequately informed that a child is within the purview of this act, it shall order an immediate preliminary investigation by the department to determine whether the interests of the child require that further action be taken, in which event the court may authorize the filing of a petition. The petition and all subsequent documents shall be entitled "In the interest of _________________, a child under eighteen years of age." The petition shall be verified but the statements may be made upon information and belief. It shall set forth plainly (a) the facts which bring the child within the purview of this act; (b) the name, age, birthdate, birthplace and residence of the child; (c) the names and residences of his parents including the maiden name of the child's mother; (d) the names and residences of his legal guardian, if there be one, of the person or persons having custody or control of the child, or of the nearest known relative if no parent or guardian can be found. If any of the facts herein required are not known by the petitioner, the petition shall so state.

SECTION 6. TRANSFER TO OTHER COURTS.—When a petition has been filed and the child resides in another county of this state, the court may transfer the case to
the court of the county where the child resides. The court receiving such transfer shall dispose of the case as if the petition were originally filed in such court. Whenever a case is transferred, certified copies of all pertinent legal and social records shall be forwarded to the receiving court.

SECTION 7. SUMMONS, NOTICE, CUSTODY OF CHILD.—After a petition has been filed and if the matter is set for hearing, the court shall issue a summons requiring the person or persons who have custody or control of the child to appear personally and bring the child before the court at a time and place stated; provided, however, if hearing is to be held, it shall be held not later than fifteen days after the summons is issued unless the court should order on being shown cause that the time be extended. If the person so summoned shall be other than the parent or guardian, then the parent or guardian or both shall also be notified in the manner hereinafter provided of the pendency of the case and of the time and place set for the hearing. A subpoena may be issued requiring the appearance of any other person whose presence is required by the child, his parents, guardian or any other person who, in the opinion of the court, is necessary. Where it appears the child is in such condition or surroundings that his welfare requires he be taken into custody, the court may so order by endorsement upon the summons, whereupon in the court's discretion the child shall be brought before the court, released to his parents or guardian or taken to a place of shelter.

SECTION 8. SERVICE OF SUMMONS, TRAVEL EXPENSES.—Service of summons shall be made personally by delivery of an attested copy thereof to the person summoned; provided that if the court is satisfied that it is impracticable to serve personally such summons or the notice provided for in the preceding section, he may order service by registered mail addressed to the last known address, or by publication thereof, or both. It shall be sufficient to confer jurisdiction if service is effected at least forty-eight hours before the time fixed in the summons for the hearing. When publication is used the summons shall be published once a week for two consecutive weeks in a newspaper of general circulation in the county; such newspaper to be designated by the court in the order for publication of the summons, and such publication shall have the same force and effect as though such person had been personally served with said summons. Service of summons, process or notice required by this act shall
be made by the sheriff or a probation officer, and a re-
turn must be made on the summons showing that service
has been made. The court may authorize payment of any
necessary travel expenses incurred by any person sum-
moned or otherwise required to appear at the hearing
of any case coming within the purview of this act, and
such expenses when approved by the court shall be a
charge upon the county, except that not more than five
witnesses on behalf of any parent or guardian may be re-
quired to attend such hearing at the expense of the county.
The court may summon the appearance of any person
whose presence is deemed necessary as a witness. The
child, his parents, guardian or custodian shall be noti-
ﬁed as soon as practicable after the ﬁling of a petition
and prior to the start of a hearing of their right to coun-
sel. If counsel is requested and the parent, guardian or
custodian are ﬁnancially unable to employ counsel, the
court shall appoint counsel, who shall receive reasonable
compensation at county expense.

SECTION 9. FAILURE TO OBEY SUMMONS, A CON-
TEMPTE, WARRANTS.—If any person summoned as
herein provided shall, without reasonable cause, fail to
appear, he may be proceeded against for contempt of
court. Where the summons cannot be served, or the parties
served fail to obey the same, or in any case when it shall
be made to appear to the court that the service will be
inefectual, or that the welfare of the child requires that
he be brought forthwith into the custody of the court, a
warrant or capias may be issued for the parent, guardian
or the child.

SECTION 10. TAKING CHILDREN INTO CUSTODY.
—A child may be taken into custody by any peace officer
without warrant only when he is seriously endangered in
his surroundings and prompt removal appears to be neces-
sary for his immediate protection.

SECTION 11. SHELTER, NOTICE, RELEASE.—When
a child is taken into custody as provided in Section 10, he
shall be released to his parents or taken without unneces-
sary delay to a place of shelter designated by the court.
The officer or other person who brings a child to a place
of shelter shall at once give notice to the court and to
the parent or guardian of the child. The person in charge
of the shelter facility in which the child is placed shall
promptly give notice to the court that the child is in his
custody. No child shall be held in a shelter facility longer
than 24 hours, excluding Saturdays, Sundays and holidays, unless a petition has been filed. A child may be released from a shelter facility to his parent or guardian unconditionally or subject to protective supervision on the order of the court at any time prior to hearing on the petition.

SECTION 12. HEARING.—Proceedings under this act shall be dealt with by the court at a hearing separate from those for adults and without a jury. The hearing shall be conducted in an informal manner and may be adjourned from time to time. The general public shall be excluded, and only such persons shall be admitted as are found by the court to have a direct interest in the case. The child may be excluded from the hearing at any time at the discretion of the court. If the parent or guardian is without counsel, the court shall inform him and the child of their right to counsel and right to appeal under Section 17 of this act from any disposition or order of the court. If in the course of the hearing, it appears the child has committed an act which places him within the purview of the youth rehabilitation act, the court may, in its discretion, cause the case to be processed under the provisions of the youth rehabilitation act.

SECTION 13. INVESTIGATION PRIOR TO DISPOSITION.—No final decree or other final disposition shall be entered until a written report of the investigation by the department has been presented to and considered by the court. Reports of investigation shall be submitted to the court by the department within a period of time designated by the court as the facts and circumstances of the case warrant. The court may from time to time extend the period during which the report shall be submitted, where it appears upon application of the department that additional time is necessary to complete its investigation.

SECTION 14. DECREE.—When a child is found by the court to come within the purview of this act, the court shall so decree and in its decree shall make a finding of the facts and conclusions of law upon which it exercises jurisdiction over the child. Upon entry of its decree, the court may proceed as follows:

a. Place the child under protective supervision in his own home; or

b. Vest legal custody of the child in the department. A decree vesting legal custody in the department shall be binding upon the department, and shall be for an inde-
terminate period not to exceed two years from the date entered, except that the department may file a petition with the court requesting renewal of the order and the court, after notice to parties, a hearing and finding, may renew the order if it finds such renewal necessary to safeguard the welfare of the child. Renewals may be made during minority, but no order shall have any force or effect beyond minority. The department having been granted legal custody of a child shall have the right to determine where and with whom the child shall live, provided that the child shall not be placed beyond the territorial jurisdiction of the court without the court's consent. Whenever the court vests legal custody in the department it shall transmit with the order copies of any clinical reports or other information pertinent to the care and treatment of the child, and the department shall give to the court any information concerning the child that the court may at any time require, but in any event shall report the progress of the child under its custody at intervals of not to exceed six months. The department may petition the court at any time to vacate any order placing a child in its custody or under its protective supervision.

SECTION 15. MODIFICATION OF DECREE: REHEARING. — A parent, guardian or other person from whose custody a child has been removed and placed in the custody of the department may once within each six-month period petition the court for modification or revocation of the decree on the ground that the department has failed to provide the child with proper care and services essential to his welfare. The court may dismiss the petition if on preliminary investigation it finds it without substance. If the court is of the opinion that the decree should be reviewed, it shall conduct a hearing on ten-day notice to all parties concerned and may enter an order terminating the decree or transferring the custody of the child to an authorized agency other than the department if it shall be found that the department has failed to provide the child with proper care and services essential to his welfare. So long as a child is under jurisdiction of the court pursuant to this act, the parent, guardian or legal custodian may at any time petition the court for a rehearing on the ground that evidence exists which would justify replacing the custody of the child with the parent, guardian or custodian. Upon a showing of such evidence the court shall order a new hearing and make such disposition of the case in accordance with the provisions of
this act as the facts and the best interests of the child warrant.

The court may, upon petition duly filed by the department, terminate the parent and child relationship at any time after a lapse of three months from entry of the court's decree vesting legal custody of the child in the department or placing the child under protective supervision where it is shown to the satisfaction of the court after a hearing on ten-day notice to all parties concerned:

a. that the parent has continued abandonment of the child as defined in this act, or

b. the parent or guardian has substantially and continuously or repeatedly neglected or abused the child, or

c. the parent or guardian is unable to discharge his responsibilities toward the child because of mental illness or mental deficiency and there are reasonable grounds to believe such condition will continue for a prolonged indeterminate period. If the court finds sufficient grounds exist for termination of the parent and child relationship, it shall so decree and in its decree shall make a finding of the facts and conclusions of law upon which it exercises jurisdiction. Thereupon the court shall order the child placed in the legal custody of an authorized agency and appoint a duly authorized officer of the agency as guardian of the person of the child with authority to consent to the adoption of the child and to make any other decisions concerning the child which the child's parents could make.

SECTION 16. SUPPORT OF CHILD COMMITTED TO AUTHORIZED AGENCY.—When a child is given medical, psychological or psychiatric study or treatment under the order of the court, the cost thereof shall be charged to the county wherein the court sits. Whenever legal custody of the child is granted by the court to the department, the cost of providing said child with food, shelter, education and ordinary medical care incurred by virtue of such custody, may be paid from funds available to the department for such purposes. The court may order reimbursement from a parent or guardian of a reasonable sum to cover in whole or in part amounts expended by the county, department or authorized agency for study or treatment ordered by the court or for food, shelter, education and ordinary medical care furnished pursuant to this act. If the parent or guardian willfully fails or refuses to pay such sum, the court may proceed against him
as for contempt, or the order may be filed and shall have the effect of a civil judgment, whereupon it shall be the duty of the prosecuting attorney of the county of the parent's or guardian's residence to enforce such judgment, regardless of the county where entered. Any non-governmental agency providing care and treatment of a child committed under this act shall render written reports to the court or to an agency designated by the court concerning the care and treatment the child is receiving and his response to such treatment. Reports shall be made as frequently as the court deems necessary and shall be made with respect to every child at intervals not exceeding six months. The agency shall also afford an opportunity for representatives of the court or an agency designated by the court to visit the child as often as the court deems necessary.

SECTION 17. APPEAL.—An interested party aggrieved by any order or decree of the court may appeal to the district court within sixty days of the filing of such order or decree for review of questions of law and fact. Where the order affects the custody of a child, the appeal shall be heard at the earliest practicable time. The pendency of an appeal shall not suspend the order of the court regarding a child, and it shall not discharge the child from the custody of the court or of the person, institution, or agency to whose care he has been committed, unless otherwise ordered by the district court on application of appellant. Proceedings in the district court shall be de-novo and the court may affirm, reverse or modify the judgment appealed from, including the granting of any injunctive relief which may appear necessary for the protection of the interests of any party. A transcript of all proceedings in the probate court shall be admissible in any district court de-novo proceeding. No bond or undertaking shall be required of any party appealing to the district court under the provisions of this section. Any final order or judgment of the district court shall be appealable to the Supreme Court of the state of Idaho within thirty days following entry of such final order or judgment in the same manner as appeals in other civil actions. The filing of the notice of appeal shall not, unless otherwise ordered, stay the order of the district court.

SECTION 18. REPORTING OF INFlicted INJURIES TO DEPARTMENT.—Physicians and hospitals within this state shall immediately report to the department all cases of physical injury to children where the injury
appears to have been caused as a result of physical abuse by a parent, guardian or legal custodian of the child. Complete immunity from civil liability shall be accorded physicians and hospital personnel testifying in any proceedings under this chapter. Either parent may testify for or against the other regardless of consent in cases of physical injury to the child where the injury has been caused by physical abuse by one or both of the parents.

SECTION 19. CONSTITUTIONALITY AND SEPARABILITY.—If any section, sub-section, sub-division, 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 or ineffective section, sub-section, sub-division, 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, sub-sections, sub-divisions, paragraphs, sentences, parts or provisions may be so found invalid.

SECTION 20. CONSTRUCTION.—This act shall be liberally construed to accomplish the purposes herein set forth.

SECTION 21. CITATION OF ACT.—This act shall be known and cited as the “Child Protective Act.”

SECTION 22. EFFECTIVE DATE.—The effective date of this act shall be on and after September 1, 1963.

SECTION 23. REPEALS.—Section 16-1601 through 16-1623, Idaho Code, as amended, shall be, and the same hereby are repealed.

Approved March 29, 1963.

CHAPTER 322
(H. B. No. 366, As Amended)

AN ACT

AMENDING HOUSE BILL NO. 92 OF THE 37TH SESSION OF THE IDAHO LEGISLATURE BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 121A, IMMEDIATELY FOLLOWING SECTION 121 THEREOF TO PROVIDE A NEW SIMPLIFIED FORMULA FOR THE DISTRIBUTION
OF STATE AND COUNTY FUNDS TO THE VARIOUS SCHOOL DISTRICTS BASED UPON AVERAGE DAILY ATTENDANCE WHICH IS WEIGHED BY A SPARSITY FACTOR AND A FACTOR FOR HANDICAPPED CHILDREN AND A CLASSROOM COST FACTOR, AND BASED UPON TOTAL FUNDS AVAILABLE; PROVIDING THE PERCENTAGE AND PORTION OF STATE AND COUNTY AID WHICH THE VARIOUS SCHOOL DISTRICTS SHALL RECEIVE; AMENDING SECTION 121 OF HOUSE BILL NO. 92 OF THE 37TH SESSION OF THE IDAHO LEGISLATURE TO REDEFINE "FOUNDATION PROGRAM" AND "AVERAGE DAILY ATTENDANCE" AND LEAVING THE DEFINITIONS OF "PUBLIC SCHOOL DISTRICT" AND "TEACHER" AS THEY NOW APPEAR THEREIN AND TO REPEAL THE DEFINITION OF "SCHOOL"; AMENDING SECTION 126 OF HOUSE BILL NO. 92 OF THE 37TH LEGISLATURE OF THE STATE OF IDAHO WHICH PROVIDES FOR PUPILS ATTENDING SCHOOL IN ANOTHER STATE BY DELETING ALL MENTION OF "CLASSROOM UNITS" AND THE PRIOR EDUCATION FORMULA; AMENDING SECTION 127 OF HOUSE BILL NO. 92 OF THE 37TH SESSION OF THE IDAHO LEGISLATURE SO AS TO DELETE REFERENCE TO "CLASSROOM UNITS" AND SUBSTITUTE THEREFOR "FOUNDATION PROGRAM"; PROVIDING THAT THE "FOUNDATION TRANSPORTATION PROGRAM" SHALL BE COMPUTED AS PROVIDED FOR IN SECTION 130 OF HOUSE BILL NO. 92 OF THE 37TH SESSION OF THE IDAHO LEGISLATURE AND THAT IT SHALL BE ADDED TO THE "FOUNDATION PROGRAM"; PROVIDING THAT ELEMENTARY SCHOOLS LOCATED MORE THAN TEN MILES AND SECONDARY SCHOOLS LOCATED MORE THAN FIFTEEN MILES BY ALL-WEATHER ROAD FROM OTHER ELEMENTARY OR SECONDARY SCHOOLS RESPECTIVELY, SHALL BE ALLOWED TO PARTICIPATE IN THE STATE AND COUNTY FOUNDATION PROGRAMS AS THOUGH SUCH SCHOOLS WERE RESPECTIVELY THE ONLY SCHOOLS OPERATED BY A DISTRICT AND PROVIDING THAT ELEMENTARY SCHOOLS HAVING LESS THAN TEN PUPILS IN AVERAGE DAILY ATTENDANCE SHALL NOT BE ALLOWED TO PARTICIPATE IN THE STATE AND COUNTY FOUNDATION PROGRAMS EXCEPT UPON THE APPROVAL OF THE STATE BOARD OF EDUCATION AND PROVIDING THAT SCHOOLS HAVING LESS THAN FIVE PUPILS IN AVERAGE DAILY ATTENDANCE DURING THE PRECEDING YEAR SHALL NOT BE ALLOWED TO PARTICIPATE IN THE STATE AND COUNTY FOUNDATION PROGRAM; AMENDING SECTION 94 OF HOUSE BILL NO. 92 OF THE 37TH SESSION OF
THE IDAHO LEGISLATURE AND SECTION 63-907, IDAHO CODE, AS AMENDED, SO THAT THE COUNTY SCHOOL EMERGENCY FUND LEVY WILL BE MADE ON THE BASIS OF "AVERAGE DAILY ATTENDANCE" MULTIPLIED BY COST PER ADDITIONAL PUPIL BASED UPON PER PUPIL COST AND PROVIDING THAT THE BOARDS OF COUNTY COMMISSIONERS MAY MAKE AN EMERGENCY LEVY ON THE BASIS OF ADDITIONAL PUPILS IN AVERAGE DAILY ATTENDANCE; CHANGING THE ESTIMATED PROCEEDS OF THE MINIMUM SCHOOL DISTRICT LEVIES TO TWO AND ONE-FIFTH PER CENT (2-1/5%) BY AMENDING SECTION 141 OF HOUSE BILL 92 OF THE 37TH SESSION OF THE IDAHO LEGISLATURE; BY AMENDING SECTION 142 OF HOUSE BILL 92 OF THE 37TH SESSION OF THE IDAHO LEGISLATURE PROVIDING LEVY TO COMPLETE DISTRICT CONTRIBUTION TO FOUNDATION PROGRAM; REPEALING SECTIONS 122, 123, 124, 125, 128 AND 129 OF HOUSE BILL NO. 92 OF THE 37TH SESSION OF THE IDAHO LEGISLATURE; AND AMENDING SECTION 133 OF HOUSE BILL NO. 92 OF THE 37TH SESSION OF THE IDAHO LEGISLATURE BY DELETING PARAGRAPH 7 THEREOF; DECLARING THE SEVERABILITY OF ANY OF THE PROVISIONS OR APPLICATIONS OF THIS ACT WHICH MAY BE HELD TO BE INVALID; AND PROVIDING FOR AN EFFECTIVE DATE FOR THIS ACT.

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

SECTION 1. That Section 121 of House Bill No. 92 of the 37th Session of the Idaho Legislature be, and the same is hereby amended to read as follows:

SECTION 121. DEFINITIONS. — The following words and phrases used in this chapter are defined as follows:

1. "Foundation program" as used in this act shall mean the foundation educational program as described in section 129 of this act, together with the foundation transportation program described in section 130 of House Bill No. 92 of the 37th Session of the Idaho Legislature.

2. "Teacher" as used in this act shall mean any person employed in a teaching, instructional, supervisory, educational administrative or educational and scientific capacity in any school district. In case of doubt the state board of education shall determine whether any person is a teacher as thus defined.

3. "Public school district" or "school district" or "dis-
“School” as used in this act shall mean a separate school building, or a group consisting of more than one school building, or a unit of several grades in one building, or a unit of several grades in more than one building, whenever such unit is the basis for computing classroom units.

6. “Average daily attendance” or “Pupils in average daily attendance” as used in this act shall mean that figure derived by dividing the total days of attendance of pupils in the school in a school year, but not including the days attendance of pupils for whom no Idaho school district is the home district, nor pupils enrolled in classes for the handicapped as provided in section 125, by the number of days school was in session for the next year preceding.

In computing the average daily attendance the entire school year shall be used except that number of classroom units, the best twenty-eight weeks of average daily attendance, not necessarily consecutive, may be used; and when a school is closed because of storm, flood, failure of the heating plant, loss or damage to the school building, quarantine or order of any city, county or state health agency, or for reason believed by the board of trustees to be in the best interests of the health, safety or welfare of the pupils, the board of trustees having certified to the state board of education the cause and duration of such closure, the average daily attendance for such day or days of closure shall be considered as being the same as for the days when the school actually was in session.

SECTION 2. That House Bill No. 92 of the 37th Session of the Idaho Legislature be, and the same is hereby amended by adding a new section thereto, to be known as Section 121A, to read as follows:

SECTION 121A. FOUNDATION PROGRAM. — The foundation educational program is arrived at as follows:

(1) State Equalization Levy. The state equalization levy shall be equal to twenty-two mills times the total state adjusted assessed valuation.

(2) Total Distribution Funds. Add to the state equalization levy the eight mill county levy and state appropriation including the monies available from the public school income fund appropriation, together with all miscellane-
ous revenues and any balance or deficit in the county school fund, to secure total distribution funds.

(3) Foundation Transportation Program. Determine the foundation transportation program for the state as provided in section 130 of House Bill No. 92 of the 37th Legislature of the State of Idaho and deduct said foundation transportation program for the state from total distribution funds to obtain the figure to be used in determining state average cost per student under paragraph (5) of this section.

(4) a. Weighted State Average Daily Attendance and Sparsity Factor. The total weighted state average daily attendance shall be determined by using the table set out below called the sparsity factor. Multiply the district average daily attendance by the appropriate sparsity factor excluding the average daily attendance of handicapped children. Do this for each District and add the products thus obtained. This sum, multiplied by the classroom cost factor provided for in paragraph (4)c of this section, plus the amount provided for in paragraph (4)b of this section, is the total weighted state average daily attendance.

<table>
<thead>
<tr>
<th>Sparsity Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000 and over average daily attendance 100%</td>
</tr>
<tr>
<td>900 to 999      105%</td>
</tr>
<tr>
<td>800 to 899      110%</td>
</tr>
<tr>
<td>700 to 799      115%</td>
</tr>
<tr>
<td>600 to 699      120%</td>
</tr>
<tr>
<td>500 to 599      125%</td>
</tr>
<tr>
<td>400 to 499      130%</td>
</tr>
<tr>
<td>300 to 399      135%</td>
</tr>
<tr>
<td>200 to 299      140%</td>
</tr>
<tr>
<td>100 to 199      145%</td>
</tr>
<tr>
<td>0 to 99         150%</td>
</tr>
</tbody>
</table>

b. Handicapped Child Factor. A handicapped child factor shall be calculated for the state and also shall be calculated for each school district to provide for the education of handicapped pupils as set forth in sections 183 through 186 of House Bill No. 92 of the 37th Session of the Idaho Legislature. To obtain said factor multiply 300% by the average daily attendance of handicapped children for either the state or school district as the case may be.

c. Classroom Cost Factor.—The classroom cost factor shall be computed from the following table:
## CLASSROOM COST FACTOR

<table>
<thead>
<tr>
<th>Teacher Tenure</th>
<th>2-3 years</th>
<th>4 years</th>
<th>5 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>.72</td>
<td>.86</td>
<td>.85</td>
</tr>
<tr>
<td>2</td>
<td>.76</td>
<td>.90</td>
<td>.87</td>
</tr>
<tr>
<td>3</td>
<td>.78</td>
<td>.94</td>
<td>.89</td>
</tr>
<tr>
<td>4</td>
<td>.81</td>
<td>.98</td>
<td>.91</td>
</tr>
<tr>
<td>5</td>
<td>.84</td>
<td>1.02</td>
<td>.93</td>
</tr>
<tr>
<td>6</td>
<td>.87</td>
<td>1.06</td>
<td>.95</td>
</tr>
<tr>
<td>7</td>
<td>.90</td>
<td>1.10</td>
<td>.97</td>
</tr>
<tr>
<td>8</td>
<td>.93</td>
<td>1.14</td>
<td>.99</td>
</tr>
<tr>
<td>9</td>
<td>.96</td>
<td>1.18</td>
<td>1.01</td>
</tr>
<tr>
<td>10</td>
<td>.96</td>
<td>1.18</td>
<td>1.03</td>
</tr>
<tr>
<td>11</td>
<td>.96</td>
<td>1.18</td>
<td>1.05</td>
</tr>
<tr>
<td>12</td>
<td>.96</td>
<td>1.18</td>
<td>1.07</td>
</tr>
</tbody>
</table>

(5) State Average Cost per Student. Divide total distribution funds, after subtracting the foundation transportation program as provided in paragraph (3) of this section, by total weighted state average daily attendance to secure state average cost per student. On or before the 1st day of October of each school year, the state board of education shall certify to the individual school districts the state average cost per student as herein determined, adjusting said average cost per student as necessary to reflect the provisions of paragraph (7)a, b, c of this section.

(6) District Share of State and County Funds. Ascertain a district's share to state and county funds other than the foundation transportation program as follows:

a. **District Equalization Levy.** Multiply district's adjusted assessed valuation by 22 mills.

b. **District Weighted Average Daily Attendance.** Multiply district's average daily attendance by the appropriate sparsity factor from paragraph (4)a, hereof. This product, multiplied by the classroom cost factor provided for in paragraph (4)c hereof, plus the district handicapped child factor provided for in paragraph (4)b, hereof, equals the total district weighted average daily attendance.

c. **Total District Cost.** Multiply total district weighted average daily attendance by the state cost per student to secure total district education cost.

d. **District Share.** To secure district's share of state and county apportionment, subtract the amount of the
local district equalization levy (6) a, from the amount of the total district cost (6) c.

(7)a. Every school district which has levied a 28 mill tax levy for the 1962-63 school year shall receive at least as much state and county aid for the 1963-64 and 1964-65 school years as it did for the 1962-63 school year.

b. The state and county aid to those districts which do not levy at least 28 mills for maintenance and operation of public schools in the 1962-63 school year shall be reduced in an amount equal to the difference between the yield of their actual levy and the amount that would have accumulated from a 28 mill levy against the adjusted assessed valuation of the district.

c. Those districts which can support their current maintenance and operation costs at the same level per pupil as for the preceding school year with a 28 mill tax levy against adjusted assessed valuation, shall not receive state or county aid.

d. Paragraph (7)a and paragraph (7)b herein are to be applied as provided for in paragraphs 6 and 7 of section 133 of House Bill No. 92 of the 37th Session of the Idaho Legislature, as herein amended, if the full amount of apportionments required by this act cannot be made in any one school year because of lack of funds.

e. Paragraph (7)a, paragraph (7)b, and paragraph (7)c do not apply to the foundation transportation program.

SECTION 3. That House Bill No. 92 of the 37th Session of the Idaho Legislature be, and the same is hereby amended by adding a new section thereto to read as follows:

Any elementary school which is located more than ten miles by all-weather road from any other elementary school operated by the district, shall be allowed to participate in the state and county foundation programs as though such school were the only elementary school operated by the district.

Any secondary school which is located more than fifteen miles by all-weather road from any other secondary school operated by the district, shall be allowed to participate in the state and county foundation programs as though such school were the only secondary school operated by the district.

Any elementary school having less than ten pupils in
average daily attendance shall not be allowed to partici­
pate in the state or county foundation programs unless
such school has been approved for operation by the state
board of education; and such approval shall not be given
for any school having an average daily attendance of less
than five pupils during the preceding year.

SECTION 4. That Section 126 of House Bill No. 92 of
the 37th Session of the Idaho Legislature be, and the same
is hereby amended to read as follows:

Section 126. CLASSROOM UNITS — PUPILS AT­
TENDING SCHOOL IN ANOTHER STATE. — In any
school district which abuts upon the border of another
state, and the resident pupils of said district attend schools
in such other state as provided in Section 74, the total
number of such pupils shall be considered as being in at­
tendance in a separate school of their home district, ele­
mental or secondary as the case may be, and the num­
ber of classroom units shall be allowed, as provided in
sections 122 and 123, but if the total number of pupils,
elementary or secondary as the case may be, be less than
the lowest number of pupils shown on the tables in section
122 or 123, the smallest divisor shown on the appropriate
table shall be used in determining the number, or fraction.
thereof, of classroom units to be allowed.

SECTION 5. That Section 127 of House Bill No. 92 of
the 37th Session of the Idaho Legislature be, and the same
is hereby amended to read as follows:

SECTION 127. CLASSROOM UNITS - DISTRICTS RE­
CEIVING FEDERAL FUNDS. — In school districts which
receive moneys for the maintenance and operation of the
schools from agencies of the federal government, the foun­
dation program number of classroom units shall be com­
puted on the basis of the average daily attendance of
pupils as in this chapter set forth and without regard to
the manner in which such allowance from the federal gov­
ernment may be computed.

SECTION 6. That Section 94 of House Bill No. 92 of the
37th Session of the Idaho Legislature be, and the same is
hereby amended to read as follows:

SECTION 94. SCHOOL EMERGENCY FUND LEVY. —
Before the second Monday of September in each year, the
board of trustees of any school district which qualifies
under the provisions of this section may certify its need
hereunder to the board of county commissioners in each
county in which the district may lie, and request a school emergency fund levy upon all taxable property in the district.

The board of trustees shall compute the number of pupils in average daily attendance—classroom units in the schools of the district as of such date, in the manner as the number of classroom units was computed for the last preceding annual report of the district; and if there be pupils in average daily attendance above the total shown on said last annual report the board shall:

1. Divide the total of the foundation program allowance based on said last annual report by the total number of pupils in average daily attendance shown thereon;

2. Multiply the quotient so derived by the number of additional pupils in average daily attendance determined herein.

The amount so computed shall be certified to the board of county commissioners of the county in which the district lies.

In the case of a joint district, the board of trustees shall certify to the board of county commissioners of each county in which the district lies, to each, that proportion of the amount computed, as hereinabove, as the assessed value of taxable property within the district situate in each such county bears to the total assessed value of all taxable property in the district.

After receiving the amounts certified, as hereinabove provided, the board, or boards, of county commissioners shall determine the levy according to section 63-907, Idaho Code, as amended; and the proceeds of any such levy shall be credited to the general fund of the district.

SECTION 7. That Section 63-907, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

63-907. ANNUAL COUNTY TAX LEVY—COUNTY SCHOOL EMERGENCY FUND.—Annually, on or before September 15, the board of trustees of any school district within the county having determined the number, if any, of pupils in average daily attendance above the number of new classroom units not included in the last annual report, thereof, and the amount of money required to provide the
minimum educational and minimum transportation programs for such additional pupils in average daily attendance new classroom units, as defined in sections 1, 2, 3, 4 and 5 of this act 38-1007 and 38-1008, Idaho Code as amended, the board of county commissioners shall determine the total of such new requirements within the county and upon the same property designated in section 63-906 and for the same year the board shall levy a tax sufficient to provide such amount, provided in no case shall the levy be more than three mills, to be collected and paid into the county school emergency fund which is hereby created.

SECTION 8. That Sections 122, 123, 124, 125, 128 and 129 of House Bill No. 92 of the 37th Session of the Idaho Legislature be, and the same are hereby repealed.

SECTION 9. That Section 133 of House Bill No. 92 of the 37th Session of the Idaho Legislature be, and the same is hereby amended by deleting paragraph 7 thereof as follows:

SECTION 133. APPORTIONMENTS FROM THE PUBLIC SCHOOL INCOME FUND.—1. Not later than the fifteenth day of July in each year the state board of education shall compute the ratio which moneys in the public school income fund bear to the total apportionments made from said fund for the preceding year; and it shall apportion to each county that same ratio, but not to exceed forty per cent, of the apportionments made to such county for the preceding school year.

2. Not later than the second Monday in September in each year, the state board of education shall compute for each county the total of:

a. The estimated proceeds of the minimum county school levy as prescribed in section 141 (a);

b. Other receipts required by law to be made a part of the county school fund;

c. Any balance remaining in the county school fund, unapportionable for the preceding year;

d. Any minus balance in the county school fund by reason of overdraft or insufficient funds for the full, lawful apportionment to school districts for the preceding school year;
e. The estimated proceeds of the minimum school district levies as prescribed in section 141 (b).

In computing the proceeds of (a) and (e) hereinabove, the state board of education shall proceed as though any joint school district were wholly situate in that county which is its home county;

3. To the total thus obtained for each county, the state board of education shall add an amount from the public school income fund which, together with such total, will provide for each school district in said county, and as though any joint district were wholly situate in that county which is its home county, its foundation program computed according to the provisions of this chapter;

4. The state board of education shall apportion to the several counties the moneys in the public school income fund as of the fifteenth day of January, April, July and October in each year, taking into account the advance made under subsection (1) of this section, in such amounts as will provide in full for each district its foundation program, and not more than therefor required; but no apportionment to any county shall be made for any year in the total amount of less than ten thousand dollars ($10,000);

5. Any balance remaining in the public school income fund after all apportionments required by this section have been made for any school year, shall remain in the said fund and be available as a part of the apportionment required during the next school year;

6. If the amount in the public school income fund be insufficient to fulfill for any school year the requirements of this section, the apportionments to the several counties shall be that percentage of the funds available as each would have received of the whole, had the moneys in the fund been sufficient to meet all requirements of this section;

7. When the full apportionments to the counties required by this section cannot be made because there is less money in the public school income fund than was estimated by the state board of education to be available, the amount of any deficiency in apportionments to the several counties shall be added to the requirements for apportionment for the following year, as a balance due, and such deficiency shall not be considered in computing the county levies.

8. When the full amount of apportionments required by this section cannot be made for any school year because
of failure of the legislature to appropriate to the public school income fund the amount certified by the state board of education as required, or if the full amount so appropriated is not transferred, or as may be required by amendment to this chapter by any session of the legislature, such deficiency in apportionments shall be considered in computing county school levies;

§ 8-9. Any apportionments in any year, made to any county, which may within the succeeding three-year period be found to have been in error either of computation or transmittal, may be corrected during such three-year period by reduction of apportionments to any county to which over-apportionments may have been made, and corresponding addition to apportionments to any county to which under-apportionments may have been made. Notice of such correction shall be given to the auditor of any county for which such correction may have been made.

SECTION 9. That Section 141 of House Bill No. 92 of the 37th Session of the Idaho Legislature, be, and the same is hereby amended to read as follows:

Section 141. APPORTIONMENT—MINIMUM LEVIES DEFINED.—For the purposes of equalizing the apportionments authorized in section 133, the state board of education shall apportion such moneys under the following conditions:

a. The minimum requirements for any county school tax prescribed by subsection 2a of section 133 shall be deemed to have been met only if a levy in that number of mills has been made by the board of county commissioners as will produce an amount of money equal to eight-tenths of one per cent (.8%) of the adjusted value of taxable property in the county, except when such eight-tenths of one per cent (.8%) will provide more than the full requirements of such county school tax;

b. In apportioning money for any school district, the state board of education shall compute the minimum requirements of the foundation program to be supplied by the district to be that amount of money equal to one and one-half per cent (1-1/2%) two and one-fifth per cent (2-1/5%) of the adjusted value of the taxable property of the district for the next preceding year, computed by use of the ratio of the home county of the school district, as ascertained by the state tax commission.
SECTION 10. That Section 142 of House Bill No. 92 of the 37th Session of the Idaho Legislature, be, and the same is hereby amended to read as follows:

Section 142. LEVY TO COMPLETE DISTRICT CONTRIBUTION TO FOUNDATION PROGRAM.—When in any county the amount of money which will be provided by a tax levy of fifteen-twenty-two mills upon the assessed value of taxable property in a school district is less than the amount required to be raised under the provisions of subsection (b) of the next preceding section, the board of county commissioners in such county shall make a levy on behalf of the board of trustees of each school district in that number of mills as, when added to the computed proceeds of a levy of fifteen-twenty-two mills upon the assessed value of taxable property, will meet the requirements of said subsection. In the case of any joint district, such levy shall be computed and made as though each part of said district which lies in any county were a separate school district situate wholly within such county.

The proceeds of any levy herein required to be made shall be credited to the school district eligible thereto and transmitted in the same manner as are the proceeds of other school district tax levies.

SECTION 11. SEVERABILITY.—If any provision of this act or the application thereof to any person, school district, or circumstances, is held invalid, such 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 declared to be severable.

SECTION 12. This act shall supersede all other acts or any portion thereof enacted by the 37th Session of the Idaho State Legislature and all prior laws of the State of Idaho or any portion thereof with which it may conflict.

SECTION 13. EFFECTIVE DATE.—This act shall be and become effective on and after the 1st day of July, 1963.

Approved March 29, 1963.
CHAPTER 323
(S. B. No. 312, As Amended in the House of Representatives)

AN ACT
AMENDING SECTION 121A OF CHAPTER 13 OF THE 1963 IDAHO SESSION LAWS WHICH SAID SECTION WAS ADDED TO SAID CHAPTER BY HOUSE BILL NO. 366 OF THE THIRTY-SEVENTH SESSION OF THE IDAHO STATE LEGISLATURE, RELATING TO THE FUNDS OF SCHOOL DISTRICTS, TO CHANGE THE REQUIREMENTS FOR MAINTAINING MINIMUM STATE AND COUNTY AID AT THE 1962-63 SCHOOL YEAR LEVEL FOR CERTAIN SCHOOL DISTRICTS AND YEARS AND FOR REDUCING STATE AND COUNTY AID, AND TO REMOVE A PROVISION EXCLUDING CERTAIN SCHOOL DISTRICTS FROM STATE OR COUNTY AID; AND PROVIDING AN EFFECTIVE DATE FOR THIS ACT.

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

SECTION 1. That Section 121A of Chapter 13 of the 1963 Idaho Session Laws be, and the same is hereby amended to read as follows:

Section 121A. FOUNDATION PROGRAM.—The foundation educational program is arrived at as follows:

(1) State Equalization Levy. The state equalization levy shall be equal to twenty-two mills times the total state adjusted assessed valuation.

(2) Total Distribution Funds. Add to the state equalization levy the eight mill county levy and state appropriation including the monies available from the public school income fund appropriation, together with all miscellaneous revenues and any balance or deficit in the county school fund, to secure total distribution funds.

(3) Foundation Transportation Program. Determine the foundation transportation program for the state as provided in section 130 of House Bill No. 92 of the 37th Legislature of the State of Idaho and deduct said foundation transportation program for the state from total distribution funds to obtain the figure to be used in determining state average cost per student under paragraph (5) of this section.

(4) a. Weighted State Average Daily Attendance and Sparsity Factor. The total weighted state average daily attendance shall be determined by using the table set out
below called the sparsity factor. Multiply the district average daily attendance by the appropriate sparsity factor excluding the average daily attendance of handicapped children. Do this for each District and add the products thus obtained. This sum, multiplied by the classroom cost factor provided for in paragraph (4)c of this section, plus the amount provided for in paragraph (4)b of this section, is the total weighted state average daily attendance.

<table>
<thead>
<tr>
<th>Sparsity Factor</th>
<th>1,000 and over average daily attendance</th>
<th>100%</th>
</tr>
</thead>
<tbody>
<tr>
<td>900 to 999</td>
<td></td>
<td>105%</td>
</tr>
<tr>
<td>800 to 899</td>
<td></td>
<td>110%</td>
</tr>
<tr>
<td>700 to 799</td>
<td></td>
<td>115%</td>
</tr>
<tr>
<td>600 to 699</td>
<td></td>
<td>120%</td>
</tr>
<tr>
<td>500 to 599</td>
<td></td>
<td>125%</td>
</tr>
<tr>
<td>400 to 499</td>
<td></td>
<td>130%</td>
</tr>
<tr>
<td>300 to 399</td>
<td></td>
<td>135%</td>
</tr>
<tr>
<td>200 to 299</td>
<td></td>
<td>140%</td>
</tr>
<tr>
<td>100 to 199</td>
<td></td>
<td>145%</td>
</tr>
<tr>
<td>0 to 99</td>
<td></td>
<td>150%</td>
</tr>
</tbody>
</table>

b. Handicapped Child Factor. A handicapped child factor shall be calculated for the state and also shall be calculated for each school district to provide for the education of handicapped pupils as set forth in sections 183 through 186 of House Bill No. 92 of the 37th Session of the Idaho Legislature. To obtain said factor, multiply 300% by the average daily attendance of handicapped children for either the state or school district as the case may be.

c. Classroom Cost Factor.—The classroom cost factor shall be computed from the following table:

<table>
<thead>
<tr>
<th>CLASSROOM COST FACTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teacher Tenure</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
<tr>
<td>6</td>
</tr>
<tr>
<td>7</td>
</tr>
<tr>
<td>8</td>
</tr>
<tr>
<td>9</td>
</tr>
<tr>
<td>10</td>
</tr>
<tr>
<td>11</td>
</tr>
<tr>
<td>12</td>
</tr>
</tbody>
</table>
(5) State Average Cost per Student. Divide total distribution funds, after subtracting the foundation transportation program as provided in paragraph (3) of this section, by total weighted state average daily attendance to secure state average cost per student. On or before the 1st day of October of each school year, the state board of education shall certify to the individual school districts the state average cost per student as herein determined, adjusting said average cost per student as necessary to reflect the provisions of paragraph (7) a, b, c of this section.

(6) District Share of State and County Funds. Ascerta in a district's share to state and county funds other than the foundation transportation program as follows:


b. District Weighted Average Daily Attendance. Multiply district's average daily attendance by the appropriate sparsity factor from paragraph (4) a, hereof. This product, multiplied by the classroom cost factor provided for in paragraph (4) c hereof, plus the district handicapped child factor provided for in paragraph (4) b, hereof, equals the total district weighted average daily attendance.

c. Total District Cost. Multiply total district weighted average daily attendance by the state cost per student to secure total district education cost.

d. District Share. To secure district's share of state and county apportionment, subtract the amount of the local district equalization levy (6) a, from the amount of the total district cost (6) c.

(7) a. Every school district which has levied taxes for the maintenance and operation of public schools at 28 mills tax levy for the 1962-63 school year shall receive at least as much state and county aid for the 1963-64 and 1964-65 school years as it did for the 1962-63 school year. A mill levy which produces revenue at least equal to that which would have accrued from a levy of 28 mills on the adjusted assessed valuation, or a mill levy which produces revenue at least equal to that which would have accrued from a levy of 28 mills on the actual assessed valuation, or a mill levy which produces revenue at least equal to that which would have accrued from a levy of 28 mills on the adjusted assessed valuation of the district, shall receive at least as much state and county aid for each of said school years as it did for the 1962-63 school year.

b. The state and county aid to those districts which do not levy at least 28 mills for maintenance and opera-
tion of public schools in any school year shall be reduced in such school year in an amount, if any, by which the yield of their actual levy is less than the amount that would have accrued from a 28 mill levy against the adjusted assessed valuation of the district.

c. Those districts which can support their current maintenance and operation costs at the same level per pupil as for the preceding school year with a 28 mill tax levy against adjusted assessed valuation, shall not receive state or county aid.

d. Paragraph (7)a and paragraph (7)b herein are to be applied as provided for in paragraphs 6 and 7 of section 133 of this chapter, House Bill No. 92 of the 27th Session of the Idaho Legislature, as herein amended, if the full amount of apportionments required by this act cannot be made in any one school year because of lack of funds.

e. Paragraph (7)a, and paragraph (7)b, and paragraph (7)e do not apply to the foundation transportation program.

SECTION 2. EFFECTIVE DATE. — This act shall be and become effective on and after the 1st day of July, 1963.

Approved March 29, 1963.

CHAPTER 324
(S. B. No. 310)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
BOARD OF REGENTS FOR  
THE UNIVERSITY OF IDAHO:  
For:  

<table>
<thead>
<tr>
<th>Appropriations:</th>
<th>Total</th>
<th>$13,255,246</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less Other Income</td>
<td>2,020,246</td>
<td></td>
</tr>
</tbody>
</table>

From the General Fund | $11,235,000 |

Approved March 29, 1963.

CHAPTER 325  
(S. B. No. 60, As Amended in the House of Representatives)

AN ACT

AMENDING TITLE 56, CHAPTER 2, IDAHO CODE, BY AMENDING SECTION 56-203, AS AMENDED, RELATING TO THE POWERS OF THE STATE DEPARTMENT OF PUBLIC ASSISTANCE, BY PROVIDING THAT THE STATE DEPARTMENT OF PUBLIC ASSISTANCE SHALL HAVE THE POWER TO ACCEPT LEGAL CUSTODY OF CHILDREN COMMITTED TO IT UNDER THE PROVISIONS OF THE CHILD PROTECTIVE ACT; TO PROVIDE PROTECTIVE SUPERVISION AS DEFINED THEREIN; TO PLACE CHILDREN FOR ADOPTION IN CERTAIN CASES AND TO EXERCISE CONSENT TO ADOPTIONS IN CERTAIN CASES; BY ADDING A NEW SECTION FOLLOWING SECTION 56-204 TO BE KNOWN AND DESIGNATED AS SECTION 56-204A AUTHORIZING AND DIRECTING THE STATE DEPARTMENT OF PUBLIC ASSISTANCE TO MAINTAIN BY THE ADOPTION OF APPROPRIATE RULES AND REGULATIONS SERVICES FOR CHILDREN INCLUDING PROTECTIVE SERVICES; SERVICES FOR UNMARRIED MOTHERS; CARING AND PLANNING FOR CHILDREN COMMITTED TO THE STATE DEPARTMENT BY COURTS INCLUDING INVESTIGATIONS, FILING OF PLEADINGS WITH APPROPRIATE COURTS IN
CASES REQUIRING COURT ACTION; ARRANGEMENTS FOR PRE-NATAL AND CONFINEMENT CARE OF UNMARRIED MOTHERS AND PAYMENT THEREFOR, COUNSELING SERVICES FOR UNMARRIED MOTHERS AND REHABILITATION SERVICES FOR MINOR UNMARRIED MOTHERS, PAYMENT FOR SERVICES AND CARE FOR CHILDREN COMMITTED TO THE STATE DEPARTMENT; AND BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 56-204A TO BE KNOWN AND DESIGNATED AS SECTION 56-204B PROVIDING THAT THE STATE DEPARTMENT OF PUBLIC ASSISTANCE SHALL PROVIDE PLACES OF SHELTER FOR THE PLACEMENT OF CHILDREN FOR TEMPORARY CARE IN CERTAIN CASES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 56-203, Idaho Code, as amended, be, and the same hereby is 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 the 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; and

(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.

Accept the legal custody of children committed to it by probate courts of this state under the child protective act, to provide protective supervision as defined therein, to place children for adoption when such children are in the legal custody of the state department and are legally available for adoption and to exercise consent to adoption when the authority to do so is vested in the department by court order or legally authorized parental relinquishment.

SECTION 2. That Title 56, Chapter 2, Idaho Code, be, and the same hereby is amended by adding a new section thereto following Section 56-204, to be known and designated as Section 56-204A, to read as follows:

56-204A. SERVICES FOR CHILDREN. — The state department is hereby authorized and directed to maintain, by the adoption of appropriate rules and regulations, activities which, through social casework and the use of other appropriate and available resources, shall embrace:

(a) Protective services on behalf of children whose opportunities for normal physical, social and emotional growth and development are endangered for any reason;
(b) Services for unmarried mothers, which may be necessary to assure or provide adequate confinement care, and to safeguard the rights and promote the well-being of such mothers and their infants;

(c) Services on behalf of children in their own homes to help overcome problems that may result in dependency, neglect or delinquency, and to strengthen parental care and supervision; and

(d) Undertaking care of, and planning for children including those committed to the state department by the courts.

Such rules and regulations shall provide for:

(1) Receiving from any source and investigating all reasonable reports or complaints of neglect, abuse, exploitation or cruel treatment of children;

(2) Initiation of appropriate services and action where indicated with parents or other persons for the protection of children exposed to neglect, abuse, exploitation or cruel treatment;

(3) Filing pleadings with appropriate courts in cases requiring court action;

(4) Arrangements for pre-natal and confinement care of unmarried expectant mothers and payment for such care when necessary for the well-being of the mother and infant;

(5) Counseling with unmarried mothers in relation to their plans for their children, including assisting mothers to reach a decision concerning relinquishment through an understanding of what would be best for her child and herself;

(6) Services and assistance toward rehabilitation of minor unmarried mothers;

(7) Services on behalf of children in their own homes to strengthen parental care and supervision;

(8) Specifying the conditions under which payment shall be made for the purchase of services and care for children, such as medical, psychiatric or psychological services, and foster family or institutional care, group care, homemaker service, or day care;

(9) Procedures to be observed in planning and caring
for or placing for adoption a child committed to
the state department following the termination of
his parent-child relationship.

SECTION 3. That Title 56, Chapter 2, Idaho Code, be
and the same hereby is amended by adding a new section
thereto following Section 56-204A, to be known and design­
nated as Section 56-204B, to read as follows:

56-204B. TEMPORARY SHELTER CARE.—The state
department shall provide places of shelter which may be
designated by the probate courts as authorized by law for
the placement of children for temporary care who have
been brought into the custody of the probate courts or
who have been taken into custody for their protection by
peace officers. Such places of shelter may be maintained
by the state department or may be licensed foster family
homes or licensed foster institutional facilities employed
or retained for shelter care by the state department. Places
of shelter shall be non-security facilities and shall not be
utilized for the care of children brought before the courts
under the Youth Rehabilitation Act, or for children who
have been taken into custody by peace officers for alleged
violations of law or ordinances. Whenever practicable a
single place of shelter shall be provided for more than
one county.

SECTION 4. EFFECTIVE DATE.—The effective date of
this act shall be on and after September 1, 1963.

Approved March 29, 1963.

CHAPTER 326
(H. B. No. 326)

AN ACT
APPROPRIATING MONEYS FROM THE GENERAL FUND OF
THE STATE OF IDAHO, TO THE SECRETARY OF STATE
FOR THE PURPOSE OF PAYING THE COSTS OF AD­
VERTISING THE CONSTITUTIONAL AMENDMENTS AND
PRINTING AND PROOF READING THE IDAHO SESSION
LAWS OF THE THIRTY-SEVENTH SESSION OF THE IDAHO
LEGISLATURE FOR THE PERIOD OF TIME COMMENCING
WITH THE PASSAGE AND APPROVAL OF THIS ACT AND
ENDING JUNE 30, 1965; 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 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
Seventh Session of the Idaho Legislature; subject to the
provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
SECRETARY OF STATE:
For: Salaries and Wages $ 2,000
Other Current Expense 22,000
Total $24,000
From the General Fund $24,000

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 29, 1963.

CHAPTER 327
(H. B. No. 259)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF
THE STATE OF IDAHO, TO THE SUPREME COURT FOR
THE COMMISSION ON UNIFORM LAWS FOR THE PUR­
POSE OF PAYING TRAVEL EXPENSE, AND OTHER CUR­
RENT EXPENSE, FOR THE PERIOD COMMENCING JULY
1, 1963, AND ENDING JUNE 30, 1965; 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 travel expense and other current expense, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
SUPREME COURT FOR COMMISSION ON UNIFORM LAWS:
For: Travel Expense $3,325
Other Current Expense 2,175

Total $5,500
From the General Fund $5,500

Approved March 29, 1963.

CHAPTER 328
(H. B. No. 261)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
CHAPTER 329
(H. B. No. 303)

AN ACT

AMENDING IDAHO CODE SECTION 14-514 TO PROVIDE THAT THE TAX COLLECTOR SHALL ASSUME CUSTODY OF ALL UNCLAIMED OR ABANDONED PROPERTY OR FUNDS, AN ABSOLUTE DISCHARGE AND RELEASE OF LIABILITY OF THE PERSON MAKING PAYMENT OR DELIVERY FOR ALL AND FURTHER CLAIMS BY ANY OTHER CLAIMANT OR STATE, HOLDING THE PERSON MAKING SUCH PAYMENT OR DELIVERY HARMLESS BY THE STATE OF IDAHO FROM ALL CLAIMS BY OTHER CLAIMANTS OR STATES; PROVIDING FOR STATE INTERVENTION IN ANY LEGAL PROCEEDINGS FOR SUCH UNCLAIMED OR ABANDONED PROPERTY OR FUNDS, PROVIDING FOR REIMBURSEMENT TO ANY PERSON DELIVERING ABANDONED PROPERTY OR PAYING UNCLAIMED FUNDS TO THE STATE OF ANY JUDGMENT INCLUDING COSTS INCURRED IN DEFENDING ANY LEGAL PROCEEDING FOR THE RECOVERY OF FUNDS OR PROPERTY FROM A PERSON WHO HAS PAID OR DELIVERED THE SAME TO THE STATE; PROVIDING THAT AN ACTION MAY BE BROUGHT DIRECTLY AGAINST THE STATE FOR RECOVERY OF PROPERTY OR REIMBURSEMENT OF FUNDS DELIVERED UNDER THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 14-514, Idaho Code, be, and the same hereby is amended to read as follows:

14-514. RELIEF FROM LIABILITY BY PAYMENT OR DELIVERY.—(a) Upon the payment of unclaimed funds or delivery of unclaimed or 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. The payment of unclaimed funds or delivery of abandoned property to the tax collector shall operate as a full, absolute and unconditional release and discharge of the person making the payment or delivery from any and all claims or demands of or liability to any other person entitled thereto, or to any other claimant or state, and such payment or delivery may be pleaded as an absolute bar to any action brought against the person making the payment or delivery by any other person entitled thereto, or by any other claimant or state. The person making such payment or delivery shall immediately and thereafter be relieved of and held harmless by the State of Idaho from any and all liabilities for any claim or claims which exist at such time with reference to such unclaimed funds or abandoned property or which may thereafter be made or may come into existence on account of or in respect to any such unclaimed funds or abandoned property. Any right to such unclaimed funds or abandoned property which any other person entitled thereto, or any other claimant or state, may have against the person making such payment or delivery to the state shall thereby become the obligation of the State of Idaho.

(b) 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.

(c) In the event legal proceedings are instituted by any other person entitled to such unclaimed funds or abandoned property, or by any other claimant or state, in the State of Idaho or in any other state or federal court with respect to unclaimed funds paid or abandoned property de-
livered to the tax collector, the person making the pay­
ment or delivery shall notify the tax collector and the
Attorney General of the State of Idaho of such proceed­
ings and the Attorney General may, in his discretion, inter­
vene therein. If after the person making the payment or
delivery has actively defended in such proceedings, or has
been notified in writing by the Attorney General that no
defense need be made in respect to such funds, and a judg­
ment is entered against such person for any amount paid
to the tax collector under this act, the tax collector shall,
upon being furnished with proof of payment in satisfac­
tion of said judgment, immediately reimburse such per­
sion the amount so paid in satisfaction of the judgment.
The tax collector shall also immediately reimburse such
person for any legal fees, costs and other expenses in­
curred in such legal proceedings.

(d) The rights to reimbursement set forth in, and pro­
vided by, this section shall be the obligation of the State
of Idaho and any amounts thereby recoverable or due,
whether or not due under any judgment against the State
of Idaho, shall be paid from the separate trust fund estab­
lished by this act or, if the separate trust fund is insuf­
ficient, from the general funds of the State of Idaho or any
special fund or account of the State in which the abandoned
property or unclaimed funds for which reimbursement is
demanded shall have been transferred.

Approved March 29, 1963.

CHAPTER 330
(H. B. No. 319)

AN ACT

AMENDING SECTION 30-519, IDAHO CODE, RELATING TO COR­
PORATIONS, BY DELETING AN UNNECESSARY AND SU­
PERFLUOUS WORD.

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

SECTION 1. That Section 30-519, Idaho Code, be, and
the same is hereby amended to read as follows:

30-519. A foreign corporation shall not be deemed or
held to be doing business or to have a tax situs in the
state of Idaho where the only transactions or business of
such corporation in Idaho consists of acquiring, holding, modifying, selling, assigning and enforcing obligations, and/or receiving income from obligations, which obligations are secured by mortgages, deeds of trust or bonds issued under mortgage trust indentures are acquired through or issued by and are serviced by a qualified corporation.

Approved March 29, 1963.

CHAPTER 331
(H. B. No. 350)

AN ACT
AMENDING CHAPTER 6 OF TITLE 72, IDAHO CODE, RELATING TO WORKMEN'S COMPENSATION, BY REPEALING SECTION 72-615, IDAHO CODE, RELATING TO THE EXTRATERRITORIAL APPLICATION OF THE WORKMEN'S COMPENSATION LAW, AND INSERTING IN LIEU THEREOF, A NEW SECTION FOLLOWING SECTION 72-614, IDAHO CODE, TO BE KNOWN AND DESIGNATED AS SECTION 72-615, IDAHO CODE, PROVIDING WORKMEN'S COMPENSATION COVERAGE FOR PERSONS WORKING OUTSIDE THE STATE OF IDAHO UNDER SPECIFIED CONDITIONS; BY ADDING A NEW SECTION THERETO, TO BE KNOWN AND DESIGNATED AS SECTION 72-616, IDAHO CODE, PROVIDING THAT BENEFITS PAID BY ANOTHER JURISDICTION SHALL NOT BAR CLAIMS PURSUANT TO THIS ACT UNDER CERTAIN CONDITIONS, AND FOR THE CREDITING OF BENEFITS FROM ANOTHER JURISDICTION AGAINST BENEFITS AWARDED PURSUANT TO THIS ACT; BY ADDING A NEW SECTION THERETO, TO BE KNOWN AND DESIGNATED AS SECTION 72-617, IDAHO CODE, PROVIDING PROCEDURES RELATING TO THE INSURANCE FOR EMPLOYEES WORKING IN THIS STATE FOR AN EMPLOYER DOMICILED AND INSURED IN ANOTHER STATE; BY ADDING A NEW SECTION THERETO, TO BE KNOWN AND DESIGNATED AS SECTION 72-618, IDAHO CODE, PROVIDING DEFINITIONS FOR CERTAIN TERMS AS USED IN THIS CHAPTER; BY ADDING A NEW SECTION THERETO, TO BE KNOWN AND DESIGNATED AS SECTION 72-619, IDAHO CODE, AUTHORIZING THE BOARD TO PROMULGATE REGULATIONS AND MAKE RECIPROCAL AGREEMENTS WITH OTHER STATES WITH REFERENCE
TO WORKMEN'S COMPENSATION CLAIMS; AND PROVIDING AN EFFECTIVE DATE FOR THIS ACT.

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

SECTION 1. That Section 72-615, Idaho Code, be and the same is hereby repealed and simultaneously replaced by a new Section 72-615, Idaho Code, reading as follows:

72-615. EXTRATERRITORIAL JURISDICTION OF BOARD.—If an employee, while working outside the territorial limits of this state, suffers an injury on account of which he, or in the event of death, his dependents, would have been entitled to the benefits provided by this act had such occurred within this state, such employee, or, in the event of his death resulting from such injury, his dependents shall be entitled to the benefits provided by this act, provided that at the time of such injury:

(1) his employment is principally localized in this state, or

(2) he is working under a contract of hire made in this state in employment not principally localized in any state, or

(3) he is working under a contract of hire made in this state in employment principally localized in another state the workmen's compensation law of which is not applicable to his employer, or

(4) he is working under a contract of hire made in this state for employment outside the United States and Canada.

SECTION 2. That Chapter 6 of Title 72 of the Idaho Code be and the same is hereby amended by inserting therein three new sections, designated Sections 72-616, 72-617 and 72-618, as follows:

72-616. AWARD SUBJECT TO CREDIT FOR BENEFITS FURNISHED OR PAID UNDER LAWS OF OTHER JURISDICTIONS. — The payment or award of benefits under the workmen's compensation law of another state, territory, province or foreign nation to an employee or his dependents otherwise entitled on account of such injury or death to the benefits of this act shall not be a bar to a claim for benefits under this act, provided that claim under this act be filed within two years after such injury or death. If compensation is paid or awarded under this act—

(1) The medical and related benefits furnished or paid
by the employer under such other workmen's compensation law on account of such injury or death shall be credited against the medical and related benefits to which the employee would have been entitled under this act, had claim been made solely under this act;

(2) The total amount of all income benefits paid or awarded the employee under such other workmen's compensation law shall be credited against the total amount of income benefits which would have been due the employee had claim been made solely under this act;

(3) The total amount of death benefits paid or awarded under such other workmen's compensation law shall be credited against the total amount of death benefits due under this act.

72-617. INJURIES IN TRANSITORY EMPLOYMENT IN IDAHO.—

(1) If an employee is entitled to the benefits of this act by reason of an injury sustained in this state in employment by an employer who is domiciled in another state and who has not secured the payment of compensation as required by this act, the employer or his carrier may file with the Industrial Accident Board a certificate, issued by the board, commission, officer or agency of such other state having jurisdiction over workmen's compensation claims, certifying that such employer has secured the payment of compensation under the workmen's compensation law of such other state and that with respect to said injury such employee is entitled to the benefits provided under such law; and shall also file with the Board an irrevocable power of attorney, in form approved by the Board, designating a person or corporation domiciled in this state as his or its attorney-in-fact for acceptance of process in any proceeding brought by such employee or his dependents to enforce his or their rights under this act on account of such injury;

(2a) If such employer is a qualified self-insurer under the workmen's compensation law of such other state, such employer shall, upon submission of evidence, satisfactory to the Board, of his ability to meet his liability to such employee under this act, be deemed to be a qualified self-insurer under this act;

(2b) If such employer's liability under the workmen's compensation law of such other state is insured, such employer's carrier, as to such employee or his dependents
only, shall be deemed to be an insurer authorized to write insurance under and be subject to this act, provided, however, that unless its contract with said employer requires it to pay an amount equivalent to the compensation benefits provided by this act, its liability for income benefits or for medical and related benefits shall not exceed the amounts of such benefits for which such insurer would have been liable under the workmen's compensation law of such other state;

(3) If the total amount for which such employer’s insurer is liable under the foregoing subdivision (2b) is less than the total of the compensation benefits to which such employee is entitled under this act, the Board may, if it deems necessary, require the employer to file security, satisfactory to the Board, to secure the payment of benefits due such employee or his dependents under this act, and

(4) Upon compliance with the preceding requirements of this section such employer, as to such employee and his dependents only, shall be deemed to have secured the payment of compensation under this act.

72-618. DEFINITIONS.—As used in this chapter:

“United States” includes only the states of the United States and the District of Columbia.

“State” includes any state of the United States, or any Province of Canada.

“Carrier” includes any insurance company licensed to write workmen’s compensation insurance in any state of the United States or any state or provincial fund which insures employers against their liabilities under a workmen’s compensation law.

A person’s employment is principally localized in this or another state when (1) his employer has a place of business in this or such other state and he regularly works at or from such place of business, or (2) if clause (1) foregoing is not applicable, he is domiciled and spends a substantial part of his working time in the service of his employer in this or such other state.

An employee whose duties require him to travel regularly in the service of his employer in this and one or more other states may, by written agreement with his employer, provide that his employment is principally localized in this or another such state, and, unless such other state refuses
jurisdiction, such agreement shall be given effect under this act.

"Workmen's compensation law" includes "occupational disease compensation law."

SECTION 3. That Chapter 6, Title 72, Idaho Code, be and the same is hereby amended by inserting therein a new section, designated Section 72-619, as follows:

72-619. RECIPROCAL RECOGNITION OF EXTRATERRITORIAL COVERAGE BETWEEN IDAHO AND OTHER JURISDICTIONS.—For the purpose of effecting mutually satisfactory reciprocal arrangements with other states respecting extraterritorial jurisdiction, the Board is empowered to promulgate special or general regulations not inconsistent with the provisions of this act and, with the approval of the Governor, to enter into reciprocal agreements with the appropriate board, commission, officer or agency of other states having jurisdiction of workmen's compensation claims.

SECTION 4. This act shall be in force and effect on and after July 1, 1963.

Approved March 29, 1963.

CHAPTER 332
(H. B. No. 337, As Amended in the Senate)

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, 1963; 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 follow-
ing paragraphs:

1. An annual salary of $9,000.00 shall be paid to the
prosecuting attorney of Ada County.

2. An annual salary of $7,000.00 shall be paid to the
prosecuting attorney of Bonneville County and an annual
salary of $7,500.00 shall be paid to the prosecuting attor-
ney of Canyon County.

3. An annual salary of $6,500.00 shall be paid to the
prosecuting attorney of Shoshone County.

4. An annual salary of $6,250.00 shall be paid to each
of the prosecuting attorneys of Kootenai County and Twin
Falls County.

5. An annual salary of $6,000.00 shall be paid to each
of the prosecuting attorneys of Bannock County and Elmore
County.

6. An annual salary of $5,500.00 shall be paid to the
prosecuting attorney of Bingham 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 $4,800.00 shall be paid to the
prosecuting attorney of Bonner County.

9. An annual salary of $4,500.00 shall be paid to each
of the prosecuting attorneys of Clearwater County, Wash-
ington County and Idaho County.

10. An annual salary of $4,200.00 shall be paid to the
prosecuting attorney of Latah County.

11. An annual salary of $4,000.00 shall be paid to each
of the prosecuting attorneys of Jefferson County, Payette
County.

12. An annual salary of $3,900.00 shall be paid to the
prosecuting attorney of Lewis County.

13. An annual salary of $3,800.00 shall be paid to each
of the prosecuting attorneys of Boundary County and Owy-
hee County.

14. An annual salary of $3,750.00 shall be paid to the
prosecuting attorney of Gooding County.

15. An annual salary of $3,600.00 shall be paid to each
of the prosecuting attorneys of Caribou County, Fremont County, Gem County, Lincoln County, Minidoka County and Valley County.

16. An annual salary of $3,500.00 shall be paid to each of the prosecuting attorneys of Benewah County, Jerome County and Madison County.

17. An annual salary of $4,000.00 shall be paid to the prosecuting attorney of Cassia County.

18. An annual salary of $3,100.00 shall be paid to each of the prosecuting attorneys of Bear Lake County and Franklin County.

19. An annual salary of $3,200.00 shall be paid to the prosecuting attorney of Butte County.

20. An annual salary of $3,000.00 shall be paid to each of the prosecuting attorneys of Camas County, Lemhi County and Oneida County.

21. An annual salary of $2,700.00 shall be paid to the prosecuting attorney of Blaine County.

22. An annual salary of $2,500.00 shall be paid to the prosecuting attorney of Custer County.

23. An annual salary of $2,488.00 shall be paid to the prosecuting attorney of Teton County.

24. An annual salary of $2,400.00 shall be paid to each of the prosecuting attorneys of Adams County, Clark County and Power County.

25. An annual salary of $1,650.00 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 on and after the second Monday of January, 1963.

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

Approved March 29, 1963.

CHAPTER 333
(H. B. No. 336, As Amended in the Senate)

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, 1963; 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 $8,500.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Ada County.

2. An annual salary of $6,500.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Bannock County and Shoshone County.

3. An annual salary of $6,500.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Canyon County.

4. An annual salary of $6,000.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Bonneville County.

5. An annual salary of $4,800.00, together with actual
and necessary expenses, shall be paid to each of the county commissioners of Bonner County.

6. An annual salary of $4,500.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Bingham County and Kootenai County.

7. 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.

8. 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.

9. An annual salary of $3,000.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Elmore County and Latah County.

10. An annual salary of $2,500.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Idaho County.

11. An annual salary of $2,300.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Fremont County and Jefferson County.

12. 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, Madison County and Washington County.

13. 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.

14. 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, Gem County, Jerome County, Payette County and Clearwater County.

15. 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.

16. An annual salary of $1,600.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Bear Lake County.

17. 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.
commissioners of Gooding County, Lemhi County, Minidoka County, Owyhee County, and Valley County.

18. 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.

19. An annual salary of $1,200.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Adams County, Benewah County, Lewis County, and Oneida County.

20. An annual salary of $900.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Butte County, Clark County, Custer County, and Power County.

21. An annual salary of $750.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Lincoln County.

22. An annual salary of $600.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Boise County, Camas County, and Teton County; provided, that as to Boise County said salaries shall be increased to $1,000.00 on and after the second Monday of January, 1964.

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, 1963.

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 29, 1963.
CHAPTER 334
(H. B. No. 316, As Amended)

AN ACT

AMENDING CHAPTER 4 OF TITLE 36, IDAHO CODE, RELATING TO LICENSES TO HUNT AND FISH, BY AMENDING SECTION 36-407 THEREOF, RELATING TO THE LICENSES FOR RESIDENTS, TO INCREASE THE FEES FOR THE VARIOUS LICENSES, AND TO PROVIDE FOR AN ADDITIONAL LICENSE TO TRAP FUR-BEARING ANIMALS AND A FEE THEREFOR; BY AMENDING SECTION 36-408 THEREOF, RELATING TO THE LICENSES FOR NONRESIDENTS, TO CHANGE THE PRIVILEGES OF AND PROVIDE FEES FOR SEVERAL KINDS OF SUCH LICENSES AND TO PROVIDE FOR SEVERAL ADDITIONAL KINDS OF SUCH LICENSES AND THE PRIVILEGES OF AND FEES FOR EACH; AND BY REPEALING SECTION 36-409 THEREOF, RELATING TO THE LICENSES AND FEES FOR NONRESIDENTS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE FOR THIS ACT.

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

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

36-407. A license of the first class mentioned in section 36-406 may be had by a person possessing the qualifications therein described on payment of six dollars for a combined fish and game license, four dollars for a fish license, three dollars for a game license, and five dollars for a license to trap fur-bearing animals, and shall entitle the person to whom issued to pursue, hunt, kill and take, in the manner provided by this title chapter, game animals, game birds, and game fish and fur-bearing animals mentioned in said title this chapter, and as provided by said license, during the time when it shall be lawful to hunt and take the same in any of the counties of this state, subject to the limitations and to the number of each kind of game animals, or game birds or fur-bearing animals as provided herein, and the number or quantity of fish as limited by this title chapter.

SECTION 2. That Section 36-408, Idaho Code, be, and the same is hereby amended to read as follows:

36-408. Licenses of the second and third classes class
mentioned in this act Section 36-406, Idaho Code, shall be issued in eight several kinds and for fees as follows:

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

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

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

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

5. Licenses A license entitling the person to whom issued to carry a shotgun or rifle for the protection of livestock, or to pursue, hunt and kill unprotected birds and animals and predatory birds and animals of this state. Such license does not entitle such person to pursue, hunt or kill game birds or game animals or to fish in the public waters of the state. A license of this kind may be had by any person who is not a resident of the state of Idaho upon payment of five dollars.
6. A license entitling the person to whom issued to pursue, hunt and kill a bear only during the open season therefor; or to pursue, hunt and kill one deer only in designated and restricted areas as may be established by the Idaho fish and game commission, after having also purchased the appropriate deer tag for said areas. One license of this kind may be had during any calendar year by any person who is not a resident of the state of Idaho upon payment of twenty-five dollars. An additional fee of $2.00 shall be paid for such a deer tag.

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

8. A license entitling the person to whom issued to catch fish from the public waters of the state on a day-to-day basis, but does not entitle such person to pursue, hunt or kill any game birds or game animals or to trap fur-bearing animals and limits said person to the catching of fish only. A license of this kind may be had by any person who is not a resident of the state of Idaho upon payment of two dollars per day for the first day and one dollar for each consecutive day thereafter.

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

SECTION 3. That Section 36-409, Idaho Code, be, and the same hereby is repealed.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after May 1, 1963.

Approved March 29, 1963.
AN ACT

AMENDING SECTION 22-3103, IDAHO CODE, BY RE-DEFINING THE TERM "HOPS"; AMENDING SECTION 22-3105, IDAHO CODE, TO AUTHORIZE THE IDAHO HOP GROWER'S COMMISSION TO COOPERATE WITH THE COMMISSIONER OF AGRICULTURE AND PAY ALL OR A PORTION OF THE COSTS INCURRED IN THE CREATION, ADMINISTRATION AND ENFORCEMENT OF ANY QUARantine AND INSPECTION AFFECTING HOPS, TO AUTHORIZE THE IDAHO HOP GROWER'S COMMISSION TO PLAN AND CONDUCT A RESEARCH PROGRAM FOR IMPROVING OLD VARIETIES AND DEVELOPING NEW VARIETIES OF HOPS, TO PROPAGATE, PATENT, AND ADOPT TRADE NAMES RELATING TO ANY SUCH IMPROVED OLD VARIETIES OR NEW VARIETIES OF HOPS, TO ACQUIRE, HOLD AND DISPOSE OF LEGAL TITLE TO SUCH IMPROVED OLD VARIETIES OR SUCH NEW VARIETIES OF HOPS AND THE ROOT STOCK THEREOF AND THE HOPS PRODUCED THEREFROM, TO ADVERTISE AND PROMOTE THE COMMERCIAL USE THEREOF, AND TO IMPOSE BY CONTRACT OR REGULATION OR OTHERWISE SUCH CONDITIONS AND RESTRICTIONS AS MAY BE DETERMINED BY THE COMMISSION PERTAINING TO SUCH IMPROVED OLD VARIETIES AND SUCH NEW VARIETIES OF HOPS INCLUDING THE ROOT STOCK THEREOF; AMENDING SECTION 22-3106, IDAHO CODE, TO PROHIBIT ANY PERSON FROM BRANDING, LABELING, STENCILING OR MARKING ANY HOPS EXCEPT HOPS AS DEFINED IN THIS ACT WITH THE IDENTIFYING DISTINCTIVE MARK DEFINED OR DESIGNATED BY THE IDAHO HOP GROWER'S COMMISSION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 22-3103, Idaho Code, be, and the same is hereby amended to read as follows:

22-3103. Wherever used or referred to in this act:

1. The term "commission" means the Idaho Hop Grower's Commission.

2. The term "person" means individual, partnership, corporation, association, growers or any other business unit.

3. The term "hops" means all hops grown, picked, dried
and baled in the state of Idaho and all oils or extracts or lupulin derived therefrom but does not include hops, or any oils or extracts or lupulin derived therefrom which are grown in the State of Idaho but which are picked, or dried or baled outside of the state of Idaho and hops, or any oils, extracts or lupulin derived therefrom, which are grown outside of the State of Idaho but are picked, or dried or baled in the State of Idaho.

4. The term “grower” means the actual producer of hops.

5. The term “bale” means 200 pounds of hops net.

6. The term “handled in the primary channels of trade,” means the time when any hops are delivered under a sales contract or delivered for shipment or delivered for processing or consumption.

7. The term “dealer” means and includes any person engaged in the business of buying, receiving, handling or selling hops for profit or remuneration.

SECTION 2. That Section 22-3105, Idaho Code, be, and the same is hereby amended to read as follows:

22-3105. The powers and duties of the commission shall include the following:

1. To administer and enforce this act.

2. To contract in the name of the commission and be contracted with.

3. To employ and at pleasure discharge a secretary, advertising manager, advertising agents, agents, research director, research staff, attorneys and such clerical and other help as it deems necessary and to control their powers and duties and to fix their compensation.

4. To keep books, records and accounts of all its dealings, which books, records and accounts of all its dealings shall be open to inspection and audit by the state auditor at all times.

5. To purchase or authorize the purchase of all office equipment and supplies and 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.

6. To become a member of and purchase membership
in trade organizations and to subscribe to and purchase trade bulletins, journals, and other trade publications.

7. To plan and conduct an advertising, publicity and sales promotion campaign to increase the sales of hops and to make such advertising, publicity and sales promotion contracts and other agreements as may be necessary.

8. To plan and conduct a research program on marketing of and markets for hops and a research program to improve the quality of hops, to develop and improve control measures for disease and pests which attack hops and to improve hop growing culture and to disseminate such information among the growers and to make such research contracts and other agreements as may be necessary.

9. To define and designate the character of the brands, labels, stencils or other distinctive marks under which hops may be marketed and to define or designate one distinctive mark identifying the hops as having been grown in Idaho and to patent, copyright or otherwise protect such identifying distinctive mark, all for the purposes of securing the greatest returns to the grower and of meeting requirements of the advertising campaign of the commission and of protecting the identity of the hops as Idaho hops as near to the final consumer as possible.

10. To prevent any substitution of other hops for Idaho hops and to prevent the misrepresentation or the misbranding of Idaho hops at any and all times and at any and all points.

11. To establish and maintain the executive office of the commission at any place within the state of Idaho which designated place may be changed at the discretion of the commission.

12. To adopt and from time to time alter, rescind, modify or amend all proper and necessary rules, regulations and orders for the exercise of its powers and the performance of its duties and under this act.

13. To cooperate with the Commissioner of Agriculture in and to pay all or any portion of the costs incurred in the creation, administration and enforcement of any quarantine and inspection affecting hops and hop plants established pursuant to the laws of the state of Idaho.

14. To plan and conduct a research program for im-
proving old varieties and developing new varieties of hops; to propagate any such improved old varieties or such new varieties of hops; to patent any such improved old varieties or such new varieties of hops and to license the propagation, growing and sale thereof; to adopt such trade names or trade marks in relation to any such improved old varieties or such new varieties of hops and to patent, copyright, or otherwise protect such names; to buy, contract to buy, receive by gift or otherwise acquire, hold, or retain legal title to such improved old varieties or such new varieties of hops including the root stock thereof and the hops produced therefrom; to sell, lease, consign, trade, exchange, or give away or otherwise dispose of any such improved old varieties or such new varieties of hops including the root stock thereof and the hops produced therefrom; to advertise and promote the commercial use of such improved old varieties and new varieties of hops; and to impose, by contract or regulation or otherwise, such conditions and restrictions as may be determined by the commission pertaining to such improved old varieties and such new varieties of hops including the root stock thereof including but not limited to conditions and restrictions limiting, restricting, prohibiting or affecting the use, distribution, acreage, production, geographical areas of planting, cultural practices used in propagation, leasing, assigning, selling, sale price, and the use of trade names and trade marks relating to such improved old varieties or such new varieties of hops including the root stock thereof and the increase thereof and the use of trade names and trade marks to designate hops produced from any such old varieties or such new varieties of hops.

SECTION 3. That Section 22-3106, Idaho Code, be, and the same is hereby amended to read as follows:

22-3106. In addition to any other brands, labels, stencils, or other marks approved by the commission to be placed upon hops, all hops shall be branded, labeled, stenciled or marked with one identifying distinctive mark defined or designated by the commission which shall identify the hops as having been grown in Idaho. This identifying distinctive mark shall be affixed in such position and manner as the commission may by rule or regulation prescribe to each container of hops or bale at the time such hops are first handled in the primary channels of trade by the person who first handled such hops in the primary channels of trade. No person shall brand, label, stencil or mark any hops, except hops as defined in this act, with such
identifying distinctive mark defined or designated by the commission as herein provided.

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

Approved March 29, 1963.

CHAPTER 336
(H. B. No. 349)

AN ACT

AMENDING SECTION 54-924, IDAHO CODE, RELATING TO GROUNDS FOR REVOCATION OR SUSPENSION OF DENTISTS BY PERMITTING DENTISTS TO PRACTICE UNDER OTHER THAN THEIR OWN NAME OR IN CORPORATE FORM AS AUTHORIZED BY THE PROFESSIONAL SERVICE CORPORATION ACT.

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

SECTION 1. That Section 54-924, Idaho Code, be, and the same is hereby amended to read as follows:

54-924. OTHER GROUNDS OF REVOCATION OR SUSPENSION OF DENTISTS.—The certificate or other evidence of qualification, and the right to practice dentistry and the annual license of any dentist may be revoked, or suspended for not less than one year, by the department upon proceedings as in this act provided in the event such dentist shall;

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

(b) Practice dentistry under any name except other than his own true name except as authorized by the provisions of the Professional Service Corporation Act; or

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

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

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

(f) Become addicted to the use of intoxicants or drugs to such a degree as to render him unfit to practice; or be guilty of gross malpractice; or

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

(h) Employ or permit any person not a dentist to practice dentistry, or any person not a dentist or dental hygienist to practice dental hygiene, in his office or under his control or direction; or
(i) Fail, neglect or refuse to keep his office or equipment, or otherwise conduct his work, in a thoroughly clean and sanitary condition; or

(j) Violate any other provisions of this act.

Approved March 29, 1963.

CHAPTER 337
(H. B. No. 308)

AN ACT
AMENDING SECTION 28-112, IDAHO CODE, RELATING TO CEMETERY MAINTENANCE DISTRICTS, TO DELETE THEREFROM THE AMENDATORY PROVISIONS WHICH WERE ENACTED AS CHAPTER 69 OF THE IDAHO SESSION LAWS OF 1959, AND TO RE-ENACT SAID SECTION AS IT APPEARED PRIOR TO SAID AMENDMENT, THEREBY CHANGING THE METHOD AND PROCEDURES FOR THE ANNEXATION OF LANDS TO AND THE EXCLUSION OF LANDS FROM A CEMETERY MAINTENANCE DISTRICT, AND PROVIDING FOR THE ASSESSMENT OF SUCH LANDS DURING THE YEAR WHEN ANY SUCH ANNEXATIONS OR EXCLUSIONS ARE ACCOMPLISHED.

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

SECTION 1. That Section 28-112, Idaho Code, be, and the same is hereby amended to read as follows:

28-112. After the organization of a cemetery maintenance district, additional territory adjoining such district, and lying within the same county may be added thereto and shall thereupon and thenceforth be included in such district, by the affirmative vote of a majority of the qualified electors of such additional territory voting on the question at an election held therefor, which vote may be taken either at a general or a special election held as provided in Section 28-106. But such additional territory shall not be annexed to or be included within the district unless such annexation and inclusion be first approved by the cemetery maintenance board of the existing district by resolution entered on the minutes of such board prior to the election on the question of annexation. The same procedure, with such modifications in the form of petition, notices, ballots, etc. as may be necessary shall be adopted
as in this law provided in sections 28-102 and 28-104—
28-107 inclusive. A similar election must be held in the
cemetery district to which it is proposed to annex such
additional territory, and should either election result in
a majority of "No" votes, said additional territory cannot
be annexed to or be included within said cemetery dis-
trict. The same procedure, with such modifications in
the form of petition, notices, ballots, etc. as may be neces­
sary shall be adopted as in this law provided in Sections
28-102 and 28-104—28-107 inclusive: A petition signed
by a majority of the owners of lands lying within the
boundaries of the area proposed to be annexed such lands
lying within the boundaries of any cemetery maintenance
district heretofore created requesting the withdrawal and
exclusion of lands described in said petition from such
district and setting forth that the people residing upon
said lands are not served by the cemetery or cemeteries
within the boundaries of said district, that said people
are served by other cemeteries within the county, and that
the exclusion and withdrawal of said lands from said dis-
trict will not reduce the assessed valuation of the lands
remaining in said district below $1,000,000, may be pre­
sented and filed with the board of county commissioners
of the county within which said district is located. Upon
the presentation and filing of such petition said board
of county commissioners shall immediately fix a time and
place for a hearing on said petition when and where any
elector of said district may appear and be heard in sup­
port of or opposition to said petition. Notice of said hear­
ing shall be given by said board by publication in one
issue of a newspaper of general circulation in said ceme­
tery district at least ten days prior to the date of said
hearing and a copy of said notice shall be served by regis­
tered mail or personally on the president and secretary
of the cemetery district commissioners. If after a hear­
ing on said petition the board of county commissioners
determine that the people residing upon the lands sought
to be withdrawn from such cemetery district are not served
by the cemetery or cemeteries within such district, that
said people are served by other cemeteries within the
county, and that the exclusion and withdrawal of said
lands from said district will not reduce the assessed valu­
ation of the lands remaining therein below $1,000,000,
said commissioners shall make and enter such findings in
the minutes of their meeting and make and enter an order
authorizing and directing the withdrawal and exclusion
of said lands from said cemetery district. Provided that
the land so ordered to be withdrawn and excluded from said cemetery district be either annexed to an adjoining cemetery district which does serve said petitioners, or, if not served by an adjoining cemetery district, that said lands be included in the formation of a new cemetery district which does serve said petitioners.

A copy of such findings and order shall be served upon the president and secretary of the cemetery district commissioners, and county assessor, personally, or by registered mail. If the entry of such findings and order be made prior to the 4th Monday of June the lands annexed shall be excluded and withdrawn from the said cemetery district of which they were formerly a part and shall not be subject to assessment made and levied by said former district for the current fiscal year or subsequent years provided, however, that such lands shall be subject to assessment made and levied for the current fiscal year and subsequent years by the new cemetery district of which they are made a part. If the entry of such findings and order be made subsequent to the 4th Monday of June the lands annexed shall be subject to assessment made and levied by the cemetery district of which they were formerly a part for the current fiscal year but shall thereafter be subject to assessment made and levied by the new cemetery district of which they are made a part. If said county commissioners do not find such facts they shall make and enter findings as to the facts which may exist and deny such petition. The costs in connection with giving the notices herein required shall be paid by petitioners.

Provided further that a postcard notice of such proposed annexation and the election must be mailed to each tax payer of record within the territory to which annexation is proposed at least 15 days prior to such election, and the expense thereof and of such election must be paid by petitioners. Whenever qualified electors holding title, or evidence of title to any residential or farm real property in any cemetery maintenance district herebefore or hereafter to be organized, so desire they may petition the county clerk of the county or counties in which said cemetery maintenance district is located for exclusion of lands from said cemetery maintenance district. Such petition shall set forth the description of the lands to be excluded from said cemetery district but lands as described must not exceed 20% of the area of said cemetery district, the petition must contain spaces for signature of each petitioner followed by a space to list the assessed valuation of any residential or farm real property.
property, assessed in the name of the petitioner, that is located within the cemetery district with the assessed valuation space to be filled in either by the petitioner or from official county records before the petition is presented. If said cemetery maintenance district contains lands in more than one county, the petition must contain space for petitioners of each county to sign and each petitioner must sign said petition so as to indicate the county and/or counties in which his property within said cemetery district is located. The original petition must be filed with the county clerk or if said cemetery district contains lands in more than one county with the county clerk of the county with the largest assessed valuation within said cemetery district, with certified copies thereof to be filed with the county clerk of other counties, if any, whose lands are included within said cemetery district. The county clerk with whom the original petition herein provided for is filed must immediately prepare 5 notices to be posted within said cemetery district fixing a ten-day period during which anyone interested may appear to examine the petition on file, and if desired file sworn statements challenging signatures or data on said petition setting forth reasons therefor, and the county clerk shall require the petitioners to post said notices. Each county clerk with whom the petition or a certified copy thereof is filed must obtain from the assessor of his county a statement listing the assessed valuation of all residential and farm real property within said cemetery district for the previous year and furnish said statement to the county clerk with whom the original petition was filed within fifteen days after the filing of said original petition. On the first Monday following expiration of time allowed for filing of objections to petition and the filing of the assessors statements the county clerk with whom the original petition was filed must refer the matter to the county commissioners of his county for action, and if the persons signing said petition and remaining unchallenged or though challenged are found to be eligible, represent either over 50 per cent of the preceding year’s assessed valuation of residential and farm real property of such cemetery maintenance district or if the persons signing said petition constitute over 50 per cent of those persons eligible to sign such petition and that the lands to be excluded do not exceed 20 per cent of the area of said cemetery district then said county commissioners shall make and enter such finding in minutes of their meeting and shall make and enter a separate order authorizing and directing the exclusion
of the lands indicated in the petition from said cemetery-maintenance district. A certified copy of said order must be filed with the county assessor, also with each board of county commissioners, if any, within whose county any lands to be excluded from said cemetery-maintenance district are located, which other boards of county commissioners shall on the first Monday following receipt thereof, make similar entries and orders, and take such steps as are needed to complete the action of excluding lands from said cemetery-maintenance district. In the event it is determined the petition for exclusion of lands is signed by less than 50 per cent of those persons eligible to sign such petition or that less than 50 per cent of the assessed valuation is represented by the petitioners as herein above provided but it is determined the exclusion of lands sought by said petition does not reduce the assessed valuation of said cemetery-maintenance district more than 5 per cent and that said petition was signed by over 50 per cent of those persons holding title or evidence of title to the lands which said petition seeks to have excluded from said cemetery district plus signatures of at least 5 electors of said cemetery maintenance district who are not seeking exclusion then said board of county commissioners shall exclude said lands by the same method and in the same manner previously set forth herein. Provided however that no business or utility properties may be excluded except where they be a part of territory excluded as herein set forth. If the county commissioners order annexing lands to a cemetery district be made prior to the 4th Monday of June the lands so annexed shall be subject to assessments made and levied for the current fiscal year and subsequent years by the cemetery district of which they are made a part or if such order excludes lands then the lands so excluded shall not be subject to assessments made and levied for the current fiscal year by the cemetery district from which they are excluded. If the entry of such order be made subsequent to the 4th Monday of June annexing lands to a cemetery district or excluding lands therefrom the lands so annexed and or excluded shall be subject to assessments made and levied by the cemetery district of which they were formerly a part, if any, for the current fiscal year but shall thereafter be subject to assessments made and levied by the new cemetery district of which they may be made a part.

Approved March 29, 1963.
CHAPTER 338
(H.B. No. 161, As Amended in the Senate)

AN ACT

AMENDING SECTION 49-337, IDAHO CODE, AS AMENDED, RELATING TO DRIVING WHILE LICENSE SUSPENDED OR REVOKED AND PROVIDING A PENALTY FOR VIOLATION OF THE PROVISIONS OF THE SECTION, BY ADDING A SUBSECTION TO BE KNOWN AS SECTION 49-337(a), TO PROVIDE FOR AN ADDITIONAL PERIOD OF SUSPENSION EQUAL TO THE PERIOD OF SUSPENSION IN FORCE AT THE TIME OF THE CONVICTION OF LICENSEE OF THE OFFENSE OF DRIVING WHILE LICENSE SUSPENDED WHEN THE LICENSE HAS BEEN SUSPENDED FOR A DEFINITE PERIOD OF TIME, OR IF THE LICENSE HAS BEEN SUSPENDED FOR AN INDEFINITE PERIOD OF TIME TO PROVIDE FOR AN ADDITIONAL SIX MONTHS PERIOD OF SUSPENSION; OR IF THE LICENSE HAS BEEN REVOKED TO PROVIDE FOR ADDITIONAL PERIOD OF ONE YEAR REVOCATION AND PROVIDING A TIME CERTAIN WHEN THE ADDITIONAL PERIODS OF SUSPENSION OR REVOCATION SHALL COMMENCE; AND FINALLY 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 non-resident, 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 $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 imprison­
ment for not less than 6 months and there shall be im­
poused in addition thereto a fine of not less than $100 nor
more than $300.

(a) In addition to the foregoing the department, upon
a showing by its records of the conviction in any police
court, justice court, probate court or district court of any
person upon a charge of violating the provisions of this
section shall suspend the driving privilege of the person
for an additional period equal to the existing period of
suspension, the said additional period to commence upon
the expiration of the existing period of suspension, or if
the existing period of suspension was for an indetermi­
nate period the department shall suspend the driving privi­
lege for an additional period of six months from the date
of conviction of the offense of driving while the driving
privilege was suspended. If the conviction was upon a
charge of driving while the driving privilege was revoked
the department shall revoke the driving privilege for ad­
ditional period of one year, the said additional period of
one year to commence upon the expiration of the existing
period of revocation.

The term “conviction” as herein used shall mean a final
conviction.

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

Approved March 29, 1963.

CHAPTER 339
(H. B. No. 368, As Amended)

AN ACT

AMENDING TITLE 63, CHAPTER 30, IDAHO CODE, RELATING
TO TAXES ON INCOME BY AMENDING SECTION 63-3004,
IDAHO CODE, TO CHANGE THE DATE OF APPLICABLE
INTERNAL REVENUE CODE FROM DECEMBER 31, 1960
TO DECEMBER 31, 1962; AMENDING SECTION 63-3021,
TO REDEFINE NET OPERATING LOSS; AMENDING SEC­
TION 63-3022, TO REQUIRE AN ADD-BACK TO TAXABLE
INCOME OF TAXES IMPOSED BY THE IDAHO INCOME
TAX ACT, TO REDEFINE SUBTRACTION FOR FEDERAL INCOME TAX AND BY ADDING A NEW SUBSECTION (k) PROVIDING ADDITIONAL INCOME ADJUSTMENTS RELATING TO INTERNAL REVENUE CODE SECTION 38 PROPERTY; AMENDING SECTION 63-3025, TO PROVIDE FOR THE AMOUNT OF FEDERAL INCOME TAX DEDUCTIBLE BY CORPORATIONS; ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 63-3039A, ESTABLISHING AN ADVISORY BOARD; AMENDING SECTION 63-3042, TO PERMIT THE TAX COLLECTOR TO REQUIRE BOOKS KEPT OUTSIDE THE STATE TO BE BROUGHT INTO IDAHO; AFFIXING EFFECTIVE DATES; PROVIDING FOR SEPARABILITY; DECLARING AN EMERGENCY AND MAKING CERTAIN PROVISIONS RETROACTIVE.

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

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


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

63-3021. NET OPERATING LOSS. — The term “net operating loss” means “net operating loss” as defined in section 172(c) of the Internal Revenue Code, except that the modifications referred to in said section shall be limited to those specified in paragraphs 1, 2, 3 and 4 of section 172(d), provided further that the adjustments required by section 63-3022 shall be directly reflected in and enter into the determination of such net operating loss.

SECTION 3. That Section 63-3022, Idaho Code, as amended, 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 dur-
ing 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 used in arriving at taxable income as defined in Section 63 of the Internal Revenue Code.

(c) Subtract the amount of federal income tax actually paid or accrued, after reduction for investment, retirement, dividend or similar applicable credits, 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; provided, further, that net operating losses arising in taxable years commencing on or after January 1, 1964, must first be carried back to the three taxable years preceding the year of such net operating loss in the manner provided in Internal Revenue Code section 172 except that no such net operating loss shall be carried back to any taxable year commencing before January 1, 1963; and provided, further, that net operating losses accumulated in any taxable years commencing before January 1, 1964 shall be carried forward as provided in the beginning part of this subsection before any carry-back from a succeeding taxable year shall be taken into consideration.

(f) In the case of a corporation, add the amount deducted under the provisions of section 245(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.

(k) Subtract an amount equal to the reduction in basis of Internal Revenue Code section 38 property provided by Internal Revenue Code section 48(g) and related sections; provided, however, that:

(1) necessary additions to and subtractions from taxable income shall also be made to reflect other adjustments to basis of Internal Revenue Code section 38 property required by such events as early disposition and conversion.

(2) the deduction provided by Internal Revenue Code section 181 for unused investment credit shall not be allowed.
SECTION 4. That Section 63-3028, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

63-3028. DEDUCTION OF FEDERAL INCOME TAXES — 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 attributable to the state, 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 shall be treated as total taxable income of the corporation; and the allowable amount of federal income tax deductible shall be determined by an interdependent simultaneous calculation of federal and state income tax, respectively, in the manner provided by regulations prescribed by the Tax Collector; 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 allowable amount of federal income tax deductible shall not exceed the total amount of federal income tax paid or accrued. In the event an adjustment pursuant to section 63-3022(k) has been made, the calculation required above shall be based on Idaho taxable income before the adjustment provided by section 63-3022(k) and such calculated federal tax shall be reduced by an amount equal to the reduction in basis provided by Internal Revenue Code section 48(g) and related sections or increased by additions to tax required by Internal Revenue Code Section 47. Adjustments to basis under section 63-3022(k) in the case of corporations will be limited to property located in Idaho.

In all cases, any federal income taxes shall be adjusted to reflect any refund, deficiency or credit during the taxable year.

The treatment of all refunds, credits or deficiencies shall be determined by reference to the facts giving rise to such refund, credit or deficiency as if such facts had been known at the time of the determination of the tax for the taxable year to which such refund, credit or deficiency relates.

SECTION 5. That Title 63, Chapter 30, Idaho Code, be, and the same is hereby amended by adding a new section
 thereto following Section 63-3039, to be known and designated as Section 63-3039A, and to read as follows:

63-3039A. ADVISORY BOARD. — The Governor shall appoint an advisory board to meet with the Tax Collector and advise and recommend upon rules and regulations under the Idaho Income Tax Act. Necessary expenses of such board may be paid by the Tax Collector from funds available to his office.

SECTION 6. That Section 63-3042, Idaho Code, be, and the same is hereby amended to read as follows:

63-3042. EXAMINATION OF BOOKS AND WITNESSES. — For the purpose of ascertaining the correctness of any return, making a return where none has been made, determining the liability of any person for any tax payable under this act or the liability at law or in equity of any person in respect to any tax provided in this act or collecting any such liability, the tax collector or his duly authorized deputy is authorized—

(a) To examine any books, papers, records, or other data which may be relevant or material to such inquiry;

(b) To summon the person liable for tax or required to perform the act, or any officer or employee of such person, or any person having possession, custody or care of books of account containing entries relating to the business of the person liable for tax or required to perform the act, or any other person the collector or his deputy may deem proper, to appear before the collector or his delegate at a time and place named in the summons and to produce such books, papers, records or other data and/or give such testimony, under oath, as may be relevant or material to such inquiry; and taxpayers whose pertinent records are kept outside of the state must bring such records to Idaho for examination by the tax collector upon request by him or a deputy collector, or, by agreement with the tax collector, pay the travel expenses of an auditor to visit the place where the records are kept; and

(c) To take such testimony of the person concerned or summoned, under oath, as may be relevant or material to such inquiry.

A summons issued under the provisions of this section may be served by the tax collector or his deputy or by any other person authorized to serve process under the laws of this state by an attested copy delivered in and
to a person to whom it is directed; and the certificate of service signed by the person serving the summons shall be evidence of the facts it states on the hearing of an application for the enforcement of the summons. When the summons requires the production of books, papers, records, or other data, it shall be sufficient if such books, papers, records, or other data are described with reasonable certainty.

The time and place of examination pursuant to the provisions of this section shall be such time and place as may be fixed by the tax collector or his deputy and as are reasonable under the circumstances, provided that in the case of a summons the date fixed for appearance before the tax collector or his deputy shall not be less than twenty (20) days from the time of service of the summons.

No taxpayer shall be subjected to unreasonable or unnecessary examinations or investigations.

SECTION 7. SEPARABILITY.—The provisions of this act are hereby declared to be separable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

SECTION 8. DECLARATION OF EMERGENCY — EFFECTIVE DATE — RETROACTIVITY. — 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 for taxable years beginning on and after January 1, 1963; providing, however, that those provisions of Sections 3 and 4 which amend Idaho Code Sections 63-3022 and 63-3028, and relate solely to adjustments made necessary by the investment tax credit provisions of the Internal Revenue Code shall be effective and apply with respect to taxable years ending after December 31, 1961.

Approved March 29, 1963.
CHAPTER 340  
(H. B. No. 385)  

AN ACT  
RELATING TO TAXATION; LEVYING AN AD VALOREM TAX FOR EACH OF THE YEARS 1963 AND 1964 TO PROVIDE REVENUE TO PAY THE NECESSARY GENERAL EXPENSES OF THE STATE OF IDAHO DURING THE PERIOD BEGINNING JULY 1, 1963 AND ENDING JUNE 30, 1965, 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 1963 and 1964 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, 1963, and ending June 30, 1965, 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 consideration 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 29, 1963.

CHAPTER 341  
(H. B. No. 356)  

AN ACT  
RELATING TO CEMETERY MAINTENANCE DISTRICT LEVIES; AMENDING SECTION 28-121, IDAHO CODE, TO AUTHORIZE THE CEMETERY MAINTENANCE BOARD TO LEVY FOR CEMETERY PURPOSES A PROPERTY TAX IN EACH CEMETERY MAINTENANCE DISTRICT OF NOT MORE
THAN TWENTY CENTS ON EACH $100.00 ASSESSED VALUATION OF TAXABLE PROPERTY IN THE DISTRICT; DELETING THE PROVISION AUTHORIZING THE ELECTORS TO MAKE INCREASED LEVY; DECLARING AN EMERGENCY.

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

SECTION 1. That Section 28-121, Idaho Code, be, and the same is hereby amended to read as follows:

28-121. LEVIES BY CEMETERY MAINTENANCE BOARD COMMISSIONERS. — At the last regular meeting of the cemetery maintenance board prior to the third Monday of September in each year, the cemetery board of each cemetery maintenance district may levy for cemetery purposes a property tax in each cemetery maintenance district of not more than ten twenty cents on each $100.00 in assessed value of taxable property within the cemetery maintenance district, provided that the electors of any district may authorize a levy not to exceed twenty cents on each one hundred dollars of assessed valuation at regular or special election called by the cemetery commissioners for that purpose, provided further that the authorization for the increased levy shall apply only for the year during which the said election is held. Upon the levy being made by the cemetery maintenance board under this section, it shall be the duty of the secretary of the district to transmit to the county auditor and county assessor and state board of equalization, certified copies of the resolution providing for such levy as provided in section 63-915. Said taxes shall be collected as provided by section 63-918. The special election herein above provided for, shall be conducted as nearly as practicable in accord with the provision of section 28-106, and section 28-107, and in accordance with the general election laws of the State of Idaho.

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 29, 1963.
CHAPTER 342
(H. B. No. 364)

AN ACT

PROVIDING FOR PAYMENT OF EMPLOYERS' PORTIONS OF SOCIAL SECURITY TAXES IN RESPECT TO SCHOOL TEACHERS AND OTHER CERTIFICATED EMPLOYEES OF SCHOOL DISTRICTS; PROVIDING THE PROCEDURE FOR ASCERTAINING THE TOTAL OF SUCH AMOUNT WITHIN THE STATE; PROVIDING FOR STATE TAX COMMISSION TO APPORTION SUCH AMOUNT AMONG THE SEVERAL COUNTIES IN THE SAME MANNER AS FOR A STATE AD VALOREM LEVY AND AUTHORIZING COUNTY COMMISSIONERS TO MAKE A LEVY TO PRODUCE THE AMOUNT APPORTIONED BY SAID STATE TAX COMMISSION; PROVIDING PROEDURE FOR TRANSMITTING THE PROCEEDS OF SUCH LEVY AND THE EMPLOYERS' PORTIONS OF SOCIAL SECURITY TAXES OF UNCERTIFICATED EMPLOYEES OF SCHOOL DISTRICTS; AND REPEALING CHAPTER 216, SESSION LAWS OF 1957.

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

SECTION 1. Not later than the thirtieth day of June in each year, the board of trustees of each class of school district shall compute, and determine as nearly as possible, the amount of money required for the payment of the employer's social security tax for its certificated professional personnel for the calendar year commencing on the first day of January next following the date said computation is made; and the board shall certify such amount so computed to the state auditor not later than the first day of August of the year in which said computations are made.

Within fifteen days after receiving said certifications from the several school districts, the state auditor shall compute the total of such estimated requirements and certify said total to the state tax commission.

Upon receiving the total estimated requirements from the state auditor, the state tax commission shall apportion said total estimated requirements among the several counties in the manner required by section 63-628 in apportioning state ad valorem taxes and shall certify such apportionments to the boards of county commissioners of the several counties of the state. The board of county commissioners of each county shall compute, and make, such
levy as shall raise the amount of money so apportioned to its county. The proceeds of any such levy shall be transmitted to the treasurer of the state of Idaho at the same time and in the same manner as are the proceeds of a state ad valorem tax levy; and said proceeds shall be credited to the social security trust fund of the state of Idaho.

Quarterly in each year, commencing with the first quarter of the year 1964, the board of trustees of each school district shall transmit to the county auditor of the county wherein the district is situate, or of the home county if the district be a joint district, a list of all certificated personnel employed by the district for whom the employer’s portion of social security tax is payable, and the amount payable for each. Said reports shall be forwarded, as similar reports from other taxing districts are forwarded, to the state auditor.

The employer’s social security tax for the certificated personnel of the school districts shall be payable, beginning with the first quarterly payment in the year 1964, from the social security trust fund of the state of Idaho.

SECTION 2. That Chapter 216, Session Laws of 1957, be, and the same is hereby repealed.

Approved March 29, 1963.

CHAPTER 343
(H. B. No. 362)

AN ACT

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 212 of Chapter 13 of the Idaho Session Laws of 1963, which was House Bill No. 92 of the Thirty-seventh Session of the Idaho State Legislature, be, and the same is hereby amended to read as follows:

212. CONTRIBUTION OF COUNTIES. — Contributions to the service annuity accumulation fund of the teachers' retirement system, for teachers employed by school and junior college districts, shall be made by each county in the manner prescribed by this section.

Each year the state tax commission shall ascertain that amount of money which is one-tenth of one per cent (.1%) of the sum of the equalized assessed value of all taxable property in the state in that year and the total assessments on subsequent personal property rolls for the year next preceding. It shall then apportion the amount of the money so ascertained among the several counties of the state, to each, in the proportion thereof as the amount of the adjusted value of taxable property in the county bears to the total adjusted value of all taxable property in the state, as said adjusted values are determined under section 63-628, Idaho Code.

On or before the first Monday of September in each year, the executive officer of the state tax commission shall certify to the board of county commissioners of each county the amount of that county's contribution to the teachers' retirement system, as determined in the manner hereinabove provided, and the board of county commissioners shall thereafter determine, and make, a levy in mills on all taxable property in the county which will produce the amount of money certified as the county's contribution to the said system.

Taxes levied for the county contribution to the teachers' retirement system shall be paid to the state treasurer not later than January 31 and July 31 following the year in which the taxes were levied.

SECTION 2. EFFECTIVE DATE.—This act shall be in full force and effect on and after the first day of July, 1963.

Approved March 29, 1963.
CHAPTER 344
(H. B. No. 332)

AN ACT

AMENDING SECTION 63-2503, IDAHO CODE, TO IMPOSE AN ADDITIONAL TAX OF ONE-TWENTIETH OF ONE CENT ON EACH CIGARETTE SOLD AT RETAIL.

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

SECTION 1. 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 six-twentieths 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 erected in section 57-1108. The total tax shall be six-twentieths seven twentieths of one cent for each cigarette.

Approved March 29, 1963.

CHAPTER 345
(H. B. No. 369)

AN ACT

REPEALING SECTION 31-3204, IDAHO CODE, AND ENACTING A NEW SECTION 31-3204, IDAHO CODE, CONTAINING A NEW AND COMPLETE SCHEDULE OF PROBATE COURT FEES; AMENDING SECTION 15-1839, IDAHO CODE, BY DELETING THEREFROM PROVISIONS RELATIVE TO SUCH FEES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-3204, Idaho Code, be, and the same is hereby repealed and simultaneously replaced by a new Section 31-3204, Idaho Code, reading as follows:

31-3204. PROBATE COURT FEES. — The probate court shall charge and collect the following fees:
For all services in each criminal action or proceeding, as to each defendant adjudged guilty by that court, which shall be assessed against each such defendant as costs $ 5.00.

For all services in each civil action or proceeding of any kind (including estate, guardianship and transfer tax cases and excepting mental, juvenile and dependent child cases) $10.00.

For all services with respect to a marriage $ 5.00.

Said fees relative to civil actions or proceedings shall be collected on the filing of the instrument which institutes any such civil action or proceeding.

All of the foregoing fees shall include the furnishing of certificates to such copies of instruments in such action or proceeding (the copies being prepared by or at the expense of the person or persons entitled to the same) as may be necessary to the collection or disposition of any money or property involved, for recording purposes, for perfecting any appeal and to conclude the action or proceeding in the probate court.

For furnishing copies of probate court instruments, or other instruments, the probate court shall charge and collect such reasonable amount as is determined by the Probate Judge, considering the time, expense and supplies involved, but such charge shall not be less than $.10 per page or fraction thereof and not more than $1.00 per page or fraction thereof.

SECTION 2. That Section 15-1839, Idaho Code, be, and the same is hereby amended to read as follows:

15-1839. PARENTS RIGHT TO COMPROMISE CLAIM OF MINOR. — When a minor shall have a disputed claim for money against a third person, the father, and if the father be dead, incompetent or insane, or has deserted or abandoned the minor, then the mother of said minor, shall have the right to compromise such claim, but before the compromise shall be valid or of any effect the same shall be approved by the probate court of the county where the minor resides upon a verified petition in writing, regularly filed with said court. If the court approves such compromise, he may direct the money paid to the father or mother of said minor, with or without the filing of any bond, or he may require a general guardian or guardian ad litem to be duly appointed and the money to
be paid to such guardian or guardian ad litem with or without a bond as in the discretion of the court seems to the best interests of said minor. The clerk of the probate court shall not charge any fee for filing said petition for leave to compromise or for placing the same upon the calendar to be heard by the court.

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 29, 1963.

CHAPTER 346
(H. B. No. 339)

AN ACT
AMENDING TITLE 14, CHAPTER 5, IDAHO CODE, RELATING TO DISPOSITION OF UNCLAIMED PROPERTY IN ESTATES OF DECEDEANTS, BY ADDING A NEW SECTION THERETO, FOLLOWING SECTION 14-531, TO BE KNOWN AND DESIGNATED AS SECTION 14-532, PROVIDING THAT THE EXPIRATION OF ANY PERIOD OF TIME SPECIFIED BY STATUTE OR COURT ORDER SHALL NOT PREVENT MONEY OR PROPERTY FROM BEING PRESUMED ABANDONED UNDER THIS ACT NOR AFFECTING ANY DUTY TO REPORT OR TO PAY OR DELIVER SAID PROPERTY TO THE TAX COLLECTOR.

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

SECTION 1. That Title 14, Chapter 5, Idaho Code, be, and the same is hereby amended by adding a new section thereto, following Section 14-531, to be known as Section 14-532, to read as follows:

14-532. The expiration of any period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property, shall not prevent the money or property from being presumed abandoned property, nor affect any duty to file a report required by this act or to pay or deliver abandoned property to the Tax Collector.

Approved March 29, 1963.
CHAPTER 347
(H. B. No. 335)

AN ACT

AMENDING SECTION 39-1604, IDAHO CODE, PROVIDING AN EXEMPTION AS TO DOGS IN EATING PLACE.

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

SECTION 1. That Section 39-1604, Idaho Code, be, and the same is hereby amended to read as follows:

39-1604. All rooms used for the storing, cooking, preparing or serving of food shall have floors and side walls so constructed as to exclude vermin, mice or other rodents, and shall be kept in a state of good repair. Such floors shall have a smooth surface, and shall be constructed of wood, tongued and grooved and laid water tight, or cement or tile or other impervious material, laid water tight.

The walls and ceilings of such rooms shall have a smooth surface and, except where painted or finished in natural wood, shall be properly white-washed or kalsomined or papered as often as required by the state board of health, and at least once in every twelve months. The furniture, tables, fixtures, ranges, stoves, and all appliances in such rooms, shall be arranged and placed so as to be readily accessible for cleaning. No dog, cat or other animal shall be permitted in any eating place, excepting that any dog properly trained, on leash, under full control and used to guide a blind or partially blind (vision, 22/200 or less) person, shall be allowed to accompany his owner or trainer when the owner or trainer shall enter an eating establishment for the purposes of purchasing and eating food and drink.

Approved March 29, 1963.

CHAPTER 348
(H. B. No. 312)

AN ACT

AMENDING SECTION 90 OF HOUSE BILL NO. 92, AS ENACTED BY THE THIRTY-SEVENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, TO PROVIDE FOR THE
PREPARATION AND PUBLICATION OF A SUMMARY STATEMENT OF SCHOOL DISTRICT BUDGETS; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. That Section 90 of House Bill No. 92, as enacted by the Thirty-seventh Session of the Legislature of the State of Idaho, be, and the same is hereby amended to read as follows:

SECTION 90. SCHOOL DISTRICT BUDGET.—Not later than thirty days prior to its annual meeting, the board of trustees of each school district shall have prepared a budget, in form prescribed by the state board of education, and shall have called and caused to be held a public hearing thereon. Notice of the hearing shall be posted, and published once, as prescribed in section 45, and a record of the hearing shall be kept by the clerk of the board of trustees. At the time said notice is given and until the date of the hearing, a copy of the budget shall be available for public inspection at all reasonable times at the administrative offices of the school district, or at the office of the clerk of the district. The board of trustees of each school district shall also prepare and publish, as a part of such notice, a summary statement of the budget for the ensuing year. Such statement shall be prepared in a manner consistent with standard accounting practices and in such form as the state board shall prescribe, and, among other things, said statement shall show amounts budgeted for all major classifications of income and expenditures, with total amounts budgeted for salary and wage expenditures in each such classification shown separately. Such statement shall also show amounts previously budgeted for the then current year for the same classification for purposes of comparison.

SECTION 2. This Act shall be and become effective on and after the first day of July, 1963.

Approved March 29, 1963.
CHAPTER 349
(H. B. No. 257, As Amended)

AN ACT

Providing for a system of retirement, disability, death and separation benefits for certain employees of the State of Idaho and, where they elect to be a part thereof, its political subdivisions; declaring the name, objectives, policy and purposes of such system; defining words and phrases; providing the time, amount and method of making contributions to said system and requiring that they be made by salary deduction from members according to the types of service performed; providing for furnishing information to the board, the issuance, contents and modification of prior service certificates; providing when membership ceases in said system and for reinstatement under certain conditions; providing for agreements with other retirement systems and the purposes thereof; providing the means for employees of political subdivisions to be included in the system by contract which must provide for funding accrued benefits; providing for types of and membership in the system of all state employees subject to certain exclusions; providing the conditions of eligibility for service, disability, early and vested retirement and separation and death benefits; providing the times, conditions and procedures for payment of service retirement, early retirement, vested retirement and disability retirement allowances and separation and death benefits; establishing status following disability retirement; providing conditions for paying certain death benefits without probate or to a minor; providing rules for compulsory retirement and excepting certain persons therefrom; providing procedure for emergency employment of retired employees; providing procedures, conditions and times for converting service or early retirement allowances into certain equivalent optional retirement allowances; providing for contributions and benefits for reemployed retired members; providing the
METHOD FOR CALCULATING THE AMOUNTS OF SERVICE, DISABILITY, EARLY AND VESTED RETIREMENT ALLOWANCES AND SEPARATION AND DEATH BENEFITS (AND ALSO PROVIDING THE METHOD FOR CALCULATING THE AMOUNTS OF PRIOR, MILITARY AND MEMBERSHIP SERVICE ALLOWANCES); EXEMPTING BENEFITS AND FUNDS CREATED BY THE ACT FROM EXECUTION, GARNISHMENT, ATTACHMENT OR THE OPERATION OF ANY BANKRUPTCY OR INSOLVENCY LAW; CREATING A RETIREMENT BOARD; PROVIDING FOR APPOINTMENT OF MEMBERS, THEIR TERMS OF OFFICE, QUALIFICATIONS, HONORARIA AND EXPENSE ALLOWANCES; PROVIDING VENUE; DEFINING POWERS AND DUTIES OF SAID BOARD; PROVIDING FOR APPOINTING AN EXECUTIVE SECRETARY AND HIRING UNDER MERIT SYSTEM RULES AN ADMINISTRATIVE STAFF; PROVIDING FOR AND DEFINING THE POWERS AND DUTIES OF AN ACTUARY FOR THE SYSTEM; PROVIDING REQUIREMENTS FOR MANAGING THE ASSETS AND FOR SELECTION OF A FUNDING AGENT AND SPECIFYING TERMS OF A CONTRACT THEREWITH, PERMITTING INVESTMENTS OF ASSETS IN COMMON STOCKS UNDER CERTAIN CONDITIONS, EXEMPTING ALL CONTRIBUTIONS PAID THE FUNDING AGENT FROM PREMIUM TAXES PAYABLE PURSUANT TO SECTION 41-402, IDAHO CODE; PERMITTING THE BOARD TO ADOPT, AMEND OR RESCIND RULES AND REGULATIONS AND PROVIDING CONDITIONS THEREFOR; CREATING PROCEDURES FOR HEARINGS BEFORE THE BOARD IN ADA COUNTY, IDAHO, PRIOR TO APPEAL AND PROVIDING THE BOARD WITH CONTEMPT POWERS AND A PROCEDURE FOR ENFORCING ITS AUTHORITY IN DISTRICT COURT; PROVIDING THE TERMS, CONDITIONS, PROCEDURE, AND RIGHT OF APPEAL FROM THE BOARD TO DISTRICT COURT IN ADA COUNTY AND FROM THERE TO THE SUPREME COURT; PROVIDING FOR EMPLOYER CONTRIBUTIONS, SETTING THE INITIAL RATES THEREOF AND PROVIDING FOR COMPUTATION OF FUTURE RATES THEREOF; CREATING PUBLIC EMPLOYEE RETIREMENT FUND AND ACCOUNTS THEREIN, PROVIDING FOR THE ADMINISTRATION OF SAID FUND WITH LIMITATIONS AND FOR FORWARDING MONIES TO THE FUNDING AGENT; PROVIDING CONDITIONS OF PAYMENT OF SEPARATION AND DEATH BENEFITS FROM THE CLEARING ACCOUNT AND FUNDING AGENT; PROVIDING THAT ALL MONIES PAYABLE TO THE FUNDING AGENT ARE PERPETUALLY APPROPRIATED TO THE BOARD AND ARE NOT PART OF ITS EXPENSES OR BUDGET; PROVIDING
THAT MONIES IN THE ADMINISTRATIVE ACCOUNT CAN BE USED ONLY AS APPROPRIATED BY THE LEGISLATURE; PROVIDING PROCEDURES FOR SUBMITTING EMPLOYER AND MEMBER CONTRIBUTIONS TO THE BOARD AND COLLECTING DELINQUENCIES; LIMITING RIGHTS IN ASSETS OF THE SYSTEM; PROVIDING CONDITIONS FOR VOLUNTARY WITHDRAWAL OF CERTAIN EMPLOYEES FROM THE TEACHERS RETIREMENT SYSTEM OF IDAHO REQUIRING MEMBERSHIP OF SUCH EMPLOYEES IN THIS SYSTEM AND PROVIDING BENEFITS THEREWITH; PROVIDING DATE OF ESTABLISHMENT OF THE SYSTEM; PROVIDING SAVINGS CLAUSE; DECLARING AN EMERGENCY BUT PROVIDING THAT MEMBERSHIP AND CONTRIBUTIONS COMMENCE JULY 1, 1965; DECLARING LEGISLATIVE INTENT.

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

ARTICLE I

SECTION 1. (1) A retirement and disability benefit system is created and placed under the management of a retirement board for the purpose of providing a retirement system and other benefits for public employees in the state of Idaho under this act. The retirement system shall be known as the “Public Employee Retirement System of Idaho.”

(2) The purpose of such system is to provide an orderly means whereby public employees in the state of Idaho who become superannuated or otherwise incapacitated as the result of age or disability, may be retired from active service without prejudice and without inflicting a hardship upon the employees retired, and to enable such employees to accumulate pension credits to provide for old-age, disability, death and termination of employment, thus effecting economy and efficiency in the administration of the state, county and local government. The Legislature, therefore, declares that, in its considered judgment, the public good, and the general welfare of the citizens of this state required the enactment of this measure, under the police powers of the state.

SECTION 2. (1) As used in this act, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context.

(2) “Active member” means any employee who has com-
pleted at least twelve months of service and who is neither receiving benefits under any other retirement system operated wholly or in part by an agency of the state or political subdivision nor establishing the right to receive benefits from any such retirement system, but an employee shall be an active member if otherwise eligible:

(a) in any case where the public employee retirement system has in existence an agreement with another retirement system pursuant to which such an employee is allowed membership rights;

(b) although a contingent annuitant under the optional retirement allowances as provided in this act or by any similar provision of any other retirement act;

(c) where an employee's remuneration is paid by two or more governmental units, provided that with respect of some portion of such remuneration the employee is not establishing the right to receive benefits from any other retirement system operated wholly or in part by an agency of the state or a political subdivision. The salaries from all such sources shall be combined and treated as though the salaries were paid from one source in accordance with rules of the board.

(3) "Accumulated contributions" means the sum of amounts contributed by a member of the system, together with regular interest credit thereon.

(4) "Actuarial equivalent" means a benefit equal in value to another benefit, when computed upon the basis of the actuarial tables in use by the system.

(5) "Actuarial tables" means such tables as shall have been adopted by the board in accordance with recommendations of the actuary.

(6) "Beneficiary" means the person having an insurable interest in the life of a member who is nominated by the written designation of a member, duly executed and filed with the board, to receive the death benefit.

(7) "Calendar year" means twelve calendar months commencing on the first day of January.

(8) "Credited service" means the aggregate of membership service and prior service.

(9) "Date of establishment" means July 1, 1965.
“Death benefit” means the amount, if any, payable upon the death of a member.

“Disability retirement allowance” means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible for disability retirement.

“Disabled” shall have the meaning given in this subsection. A member shall be considered to be disabled if the board shall find, on the basis of medical evidence:

(a) that he is prevented from engaging in any occupation or employment for remuneration or profit as a result of bodily injury or disease, either occupational or nonoccupational in cause, but excluding disabilities resulting from service in the armed forces of any country, or from an intentionally self-inflicted injury; and

(b) that he will remain so disabled permanently and continuously during the remainder of his life.

Refusal to submit to a medical examination ordered by the board before the commencement of a disability retirement allowance or at any reasonable time thereafter shall constitute proof that the member is not disabled. The board shall be empowered to select for such medical examination one or more physicians or surgeons who are licensed to practice medicine and perform surgery. The fees and expenses of such examination shall be paid from the administration account of the fund. No member shall be required to undergo such examination more often than once each year after he has received a disability retirement allowance continuously for two years.

“Early retirement allowance” means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible for early retirement.

“Employee” means:

(a) any person who normally works in excess of thirty hours per week for an employer and who receives salary for services rendered for such employer, and

(b) any member of the state legislature.

“Employee” does not include:

(a) persons rendering service to an employer in the
capacity of an independent business, trade or profession; or

(b) seasonal, emergency or casual workers whose periods of employment with any employer do not total 26 weeks in any calendar year; or

(c) persons provided sheltered employment or makework by a public employer in an employment or industries program maintained for the benefit of such persons; or

(d) inmates of a state institution or persons enrolled full time in a state institution principally for purposes of training, whether or not receiving compensation for services performed for the institution.

(15) “Employer” means the state of Idaho or any political subdivision which has elected to come into the system.

(16) “Fireman” means an employee whose primary occupation is that of preventing and extinguishing fires as determined by the rules of the board.

(17) “Fiscal year” means the period beginning on July 1 in any year and ending on June 30 of the next succeeding year.

(18) “Fund” means the Public Employee Retirement Fund established by this act.

(19) “Funding agent” means the legal reserve life insurance company selected by the board to hold and invest the employers’ and members’ contributions and pay certain benefits granted under this act.

(20) “Inactive member” means a former active member who is not an employee and is not receiving any form of retirement allowance, but for whom a separation benefit has not become payable.

(21) “Member” means an active member, inactive member or a retired member.

(22) “Membership service” means service with respect to which contributions are payable under Article II.

(23) “Military service” shall mean service as an involuntary inductee in the armed forces of the United States, or as a member of any reserve component called into active service. For the purposes of this act, military service shall not include any period ended by dishonorable dis-
charge or during which option of termination of such service is granted but not accepted, nor shall it include any period which commences more than sixty days after the person ceases to be an employee or ends more than sixty days before the person again becomes an employee.

(24) "Police officer" means an employee engaged in hazardous law enforcement duties as determined by the rules of the board.

(25) "Prior service" means any period of service or military service prior to the date of establishment of each employee who is on such date an active member or in military service or on leave of absence. For the purpose of computing such service, no deduction shall be made for any continuous period of absence from service or military service of six months or less.

(26) "Regular interest" means interest at the rate set from time to time by the board.

(27) "Retired member" means a former active member receiving a retirement allowance.

(28) "Retirement" means the acceptance of a retirement allowance under this act upon termination of employment.

(29) "Retirement board" or "board" means the board provided for in Article VIII of this act to administer the retirement system.

(30) "Retirement system" or "system" means the Public Employee Retirement System of Idaho.

(31) "Salary" means the total salary or wages payable by all employers to an active member for personal services currently performed, together with all remuneration for personal services from whatever source, including commissions and bonuses and the cash value of all remuneration in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with the rules prescribed by the board.

(32) "Separation benefit" means the amount, if any, payable upon or subsequent to separation from service.

(33) "Service" means personal service rendered to an employer for a salary. Service of fifteen days or more during any calendar month shall be credited as one month of service. Service of fourteen days or less during any calen-
dar month shall not be credited. No more than one month of service shall be credited for all service in any month.

(34) "Service retirement allowance" means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible for service retirement.

(35) "State" means the state of Idaho.

(36) "Vested retirement allowance" means the periodic payment becoming payable upon an inactive member's becoming eligible for vested retirement.

(37) The masculine pronoun, wherever used, shall include the feminine pronoun.

ARTICLE II

SECTION 1. Beginning with the first full payroll period beginning on or after the later of the date of establishment and the completion of one year of service, each active member who is not eligible for service retirement shall contribute toward the cost of the benefits provided under this act. This contribution shall be made in the form of a deduction from salary to be transmitted to the board in accordance with Article IX, Section 3.

SECTION 2. The monthly contribution for a member who is not classified as police officer or fireman shall be equal to the sum of 3% of that part of his monthly salary which is not in excess of $400 and 6% of the balance of his monthly salary.

SECTION 3. The monthly contribution for a member who is classified as a police officer or fireman shall be equal to the sum of 3.6% of that part of his monthly salary which is not in excess of $400 and 7.2% of the balance of his monthly salary.

ARTICLE III

SECTION 1. Within sixty days after becoming a member, each member shall furnish the board with such information as the board shall deem necessary for the proper operation of the system. Within six months after receipt of such information, the board shall issue a prior service certificate to each member having prior service. Such certificate shall specify the amount of such service, and shall be final and conclusive for the purposes of this act as to such service, provided, however, that any member may,
within one year from the date of original issuance of such certificate or modification thereof or, if no such certificate is issued, within two years of becoming a member, request the board to issue a modified prior service certificate.

SECTION 2. A person shall cease to be a member when his accumulated contributions become payable to him. If no more than five years separates his periods of employee status, or if his accumulated contributions become payable during military service, he may reinstate his previous credited service by repaying to the retirement fund the full amount of his accumulated contributions within six months after again becoming an employee.

SECTION 3. The board may enter into agreements with the boards or other authorities of other retirement systems operated by the state of Idaho or by political subdivisions to protect the retirement rights or benefits of employees who may alter their membership status by changing employment from one agency to another.

SECTION 4. A political subdivision not participating in the system may, through its governing body, notify the board in writing that it elects to include its employees in the system. The board shall make a study and estimate the cost of including such employees in the system. Upon completion of the study and estimate the employer may apply for admission to the system. Thereupon the board may upon such terms, not inconsistent with this act, as are set forth in a contract between the board and the employer, integrate said employer and its employees into the system established by this act unless otherwise prohibited by law. The contract shall have no effect, however, until notice and hearing regarding it is afforded to such employees. Such contract shall provide for the appropriate funding of accrued benefits under any existing retirement program at the time the employer is admitted to the system.

ARTICLE IV

SECTION 1. (1) An active member who is not a police officer or fireman is eligible for service retirement if he has attained age sixty-five with at least five years years of credited service including six months of membership service. An active member who is a police officer or fireman is eligible for service retirement if he has attained
age sixty with at least five years of credited service includ­ing six months of membership service.

(2) An active member who is not eligible for service re­
tirement is eligible for disability retirement if he becomes disabled after at least ten years of credited service includ­ing six months of membership service.

(3) An active member who is not eligible for either serv­ice retirement or disability retirement is eligible for early retirement if he has at least five years of credited service includ­ing six months of membership service and is within ten years of being eligible for service retirement.

(4) An inactive member is eligible for vested retirement if he has at least ten years of membership service and is within ten years of the date he would have been eligible for service retirement had he remained an active member.

(5) An inactive member who is not eligible for any form of retirement is eligible for the separation benefit.

(6) The beneficiary of any member other than a retired member who elected option 1 or 2 under Article V, Section 7, is eligible for the death benefit, if any, upon the mem­ber's death.

ARTICLE V

SECTION 1. A service retirement allowance or early re­
tirement allowance shall become payable to a member on the first of the month following his ceasing to be an em­ployee while eligible for service retirement or early re­
tirement and on the first of each month thereafter to and including the first of the month of the member's death.

SECTION 2. A vested retirement allowance shall become payable to a member on the first of the month following his becoming eligible for vested retirement and on the first of each month thereafter to and including the first of the month of the member's death.

SECTION 3. (1) A disability retirement allowance shall become payable to a member on the first of the month next following the latest of:

(a) the day the member files a written application for a disability retirement allowance acceptable to the board; or

(b) the day salary or other benefits terminate under
any temporary disability policy, or sick leave or other plan paid for in whole or in part by the employer of the member; or

(c) the day six months after the member becomes eligible for disability retirement.

(2) The disability retirement allowance shall be paid monthly thereafter to, but not including, the first of the month next following the earliest of:

(a) the day of the retired member's death; or

(b) the day the retired member would be eligible for service retirement, were he still an active member; or

(c) the day the retired member ceases to be disabled.

(3) When a disability retirement allowance ceases pursuant to (b) of subsection (2) of this section, the retired member shall thereupon become eligible for service retirement, his service retirement allowance to commence on the first of the month following the date of the last payment of the disability retirement allowance.

(4) When a disability retirement allowance ceases pursuant to (c) of subsection (2) of this section, the retired member shall thereupon resume the status of an active member. Should he not become an employee within sixty days thereafter, his status shall be considered to be an inactive member for the purpose of this act as of the date his disability retirement allowance ceases.

SECTION 4. The separation benefit, if any, shall become payable upon the written request of an inactive member or, if the inactive member has less than ten years of membership service and has not previously so requested, shall be payable automatically five years after the person becomes an inactive member.

SECTION 5. The death benefit, if any, shall be payable upon the death of the member. Should no satisfactory designation of beneficiary have been made, the death benefit shall be paid directly without probate to the surviving next of kin pursuant to the provisions of Section 14-103, Idaho Code. If any person to whom payment of the death benefit is to be made is a minor, the board may withhold payment until such time as such person attains majority, or until a legal guardian for him is named, whichever is sooner. Until payment is made, regular interest shall be credited on the unpaid amount.
SECTION 6. (1) Any member who becomes eligible for service retirement shall thereupon be retired except as provided in this section. If the employer of any member shall submit written approval for postponement of retirement, with a certification that such postponement is in the public interest, the board may allow such postponement on an annual basis in accordance with its rules, but in no event beyond the July 1st following the date the eligible member attains age 70.

(2) A retired member may again become an employee eligible for service retirement only if his employer certifies to the board’s satisfaction that an emergency exists and that such re-employment is in the public interest, but in no event may such an employee be so employed for more than 300 hours in any calendar year.

(3) Nothing in this section shall be construed to prevent the election or appointment of any person, regardless of age or credited service, to any office having a term fixed by statute or charter or where the appointee serves at the pleasure of the governor.

SECTION 7. (1) The service retirement allowance or the early retirement allowance of a member who so elects shall be converted, in lieu of all other benefits under this act, into an optional retirement allowance which is the actuarial equivalent of such other allowance. The optional retirement allowance may take one of the forms listed below:

(a) option 1, which must be elected at least two years prior to the commencement of the retirement allowance, provides a reduced retirement allowance payable during the lifetime of the retired member, and a continuation thereafter of such reduced retirement allowance during the lifetime of his named contingent annuitant.

(b) option 2, which must be elected at least two years prior to the commencement of the retirement allowance, provides a reduced retirement allowance payable during the lifetime of the retired member, and a continuation thereafter of one-half of such reduced retirement allowance during the lifetime of his named contingent annuitant.

(c) option 3, which is available only if the member retires before the date of his sixty-fifth birthday, provides an increased retirement allowance until such
date and a reduced retirement allowance thereafter, the difference between the two amounts approximately equaling the governmental old-age benefit becoming payable at such date as estimated by the board.

(2) Option 1 or 2 may not be chosen if initial payments of less than $10 per month would result. Any payments under option 2 or 3 of less than $10 per month will be converted to larger periodic payments which are the actuarial equivalent of such smaller payments, but which occur less frequently. If payments of at least $10 per year are not so payable, the payment will be commuted into a single sum.

(3) Application for any optional retirement allowance shall be in writing, duly executed and filed with the board. Such application shall contain all information required by the board, including such proofs of age as are deemed necessary by the board.

(4) If either the member or his contingent annuitant should die before an election of option 1 or 2 becomes effective, the election of such option shall automatically be cancelled.

(5) The requirement that option 1 or 2 must be elected at least two years prior to the commencement of the retirement allowance may be waived by the board if evidence is provided of the good health of the member electing the option and shall be waived for a member making such election within one year of the date of establishment.

SECTION 8. Upon a retired member’s again becoming an employee, any benefit under this act payable on behalf of such member shall terminate and any contributions payable by such member under Article II shall again commence. Benefits so terminated shall resume in the same amount upon subsequent retirement, except that the amount of such benefits shall be recomputed if the employee has at least six months of continuous service immediately prior to such recomputation.

ARTICLE VI

SECTION 1. (1) The annual amount of service retirement allowance payable to any member shall equal the sum of his prior service retirement allowance, his disabled service retirement allowance, his military service retire-
ment allowance and his membership service retirement allowance, all as calculated in accordance with this section.

(2) The annual amount of prior service retirement allowance for any year of prior service for each member not classified as a police officer or fireman shall be equal to the sum of 1% of that part of the member’s annual salary on the date of establishment which is not in excess of $4,800 and 2% of the balance of his annual salary.

(3) The annual amount of prior service retirement allowance for any year of prior service for any member classified as a police officer or fireman shall be equal to the sum of 1.2% of that part of the member’s annual salary on the date of establishment which is not in excess of $4,800 and 2.4% of the balance of his annual salary.

(4) The annual amount of disabled service retirement allowance shall be computed after each period during which any member shall have been in receipt of a disability retirement allowance, and shall be equal to one-third of the product of (a) and (b) as follows:

(a) the total number of months from the first day of the month next succeeding the final contribution of such member under Article II before such period to the date of termination of such disability retirement allowance; and

(b) the amount of such final contribution, such amount, if computed on the basis of less than a full month’s salary, to be adjusted to the corresponding full month’s figure.

(5) The annual amount of military service retirement allowance shall be computed after each period during which any active member shall have been in military service, provided that during such period the member did not withdraw his accumulated contributions, and shall be equal to one-third of the product of (a) and (b) as follows:

(a) the total number of months from the first day of the month next succeeding the final contribution of such member under Article II before such period to the date of termination of such military service; and

(b) the amount of such final contribution, such amount, if computed on the basis of less than a full month’s salary, to be adjusted to the corresponding full month’s figure.
(6) The annual amount of membership service retirement allowance for each member shall be equal to one-third of the aggregate, without interest, of the member’s contributions made in accordance with Article II.

SECTION 2. (1) The annual amount of disability retirement allowance payable to any member shall equal the excess, if any, of (a) over (b), as follows:

(a) his accrued retirement allowance, including such disabled service retirement allowance, as defined in Article VI, Section 1, as would accrue if he were to remain disabled until eligible for a service retirement allowance;

(b) the annual amount payable under the provisions of any workmen’s compensation law because of the same disability.

(2) If a single payment is made under the provisions of any workmen’s compensation law and such single payment is in lieu of periodic income payments, such single payment shall be considered as its annual equivalent for the purpose of this section. Each adjustment in the payment of a disability retirement allowance due to a change in the amount payable under the provisions of any workmen’s compensation law shall take effect on the first of the month coinciding with or next following the effective date of such change.

SECTION 3. The annual amount of early retirement allowance payable to any member shall equal the actuarial equivalent of the accrued portion of the service retirement allowance.

SECTION 4. The annual amount of vested retirement allowance payable to any member shall equal the actuarial equivalent of the accrued portion of the service retirement allowance.

SECTION 5. The separation benefit shall equal the excess, if any, of the member’s accumulated contributions at the time the benefit becomes payable over the aggregate of all retirement allowance payments ever made to the member.

SECTION 6. The death benefit of an active or inactive member shall equal the excess, if any, of the member’s accumulated contributions at the time the benefit becomes payable over the aggregate of all retirement allowance pay-
ments ever made to the deceased member. The death benefit of a retired member shall equal the excess, if any, of the member's accumulated contributions at the time the member retired over the aggregate of all retirement allowance payments ever made to the deceased member.

ARTICLE VII

SECTION 1. The right of a person to any benefits under this act and the money in any fund created by this act shall not be assignable or subject to execution, garnishment or attachment or to the operation of any bankruptcy or insolvency law.

ARTICLE VIII

SECTION 1. (1) There is hereby created a governing authority of the system to consist of a board of five persons known as the retirement board. Each member of the board shall be appointed by the governor to serve terms of five years, except that the terms of the initial appointees shall all commence on the date of appointment and shall be of staggered lengths as hereinafter provided. The initial appointees shall be appointed within fifteen days of the effective date of this act. The governor shall designate one member of the board to serve as chairman during his term.

(2) Two board members shall be appointed from among the active members having at least ten years of credited service. The initial appointees shall be appointed to terms which shall expire three years and four years after the date of establishment.

(3) Three board members shall be appointed from among Idaho citizens who are not members of the system. The initial appointees shall be appointed to serve terms which shall expire one year, two years and five years after the date of establishment.

(4) Members of the board shall receive an honorarium of $25.00 for each day the board is in session, notwithstanding any provision of law to the contrary, plus an allowance for expenses they may incur through service on the board. These allowances shall be paid from the administration account of the fund.

(5) A board member shall serve until his successor qualifies. Each board member shall be entitled to one vote, and
three board members shall constitute a quorum. Three votes shall be necessary for resolution or action by the board at any meeting except as otherwise provided in this act.

(6) The board shall hold regular meetings and shall hold special meetings at such times as it deems necessary. All meetings of the board shall be open to the public and shall be held in the system's principal office. The board shall keep a record of all its proceedings.

SECTION 2. (1) The board shall have the power and duty, subject to the limitations of this act, of managing the system. It shall have the powers and privileges of a corporation, including the right to sue and be sued in its own name as such board. The venue of all actions in which the board is a party shall be Ada County, Idaho.

(2) The board shall appoint an executive secretary to serve at its discretion. The executive secretary shall be bonded as is required by the board and shall perform such duties as assigned by the board.

(3) The board shall authorize the creation of whatever staff it deems necessary for sound and economical administration of the system. The executive secretary shall hire the persons for the staff who shall hold their respective positions subject to the rules of a merit system for state employees. The salaries and compensation of all persons employed for purposes of administering the system shall be fixed by the board and as otherwise provided by law.

(4) The board shall arrange for actuarial, legal and medical advisors for the system. It shall cause a competent actuary who is a Fellow of the Society of Actuaries and who is familiar with public systems of pensions to be retained on a consulting basis. The actuary shall be the technical advisor of the board on matters regarding the operation of the system. During the first year of operation of the system and at least once every three years thereafter, the actuary shall make a general investigation of the suitability of the actuarial tables used by the system. The board shall adopt the actuarial tables in use by the system and may change the same in its sole discretion at any time. The actuary shall make an annual valuation of the liabilities and reserves of the system, and an annual determination of the amount of contributions required from the employers under this act, and certify the results thereof to the board. The actuary shall also perform such other duties as may be assigned by the board.
(5) The board shall establish the system's office or offices to be used for the meetings of the board and for the general purposes of the administrative personnel. The board shall provide for the installation of a complete and adequate system of accounts and records for administering this act. All books and records shall be kept in the system's offices.

SECTION 3. (1) The board shall select the funding agent and establish a group annuity contract. The contract shall authorize the funding agent to hold and invest monies for the system and to provide the retirement benefits and death benefits for retired members granted by this act. The funding agent shall be selected from those legal reserve life insurance companies licensed and qualified to do business under the laws of the state of Idaho who have assets in excess of one and one-half billion dollars. At any time, the board, by vote of all five of its members, may instruct the funding agent to allocate to an account of the funding agent invested primarily in corporate shares of common stocks not more than one-third of that portion of the assets of the system not reserved for the retired members or for their contingent annuitants or for member's accumulated contributions. If such account should, because of fluctuating asset values, exceed one-third of such portion at any time, no further monies shall be allocated to such account while such condition exists, but such account may remain otherwise intact, at the discretion of the funding agent. At any time, the board, by vote of all five of its members, may instruct the funding agent to allocate no additional assets of the system to such account and to remove, in an orderly fashion, the assets of the system from such account. The funding agent will not be required to segregate monies applicable to individual employees or employers, but shall only be responsible for the aggregate of such monies as are received by it.

(2) All contributions paid to the funding agent shall be construed as being exempt from premium taxes payable pursuant to Section 41-402 of the Idaho Code.

SECTION 4. (1) Subject to other provisions of this act and pursuant to the policy and standards set out in Article I, Section 1, the board shall have the power and authority to adopt, amend or rescind such rules and regulations as may be necessary for the proper administration of this act. Such rules and regulations as promulgated by the board shall be filed with the secretary of state and shall become effective ten days after such filing.
(2) Any person aggrieved by any otherwise final decision or inaction of the board must, before he appeals to the courts, file with the executive secretary of the board by mail or personally a notice for a hearing before the board. The notice of hearing shall set forth the grounds of appeal to the board.

(3) A hearing shall be held before the board in Ada County, Idaho, at a time and place designated by the board. Such hearing shall be de novo and summary and no witness's testimony shall be received unless he shall first have been sworn under oath. The retirement board shall cause all oral testimony to be recorded and thereafter transcribed and when transcribed, if an appeal is taken or if ordered by the board, the same with all depositions shall be filed in and remain a part of the record of the hearing. Members of the board shall have power to administer oaths, to preserve and enforce order during such hearings, to issue subpoenas for and to compel the attendance and testimony of witnesses or the production of books, papers, documents and other evidence and to examine witnesses.

(4) At the time and place fixed for hearing, unless continued for cause, each party shall present his evidence with respect to the issues raised in the notice of hearing.

(5) The record of the hearing shall be considered by the board and the decision and order of the majority of the members shall be the decision and order of the board. Every such final decision and order rendered by the board shall be in writing and a copy thereof shall be mailed to each party to the appeal and to his attorney of record.

(6) If any person in proceedings before the board disobeys or resists any lawful order or process or misbehaves during a hearing, or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered so to do, any pertinent book, paper, document or other evidence, or refuses to appear after having been subpoenaed, or upon appearing refuses to take the oath as a witness, or after having taken the oath refuses to be examined according to law, the board shall certify the facts to the district court having jurisdiction, and the court shall thereupon, in a summary manner, hear the evidence as to the acts complained of, and, if the evidence so warrants, punish such person in the same manner and to the same extent as for contempt committed before the court, or commit such person upon the same conditions as if doing of
the forbidden act had occurred with reference to the pro-
ceedings, or in the presence of the court.

(7) Within thirty days after any final decision and order
by the board has been mailed to the parties any such party
aggrieved thereby may appeal to the District Court of
the Third Judicial District of the State of Idaho, in and
for the County of Ada, and such appeal shall be heard as
a case in equity, but any party shall be entitled to a trial
de novo upon such appeal. Such appeal shall be perfected
by serving a notice of appeal and claim for relief on the
executive secretary of the board and each adverse party,
or his attorney, by personal service or by mail and by filing
the notice of appeal and claim for relief, together with
proof of service thereof, with the clerk of the court. The
board and any other party to the appeal shall, within thirty
days after receipt of such notice of appeal and claim for
relief, serve and file a notice of appearance and answer
upon the appellant or his attorney of record and such appeal
shall thereupon be deemed at issue. The executive secre-
tary shall serve upon all parties to the appeal or their
attorneys and file with the clerk of the court, a certified
copy of the complete record of the hearing before the
board. The decision or judgment of the district court shall
be subject to appeal to the Supreme Court in the same
manner and by the same procedure as appeals are taken
and perfected to the court in civil actions at law.

ARTICLE IX

SECTION 1. (1) Each employer shall contribute to the
cost of benefits under the system. The amount of the em-
ployer contributions shall consist of the sum of a percent-
age of the salaries of members to be known as the “normal
contribution”, a percentage of such salaries to be known
as the “unfunded liability contribution”, a percentage of
the sum of the employer and member contributions to be
known as the “administrative contribution”, and in the
case of employers admitted to the system more than two
years after the date of establishment, a percentage of such
salaries to be known as the “additional contribution”. The
rates of such contributions shall be determined by the board
on the basis of assets and liabilities as shown by actuarial
valuation, and such rates shall remain effective until next
determined by the board. Until the completion of the first
such valuation, the normal contribution percentage shall
be 6%, the unfunded liability contribution percentage shall
be 2.8%, and the administrative contribution percentage shall be 2.5%.

(2) After the first actuarial valuation, the normal contribution rate shall be computed to be sufficient, when applied to the present value of the future salary of the average new member entering the system, to provide for the payment of all prospective benefits in respect of such member which are not provided by the member’s own contribution.

(3) After the first actuarial valuation, the unfunded liability contribution rate shall not be less than that percentage of the annual salaries of all members in the system at the date of the most recent actuarial valuation which is equivalent to 4% of the excess of the then present value of all future benefits payable in respect of all members and contingent annuitants over the sum of (a), (b) and (c) as follows:

(a) the amount of all funds then held by the funding agent for the payment of benefits under this act; and

(b) the present value of the future normal contributions payable in respect of all then active members; and

(c) the present value of the future contributions payable under Article II by all then active members.

(4) The administrative contribution rate shall be computed to be sufficient to maintain a balance at all times in the administration account of the fund.

(5) The additional contribution rate shall be determined by the board on the basis of studies of the benefits earnable by the employees of employers entering the system after the date of establishment. The additional contribution rate may vary between employers, at the discretion of the board.

SECTION 2. (1) There is hereby established in the state treasury a special fund, the “Public Employee Retirement Fund”, which shall be separate and apart from all public monies or funds of this state, and shall be administered under the direction of the board exclusively for the purposes of this act. The state treasurer shall maintain within the fund a clearing account and an administration account. All monies received from employers by the board on their account and on account of members shall be initially deposited in the clearing account. On the fifteenth of each month all administrative contributions deposited since
the previous transfer shall be transferred to the administration account. Immediately after each transfer from the clearing account to the administration account, the remaining balance in the clearing account shall be forwarded to the funding agent to hold and invest under its contract with the system.

(2) All separation benefits and death benefits for active and inactive members shall be payable directly from the clearing account as they come due. If the amount of such benefits payable at any time exceeds the amount in the clearing account, the payment of all or part of such benefits may be postponed until the clearing account becomes adequate to meet all such payments, or the board may require a refund from the funding agent sufficient to meet all such payments.

(3) All monies payable to the funding agent are hereby perpetually appropriated to the board, and shall not be considered expenses of the board nor included in its departmental budget. All monies transferred to the administration account shall be available to the board for the payment of administrative expenses only to the extent so appropriated by the legislature.

SECTION 3. (1) On the first of each month, each employer, or, where the employer’s payroll is paid separately by departments, each department of each employer, shall remit to the retirement board all contributions required of it and its employees on the basis of salaries paid by it during the previous month. These remittances shall be accompanied by such reports as are required by rules of the board.

(2) If any employer shall fail or refuse to remit any such contributions, the board, within ten days after the date due, may certify to the state treasurer the fact of such failure or refusal and the amount of the delinquent contribution or contributions, together with its request that such amount be set over from funds of the delinquent employer to the credit of the retirement fund. A copy of such certification and request shall be furnished the delinquent employer.

(3) Within ten days after receipt of such request, the state treasurer shall draw his warrant for payment of such amount out of monies in the state treasury allocated to the use of such employer during the current biennium. If such monies are not so available, the state treasurer
shall take any legal steps necessary to collect such amount.

SECTION 4. No particular person, group of persons or entity shall have any right in any specific portion of the assets of the system other than such undivided interest in the whole of such assets as is specified in this act.

ARTICLE X

SECTION 1. Any employee of the state of Idaho who is a member of the Teachers Retirement System of Idaho may voluntarily withdraw from such system before July 1, 1965, without terminating his employment. Such employee shall, unless otherwise prohibited by law, become a member of this system and entitled to all its benefits.

ARTICLE XI

SECTION 1. 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; provided, however, that membership in the system and contributions required pursuant to this act shall be commenced on the date of establishment.

ARTICLE XII

SECTION 1. The provisions of this act shall be severable and if any phrase, clause, sentence, or provision of this act is declared to be unconstitutional or the applicability thereof to any state, agency, person or circumstance is held invalid, the constitutionality of this act and the applicability thereof to the state, agency, person or circumstance shall, with respect to all severable matters, not be affected thereby. It is the legislative intent that the provisions of this act be reasonably and liberally construed.

Approved March 29, 1963.

CHAPTER 350
(H. B. No. 355)

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

SECTION 1. That Section 186, Chapter 13, of the Idaho Session Laws of 1963, adopted by this Thirty-seventh Session of the Legislature of the State of Idaho, be amended by adding new subsections thereto, to be known and designated as Sections 186A, 186B, 186C and 186D, of Chapter 13 of the Idaho Session Laws of 1963, adopted by the Thirty-seventh Session of the Legislature of the State of Idaho, and to read as follows:

186A. EDUCATION OF CERTAIN HOMEBOUND CHILDREN.—Any child under nineteen years of age who is homebound or prohibited by rules and regulations of any school district from attending a public school, shall be given by the school district wherein the child is temporarily residing, subject to approval of the state board of education, proper credits or a diploma, upon certification from a designated public school district, accredited college or university within or without the state, of the child's satisfactory completion of prescribed accredited courses.

186B. EDUCATION OF CERTAIN UNMARRIED EXPECTANT OR DELIVERED MOTHERS.—Every public school district in this state within which is located a licensed maternity home shall provide, subject to rules and regulations of the state board of education, instruction in accredited courses, by a qualified instructor, for unmarried expectant and delivered mothers under nineteen years of age, and shall, upon satisfactory completion of required public school courses or correspondence courses from the University of Idaho or Idaho State College, issue credits or a diploma evidencing such achievement.

186C. COST OF INSTRUCTION AND POSTAGE SUBJECT TO REIMBURSEMENT.—Costs of instruction, including necessary transportation of teachers, shall be sub-
ject to reimbursement by the state department of education from state funds. Tuition charged by the University of Idaho and Idaho State College, together with necessary postage on completed lesson material, shall be paid by the school district wherein the maternity home is located, also subject to reimbursement from state funds. Costs of required books and supplies for each course shall be paid by the maternity home.

186D. OUTPATIENTS.—As to expectant or delivered mothers who are outpatients of a licensed maternity home, the public school district, in which the home is located, shall provide instruction, pursuant to this chapter, for said outpatients.

Approved March 29, 1963.

CHAPTER 351
(H. B. No. 311)

AN ACT

AMENDING SECTION 63-921, IDAHO CODE, PROVIDING RESTRICTIONS UPON THE LEVY OF TAXES IN NEW TAXING DISTRICTS, NEWLY ANNEXED AREAS, AND DIVIDED, CONSOLIDATED OR REORGANIZED SCHOOL DISTRICTS; AND PROVIDING EFFECTIVE DATE FOR THIS ACT.

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. No city, town, village, school district, cemetery, fire, water, sewer, hospital, or other taxing 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 district may be situated be required to extend any levy on behalf of any such taxing unit district upon the county rolls extended by him for such year. No existing taxing 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 divide, consolidate or reorganize after the assessment date in any year, the board of trustees of said divided, consolidated or reorganized school district shall have the power to levy taxes and certify the levy for such year in the same manner and according to the same boundaries which the separate school districts involved in the division, consolidation or reorganization could have levied taxes had such division, consolidation or reorganization not taken place.

SECTION 2. That this act be and become effective on and after the first day of July, 1963.

Approved March 29, 1963.

CHAPTER 352
(H. B. No. 406)

AN ACT

AMENDING SECTION 63-3035, IDAHO CODE, TO INCREASE THE PERCENTAGE OF THE INCOME TAX OF EMPLOYEES REQUIRED TO BE WITHHELD BY EMPLOYERS FROM FIFTEEN PER CENTUM TO EIGHTEEN PER CENTUM OF THE AMOUNT OF FEDERAL TAXES WITHHELD, TO PROVIDE THAT THE TERMS OF THE INTERNAL REVENUE CODE IN EFFECT JANUARY 1, 1962, SHALL BE USED IN DETERMINING THE AMOUNT TO BE WITHHELD, AND TO REQUIRE THE TAX COLLECTOR TO PREPARE AND DISTRIBUTE TO EMPLOYERS TABLES SHOWING AMOUNTS TO BE WITHHELD; AND PROVIDING AN EFFECTIVE DATE.

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

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

63-3035. (a) Every employer who is required under the provisions of the Internal Revenue Code to withhold,
collect and pay income tax on wages or salaries paid by such employer to any employee shall, at the time of such payment of wages, salary, bonus or other emolument to such employee, deduct and retain therefrom an amount equal to fifteen eighteen per centum (15%)(18%) of the amount so withheld under the terms of the Internal Revenue Code in effect January 1, 1962. The Tax Collector shall prepare tables showing amounts to be withheld, and shall supply same to each employer subject to this section. Every employer making payments of wages or salaries earned in Idaho, regardless of the place where such payment is made:

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

(2) must make return of and pay to the tax collector quarterly on the same dates as such payments are made under the Internal Revenue Code, or at such other times as the tax collector may allow, an amount of tax which, under the provisions of this act, he is required to deduct and withhold.

(b) Every employer shall, at the time of each payment made by him to the tax collector, deliver to the tax collector a return upon such form as shall be prescribed by said tax collector showing the total amount of wages, salary, bonus or other emoluments paid to his employees, the amount deducted therefrom in accordance with the provisions of the Internal Revenue Code, the amount deducted therefrom in accordance with the provisions of this section, and such pertinent and necessary information as the tax collector may require.

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

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

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

(e) Amounts deducted from wages of an employee during any calendar year in accordance with the provisions of this section shall be considered to be in part payment of the tax imposed on such employee for his tax year which begins within such calendar year and the return made by the employer under this subsection (e) shall be accepted by the tax collector as evidence in favor of the employee of the amount so deducted from his wages. Where the total amount so deducted exceeds the amount of tax on the employee, based on his taxable income as computed under the provisions of this act, as the same has been or may hereafter be amended, or where his income is not taxable under this act, the tax collector shall, after examining the annual return filed by the employee in accordance with this act, but not later than one hundred and twenty (120) days after the filing of each return, refund the amount of the excess deducted. No refund shall be made to an employee who fails to file his return, as required under this act, within two years from the due date of the return in respect of which the tax withheld might have been credited. In the event that the excess tax deducted is less than one dollar, no refund shall be made unless specifically requested by the taxpayer at the time such return is filed.

(f) This section shall in no way relieve any taxpayer from his obligation of filing a return at the time required under this act, and, should the amount withheld under the provisions of this section be insufficient to pay the total tax of such taxpayer, such unpaid tax shall be paid at the time prescribed by section 63-3034.
SECTION 2. This act shall be in full force and effect on and after July 1, 1963.

Approved March 29, 1963.

CHAPTER 353
(H. B. No. 413)

AN ACT
AMENDING SUBSECTION 15 OF SECTION 1 OF SENATE BILL NO. 271 OF THE THIRTY-SEVENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, RELATING TO AN APPROPRIATION TO THE IDAHO STATE PENITENTIARY FOR ACQUISITION OF A NEW PENITENTIARY SITE; PROVIDING FOR AN EFFECTIVE DATE AND EXEMPTING FROM THE PROVISIONS OF CHAPTER 35, TITLE 67, AND SECTION 67-3516, IDAHO CODE.

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

SECTION 1. That Subsection 15 of Section 1 of Senate Bill No. 271 of the Thirty-seventh Session of the Legislature of the State of Idaho, be, and the same is hereby amended to read as follows:

15. IDAHO STATE PENITENTIARY, BOISE.
   For acquisition of a site for a new penitentiary to be located in Ada County, for the preparation of plans therefor, and for the construction thereon of a new penitentiary facility . . . $275,000
   Construction of Slaughter Facility—
   Eagle Island ............................................. 75,000
   ...............................................................
   ...............................................................
   From Permanent Building Fund .............. $350,000

SECTION 2. 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.

Approved March 29, 1963.
CHAPTER 354
(H. B. No. 274)

AN ACT
AMENDING SECTION 63-106, IDAHO CODE, AS AMENDED, RELATING TO THE EXEMPTION FROM TAXATION OF PROPERTY OF ELECTRIC PUBLIC UTILITIES AND OTHERS USED FOR GENERATING AND DELIVERING ELECTRICAL POWER FOR IRRIGATION OR DRAINAGE PURPOSES, BY PROVIDING THAT THE STATE TAX COMMISSION SHALL, AT THE TIME OF ASSESSMENT OF PROPERTY OF ANY NATURAL GAS PUBLIC UTILITY, DETERMINE THE AMOUNT OF THE EXEMPTION OF SUCH NATURAL GAS PUBLIC UTILITY UNDER SECTION 63-105J, IDAHO CODE, AS AMENDED, AND REDUCE THE ASSESSMENT OF THE PROPERTY OF SUCH NATURAL GAS PUBLIC UTILITY ACCORDINGLY; PROVIDING FOR THE CREDITING OF SUCH EXEMPTION TO CONSUMERS OF SUCH NATURAL GAS PUBLIC UTILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 63-106, Idaho Code, as amended, be, and the same hereby is amended to read as follows:

63-106. ELECTRIC, OR NATURAL GAS, PUBLIC UTILITIES PUMPING WATER FOR IRRIGATING OR DRAINAGE—REDUCTION OF ASSESSMENT IN ACCORDANCE WITH EXEMPTION—CREDIT ON CUSTOMERS’ BILLS.—The state tax commission shall, at the time of assessment of the property of any electrical, or natural gas, public utility, cooperative organized under the Rural Electrification Administration Act of the United States Congress, or other company distributing electrical power, determine the amount of the exemption under subdivision 11 of section 63-105, under section 63-105J, Idaho Code, as amended, and shall reduce such assessment so that any such electrical company, or natural gas public utility, shall not be required to pay any taxes upon that portion of its property so exempted.

The amount of such exemption or reduction by the state tax commission shall be as nearly as practicable, such as would yield the amount of taxes included in the rates of the utility under the schedules applicable to the furnishing of such power.

The full amount of taxes which would have been due
from such utility if such exemption had not been made, shall be credited annually for the year in which the exemption is made on the power bill, or the natural gas bill, to the consumer by the utility furnishing such power, or energy, in such sum as the amount of power, or energy, each consumer uses bears to the whole amount of power, or energy, furnished by the utility for irrigation purposes.

For the purposes of determining the benefit to which each consumer is entitled by virtue of this exemption, the following procedure is provided.

On or before the fifteenth day of October each year, the tax collector of each county shall transmit to the state tax commission, duplicate tax statements of each electrical company, and of each natural gas public utility, showing the taxes payable by such utility in his county. The state tax commission shall as soon as practicable thereafter, certify to the public utilities commission of Idaho, the aggregate saving in taxes effected in the several counties to each utility by reason of this exemption. On or before the fifteenth day of October of each year, such electrical company, and natural gas public utility, shall file with the public utilities commission of Idaho, a list of all its power consumers, and natural gas consumers, with the amount of power, or natural gas, used by each. The public utilities commission shall thereupon determine the credit to which each consumer is entitled by virtue of this exemption and shall by order require such utility to credit upon its power, or natural gas consumers' bills, the amounts respectively determined by it to be due.

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 29, 1963.

CHAPTER 355
(H. B. No. 276)

AN ACT

AMENDING SECTION 40-405, IDAHO CODE, BY PROVIDING TO THE MUNICIPALITIES WHICH CONSTRUCT AND MAINTAIN ROADS AND STREETS 15% OF THE APPORTION-
MENT OF THE STATE HIGHWAY FUND ALLOCATED TO LOCAL UNITS OF GOVERNMENT, IN LIEU OF 9% THEREOF; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 40-405, Idaho Code, be, and the same is hereby amended to read as follows:

40-405. APPROPRIATION OF FUNDS — APPORTIONMENT OF STATE HIGHWAY FUND.—There is hereby appropriated and allocated out of the state highway fund of the state of Idaho, to the local units of government of the state, thirty per cent of all highway user revenues accruing to such state highway fund between January 1 and December 31 of each year, but in no event shall the total of the appropriation to the local units of government for any one year be less than $1,000,000.00, which said appropriation shall be distributed among the local units of government as follows:

(a) Nine per cent (9%). Fifteen per cent (15%) of said sum to be apportioned among local units of government shall be divided among incorporated and specially chartered cities and villages of the state which construct and maintain roads and streets each with a population of not less than three hundred (300) as shown by the last regular or special federal census, in the same proportion as the population of said incorporated or specially chartered city or village bears to the total population of all such incorporated and specially chartered cities and villages of the state as shown by the last regular or special federal census.

(b) The remainder of the said sum shall be apportioned as follows:

1. Ten per cent shall be divided equally among all counties of the state.

2. Forty-five per cent shall be divided among the counties of the state in the proportion that the amount collected from motor vehicle registrations in each county during the last calendar year bears to the total amount of such collections in all counties in the state.

3. Forty-five per cent shall be divided among the counties of the state in the proportion that the number of miles of improved roads in the county road system of each county bears to the total number of miles of improved roads in
the county road systems of all counties in the state. The commissioner of highways is directed to certify to the state auditor, on or before January 1 of each year, the number of miles of improved roads in each county. An improved road shall be a graded and drained earth road or better, and a graded and drained earth road shall be a traveled way of natural earth, aligned and graded to permit reasonable convenient use by a motor vehicle, and drained by longitudinal and transverse systems, natural or artificial, sufficiently to prevent serious impairment of the roadway by surface water.

The appropriation hereby made shall be remitted to the counties, cities and villages on the following dates and in the following amounts: thirty per cent (30%) of all highway user revenues accruing to said fund in the months of January, February, and March of each year not later than April 25 of each year; thirty per cent of all highway user revenues accruing to said fund in the months of April, May and June of each year not later than July 25 of each year; thirty per cent (30%) of all highway user revenues accruing to said fund in the months of July, August, and September of each year not later than the 25th of October of each year; thirty per cent (30%) of all highway user revenues accruing to said fund in the months of October, November, and December of each year not later than January 15 of the succeeding year; the state auditor shall ascertain the sums set for the above and shall remit to the several local units of government their pro rata share of the amount so computed.

Such moneys so paid to cities and villages shall be expended by the governing bodies thereof solely in the construction and maintenance of roads and streets within their corporate limits.

Such moneys paid to the counties shall be placed by each county in a fund to be known as the county road fund and the county shall apportion the same as follows: To the interest and sinking fund of said county such amount as may be necessary to meet the interest and sinking fund requirements for the current year on any unpaid bonds issued by said county for road and bridge purposes, or refunding bonds issued to take up such bonds; the county shall pay over to each highway and good roads district within such county such portion of the balance of such county road fund as the following apportion shall apply:

1. Ten per cent shall be divided equally among the
county, if the county maintains any roads, the highway districts and good roads districts;

2. Forty-five per cent shall be divided among the county, if the county maintains any roads, the highway districts and the good roads districts of the county in the proportion that the amount collected from motor vehicle registrations in each area designated herein during the last calendar year bears to the total amount of such collections in the entire county;

3. Forty-five per cent shall be divided among the county, if the county maintains any roads, the highway districts and good roads districts in the proportion that the number of miles of improved roads in the county road, highway or good roads district bears to the total number of miles of improved roads in the entire county road system as defined in sub-paragraph (b) 3 hereinbefore set forth; and the county shall apportion as and when needed for disbursement for current expenses for the construction and maintenance of highways any further balance of such county road fund to the road and bridge fund of the said county, and the county may expend all or any portion thereof in the construction and maintenance of state highways in such county.

Each highway and good roads district receiving such apportionment from the county road fund shall apportion the same as follows: To the interest and sinking fund of such district, such amount as may be necessary to meet the interest and sinking fund requirements for that year on any unpaid bonds issued by such district, and any balance of such funds shall be used for road and bridge maintenance and construction. Each district may expend all or any portion of such balance of such funds in the construction and maintenance of state highways in such district.

No part of such county road fund or any apportionment therefrom shall ever be used for any purposes other than those hereinbefore provided, except as hereinafter provided, and if, at the end of any fiscal year there shall remain an unexpended balance of such funds in the hands of the treasurer of any highway district or good roads district, such balance shall be carried forward and retained and thereafter applied to the maintenance and construction of highways or the payment of bond interest and principal and sinking fund requirements as hereinbefore provided.
CHAPTER 356
(H. B. No. 286)

AN ACT
AMENDING SECTION 38-105, IDAHO CODE, TO PROVIDE FOR THE PROTECTION OF RANGE LANDS.

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 and range 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 establishment or change of boundaries of a forest protective district, give notice thereof by publication in four consecutive 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.

Approved March 29, 1963.

CHAPTER 357
(H. B. No. 258)

AN ACT
AMENDING SECTION 50-2801, IDAHO CODE, RELATING TO THE PURPOSES FOR WHICH MUNICIPAL BONDS MAY BE ISSUED, BY AMENDING SUBDIVISION 5 THEREOF AND THEREBY PROVIDING THAT THE PURPOSES FOR WHICH SUCH BONDS MAY BE ISSUED SHALL INCLUDE BUILDINGS AND FACILITIES FOR RECREATION AND ZOO PURPOSES.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 50-2801, Idaho Code, be, and the same is hereby amended to read as follows:

50-2801. PURPOSES FOR WHICH BONDS MAY BE ISSUED—LIMITATION ON AMOUNT.—Every municipal corporation incorporated under the laws of the territory of Idaho or of the state of Idaho shall have power and authority to issue municipal coupon bonds not to exceed at any time in aggregate ten per cent of the assessed full cash valuation of the real estate and personal property in said municipal corporation, according to the assessment of the preceding year, for any or all of the purpose(s) specified in subdivisions one to eleven, inclusive as follows:

1. To provide for the building, laying, construction, equipment, extension, enlargement, alteration, improvement and maintenance of sewers and a sewerage system.

2. To provide for the grading, paving, curbing, sidewalking, or otherwise improving streets and alleys, building or constructing of sewers, drains, grading, curbing, sidewalks, crossings and cross walks, or otherwise improving the intersections of streets and alleys, constructing and laying out of streets and alleys, and the construction or aid in construction of bridges across streams within or contiguous to or within one mile of the exterior limits of any such municipal corporation.

3. To provide for the funding, refunding, purchase and redemption of the outstanding indebtedness of such municipal corporation. Bonds may be issued under this section for the purpose of funding, refunding, purchase or redemption of the outstanding indebtedness of any such municipal corporation when the same can be done to the profit and benefit of such municipal corporation, and without incurring any additional liability, without submission of the question of issuance of such bonds to the electors of the municipal corporation.

4. To provide for the establishment and maintenance of hospitals, pest houses and cemeteries either within or without the corporate limits of such municipal corporation.

5. To provide for the purchase, improvement, equipment, and maintenance of lands for the use of public parks, including buildings and facilities for recreation and zoo
purposes, either within or without the corporate limits of such municipal corporation.

6. To provide for the purchase, erection, construction and furnishing of public buildings and building sites, including municipal public libraries, for the use of such municipal corporation.

7. To provide for the establishment, equipment and maintenance of a fire department and for the purchase of suitable and necessary apparatus and buildings and building sites for the use thereof and for all other necessary public improvements.

8. To provide for the purchase, erecting, construction, and furnishing of servicemen’s memorials consisting of such public buildings or monuments and building sites for the use of such municipal corporation and for the entertainment of servicemen of World War One and World War Two.

9. To provide for the purchase, improvement and equipment of air navigation facilities as defined in the Idaho Air Commerce Act of 1929 and acts amendatory thereof, either wholly or partly within or without the corporate limits of such municipal corporation, or wholly or partly within or without the state of Idaho.

10. To provide for the acquisition, erection, construction, equipment, enlargement, alteration, improvement and maintenance of municipal sewerage disposal works and plants for the use of such municipal corporation, which works and plants may be located within or without the corporate limits of such municipal corporation.

11. To provide for the acquisition and purchase of right-of-way and to establish, alter, enlarge, improve, reconstruct and change the channels of water courses or any stream, river or body of water within the corporate limits of the municipal corporation for flood control purposes.

Provided further, however, that in addition to the power and authority in this section hereinbefore given to issue municipal coupon bonds, every municipal corporation within the state of Idaho, shall also have power and authority to issue additional municipal coupon bonds in the amount of five per cent of the assessed full cash valuation of the real estate and personal property in said municipal corporation according to the assessment of the preceding
year, and for any or all of the purposes specified in sub­
divisions 1 and 10 of this section.

Approved March 29, 1963.

CHAPTER 358
(H. B. No. 291)
AN ACT
AMENDING THE LAWS RELATING TO ELECTIONS BY AMEND­
ING SECTION 34-504, IDAHO CODE, AND SECTION 34-801,
IDAHO CODE, TO GIVE THE SEVERAL PRECINCT COM­
MITTEEEMEN THE AUTHORITY TO RECOMMEND PERSONS
FOR APPOINTMENT BY THE COUNTY COMMISSIONERS
AS ELECTION JUDGES, REGISTRARS AND DEPUTY REG­
ISTRARS, AND TO OBLIGATE THE COUNTY COMMISSION­
ERS TO APPoint PERSONS SO RECOMMENDED SUBJECT
TO CERTAIN CONDITIONS.

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

SECTION 1. That Section 34-504, Idaho Code, be, and
the same is hereby amended to read as follows:

34-504. It is the duty of the county commissioners, at
their regular session in May next preceding a general
election, to appoint three capable and discreet persons, at
least one of which shall represent each political party as
defined in chapter 6 of this title, and who possess the qualifi­
cations of electors; provided, however, that the precinct
committeemen for each precinct shall have the right to
submit to the county commissioners in writing, at least
ten days prior to the date on which any such appointment
is to be made, the names of one or more persons to be
appointed as such election judges, and if the persons so
recommended are qualified as to party and otherwise, said
persons shall be appointed. If further appointments from
one or both parties are thereafter required, the commis­
ioners may appoint persons of their own choosing, and
nothing herein contained shall be construed so as to pre­
clude the county commissioners from exercising discretion
as to the party affiliation of their appointees except as
hereinbefore in this section specifically provided. Such
persons shall act as judges of election at each election
precinct and one of such judges shall be appointed senior
election judge for each precinct by the county commis­
sioners; and the clerk of the board must make out and deliver to the sheriff of the county, immediately after the appointment of such judges, a notice thereof, in writing, directed to the judges so appointed; and the sheriff, within ten days of the receipt of such notice, must serve the same upon each of the said judges of election by registered mail. It shall be the duty of the judges to designate one of their number to act as distributing clerks.

All such judges of election shall hold office for two years, unless sooner removed by the board of county commissioners and shall act at all state and county elections.

SECTION 2. That Section 34-801, Idaho Code, be, and the same is hereby amended to read as follows:

34-801. The board of county commissioners of each county of the state must at its regular meeting in January, next preceding each general election, appoint a registrar for each election precinct in the county, who must be a qualified elector and resident of such precinct, and otherwise a proper person qualified to perform the duties of such office. Such registrar upon qualifying shall hold office until his successor is appointed and qualified.

When, in the judgment of such board, it is necessary to appoint a deputy registrar for any precinct of the county, such board shall appoint a deputy registrar for such precinct, who shall have the same powers and perform the same duties as the registrar so appointed, excepting that such deputy registrar shall be under the supervision and direction of such registrar.

In the event there is an incorporated city or village within such election precinct, the commissioners shall appoint at least one such registrar or deputy registrar who resides in such city or village. The precinct committeemen for each precinct shall have the right to submit to the county commissioners in writing, at least ten days prior to the date on which any such appointment is to be made, the names of one or more persons to be appointed as such registrars or deputy registrars, and if the persons so recommended are qualified as to party and otherwise, the registrar, and deputy registrar if there is one, shall be appointed from the persons so recommended. Nothing herein contained shall, however, be construed so as to preclude the county commissioners from exercising discretion as to the party affiliation of their appointees.

Approved March 29, 1963.
AN ACT

RELATING TO THE SAFETY OF AIRCRAFT AND AIR TRAVEL AND AMENDING TITLE 21, IDAHO CODE, BY ADDING A NEW CHAPTER THERETO DESIGNATED CHAPTER 7 DEFINING CERTAIN TERMS USED IN THE ACT AND PROVIDING THAT ANY PERSON WHO INTENTIONALLY OR WITH RECKLESS DISREGARD FOR THE SAFETY OF HUMAN LIFE DAMAGES, MOLESTS OR TAMPERS WITH AIRCRAFT OR AIRCRAFT PARTS OR CARGOES, OR ENDANGERS AIRCRAFT WITH ANY DESTRUCTIVE SUBSTANCE, OR STEALS ANY PART OF ANY AIRCRAFT, SHALL BE GUILTY OF A FELONY AND PROVIDING A PUNISHMENT THEREFOR WHICH IN THE EVENT DEATH RESULTS TO ANY PERSON BY REASON OF THE COMMISSION OF ANY SUCH ACT MAY BE EXTENDED TO LIFE IMPRISONMENT AND DECLARING THE EFFECT OF PARTIAL UNCONSTITUTIONALITY OF THIS ACT AND DECLARING AN EMERGENCY.

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

SECTION 1. DEFINITIONS: The following words and phrases when used in this act are defined to mean the following:

(a) “Aircraft” means any contrivance now known or hereafter invented used or designed for navigation of or flight in the air.

(b) “Aircraft Engine” means an engine used or intended to be used for propulsion of aircraft and includes all parts, appurtenances and accessories thereof other than propellers.

(c) “Aircraft Navigation Facility” means any facility used in, available for use in, or designed for use in, aid of air navigation, including landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio-directional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft.

(d) “ Appliances ” means instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever
description which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight, including parachutes and including radio and communication equipment and any other mechanism or mechanisms whether or not installed in or attached to aircraft during flight.

(e) "Landing Area" means any locality, either of land or water, including airports and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(f) "Person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(g) "Propeller" includes all parts, appurtenances, and accessories thereof.

(h) "Spare Parts" means parts, appurtenances, and accessories of aircraft (other than aircraft engines and propellers), of aircraft engines (other than propellers), of appliances, maintained for installation or use in an aircraft, aircraft engine, propeller, or appliance, but which at the time are not installed therein or attached thereto.

SECTION 2. STEALING FROM, INTERFERING WITH, OR DESTRUCTION OF AIRCRAFT OR AIR NAVIGATION FACILITIES. Any person who intentionally or with reckless disregard for the safety of human life:

(a) damages, destroys, disables, sets fire to, tampers with, or wrecks any aircraft, aircraft navigation facility, or aircraft engine, propeller, radio, antenna or spare part, or cuts any wire or removes, damages, or tampers with any functional part of any aircraft or air navigation facility, or,

(b) places or causes to be placed any destructive substance in, upon, or in proximity to, any such aircraft or any aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid or other material used or intended to be used in connection with the operation of any such aircraft or any cargo carried or intended to be carried on any such aircraft or otherwise makes or causes to be made any such aircraft, engine, propeller, appliance, spare
part, fuel, lubricant, hydraulic fluid or other material un-workable or unusable or hazardous to work or use, or

(c) removes, steals, takes or carries away any part of an aircraft, aircraft engine, propeller, radio, air navigation facility or appliance used in connection with an aircraft,

shall be guilty of a felony and shall be punished by a fine of not more than $10,000.00 or imprisonment for not more than twenty years, or by both such fine and imprisonment.

SECTION 3. PENALTY WHEN DEATH RESULTS. Any person who is convicted of any crime prohibited by this Chapter which has resulted in the death of any person shall be subject also to imprisonment for life if the jury shall in its discretion so direct, or in the case of a plea of guilty or a plea of not guilty where the defendant has waived a trial by jury if the court in its discretion shall so order.

SECTION 4. 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 5. 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 29, 1963.

CHAPTER 360
(H. B. No. 273)

AN ACT
AMENDING SECTION 63-105J, IDAHO CODE, AS AMENDED, RELATING TO THE EXEMPTION FROM TAXATION OF PROPERTY USED FOR GENERATING AND DELIVERING
ELECTRICAL POWER FOR IRRIGATION OR DRAINAGE PURPOSES, BY PROVIDING THAT PROPERTY USED FOR THE TRANSMISSION AND DELIVERY OF NATURAL GAS ENERGY SHALL BE EXEMPT FROM TAXATION TO THE EXTENT THAT SUCH PROPERTY IS USED FOR THE TRANSMISSION AND DELIVERY OF NATURAL GAS ENERGY FOR PUMPING WATER FOR IRRIGATION OR DRAINAGE PURPOSES ON LANDS IN THE STATE OF IDAHO; AND DECLARING AN EMERGENCY.

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

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

63-105J. PROPERTY EXEMPT FROM TAXATION—PROPERTY USED FOR GENERATING AND DELIVERING ELECTRICAL POWER FOR IRRIGATION OR DRAINAGE PURPOSES AND PROPERTY USED FOR TRANSMITTING AND DELIVERING NATURAL GAS ENERGY 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, and property used for transmitting and delivering natural gas energy to the extent that such property is used for furnishing natural gas energy 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, and the consumer of such natural gas energy, 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, and property used for transmitting and delivering natural gas energy, shall be assessed for taxation to the extent that such water is so sold or rented.

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 29, 1963.
CHAPTER 361
(H. B. No. 209)

AN ACT
AMENDING TITLE 41, CHAPTER 20, IDAHO CODE, BY REPEALING SECTION 41-2008, IDAHO CODE, RELATING TO THE LIMIT ON AMOUNT OF GROUP LIFE INSURANCE COVERAGE FOR AN INDIVIDUAL.

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

SECTION 1. That Section 41-2008, Idaho Code, be, and the same is hereby repealed.

Approved March 29, 1963.

CHAPTER 362
(H. B. No. 268)

This bill was not properly enacted by the Senate according to the record as published in the Senate journal.

AN ACT
AMENDING SECTION 49-329, IDAHO CODE, RELATING TO THE MANDATORY REVOCATION OF THE DRIVING PRIVILEGE AND PROVIDING FOR A TEMPORARY RESTRICTED PERMIT, BY DELETING THEREFROM SUBSECTION 2 WHICH DEALS WITH DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A NARCOTIC DRUG; AMENDING SECTION 49-330, IDAHO CODE, RELATING TO THE AUTHORITY OF THE DEPARTMENT OF LAW ENFORCEMENT TO SUSPEND THE DRIVING PRIVILEGE WITHOUT A PRELIMINARY HEARING FOR CAUSE AND PROVIDING FOR A HEARING TO REVIEW DEPARTMENT'S ACTION, BY ADDING A PARAGRAPH TO SUBSECTION (a) OF SECTION 49-330, IDAHO CODE, TO BE KNOWN AND DESIGNATED AS SECTION 49-330(a)7, IDAHO CODE, PROVIDING FOR THE SUSPENSION OF THE DRIVING PRIVILEGE UPON CONVICTION OF DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING
LIQUOR OR A NARCOTIC DRUG; AMENDING SECTION 49-352, IDAHO CODE, RELATING TO THE CHEMICAL TESTS OF OPERATORS OF MOTOR VEHICLES OR MOTORCYCLES TO DETERMINE THE ALCOHOLIC CONTENT OF THE BLOOD TO PROVIDE THAT A PERSON WHO REFUSES TO TAKE SUCH TEST SHALL HAVE HIS DRIVING PRIVILEGE SusPENDED FOR A PERIOD OF 90 DAYS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-329, Idaho Code, be, and the same is hereby amended to read as follows:

49-329. The department shall forthwith revoke the license, permit or driving privilege of any operator or chauffeur upon receiving a record of such operator's or chauffeur's conviction of any of the following offenses, when such conviction has become final:

1. Manslaughter (or negligent homicide) resulting from the operation of motor vehicle;
2. Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug;
3. Any felony in the commission of which a motor vehicle is used;
4. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;
5. Perjury or the making of a false affidavit or statement under oath to the department under this act or under any other law relating to the ownership or operation of motor vehicles;
6. Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

Whenever any license, permit or driving privilege has been revoked as provided in this section, the commissioner may, however, issue a temporary restricted permit upon recommendation of the judge entering the conviction and upon a showing that the regular livelihood of the person whose license, permit or driving privilege has been revoked requires such person to operate a motor vehicle.

Such temporary restricted permit shall specify the restrictions as to time and area of use and such further
restrictions as the commissioner, in his discretion, may impose. Any person who knowingly operates a motor vehicle in violation of such restrictions or any of them shall be guilty of a misdemeanor and, upon conviction of such violation, shall be punished by imprisonment for not less than two days nor more than six months and, in addition, there may be imposed a fine of not more than $300 and, in addition, such temporary restricted permit shall be revoked.

SECTION 2. That Section 49-330, Idaho Code, be, and the same is hereby amended by adding a new subsection thereto to be known and designated as Section 49-330 (a) 7, and to read as follows:

49-330. (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. Is an habitual violator of the traffic laws;

4. Is incompetent to drive a motor vehicle;

5. Has permitted an unlawful or fraudulent use of such license; or

6. Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation; or

7. Has been convicted of the offense of driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug and providing that the driving privilege shall be suspended for a period of 90 days upon conviction and providing that if a second conviction occurs within a 2-year period of time from the time of the first conviction, the suspension shall be for six months, and if a third conviction shall occur within a 3-year period of time from the time of the first conviction, the period of suspension shall be for one year.
(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 or chauffeur’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 hereinafore 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 practicable 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 reexamination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license.

SECTION 3. That Section 49-352, Idaho Code, be, and the same is hereby amended to read as follows:

49-352. Any person who operates a motor vehicle or motorcycle in this state shall be deemed to have given his consent to a chemical test of his breath, blood, urine or saliva for the purpose of determining the alcoholic content of his blood, provided that such test is administered at the direction of a police officer having reasonable grounds to believe such person to have been driving in an intoxicated condition and in accordance with the rules and regulations established by the police force of which he is a member. If such person having been placed under arrest and having thereafter been requested to submit to such chemical test refuses to submit to such chemical test the test shall not be given but the commissioner shall revoke suspend his license or permit to drive and any nonresident operating privilege for a period of 90 days, provided, however, the commissioner shall grant such person an opportunity to be heard but a license, permit or nonresident operating privilege may, upon the basis of a sworn report of the police officer that he had reasonable grounds to believe such arrested person to have been driving in an intoxicated condition and that said person had refused to submit to such test be temporarily suspended without notice pending the determination upon any such hearing. The provisions of section 49-329 and Section 49-330, Idaho Code, shall be applicable to revocations suspensions under this section.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect immediately upon its passage and approval. Approved March 29, 1963.
AN ACT

RELATING TO JUNIOR COLLEGE DISTRICTS; PROVIDING FOR THE CREATION OF SUCH DISTRICTS AS INTERMEDIATE INSTITUTIONS OF HIGHER EDUCATION ABOVE GRADE TWELVE; PROVIDING FOR COURSES TO BE OFFERED BY SUCH DISTRICTS; SPECIFYING MINIMUM REQUIREMENTS TO BE MET IN THE ORGANIZATION OF JUNIOR COLLEGE DISTRICTS; PROVIDING THE PROCEDURES TO BE FOLLOWED IN THE CREATION OF JUNIOR COLLEGE DISTRICTS; PROVIDING THE MANNER BY WHICH TERRITORY MAY BE ADDED THERETO; PROVIDING FOR BOARDS OF TRUSTEES; SPECIFYING THE GENERAL POWERS AND DUTIES OF BOARDS OF TRUSTEES; DECLARING JUNIOR COLLEGES TO BE PUBLIC CORPORATIONS; PROVIDING FOR THE APPOINTMENT OF A PRESIDENT AND OTHER EMPLOYEES; PROVIDING FOR REQUIREMENTS FOR ADMISSION AND GRADUATION, CERTIFICATES, DIPLOMAS, TEXTBOOKS AND EQUIPMENT; PROVIDING FOR THE RATES OF TUITION TO BE CHARGED; PROVIDING FOR TAXATION AND OTHER FINANCIAL SUPPORT; PROVIDING FOR ADDITIONAL TAX LEVY FOR GYMNASIUM AND GROUND; PROVIDING MEANS FOR SECURING CAPITAL FUNDS; REQUIRING CERTAIN REPORTS, AND REGULAR AUDIT; REPEALING SECTIONS 33-2101, AS AMENDED, 33-2102, 33-2103, 33-2104, 33-2105, AS AMENDED, 33-2106, AS AMENDED, 33-2107, AS AMENDED, 33-2108, 33-2109, 33-2110, 33-2111, 33-2112, AS AMENDED, 33-2113, AS AMENDED, 33-2114, AS AMENDED, 33-2115, 33-2117, 33-2118, 33-2119, 33-2120 AND 33-2121; AND ESTABLISHING THE EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. JUNIOR COLLEGE DISTRICTS.—Junior college districts may be formed and organized in accordance with the provisions of this chapter, and junior colleges maintained therein shall be intermediate institutions of higher education above grade twelve.

SECTION 2. COURSES OF STUDY.—A junior college established pursuant to the provisions of this chapter shall give instruction in academic subjects, and in such nonacademic subjects as shall be authorized by its board of trustees.
The academic courses given and the instruction therein shall be, as nearly as practicable, of the same standard as the same are given and taught in the first two years of any other state institution of higher education, and credits therefor shall be accepted by such other institutions.

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

SECTION 3. MINIMUM REQUIREMENTS FOR THE FORMATION OF A JUNIOR COLLEGE DISTRICT.—A junior college district shall include (a) the area, or any part thereof, of one or more school districts or the area, or any part thereof, of one or more counties having an aggregate enrollment in grades nine through twelve during the school year, next preceding the organization of such district, of not less than 800 students, and (b) property having an assessed valuation as shown by the equalized assessment rolls of real and personal property for the preceding calendar year of not less than ten million dollars ($10,000,000).

SECTION 4. FORMATION OF JUNIOR COLLEGE DISTRICTS.—A junior college district may be organized by the vote of the school district electors of the proposed district, voting at an election called and held as herein provided:

a. A petition or petitions, signed by not less than 1000 school district electors residing in the proposed junior college district, giving the name of the proposed junior college, describing the boundaries of the proposed district and praying for the organization of the territory therein described as a junior college district, together with a true copy thereof, shall be filed with the clerk of the board of county commissioners of the county in which such proposed district is to be located;

b. Said petition or petitions shall be verified by at least one school district elector, which verification shall state that affiant knows that all the parties whose names are signed to the petition or petitions have the qualification of school district electors and are residents of the proposed district. The verification may be made before any notary public;

c. Upon receipt of such petition or petitions the clerk of the board of county commissioners shall file the original in his office, and forthwith mail the copy thereof to
the state board of education for its consideration and recommendation. The state board of education shall consider the existing opportunities for education beyond grade 12 in the proposed district, the number of prospective students for such junior college, the financial ability of the proposed district to maintain such college and furnish the standard of education contemplated by this chapter with income from tuition and other sources as herein provided. If the state board approve the establishment of such junior college, it shall so advise the board of county commissioners within 30 days after the receipt of such petition or petitions, and recommend that an election be called as herein provided for the organization of such district;

d. Upon receipt by the board of county commissioners of the written approval of the state board of education, the board of county commissioners shall enter an order that a special election be called within the proposed new district for the purpose of voting on the question of the creation of such district. No notice of election need be posted, but notice shall be published, the election shall be conducted and the returns thereof canvassed as required in elections on the question of consolidation of school districts. The ballot shall contain the words "Junior College District—Yes" and "Junior College District—No" each followed by a box in which the voter may express his choice by marking a cross "X." If two-thirds of all votes cast be in the affirmative, the board of county commissioners shall enter an order declaring such junior college district established, designating its name and boundaries. A certified copy of such order shall forthwith be filed with the state board of education.

e. If the proposed district embrace area in two or more counties, the county in which it is proposed to locate the junior college shall be considered the home county, in which the proceedings for the organization of the district shall be conducted, taken and had. Before calling an election on the creation of the proposed district, the board of county commissioners of the home county shall advise the board or boards of county commissioners of such other county or counties of the proposed election, to the end that a date may be agreed upon and the election be held in all counties affected on the same day. The board of county commissioners in any such other county shall give notice of the election, conduct the same and canvass the returns thereof as though it were the only county in which such election were being held. The returns of the election so
canvassed shall be certified promptly to the board of county commissioners of the home county. The result of the election shall in turn be certified by the board of county commissioners of the home county to such board in each county in which the proposed district may lie, and if the result of the election be in the affirmative, a certified copy of the order creating the district shall be filed with the clerk of the board of county commissioners of such other county or counties, and entered into the minutes of the board therein.

SECTION 5. ADDITION OF TERRITORY TO JUNIOR COLLEGE DISTRICTS.—Any territory not in an existing junior college district may become a part of a junior college district by a vote of the school district electors resident of said territory, voting at an election called and held as herein provided.

A petition signed by not less than 100 school district electors of the territory proposed to be added to the junior college district, or twenty percent of the school district electors within the territory, whichever is the lesser, describing the boundaries of the territory, and a true copy thereof, shall be filed with board of trustees of the junior college district. The board shall forward the original of said petition, with its recommendations, to the state board of education, and a copy thereof to the board of county commissioners of the home county of the junior college district. The state board of education shall consider such petition, as it is required to consider a petition for the formation of a junior college district. If it approve the petition, notice to that effect shall be given the board of trustees of the junior college district and to the board of county commissioners of the home county of the junior college district.

When any such petition has been approved by the state board of education, an election shall be held in the manner of elections for the creation of a junior college district, except that polling places shall be established only in the territory proposed to be added to the district. The question shall be deemed approved only if a majority of the votes cast in the territory were cast in favor of the proposal, and if this be the case, the territory shall be part of said junior college district with all the force and effect as though said territory had been originally included in said junior college district at the time of its original organization.
Notices to and by boards of county commissioners and to the state board of education shall be as provided in section 4 of this act. The state board of education shall notify the state liquor dispensary that such territory has become a part of the junior college district.

SECTION 6. TRUSTEES OF JUNIOR COLLEGE DISTRICTS.—The board of trustees of each junior college district shall consist of five school electors residing in the district who shall be appointed or elected as herein provided. Immediately following the establishment of a junior college district, the state board of education shall appoint the members of the first board, who shall serve until the election and qualification of their successors. At the first election of trustees after the creation of a district, five trustees shall be elected; two for terms of two years each, two for terms of four years each, and one for a term of six years. Thereafter the successors of persons so elected shall be elected for terms of six years. The expiration of any term shall be at the regular meeting of the trustees next following the election for the successor terms. Elections of trustees of junior college districts shall be biennially in even-numbered years, and shall be held on such uniform day of such uniform month as the board of trustees shall determine. Vacancies on the board of trustees shall be filled by appointment by the remaining members, but if by reason of vacancies there remain on the board less than a majority of the required number of members, appointment to fill such vacancies shall be made by the state board of education. Any person so appointed shall serve until the next trustee election, at which time his successor shall be elected for the unexpired term. The trustees shall take and subscribe the oath of office required in the case of state officers and said oath shall be filed with the secretary of state.

Notice of the election, the conduct thereof, the qualification of electors and the canvass of returns shall be as prescribed for the election of school district trustees, and the board of trustees shall have and perform the duties therein prescribed for the board of trustees of school districts. As a condition of voting, an elector shall execute an oath before a judge or clerk of election to the effect that such elector is a school district elector and a resident of the junior college district.

The person or persons, equal in number to the number of trustees to be elected for regular or unexpired terms, receiving the largest number of votes shall be declared
elected. If it be necessary to resolve a tie between two or more persons, the board of trustees shall determine by lot which thereof shall be declared elected. The clerk of the board shall promptly notify any person by mail of his election, enclosing a form of oath to be subscribed by him as herein provided.

When elections held pursuant to this section coincide with other elections held by the state of Idaho or any subdivision thereof, or any municipality or school district, the board of trustees may make agreement with the body holding such election for joint boards of election and the payment of fees and expenses of such boards of election on such proportionate basis as may be agreed upon.

At its first meeting following the appointment of the first board of trustees, and at the first regular meeting following any junior college trustee election, the board shall organize, and shall elect one of its member chairman, one vice-chairman; and shall elect a secretary and a treasurer, who may be members of the board; or one person to serve as secretary and treasurer, who may be a member of the board.

The board shall set a given day of a given week in each month as its regular meeting time. Three members of the board shall constitute a quorum for the transaction of official business.

The authority of trustees of junior college districts shall be limited in the manner prescribed in section 57 of Chapter 13, Session Laws of 1963.

SECTION 7. GENERAL POWERS OF THE BOARD OF TRUSTEES.—The board of trustees of each junior college district shall have the power:

1. To adopt rules and regulations for its own government and the government of the college;

2. To employ legal counsel and other professional, and nonprofessional persons, and to prescribe their qualifications;

3. To acquire and hold, and to dispose of, real and personal property, and to construct, repair, remodel and remove buildings;

4. To contract for the acquisition, purchase or repair of buildings, in the manner prescribed for trustees of school districts;
5. To dispose of real and personal property in the manner prescribed for trustees of school districts;

6. To issue general obligation or revenue bonds in the manner now, or as may be, prescribed by law;

7. To convey and transfer real property of the district upon which no college buildings used for instruction are situated, to nonprofit corporations, school districts, junior college housing commissions, counties or municipalities, with or without consideration; to rent real or personal property for the use of the college, its students or faculty, for such terms as may be determined by the board of trustees; and to lease real property of the district not actually in use for college instructional purposes for such terms as may be determined by the board;

8. To acquire, hold, and dispose of, water rights;

9. To accept grants or gifts of money, materials or property of any kind from any governmental agency, or from any person, firm or association, on such terms as may be determined by the grantor;

10. To cooperate with any governmental agency, or any person, firm or association in the conduct of any educational program; to accept grants from any source for the conduct of such program; and to conduct such program on, or off, campus;

11. To invest any funds of the district in such securities, and apply the interest or profits from such investment, as prescribed for the investment of the funds, and the application of the interest or profits, in the case of school district boards of trustees.

SECTION 8. JUNIOR COLLEGE DISTRICTS PUBLIC CORPORATIONS—SUE AND BE SUED—CORPORATE SEAL.—Each junior college district shall be a public corporation, may sue and be sued in its corporate name, and shall have an official seal which shall be judicially noticed.

SECTION 9. PRESIDENT — INSTRUCTORS AND OTHER EMPLOYEES — REQUIREMENTS FOR ADMISSION AND GRADUATION — CERTIFICATES AND DIPLOMAS — TEXTBOOKS AND EQUIPMENT. — The board of trustees shall elect a president of the college and, upon his recommendation, appoint such officers, instructors, specialists, clerks and other personnel as it may deem necessary; fix their salaries, and prescribe their duties.
It shall fix the requirements for admission, and the time and standard of graduation, and issue such certificates for graduation and diplomas as may be deemed suitable. It shall prescribe the textbooks, and provide suitable apparatus, furniture and equipment for carrying on the work of the college.

Section 10. Tuition.—All students of a junior college shall pay tuition that shall be fixed annually by the board of trustees not later than the 1st day of August of each year. The tuition for full time students taking normal academic courses provided by the college, who are residents of the district, shall be fixed at not less than $50.00, nor more than $75.00 per annum; for all other students taking such courses the tuition shall be, as nearly as is practicable, the annual cost of instruction and administration, and like costs, incurred in providing such courses by the junior college, provided that the tuition of students residing outside the district but within the county or counties wherein such district is located shall be fixed after taking into account monies received by the junior college district from the allocation of the Liquor Act Control Fund, and any funds allocated to such junior college from the educational funds of the State of Idaho, other than allocations for vocational education; and provided that the tuition of students residing outside the district and the county but within the state of Idaho shall be fixed after taking into account monies received from educational funds other than vocational monies, as referred to in this chapter, from the State of Idaho. Receipt of monies, as hereinbefore provided in this section, shall be based upon the receipts from the sources referred to during the fiscal year preceding the fixing of said tuition. A student in a junior college shall not be deemed a resident of the district or of the county or of the State of Idaho, unless such student shall have resided within said district, county or state, for at least six months continuously prior to the date of his first enrollment in said junior college, and no student who was not a resident of the district, county or state shall gain residence while attending and enrolled in said junior college. The residence of a minor shall be deemed to be the residence of his parents or parent or guardian. Tuition shall be payable in advance, but the board may, in its discretion, permit the same to be paid in installments. The board of trustees shall also fix fees for laboratory and other special services provided by said junior college and for special courses, including, but not limited to, night school, off-campus courses, summer school,
vocational courses, as otherwise provided in this chapter, and other special instruction provided by said junior college and nothing in this act shall be deemed to control the amount of such tuition for said special courses or such fees for special services, as herein provided, but the same shall be, as nearly as reasonable, sufficient to cover the cost of instructing and providing the same.

**SECTION 11. TAXES AND OTHER FINANCIAL SUPPORT FOR JUNIOR COLLEGES.**—For the maintenance and operation of each junior college, in addition to the income from tuition paid by students as hereinbefore provided, the board of trustees may levy upon the taxable property within the district a tax not to exceed 80 cents on each hundred dollars of assessed valuation. The tax levy determined by the board of trustees, within said limit, shall be certified to the board of county commissioners in each county in which the district may lie, not later than the second Monday in September of each year.

There shall also be allocated to each junior college district and paid to the treasurer thereof fifty per centum of all moneys apportioned to any county embracing all or a part of such junior college district, out of the liquor fund of the state of Idaho as set forth in chapter 4, title 23, Idaho Code. Immediately upon being advised of the creation of a junior college district, the state board of education shall notify in writing the Idaho liquor dispensary that such district has been created, and thereafter the dispensary shall pay to the treasurer of such junior college district, and deduct from the amount that otherwise would be allocated to the county or the counties embraced in such district fifty per centum of the moneys allocated to such county or counties under the Idaho Liquor Control Act Fund, and all payments and allocations of funds to such county or counties under said act shall be apportioned, divided and paid as herein provided, to wit: fifty per centum to the treasurer of such junior college district, and the remaining fifty per centum distributed as otherwise provided by law.

**SECTION 12. ADDITIONAL TAX LEVY FOR GYMNASIUM AND GROUNDS.**—The board of trustees of any junior college district may levy a tax not exceeding one-half mill on each dollar of the assessed value of the taxable property within the district for the maintenance and care of the gymnasium and college grounds of the district, in addition to other taxes authorized by law for the maintenance and support of the junior college.
SECTION 13. CAPITAL FUNDS.—The board of trustees of each junior college district may issue general obligation bonds in the manner and form, and for the same purposes, as prescribed for public school districts, the maximum amount of general obligation bonds outstanding, computed in the manner so prescribed shall not at any time exceed five per cent of the assessed value of the taxable property in the district. The board may also create a plant facilities reserve fund in the manner, and for the same purposes, as prescribed for school districts.

Tax levies for the purposes of this section shall be certified to the board of county commissioners at the same time as are certified the tax levies provided in section 11 of this Act.

SECTION 14. REPORTS OF JUNIOR COLLEGE DISTRICTS.—The board of trustees of each junior college district shall cause to be made, annually, a full and complete audit of the financial transactions of the district. Such audit shall be in accordance with uniform specifications of the department of public accounts. The auditor shall be employed on written contract, in form prescribed by said department.

One copy of the audit report shall be filed with the department of public accounts, and one copy with the state board of education, not more than ten days after its acceptance by the board of trustees.

The state board of education may at its discretion direct the board of trustees of any junior college district to cause to be made an examination of the books and accounts of their district, as provided for public school districts.

The board of trustees shall submit to the state board of education such other reports as the state board may from time to time require.


SECTION 16. EFFECTIVE DATE.—This act shall be in full force and effect on and after the first day of July, 1963.

Approved March 29, 1963.
CHAPTER 364
(H. B. No. 317)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Ground Water 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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE RECLAMATION ENGINEER FOR GROUND WATER ADMINISTRATION:
For: Salaries and Wages $53,886
      Travel Expense 3,000
      Other Current Expense 11,550
      Capital Outlay 1,000

      Total $69,436
From the Ground Water Administration Fund $69,436

Approved March 29, 1963.

CHAPTER 365
(H. B. No. 188)

AN ACT

APPROPRIATING MONEYS FROM THE PLUMBING BOARD FUND OF THE STATE OF IDAHO, TO THE PLUMBING

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, refunds and payments as agent, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; 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 $106,360
Travel Expense 39,600
Other Current Expense 15,265
Capital Outlay 640
Refunds 500
Payment as Agent 4,500
Total $166,865

From the Plumbing Board Fund $166,865

Approved March 29, 1963.

CHAPTER 366
(H. B. No. 192)

AN ACT

APPROPRIATING MONEYS FROM THE AGRICULTURE INSPECTION FUND OF THE STATE OF IDAHO, TO THE COMMISSIONER OF AGRICULTURE FOR AGRICULTURE INSPECTION, FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE, CAPITAL OUTLAY, REFUNDS AND PAYMENTS AS AGENT FOR THE PERIOD COMMENCING JULY 1, 1963, AND ENDING JUNE 30, 1965; 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 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, 1963, and ending June 30, 1965; 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 .................... $24,540
      Travel Expense ....................... 6,950
      Other Current Expense ............... 5,000
      Capital Outlay ....................... 1,000
      Refunds ............................. 100
      Payments as Agent .................. 9,500
      Total ................................ $47,090

From the Agriculture Inspection Fund ........ $47,090

Approved March 29, 1963.

CHAPTER 367
(H. B. No. 193)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Electrical Board Account 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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  

Appropriations:

ELECTRICAL BOARD:

For:  
Salaries and Wages $121,860
Travel Expense 42,000
Other Current Expense 17,640
Capital Outlay 500
Refunds 600

Total $182,600

From the Electrical Board Account $182,600

Approved March 29, 1963.

CHAPTER 368
(H. B. No. 164)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:
To Whom Appropriated: Appropriations:
COMMISSIONER OF AGRICULTURE
FOR DAIRY INDUSTRY AND
INSPECTION:
For: Salaries and Wages $171,050
      Travel Expense 51,500
      Other Current Expense 16,000
      Capital Outlay 3,500
      Refunds 350

Total $242,400
From the Dairy Industry and Inspection Fund $242,400
Approved March 29, 1963.

CHAPTER 369
(H. B. No. 187)

AN ACT

APPROPRIATING MONEYS FROM THE BOARD OF MEDICINE
FUND OF THE STATE OF IDAHO, TO THE STATE BOARD
OF MEDICINE FOR THE PURPOSE OF PAYING SALARIES
AND WAGES, TRAVEL EXPENSE AND OTHER CURRENT
EXPENSE, FOR THE PERIOD COMMENCING JULY 1, 1963,
AND ENDING JUNE 30, 1965; 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
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 ex-
 pense and other current expense, of the agency herein
named, for the period commencing July 1, 1963, and end-
ing June 30, 1965; subject to the provisions of the Standard
Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE BOARD OF MEDICINE:
For: Salaries and Wages $21,000
      Travel Expense 6,800
      Other Current Expense 3,200
CHAPTER 370
(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 Public Livestock Market 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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
PUBLIC LIVESTOCK MARKET BOARD:
For:  
Salaries and Wages .......................... $3,500
Travel Expense ............................ 2,200
Other Current Expense ..................... 950

Total ........................................... $6,650
From the Public Livestock Market Fund .......... $6,650

Approved March 29, 1963.
CHAPTER 371
(H. 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 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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:

HOP GROWERS COMMISSION:
For: Salaries and Wages $ 3,900
     Travel Expense $ 2,750
     Other Current Expense $ 30,100
     Capital Outlay $ 200
Total $36,950

From the Hop Growers Commission Fund $36,950

Approved March 29, 1963.

CHAPTER 372
(H. B. No. 186)

AN ACT

APPROPRIATING MONEYS FROM THE AERONAUTICS FUND OF THE STATE OF IDAHO, TO THE DIRECTOR OF AERONAUTICS FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE,

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
DIRECTOR OF AERONAUTICS:

Appropriations:  
For:  
Salaries and Wages ........................................... $ 55,730  
Travel Expense ............................................. 12,000  
Other Current Expense .................................... 196,270  
Capital Outlay .............................................. 6,000  

Total .......................................................... $270,000  

From the Aeronautics Fund  .................................. $270,000

Approved March 29, 1963.

CHAPTER 373  
(H. B. No. 190)

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
purposes 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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
ATHLETIC COMMISSION:
For: Salaries and Wages $6,000
Travel Expense 2,000
Other Current Expense 775
Capital Outlay 225
Refunds 100

Total $9,100
From the Athletic Fund $9,100

Approved March 29, 1963.

CHAPTER 374
(H. B. No. 191)

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, and other current expense, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:
CHAPTER 374
(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 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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  Appropriations:
FISH AND GAME COMMISSION:
For:  Salaries and Wages $3,145,070
      Travel Expense 202,346
      Other Current Expense 2,401,616
      Capital Outlay 2,144,087
      Refunds 2,000

      Total $7,895,119
      Less Other Income 1,889,177

Approved March 29, 1963.
CHAPTER 376
(H. B. No. 379)

AN ACT


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

SECTION 1. Commencing with the passage and approval of this Act, all monies in or hereafter to come into the Waterways Improvement Fund, which fund was created by Senate Bill No. 256 enacted by the Thirty-seventh Session of the Idaho Legislature, are hereby appropriated to, and are to be administered by the Department of Law Enforcement, Bureau of Motor Vehicles, for the purpose of carrying out the provisions of the Act which created the Waterways Improvement Fund. All appropriations now or hereafter made shall be subject to the provisions of the Standard Appropriations Act of 1945.

Approved March 29, 1963.

CHAPTER 377
(H. B. No. 375)

AN ACT

APPROPRIATING MONEYS FROM THE POTATO AND ONION FUND OF THE STATE OF IDAHO, TO THE IDAHO POTATO AND ONION COMMISSION FOR THE PURPOSE OF PAY-
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated out of the 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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: 

IDAHO POTATO AND ONION COMMISSION:

For: Salaries and Wages $ 56,100
Travel Expense 37,000
Other Current Expense 1,857,540
Capital Outlay 1,000
Refunds 2,500

Total $1,954,140

From the Potato and Onion Fund $1,954,140

Approved March 29, 1963.

CHAPTER 378
(H. B. No. 391)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE BOARD OF HIGHWAY DIRECTORS:
For: Salaries and Wages $19,452,592
Travel Expense 248,000
Other Current Expense 8,550,000
Capital Outlay 73,118,500
Refunds 200,000

Total $101,569,092
From the Highway Fund $101,569,092

Approved March 29, 1963.

CHAPTER 379
(H. B. No. 389)

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 travel expense and other current expense, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:
To Whom Appropriated:  
LEGISLATIVE COUNCIL FOR  
THE WESTERN INTERSTATE  
COMMITTEE ON HIGHWAY  
POLICY PROBLEMS:  

<table>
<thead>
<tr>
<th>For:</th>
<th>Appropriations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel Expense</td>
<td>$5,100</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>400</td>
</tr>
<tr>
<td>Total</td>
<td>$5,500</td>
</tr>
<tr>
<td>From the Highway Fund</td>
<td>$5,500</td>
</tr>
</tbody>
</table>

Approved March 29, 1963.

CHAPTER 380  
(H. B. No. 401)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
PROFESSIONAL ENGINEERS' BOARD:  

<table>
<thead>
<tr>
<th>For:</th>
<th>Appropriations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
<td>$17,000</td>
</tr>
<tr>
<td>Travel Expense</td>
<td>4,500</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>12,700</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>1,700</td>
</tr>
<tr>
<td>Refunds</td>
<td>100</td>
</tr>
</tbody>
</table>
AN ACT


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

SECTION 1. There is hereby appropriated out of the Driver Training 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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  Appropriations:
COMMISSIONER OF LAW ENFORCEMENT FOR DRIVER TRAINING:
For:  Salaries and Wages ................... $ 24,360

Total ..................................... $1,036,360

Approved March 29, 1963.
CHAPTER 382
(H. 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 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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
LAVA HOT SPRINGS FOUNDATION:
For: Salaries and Wages .......................$ 87,805
Travel Expense ......................... 4,000
Other Current Expense .............. 33,580
Capital Outlay .................. 12,500

Total ...........................................$137,885
From the Lava Hot Springs Foundation Fund $137,885

Approved March 29, 1963.

CHAPTER 383
(H. B. No. 227)

AN ACT
APPROPRIATING AND TRANSFERRING MONEYS FROM THE HIGHWAY FUND OF THE STATE OF IDAHO, TO THE GOVERNOR FOR MOTOR VEHICLE RECIPROCITY FOR THE PURPOSE OF PAYING SALARIES AND WAGES, AND TRAVEL EXPENSE, FOR THE PERIOD COMMENCING JULY
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, 1963, and ending June 30, 1965; 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

Total $8,000
From the Highway Fund $8,000

Approved March 29, 1963.

CHAPTER 384
(H. B. No. 388)

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, and capital outlay, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
COMMISSIONER OF AGRICULTURE:
For: Salaries and Wages $ 92,190
Travel Expense 15,000
Other Current Expense 15,000
Capital Outlay 7,200
Refunds 100

Total $129,490
From the Commercial Feed and
Fertilizer Fund $129,490

Approved March 29, 1963.

CHAPTER 385
(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, and capital outlay, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:
CHAPTER 386
(H. B. No. 344)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:

VETERANS AFFAIRS COMMISSION:
For: Salaries and Wages $ 65,000
          Travel Expense             5,000
          Other Current Expense       11,000
CHAPTER 387  
(H. B. No. 348)  
AN ACT  
APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO THE STATE FORESTER FOR THE IDAHO YOUTH CONSERVATION PROJECT TO FURTHER THE PURPOSES OF THIS PROJECT AS ENACTED BY CHAPTER 247, SESSION LAWS OF 1961, FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE, AND CAPITAL OUTLAY FOR THE PERIOD COMMENCING WITH THE PASSAGE AND APPROVAL OF THIS ACT AND ENDING JUNE 30, 1965; 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. To further the purposes of the Idaho Youth Conservation Project as enacted by Chapter 247, Session Laws of 1961, 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 with the passage and approval of this act and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
STATE FORESTER FOR THE IDAHO YOUTH CONSERVATION PROJECT:

<table>
<thead>
<tr>
<th>Appropriations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
</tr>
<tr>
<td>Travel Expense</td>
</tr>
<tr>
<td>Other Current Expense</td>
</tr>
<tr>
<td>Capital Outlay</td>
</tr>
</tbody>
</table>

Approved March 29, 1963.
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 29, 1963.
CHAPTER 389  
(H. B. No. 325)  

AN ACT  


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

SECTION 1. There is hereby appropriated out of the 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, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
SUPREME COURT FOR THE DISTRICT COURTS:
For: Salaries and Wages $851,400
Travel Expense 37,450
Other Current Expense 22,150

Total $911,000
From the General Fund $911,000

Approved March 29, 1963.

CHAPTER 390  
(H. B. No. 333)  

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 CAPITAL OUTLAY FOR THE PERIOD COMMENCING JULY
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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

<table>
<thead>
<tr>
<th>To Whom Appropriated:</th>
<th>Appropriations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADJUTANT GENERAL:</td>
<td></td>
</tr>
<tr>
<td>For:</td>
<td></td>
</tr>
<tr>
<td>Salaries and Wages</td>
<td>$464,000</td>
</tr>
<tr>
<td>Travel Expense</td>
<td>$9,800</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>$550,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$17,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,041,300</strong></td>
</tr>
</tbody>
</table>

Less Other Income $ 413,775

From the General Fund $ 627,525

Approved March 29, 1963.
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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
SECRETARY OF STATE:
For: Salaries and Wages ......................$73,000
Travel Expense ............................ 1,080
Other Current Expense ..................... 20,820
Capital Outlay ............................ 1,800
Refunds .................................... 550

Total ......................................$97,250
From the General Fund ......................$97,250

Approved March 29, 1963.

CHAPTER 392
(H. B. No. 189)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Prune Advertising 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 salaries and wages, travel expense, other current expense and refunds, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:
CHAPTER 393
(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, travel expense, other current expense, and capital outlay, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
SUPREME COURT:  

<table>
<thead>
<tr>
<th>Appropriations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
</tr>
<tr>
<td>Travel Expense</td>
</tr>
<tr>
<td>Other Current Expense</td>
</tr>
<tr>
<td>Capital Outlay</td>
</tr>
</tbody>
</table>
CHAPTER 394
(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, capital outlay and relief and pensions, in accordance with the current Idaho State plan for Vocational Education, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  Appropriations:
STATE BOARD FOR  
VOCATIONAL EDUCATION:
For: Salaries and Wages $ 212,650
Travel Expense 35,000
Other Current Expense 34,500
Capital Outlay 2,400
Relief and Pensions 1,900,000

Total $2,184,550
Less 745,610

From the General Fund $1,438,940

Approved March 29, 1963.
CHAPTER 395
(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, other current expense, and capital outlay, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; exempting this appropriation from the provisions of Sections 67-3532 and 67-3602, Idaho Code:

To Whom Appropriated: Appropriations:
GOVERNOR FOR THE GOVERNOR'S RESIDENCE:
For: Salaries and Wages .......................$ 8,500
Other Current Expense ..................... 11,000
Capital Outlay ............................... 2,500

Total ......................................$22,000
From the General Fund ......................$22,000

Approved March 29, 1963.

CHAPTER 396
(H. B. No. 395)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR AGRICULTURAL EXTENSION FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE,

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, 1963, and ending June 30, 1965; 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:

For: Salaries and Wages $2,356,160
Travel Expense 135,394
Other Current Expense 130,325
Capital Outlay 5,715

Total $2,627,594
Less Other Income 1,077,594

From the General Fund $1,550,000

Approved March 29, 1963.

CHAPTER 397
(H. B. No. 378)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO THE STATE FORESTER FOR THE PURPOSE OF PAYING DELINQUENT FIRE ASSESSMENTS 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 delinquent fire assessments, 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: STATE FORESTER FOR DELINQUENT FIRE ASSESSMENTS:
For: Other Current Expense .................. $28,800

Total ................................................ $28,800
From the General Fund ........................................ $28,800

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 29, 1963.

CHAPTER 398
(H. B. No. 387)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:
To Whom Appropriated:  
STATE BOARD OF HEALTH FOR NAMPA STATE SCHOOL:  
For: Salaries and Wages $2,529,000  
Travel Expense 8,000  
Other Current Expense 665,000  
Capital Outlay 89,000  
Relief and Pensions 50,000  

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
<td>$2,529,000</td>
</tr>
<tr>
<td>Travel Expense</td>
<td>8,000</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>665,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>89,000</td>
</tr>
<tr>
<td>Relief and Pensions</td>
<td>50,000</td>
</tr>
<tr>
<td>Total</td>
<td>$3,341,000</td>
</tr>
<tr>
<td>Less Other Income</td>
<td>290,000</td>
</tr>
</tbody>
</table>

From the General Fund $3,051,000  
Approved March 29, 1963.

CHAPTER 399  
(H. B. No. 396)  
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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
STATE BOARD OF EDUCATION  
AS BOARD OF TRUSTEES OF  
IDAHO STATE UNIVERSITY:  

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
<td></td>
</tr>
<tr>
<td>Travel Expense</td>
<td></td>
</tr>
<tr>
<td>Other Current Expense</td>
<td></td>
</tr>
<tr>
<td>Capital Outlay</td>
<td></td>
</tr>
<tr>
<td>Relief and Pensions</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
<tr>
<td>Less Other Income</td>
<td></td>
</tr>
</tbody>
</table>
CHAPTER 400
(H. B. No. 386)

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, 1963, and ending June 30, 1965; 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 ...................... $2,234,000
Travel Expense ............................. 14,000
Other Current Expense .................... 720,000
Capital Outlay ............................. 142,000
Relief and Pensions ....................... 50,000
Total ...................................... $3,160,000
Less Other Income ....................... 440,000
From the General Fund ................... $2,720,000

Approved March 29, 1963.
AN ACT


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 $1,200,000, 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 July 1, 1963 and ending June 30, 1965, in accordance with Chapter 11, Title 59, Idaho Code, as amended. The moneys herein appropriated shall be transferred from the General Fund to the State Social Security Trust Fund in such amounts and at such times as deemed necessary by the State Board of Examiners to meet the demands of the State Social Security Trust Fund.

Approved March 29, 1963.
CHAPTER 402  
(H. B. No. 390)  
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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
STATE BOARD OF HEALTH FOR TUBERCULOSIS HOSPITAL:

<table>
<thead>
<tr>
<th>For</th>
<th>Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
<td>$ 727,000</td>
</tr>
<tr>
<td>Travel Expense</td>
<td>6,000</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>339,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>24,000</td>
</tr>
<tr>
<td>Relief and Pensions</td>
<td>5,000</td>
</tr>
<tr>
<td>Total</td>
<td>$1,101,000</td>
</tr>
<tr>
<td>Less Other Income</td>
<td>42,000</td>
</tr>
</tbody>
</table>

From the General Fund ...........$1,059,000

Approved March 29, 1963.
CHAPTER 403
(H. B. No. 392)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
BOARD OF LAND COMMISSIONERS FOR CENTRAL POSTAL SYSTEM:
For: Salaries and Wages $32,480
Other Current Expense 2,125
Capital Outlay 2,475

Total $37,080

From the General Fund $37,080

Approved March 29, 1963.

CHAPTER 404
(H. B. No. 341)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO THE ATTORNEY GENERAL FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE, AND CAPITAL OUTLAY FOR THE PERIOD COMMENCING JULY
C. 405 '63

IDAHO SESSION LAWS  1081


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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  

ATTORNEY GENERAL:

For:  
Salaries and Wages $233,750  
Travel Expense 15,470  
Other Current Expense 17,185  
Capital Outlay 11,995  

Total $278,400  

From the General Fund $278,400  

Approved March 29, 1963.

CHAPTER 405  
(H. B. No. 324)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945.

To Whom Appropriated:

BOARD OF LAND COMMISSIONERS FOR NOXIOUS WEED ERADICATION, RANGE IMPROVEMENTS AND RE-SEEDING PROGRAMS:

For: Salaries and Wages $ 6,000
      Travel Expense 500
      Other Current Expense 43,000

Total $49,500

From the General Fund $49,500

Approved March 29, 1963.

CHAPTER 406
(H. B. No. 342)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:

GOVERNOR FOR THE FRANKLIN COUNTY RELIC HALL:
CHAPTER 407
(H. B. No. 408)

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, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE BOARD OF HEALTH FOR THE AIR POLLUTION CONTROL COMMISSION:
For: Travel Expense ...........................................$5,000

Total .............................................$5,000
From the General Fund .......................................$5,000

Approved March 29, 1963.
CHAPTER 408
(H. B. No. 407)

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 for in the public assistance law or any acts amendatory or supplemental thereto, 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, relief and pensions, and refunds, of the agency herein named; the transfer and disbursement of the said moneys are 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, 1963 and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  Appropriations:
DEPARTMENT OF PUBLIC ASSISTANCE:
For:  Salaries and Wages ...................... $ 1,900,000
       Travel Expense ........................ 92,000
       Other Current Expense ................ 200,000
       Capital Outlay ......................... 35,000
       Relief and Pensions ................... 26,663,806
       Refunds ofErroneous Receipts ...... 1,000

       Total .................................... $28,891,806
       Less Other Income .................... 18,691,806

       From the General Fund ................ $10,200,000
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.

Approved March 29, 1963.

CHAPTER 409
(H. B. No. 403)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:

<table>
<thead>
<tr>
<th>STATE AUDITOR:</th>
</tr>
</thead>
<tbody>
<tr>
<td>For:</td>
</tr>
<tr>
<td>------------------</td>
</tr>
<tr>
<td>Salaries and Wages</td>
</tr>
<tr>
<td>Travel Expense</td>
</tr>
<tr>
<td>Other Current Expense</td>
</tr>
<tr>
<td>Capital Outlay</td>
</tr>
</tbody>
</table>

Total $360,000

From the General Fund $360,000

Approved March 29, 1963.
CHAPTER 410
(H. B. No. 400)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF
THE STATE OF IDAHO, TO THE STATE BOARD OF
HEALTH FOR STATE HOSPITAL NORTH FOR THE PUR-
POSE OF PAYING SALARIES AND WAGES, TRAVEL EX-
PENSE, OTHER CURRENT EXPENSE, CAPITAL OUTLAY,
AND RELIEF AND PENSIONS FOR THE PERIOD COM-
MENCING JULY 1, 1963, AND ENDING JUNE 30, 1965; SUB-
JECT 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
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, 1963, and ending June 30, 1965; subject to the
provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
STATE BOARD OF HEALTH FOR
STATE HOSPITAL NORTH:

For:  
Salaries and Wages ...................... $1,373,000
Travel Expense ......................... 15,000
Other Current Expense ............... 550,000
Capital Outlay ......................... 60,000
Relief and Pensions ................. 45,000

Total .................................. $2,043,000
Less Other Income .................... 240,000

From the General Fund .................. $1,803,000

Approved March 29, 1963.

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: 

<table>
<thead>
<tr>
<th>To Whom Appropriated</th>
<th>Appropriations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>GOVERNOR:</td>
<td></td>
</tr>
<tr>
<td>For:</td>
<td></td>
</tr>
<tr>
<td>Salaries and Wages</td>
<td>$100,860</td>
</tr>
<tr>
<td>Travel Expense</td>
<td>8,600</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>17,900</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>8,500</td>
</tr>
<tr>
<td>Payments as Agent</td>
<td>7,200</td>
</tr>
<tr>
<td>Total</td>
<td>$143,060</td>
</tr>
</tbody>
</table>

From the General Fund $143,060

Approved March 29, 1963.

CHAPTER 412
(H. B. No. 410)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO THE STATE HISTORICAL SOCIETY FOR THE PURPOSE OF PAYING SALARIES AND

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:

STATE HISTORICAL SOCIETY:

For: Salaries and Wages $120,500
      Travel Expense 4,000
      Other Current Expense 20,000
      Capital Outlay 9,000

Total $153,500

From the General Fund $153,500

Approved March 29, 1963.

CHAPTER 413
(H. B. No. 404)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
BOARD OF REGENTS FOR THE UNIVERSITY OF IDAHO FOR AGRICULTURAL RESEARCH:
For: Salaries and Wages $2,106,795
Travel Expense 74,220
Other Current Expense 561,850
Capital Outlay 453,779

Total $3,196,644
Less Other Income 1,096,644

From the General Fund $2,100,000

Approved March 29, 1963.

CHAPTER 414
(H. B. No. 346)

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, 1963, and end-
ing June 30, 1965; 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 $44,000
     Travel Expense 800
     Other Current Expense 20,000
     Capital Outlay 35,500

Total $100,300
From the General Fund $100,300

Approved March 29, 1963.

CHAPTER 415
(H. B. No. 278)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
COMMISSIONER OF FINANCE:
For: Salaries and Wages $136,170
     Travel Expense 19,760
     Other Current Expense 20,102
     Capital Outlay 3,722
CHAPTER 416
(H. B. No. 260)

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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE PURCHASING AGENT:
For: Salaries and Wages ......................... $79,400
Travel Expense ................................. 400
Other Current Expense ....................... 18,295
Capital Outlay ................................. 1,200

Total ............................................. $99,295
From the General Fund ......................... $99,295

Approved March 29, 1963.
CHAPTER 417
(H. B. No. 277)
AN ACT
APPROPRIATING MONEYS FROM THE GENERAL FUND OF
THE STATE OF IDAHO, TO THE PLANT PEST CONTROL
AND RESEARCH COMMISSION FOR THE PURPOSE OF
PAYING OTHER CURRENT EXPENSE FOR THE PERIOD
COMMENCING JULY 1, 1963, AND ENDING JUNE 30, 1965;
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 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 other current expense, of the agency
herein named, for the period commencing July 1, 1963,
and ending June 30, 1965; 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 29, 1963.

CHAPTER 418
(H. B. No. 279)
AN ACT
APPROPRIATING MONEYS FROM THE GENERAL FUND OF
THE STATE OF IDAHO, TO THE STATE BOARD OF COR­
RECTION FOR PENITENTIARY ADMINISTRATION FOR
THE PURPOSE OF PAYING SALARIES AND WAGES,
TRAVEL EXPENSE, OTHER CURRENT EXPENSE, AND
CAPITAL OUTLAY FOR THE PERIOD COMMENCING JULY
1, 1963, AND ENDING JUNE 30, 1965; 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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
STATE BOARD OF CORRECTION FOR PENITENTIARY ADMINISTRATION:

<table>
<thead>
<tr>
<th></th>
<th>Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
<td>$815,000</td>
</tr>
<tr>
<td>Travel Expense</td>
<td>$10,300</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>$730,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$30,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,585,300</strong></td>
</tr>
</tbody>
</table>

Less Other Income $185,000

Approved March 29, 1963.

CHAPTER 419  
(H. B. No. 280)

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, 1963, and ending June 30, 1965; 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 ......................$188,000
Travel Expense ......................... 36,500
Other Current Expense ................. 29,620
Capital Outlay .................. 2,000
Relief and Pensions ................... 539,498

Total ..................................$795,618
Less Other Income ................. 534,118

From the General Fund .................$261,500

Approved March 29, 1963.

CHAPTER 420
(H. B. No. 262)
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, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:
To Whom Appropriated: Appropriations:
SUPREME COURT FOR THE LAW LIBRARY:
For: Salaries and Wages $13,020
Other Current Expense 4,365
Capital Outlay 22,615
Total $40,000
From the General Fund $40,000
Approved March 29, 1963.

CHAPTER 421
(H. B. No. 352)
AN ACT
AMENDING TITLE 49, CHAPTER 1, IDAHO CODE, RELATING TO REGISTRATION OF MOTOR VEHICLES BY NONRESIDENTS, AND EXEMPTING VEHICLES NOT IN EXCESS OF SIX THOUSAND POUNDS GROSS WEIGHT, BY AMENDING SECTION 49-120 THEREOF, AND PROVIDING THAT THERE BE NO EXEMPTION FOR VEHICLES NOT IN EXCESS OF SIX THOUSAND POUNDS GROSS WEIGHT OTHER THAN THOSE EXEMPTED BY THE IDAHO MOTOR VEHICLES RECIPROCITY ACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-120 of Title 49, Chapter 1, Idaho Code be, and the same is hereby amended to read as follows:

49-120. A nonresident owner of any motor vehicle, trailer or semi-trailer, which has a gross weight not in excess of 6,000 pounds and which vehicle has been duly registered for the current calendar year in any foreign country, state, territory or federal district of which the owner is a resident or in which he maintains his principal place of business and which at all times when operated in this state has displayed upon it the number plate or plates or other evidence of registration issued for such vehicle in the place of residence or principal place of business of such owner, may operate or permit the operation of such vehicle within this state without the payment of any registration fees to the state of Idaho.
All other motor vehicles, trailers and semi-trailers owned by nonresidents and operated in this state shall be subject to the same fees as are required with respect to like vehicles operated by residents of this state; provided, that such vehicles may be operated without the payment of any license, use or registration fees to the extent that exemption therefrom is provided in agreements or regulations for reciprocal privileges issued under and pursuant to the Idaho Motor Vehicle Reciprocity Act, provided further, that if the nonresident vehicles' state of residence grants temporary trip permit privilege in that state to like vehicles from the state of Idaho, the nonresident operator of any such vehicle may in lieu of full licensing and registration under the laws of this state obtain a temporary trip permit from the department of law enforcement authorizing operation of such vehicle in the state for a period not to exceed ninety-six hours and shall pay a base insurance fee of four dollars ($4.00) per trip permit on any vehicle over 6,000 lbs. gross weight in addition to the following fees:

Vehicles of a gross weight of 16,000 pounds, or less, $1.00 for each 100 miles, or part thereof, traveled on the highways of this state;

Vehicles of a gross weight in excess of 16,000 pounds, $2.00 for each 100 miles or part thereof, traveled on the highways of this state.

Such temporary trip permit shall contain such information, and be in such form, and shall be issued under such rules and regulations as may be prescribed by the department of law enforcement, and shall be displayed at all times while such vehicle is being operated on the highways of this state by posting the same upon the windshield of each such vehicle or in another prominent place thereon, where it may be readily legible.

The commissioner of law enforcement may select vendors to serve as his agents on state highways for the purpose of selling trip permits where fixed ports of entry do not adequately serve a respective highway entering the state. The vendor shall be remunerated, effective July 1st, 1957, at the rate of fifty cents ($.50c) per permit sold, and he shall collect the fees herein provided by this section, and pay the same to the commissioner of law enforcement. The vendor shall guarantee such payment by giving a bond to the state of Idaho in such sum as shall be fixed by the commissioner of law enforcement, the premium on
such bond to be paid by the department of law enforcement.

The commissioner may, by reasonable rules, permit non-resident owners and/or operators of vehicles in lieu of obtaining such permits for each individual trip, to make monthly reports to the commissioner, by the 20th day of the month, showing all movements of such vehicles within the state during the previous month and, at time of making such report, pay the required fees. Such owners and/or operators shall be required to furnish a bond to the state of Idaho in such sum as the commissioner may determine, to insure payment of such fees; and such owner or operator shall pay the cost of auditing such reports by the commissioner of law enforcement at least once a year.

All fees received for the permits herein mentioned shall be remitted by the department of law enforcement to the state treasurer and by him placed in the state highway 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.

This Bill became a law without the signature of the Governor, effective March 29, 1963.

CHAPTER 422
(H. B. No. 373)

AN ACT

AMENDING SECTION 91 OF CHAPTER 13 OF THE IDAHO SESSION LAWS OF 1963, WHICH WAS HOUSE BILL NO. 92 OF THE THIRTY-SEVENTH SESSION OF THE IDAHO STATE LEGISLATURE, BY REPEALING THE MAXIMUM LIMIT ON SCHOOL DISTRICT LEVIES AUTHORIZED BY ELECTIONS, BY REQUIRING THAT ANY SCHOOL DISTRICT GENERAL EXPENSE LEVY IN EXCESS OF THIRTY MILLS BE AUTHORIZED THROUGH AN ELECTION HELD IN THE MANNER AND BY THE PERCENTAGE OF VOTES REQUIRED FOR THE AUTHORIZATION OF SCHOOL BOND ISSUES, AND BY REPEALING THE REQUIREMENT OF A PETITION FOR SUCH ELECTION.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 91 of Chapter 13 of the Idaho Session Laws of 1963, which was House Bill No. 92 of the Thirty-seventh Session of the Idaho State Legislature, be, and the same is hereby amended to read as follows:

SECTION 91. GENERAL SCHOOL LEVIES.—Any tax levied for school purposes shall be a lien on the property against which the tax is levied. The board of trustees shall determine in mills upon each dollar of taxable property in the district the tax levies for the ensuing fiscal year as follows:

1. Such levies as shall be required to satisfy all maturing bond, bond interest, and judgment obligations.

2. Such levies, not exceeding thirty mills, as shall be necessary to pay all other lawful expense of maintaining and operating the schools of the district and for the payment of tuition and transportation.

If any levy made by the board of trustees under the authority of this subsection shall exceed twenty-five mills, a majority but not less than twenty electors present at the budget hearing may sign a petition calling for an election on the question of such excess. Notice of any such election shall be posted and published as prescribed by section 45. Such notice shall be posted and published, the election shall be conducted, and the ballots canvassed in the same manner as other school elections.

No levy in excess of thirty mills shall be made for the purposes of paragraph 2 of this section unless such a levy in a specified amount be first authorized through an election held in the manner and by the percentage of votes required for the authorization of school bond issues, pursuant to sections 100 and 45 through 50 of this chapter.

Approved March 29, 1963.

CHAPTER 423
( H. B. No. 99)

AN ACT
AMENDING SECTION 23-904, IDAHO CODE, AS AMENDED, TO PROVIDE FOR AND REQUIRE AN IDAHO STATE LIQUOR LICENSE FEE FOR COMMON CARRIER AIRCRAFT AND TO PROVIDE THAT SUCH LICENSE SHALL BE IN FULL,
AND IN LIEU OF ALL OTHER LICENSES PROVIDED FOR IN TITLE 23, CHAPTER 9, IDAHO CODE; AMENDING SECTION 23-906, IDAHO CODE, TO PERMIT THE SALE OF LIQUOR BY THE DRINK ON COMMON CARRIER AIRCRAFT OPERATED BY COMMON CARRIER AIRLINES AND TO PROVIDE FOR THE APPLICATION FOR AND ISSUANCE OF A LICENSE FOR THE RETAIL SALE OF LIQUOR BY THE DRINK FOR SUCH AIRLINES, TO ELIMINATE THE REQUIREMENT THAT THE COMMISSIONER OF LAW ENFORCEMENT SHALL PROVIDE A DUPLICATE OF ANY LICENSE ISSUED TO A RAILROAD OR BOAT LINE, AND THE REQUIREMENT THAT SUCH DUPLICATE SHALL BE POSTED AND DISPLAYED IN THE DIFFERENT CARS OF THE RAILROAD OR BOATS OPERATED WITHIN THE STATE UNDER THE ONE LICENSE; AMENDING SECTION 23-910, IDAHO CODE, AS AMENDED, TO PROVIDE THAT THE MEMBERS OF THE GOVERNING BOARD OF AN AIRLINE SHALL NOT BE REQUIRED TO BE RESIDENTS OF THE STATE OF IDAHO IN ORDER THAT THE AIRLINE MIGHT QUALIFY FOR THE ISSUANCE TO IT OF AN IDAHO STATE RETAIL SALE OF LIQUOR BY THE DRINK LICENSE.

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

SECTION 1. That Section 23-904, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

23-904. LICENSE FEES.—Each licensee licensed under the provisions of this act shall pay an annual license fee to the commissioner as follows:

a. For each license in a city or village of 1,000 population or less, $300.00 per annum.

b. For each license in a city or village of from 1,000 to 3,000 population, $500.00 per annum.

c. For each license in a city or village of from 3,000 to 6,000 population, $750.00 per annum.

d. For each license in cities having a population of from 6,000 to 12,000, $1,000.00 per annum.

e. For each license in cities having a population of more than 12,000, $1,250.00 per annum.

f. For each railroad train for sale only in buffet, club or dining cars, $50.00 per annum of the scheduled run of such train within the state of Idaho; provided, that such license shall be in full, and in lieu of all other licenses herein provided for.
g. For each common carrier boat line for sale only in buffet, club dining rooms, $250.00 per annum. Such license shall be in full, and in lieu of all other licenses herein provided for.

h. For each license issued to the owner, operator, or lessee of a golf course as described in section 23-903, or to the lessee of any premises situate on such golf course, situate in any county having a population of:

1. Less than 20,000, $200.00 per annum;
2. 20,000 but less than 40,000, $300.00 per annum;
3. 40,000 or more, $400.00 per annum.

i. For each common carrier airline for sale only in common carrier aircraft, $250.00 per annum. Such license shall be in full, and in lieu of all other licenses herein provided for.

Licenses issued under and pursuant to the provisions of this act shall expire at 1:00 o'clock A.M. on the first day of January of the following year.

Provided that any licensee who operates for only a portion of a year may have his license fee prorated from the date he commences operation to the end of the calendar year, but in no event for less than six months.

In the event a licensee who was previously issued a license on a prorated basis under the provisions hereof desires to have such license renewed for the same period for the next succeeding year, he shall file his intention to so apply for such license with the commissioner of law enforcement of the state of Idaho, accompanied by the fee required for the issuance of such license on or before December 31st of the year preceding.

The license fees herein provided for are exclusive of and in addition to other license fees chargeable in the state of Idaho.

The census taken under the direction of the Congress of the United States in the year 1950 and every ten years thereafter shall be the basis upon which respective populations of said municipalities shall be determined unless a direct enumeration of the inhabitants thereof be made by the state of Idaho, in which case such later direct enumeration shall constitute such basis.
SECTION 2. That Section 23-906, Idaho Code, be, and the same is hereby amended to read as follows:

23-906. LICENSES FOR DINING, BUFFET AND CLUB CARS, AND COMMON CARRIER BOATS, AND COMMON CARRIER AIRLINE.—Any person operating any line of railroad using dining club or buffet cars in connection with regularly operated train service, or any common carrier boat, or boats, or any common carrier airline, desiring a license to sell liquor under the provisions of this act in any such cars, or boats, or common carrier aircraft shall apply to the commissioner for a license, as in this act provided, accompanying the application with the license fee herein prescribed. If the commissioner issues a license to such railroad or boat line, a duplicate of said license shall be provided by the commissioner which shall be posted and prominently displayed in the different cars or boats operated within the state under the one-license.

SECTION 3. That Section 23-910, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

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

a. An individual who is not a citizen of the United States or who has not been a bona fide resident of the state of Idaho for at least one 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 or airline 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 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 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect immediately upon its passage and approval.

This Bill became a law without the signature of the Governor, effective March 29, 1963.

CHAPTER 424
(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, 1963, and ending June 30, 1965; 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:
For: Salaries and Wages $ 94,600
       Travel Expense 10,000
       Other Current Expense 16,000
       Capital Outlay 14,400

Total $135,000
From the General Fund $135,000

Approved March 29, 1963.
CHAPTE R 425
(H. B. No. 411)

AN ACT

AMENDING TITLE 63, CHAPTER 30, IDAHO CODE, BY AMENDING SECTION 63-3024, IDAHO CODE, TO CORRECT AN ENROLLING ERROR IN CHAPTER 299 OF THE IDAHO SESSION LAWS OF 1959, TO INCREASE THE REVENUE BY ADJUSTING THE RATES OF TAX IMPOSED; BY AMENDING SECTIONS 63-3025 AND 63-3025A, IDAHO CODE, TO INCREASE THE REVENUE BY ADJUSTING THE RATES OF TAX IMPOSED; DECLARING AN EMERGENCY PROVIDING FOR RETROACTIVITY AND ESTABLISHING AN EFFECTIVE DATE.

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

SECTION 1. That Section 63-3024, Idaho Code, be, and the same is hereby amended to read as follows:

63-3024. INDIVIDUALS' TAX AND TAX ON ESTATES AND TRUSTS.—A tax is hereby imposed for each taxable year commencing on and after January 1, 1963, upon every resident individual, trust or estate which shall be measured by his or its taxable income, and upon that part of the taxable income of any non-resident individual, trust or estate derived from sources within the state of Idaho as set forth in section 27 hereof, and such tax shall be computed at the following rates:

(a) On the first $1,000 of such taxable income or any part thereof, at the rate of \% \% \% 3.4 per centum;

(b) On the second $1,000 of such taxable income or any part thereof, at the rate of \% \% \% 5.5 per centum;

(c) On the third $1,000 of such taxable income or any part thereof, at the rate of \% \% \% 7.2 per centum.

(d) On the fourth $1,000 of such taxable income or any part thereof, at the rate of \% \% \% 8.25 per centum;

(e) On the fifth $1,000 of such taxable income, or any part thereof, at the rate of \% \% \% 9.35 per centum;

(f) On any taxable income in excess of $5,000, at the rate of \% \% \% 10.5 per centum;

(g) In case a joint return is filed by husband and wife pursuant to the provisions of section 31, the tax imposed
by this section shall be twice the tax which would be imposed on one-half of the aggregate taxable income.

SECTION 2. 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, 1963, 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 10.5 per centum on all such taxable income.

SECTION 3. That Section 63-3025A, Idaho Code, be, and the same is hereby amended 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, 1963, and such tax shall be computed at the rate of 10.5 per centum 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 4. 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 for taxable years beginning on and after January 1, 1963.

Approved March 29, 1963.

CHAPTER 426
(H. B. No. 377)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO THE STATE FORESTER FOR MOUNTAIN PINE BEETLE CONTROL FOR THE PURPOSE OF PAYING OTHER CURRENT EXPENSE, FOR THE PERIOD COMMENCING JULY 1, 1963, AND ENDING JUNE 30, 1965;
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 other current expense, of the agency herein named, for the period commencing July 1, 1963, and ending June 30, 1965; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE FORESTER FOR MOUNTAIN PINE BEETLE CONTROL:
For: Other Current Expense $20,000

Total $20,000
From the General Fund $20,000

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 29, 1963.

CHAPTER 427
(H. B. No. 327)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO TO THE SECRETARY OF STATE FOR THE PURPOSE OF PAYING SALARIES AND WAGES FOR THE PERIOD OF TIME BEGINNING 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 of time beginning 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: 
SECRETARY OF STATE: 
For: Salaries and Wages $1,000

Total $1,000
From the General Fund $1,000

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 29, 1963.

CHAPTER 428
(H. B. No. 272)

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 SURCHARGE INCREASE FROM SEVEN AND ONE-HALF PER CENT (7-1/2%) TO TEN PER CENT (10%) AND DECLARING AN EMERGENCY.

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 (7-1/2%) and ten per cent (10%) 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.

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 29, 1963.

CHAPTER 429
(S. B. No. 267, As Amended in the House of Representatives)

AN ACT

APPROPRIATING $40,000,000 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 MANNER 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 $40,000,000, which sum shall be transferred from the General Fund to the Public School Income Fund as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 10, 1963</td>
<td>$7,400,000</td>
</tr>
<tr>
<td>September 30, 1963</td>
<td>4,897,000</td>
</tr>
<tr>
<td>December 31, 1963</td>
<td>4,897,000</td>
</tr>
<tr>
<td>March 31, 1964</td>
<td>2,200,000</td>
</tr>
</tbody>
</table>

$19,394,000

July 10, 1964 .................$7,425,000
September 30, 1964 .......... 5,636,000
December 31, 1964 .................. 5,212,000
March 31, 1965 .................. 2,333,000

Total for the Biennium .................. $40,000,000

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 29, 1963.
A CONCURRENT RESOLUTION

DESIGNATING "POETRY DAY" IN THE STATE OF IDAHO IN RECOGNITION OF THE CULTURAL AND HUMAN VALUES OF POETRY AND POETIC EXPRESSION; AUTHORIZING THE GOVERNOR TO ISSUE AN ANNUAL PROCLAMATION TO THAT EFFECT.

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

WHEREAS, In the rush of modern civilization, we frequently give too little attention to the cultural values and ideas which should be a part of our daily lives; and

WHEREAS, People of all ages have universally turned to poetic expression as a means for expressing the thoughts and hopes for their generations; and

WHEREAS, Much of this poetry has come down to us in the twentieth century as a cultural heritage of inestimable value, passed down from the folklore, patriotism, and religion of the past, giving tone and character to the culture of today; and

WHEREAS, The poetry and culture of this generation will give similar impetus and strength to the lives of coming generations; and

WHEREAS, Many of the States of the Union already have adopted and set aside October 15th of every year as "POETRY DAY"; and

WHEREAS, In recognition of poetry in the cultural life of this State and of this Nation, it is only fitting that the Legislature should set apart a DAY specially in honor of those poets of the past and of the present who have done and who are doing so much to enrich the lives of all persons;

NOW, THEREFORE, BE IT RESOLVED by the Senate and the House of Representatives concurring, that the day
of October 15th in each year is designated and set aside as "POETRY DAY" in the State of Idaho in recognition of the cultural and human values of poetry and poetic expression; and

BE IT FURTHER RESOLVED, That the Governor of the State of Idaho shall issue an annual Proclamation to that effect, and urge all religious, educational, patriotic and cultural agencies and organizations to make proper and suitable observance of this Day each year.

Passed by the Senate January 17, 1963.
Passed by the House January 18, 1963.

(S. C. R. No. 2)

A CONCURRENT RESOLUTION


WHEREAS, Sections 67-601, 67-602 and 67-608 of the Idaho Code, provide that the compensation of the employees of the Senate and the House of Representatives shall be fixed by concurrent resolution of the Senate and House; and

WHEREAS, It is the desire of the Senate and the House, by this concurrent resolution, to fix the compensation of the employees of the Thirty-seventh 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-seventh Session of the Idaho Legislature be fixed as follows:

Secretary of the Senate ............................................... $25.00
Chief Clerk and Parliamentarian (House) .. 30.00
Assistant Chief Clerk (House) .................. 20.00
Assistant Secretary of the Senate ............ 25.00
Sergeant-at-Arms ..................................................... 20.00
Assistant Sergeant-at-Arms .................. 20.00
Purchasing Agent ..................................................... 20.00
Journal Clerks ....................................................... 18.00
Docket Clerks ....................................................... 18.00
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 interests 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 Treasury, and to each director or head of every department in the Government of the State of Idaho.

Passed by the Senate January 16, 1963.
Passed by the House January 18, 1963.

(S. C. R. No. 4)

A CONCURRENT RESOLUTION


BE IT RESOLVED, By the Senate, the House of Representatives concurring, as follows:

There shall be paid out of the monies provided for the expenses of the Thirty-Seventh Session of the Idaho Legislature:

(a) Such sum or sums as may be necessary to pay the premiums upon life, accidental death and dismemberment insurance for the members of the Legislature for the period of two years, commencing January 15, 1963; and

(b) Such sum or sums as may be necessary to pay the premiums for hospital, medical, surgical and major medical insurance for members of the Legislature while in session during the two year period commencing January 15, 1963; and

(c) Such sum or sums as may be necessary to pay the premiums upon life, accidental death, dismemberment, hospital, medical, surgical and major medical benefits of employees of the Legislature for the period of their employ-
A CONCURRENT RESOLUTION


WHEREAS, the committee on Printing, Legislative Expense and Elections of the Senate and Printing and Legislative Expense of the House has, according to law, made provision for the printing of the Senate and House bills; and

WHEREAS, each House of the Legislature of the State of Idaho keeps a journal of the proceedings in conformance with Article 3, Section 13, of the Idaho Constitution;

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring, that such journal shall consist of printed copies of the proceedings of each house, for each legislative day of the Thirty-seventh Session. The President and Secretary of the Senate and the Speaker and Chief Clerk of the House of Representatives shall certify said copies as full, true and correct journals of each day’s proceedings of the said Session. Such printed journals of each day’s proceedings shall then be bound in chronological order and shall then constitute the complete journal of the proceedings of each House for each and every legislative day of said Session and said officers shall then certify the same as a full, true and correct compilation of the daily procedures of each House for each and every legislative day of said Session, sign the same, and file with the Secretary of State, in lieu of keeping and filing a typewritten journal as has heretofore been done.

Passed by the Senate March 2, 1963.

Passed by the House March 5, 1963.
A CONCURRENT RESOLUTION

RELATING TO THE BUDGET COMMITTEE IN THE EXECUTIVE BRANCH OF THE GOVERNMENT; PROVIDING ASSISTANCE BY THE LEGISLATIVE COUNCIL TO THE DIRECTOR OF THE BUDGET.

WHEREAS, the Budget Committee created by Section 67-3531, Idaho Code, has been repealed; and

WHEREAS, the Legislative Council has been created by Senate Bill No. 111 of the Thirty-seventh Session of the Legislature of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the Legislative Council be specifically assigned to assist the Director of the Budget in the preparation of the budget as provided for by Section 67-3505, Idaho Code, as amended.

Passed by the Senate March 7, 1963.

Passed by the House March 11, 1963.

A CONCURRENT RESOLUTION

PROVIDING FOR THE ADJOURNMENT OF THE THIRTY-SEVENTH SESSION OF THE IDAHO LEGISLATURE AND FIXING THE TIME FOR THE ADJOURNMENT SINE DIE.

BE IT RESOLVED by the Senate of the Thirty-seventh session of the Legislature of the State of Idaho, the House of Representatives concurring therein, that at the hour of 1:30 P.M. on March 19, 1963, the Senate and the House of Representatives of the Thirty-seventh Session of the Legislature of the State of Idaho adjourn Sine Die.

Passed by the Senate March 19, 1963.

Passed by the House March 19, 1963.
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 8, 1963.

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 8, 1963, for the purpose of hearing a message from the Governor.

Passed by the House January 8, 1963.
Passed by the Senate January 8, 1963.

A CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION EXPRESSING APPRECIATION TO THE GREATER BOISE CHAMBER OF COMMERCE; THE IDAHO NATIONAL GUARD; NATIONAL GUARD BAND OF THE STATE OF IDAHO; REV. NORMAN L. FOOTE, BISHOP OF THE EPISCOPAL CHURCH OF IDAHO; POCATELLO COUNCIL OF CAMPFIRE GIRLS; THE BOISE ELK'S GLEE-MEN; AND TO BISHOP SYLVESTER W. TREINEN, BISHOP OF ROMAN CATHOLIC CHURCH OF BOISE, FOR THEIR PARTICIPATION IN THE CEREMONIES PERTAINING TO
THE INAUGURATION OF GOVERNOR ROBERT E. SMYLIE AND THE ADMINISTRATION OF THE OATH OF OFFICE TO STATE OFFICIALS AND REPRESENTATIVES AND SENATORS ELECT OF THE STATE OF IDAHO.

WHEREAS, on the seventh day of January, 1963, at the hour of 12:00 Noon in the chamber of the House of Representatives in the State Capitol Building at Boise, Idaho, the Greater Boise Chamber of Commerce; the Idaho National Guard; National Guard Band of the State of Idaho; Rev. Norman L. Foote, Bishop of the Episcopal Church of Idaho; Pocatello Council of Campfire Girls; Boise Elk's Gleemen; and Bishop Sylvester W. Treinen, Bishop of the Roman Catholic Church of Boise, participated in ceremonies in conjunction with the administration of the oath of office by Chief Justice Emery T. Knudson of the Idaho Supreme Court to Governor Robert E. Smylie and State Officials and 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 administration of the oath of office by Chief Justice Emery T. Knudson to Governor Robert E. Smylie and State Officials and Representatives and Senators Elect of the State of Idaho as follows: The Greater Boise Chamber of Commerce for their arrangements; the National Guard Band of the State of Idaho for their rendition of the National Anthem; Reverend Norman L. Foote, Bishop of the Episcopal Church of Idaho, for the Invocation; the National Guard of Idaho for the presentation of colors; Pocatello Council of Campfire Girls for their vocal selections; Boise Elk's Gleemen for their vocal selections; and Bishop Sylvester W. Treinen, Bishop of the Roman Catholic Church, for the Benediction; 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 14, 1963.

Passed by the Senate January 14, 1963.
A CONCURRENT RESOLUTION


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;

WHEREAS, it is the desire of the committees to adopt the Joint Rules of the Thirty-sixth Session of the Legislature of the State of Idaho as the Joint Rules of the Thirty-seventh 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-sixth Session of the Legislature of the State of Idaho be, and the same are, hereby adopted as the Joint Rules of the Thirty-seventh Session of the Legislature of the State of Idaho.

Passed by the Senate January 16, 1963.

A CONCURRENT RESOLUTION

REQUESTING THE GOVERNOR OF THE STATE OF IDAHO TO CONVENE THE THIRTY-EIGHTH LEGISLATURE OF THIS STATE IN EXTRAORDINARY SESSION ON DECEMBER 7, 1964, FOR THE PURPOSE OF ENABLING THE SENATE AND HOUSE OF REPRESENTATIVES TO ORGANIZE THEIR RESPECTIVE HOUSES IN PREPARATION FOR THE REGULAR BIENNIAL SESSION.

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

WHEREAS, valuable time is consumed during the first part of the regular sessions of the Idaho Legislature in organizing the Senate and House of Representatives; and

WHEREAS, it is difficult in the remaining time of a
regular session for the Legislature to effectively transact
the business before it for consideration;

NOW, THEREFORE, BE IT RESOLVED by the House
of Representatives the Senate concurring, that the Gov-
ernor be, and hereby is requested to convene the Thirty-
eighth Legislature of the State of Idaho, by proclamation,
in extraordinary session on December 7, 1964, for the pur-
pose of enabling the Senate and the House of Representa-
tives to organize their respective houses in preparation
for the regular Biennial Session.

BE IT FURTHER RESOLVED that the Secretary of
State of the State of Idaho be, and he is hereby authorized
and directed to forward copies of this resolution to The
Honorable Robert E. Smylie, Governor of the State of
Idaho.

Passed by the House January 16, 1963.
Passed by the Senate January 21, 1963.

(H. C. R. No. 5)

A CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION PROVIDING FOR A JOINT SES-
SION OF THE HOUSE OF REPRESENTATIVES AND THE
SENATE OF THE THIRTY-SEVENTH SESSION OF THE
LEGISLATURE OF THE STATE OF IDAHO FOR THE PUR-
POSE OF HEARING THE GOVERNOR'S MESSAGE ON THE
BUDGET FOR THE 1963-1965 BIENNIAL.

WHEREAS, the Governor has informed the House and
the Senate that he desires to deliver the budget message
to a Joint Session of the Senate and the House of Repre-
sentatives in the Hall of the House of Representatives at
11:30 a.m. on Friday, January 18, 1963,

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 11:15 a.m.
on Friday, January 18, 1963, for the purpose of hearing
the budget message from the Governor.

Passed by the House January 18, 1963.
Passed by the Senate January 18, 1963.
A CONCURRENT RESOLUTION
INVITING THE RENOWNED SINGING GROUP, THE VANDALEERS, OF THE UNIVERSITY OF IDAHO, TO RENDER VOCAL SELECTIONS FOR THE LINCOLN DAY MEMORIAL PROGRAM.

WHEREAS, it is fitting and proper that the Legislature of the State of Idaho, in respect of the Great Emancipator, hold proper memorial services to commemorate the birthday of Abraham Lincoln on February 12, 1809; and

WHEREAS, the House of Representatives of the Thirty-seventh Session of the Legislature of the State of Idaho and the Senate shall meet in Joint Session in the hall of the House of Representatives at the hour of 10:30 a.m. on February 12, 1963, for the purpose of holding memorial services in honor of the Great Emancipator; and

WHEREAS, the memorial services commemorating the birthday of Abraham Lincoln will be graced and sanctified by the vocal selections of the Vandaleers;

NOW, THEREFORE, BE IT RESOLVED that the Vandaleers of the University of Idaho be invited to join the House of Representatives and the Senate in the observance of this occasion.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives of the State of Idaho be, and hereby is, authorized and directed to forward copies of this Resolution to the President of the University of Idaho and to the Director of the Vandaleers.

Passed by the House January 24, 1963.
Passed by the Senate January 25, 1963.

A CONCURRENT RESOLUTION
PROVIDING FOR PRINTING THE SENATE AND HOUSE LETTERHEADS, ENVELOPES, AND CALLING CARDS, AND FIXING THE PRICE FOR PRINTING THE SAME.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the Joint Printing Committee of the Senate Printing, Legislative Expense and Elections Committee and the House Printing and Legislative Expense Committee has, according to law, made provision for the printing of the House and Senate letterheads, envelopes, and calling cards;

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the Joint Printing Committee of the Senate Printing, Legislative Expense and Elections Committee and the House Printing and Legislative Expense Committee,

BE IT RESOLVED, by the House of Representatives, the Senate concurring, that the contract for printing the Senate and House letterheads, envelopes, and calling cards, made and entered into according to law between said Joint Printing Committee as party of the first part, and THORNE PRINTING AND LITHO of Nampa, 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 21st day of January, 1963, by and between the Joint Printing Committee of the Senate Printing, Legislative Expense and Elections 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 THORNE PRINTING AND LITHO, of Nampa, 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 THORNE PRINTING AND LITHO 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 .............................................$7.29
For each Senator and each Representative.

Lots of 250 letterheads and 250
No. 10 envelopes .............................................$4.05
For each Senator and each Representative.

Additional for printing a picture of the
statehouse on the letterhead, per 1,000 .......... .50

Business cards
Lots of 250 .....................................................$2.25
Lots of 500 .....................................................$3.00

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 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, LEGISLATIVE
EXPENSE AND ELECTIONS
COMMITTEE
By: HARVEY SCHWENDIMAN, Chairman
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 Printing Committee of the Senate Printing, Legislative Expense and Elections Committee and the House Printing and Legislative Expense Committee,

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 Printing Committee as party of the first part, and SYMS-YORK COMPANY, 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 21st day of January, 1963, by and between the Joint Printing
Committee of the Senate Printing, Legislative Expense and Elections Committee and the House Printing and Legislative Expense Committee of the Thirty-seventh 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 ...........................................$12.70 per page
- 400 copies ........................................... 13.30 per page
- 500 copies ........................................... 13.90 per page
- Additional 100 copies .................... .60 per page

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 ...................$ 7.90 per page
- Index pages ........................................... 12.70 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 printer 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 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 convenants 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, LEGISLATIVE EXPENSE AND ELECTIONS COMMITTEE
By: HARVEY SCHWENDIMAN, Chairman
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 Printing Committee on Printing, Legislative Expense and Elections of the Senate and Printing and Legislative Expense of the House has, according to law, made provisions 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 Printing Committee on Printing, Legislative Expense and Elections 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 Printing 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 21st day of January, 1963, by and between the Joint Printing
Committee of the Senate Printing, Legislative Expense and Elections Committee and the House Printing and Legislative Expense Committee of the Thirty-seventh 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 ..................................$4.50 per printed page
Additional copies ....$1.00 per hundred per printed page

No charge for proofreading.

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 and the Rules 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 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.

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 reso-
lution, has caused these presents to be executed by its proper officials.

JOINT PRINTING COMMITTEE OF THE
SENATE PRINTING, LEGISLATIVE
EXPENSE AND ELECTIONS
COMMITTEE
By: HARVEY SCHWENDIMAN, Chairman

HOUSE PRINTING AND LEGISLATIVE
EXPENSE COMMITTEE
By: DALE B. GARNER, Chairman
Party of the first part

SYMS-YORK COMPANY
By: KARL W. BONHAM
Party of the second part

Passed by the Senate January 29, 1963.

(H. C. R. No. 10)

A CONCURRENT RESOLUTION

PROVIDING FOR PRINTING THE SESSION LAWS, FIXING THE PRICE FOR PRINTING THE SAME, AND THE PRICE WHICH THE PUBLIC SHALL BE CHARGED FOR COPIES OF SAID SESSION LAWS.

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

WHEREAS, Section 67-904, Idaho Code, has made provisions for the printing of the Session Laws:

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the Joint Printing Committee of the Senate Printing, Legislative Expense and Elections Committee and the House Printing and Legislative Expense Committee,

BE IT RESOLVED, by the House of Representatives, the Senate concurring, that the contract for the printing of the Session Laws, in accordance with the provisions of law and in accordance with the written contract between the Joint Printing Committee as party of the first part, and CAXTON PRINTERS, Ltd., of Caldwell, Idaho, as party of the second part, be and the same is hereby rati-
fied, confirmed and concurred in, and is incorporated here-
in and made a part of this resolution, in words and figures
following, to-wit:

PRINTING CONTRACT

THIS AGREEMENT, made and entered into this 21st
day of January, 1963, by and between the Joint Printing
Committee of the Senate Printing, Legislative Expense
and Elections Committee and the House Printing and Legis-
lative 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 com-
mittee by the party of the second part, contract for legis-
lative printing is hereby awarded to the said CAXTON
PRINTERS, Ltd., as follows:

SESSION LAWS

For printing and binding 1,500 copies of the 1963 Ses-
sion Laws of the Thirty-seventh Session of the Legislature
of the State of Idaho: $11.45 per printed page f.o.b. Boise,
Idaho; an additional quantity to be made available to the
general public at $11.00 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 sixty (60) 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 PRINTING, LEGISLATIVE EXPENSE AND ELECTIONS COMMITTEE
By: HARVEY SCHWENDIMAN, Chairman

HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE
By: DALE B. GARNER, Chairman
Party of the first part

THE CAXTON PRINTERS, Ltd.
By: L. L. BALDWIN
Party of the second part


Passed by the Senate January 29, 1963.
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 Printing Committee of the Senate Printing, Legislative Expense and Elections Committee and the House Printing and Legislative Expense Committee 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 Printing Committee of the Senate Printing, Legislative Expense and Elections Committee and the House Printing and Legislative Expense Committee,

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 Printing Committee as party of the first part and IDAHO FARM JOURNAL, 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 21st day of January, 1963, by and between the Joint Printing Committee of the Senate Printing, Legislative Expense and Elections Committee and the House Printing and Legislative Expense Committee of the Legislature of the State of Idaho, Thirty-seventh Session, hereinafter mentioned as party of the first part, and IDAHO FARM JOURNAL, 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 IDAHO FARM JOURNAL, as follows:

CALENDARS

For printing 250 copies of the Calendars for the House and Senate combined, each legislative day: $35.00 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, LEGISLATIVE EXPENSE AND ELECTIONS COMMITTEE
By: HARVEY SCHWENDIMAN, Chairman

HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE
By: DALE B. GARNER, Chairman
Party of the first part

IDAHO FARM JOURNAL
By: RALPH W. SELLARS
Party of the second part

Passed by the Senate January 29, 1963.
A CONCURRENT RESOLUTION

WHEREAS, the members of the Senate and House of Representatives are anxious to facilitate the operation of a legislative session; and

WHEREAS, a sixty-day session is an extremely short period for considering the many bills, memorials, resolutions and other areas of concern to a legislative session; and

WHEREAS, the so-called "housekeeping" bills that are each year presented to the legislature by agencies of state government could and should be presented early in each legislative session,

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the State of Idaho, the Senate concurring therein, that each agency of State government be asked to prepare and submit by December 8 in years preceding legislative sessions, to the legislative leadership, a suitable number of copies, ready for introduction, of proposed legislation which affects the administration of their agency.

BE IT FURTHER RESOLVED that legislation concerning appropriations is expressly exempt from this resolution and the joint rules concerning the drafting of legislation as adopted by the Thirty-seventh Session be used for the drafting of legislation by state agencies.

BE IT FURTHER RESOLVED that if the legislative leadership is not chosen in December, state agency bills concerning administration of their agency be presented for legislative action by the second legislative day.

BE IT FURTHER RESOLVED that the Chief Clerk of the House be, and he is hereby, instructed to forward a copy of this resolution to each of the agencies of State government.
A CONCURRENT RESOLUTION


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

WHEREAS, the State of Idaho, and its Capital City—Boise—have been designated as a host for the 1963 AIRCADE for Citizenship Action arranged by the Chamber of Commerce of the United States, and sponsored locally by the Greater Boise Chamber of Commerce, assisted by the Idaho State Chamber of Commerce; and

WHEREAS, this non-partisan presentation by leading American business leaders will be held in Boise on February 27, 1963; and

WHEREAS, in this Territorial Centennial Year of Idaho, the spirit of the “town hall” system of free discussion on national legislative issues before the 88th Congress—issues, while national in scope, which will have a direct and personal interest to all economic segments of the Gem State of Idaho; and

WHEREAS, it is anticipated that several hundred business, governmental, professional, and agricultural men and women from throughout Idaho and the neighboring states will be in attendance, and that students from several Idaho schools will be participating in this one-day discussion on legislative matters; and

WHEREAS, we believe that an informed citizenry on national and related state legislative matters is necessary for the general well being of the nation; and

WHEREAS, we wish to extend a hospitable welcome to these nationally-known Aircade business leaders who will be visiting Idaho on this auspicious and significant occasion; and
WHEREAS, we have an opportunity of being the first State Legislature in this long, productive, and informative series of Legislative Aircade meetings to participate in all or part of the discussion held in a State Capital City during a Legislative Session;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that we extend a cordial welcome to the 1963 Aircade for Citizenship Action to be held in Boise, February 27, 1963; and

BE IT FURTHER RESOLVED that we, members of the Idaho State Legislature, endeavor to attend as much of the discussion as may be possible during the one-day meeting; and

BE IT FURTHER RESOLVED that we commend the sponsors of this significant event for bringing this opportunity to our Idaho citizens to assemble, to hear information, and to act on major issues of vital concern to our nation.

BE IT FURTHER RESOLVED that this resolution be spread upon the pages of 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 the Greater Boise Chamber of Commerce, the Idaho State Chamber of Commerce, and the Chamber of Commerce of the United States.

Passed by the House February 8, 1963.

Passed by the Senate February 22, 1963.

(H. C. R. No. 14)

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-seventh 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 12, 1963, for the purpose of holding memorial services in honor of the Great Emancipator, and

BE IT FURTHER RESOLVED that the Governor, Supreme Court, 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 House February 12, 1963.
Passed by the Senate February 12, 1963.

(H. C. R. No. 15)

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 appro­
riated for the operation of the Thirty-seventh 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 endorse­
ment of the Speaker of the House, may make needed and
necessary expenditures of obtaining technical staff and com­
piling information and similar activities, in an amount not
to exceed said sum.

Passed by the House February 14, 1963.
Passed by the Senate February 18, 1963.

(H. C. R. No. 16)

A CONCURRENT RESOLUTION

AUTHORIZING PUBLICATION OF THE PRAYERS OF THE
REVEREND BENJAMIN C. BAILEY AS CHAPLAIN OF THE
HOUSE OF REPRESENTATIVES AND THE DEDICATION
THEREOF AS A MEMORIAL TO THE LATE HONORABLE
H. GRANT GARDNER.

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

WHEREAS, it was the often-expressed desire of the
late, beloved member of the State Legislature, the Honor­
able H. Grant Gardner, that the prayers of the Reverend
Benjamin C. Bailey, who served as chaplain of the House
of Representatives during the 1939 session and every ses­
sion thereafter through the 1959 session of the State
Legislature, be compiled and published; and

WHEREAS, it is the desire of the members of the 1963
Legislature to express in a tangible manner their high
regard and deep affection for Mr. Gardner and the great
loss suffered because of his passing, and it is their feeling
that the publication of said prayers, which were printed
only in the 1957 and 1959 journals of the House of Rep­
resentatives, in pamphlet form, with a dedication thereof
to the memory of Mr. Gardner would be a most fitting
expression of their affectionate regard for a memorial to
Mr. Gardner;

NOW, THEREFORE, BE IT RESOLVED by the House
of Representatives, the Senate concurring, that the Chief
Clerk of the House of Representatives be, and he hereby is authorized and directed forthwith to take the steps required to arrange for the compilation and publication of all of the prayers of the Reverend Benjamin C. Bailey as chaplain of the House of Representatives, which were printed in the various House Journals, together with a dedication thereof to the memory of the Honorable H. Grant Gardner, in the manner in which bids are obtained and contracts are made for other printing related to the work of the Legislature.

Passed by the House February 18, 1963.
Passed by the Senate February 19, 1963.

(H. C. R. No. 17)

A CONCURRENT RESOLUTION
HONORING THE MEMORY OF A GREAT SCULPTOR AND NATIVE IDAHOAN, THE LATE GUTZON BORGLUM.

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

WHEREAS, the works of sculpture of a native Idahoan, the late Gutzon Borglum, are perhaps the best known in America; and

WHEREAS, Gutzon Borglum was internationally known as a result of his mammoth undertaking of carving in the living granite of the cliffs of Mt. Rushmore in the Black Hills of South Dakota, the faces of Washington, Jefferson, Lincoln and Theodore Roosevelt; and

WHEREAS, Mr. Borglum's work included the Cathedral of St. John the Divine; the Sheridan equestrian in Washington; the Mares of Diomedes (the first sculpture bought for the Metropolitan Museum of New York); Trudeau Memorial, Saranac Lake; O'Connell Memorial, University of Virginia; Bryan Memorial, Washington; Thomas Paine Memorial, Paris, and the portrait head in marble of Abraham Lincoln which was presented to the United States Congress in 1908 as a notable addition to the works of art in the rotunda of the United States Capitol; and

WHEREAS, the lives of both Abraham Lincoln and Gutzon Borglum are brought significantly to the attention of Idahoans in this Centennial year for the reason that
President Lincoln signed the bill which brought territorial status to the State of Idaho, the birth place of this great sculptor; and

WHEREAS, plans are being formulated by his son, Lincoln Borglum, to memorialize Gutzon Borglum in sculpture, both in the State Capitol and at St. Charles, Idaho, his birthplace;

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the State of Idaho, the Senate concurring therein, that the members of the Legislature take this opportunity to recognize and memorialize the enormous contribution made to the artistic stature and appreciation of this nation and of the world by our Native Son, Gutzon Borglum, and that the administrative officials of the State of Idaho and Bear Lake County, Idaho, be urged to encourage and support all activities designed to honor the memory of Gutzon Borglum and to make the people of this state and the United States more fully aware of the great achievements and the magnificent contributions to the artistic enjoyment of the people of the world, now and in the years to come, which have been made by this illustrious native of Idaho.

BE IT FURTHER RESOLVED that the Secretary of State of the State of Idaho be, and he is hereby authorized and directed to transmit suitable copies of this resolution to the Honorable Robert E. Smylie, Governor of the State of Idaho, the Idaho Department of Commerce and Development, the State Historical Society, the State Highway Department and to the County Commissioners of Bear Lake County, Idaho, and to Lincoln Borglum, Hermosa, South Dakota.

Passed by the House March 1, 1963.

Passed by the Senate March 5, 1963.

(H. C. R. No. 18)

A CONCURRENT RESOLUTION

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

BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that the President of the Senate and the Speaker of the House of Representatives of the Thirty-seventh 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-seventh Session of the Legislature with one set and to deliver the same to such members.

(2) To acquire the necessary number of 1963 annotations and pocket supplements to the Idaho Code for the use of all members of the Thirty-seventh 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-seventh Session of the Idaho Legislature.

BE IT FURTHER RESOLVED by the House of Representatives, the Senate 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, including the acts of the Thirty-seventh Session, payment for such annotating to be made from any funds appropriated for the legislative expense of this Thirty-seventh Session of the Idaho Legislature.

Passed by the House March 7, 1963.

Passed by the Senate March 9, 1963.
A CONCURRENT RESOLUTION

REFERRING AN ASSIGNMENT, CONCERNING DETERMINATION OF A PROPER SPARSITY FACTOR IN PUBLIC SCHOOL APPORTIONMENT FORMULAS, TO THE LEGISLATIVE COUNCIL OF THE STATE OF IDAHO, AS PROVIDED FOR IN CHAPTER 57, SESSION LAWS OF THE THIRTY-SEVENTH SESSION OF THE STATE OF IDAHO LEGISLATURE.

WHEREAS, Section 3, of Chapter 57, Session Laws of the Thirty-seventh Session of the State of Idaho Legislature, provides for specific assignments by Concurrent Resolution to the Legislative Council; and

WHEREAS, determination of a proper sparsity formula in public school apportionment formulas, demands research and study by the Legislative Council and cooperation by and between school superintendents and the Council;

NOW, THEREFORE, BE IT RESOLVED that the Legislative Council be assigned to research and study sparsity factors in the application of school apportionment formulas and work in cooperation with the school superintendents of the public schools of the State of Idaho in the performance of this charge.

Passed by the House March 11, 1963.
Passed by the Senate March 15, 1963.

A CONCURRENT RESOLUTION

RECOMMENDING FURTHER HEARINGS, RESEARCH AND STUDY BY STATE AGENCIES AND OFFICIALS, COUNTY OFFICERS AND OTHER INTERESTED GROUPS AND PERSONS PRIOR TO ACQUISITION OF A SITE FOR A NEW PENITENTIARY AND CONSTRUCTION THEREON OF A PENITENTIARY FACILITY.

WHEREAS, there has been proposed before the Thirty-seventh Session of the Legislature of the State of Idaho, legislation and appropriation measures regarding the acquisition of a new penitentiary site and construction thereon of a penitentiary facility; and
WHEREAS, said proposal has brought to the forefront numerous controversial opinions, recommendations and assertions by interested state agencies and officials, county officers and other interested groups and persons affected thereby; and

WHEREAS, the controversial opinions, recommendations and assertions by various bodies should be resolved by further hearings, research and study prior to the taking of positive action by the Governor of the State of Idaho, the Legislative Joint Finance and Appropriations Committee, and the Public Buildings and Works officials of the State of Idaho;

NOW, THEREFORE, BE IT RESOLVED that said controversial opinions, recommendations and assertions be resolved through the medium of hearings, research and study by and between affected persons and groups, prior to the taking of positive action thereon by the Governor of the State of Idaho, the Legislative Joint Finance and Appropriations Committee, and the Public Buildings and Works officials of the State of Idaho.

Passed by the House March 16, 1963.
Passed by the Senate March 18, 1963.

(H. C. R. No. 23)

A CONCURRENT RESOLUTION

EXPRESSING APPRECIATION TO IDAHO STATE CHAMBER OF COMMERCE FOR FURNISHING WEEKLY BULLETINS ON STATE LEGISLATURE.

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

WHEREAS, the Idaho State Chamber of Commerce has prepared and distributed to the members of the Legislature, each week of the Thirty-seventh Session of the State Legislature, a weekly bulletin on Legislative accomplishment; and

WHEREAS, the informative summary of weekly Legislative accomplishment has rendered great assistance and benefit to the members of the Legislature; and

WHEREAS, it is our desire to express our gratitude to the Idaho State Chamber of Commerce for this fine service;
NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that we express our sincere appreciation to the Idaho State Chamber of Commerce and to Mr. Hugh Wilson, Executive Secretary, for making this beneficial service available;

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 hereby is instructed to forward a copy thereof to Mr. Hugh Wilson, Executive Secretary, Idaho State Chamber of Commerce, P.O. Box 2725, Boise, Idaho.

Passed by the House March 18, 1963.
Passed by the Senate March 19, 1963.

(H. C. R. No. 24)

A CONCURRENT RESOLUTION

EXPRESSING APPRECIATION TO ASSOCIATED INDUSTRIES OF IDAHO FOR FURNISHING THE LEGISLATIVE DIGEST TO THE STATE LEGISLATURE.

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

WHEREAS, The Associated Industries of Idaho has prepared and distributed to the members of the Senate and the House of Representatives, each day of the 37th session of the State Legislature, a legislative digest of bills introduced in each chamber, together with an attractive personalized binder for same; and

WHEREAS, the objective analyses of the bills digested therein have been of considerable assistance and a real benefit to the members of the Legislature; and

WHEREAS, it is our desire to express our gratitude to Associated Industries of Idaho for this fine service;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that we express our sincere appreciation to the members of the Associated Industries of Idaho and to Bart A. Brassey, as manager, for making this highly beneficial service available to us.

BE IT FURTHER RESOLVED that this resolution be
IDAHO SESSION LAWS

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 Bart A. Brassey, Managing Director, Associated Industries of Idaho, P.O. Box 381, Boise, Idaho.

Passed by the House March 18, 1963.
Passed by the Senate March 19, 1963.

(H. C. R. No. 25)

A CONCURRENT RESOLUTION


BE IT RESOLVED, That the President of the Senate and the Speaker of the House of Representatives of the Thirty-Seventh Session of the Idaho Legislature be authorized as follows:

(1) To acquire from the Secretary of State additional volumes and pocket supplements of the Idaho Code so that each member of the Thirty-Seventh Session of the Idaho Legislature shall have an up to date set of the Idaho Code.

Payment for the foregoing shall be made from any funds appropriated for the legislative expense of the Thirty-Seventh Session of the Idaho Legislature.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that the Secretary of State is hereby directed to deliver to the Speaker of the House and President of the Senate additional volumes and pocket supplements for each member of the Thirty-Seventh Session of the Idaho Legislature having
a set of the Idaho Code so that such set may be up to date. Payment for the foregoing shall be made from any funds appropriated for the legislative expense of the Thirty-Seventh Session of the Idaho Legislature.

Passed by the House March 19, 1963.

Passed by the Senate March 19, 1963.
A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF IDAHO BY AMENDING SECTION 6, ARTICLE 18 THEREOF, AS AMENDED, WITH REFERENCE TO THE SHERIFF, REMOVING THE PROVISION THAT THE SHERIFF BE ELECTED EVERY TWO YEARS AND PROVIDING THAT THE SHERIFF BE ELECTED EVERY FOUR YEARS; PROVIDING, ALSO, FOR THE SUBMISSION TO THE ELECTORATE OF THE STATE OF IDAHO FOR THEIR APPROVAL OR REJECTION THE QUESTION OF WHETHER OR NOT SAID SECTION 6, ARTICLE 18 OF THE CONSTITUTION OF IDAHO, AS AMENDED, SHALL BE SO AMENDED; DIRECTING THE ATTORNEY GENERAL TO PREPARE A STATEMENT CONCERNING THIS PROPOSED CONSTITUTIONAL AMENDMENT, AND DIRECTING THE SECRETARY OF STATE TO GIVE LEGAL NOTICE THEREOF.

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

SECTION 1. That Section 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 1962-1964, 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, and for the election of a sheriff every four years in each of the several counties of the state. 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 account-
ability of county, township, precinct and municipal officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. The county commissioners may employ counsel when necessary. The sheriff, county assessor, county treasurer, and ex-officio tax collector, auditor and recorder and clerk of the district court shall be empowered by the county commissioners to appoint such deputies and clerical assistants as the business of their office may require, said deputies and clerical assistants to receive such compensation as may be fixed by the county commissioners.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 6 of Article 18 of the Constitution of the State of Idaho, as amended, relating to the sheriff be amended to provide that the legislature shall provide for the election of a sheriff in each county of the state every four years, thereby fixing the sheriff's term of office at four years?"

SECTION 3. The attorney general is directed to prepare the statement required by Section 67-507a, Idaho Code, as amended, and file the same.

SECTION 4. The Secretary of State is directed to cause this proposed amendment to the constitution to be published for six consecutive weeks prior to the next general election in one newspaper of general circulation, published in each county of the State, in conformity with the constitution and Section 67-507a, Idaho Code, as amended.

Passed by the Senate March 8, 1963.

Passed by the House March 12, 1963.
Be It Resolved by the Legislature of the State of Idaho:

Section 1. That Section 3 of Article VIII of the Constitution of the State of Idaho be amended to read as follows:

Section 3. Limitations on County and Municipal Indebtedness.—No county, city, town, township, board of education, or school district, or other subdivision of the state, shall incur any indebtedness, or liability, in any manner, or for any purpose, exceeding
in that year, the income and revenue provided for it for such year, without the assent of two-thirds of the qualified electors thereof voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness, provisions shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within twenty thirty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void; provided, that this section shall not be construed to apply to the ordinary and necessary expenses authorized by the general laws of the state and provided further that any city or village may own, purchase, construct, extend, equip, within and without the corporate limits of such city or village, water systems and sewage collection systems, and water treatment plants and sewage treatment plants, and off street parking facilities, and, for the purpose of paying the cost thereof may, without regard to any limitation herein imposed, with the assent of two-thirds of the qualified electors voting at an election to be held for that purpose, issue revenue bonds therefor, the principal and interest of which to be paid solely from revenue derived from rates and charges for the use of, and the service rendered by, such systems, plants, and facilities as may be prescribed by law; and provided further that any port district, for the purpose of carrying into effect all or any of the powers now or hereafter granted to port districts by the laws of this state and municipalities or counties for the purpose of construction of airport facilities granted by the law of the state, may contract indebtedness and issue revenue bonds evidencing such indebtedness, without the necessity of the voters of the port district authorizing the same, such revenue bonds to be payable solely from all or such part of the revenues of the port district derived from any source whatsoever excepting only those revenues derived from ad valorem taxes, as the port commission thereof may determine, and such revenue bonds not to be in any manner or to any extent a general obligation of the port district issuing the same, nor a charge upon the ad valorem tax revenue of such port district.

Section 2. That 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 VIII of the Constitution of
the State of Idaho be amended so as to change the maximum time for the payment of indebtedness of counties, cities, towns, townships, boards of education, school districts, and other subdivisions of this state, from twenty to thirty years; and further to provide that port districts for the purpose of carrying into effect all or any of the powers now or hereafter granted to port districts by the laws of this state, may contract indebtedness and issue revenue bonds evidencing such indebtedness, without the necessity of the voters of the port district authorizing the same, such revenue bonds to be payable solely from all or such part of the revenues of the port district derived from any source whatsoever, excepting only those revenues derived from ad valorem taxes, as the port commission thereof may determine, and such revenue bonds not to be in any manner or to any extent a general obligation of the port district issuing the same, nor a charge upon the ad valorem tax revenues of such port districts?"  

SECTION 3. The Secretary of State is hereby directed to publish this proposed constitutional amendment for six (6) consecutive weeks prior to the next general election in one newspaper of general circulation in each county of the state.


Passed by the Senate March 7, 1963.

(H. J. R. No. 7)

A JOINT RESOLUTION

RATIFYING THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA RELATING TO THE QUALIFICATIONS OF ELECTORS.

WHEREAS, the Eighty-seventh 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

"Proposing an amendment to the Constitution of the United States relating to the qualifications of electors.
"RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, 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 right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

"'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 March 6, 1963.

Passed by the Senate March 8, 1963.
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 United States Congress by a series of amendments to the Social Security Act during the period, 1956-1960, has extended and broadened the Social Security Act to provide disability benefits for work-connected injuries and illnesses; and

WHEREAS, there have been and are numerous proposals for further extensions of coverage and benefits under the Social Security Act which would greatly increase Social Security Taxes and encumber the Social Security program; and

WHEREAS, the extension and broadening by Congress of the Social Security Act, constitute a severe threat to the survival of the State Workmen's Compensation System; and

WHEREAS, the Workmen's Compensation System was designed as the sole and exclusive remedy to provide benefits for the work-connected injuries and illnesses;

NOW, THEREFORE, BE IT RESOLVED by the Thirty-seventh 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 resist further expansion of Social Security into the occupational disability field, and by this resolution Congress be urged to reject any further intrusion of Social Security into the workmen's compensation field to the end that the present system of workmen's compensation programs may be preserved.

BE IT FURTHER RESOLVED, that the Secretary of State of the State of Idaho be, and he hereby is, author-
ized 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 17, 1963.
Passed by the House January 21, 1963.

(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-seventh 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 Commissioners 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 jams 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-seventh 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 18, 1963.

Passed by the House January 21, 1963.

(S. J. M. No. 4)

A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

BE IT RESOLVED, by the Thirty-seventh 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 call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States.

“ARTICLE—

“Section 1. No provision of this Constitution, or any amendment thereto, shall restrict or limit any state in the apportionment of representation in its legislature.

“Section 2. The judicial power of the United States shall not extend to any suit in law or equity, or to any controversy, relating to apportionment of representation in a state legislature.

“Section 3. This article shall be inoperative unless it
shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several States within seven years from the date of its submission."

BE IT FURTHER RESOLVED, that if Congress shall have proposed an amendment to the Constitution identical with that contained in this resolution prior to January 1, 1965, this application for a convention shall no longer be of any force or effect.

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 1, 1963.
Passed by the House February 4, 1963.

(S. J. M. No. 5)

A JOINT MEMORIAL

OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE STATE OF IDAHO TO THE INTERSTATE COMMERCE COMMISSION; URGING THAT THE ECONOMIC INTERESTS OF THE STATE OF IDAHO BE PROTECTED BY INTERSTATE COMMERCE COMMISSION ACTION PRESERVING THE PRESENT COMPETITIVE RAIL FREIGHT RATE STRUCTURE APPLYING TO WESTBOUND SHIPMENTS OF GRAIN FROM THE STATE OF IDAHO; AND URGING ADMINISTRATIVE AND CONGRESSIONAL ACTION TO INSURE FREEDOM FROM ARBITRARY EFFORTS BY BARGE CARRIERS AND OTHER UNREGULATED CARRIERS TO FORCE UPON IDAHO SHIPPERS ARTIFICIAL AND UNJUST LEVELS OF FREIGHT RATES.

WHEREAS, the state of Idaho would like to join our neighboring state of Montana in asking the Interstate Commerce Commission to reject the Examiner's recommendations in ICC Docket No. 33571 and to maintain in full force and effect the ICC orders reducing the railroad rates on westbound grain and,
WHEREAS, producers, shippers, and railroad officials were successful in lowering the freight rates on grain shipped from North Idaho, Montana, Oregon and Washington, which are now the subject of investigation; namely, Supplement 23 to North Pacific Coast Freight Bureau, Agent, Tariff 10-0, I.C.C. 978, which became effective September 30, 1960 and Supplement No. 29 to North Pacific Coast Freight Bureau, Agent, Tariff 10-0, I.C.C. 978, effective October 24, 1960; also Supplement 92 to Pacific South-coast Freight Bureau, and

WHEREAS, there was considerable testimony in the proceeding of this case verifying the "cost-price-squeeze" affecting the farmer, which briefly summed up, indicated that the cost of grain has been steadily declining for many years and the cost of production increasing, therefore any reduction in grain freight rates which are reflected directly back to the producer, means a higher price for his produce as well as a stimulant to the total economy of the State, and

WHEREAS, the economy of North Idaho is dependent upon agriculture as one of its basic industries, therefore the economy of the state of Idaho would be drastically affected by an increase in freight rates on grain as ordered by the Hearing Examiner for I.C.C., and

WHEREAS, the examiner declared the barge lines and the truckers as the low cost means of transportation, it should be noted that the railroads have merely established a rate structure that is competitive with barge lines. This certainly has not created an unfair advantage to the railroads. It has tended to moderate the competitive disadvantages of many producers who by reason of location have been unable to use water transportation, and

WHEREAS, the railroads who are substantial tax payers within the state, having the only controlled rate structure, should be allowed to compete with other modes of transportation who use the public financed highways and waterways, and

WHEREAS, the Idaho Wheat Commission and the Idaho Wheat Growers' Association supported by every county wheat grower organization in the affected area as well as local granges, chambers of commerce, grain dealers associations, grain cooperatives, and many individual shippers, growers and processors of grain and grain products have intervened in support of the railroad industry in asking the Interstate Commerce Commission to reject the
Examiner's recommendations concerning the I.C.C. Docket No. 33571, and

WHEREAS, it is in the best interest of the residents of Idaho to maintain a competitive transportation situation, we urge that immediate administrative or congressional action be taken to give Idaho shippers, producers and processors assurance that they will not be subjected to arbitrary and unjust efforts by barge and other unregulated carriers to compel rate levels which are injurious to Idaho's basic economy.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF IDAHO:

That the Interstate Commerce Commission reject in its entirety the recommendation of its Examiner in I.C.C. Docket No. 33571 and continue its orders of September 30, 1960 and October 24, 1960, thereby maintaining the present rate level on such grain shipments.

BE IT FURTHER RESOLVED that copies of this memorial be forwarded by the Secretary of State of the State of Idaho to the President of the United States, to the members of the Interstate Commerce Commission, to the Idaho Congressional delegation, to the Speaker of the House of Representatives of the United States, to the Honorable Warren Magnuson, Chairman of the Commerce Committee of the United States Senate, to the Honorable Oren Harris, Chairman of the House Committee on Interstate and Foreign Commerce.

Passed by the Senate January 29, 1963.
Passed by the House January 30, 1963.

(S. 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-seventh Session thereof, do respectfully represent that:

WHEREAS, the late Senator Henry Dworshak was a champion of full development of our Nation’s water resources and a man of boundless energy and a tireless worker for Idaho during his 23 years he served the Gem State in Congress, and

WHEREAS, he constantly sought cooperation among all levels of government and private enterprise in water resource development to achieve the greatest benefit for the greatest number of persons with the least amount of bureaucratic control and interference, and

WHEREAS, the Bruces Eddy project on the North Fork of the Clearwater River, which project was authorized shortly after his death, was a project which he sought and worked for in cooperation with local, state, regional and national water resource development interests.

NOW, THEREFORE, BE IT RESOLVED by the Thirty-seventh 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, as a fitting memorial to our distinguished late Senator Henry Dworshak for his many years of tireless and productive work in resource development and for his patience and perseverance in promoting this project, that early action be taken to implement a change of name from Bruces Eddy to Henry Dworshak Dam.

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 5, 1963.

Passed by the House February 6, 1963.
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-seventh Session thereof, do respectfully represent that:

WHEREAS, In cooperation with the local interests, the Bureau of Reclamation has undertaken a study of the development of the Challis Project in Custer County for the purpose of providing supplemental and additional irrigation of lands, the control of floods, the preservation of fish and wildlife, and the creation of additional recreational opportunities; and

WHEREAS, The proposed Challis Project is an upstream storage project which will provide additional late-season water, will augment the existing livestock and grazing utilization of the area, and will stabilize and influence the general economic development and contribute to the further growth of the local area of the state and of the nation; and

WHEREAS, The Challis Project includes upstream storage development which will minimize or eliminate the existing possibilities of flood damages to the great benefit of the existing community and surrounding area; and

WHEREAS, The Challis Project investigational studies have indicated the proposed plan of development is economically and financially feasible and is desired by the local interests for the further development and economic growth of Custer County and of the state:

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF IDAHO:

That the Congress and President of the United States be respectfully petitioned to give early consideration to the authorization and construction of the Challis Project, Idaho, 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
A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

BE IT RESOLVED, by the Thirty-seventh 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 call a convention for the purpose of proposing the following amendment to the Constitution of the United States.

"ARTICLE——

"SECTION 1. A 350 billion dollar limit to be set on the United States Federal Government indebtedness.

"SECTION 2. Upon a declaration of a national emergency, approved by 75% of the House and Senate, this debt limit can be temporarily extended but the amount of debt temporarily extended must be retired within ten years after the cessation of hostilities or declaration of an emergency.

"SECTION 3. All national debt commencing with the year 1970, whatever the sum, as of July 1, 1970 shall be retired at the rate of three (3) billion dollars a year in addition to payments of interest.

"SECTION 4. The national debt limit of 350 billion dollars may be raised beyond said sum, upon being approved by Congress and ratified by two-thirds of the states, exclusive of those amounts defined in Section 2."

The Secretary of State is hereby directed to send duly authenticated copies of this Memorial to the President and
Clerk of the United States Senate, the Speaker and Clerk of the United States House of Representatives and to each member of Congress from the State of Idaho, and to the presiding officers of the Senate and House of Representatives of the several states.

Passed by the Senate February 21, 1963.
Passed by the House February 25, 1963.

(S. J. M. No. 10)

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-seventh Session thereof, do respectfully represent that:

WHEREAS, it is known that one of the most pressing problems facing all areas of the United States and in fact all areas of the world today is the securing of the maximum beneficial use of land and water resources for the further progress of our people, of our state, and of our nation, not only to realize the most from our present resources for the immediate problems of today, but also to meet our future needs for the long-range future; and

WHEREAS, the area of southwestern Idaho known as the Mountain Home Snake River plain area contains a large body of land which is both economically and engineeringly feasible for the development of a highly productive and economically desirable potential for the further development of the people of this area and of the nation, and which would add greatly to the overall economy and assist in stabilizing the existing economy of this state and of the nation, and would present many opportunities to stimulate the economic growth of the state and of the nation; and

WHEREAS, adjacent to this fine body of potential irrigated land there are adequate supplies of water in the Snake River which are now running off and unused in
the State of Idaho to the detriment of the state and nation’s economy; and

WHEREAS, upstream developments have been demonstrated to be in the long-range interest for providing the best and most comprehensive plan of development for the utilization of the water and land potential of our river basins; and

WHEREAS, The Bureau of Reclamation, in cooperation with local interests, has been making engineering, water resource, and land classification studies which have indicated economic and engineering feasibility of a development of this area under a plan known as the Guffey plan of development; and

Whereas, the orderly continued investigation and ultimate construction and development of a water resource program for the irrigation of this potentially productive area of the State of Idaho will inure to the benefit of the state and of the nation at large.

NOW, THEREFORE, BE IT RESOLVED by the Thirty-seventh Session of the Legislature of the State of Idaho, now in session, the Senate and House of Representatives concurring, that the Congress and President of the United States be respectfully petitioned to give early consideration to the continued investigation and construction of the Mountain Home Division, Snake River Project, Guffey Plan of Development.

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 U. S. Bureau of Reclamation, and to the Senators and Representatives representing this State in the United States.

Passed by the Senate February 21, 1963.
Passed by the House February 25, 1963.
To recognize the value of development of a current plan for a system of highways to be known as the Lewis and Clark National Tourway which shall extend from Saint Louis, Missouri, along the general route of the Lewis and Clark Expedition, and to endorse and assist in such plans.

WHEREAS, An outstanding project is now underway for the creation of the Lewis and Clark National Tourway providing a great recreational ribbon to parallel the 2,000 mile expedition of Lewis and Clark from Saint Louis, crossing Idaho and other states to the coast of Oregon, memorializing an achievement in daring and discovery unequaled in human history; and

WHEREAS, This expedition is of singular importance to the state of Idaho because the appearance of these explorers in the lands of our state marked the discovery of the area and marks the first time that white men dwelt within its present borders; and

WHEREAS, Idaho is the only one of the present states discovered by this expedition; and

WHEREAS, On August 12, 1805, men of this expedition became the first to carry the Stars and Stripes on Idaho soil; and

WHEREAS, The expedition faced its most fateful hours on that part of the Lewis and Clark Trail which crosses the lands of Idaho; and

WHEREAS, In Idaho occurred the near-miracle of Sacajawea's discovering one of the Idaho Shoshoni Indian chiefs as her brother, from whom kidnapping had separated her in early youth; and

WHEREAS, Out of Lewis and Clark's intrepidity and achievement came the realization that the long overland journey to the Pacific Northwest could be made and first settlers were encouraged into Idaho over the Oregon Trail; and

WHEREAS, Tourism is of great value to the Idaho economy by its distribution of income to small businesses over wide geographic areas; and

WHEREAS, A tourway is an instrument of conserva-
tion for tying together and making available to tourism the outstanding historic sites, parks, and scenic areas of the region traversed;

NOW, THEREFORE, BE IT RESOLVED by the Senate and House of Representatives of the State of Idaho that the state of Idaho, in cooperation with the highway departments of other interested states, aid in developing plans for a system of highways to be known as the Lewis and Clark National Tourway which shall extend from Saint Louis, Missouri, along the general route of the Lewis and Clark Expedition through Montana, across Idaho, and along the north bank of the Columbia River to Vancouver, Washington and thence along the south bank of the Columbia River to Seaside, Oregon; and

BE IT FURTHER RESOLVED That the Secretary of State is hereby directed to transmit suitable copies of this Memorial to the Governor, the Idaho Department of Commerce and Development, the State Historical Society, the State Highway Department, the State Forestry Department, the members of Idaho’s Congressional delegation and to Mr. S. R. Fisher, Chairman of the Executive Committee of the Jay N. “Ding” Darling Foundation, Inc., Omaha, Nebraska, the latter organization now working on similar plans for a Lewis and Clark recreational trailway.

Passed by the Senate March 1, 1963.

Passed by the House March 5, 1963.

(S. J. M. No. 12)

A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED AND TO THE HONORABLE SECRETARY OF THE TREASURY OF THE UNITED STATES:

We, your Memorialists, the members of the Senate and the House of Representatives of the Legislature of the State of Idaho, assembled in the Thirty-seventh Session thereof, do respectfully represent that:

WHEREAS, it is reported some high placed officials have endorsed the recommendation of the Secretary of the Treasury to disallow capital gains tax treatment under the
provisions of current IRC 631-A (formerly 117K) on privately owned timber subsequently processed or manufactured by the same owner into lumber or other forest products, and

WHEREAS, IRC 631-A has had the effect in Idaho of encouraging the growth of privately owned forests such as Tree Farms; despite the risk and hazard of fire, insects, disease and the payment of ad valorem taxes on both land and trees for a period of up to one hundred (100) years with the forest crop of trees being the only growing crop on which ad valorem tax is paid each year. Logs and lumber from the tree crop are again assessed as personal property and tax paid on the assessed value on the second Monday in January of each year thereafter, and

WHEREAS, most operators have deemed it essential to possess a reserve of privately owned timber to insure the continuity of economic units and stable employment rather than depend on public sources of timber with the indefinite and vascillating policies of the latter, and

WHEREAS, the American lumber industry is, and has been, adversely affected by constantly increasing imports, mostly from Canada. The imports from the latter amounted to 17% of 1962 U.S. production, which was 14% more than for 1961; and which government is aiding and assisting its industry in the promotion of the exploitation of foreign markets, and

WHEREAS, the blow down as the result of a windstorm in 1962 of some ten (10) billion feet of timber on the Pacific Coast will add to already existing competitive problems, and

WHEREAS, an investor who purchases forest, fruit or nut trees for resale would not be deprived of capital gains tax treatment whereas the timber-owning job-furnishing operator would not be accorded similar treatment, and

WHEREAS, the repeal of IRC 631-A would force an incentive for a policy of "cut out and get out", which were the common practices of early day lumbermen in the northern tier of states at the beginning of the 20th century; now, with progressive, enlightened sustained yield forest practices in effect on private ownership, the proposed tax change would leave no other alternative than a return to the regressive policy of fifty (50) years ago of "cut out and get out", and would:
1. Destroy the incentive for maintaining intensified forest yield management with a goal of perpetual sustained yield of a timber crop,

2. Have a devastating effect on county, school and municipal tax valuations for necessary tax revenue in counties having substantial private ownership,

3. After allowing the denuded land to go for taxes and reverting to public ownership, there would be no tax revenue, as the government does not pay taxes. Or only many years in the future when the 25% return from federal forest sales might be available on reforested land, would Idaho counties receive any return of tax revenue,

4. Create such a situation profit-wise that it would be impractical, if not impossible, for timber owning companies to stay in business; and

WHEREAS, the "cut out and get out" policy would have a depressing effect on the market value of publicly owned timber as well as disrupting the orderly disposal of the annual growth, and

WHEREAS, privately owned forests owners have neither received nor requested subsidies, or price supports from public sources,

NOW, THEREFORE, BE IT RESOLVED by the Thirty-seventh Session of the Legislature of the State of Idaho, now in session, the Senate and the House of Representatives concurring, that the Congress, the President and the Secretary of the Treasury of the United States of America are hereby respectfully petitioned that in the interest of maintaining our second largest industry—forest products—that IRC 631-A should neither be tampered with nor repealed, 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, Vice President and Secretary of the Treasury of the United States, the Speaker of the House of Representatives of the Congress and the Senators and Representatives representing this State in the Congress of the United States.

Passed by the Senate March 12, 1963.

Passed by the House March 12, 1963.
TO THE HONORABLE SECRETARY OF DEFENSE OF THE UNITED STATES OF AMERICA:

We, your Memorialists, the members of the Senate and the House of Representatives of the Legislature of the State of Idaho, assembled in the Thirty-seventh Session thereof, do respectfully represent that:

WHEREAS, the Mountain Home Air Force Base situated 9 miles southwest of Mountain Home, Idaho, is one of the most important strategic bases in the western United States. This base is the home of the 9th Aerospace Wing, the 813th Aerospace Division and home of 3 Titan Missile complexes, and

WHEREAS, the continued efficient operation of this base at full complement is considered by your Memorialists to be of great strategic importance to the entire United States of America and its allies and,

WHEREAS, the United States government has expended directly to the buildup of this base in excess of one-half billion dollars and in addition to the direct expenditures the United States government has obligated itself to pay many millions of dollars in insured loans under the Federal Housing Administration, The Federal National Mortgage Association and the Veteran's Administration through both insured and direct loans and,

WHEREAS, climatic conditions, runways with 1 foot to 100 foot approaches from any angle, and other strategic advantages would indicate that the area could be used for additional missile sites and the training of technicians.

NOW, THEREFORE, we your Memorialists urge that this area be exploited to the fullest extent in order to bolster the strategic position of this country and to protect a huge capital outlay.

BE IT FURTHER RESOLVED that the Secretary of State is hereby directed to transmit suitable copies of this Memorial to the members of Idaho’s Congressional Delegation and the Commanding Officer of the Mountain Home Air Force Base.

Passed by the Senate March 15, 1963.

Passed by the House March 18, 1963.
A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED AND TO THE HONORABLE SECRETARY OF THE TREASURY OF THE UNITED STATES:

We, your Memorialists, the members of the House of Representatives and the Senate of the Legislature of the State of Idaho, assembled in the Thirty-seventh Session thereof, do respectfully represent that:

WHEREAS, there is no shortage of timber for the production of lumber and related items in the United States, and

WHEREAS, there is a need to cope with the large volume of blow-down timber on the Pacific Coast and to increase the cut from over-mature forests to prevent excessive loss from decay, disease and other causes, and

WHEREAS, United States lumber manufacturing firms pay the highest wages and provide working conditions equal to or better than similar firms in other countries, and

WHEREAS, lumber manufacturing firms in the United States are losing their home markets to foreign firms, especially Canada, due to advantages such as:

1. Depreciated Currency
2. Low Stumpage Rates
3. Non-competitive Bidding
4. Less Costly and Restrictive Forest Practices
5. Lower Wage Rates
6. High Tariff Rates on Lumber Shipped to Canada
7. Low Charter Rates for Coast-wise and Intercoastal Shipping
8. A Cooperative Government; and
WHEREAS, lumber imports from Canada are increasing yearly at an alarming rate and now constitute about one-sixth of the annual consumption of lumber in the United States, and

WHEREAS, unemployment in the lumber industry of the United States is increasing with resultant loss of wages to the workers, loss of taxes and income to taxing bodies and communities, and

WHEREAS, there is no longer any justification by reason of a trade agreement between Canada and the United States for exempting Canadian lumber from the requirement that all foreign imports be marked, and

WHEREAS, without foreign imports being marked it is difficult to be certain that the executive orders requiring the use of domestic lumber in certain installations will be obeyed,

NOW, THEREFORE, BE IT RESOLVED by the Thirty-seventh Session of the Legislature of the State of Idaho, now in session, the House of Representatives, and the Senate concurring, that the Congress, the President and the Secretary of the Treasury of the United States of America, be respectfully petitioned to give immediate attention to and request action necessary to place the lumber industry of the United States on an equitable and competitive basis with foreign manufacturers through the use of a quota system or other means, including the requirements that imported lumber be marked to show the country of origin, to the end that domestic manufacturers are not placed at a disadvantage with resultant loss of markets, reduction of employment, loss of taxes and deterioration of communities, 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, Vice-President and Secretary of the Treasury of the United States, the Speaker of the House of Representatives of the Congress and the Senators and Representatives representing this State in the Congress of the United States.

Passed by the House January 11, 1963.

Passed by the Senate January 22, 1963.
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 major components of the state's economic structure, providing not only a source of employment and income, but also a sound base for tax revenues and a substantial market outlet for agricultural and manufactured products in mining areas; and

WHEREAS, this basic and essential mining industry has for many years been struggling under adverse economic conditions so severe that many major metal mining enterprises in the state, involving the production of antimony, tungsten, cobalt, mercury and other strategic metals, as well as most of our small lead and zinc producers have been forced out of business, and even our large, nationally-important lead and zinc mines have been reduced to the status of marginal operations; and

WHEREAS, this serious predicament of our mining industry is directly attributable to policies of the federal government which encourage and stimulate the development and exploitation of foreign mineral resources and through tariff concessions permit the resultant low-cost foreign production relatively free access to U.S. markets; and

WHEREAS, these policies 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 to provide 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, has officially recognized the necessity for maintaining a domestic mining industry that is sufficiently vigorous and proficient to assure a minerals mobilization base adequate to 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, subsidies and quota limitations, have not only proven ineffective and inadequate but have also resulted in the accumulation of substantial government stockpiles of some metals, including lead and zinc; and

WHEREAS, some of these stockpiles, including lead and zinc, now loom as an additional market threat to producers, because, under revised government stockpile objectives, they have been declared to be excessive and it is the intent and purpose of the responsible executive officials to dispose of the surpluses through market channels if adequate congressional authority can be obtained;

NOW, THEREFORE, BE IT RESOLVED, by the Thirty-Seventh 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 formulate and put into effect with all deliberate haste a national minerals policy that will assure the preservation of a sound and stable domestic mining industry by reserving to domestic producers a fair and equitable share of domestic metal markets.

We recommend that the implementation of this policy include as a minimum:

1. Retention of Congressional control over national stockpiles so as to minimize, if not completely avoid, the adverse market impact of surplus disposal.

2. Imposition of adequate duties on metal and mineral imports, with variable rates which have maximum application only when the prices of the metals fall below the peril point level that is required to maintain a strong and healthy domestic mining industry.

3. More effective enforcement of the anti-dumping laws.

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.
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, approximately two-thirds of the land area of the State of Idaho is Federally owned and contains approximately three and one-fourth million acres set aside for primitive and proposed wilderness areas; and

WHEREAS, the economy of the State of Idaho is based upon its agriculture, forest products, mining, sheep and cattle industries, and the use of its waters for irrigation and hydroelectric power; and

WHEREAS, excessively large and unmanageable primitive and wilderness designations are very restrictive to full utilization and do not permit the Federal government to develop wisely the natural resources of the State of Idaho for the continuation and expansion of its natural resource industries; and

WHEREAS, one of the great potential industries of the State of Idaho is its growing tourist trade and wildlife attractions, and

WHEREAS, the denial of ready access to these areas to the tourist trade, to the citizens of Idaho and to industry is detrimental to the state's present and future growth and prosperity; and

WHEREAS, water supply, game habitat, forest productivity and recreational opportunities for all are increased with good forest management in contrast to the very limited use of wilderness areas; and

WHEREAS, the State of Idaho needs the development of lands and its resources to create a broader base for its taxing units and to increase employment for its people,
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 type areas in the State of Idaho and respectfully request that all primitive and wilderness areas in the State of Idaho be reviewed and studied to determine and establish their greatest use potential; and

BE IT FURTHER RESOLVED, that we oppose Federal enactment of legislation, and existing rule and regulation designating authority, embodying the principle of establishing excessive wilderness areas of limited use which would deny to the natural resources industries, including recreation, the right to develop wisely natural resources and would also be to the detriment of the people of the State of Idaho and the nation; 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 and the nation; and

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 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 House January 21, 1963.

Passed by the Senate January 24, 1963.
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, There was before the Eighty-seventh Congress of the United States legislation concerning the unemployment insurance program, to-wit, H.R. 7640 (known as the King Bill); and

WHEREAS, It is believed that similar legislation will be submitted to the Eighty-eighth Congress of the United States; and

WHEREAS, The Legislature of the State of Idaho has always recognized and met its obligations in this area, and has recently, in recognition of unemployment problems, provided for additional benefits to the unemployed, and has further provided for an extended benefits program for periods of prolonged unemployment; and

WHEREAS, The people of the State of Idaho are firmly dedicated to the proposition that matters relating to the unemployment insurance program should be left to the discretion of the various state governments due to widely varying economic and other conditions which prevail among the states,

NOW, THEREFORE, BE IT RESOLVED By the Thirty-seventh Session of the Legislature of the State of Idaho, now in session, that it opposes all legislation, similar to HR 7640, which appeared before the Eighty-seventh Congress, seeking to impose further federal controls in the field of unemployment insurance which may appear before the Eighty-eighth Congress, and which legislation would deprive the legislature of the State of Idaho of its rightful authority in such matters.

BE IT FURTHER RESOLVED, That the Secretary of State of the State of Idaho be, and hereby is, authorized and directed to forward certified copies of this Memorial to the President and Vice President of the United States, and 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.
A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE SOVEREIGN STATE OF UTAH.

We, your memorialists, the Senate and House of Representatives of the sovereign State of Idaho, hereby respectfully place before you the following matter of mutual interest:

WHEREAS, Idaho and Utah by long custom have enjoyed a good, profitable, fruitful relationship; and

WHEREAS, this relationship has prospered because of free intercourse for the purpose of business, study and recreation; and

WHEREAS, the people of Idaho desire that this mutually beneficial relationship with the people of Utah be long and continuing; and

WHEREAS, a recent ruling of the Utah tax commission declared that automobiles of out-of-state students and residents will be required to be licensed and taxed in Utah; and

WHEREAS, the State of Idaho does not require that the automobiles of out-of-state students be taxed or licensed in Idaho, nor does it discriminate in any other way against people of the State of Utah; and

WHEREAS, residents of the State of Idaho, employed in Utah, have and will be required to purchase registrations and licenses for their motor vehicles, and be required to purchase motor vehicle operator permits in Utah; and

WHEREAS, the above-mentioned acts of the State of Utah through its tax commission, may result in impairment of trade and commerce between the peoples of the States of Idaho and Utah which would be unfortunate and regrettable; and

WHEREAS, we are concerned that the above mentioned action taken by agencies under your supervision might force the State of Idaho to reciprocate in some way which
would prejudice the heretofore profitable relations between our two states;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Thirty-seventh Session of the Legislature of the State of Idaho, the Senate concurring therein, that we respectfully urge the Honorable Senate and House of Representatives of the State of Utah to consider taking measures to alter the current ruling of the Utah tax commission, or to participate in a legislative conference of representatives of the legislative bodies of both states for such purpose, such conference to be held as soon as possible and prior to the termination of our respective legislative sessions.

BE IT FURTHER RESOLVED, that the Secretary of State of the State of Idaho be, and hereby is, authorized and directed to forward certified copies of this memorial to the Governor of the State of Utah, to the Senate and the House of Representatives of the State of Utah and to the director of the Utah tax commission.

Passed by the House January 24, 1963.
Passed by the Senate January 24, 1963.

(H. J. M. No. 6)

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 Act of Congress of July 3, 1890, entitled "An Act to provide for the Admission of the State of Idaho into the Union" (26 Stat. L. 215, ch. 656), in section 4, of said Act, grants to the State of Idaho sections numbered 16 and 36 in every township of said state, for the support of the common schools; and,

WHEREAS, since the enactment of the aforesaid Admission Act, the federal government and its agencies has pre-empted much of the lands in sections 16 and 36, aforesaid, in establishing national forests, national monuments,
and for other purposes, and has offered to the State of Idaho other lieu lands commonly known as indemnity lands; and

WHEREAS, in granting to the State of Idaho the said indemnity lands, the United States of America has reserved to itself the minerals, including phosphate deposits, underlying said indemnity lands; and

WHEREAS, these phosphate lands lie, generally, in the southeastern part of the State of Idaho, in which area are more than one hundred twenty thousand acres granted to the State of Idaho as indemnity lands but in which grants, the United States of America reserved to itself the underlying phosphate, so that the ownership of the surface of said lands is worthless to the State of Idaho and little or no aid for the support of the common schools of this State.

NOW, THEREFORE, BE IT RESOLVED, by the Thirty-seventh 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 authorize and direct, or to enact such legislation as is necessary to authorize and direct, the Secretary of the Interior to amend any certificate or certificates of title to any indemnity lands so as to vest in the State of Idaho all title to said lands, including the phosphate underlying the same, so as to conform to the spirit and intent of the Congress, in the Admission Act, in granting sections numbered 16 and 36, in each township, to the State of Idaho.

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 the 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 1, 1963.
A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

BE IT RESOLVED, by the Thirty-seventh 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 call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States.

"ARTICLE——

"SECTION 1. Article V of the Constitution of the United States is hereby amended to read as follows:

The Congress, whenever two-thirds of both Houses shall deem it necessary, or, on the application of the Legislatures of two-thirds of the several states, shall propose amendments to this Constitution, which shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several states. Whenever applications from the Legislatures of two-thirds of the total number of states of the United States shall contain identical texts of an amendment to be proposed, the President of the Senate and the Speaker of the House of Representatives shall so certify, and the amendment as contained in the application shall be deemed to have been proposed, without further action by Congress. No State, without its consent, shall be deprived of its equal suffrage in the Senate.

"SECTION 2. This Article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several states within seven years from the date of its submission."

BE IT FURTHER RESOLVED, that if Congress shall have proposed an amendment to the Constitution identical with that contained in this resolution prior to January 1, 1965, this application for a convention shall no longer be of any force or effect.

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 February 7, 1963.
Passed by the Senate February 19, 1963.

(H. 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 Legislature of the State of Idaho, respectfully represent that:

WHEREAS, weeds cause greater agricultural losses than any other pest or impediment or condition; and

WHEREAS, the persistence of this problem is due to the ability of weed seeds to lie dormant in soil for decades and scores of years and even centuries, and then germinate and reinfest land when conditions become favorable; and

WHEREAS, all cultivated fields are endowed with this condition; and

WHEREAS, no significant scientific results have been obtained toward the solution of this vital problem;

WHEREAS, no state can realistically attack the magnitude of this problem because of its national scope and significance;

NOW, THEREFORE, BE IT RESOLVED By the Thirty-seventh 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 appropriate adequate federal funds for the erection of a federal laboratory equipped with facilities and personnel to conduct chemical, physiological, anatomical and mechanical studies on the nature and remedy of the stated problem; and

BE IT FURTHER RESOLVED, that this laboratory be
located at the University of Idaho, Moscow, Idaho, because of the unusual natural ecological variety which the environment at the University of Idaho provides in temperatures, altitudes, precipitation, great soil groups, agricultural endeavors and weed floras.

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 30, 1963.

Passed by the Senate January 31, 1963.

(H. J. M. No. 10)

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, in its Act of June 30, 1906, the Congress of the United States recognized that non-taxpaying national forests situate within the states created an imbalance within those states and within the counties in which such forests were situate, and by said Act authorized payment to said states and counties of twenty-five per centum (25%) of the receipts from sales of timber in such national forests in lieu of taxes on said forest lands and the timber thereon, and

WHEREAS, although it appeared to be the intent of the Congress that such payments in lieu of taxes were to be computed on the gross receipts, as aforesaid, nevertheless the quantitative payments to the said states, and especially to the State of Idaho and to the counties situate therein, have become smaller in relation to the gross receipts from sale of timber from said national forests because of increasing deductions from said gross amounts, and
WHEREAS, it has been estimated that, because of increasing deductions from said gross payments the counties of the State of Idaho have been receiving as little as eight per centum (8%) of said gross receipts, and

WHEREAS, it would require, because of present deductions which have been made since the original enactment of the Act of Congress of June 30, 1906, payment to the State of Idaho for the counties therein of sixty-five per centum (65%) of the receipts from the sale of timber severed from forest lands to realize the amount of twenty-five per centum (25%) as originally contemplated by the Congress;

NOW, THEREFORE, BE IT RESOLVED, by the Thirty-Seventh 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 to enact such legislation as will authorize the payment to the States wherein are situate national forests an amount of sixty-five per centum (65%) of the gross receipts from the sale of timber in such forests, or such other percentage of said receipts, as will assure such States of receiving an amount equivalent to the intent of the Congress in enacting the Act of June 30, 1906.

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 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, and to the senators and representatives representing the State of Idaho in the Congress of the United States.

Passed by the House February 9, 1963.

Passed by the Senate, February 18, 1963.

(H. J. M. No. 11)

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, Public Law 874 and Public Law 815 of the 81st Congress, as amended, authorize payments to school districts in lieu of Federal taxes; and

WHEREAS, of the total land area in Idaho, 64.1 per cent is Federally owned, non-taxable property; and

WHEREAS, in 1962, applications for Public Law 874 funds were made on behalf of an average daily attendance of 13,456 students, or 8.62 per cent of the total number of students attending public school, in 52 of Idaho's school districts, located in 32 of the 44 counties; and

WHEREAS, in some school districts of our state a large percentage (in some as high as 75 per cent) of the students in attendance are children whose parents live or work on Federal property, and the funds received from the Federal Government are essential to the adequate operation of such schools; and

WHEREAS, unless extended, said laws will expire on June 30, 1963, thereby drastically reducing the funds available for school purposes in many of the school districts, and severely curtailing the operation of many of the schools in this state;

NOW, THEREFORE, BE IT RESOLVED, by the Thirty-seventh Session of the Legislature of the State of Idaho, now in session, the Senate and the House of Representatives concurring, that we must respectfully urge the Congress of the United States to proceed at the earliest possible date to enact legislation extending the 3(b)1 and 3(b)2 classification of Federally-connected students under Public Law 874 of the 81st Congress, without any change of percentage for qualification by school districts and without any change of percentage of allowable per capita costs and extending the 5(a)2 classification of Federally-connected students under Public Law 815 of the 81st Congress, without any changes of percentage qualification requirement or percentage of payment for average state cost of school facility construction.

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 March 1, 1963.

Passed by the Senate March 5, 1963.

(H. J. M. No. 12)

A JOINT MEMORIAL

TO THE HONORABLE JOHN F. KENNEDY, PRESIDENT OF THE UNITED STATES, AND THE HONORABLE DOUGLAS DILLON, SECRETARY OF THE TREASURY OF THE UNITED STATES:

We, your Memorialists, the Legislature of the State of Idaho, respectfully represent that:

WHEREAS, it has recently been announced that a reorganization of the United States Internal Revenue Service is contemplated which will reduce the staff of the Boise, Idaho, office of the Internal Revenue Service by approximately one-fourth, and will require many of these employees to leave their homes in Boise, Idaho, and move to Salt Lake City, Utah; and

WHEREAS, almost all of said employees and their families have been permanent residents of, or have resided for many years in the Boise area, and have contributed substantially to the economy of the southwestern portion of the State of Idaho, and their transfer will cause a decided economic and social disadvantage to them and could well become a severe economic depressant to a key area in the State of Idaho; and

WHEREAS, such a reorganization will necessarily have an adverse and restrictive effect upon the services which have heretofore been rendered by the Internal Revenue Service to the taxpayers in the State of Idaho;

NOW, THEREFORE, BE IT RESOLVED, by the Thirty-seventh 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 President of the United States and the Department of the Treasury of the United States to review and reconsider said reorganization plan for the Internal Revenue Service as it affects the
office of said service in Boise, Idaho, and to retain the staff and services heretofore made available to the taxpayers of Idaho by the Boise, Idaho, office as they presently exist and operate.

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, the Secretary of the Treasury of the United States, and to the senators and representatives representing this state in the Congress of the United States.

Passed by the House March 8, 1963.

Passed by the Senate March 15, 1963.
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-seventh Session thereof, which convened January 7, 1963, and adjourned March 19, 1963, 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 1st day of April, 1963.

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.
INDEX

CONTENTS

Alphabetical index of laws according to subject matter ..1191
Table of amendments and citations ..................................1321
Section references ..........................................................1324
Numerical index of laws by bill numbers ............................1353
# INDEX

## A

<table>
<thead>
<tr>
<th>ABANDONMENT OF PUBLIC ROADS:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access road to public lands and public waters, procedure for abandonment</td>
<td>210 228</td>
</tr>
<tr>
<td>Highways, established by prescription</td>
<td>6 17</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ABSTRACTS OF TITLE:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evidence:</td>
<td></td>
</tr>
<tr>
<td>Copy to adverse party</td>
<td>202 592</td>
</tr>
<tr>
<td>When admissible as</td>
<td>202 592</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ACADEMY OF IDAHO:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Now Idaho State University</td>
<td>12 23</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADJOURNMENT, SINE DIE:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixing time for adjournment for Thirty-seventh Session</td>
<td>S.C.R. 7 1116</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADJUTANT GENERAL:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriations:</td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>390 1069</td>
</tr>
<tr>
<td>Department of Disaster Relief and Civil Defense</td>
<td>385 1065</td>
</tr>
<tr>
<td>Idaho National Guard, design of special license plates</td>
<td>61 242</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADOPTION:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Public Assistance, authority to place children for</td>
<td>325 938</td>
</tr>
<tr>
<td>Effect on inheritance</td>
<td>63 246</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADVERTISING:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation for constitutional amendments</td>
<td>326 941</td>
</tr>
<tr>
<td>Beer, regulations concerning</td>
<td>184 545</td>
</tr>
<tr>
<td>Constitutional amendments, appropriation</td>
<td>388 1067</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>AERONAUTICS FUND:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriations:</td>
<td></td>
</tr>
<tr>
<td>Bureau of Public Accounts</td>
<td>251 662</td>
</tr>
<tr>
<td>Director of Aeronautics</td>
<td>372 1054</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>AGE:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>School age defined</td>
<td>13 33</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>AGED AND INFIRM:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Care of</td>
<td>139 398</td>
</tr>
<tr>
<td>AGENCIES, STATE GOVERNMENT:</td>
<td></td>
</tr>
<tr>
<td>Early presentation of proposed legislation requested</td>
<td></td>
</tr>
<tr>
<td>.................................................................</td>
<td>H.C.R. 12</td>
</tr>
</tbody>
</table>

| AGRICULTURAL EXTENSION: |
| University of Idaho, appropriation | 396 | 1074 |

| AGRICULTURAL FUNDS, SPECIAL: |
| Appropriation | 251 | 662 |

| AGRICULTURAL RESEARCH: |
| University of Idaho, appropriation | 413 | 1089 |

| AGRICULTURE: |
| See ECONOMIC POISON ACT OF 1963 |
| See HOP INDUSTRY ACT |

| AGRICULTURE ADMINISTRATION: |
| Appropriation | 328 | 943 |

| AGRICULTURE INSPECTION: |
| Appropriation | 365 | 1049 |

| AIR NAVIGATION FACILITIES: |
| Leases of, time limitations extended | 45 | 195 |

| AIR POLLUTION: |
| Property used for control of, exempt from taxation | 213 | 617 |

| AIR POLLUTION CONTROL COMMISSION: |
| Appropriation | 407 | 1083 |

| AIRCADE FOR CITIZENSHIP ACTION: |
| Resolution welcoming aircade and commending Greater Boise Chamber of Commerce for sponsoring | H.C.R. 13 | 1135 |

| AIRCRAFT: |
| Liquor license authorized | 423 | 1101 |
| Liquor license fee for common carrier airlines | 423 | 1100 |

| AIRCRAFT SAFETY ACT: |
| Definitions | 359 | 1028 |
| Penalties | 359 | 1030 |
| Unlawful Acts | 359 | 1029 |

| AIRPORTS: |
| See AIR NAVIGATION FACILITIES |

<p>| ALCOHOLIC BEVERAGES: |
| See BEER |
| Increase in liquor surcharge | 428 | 1107 |
| Liquor license fee for common carrier aircraft | 423 | 1100 |</p>
<table>
<thead>
<tr>
<th>ALCOHOLIC BEVERAGES:</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liquor licenses abolished</td>
<td>296</td>
<td>786</td>
</tr>
<tr>
<td>Liquor, sale by dispensary</td>
<td>296</td>
<td>785</td>
</tr>
<tr>
<td>Retail liquor by the drink licenses:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of licenses determined by subsequent U.S. Census</td>
<td>215</td>
<td>623</td>
</tr>
</tbody>
</table>

| AMBULANCE SERVICE:                       |         |      |
| Agreements between counties authorized   | 278     | 713  |
| Ambulance Service Fund created           | 278     | 713  |
| Cities and villages, operation of service within | 278     | 713  |
| County commissioners authorized to establish | 278     | 713  |
| Fees                                     | 278     | 713  |
| Termination of                           | 278     | 714  |

| ANIMALS:                                 |         |      |
| See CATTLE                              |         |      |
| See DOGS                                |         |      |
| See HERD DISTRICTS                      |         |      |
| See LIVESTOCK MARKETS                   |         |      |

| ANNEXATION OF TERRITORY:                |         |      |
| See CITIES OF SECOND CLASS             |         |      |

| APIARIES:                               |         |      |
| See HONEY INDUSTRY REGULATIONS          |         |      |

| APPEALS:                                |         |      |
| Board of Correction to District Court   | 13      | 46   |
| Driver License Compact, from enforcement of act | 60      | 242  |
| Optometrists' licenses, from order of suspension or revocation, procedure | 262     | 672  |
| Watercraft regulations                  | 165     | 483  |

| Appropriations:                         |         |      |
| Adjutant General:                       |         |      |
| Administration                          | 390     | 1069 |
| Department of Disaster Relief and Civil Defense | 385     | 1064 |
| Administration of Permanent Building Fund and Permanent Building Fund Council | 228     | 641  |
| Athletic Commission                     | 373     | 1055 |
| Attorney General                        | 404     | 1081 |
| Bar Commission                          | 208     | 597  |
| Bean Commission                         | 205     | 595  |
| Board of Land Commissioners:            |         |      |
| Capitol Maintenance                     | 239     | 651  |
| Central Postal System                   | 403     | 1080 |
| Heyburn State Park                      | 414     | 1090 |
| Lands Administration                    | 237     | 650  |
# Appropriate Appropriations

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noxious Weed Eradication, Range Improvement and Re-seeding Programs</td>
<td></td>
<td>405</td>
</tr>
<tr>
<td>Parks Administration</td>
<td></td>
<td>234</td>
</tr>
<tr>
<td>Booth Memorial Hospital for indigent mothers</td>
<td></td>
<td>192</td>
</tr>
<tr>
<td>Budget Director, Bureau of Public Accounts</td>
<td></td>
<td>251</td>
</tr>
<tr>
<td>Bureau of Mines and Geology</td>
<td></td>
<td>288</td>
</tr>
<tr>
<td>Bureau of the Budget</td>
<td></td>
<td>254</td>
</tr>
<tr>
<td>Children's Home Finding and Aid Society of North Idaho, Lewiston</td>
<td></td>
<td>192</td>
</tr>
<tr>
<td>Children's Home Society of Idaho, Boise</td>
<td></td>
<td>192</td>
</tr>
<tr>
<td>Civil Defense</td>
<td></td>
<td>302</td>
</tr>
<tr>
<td>Commissioner of Agriculture:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td></td>
<td>384</td>
</tr>
<tr>
<td>Agriculture Administration</td>
<td></td>
<td>328</td>
</tr>
<tr>
<td>Agriculture Inspection</td>
<td></td>
<td>366</td>
</tr>
<tr>
<td>Bee Inspection</td>
<td></td>
<td>221</td>
</tr>
<tr>
<td>Dairy Industry and Inspection</td>
<td></td>
<td>368</td>
</tr>
<tr>
<td>Economic Poison Law</td>
<td></td>
<td>226</td>
</tr>
<tr>
<td>Fresh Fruit and Vegetable Inspection</td>
<td></td>
<td>250</td>
</tr>
<tr>
<td>Livestock Disease Control</td>
<td></td>
<td>206</td>
</tr>
<tr>
<td>Meat Inspection</td>
<td></td>
<td>197</td>
</tr>
<tr>
<td>Commissioner of Finance</td>
<td></td>
<td>415</td>
</tr>
<tr>
<td>Commissioner of Law Enforcement:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department of Law Enforcement, salaries and wages, etc.</td>
<td></td>
<td>248</td>
</tr>
<tr>
<td>Driver training</td>
<td></td>
<td>381</td>
</tr>
<tr>
<td>Liquor law enforcement</td>
<td></td>
<td>222</td>
</tr>
<tr>
<td>Nurse Registration and Nursing Education Board</td>
<td></td>
<td>227</td>
</tr>
<tr>
<td>Occupational License Bureau</td>
<td></td>
<td>249</td>
</tr>
<tr>
<td>Commissioner of Public Works</td>
<td></td>
<td>243</td>
</tr>
<tr>
<td>Department of Commerce and Development</td>
<td></td>
<td>243</td>
</tr>
<tr>
<td>Department of Insurance</td>
<td></td>
<td>235</td>
</tr>
<tr>
<td>Department of Labor</td>
<td></td>
<td>260</td>
</tr>
<tr>
<td>Department of Public Assistance</td>
<td></td>
<td>408</td>
</tr>
<tr>
<td>Department of Reclamation</td>
<td></td>
<td>245</td>
</tr>
<tr>
<td>Director of Aeronautics</td>
<td></td>
<td>372</td>
</tr>
<tr>
<td>Electrical Board</td>
<td></td>
<td>367</td>
</tr>
<tr>
<td>Employment Security Agency</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction of office building</td>
<td></td>
<td>298</td>
</tr>
<tr>
<td>Real estate, acquisition of</td>
<td></td>
<td>298</td>
</tr>
<tr>
<td>First Extraordinary Session of Thirty-sixth Session of Legislature</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Fish and Game Commission</td>
<td></td>
<td>375</td>
</tr>
<tr>
<td>Governor:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td></td>
<td>411</td>
</tr>
</tbody>
</table>
### APPROPRIATIONS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Fund for Disaster Relief, Civil Defense, Law Enforcement</td>
<td>256</td>
<td>666</td>
</tr>
<tr>
<td>Franklin County Relic Hall</td>
<td>406</td>
<td>1083</td>
</tr>
<tr>
<td>Governor's Residence</td>
<td>395</td>
<td>1073</td>
</tr>
<tr>
<td>Motor Vehicle Reciprocity</td>
<td>383</td>
<td>1063</td>
</tr>
<tr>
<td>Western Interstate Commission for Higher Education</td>
<td>302</td>
<td>791</td>
</tr>
<tr>
<td>Honey Advertising Commission</td>
<td>201</td>
<td>591</td>
</tr>
<tr>
<td>Hop Growers Commission</td>
<td>371</td>
<td>1053</td>
</tr>
<tr>
<td>House Revenue and Taxation Committee for drafting revenue proposals</td>
<td>H.C.R. 15</td>
<td>1137</td>
</tr>
<tr>
<td>Idaho National Guard Armories</td>
<td>228</td>
<td>638</td>
</tr>
<tr>
<td>Idaho Potato and Onion Commission</td>
<td>377</td>
<td>1058</td>
</tr>
<tr>
<td>Idaho State Capitol and Capitol Office Building, Boise</td>
<td>228</td>
<td>640</td>
</tr>
<tr>
<td>Idaho State College—Pocatello</td>
<td>228</td>
<td>639</td>
</tr>
<tr>
<td>Idaho State Historical Museum, Boise</td>
<td>228</td>
<td>641</td>
</tr>
<tr>
<td>Idaho State Penitentiary</td>
<td>228</td>
<td>641</td>
</tr>
<tr>
<td>Idaho State Tuberculosis Hospital—Gooding</td>
<td>353</td>
<td>1016</td>
</tr>
<tr>
<td>Idaho Veterans' Commission—Veterans Home</td>
<td>228</td>
<td>640</td>
</tr>
<tr>
<td>Industrial Accident Board</td>
<td>252</td>
<td>663</td>
</tr>
<tr>
<td>Industrial Training School—St. Anthony</td>
<td>228</td>
<td>639</td>
</tr>
<tr>
<td>Lava Hot Springs Foundation</td>
<td>228</td>
<td>641</td>
</tr>
<tr>
<td>Legislative Council:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>57</td>
<td>224</td>
</tr>
<tr>
<td>Western Interstate Committee on Highway Policy Problems</td>
<td>379</td>
<td>1060</td>
</tr>
<tr>
<td>Lewis-Clark Normal School</td>
<td>228</td>
<td>639</td>
</tr>
<tr>
<td>Lieutenant Governor</td>
<td>196</td>
<td>587</td>
</tr>
<tr>
<td>Manager of State Insurance Fund</td>
<td>236</td>
<td>649</td>
</tr>
<tr>
<td>Nampa State School</td>
<td>228</td>
<td>637</td>
</tr>
<tr>
<td>Outfitter's and Guide's Board</td>
<td>244</td>
<td>655</td>
</tr>
<tr>
<td>Pharmacy Board</td>
<td>297</td>
<td>786</td>
</tr>
<tr>
<td>Plant Pest Control and Research Commission</td>
<td>417</td>
<td>1092</td>
</tr>
<tr>
<td>Plumbing Board</td>
<td>365</td>
<td>1048</td>
</tr>
<tr>
<td>Professional Engineers' Board</td>
<td>380</td>
<td>1060</td>
</tr>
<tr>
<td>Prune Advertising Commission</td>
<td>392</td>
<td>1071</td>
</tr>
<tr>
<td>Public Livestock Market Board</td>
<td>370</td>
<td>1052</td>
</tr>
<tr>
<td>Public School Income Fund</td>
<td>429</td>
<td>1108</td>
</tr>
<tr>
<td>Public Utilities Commission</td>
<td>253</td>
<td>663</td>
</tr>
<tr>
<td>Public Works Contractors State License Board</td>
<td>207</td>
<td>596</td>
</tr>
<tr>
<td>Real Estate Brokers Board</td>
<td>230</td>
<td>643</td>
</tr>
<tr>
<td>Re-appropriating unexpended funds of Thirty-sixth Session for expenses of First Extraordinary Session of Thirty-sixth Session</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>School for Deaf and Blind—Gooding</td>
<td>228</td>
<td>640</td>
</tr>
<tr>
<td>APPROPRIATIONS:</td>
<td>Chapter</td>
<td>Page</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>---------</td>
<td>-------</td>
</tr>
<tr>
<td>Secretary of State:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advertising constitutional amendments</td>
<td>388</td>
<td>1067</td>
</tr>
<tr>
<td>Advertising constitutional amendments and printing Idaho Session Laws</td>
<td>326</td>
<td>941</td>
</tr>
<tr>
<td>Presidential Electors' Expense</td>
<td>198</td>
<td>589</td>
</tr>
<tr>
<td>Sheep Commission</td>
<td>374</td>
<td>1056</td>
</tr>
<tr>
<td>Soil Conservation Commission</td>
<td>191</td>
<td>583</td>
</tr>
<tr>
<td>Soldiers' Home</td>
<td>255</td>
<td>666</td>
</tr>
<tr>
<td>State Auditor</td>
<td>409</td>
<td>1085</td>
</tr>
<tr>
<td>State Board for Vocational Education:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>393</td>
<td>1072</td>
</tr>
<tr>
<td>Vocational Rehabilitation</td>
<td>419</td>
<td>1094</td>
</tr>
<tr>
<td>State Board of Correction:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Penitentiary administration</td>
<td>418</td>
<td>1093</td>
</tr>
<tr>
<td>Probation and parole</td>
<td>257</td>
<td>667</td>
</tr>
<tr>
<td>State Board of Education:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>As Board of Trustees of Idaho State University</td>
<td>399</td>
<td>1077</td>
</tr>
<tr>
<td>Civil Defense Adult Education</td>
<td>317</td>
<td>872</td>
</tr>
<tr>
<td>Deaf and Blind School</td>
<td>233</td>
<td>646</td>
</tr>
<tr>
<td>Industrial Training School</td>
<td>289</td>
<td>756</td>
</tr>
<tr>
<td>Lewis-Clark Normal School</td>
<td>229</td>
<td>642</td>
</tr>
<tr>
<td>State Board of Health:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air Pollution Control Commission</td>
<td>407</td>
<td>1083</td>
</tr>
<tr>
<td>Department of Public Health</td>
<td>230</td>
<td>644</td>
</tr>
<tr>
<td>Laboratory facility and real estate, Boise</td>
<td>228</td>
<td>638</td>
</tr>
<tr>
<td>Nampa State School</td>
<td>398</td>
<td>1076</td>
</tr>
<tr>
<td>State Hospital North</td>
<td>410</td>
<td>1086</td>
</tr>
<tr>
<td>State Hospital South</td>
<td>400</td>
<td>1077</td>
</tr>
<tr>
<td>Tuberculosis Hospital</td>
<td>402</td>
<td>1079</td>
</tr>
<tr>
<td>State Board of Highway Directors</td>
<td>378</td>
<td>1059</td>
</tr>
<tr>
<td>State Board of Medicine</td>
<td>369</td>
<td>1051</td>
</tr>
<tr>
<td>State Brand Inspector</td>
<td>222</td>
<td>631</td>
</tr>
<tr>
<td>State Department of Agriculture:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laboratory facility and real estate, Boise</td>
<td>228</td>
<td>638</td>
</tr>
<tr>
<td>Laboratory facility for potato research, Aberdeen</td>
<td>228</td>
<td>640</td>
</tr>
<tr>
<td>State Forester:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>242</td>
<td>654</td>
</tr>
<tr>
<td>Blister Rust Control, Land Acquisition and Pest Control</td>
<td>247</td>
<td>658</td>
</tr>
<tr>
<td>Delinquent Fire Assessments</td>
<td>397</td>
<td>1075</td>
</tr>
<tr>
<td>Idaho Youth Conservation Project</td>
<td>386</td>
<td>1066</td>
</tr>
<tr>
<td>Mountain Pine Beetle Control</td>
<td>426</td>
<td>1106</td>
</tr>
<tr>
<td>State Historical Society</td>
<td>412</td>
<td>1088</td>
</tr>
<tr>
<td>State Hospital North</td>
<td>228</td>
<td>637</td>
</tr>
<tr>
<td>Appropriations</td>
<td>State Hospital South</td>
<td>228</td>
</tr>
<tr>
<td>----------------------------------------------------</td>
<td>----------------------</td>
<td>-----</td>
</tr>
<tr>
<td></td>
<td>State Inspector of Mines</td>
<td>258</td>
</tr>
<tr>
<td></td>
<td>State Insurance Fund</td>
<td>236</td>
</tr>
<tr>
<td></td>
<td>State Library Board</td>
<td>259</td>
</tr>
<tr>
<td></td>
<td>State Liquor Dispensary</td>
<td>240</td>
</tr>
<tr>
<td></td>
<td>State Purchasing Agent</td>
<td>416</td>
</tr>
<tr>
<td></td>
<td>State Reclamation Engineer for Ground Water Administration</td>
<td>364</td>
</tr>
<tr>
<td></td>
<td>State Social Security Trust Fund for purpose of paying State's participation in Old Age and Survivors' Insurance Program</td>
<td>401</td>
</tr>
<tr>
<td></td>
<td>State Superintendent of Public Instruction</td>
<td>241</td>
</tr>
<tr>
<td></td>
<td>State Tax Collector</td>
<td>238</td>
</tr>
<tr>
<td></td>
<td>State Tax Commission</td>
<td>194</td>
</tr>
<tr>
<td></td>
<td>State Treasurer</td>
<td>200</td>
</tr>
<tr>
<td>Supreme Court:</td>
<td>Administration</td>
<td>393</td>
</tr>
<tr>
<td></td>
<td>Commission on Uniform Laws</td>
<td>327</td>
</tr>
<tr>
<td></td>
<td>District Court</td>
<td>389</td>
</tr>
<tr>
<td></td>
<td>Law Library</td>
<td>420</td>
</tr>
<tr>
<td></td>
<td>Tacy, Pauline J., claim of</td>
<td>199</td>
</tr>
<tr>
<td></td>
<td>Teachers' Retirement System, Board of Trustees</td>
<td>193</td>
</tr>
<tr>
<td></td>
<td>Thirty-seventh Session of Legislature</td>
<td>1</td>
</tr>
<tr>
<td>University of Idaho:</td>
<td>Administration</td>
<td>324</td>
</tr>
<tr>
<td></td>
<td>Agricultural Extension</td>
<td>396</td>
</tr>
<tr>
<td></td>
<td>Agricultural Research</td>
<td>413</td>
</tr>
<tr>
<td></td>
<td>Building, Moscow</td>
<td>228</td>
</tr>
<tr>
<td></td>
<td>Laboratory facility for potato research</td>
<td>228</td>
</tr>
<tr>
<td></td>
<td>Pure Seed Research</td>
<td>195</td>
</tr>
<tr>
<td></td>
<td>Special Research</td>
<td>424</td>
</tr>
<tr>
<td></td>
<td>Veterans' Affairs Commission</td>
<td>386</td>
</tr>
<tr>
<td></td>
<td>Waterways Improvement Fund, continuance of appropriations</td>
<td>376</td>
</tr>
<tr>
<td></td>
<td>Wheat Commission</td>
<td>54</td>
</tr>
</tbody>
</table>

**Approved Securities:**
See PUBLIC DEPOSITORY LAW

**Archaeology:**

Artsfacts:
- Consent required for removing from State | 181 | 540 |
- Penalties for violation of act | 181 | 540 |
- State retains title to | 181 | 540 |
- Declaration of purpose | 181 | 539 |
- Excavation permits required | 181 | 539 |
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARCHAEOLOGY:</td>
<td>Permits: Historical Society, issued by</td>
<td>181</td>
<td>539</td>
</tr>
<tr>
<td></td>
<td>Qualifications for</td>
<td>181</td>
<td>539</td>
</tr>
<tr>
<td></td>
<td>Required</td>
<td>181</td>
<td>539</td>
</tr>
<tr>
<td></td>
<td>Regulations governing excavations</td>
<td>181</td>
<td>540</td>
</tr>
<tr>
<td>ASSESSOR:</td>
<td>Salary</td>
<td>304</td>
<td>795</td>
</tr>
<tr>
<td>ASSOCIATED INDUSTRIES OF IDAHO:</td>
<td>Appreciation expressed for Legislative Digests</td>
<td>H.C.R. 24</td>
<td>1144</td>
</tr>
<tr>
<td>ATHLETIC COMMISSION:</td>
<td>Appropriation</td>
<td>373</td>
<td>1055</td>
</tr>
<tr>
<td>ATHLETIC COMMISSION FUND:</td>
<td>Appropriation to Bureau of Public Accounts</td>
<td>251</td>
<td>662</td>
</tr>
<tr>
<td>ATTACHES:</td>
<td>Insurance provided for</td>
<td>S.C.R. 4</td>
<td>1114</td>
</tr>
<tr>
<td></td>
<td>Salaries fixed for Thirty-seventh Session</td>
<td>S.C.R. 2</td>
<td>1111</td>
</tr>
<tr>
<td>ATTORNEY GENERAL:</td>
<td>Appropriation</td>
<td>404</td>
<td>1081</td>
</tr>
<tr>
<td></td>
<td>Dairies and Dairy Products, duties in regard to unlawful marketing practices</td>
<td>190</td>
<td>581</td>
</tr>
<tr>
<td></td>
<td>Decedents' estates, decree of distribution containing, copy to Attorney General</td>
<td>164</td>
<td>482</td>
</tr>
<tr>
<td></td>
<td>Indians, extension of civil and criminal jurisdiction, consent filed with</td>
<td>58</td>
<td>225</td>
</tr>
<tr>
<td></td>
<td>Oil and Gas Conservation Commission of the State of Idaho, duties of</td>
<td>148</td>
<td>435</td>
</tr>
<tr>
<td></td>
<td>Pre-arranged funeral plans, injunctions, duties</td>
<td>156</td>
<td>458</td>
</tr>
<tr>
<td></td>
<td>Supervision of public and charitable trusts, duties</td>
<td>161</td>
<td>476</td>
</tr>
<tr>
<td></td>
<td>Teachers’ Retirement System of Idaho, legal advisor to</td>
<td>13</td>
<td>123</td>
</tr>
<tr>
<td>ATTORNEYS:</td>
<td>Annual bar fee increased</td>
<td>47</td>
<td>198</td>
</tr>
<tr>
<td>ATTORNEYS AT LAW:</td>
<td>Attorney-client relationship, client defined</td>
<td>122</td>
<td>351</td>
</tr>
<tr>
<td>AUDITORIUM DISTRICTS:</td>
<td>Petitions for organization: Reducing number of signers</td>
<td>95</td>
<td>312</td>
</tr>
<tr>
<td></td>
<td>Residence of signers</td>
<td>95</td>
<td>312</td>
</tr>
<tr>
<td>AUTOMOBILES:</td>
<td>See DRIVERS LICENSE COMPACT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section</td>
<td>Chapter</td>
<td>Page</td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>---------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td>AUTOPSY: Persons who may give consent for</td>
<td>155</td>
<td>457</td>
<td></td>
</tr>
<tr>
<td>AVERY SCHOOL DISTRICT: Special tax levy</td>
<td>151</td>
<td>452</td>
<td></td>
</tr>
<tr>
<td>BANK SERVICE CORPORATION ACT: Definitions:</td>
<td>62</td>
<td>243</td>
<td></td>
</tr>
<tr>
<td>Applying bank</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bank service corporation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bank services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Supervisory agency</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Invest</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stockholding bank</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Investment limitations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limitations on activities of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rendering of services mandatory</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BANKS AND BANKING:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See BANK SERVICE CORPORATION ACT:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guardians, governed by Prudent Man Investment Act</td>
<td>303</td>
<td>793</td>
<td></td>
</tr>
<tr>
<td>Removing certain restrictions against branch banks and banking</td>
<td>180</td>
<td>538</td>
<td></td>
</tr>
<tr>
<td>Small Business Administration loans</td>
<td>66</td>
<td>257</td>
<td></td>
</tr>
<tr>
<td>State Banks:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computation of cash reserve</td>
<td>71</td>
<td>263</td>
<td></td>
</tr>
<tr>
<td>Excepting certain real estate loans from loan ratio and computation of</td>
<td>66</td>
<td>256</td>
<td></td>
</tr>
<tr>
<td>Increasing real estate loan limits</td>
<td>66</td>
<td>256</td>
<td></td>
</tr>
<tr>
<td>Increasing time limit on residential and farm buildings loans</td>
<td>66</td>
<td>256</td>
<td></td>
</tr>
<tr>
<td>Loan to officers of, raising maximum to $2,500</td>
<td>96</td>
<td>314</td>
<td></td>
</tr>
<tr>
<td>Loans to officers of, directors approval not required</td>
<td>96</td>
<td>314</td>
<td></td>
</tr>
<tr>
<td>BAR COMMISSION:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>208</td>
<td>597</td>
<td></td>
</tr>
<tr>
<td>Attorneys, annual fees increased</td>
<td>47</td>
<td>198</td>
<td></td>
</tr>
<tr>
<td>BAR COMMISSION FUND:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation to Bureau of Public Accounts</td>
<td>251</td>
<td>662</td>
<td></td>
</tr>
<tr>
<td>BARBERS:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barber shop license fees</td>
<td>295</td>
<td>782</td>
<td></td>
</tr>
<tr>
<td>Board of Barber Examiners:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appointment</td>
<td>295</td>
<td>783</td>
<td></td>
</tr>
<tr>
<td>Department of Public Health, power to make sanitation regulations for barber shops</td>
<td>295</td>
<td>784</td>
<td></td>
</tr>
</tbody>
</table>
BARBERS:
Filling of vacancies ............................................................ 295 784
Organization ........................................................................ 295 784
Qualifications ........................................................................ 295 783
Re-hearings, when required .............................................. 295 784
Term ...................................................................................... 295 782
Certificate of registration of qualifications of applicants ......................... 295 778
Effect of failure to pass apprentice examination as right to practice without examination 295 780
Refusal or suspension of license, grounds ................................... 295 780
Registered apprentice, qualifications ........................................ 295 779

BARTENDERS:
Wife of licensee may be ........................................................ 10 21
Wife's permit restricted .......................................................... 10 21

BEAN COMMISSION:
Appropriation ........................................................................ 205 595

BEAN MARKETING AND PRODUCTION PROMOTION FUND:
Appropriation to Bean Commission ...................................... 205 595

BEAR LAKE COUNTY:
Bear Lake Recreational Area, assignment of Utah Power and Light Co., agreement with state 2 5

BEE KEEPERS:
See HONEY INDUSTRY REGULATIONS

BEER:
Advertising requirements defined ........................................ 184 545

BEES:
See HONEY INDUSTRY REGULATIONS
Appropriation for inspection to Commissioner of Agriculture 221 630

BIDS:
See COUNTY EXPENDITURES ACT

BLISTER RUST CONTROL, LAND ACQUISITION AND PEST CONTROL:
Appropriation ........................................................................ 247 657

BOARD OF DENTAL EXAMINERS:
Increase in per diem allowance .............................................. 55 220

BOARD OF DIRECTORS:
See CORPORATIONS
BOARD OF EXAMINING SURVEYORS:
Powers and duties abolished ........................................... 91 288

BOARD OF LAND COMMISSIONERS:
See STATE BOARD OF LAND COMMISSIONERS

BOARD OF MEDICINE FUND:
Appropriations:
   Bureau of Public Accounts ........................................ 251  662
   State Board of Medicine ........................................... 369 1051

BOARD OF REGENTS, UNIVERSITY OF IDAHO:
See UNIVERSITY OF IDAHO

BOATS:
Motor fuels tax, refund for commercial use other than fishing .................................................. 163  480

BONDS:
See MUNICIPAL BOND LAW and MUNICIPAL CORPORATIONS
See SCHOOL RECODIFICATION ACT
Junior Colleges, issuance authorized ................................ 363 1046
Limitations on bond elections .................................... 146  431
Plumbing and plumbers, compliance bond required .......... 138  397
School districts, departure from amortization plan ........ 263  673

BOOTH MEMORIAL HOSPITAL FOR INDIGENT MOTHERS:
Appropriation ................................................................. 192  584

BORGLUM, GUTZON:
Memory honored .......................................................... H.C.R. 17 1139

BOWLING ALLEYS:
Municipal licenses abolished ........................................ 272  694

BRAKES:
See MOTOR VEHICLES, ACT REGULATING TRAFFIC

BRAND INSPECTION FUND:
Appropriations:
   Bureau of Public Accounts ........................................ 251  662
   State Brand Inspector ................................................ 222  631

BRUCES EDDY:
Congress of the United States requested to change project name to Henry Dworshak Dam .......... S.J.M.  7 1159

BUDGET:
Legislative Council to assist in preparation .................. 225  634
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUDGET DIRECTOR:</td>
<td></td>
</tr>
<tr>
<td>Appropriation for Bureau of Public Accounts</td>
<td>251 661</td>
</tr>
<tr>
<td>Employees of State Department of Highways, approval of work policy of</td>
<td>41 190</td>
</tr>
<tr>
<td>BUREAU OF MINES AND GEOLOGY:</td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>288 755</td>
</tr>
<tr>
<td>BUREAU OF PUBLIC ACCOUNTS:</td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>251 661</td>
</tr>
<tr>
<td>BUREAU OF THE BUDGET:</td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>254 665</td>
</tr>
<tr>
<td>BURGLARY:</td>
<td></td>
</tr>
<tr>
<td>Defined</td>
<td>293 774</td>
</tr>
<tr>
<td>BURIAL:</td>
<td></td>
</tr>
<tr>
<td>See ENDOWMENT CARE CEMETARY ACT OF 1963</td>
<td></td>
</tr>
<tr>
<td>BUSINESS CLIMATE OF STATE OF IDAHO:</td>
<td></td>
</tr>
<tr>
<td>Examination of proposed legislation by Legislature for effect upon</td>
<td>S.C.R. 3 1112</td>
</tr>
<tr>
<td>CAPITOL MAINTENANCE:</td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>239 651</td>
</tr>
<tr>
<td>CATTLE:</td>
<td></td>
</tr>
<tr>
<td>Imported cattle, tuberculin test requirement repealed</td>
<td>131 383</td>
</tr>
<tr>
<td>CEMETERIES:</td>
<td></td>
</tr>
<tr>
<td>See ENDOWMENT CARE CEMETARY ACT OF 1963</td>
<td></td>
</tr>
<tr>
<td>CEMETERY MAINTENANCE DISTRICTS:</td>
<td></td>
</tr>
<tr>
<td>Annexation of territory, procedure for</td>
<td>337 965</td>
</tr>
<tr>
<td>Twenty-mill levy authorized</td>
<td>341 979</td>
</tr>
<tr>
<td>Withdrawal from one district and annexation to new district:</td>
<td></td>
</tr>
<tr>
<td>Assessor, notification to</td>
<td>337 967</td>
</tr>
<tr>
<td>Election</td>
<td>337 966</td>
</tr>
<tr>
<td>Procedure for</td>
<td>337 966</td>
</tr>
<tr>
<td>CENTRAL POSTAL SYSTEM:</td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>403 1080</td>
</tr>
<tr>
<td>CERTIFIED PUBLIC ACCOUNTANTS ACT:</td>
<td></td>
</tr>
<tr>
<td>Application for license, fee</td>
<td>284 735</td>
</tr>
<tr>
<td>Attorney general, duties</td>
<td>284 750</td>
</tr>
<tr>
<td>Cheating in examination</td>
<td>284 738</td>
</tr>
<tr>
<td>Certifying Public Accountants Act:</td>
<td>Chapter Page</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Enjoinable acts</td>
<td>284 734</td>
</tr>
<tr>
<td>Examination</td>
<td>284 736</td>
</tr>
<tr>
<td>Existing certificates</td>
<td>284 737</td>
</tr>
<tr>
<td>Experience requirements</td>
<td>284 736</td>
</tr>
<tr>
<td>Misdemeanors enumerated</td>
<td>284 747</td>
</tr>
<tr>
<td>Professional ethics:</td>
<td></td>
</tr>
<tr>
<td>Operating practices</td>
<td>284 746</td>
</tr>
<tr>
<td>Promotional practices</td>
<td>284 745</td>
</tr>
<tr>
<td>Relations with clients and public</td>
<td>284 744</td>
</tr>
<tr>
<td>Relations with fellow licensees</td>
<td>284 746</td>
</tr>
<tr>
<td>Technical standards</td>
<td>284 744</td>
</tr>
<tr>
<td>Prosecuting attorney, duties</td>
<td>284 750</td>
</tr>
<tr>
<td>Purpose</td>
<td>284 734</td>
</tr>
<tr>
<td>Qualification of applicants</td>
<td>284 735</td>
</tr>
<tr>
<td>Reciprocity</td>
<td>284 737</td>
</tr>
<tr>
<td>Revocation or suspension of licenses:</td>
<td></td>
</tr>
<tr>
<td>Conviction of crime, grounds for</td>
<td>284 742</td>
</tr>
<tr>
<td>Other grounds</td>
<td>284 743</td>
</tr>
<tr>
<td>Proceedings for</td>
<td>284 747</td>
</tr>
<tr>
<td>Review of proceedings</td>
<td>284 749</td>
</tr>
<tr>
<td>State Board of Accountancy:</td>
<td></td>
</tr>
<tr>
<td>Established</td>
<td>284 739</td>
</tr>
<tr>
<td>Issuance of licenses</td>
<td>284 739</td>
</tr>
<tr>
<td>Miscellaneous powers and duties</td>
<td>284 741</td>
</tr>
<tr>
<td>Powers and duties</td>
<td>284 740</td>
</tr>
<tr>
<td>State Board of Accountancy fund created</td>
<td>284 742</td>
</tr>
<tr>
<td>Temporary practice by non-resident</td>
<td>284 737</td>
</tr>
<tr>
<td>Unlawful practices</td>
<td>284 734</td>
</tr>
</tbody>
</table>

**CHALLIS PROJECT:**
Congress of the United States urged to give early consideration to authorization of S.J.M. 8 1161

**CHARITIES:**
Transfers to, exempt from taxation 44 193

**CHILD CARE LICENSING ACT:**
Appeals from decision of commission 320 908
Children's agencies and institutions:
- Department to enforce standards 320 903
- Standards for 320 903
- Declaration of policy 320 902
- Definitions 320 902
Foster homes, day care home and centers:
- Duties of department to enforce standards 320 904
- Standards 320 904
CHILD CARE LICENSING ACT:

Hearings:
- Rules and regulations, protests and appeals on ........................................... 320 905
- Suspension and revocation of licenses ............................................................... 320 907

Licenses:
- Denial ............................................................................................................... 320 907
- Eligibility for ..................................................................................................... 320 906
- Expiration and renewal .................................................................................... 320 906
- Hearing on suspension on revocation .............................................................. 320 907
- Licensing authority .......................................................................................... 320 906
- Provisional licenses .......................................................................................... 320 907
- Revocation ........................................................................................................ 320 907
- Suspension ........................................................................................................ 320 907
- Visitations for inspection of licenses ................................................................. 320 907

Operating without license, penalty .................................................................... 320 908

Removal of children from ................................................................................... 320 908

Rules and regulations, protests and appeals:
- Appeal authorized ............................................................................................ 320 905
- Hearing, procedure for ..................................................................................... 320 905
- Notice of hearing ............................................................................................... 320 905

Title of act ............................................................................................................. 320 909

Unlicensed establishments:
- Action against .................................................................................................. 320 908
- Removal of children from .................................................................................. 320 908

CHILD PROTECTIVE ACT:

Appeals:
- De novo in district court .................................................................................. 321 918
- Order not stayed, exception .............................................................................. 321 918
- Time of filing ..................................................................................................... 321 918
- To district court .................................................................................................. 321 918
- Undertaking not required .................................................................................. 321 918

Counsel, right to ................................................................................................... 321 914

Custody, taking without warrant:
- Notice to parents ................................................................................................ 321 914
- Release of child .................................................................................................. 321 914
- Shelter to be provided ....................................................................................... 321 914
- When authorized ............................................................................................... 321 914

Decree:
- Contents ............................................................................................................. 321 915
- Custody of child ................................................................................................ 321 915
- Duration of ........................................................................................................ 321 916
- Modification of ................................................................................................ 321 916
- Rehearing .......................................................................................................... 321 916
- Renewal of ........................................................................................................ 321 916

Definition ............................................................................................................. 321 910
CHILD PROTECTIVE ACT:

Evidence:
  Hospital attendants may testify .................................... 321 919
  Parent may testify against parent .................................. 321 919
  Physician may testify ........................................................ 321 919

Hearings:
  Before the court .................................................................. 321 915
  Conduct of ............................................................................ 321 913
  Custody pending ................................................................. 321 913
  Investigations required prior to decree ........................ 321 915
  Notice .................................................................................... 321 913
  Procedure .............................................................................. 321 915
  Public excluded .................................................................... 321 915

Injuries to child:
  Physicians and hospitals to report .................................. 321 918
  Testimony not privileged .................................................. 321 919

Jurisdiction ................................................................................ 321 912

Name of act .............................................................................. 321 919

Petition:
  Contents ................................................................................ 321 912
  Summons, issuance ............................................................ 321 913
  Title of .................................................................................. 321 912

Purpose ...................................................................................... 321 910

Summons:
  Failure to obey .................................................................... 321 914
  Notice .................................................................................... 321 913
  Service, manner of .............................................................. 321 913
  Time of issuance .................................................................. 321 913
  Travel expense .................................................................... 321 913
  Warrant, issuance of .......................................................... 321 914

Support of child:
  County charge .................................................................... 321 917
  Parent or guardian's contribution .................................... 321 917

Transfer to other courts .......................................................... 321 912

CHILDREN:

See CHILD CARE LICENSING ACT
See INTERDEPARTMENTAL COMMITTEE ON CHILDREN AND YOUTH
See PUBLIC ASSISTANCE LAW
See SCHOOL RECODIFICATION
See TERMINATION OF PARENT-CHILD RELATIONSHIP ACT
See YOUTH REHABILITATION ACT

Death of while correcting not excusable homicide ............ 109 332
Education of mentally handicapped ................................. 219 628
Testimony admissible in child injury cases ..................... 104 325
CHILDREN'S HOME FINDING AND AID SOCIETY
OF NORTH IDAHO, LEWISTON:
Appropriation .......................................................... 192 584

CHILDREN'S HOME SOCIETY OF IDAHO, BOISE:
Appropriation .......................................................... 192 584

CIGARETTES:
See TAXATION

CITIES AND VILLAGES:
See CITIES OF SECOND CLASS
See COUNCIL-MANAGER-MAYOR PLAN OF
CITY GOVERNMENT
See MUNICIPAL BOND LAW
See MUNICIPAL CORPORATIONS
Acceptance of plats ........................................... 67 258
Billiard and bowling alley licenses abolished .......... 272 694
City Manager Plan, fiscal year changed .................. 82 276
Council-Manager-Mayor Plan of city government,
fiscal year changed ............................................ 81 276
Fifteen percent of highway funds for roads and streets .355 1019
Library services, contracts for ............................... 188 576
Thirty-mill tax levy for general purposes ................ 285 752
Zoo and recreation purposes, issuance of bonds for .... 357 1024

CITIES OF FIRST CLASS:
See CITIES AND VILLAGES
See MUNICIPAL CORPORATIONS
Civil Service Commission, creation of permissible ...... 134 386
Election to determine number of councilmen ......... 94 311
Number of councilmen .......................................... 94 311

CITIES OF SECOND CLASS:
See CITIES AND VILLAGES
See MUNICIPAL CORPORATIONS
Effect of annexation:
Double taxation, prevention of ......................... 152 453
Relief from tax levies and assessments ................. 152 453
Withdrawal of annexed territory ....................... 152 453

CITY COUNCIL:
Number of members in cities of first class .......... 94 311

CITY MANAGER:
See COUNCIL-MANAGER-MAYOR PLAN OF
CITY GOVERNMENT

CITY MANAGER PLAN OF CITY GOVERNMENT:
Fiscal year changed ............................................... 82 276
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>CIVIL ACTIONS:</td>
<td>Privileged communications, psychologist and client</td>
<td>186</td>
<td>556</td>
</tr>
<tr>
<td>CIVIL DEFENSE:</td>
<td>Liability for property damage, bodily injury or death</td>
<td>302</td>
<td>792</td>
</tr>
<tr>
<td></td>
<td>Municipal corporations: Appropriation for from general fund</td>
<td>302</td>
<td>792</td>
</tr>
<tr>
<td></td>
<td>Part payments validated</td>
<td>302</td>
<td>792</td>
</tr>
<tr>
<td>CIVIL DEFENSE ADULT EDUCATION:</td>
<td>Appropriation</td>
<td>317</td>
<td>872</td>
</tr>
<tr>
<td>CIVIL JURISDICTION:</td>
<td>See INDIANS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CIVIL SERVICE COMMISSION:</td>
<td>See CITIES OF FIRST CLASS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CLAIMS:</td>
<td>Tacy, Pauline J., appropriation to</td>
<td>199</td>
<td>589</td>
</tr>
<tr>
<td>CLEANSING LIQUIDS:</td>
<td>Containing toxicants, labeling required</td>
<td>30</td>
<td>188</td>
</tr>
<tr>
<td>CLERK OF THE DISTRICT COURT:</td>
<td>Salary</td>
<td>304</td>
<td>795</td>
</tr>
<tr>
<td>COLLECTION AGENCIES:</td>
<td>Collection Agencies Board: Appointment of members</td>
<td>212</td>
<td>610</td>
</tr>
<tr>
<td></td>
<td>Creation of</td>
<td>212</td>
<td>609</td>
</tr>
<tr>
<td></td>
<td>Examination of applicant for permit</td>
<td>212</td>
<td>611</td>
</tr>
<tr>
<td></td>
<td>Meetings of</td>
<td>212</td>
<td>610</td>
</tr>
<tr>
<td></td>
<td>Membership of</td>
<td>212</td>
<td>611</td>
</tr>
<tr>
<td></td>
<td>Organization of</td>
<td>212</td>
<td>610</td>
</tr>
<tr>
<td></td>
<td>Power of</td>
<td>212</td>
<td>610</td>
</tr>
<tr>
<td></td>
<td>Quorum requirements</td>
<td>212</td>
<td>611</td>
</tr>
<tr>
<td></td>
<td>Secretary of</td>
<td>212</td>
<td>610</td>
</tr>
<tr>
<td></td>
<td>Term of members</td>
<td>212</td>
<td>610</td>
</tr>
<tr>
<td>Filings required:</td>
<td>Acting as assignee, limitation</td>
<td>212</td>
<td>612</td>
</tr>
<tr>
<td></td>
<td>Contracts and assignments of debtors</td>
<td>212</td>
<td>609</td>
</tr>
<tr>
<td></td>
<td>Contracts and releases of creditors</td>
<td>212</td>
<td>609</td>
</tr>
<tr>
<td></td>
<td>Investigation of records authorized</td>
<td>212</td>
<td>614</td>
</tr>
<tr>
<td></td>
<td>Trust account required</td>
<td>212</td>
<td>614</td>
</tr>
<tr>
<td>Permit:</td>
<td>Bond required for</td>
<td>212</td>
<td>613</td>
</tr>
<tr>
<td></td>
<td>Denial, grounds for</td>
<td>212</td>
<td>616</td>
</tr>
<tr>
<td></td>
<td>Examination of applicant for</td>
<td>212</td>
<td>611</td>
</tr>
<tr>
<td></td>
<td>Financial requirements</td>
<td>212</td>
<td>608</td>
</tr>
</tbody>
</table>
### COLLECTION AGENCIES:

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Form of application</td>
<td>212</td>
</tr>
<tr>
<td>Qualifications for</td>
<td>212</td>
</tr>
<tr>
<td>Refusal for</td>
<td>212</td>
</tr>
<tr>
<td>Renewal provisions</td>
<td>212</td>
</tr>
<tr>
<td>Required</td>
<td>212</td>
</tr>
<tr>
<td>Revocation, grounds for</td>
<td>212</td>
</tr>
</tbody>
</table>

**Permit holders:**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Penalties for violations by</td>
<td>212</td>
</tr>
<tr>
<td>Practice of law prohibited</td>
<td>212</td>
</tr>
<tr>
<td>Qualifications of required</td>
<td>212</td>
</tr>
<tr>
<td>Required to maintain trust account</td>
<td>212</td>
</tr>
<tr>
<td>Violations by</td>
<td>212</td>
</tr>
</tbody>
</table>

### COLLECTION AGENCIES BOARD:

See COLLECTION AGENCIES

### COLLEGES AND INSTITUTIONS OF LEARNING:

See LEWIS-CLARK NORMAL SCHOOL

### COLUMBIA INTERSTATE COMPACT:

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apportionment of water</td>
<td>310</td>
</tr>
<tr>
<td>Columbia Compact Commission:</td>
<td>310</td>
</tr>
<tr>
<td>Bylaws</td>
<td>310</td>
</tr>
<tr>
<td>Creation of</td>
<td>310</td>
</tr>
<tr>
<td>General powers</td>
<td>310</td>
</tr>
<tr>
<td>Meetings</td>
<td>310</td>
</tr>
<tr>
<td>Powers</td>
<td>310</td>
</tr>
<tr>
<td>Reports</td>
<td>310</td>
</tr>
<tr>
<td>Transaction of business</td>
<td>310</td>
</tr>
<tr>
<td>Vote requirements</td>
<td>310</td>
</tr>
<tr>
<td>Columbia Interstate Commission, organization</td>
<td>310</td>
</tr>
<tr>
<td>Congressional approval</td>
<td>310</td>
</tr>
<tr>
<td>Cooperation by state agencies</td>
<td>310</td>
</tr>
<tr>
<td>Cooperation in power development</td>
<td>310</td>
</tr>
<tr>
<td>Definitions</td>
<td>310</td>
</tr>
<tr>
<td>Existing rights recognized</td>
<td>310</td>
</tr>
<tr>
<td>Financial contributions</td>
<td>310</td>
</tr>
<tr>
<td>Fish, wild life and recreation</td>
<td>310</td>
</tr>
<tr>
<td>Members from Idaho</td>
<td>310</td>
</tr>
<tr>
<td>Pollution control</td>
<td>310</td>
</tr>
<tr>
<td>Powers of commissioner</td>
<td>310</td>
</tr>
<tr>
<td>Purposes</td>
<td>310</td>
</tr>
<tr>
<td>Ratification and effective date</td>
<td>310</td>
</tr>
<tr>
<td>Ratified</td>
<td>310</td>
</tr>
<tr>
<td>Rules and regulations</td>
<td>310</td>
</tr>
<tr>
<td>Severability</td>
<td>310</td>
</tr>
<tr>
<td>Termination</td>
<td>310</td>
</tr>
<tr>
<td>Bureau</td>
<td>Appropriation Page</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>COMMERCIAL FEED AND FERTILIZER FUND:</td>
<td>384 1064</td>
</tr>
<tr>
<td>COMMISSION ON UNIFORM LAWS:</td>
<td>327 942</td>
</tr>
<tr>
<td>COMMISSIONER OF AGRICULTURE:</td>
<td></td>
</tr>
<tr>
<td>See ECONOMIC POISON ACT OF 1963</td>
<td></td>
</tr>
<tr>
<td>See EGG ACT</td>
<td></td>
</tr>
<tr>
<td>Appropriations:</td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>384 1064</td>
</tr>
<tr>
<td>Agriculture administration</td>
<td>328 943</td>
</tr>
<tr>
<td>Agriculture inspection</td>
<td>366 1049</td>
</tr>
<tr>
<td>Bee inspection</td>
<td>221 630</td>
</tr>
<tr>
<td>Dairy industry and inspection</td>
<td>368 1051</td>
</tr>
<tr>
<td>Economic Poison Law</td>
<td>226 635</td>
</tr>
<tr>
<td>Fresh fruit and vegetable inspection</td>
<td>250 660</td>
</tr>
<tr>
<td>Livestock disease control</td>
<td>206 596</td>
</tr>
<tr>
<td>Meat inspection</td>
<td>197 588</td>
</tr>
<tr>
<td>COMMISSIONER OF FINANCE:</td>
<td>415 1090</td>
</tr>
<tr>
<td>Collection Agencies Board, secretary of</td>
<td>212 610</td>
</tr>
<tr>
<td>Collection Agency permits:</td>
<td></td>
</tr>
<tr>
<td>Financial requirements for</td>
<td>212 608</td>
</tr>
<tr>
<td>Form of application</td>
<td>212 608</td>
</tr>
<tr>
<td>Required</td>
<td>212 607</td>
</tr>
<tr>
<td>COMMISSIONER OF LABOR:</td>
<td></td>
</tr>
<tr>
<td>Bargaining agent designated by:</td>
<td></td>
</tr>
<tr>
<td>Good faith requirements</td>
<td>110 334</td>
</tr>
<tr>
<td>Penalties</td>
<td>110 334</td>
</tr>
<tr>
<td>Duties in connection with union disputes:</td>
<td></td>
</tr>
<tr>
<td>Elections</td>
<td>110 334</td>
</tr>
<tr>
<td>Hearings</td>
<td>110 333</td>
</tr>
<tr>
<td>Investigation by</td>
<td>110 333</td>
</tr>
<tr>
<td>Rules and regulations</td>
<td>110 334</td>
</tr>
<tr>
<td>Secret ballot by employees</td>
<td>110 333</td>
</tr>
<tr>
<td>COMMISSIONER OF LAW ENFORCEMENT:</td>
<td></td>
</tr>
<tr>
<td>Appropriations:</td>
<td></td>
</tr>
<tr>
<td>Department of Law Enforcement for salaries and wages, etc.</td>
<td>248 659</td>
</tr>
<tr>
<td>Driver training</td>
<td>381 1061</td>
</tr>
<tr>
<td>Liquor law enforcement</td>
<td>224 633</td>
</tr>
<tr>
<td>Nurse Registration and Nursing Education Board</td>
<td>227 636</td>
</tr>
<tr>
<td>Occupational License Bureau</td>
<td>249 660</td>
</tr>
</tbody>
</table>
COMMISSIONER OF LAW ENFORCEMENT:
Idaho National Guard, special license plates 61 242
Vehicle Equipment Safety Commission, member from
this state 59 235

COMMISSIONER OF PUBLIC ASSISTANCE:
Compromise and release of claims by 99 317

COMMISSIONER OF PUBLIC WORKS:
Appropriation 246 657

COMPENSATION:
Minimum wage established 9 20

CONGRESS OF THE UNITED STATES:
Petitioned that IRC 631-A regarding forest funds
not be repealed S.J.M. 12 1166
Requested to change name of Bruces Eddy Project
to Henry Dworshak Dam S.J.M. 7 1159
Urged to appropriate for erection of Federal Weed
Eradication Laboratory at University of Idaho. H.J.M. 9 1182
Urged to call constitutional convention concerning
manner of amending United States Constitution
H.J.M. 7 1181
Urged to call a constitutional convention to propose
amendment setting limit of $350 billions on Federal
debt S.J.M. 9 1162
Urged to call a constitutional convention to propose
amendment to prohibit Federal government inter-
vention in apportionment of state legislature S.J.M. 4 1156
Urged to consider construction of the Mountain
Home Division, Snake River Project, Guffey Plan
of Development S.J.M. 10 1163
Urged to enact legislation to pay states with
national forests 65% of gross receipts from sale
of timber H.J.M. 10 1183
Urged to extend payments to school districts in
lieu of Federal taxes H.J.M. 11 1184
Urged to give early consideration to authorization
of Challis Project S.J.M. 8 1161
Urged to give early consideration to construction of
Lower Teton Reservoir S.J.M. 3 1154
Urged to resist further expansion of Social Security
into the occupational disability field S.J.M. 2 1153

CONSTABLES:
Fees, same as sheriff’s 261 670
## CONSTITUTION OF THE UNITED STATES:
Congress urged to call constitutional convention concerning constitutional amendments ..........H.J.M. 7 1181
Ratification of proposed amendment relating to qualification of electors ...................H.J.R. 7 1151

## CONSTITUTIONAL AMENDMENTS:
See JOINT RESOLUTIONS

### Appropriations:
- Advertising .................................................. 388 1067
- Printing costs ................................................. 326 941
- Advertisement of proposed amendment ........... S.J.R. 6 1146
- Sheriff to be elected every four years .......... S.J.R. 6 1146
- To change maximum time for payment of public indebtedness to thirty years .............. H.J.R. 5 1149

## CONTRACTORS:
See PUBLIC WORKS CONTRACTORS

## CONTRACTS:
See SCHOOL RECODIFICATION ACT

## COOPERATIVE ASSOCIATIONS:
Electric service, limitation on power of cooperative .......269 689

## COOPERATIVE MARKETING ASSOCIATIONS:
Consolidation and merger:
- Authorized ...................................................... 42 191
- Negative vote, affect of ................................. 42 191
- Notice of meeting ............................................ 42 191
- Procedure for ................................................ 42 191
- Two-thirds vote required ......................... 42 191
- Voting method ............................................... 42 191

## CORONER:
- Inquest, number of jurors ............................... 4 9
- Salary ............................................................. 304 795

## CORPORATIONS:
See FOREIGN CORPORATIONS
See INDUSTRIAL DEVELOPMENT CORPORATIONS
See PROFESSIONAL SERVICE CORPORATION ACT
Directors and committees thereof, action taken without meeting, prior written consent required ..........117 346
Engineering corporations authorized ..................... 20 161
Income tax increase ........................................ 425 1104

## CORRESPONDENCE SCHOOLS:
- Regulations concerning ............................... 13 142
## COUNCIL-MANAGER-MAYOR PLAN OF CITY GOVERNMENT:

### Adoption of plan:
- Cities that may adopt ........................................................ 5 10
- Definitions ............................................................................ 5 11
- Petition and election by .................................................... 5 11
- Referendum and election by .............................................. 5 11

### City council:
- Composition of .................................................................... 5 10
- Meetings, regular and special .......................................... 5 12
- Powers .................................................................................. 5 12

### City government, fiscal year changed ................................ 81 276

### City manager:
- Appointment of ............................................................... 5 12
- Powers and duties ............................................................ 5 14

### Discontinuance of plan:
- Election required ........................................................... 5 15
- Petition for .......................................................................... 5 15
- Question submitted ........................................................ 5 15

### Elections:
- Days of ............................................................................. 5 12
- Multiple choice provisions ................................................ 5 16
- Proposal, submission of .................................................... 5 15
- Two-year lapse between .................................................. 5 15

### Elective officers:
- Enumerated .......................................................................... 5 10
- Term of .................................................................................. 5 10
- Vacancies, filling of ............................................................ 5 10

### Electors, qualifications of .................................................... 5 16
- Fiscal year ................................................................................ 5 16
- Fiscal year changed ............................................................... 81 276

### Mayor:
- Mayor, pro-tem .................................................................... 5 13
  - President of council .......................................................... 5 13
- Ordinances, signing and recording of ................................ 5 12
- Petitions, requirements of .................................................. 5 16

### COUNTIES:
- See JOINT SERVICE FUNCTIONS OF MUNICIPALITIES

### COUNTY ASSESSORS:
- Motor carriers:
  - Duty to collect fees ......................................................... 160 472
  - Remittance of fees .......................................................... 160 474

### COUNTY AUDITOR:
- School funds, warrants upon ................................................ 13 102
### COUNTY BOARD OF EDUCATION:
- Tax levy repealed ................................................................. 142 405

### COUNTY COMMISSIONERS:
- See COUNTY EXPENDITURES ACT
- See SCHOOL RECODIFICATION ACT
- Aged and infirm, power to care for ................................. 149 398
- Ambulance service, authority to establish ......................... 278 713
- Authority to lease certain buildings ................................. 106 329
- Hearings on appointment of fair boards ......................... 113 336
- Hospitals, petitions for election to establish, number of signers ................................. 139 398
- Salary schedule .................................................................. 333 953

### COUNTY EXPENDITURES ACT:
- Applicability .......................................................................... 124 355
- Bids:
  - Award of ............................................................................ 124 357
  - Bid security .......................................................................... 124 356
  - Forfeiture of bid security ............................................... 124 356
  - None received ...................................................................... 124 357
  - Notice to bidders .................................................................. 124 355
  - Rejection of .......................................................................... 124 357
  - Sealed bids required ...................................................... 124 356
  - When required ...................................................................... 124 355
  - Withdrawal, time limit .................................................... 124 356
- Emergency expenditures .................................................. 124 357
- Expenditure defined ............................................................ 124 355
- Expenditures authorized without compliance with act ... 124 357

### COUNTY FAIR BOARDS:
- Hearing on petition for appointment of, pertinent objections to be heard ......................... 113 336
- Petition for creation of, number of signers .......................................................... 128 379

### COUNTY HIGHWAY COMMISSIONERS:
- Expenses, payment of authorized ........................................ 300 790
- Salary increased ..................................................................... 300 790

### COUNTY HOSPITALS:
- County may lease ................................................................. 106 329

### COUNTY LOCAL OPTION SECONDARY HIGHWAY REORGANIZATION ACT:
- Annexation of territory to district in adjoining county, procedure .................................. 290 767
- Apportionment of highway users fund ........................................ 290 764
- Bonds authorized, purpose .................................................. 290 766
COUNTY LOCAL OPTION SECONDARY HIGHWAY REORGANIZATION ACT:
County divided into more than one district, adjustment of district borders .................................................. 290 762

County-wide districts:
Bonding authority not granted ........................................ 290 762
Commissioners .................................................................. 290 761
Organization ....................................................................... 290 761
Declaration of policy .......................................................... 290 759
Definitions ......................................................................... 290 759
Dissolution not complete until succeeding unit formed ........ 290 769
Dissolution of good road districts ...................................... 290 765

Dissolution of highway and good road districts:
Apportionment of area in dissolved districts .................... 290 768
Bonds, validity not impaired ............................................. 290 769
Computation and allocation of indebtedness ...................... 290 768
Disposition of surplus funds ............................................. 290 769
Employees, hiring by succeeding operational units ........... 290 769
Hearing and order of ....................................................... 290 767
Municipalities shall not share funds of dissolved district .... 290 769
Succeeding operational unit, control by ............................ 290 768

Effect on pending and completed acts .............................. 290 770

Election:
Adoption of system .......................................................... 290 760
Canvass of votes ................................................................ 290 760
Petition required ............................................................. 290 760
Run-off election ................................................................ 290 761
Two-year lapse between elections .................................... 290 761

Election expense, prorated ............................................... 290 765

Highway commissioners, compensation and expenses ...... 290 769

Highway levies of roads and bridges ................................. 290 763

Inventories and financial statement of districts required .......... 290 765

Limitation on number of districts .................................... 290 761
Name of act ....................................................................... 290 770
Special tax levies, purpose of .......................................... 290 766
Title to property .............................................................. 290 765

Warrants of districts ......................................................... 290 765

COUNTY MUTUAL FIRE INSURANCE COMPANIES:
See FIRE INSURANCE

Members residing in municipal corporation may insure .... 48 200

COUNTY OFFICERS:
County Superintendent of Public Instruction, eliminated ............................................................ 88 283
COUNTY OFFICERS:
Salary schedules:
  County commissioners ................................................. 332 950
  Other county officers .................................................... 304 795
  Prosecuting attorneys .................................................... 333 953
  Surveyor eliminated ....................................................... 88 283

COUNTY RECORDERS:
Official records:
  Microfilm and photographic processes approved ................... 86 282
  Notice .............................................................................. 86 282
  Recording transcripts of judgment from other counties ........... 209 598

COUNTY ROADS:
See COUNTY LOCAL OPTION SECONDARY HIGHWAY REORGANIZATION ACT

COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION:
Eliminated as county officer ................................................. 88 283
Eliminating bond of ......................................................... 88 285
Eliminating deputies ......................................................... 88 284

COUNTY SURVEYOR:
Eliminated as county officer ................................................. 88 283
Eliminated as elected official .............................................. 83 277
Eliminating bond of ......................................................... 88 285
Fee schedule repealed ......................................................... 79 274
Functions transferred to registered surveyor or engineers:
  County surveying ............................................................ 90 287
  Establishment of county lines .......................................... 90 287
  Powers and duties abolished ............................................. 90 286

COUNTY TREASURER:
Duties with regard to school tax proceeds ............................. 13 101
Salary ............................................................................. 304 795
School fund accounts, duty to keep ...................................... 13 101

COURT HOUSES:
County may lease .............................................................. 106 329

COURT REPORTERS:
See DISTRICT COURT REPORTERS

COURTS:
See DISTRICT COURTS
See SUPREME COURT
District courts—jurors, women subject to same rules as men ........................................ 84 278
COURTS:
Justice courts—new fee schedule of .............................................................. 217 626
Probate court—office hours, Saturdays excepted .................................. 11 22

CREDIT CARDS:
Penalty for unlawful uses ............................................................................. 189 579
Unlawful uses of defined ................................................................................. 189 578

CREDIT UNIONS:
Directors to declare dividends ........................................................................ 51 204
Time of declaration of dividends ................................................................. 51 204

CRIMINAL JURISDICTION:
See INDIANS

CRIMINAL OFFENSES:
Aircraft, tampering with, penalties ............................................................ 359 1030
Archaeology Act, violation of ....................................................................... 181 540
Burglary defined ............................................................................................ 293 774
Collection agencies, violations by ............................................................... 212 615
Credit cards, unlawful use of .......................................................................... 189 578
Embezzlement of rented personal property .................................................. 69 262
Endowment Care Cemetery Act of 1963, violations of ............................... 179 537
Escape, felony under certain circumstances ............................................... 287 755
Fish and Game:
Licenses, tags and permits, transfer of unlawful ......................................... 185 549
Power-driven craft, use of unlawful .............................................................. 140 400
Sailboats, use of .............................................................................................. 140 400
Ground water, violation of decision of State Reclamation Engineer or local ground water board ................................................................. 216 626
Homicide, death of child while correcting not excusable ........................... 109 332
Idaho Horse Racing Act, violations a misdemeanor ..................................... 64 250
Labor, violations bargaining regulations, penalties ..................................... 110 334
Oil and Gas Conservation Act, violations of ................................................. 148 446
Psychology, unlawful practices ...................................................................... 186 555
School Recodification Act, unlawful acts ..................................................... 13 148
Telegraph service, obtaining unlawful use of ................................................. 189 579
Telephone number, unlawful use of ............................................................. 189 578
Trash, disposal of on unauthorized premises, penalty ................................ 220 629
Trespass, refusal to leave premises when ordered ......................................... 309 817

CRIMINAL PROCEDURE:
Indictments:
Charging but one offense, repealed .............................................................. 159 463
Count pleading authorized ............................................................................. 204 594
Information, count pleading authorized ....................................................... 204 594
Privileged communications, psychologist and client .................................... 186 556

CRIMINALS:
Transfer of prisoners to federal penal institutions ....................................... 107 330
### DAIRIES AND DAIRY PRODUCTS:

See MILK AND MILK PRODUCTS

- Severability clause ........................................190  582
- Trade practices in dairy industry:
  - Declaration of policy ........................................190  580
  - Definitions ....................................................190  580
  - Exceptions to act ..............................................190  581
  - Injunctions authorized ......................................190  581
  - Injunctive relief authorized ..............................190  581
  - Penalty ........................................................190  581
  - Representative suits for ..................................190  581
  - Unfair trade practices defined ...........................190  580
  - Unlawful practices, defined ..............................190  580

### DAIRY INDUSTRY AND INSPECTION:

- Appropriation ..............................................368  1051

### DEAF AND BLIND SCHOOL:

- Appropriations:
  - Administration ...........................................233  646
  - Building construction ....................................228  640
- Board of trustees:
  - General powers ............................................102  321
  - State Board of Education as, organization of,
    officers and quorum ....................................102  321
  - Title to property in ......................................102  321
  - Treasurer ..................................................102  321
  - Body politic ................................................102  321
  - Definitions, deaf and blind .............................102  322
  - Discretionary admission of students ................102  322
  - Establishment confirmed and ratified ..............102  321
  - Location at Gooding ......................................102  321
  - Report of deaf and blind students to superintendent
    of State School ..........................................102  323
  - Superintendent:
    - Employment ..............................................102  321
    - Powers and duties .....................................102  321

### DEATH BENEFITS:

- See TEACHERS' RETIREMENT SYSTEM
- See WORKMEN'S COMPENSATION

### DECEDENTS' ESTATES:

- See ADOPTIONS
- See PROBATE COURTS
- See UNIFORM PRINCIPAL AND INCOME ACT
<table>
<thead>
<tr>
<th>DECEDENTS' ESTATES:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>See UNIFORM TESTAMENTARY ADDITIONS TO TRUSTS ACT</td>
<td></td>
</tr>
<tr>
<td>Decrees of distribution, charitable trusts, attorney general to receive copy</td>
<td>164 482</td>
</tr>
<tr>
<td>Department of Public Assistance, agent of may be executors or administrators</td>
<td>85 280</td>
</tr>
<tr>
<td>Sale of real estate, additional bond discretionary with court</td>
<td>19 160</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DENTISTS:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>See BOARD OF DENTAL EXAMINERS</td>
<td></td>
</tr>
<tr>
<td>Dentist or dental hygienist examinations:</td>
<td></td>
</tr>
<tr>
<td>Age requirement eliminated</td>
<td>56 221</td>
</tr>
<tr>
<td>Students may practice dentistry as part of training</td>
<td>56 221</td>
</tr>
<tr>
<td>Practice of dentistry as professional service corporation authorized</td>
<td>336 963</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DEPARTMENT OF AGRICULTURE:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation for building:</td>
<td></td>
</tr>
<tr>
<td>State Board of Health, joint laboratory at Boise</td>
<td>228 638</td>
</tr>
<tr>
<td>University of Idaho, Aberdeen</td>
<td>228 640</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DEPARTMENT OF COMMERCE AND DEVELOPMENT:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td>243 655</td>
</tr>
<tr>
<td>Slum clearance:</td>
<td></td>
</tr>
<tr>
<td>Department authorized to petition for and receive federal grants</td>
<td>50 202</td>
</tr>
<tr>
<td>State Planning Agency</td>
<td>50 202</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DEPARTMENT OF DISASTER RELIEF AND CIVIL DEFENSE:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td>385 1065</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DEPARTMENT OF EDUCATION:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>See SCHOOL RECODIFICATION ACT</td>
<td></td>
</tr>
<tr>
<td>Interdepartmental Committee on Children and Youth, Superintendent of Public Instruction, member of</td>
<td>3 7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DEPARTMENT OF FINANCE:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Accounts:</td>
<td></td>
</tr>
<tr>
<td>Additional approved securities, investment in New York Stock Exchange, securities</td>
<td>72 264</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DEPARTMENT OF INSURANCE:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td>235 648</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DEPARTMENT OF LABOR:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td>260 670</td>
</tr>
</tbody>
</table>
### DEPARTMENT OF LABOR:
- Interdepartmental Committee on Children and Youth, Commissioner, member of ........................................ 3 7

### DEPARTMENT OF LAW ENFORCEMENT:
- Appropriation for salaries and wages, etc. ................. 248 659
- Bartenders:
  - Wife of liquor licensee may tend bar .................. 10 20
  - Wife’s permit restricted ................................ 10 21
- Board of Examining Surveyors, powers and duties
  abolished ................................................................ 91 288
- Compact administrators, expenses ....................... 60 241
- Driver License Compact, licensing authority ........ 60 241
- Driver training courses, to cooperate in ................ 13 112
- Governor, executive head .................................... 60 242
- Motor carriers:
  - Duty to collect fees ........................................... 160 472
  - Remittance of fees ............................................ 160 474
- Psychology, Practice Act, powers and duties of ........ 186 553
- Surveyors, examination of repealed .................... 78 273

### DEPARTMENT OF PUBLIC ASSISTANCE:
- Appropriation ...................................................... 408 1084
- Estates of decedent recipients, agent of Department
  may be executor or administrator ....................... 85 279
- Eye examinations of recipients, recipients have right
  to select practitioners ....................................... 8 19
- Interdepartmental Committee on Children and Youth,
  Commissioner, member of .................................. 3 7

### DEPARTMENT OF PUBLIC HEALTH:
- Appropriation ...................................................... 230 644
- Barbershops, power to make sanitation regulations
  for ........................................................................ 295 784
- Interdepartmental Committee on Children and Youth,
  Administrator, member of .................................. 3 7

### DEPARTMENT OF RECLAMATION:
- Appropriation ...................................................... 245 784

### DEVELOPMENT AND PUBLICITY FUND:
- Appropriation ...................................................... 243 655

### DIRECTOR OF AERONAUTICS:
- Appropriation ...................................................... 372 1054

### DIRECTOR OF BUDGET:
- To be assisted in preparation of state budget by
  Legislative Council ............................................. S.C.R. 6 1116
DIRECTOR OF DEPARTMENT OF
FISH AND GAME:
   Pacific Marine Fisheries Compact, member of Commission ........................................ 176 508

DISASTER RELIEF AND CIVIL DEFENSE:
   Appropriation ................................................................. 302 792

DISASTER RELIEF, CIVIL DEFENSE, LAW ENFORCEMENT AND OTHER EMERGENCIES:
   Appropriation ................................................................... 256 666

DISPOSITION OF UNCLAIMED PROPERTY ACT:
   Claim by third persons of unclaimed funds or property:
      Attorney General, notification to .................................... 329 945
      Judgments, reimbursement for ........................................ 329 945
      Tax collector, notification to ........................................... 329 945
      Delivery of unclaimed property ...................................... 329 944
      Expiration of time to commence action for recovery, effect of ........................................ 546 985
      Relief from liability, payment of unclaimed funds ........ 329 944

DISTRICT COURT REPORTERS:
   Transcript fee schedule .................................................. 99 316

DISTRICT COURTS:
   Appropriation ................................................................. 389 1068
   Civil actions and appeals ................................................ 169 491
   Clerk, salary ..................................................................... 304 795
   Executions on lower court judgment ................................ 223 632
   Fees ................................................................................ 169 489
   Judges, subsistence and travel expense .......................... 101 320
   Jurors, women subject to same rules as men .................... 84 278
   Lien of lower court, judgment ........................................... 223 632
   Seventh Judicial District, creation of new judgeship ....... 7 18
   State Board of Education, appeals from order of, trial de novo .................................................... 13 46
   Transcript of Judgment:
      Liens created ................................................................ 209 598
      Recording in another county ........................................... 209 598

DISTRICT JUDGES:
   See DISTRICT COURTS
   Creation of new judgeship ............................................. 7 18

DIVIDENDS:
   Credit unions:
      Directors to declare dividends ....................................... 51 204
      Time of declaration of dividends .................................... 51 204
# IDAHO SESSION LAWS

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DOGS:</strong></td>
<td></td>
</tr>
<tr>
<td>Seeing-eye dogs allowed in eating places</td>
<td>347</td>
</tr>
<tr>
<td><strong>DRIVER LICENSE COMPACT:</strong></td>
<td></td>
</tr>
<tr>
<td>Adopted</td>
<td>60</td>
</tr>
<tr>
<td>Appeals from enforcement of act</td>
<td>60</td>
</tr>
<tr>
<td>Applicability of other laws</td>
<td>60</td>
</tr>
<tr>
<td>Application for new licenses</td>
<td>60</td>
</tr>
<tr>
<td>Compact administrator:</td>
<td></td>
</tr>
<tr>
<td>Exchange of information</td>
<td>60</td>
</tr>
<tr>
<td>Head of licensing authority</td>
<td>60</td>
</tr>
<tr>
<td>Construction and severability:</td>
<td></td>
</tr>
<tr>
<td>Liberal construction</td>
<td>60</td>
</tr>
<tr>
<td>Severability provisions</td>
<td>60</td>
</tr>
<tr>
<td><strong>Definitions:</strong></td>
<td></td>
</tr>
<tr>
<td>Convictions</td>
<td>60</td>
</tr>
<tr>
<td>Executive head</td>
<td>60</td>
</tr>
<tr>
<td>Home state</td>
<td>60</td>
</tr>
<tr>
<td>Licensing authority</td>
<td>60</td>
</tr>
<tr>
<td>State</td>
<td>60</td>
</tr>
<tr>
<td>Department of Law Enforcement, “licensing authority”</td>
<td>60</td>
</tr>
<tr>
<td>Effect of conviction:</td>
<td></td>
</tr>
<tr>
<td>In another state</td>
<td>60</td>
</tr>
<tr>
<td>Reciprocity</td>
<td>60</td>
</tr>
<tr>
<td>Entry into force and withdrawal:</td>
<td></td>
</tr>
<tr>
<td>Enactment required</td>
<td>60</td>
</tr>
<tr>
<td>Withdrawal provisions</td>
<td>60</td>
</tr>
<tr>
<td>Findings and declaration of policy</td>
<td>60</td>
</tr>
<tr>
<td>Interchange of information</td>
<td>60</td>
</tr>
<tr>
<td>Licensing authority defined</td>
<td>60</td>
</tr>
<tr>
<td>Reports of conviction:</td>
<td></td>
</tr>
<tr>
<td>Between party states</td>
<td>60</td>
</tr>
<tr>
<td>Contents of</td>
<td>60</td>
</tr>
<tr>
<td><strong>DRIVER TRAINING:</strong></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>381</td>
</tr>
<tr>
<td><strong>DRIVERS’ LICENSES:</strong></td>
<td></td>
</tr>
<tr>
<td>See MOTOR VEHICLE OPERATORS</td>
<td></td>
</tr>
<tr>
<td>Driving while license suspended, additional period of suspension equal to existing period</td>
<td>338</td>
</tr>
<tr>
<td>Mandatory suspension</td>
<td>362</td>
</tr>
<tr>
<td>Revoked license, driving while, extension of revocation period</td>
<td>338</td>
</tr>
<tr>
<td>Suspension periods for certain convictions</td>
<td>362</td>
</tr>
<tr>
<td>Uniform violation point count system</td>
<td>265</td>
</tr>
<tr>
<td><strong>DRUGS:</strong></td>
<td></td>
</tr>
<tr>
<td>See PHARMACIES</td>
<td></td>
</tr>
<tr>
<td>Topic</td>
<td>Chapter</td>
</tr>
<tr>
<td>--------------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>EATING PLACES:</td>
<td></td>
</tr>
<tr>
<td>Seeing-eye dogs allowed in</td>
<td></td>
</tr>
<tr>
<td>ECONOMIC POISON ACT OF 1963:</td>
<td></td>
</tr>
<tr>
<td>Adulterating or misbranding unlawful acts</td>
<td>52</td>
</tr>
<tr>
<td>Commissioner of Agriculture:</td>
<td></td>
</tr>
<tr>
<td>Between plant shipments</td>
<td>52</td>
</tr>
<tr>
<td>Cancellation of registration</td>
<td>52</td>
</tr>
<tr>
<td>Cooperation with USDA</td>
<td>52</td>
</tr>
<tr>
<td>Delegation of duties authorized</td>
<td>52</td>
</tr>
<tr>
<td>Determination to be made by</td>
<td>52</td>
</tr>
<tr>
<td>Registration of poisons</td>
<td>52</td>
</tr>
<tr>
<td>Rules and regulations, power to make</td>
<td>52</td>
</tr>
<tr>
<td>Uniformity of regulations</td>
<td>52</td>
</tr>
<tr>
<td>Definitions:</td>
<td></td>
</tr>
<tr>
<td>Active ingredient</td>
<td>52</td>
</tr>
<tr>
<td>Adulterated</td>
<td>52</td>
</tr>
<tr>
<td>Antidote</td>
<td>52</td>
</tr>
<tr>
<td>Commissioner</td>
<td>52</td>
</tr>
<tr>
<td>Defoliant</td>
<td>52</td>
</tr>
<tr>
<td>Desiccant</td>
<td>52</td>
</tr>
<tr>
<td>Economic poison</td>
<td>52</td>
</tr>
<tr>
<td>Fungi</td>
<td>52</td>
</tr>
<tr>
<td>Fungicide</td>
<td>52</td>
</tr>
<tr>
<td>Herbicide</td>
<td>52</td>
</tr>
<tr>
<td>Inert ingredient</td>
<td>52</td>
</tr>
<tr>
<td>Ingredient statement</td>
<td>52</td>
</tr>
<tr>
<td>Insect</td>
<td>52</td>
</tr>
<tr>
<td>Insecticides</td>
<td>52</td>
</tr>
<tr>
<td>Label</td>
<td>52</td>
</tr>
<tr>
<td>Labeling</td>
<td>52</td>
</tr>
<tr>
<td>Misbranded</td>
<td>52</td>
</tr>
<tr>
<td>Nematocide</td>
<td>52</td>
</tr>
<tr>
<td>Nematode</td>
<td>52</td>
</tr>
<tr>
<td>Person</td>
<td>52</td>
</tr>
<tr>
<td>Plant regulator</td>
<td>52</td>
</tr>
<tr>
<td>Registration</td>
<td>52</td>
</tr>
<tr>
<td>Rodenticide</td>
<td>52</td>
</tr>
<tr>
<td>Weed</td>
<td>52</td>
</tr>
<tr>
<td>Economic Poison Fund created</td>
<td>226</td>
</tr>
<tr>
<td>Enforcement of act:</td>
<td></td>
</tr>
<tr>
<td>Prosecuting attorney, duties</td>
<td>52</td>
</tr>
<tr>
<td>Exemptions from acts enumerated</td>
<td>52</td>
</tr>
<tr>
<td>Label required, contents</td>
<td>52</td>
</tr>
</tbody>
</table>
ECONOMIC POISON ACT OF 1963:

Penalties:
First, second and third offenses, violations of
3 (a) (1) ................................................................. 52 216
Violation of Section 4 .............................................. 52 216
Prohibited acts ......................................................... 52 210
Registration requirements:
Additional names ..................................................... 52 212
Fee .......................................................................... 52 212
Statement to be filed, contents .................................. 52 212
Seizures of poisons:
Authorized .............................................................. 52 216
Grounds for ................................................................ 52 216
Title ......................................................................... 52 205
White economic poisons:
Enumerated ............................................................. 52 211
Required to be colored .............................................. 52 211

EDUCATION:

See IDAHO STATE UNIVERSITY
See SCHOOL RECODIFICATION ACT
Handicapped children, responsibility for education for .................................. 219 628
Idaho State University established ............................................. 12 23
Permanent education funds, approved investments ............................ 157 459
State Board for Vocational Education, appropriation .................... 394 1072
Western Interstate Commission for Higher Education:
Appropriation .................................................................. 302 791
Students, repayment of loans, exceptions .................................. 274 709

EDUCATIONAL INSTITUTIONS:

See LEWIS-CLARK NORMAL SCHOOL

EGG ACT:

Commissioner of Agriculture:
Fees .......................................................................... 143 416
Licenses and official seals ............................................. 143 415
Rules and regulations to be established by ........................... 143 415
Commissioner's discretionary action .................................. 143 418
Definitions .................................................................. 143 407
Descriptions:
Air Cell ...................................................................... 143 410
Shell .......................................................................... 143 410
White ........................................................................ 143 411
Yolk .......................................................................... 143 412
General Terms .......................................................... 143 413
Grades and Standards:
Application of standards ............................................. 143 408
Idaho Consumer Grade A ............................................. 143 408
### EGG ACT:

<table>
<thead>
<tr>
<th>Grade Standard</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho Consumer Grade AA</td>
<td>143</td>
</tr>
<tr>
<td>Idaho Consumer Grade B</td>
<td>143</td>
</tr>
<tr>
<td>Ungraded</td>
<td>143</td>
</tr>
<tr>
<td>Tolerances, grade standards</td>
<td>143</td>
</tr>
<tr>
<td>Weight classes</td>
<td>143</td>
</tr>
<tr>
<td>Idaho Consumer Grades for shell eggs</td>
<td>143</td>
</tr>
<tr>
<td>Injunctions</td>
<td>143</td>
</tr>
<tr>
<td>Penalties</td>
<td>143</td>
</tr>
<tr>
<td>Prosecuting attorney, duty of</td>
<td>143</td>
</tr>
<tr>
<td>Records and enforcement</td>
<td>143</td>
</tr>
<tr>
<td>Seals and statements on containers</td>
<td>143</td>
</tr>
<tr>
<td>Statement of purpose</td>
<td>143</td>
</tr>
</tbody>
</table>

### ELECTION JUDGES:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Precinct committeemen to recommend appointees</td>
<td>358</td>
</tr>
<tr>
<td>Time of making recommendation for election judges</td>
<td>358</td>
</tr>
</tbody>
</table>

### ELECTIONS:

#### Council-Manager-Mayor Plan of City Government:

<table>
<thead>
<tr>
<th>Provision</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple choice provisions</td>
<td>5</td>
</tr>
<tr>
<td>Petition and election</td>
<td>5</td>
</tr>
<tr>
<td>Referendum and election</td>
<td>5</td>
</tr>
<tr>
<td>Division of School District, majority vote required</td>
<td>175</td>
</tr>
<tr>
<td>Judges of, recommendation for appointment as</td>
<td>358</td>
</tr>
</tbody>
</table>

#### Library Districts:

<table>
<thead>
<tr>
<th>Action</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additions to districts</td>
<td>188</td>
</tr>
<tr>
<td>Dissolution of</td>
<td>188</td>
</tr>
<tr>
<td>Establishment of</td>
<td>188</td>
</tr>
</tbody>
</table>

#### Municipal corporations:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over dispute with electrical service organizations</td>
<td>269</td>
</tr>
<tr>
<td>Taxing districts and bond issues, limitation and elections for</td>
<td>146</td>
</tr>
<tr>
<td>Uniform Act for voting by new residents in presidential elections</td>
<td>268</td>
</tr>
</tbody>
</table>

### ELECTRICAL BOARD ACCOUNT:

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bureau of Public Accounts</td>
<td>251</td>
</tr>
<tr>
<td>Electrical Board</td>
<td>367</td>
</tr>
</tbody>
</table>

### ELEEMOSYNARY HOSPITAL:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exempted from Unemployment Compensation Law</td>
<td>318</td>
</tr>
</tbody>
</table>

### ELMORE COUNTY:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forest Reserve Funds, apportionment of</td>
<td>65</td>
</tr>
</tbody>
</table>

### EMBALMERS:

See FUNERAL DIRECTORS
<table>
<thead>
<tr>
<th>Law Section</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>EMBEZZLEMENT: Rented personal property</td>
<td>70</td>
<td>262</td>
</tr>
<tr>
<td>EMERGENCY FUND: Disaster relief, civil defense, law enforcement</td>
<td>256</td>
<td>666</td>
</tr>
<tr>
<td>EMMETTSVILLE SCHOOL DISTRICT: Tax levy increased</td>
<td>105</td>
<td>307</td>
</tr>
<tr>
<td>EMPLOYMENT SECURITY AGENCY: Appropriation:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction of office buildings</td>
<td>298</td>
<td>787</td>
</tr>
<tr>
<td>Real estate, acquisition of</td>
<td>298</td>
<td>787</td>
</tr>
<tr>
<td>To Bureau of Public Accounts</td>
<td>251</td>
<td>662</td>
</tr>
<tr>
<td>Interdepartmental Committee on Children and Youth, executive director, member of</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>EMPLOYMENT SECURITY LAW: Contractor's liability for subcontractor's contributions</td>
<td>316</td>
<td>868</td>
</tr>
<tr>
<td>Contribution rates:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Determination of</td>
<td>314</td>
<td>847</td>
</tr>
<tr>
<td>Table for deficit accounts</td>
<td>314</td>
<td>852</td>
</tr>
<tr>
<td>Table for rated accounts</td>
<td>314</td>
<td>852</td>
</tr>
<tr>
<td>Covered employment, public school employees excluded</td>
<td>92</td>
<td>290</td>
</tr>
<tr>
<td>Exceptions from covered employment:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eleemosynary hospitals</td>
<td>318</td>
<td>874</td>
</tr>
<tr>
<td>Independent business or trade</td>
<td>318</td>
<td>875</td>
</tr>
<tr>
<td>Tax supported agencies</td>
<td>318</td>
<td>874</td>
</tr>
<tr>
<td>Extension of 90-day period</td>
<td>314</td>
<td>854</td>
</tr>
<tr>
<td>Personal eligibility conditions</td>
<td>271</td>
<td>691</td>
</tr>
<tr>
<td>Unemployment benefits:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deficit employer defined</td>
<td>314</td>
<td>843</td>
</tr>
<tr>
<td>“Deficit experience factor”</td>
<td>314</td>
<td>846</td>
</tr>
<tr>
<td>Experience rating, based on 1963</td>
<td>314</td>
<td>845</td>
</tr>
<tr>
<td>Experience rating defined</td>
<td>314</td>
<td>843</td>
</tr>
<tr>
<td>“Qualifying period” defined</td>
<td>314</td>
<td>842</td>
</tr>
<tr>
<td>Schedule of deficit employers</td>
<td>314</td>
<td>847</td>
</tr>
<tr>
<td>Standard contribution rate</td>
<td>314</td>
<td>845</td>
</tr>
<tr>
<td>Wages, exclusions from</td>
<td>314</td>
<td>843</td>
</tr>
<tr>
<td>Unlawful practices</td>
<td>316</td>
<td>870</td>
</tr>
<tr>
<td>ENDOWMENT CARE CEMETERY ACT OF 1963: Administration and enforcement of act:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Board to administer</td>
<td>179</td>
<td>534</td>
</tr>
<tr>
<td>Examination of funds</td>
<td>179</td>
<td>534</td>
</tr>
<tr>
<td>Powers and duties</td>
<td>179</td>
<td>535</td>
</tr>
<tr>
<td>Rules and regulations</td>
<td>179</td>
<td>535</td>
</tr>
</tbody>
</table>
### ENDOWMENT CARE CEMETARY ACT OF 1963:

<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Articles of incorporation, contents</td>
<td>179</td>
<td>530</td>
</tr>
<tr>
<td>Cemetery Board:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual registration statement</td>
<td>179</td>
<td>533</td>
</tr>
<tr>
<td>Created</td>
<td>179</td>
<td>534</td>
</tr>
<tr>
<td>Membership</td>
<td>179</td>
<td>534</td>
</tr>
<tr>
<td>Term of members</td>
<td>179</td>
<td>534</td>
</tr>
<tr>
<td>Cemetery fund:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contribution to</td>
<td>179</td>
<td>537</td>
</tr>
<tr>
<td>Created</td>
<td>179</td>
<td>536</td>
</tr>
<tr>
<td>Certificates of authority:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for</td>
<td>179</td>
<td>535</td>
</tr>
<tr>
<td>Regulatory changes</td>
<td>179</td>
<td>535</td>
</tr>
<tr>
<td>Revocation or suspension of</td>
<td>179</td>
<td>536</td>
</tr>
<tr>
<td>Declaration of policy</td>
<td>179</td>
<td>528</td>
</tr>
<tr>
<td>Definitions</td>
<td>179</td>
<td>528</td>
</tr>
<tr>
<td>Short title</td>
<td>179</td>
<td>528</td>
</tr>
<tr>
<td>Tax exemptions</td>
<td>179</td>
<td>537</td>
</tr>
<tr>
<td>Trust fund requirements</td>
<td>179</td>
<td>530</td>
</tr>
<tr>
<td>Unlawful acts</td>
<td>179</td>
<td>529</td>
</tr>
<tr>
<td>Violation of act</td>
<td>179</td>
<td>537</td>
</tr>
</tbody>
</table>

### ENGINEERS (CIVIL)

<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>County surveyors, functions transferred to</td>
<td>90</td>
<td>287</td>
</tr>
<tr>
<td>Fees</td>
<td>90</td>
<td>287</td>
</tr>
<tr>
<td>Municipal corporations, plats to be checked by</td>
<td>67</td>
<td>258</td>
</tr>
<tr>
<td>Stumpage Districts:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fees for survey</td>
<td>68</td>
<td>260</td>
</tr>
<tr>
<td>Survey of</td>
<td>68</td>
<td>260</td>
</tr>
<tr>
<td>Survey of division fence lines</td>
<td>87</td>
<td>282</td>
</tr>
</tbody>
</table>

### ESCAPE:

<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Felony under certain circumstances</td>
<td>287</td>
<td>755</td>
</tr>
</tbody>
</table>

### ESCHEAHT:

See DISPOSITION OF UNCLAIMED PROPERTY ACT
See PUBLIC LANDS

### ESTATES OF DECEDENTS:

See ADOPTIONS
See DECEDENTS' ESTATES
See UNIFORM PRINCIPAL AND INCOME ACT
See UNIFORM TESTAMENTARY ADDITIONS TO TRUSTS ACT

### EVIDENCE:

<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abstracts of title:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Admissible as</td>
<td>202</td>
<td>592</td>
</tr>
</tbody>
</table>
### EVIDENCE:
- Attorney-client relationship, client defined ............................................. 122 351
- Copy to adverse party ............................................................................. 202 592

#### Injuries to children:
- Hospital attendants may testify ............................................................. 321 919
- Parent may testify against parent ........................................................... 321 919
- Physicians may testify ........................................................................... 321 919

#### Privileged communications:
- Exceptions added ................................................................................... 104 325
- Psychologist and client ............................................................................ 186 556

#### Title Insurance Policies, Reports:
- Admissible as ............................................................................................ 202 592
- Copy to adverse party ............................................................................. 202 592

### EXECUTIONS:
- Lien of lower court, judgment ................................................................. 223 632
- Lower court judgments, time issuance of execution .............................. 223 632

### EXECUTORS AND ADMINISTRATORS:
- See PROBATE COURTS
- Sale of real estate, additional bond discretionary with court .............. 19 160

### EXEMPTIONS FROM TAXATION:
- See TAXATION
- Reciprocity with other states ................................................................. 44 193
- Transfers to charitable uses ...................................................................... 44 193

### EXPLOSIVES:
- See MINES AND MINING

### EYES:
- Recipients of Public Assistance, selection of practitioners by recipient .......... 8 19

### F

### Fairs:
- See COUNTY FAIR BOARDS

### Farm Trucks:
- See MOTOR VEHICLES, ACT REGULATING TRAFFIC

### Federal Government:
Congress of the United States urged to call a constitutional convention to propose amendment to prohibit Federal Government intervention in apportionment of State Legislature .................................. S.J.M. 4 1156
<table>
<thead>
<tr>
<th>FEES:</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application to sell courses of study</td>
<td>13</td>
<td>143</td>
</tr>
<tr>
<td>Attorneys, annual bar fees increased</td>
<td>47</td>
<td>198</td>
</tr>
<tr>
<td>Civil actions and appeals</td>
<td>169</td>
<td>491</td>
</tr>
<tr>
<td>Clerk of the District Court</td>
<td>169</td>
<td>489</td>
</tr>
<tr>
<td>Collection agencies, acting as assignee, limitation on</td>
<td>212</td>
<td>612</td>
</tr>
<tr>
<td>Constable's same as sheriff's</td>
<td>261</td>
<td>670</td>
</tr>
<tr>
<td>Correspondence courses and private schools, fee for permit to sell courses</td>
<td>13</td>
<td>145</td>
</tr>
<tr>
<td>County surveyor's fees repealed</td>
<td>79</td>
<td>274</td>
</tr>
<tr>
<td>Dairies and dairy products, attorney's fees in injunction suits against</td>
<td>190</td>
<td>581</td>
</tr>
<tr>
<td>Deer and elk tags increased</td>
<td>185</td>
<td>549</td>
</tr>
<tr>
<td>District Court reporter's transcript fees</td>
<td>98</td>
<td>316</td>
</tr>
<tr>
<td>Economic poisons, registration fee</td>
<td>52</td>
<td>212</td>
</tr>
<tr>
<td>Egg Act</td>
<td>143</td>
<td>416</td>
</tr>
<tr>
<td>Hunting and fishing licenses, schedule</td>
<td>334</td>
<td>956</td>
</tr>
<tr>
<td>Idaho Horse Racing Act:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual license fee</td>
<td>64</td>
<td>248</td>
</tr>
<tr>
<td>Daily racing fee</td>
<td>64</td>
<td>249</td>
</tr>
<tr>
<td>Participation in race</td>
<td>64</td>
<td>248</td>
</tr>
<tr>
<td>Justice Courts, new fee schedule</td>
<td>217</td>
<td>626</td>
</tr>
<tr>
<td>Motor carrier</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual fees, date payable</td>
<td>160</td>
<td>471</td>
</tr>
<tr>
<td>Half-yearly fee</td>
<td>160</td>
<td>472</td>
</tr>
<tr>
<td>Motor vehicles, registrations, commercial and certain non-commercial carriers</td>
<td>154</td>
<td>455</td>
</tr>
<tr>
<td>Probate court schedule</td>
<td>345</td>
<td>983</td>
</tr>
<tr>
<td>Psychologist licenses:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Examination fee</td>
<td>186</td>
<td>554</td>
</tr>
<tr>
<td>Renewal fees</td>
<td>186</td>
<td>556</td>
</tr>
<tr>
<td>Service of process upon State Superintendent of Public Instruction</td>
<td>13</td>
<td>144</td>
</tr>
<tr>
<td>Stumpage districts, fee for survey</td>
<td>68</td>
<td>260</td>
</tr>
<tr>
<td>Surveyors</td>
<td>90</td>
<td>287</td>
</tr>
<tr>
<td>Teachers' certificates</td>
<td>13</td>
<td>105</td>
</tr>
<tr>
<td>Watercraft, fees for numbering of motor boats</td>
<td>170</td>
<td>493</td>
</tr>
<tr>
<td>FEMALE EMPLOYEE:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hours of employment</td>
<td>281</td>
<td>724</td>
</tr>
<tr>
<td>FENCES:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Division line must be run by registered surveyor or engineer</td>
<td>87</td>
<td>282</td>
</tr>
<tr>
<td>FIDUCIARIES:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>See PRUDENT MAN INVESTMENT ACT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IDAHO SESSION LAWS</td>
<td>1229</td>
<td></td>
</tr>
<tr>
<td>--------------------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td><strong>FIRE ASSESSMENTS, DELINQUENT:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>397</td>
<td>1075</td>
</tr>
<tr>
<td><strong>FIRE INSURANCE:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County Mutual Insurance Companies, members moving to municipal corporations may insure</td>
<td>48</td>
<td>200</td>
</tr>
<tr>
<td><strong>FIRE PREVENTION:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See FORESTRY</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FIREMEN’S RETIREMENT FUND:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Death benefits for widows and children:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Death of retired firemen, widows’ and children’s benefits</td>
<td>125</td>
<td>366</td>
</tr>
<tr>
<td>Death of retired firemen, widows’ benefits</td>
<td>125</td>
<td>365</td>
</tr>
<tr>
<td>Fireman killed in line of duty</td>
<td>125</td>
<td>365</td>
</tr>
<tr>
<td>Five years’ service, death from disconnected causes</td>
<td>125</td>
<td>366</td>
</tr>
<tr>
<td>Twelve and one-half years’ service, death from disconnected causes</td>
<td>125</td>
<td>367</td>
</tr>
<tr>
<td>Twenty-five years’ service, death from disconnected causes</td>
<td>125</td>
<td>367</td>
</tr>
<tr>
<td>Thirty years’ service, death from disconnected causes</td>
<td>125</td>
<td>368</td>
</tr>
<tr>
<td>Thirty-five years’ service, death from disconnected causes</td>
<td>125</td>
<td>369</td>
</tr>
<tr>
<td>Date of payment of benefits</td>
<td>125</td>
<td>370</td>
</tr>
<tr>
<td>Determination of average salary for tax purposes</td>
<td>125</td>
<td>361</td>
</tr>
<tr>
<td>Excise tax increased</td>
<td>125</td>
<td>361</td>
</tr>
<tr>
<td>Pension fund payments, when to make</td>
<td>125</td>
<td>361</td>
</tr>
<tr>
<td>Pension payment, retirement of incapacitated firemen:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Five years’ service</td>
<td>125</td>
<td>364</td>
</tr>
<tr>
<td>Incapacitated in line of duty</td>
<td>125</td>
<td>364</td>
</tr>
<tr>
<td>Twelve and one-half years’ service</td>
<td>125</td>
<td>364</td>
</tr>
<tr>
<td>Pension payment, voluntary retirement:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Twenty years’ service</td>
<td>125</td>
<td>362</td>
</tr>
<tr>
<td>Twenty-five years’ service</td>
<td>125</td>
<td>362</td>
</tr>
<tr>
<td>Thirty years’ service</td>
<td>125</td>
<td>363</td>
</tr>
<tr>
<td>Thirty-five years’ service</td>
<td>125</td>
<td>363</td>
</tr>
<tr>
<td>Termination of employment, refund of contributions</td>
<td>125</td>
<td>370</td>
</tr>
<tr>
<td>Workmen’s compensation credited against benefits</td>
<td>125</td>
<td>369</td>
</tr>
<tr>
<td>“Years Active Service” defined</td>
<td>125</td>
<td>360</td>
</tr>
<tr>
<td><strong>FISH AND GAME:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Criminal offenses:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air to ground communications for hunting</td>
<td>140</td>
<td>400</td>
</tr>
<tr>
<td>Aircraft, hunting from</td>
<td>140</td>
<td>400</td>
</tr>
<tr>
<td>Helicopters, hunting from</td>
<td>140</td>
<td>400</td>
</tr>
<tr>
<td>Powered vehicles, molesting birds and game</td>
<td>140</td>
<td>400</td>
</tr>
<tr>
<td>Sailboats, use of</td>
<td>140</td>
<td>400</td>
</tr>
<tr>
<td>Section</td>
<td>Chapter</td>
<td>Page</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td><strong>FISH AND GAME:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Licenses:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-resident hunting and fishing license fees</td>
<td>344</td>
<td>957</td>
</tr>
<tr>
<td>Resident hunting and fishing license fees</td>
<td>334</td>
<td>957</td>
</tr>
<tr>
<td>Trapping license fee</td>
<td>334</td>
<td>956</td>
</tr>
<tr>
<td><strong>FISH AND GAME COMMISSION:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>375</td>
<td>1056</td>
</tr>
<tr>
<td>Authority to set trapping season</td>
<td>306</td>
<td>809</td>
</tr>
<tr>
<td>Controlled hunts:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duties of commission</td>
<td>306</td>
<td>811</td>
</tr>
<tr>
<td>Exception from act</td>
<td>306</td>
<td>811</td>
</tr>
<tr>
<td>Fees</td>
<td>306</td>
<td>811</td>
</tr>
<tr>
<td>Permits not transferable</td>
<td>306</td>
<td>811</td>
</tr>
<tr>
<td>Seasons set by commission</td>
<td>306</td>
<td>811</td>
</tr>
<tr>
<td><strong>FISH AND GAME DEPARTMENT:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deer and elk tag fees increased</td>
<td>185</td>
<td>549</td>
</tr>
<tr>
<td>Director member of Pacific Marine Fisheries Compact</td>
<td>176</td>
<td>508</td>
</tr>
<tr>
<td>Commission</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Licenses, tags and permits, transfer of unlawful</td>
<td>185</td>
<td>549</td>
</tr>
<tr>
<td><strong>FISH AND GAME FUND:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation to Bureau of Public Accounts</td>
<td>251</td>
<td>662</td>
</tr>
<tr>
<td><strong>FISHERIES:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See PACIFIC MARINE FISHERIES COMPACT</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FOREIGN CORPORATIONS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deletion of superfluous word</td>
<td>330</td>
<td>945</td>
</tr>
<tr>
<td><strong>FOREST PRODUCTS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Congress of the United States petitioned that IRC 631-A, regarding forest funds, not be repealed</td>
<td>S.J.M. 12</td>
<td>1166</td>
</tr>
<tr>
<td><strong>FOREST RESERVE FUNDS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apportionment of in Elmore County</td>
<td>65</td>
<td>253</td>
</tr>
<tr>
<td><strong>FORESTRY:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire prevention, closed season, dates of and shortening of season</td>
<td>162</td>
<td>479</td>
</tr>
<tr>
<td><strong>FRANKLIN COUNTY RELIC HALL:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>406</td>
<td>1083</td>
</tr>
<tr>
<td><strong>FREEPORT BILL:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See TAXATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FRESH FRUIT AND VEGETABLE INSPECTION:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>250</td>
<td>660</td>
</tr>
</tbody>
</table>
FUNDS:
See FIREMEN'S RETIREMENT FUND

Driver training fund:
- Deposits thereto ......................................................... 167 486
- Disbursements ................................................................. 167 486

Economic Poison Fund created ........................................... 226 635

Forest Reserve Funds, apportionment in Elmore
- County ............................................................................. 65 253

Liquor fund, distribution of ............................................. 111 334

Permanent education funds, approved investments .......... 157 459

Public School Endowment Fund, daily horse race
- fee payable to ................................................................. 64 249

School funds:
- Apportionment of to counties ..................................... 13 102
  - Amended ..................................................................... 322 928
- County school emergency fund, apportionment .......... 13 101
  - Repealed ..................................................................... 311 837
- County school fund, apportionment ......................... 13 101
  - Repealed ..................................................................... 311 837
- County school special assistance levy, apportionment .. 13 101
  - Repealed ..................................................................... 311 837
- County treasurer, duties, apportionment ................... 13 101

Equalization of apportionments by State Board of
- Education ......................................................................... 13 102
  - Amended ..................................................................... 322 928
- Minimum levies defined ................................................. 13 97
  - Amended ..................................................................... 322 928
- Public school fund, apportionment ............................ 13 101
- Public school income fund, apportionments from .... 13 97
  - Amended ..................................................................... 322 928
- School plant facilities reserve fund ............................ 13 78
- School plant facilities reserve fund ............................ 13 88
- State Board of Accountancy Fund created .............. 284 742

Teachers' Retirement System funds, management
  and investment of ......................................................... 13 130

Teachers' Retirement System of Idaho, funds
  enumerated ...................................................................... 13 132

FUNERAL DIRECTORS:
See PRE-ARRANGED FUNERAL PLANS

Deleting certain exemptions from examination for .......... 116 344

Pre-arranged funeral plans:
- Injunctions authorized for violations, procedure ........ 156 458

GARbage:
See TRASH
### GARDNER, H. GRANT:

Publication of prayers of the Reverend Benjamin C. Bailey, in memory of ...................................... H.C.R. 16 1138

### GAS:

- Natural gas energy transmission systems for irrigation purposes, exempt from taxation ...................... 360 1031
- Natural gas pumping facilities for irrigation exempt from taxation ................................................... 354 1017

### GENERAL FUND APPROPRIATIONS:

#### Adjutant General:
- Administration .................................................................. 390 1069
- Department of Disaster Relief and Civil Defense .......... 385 1065
- Attorney General ................................................................ 404 1081

#### Board of Land Commissioners:
- Central Postal System ...................................................... 403 1080
- Heyburn State Park .......................................................... 414 1090
- Noxious Weed Eradication, Range Improvements and Re-seeding Programs ...................................... 405 1082
- Parks Administration ........................................................ 234 647
- Booth Memorial Hospital for indigent mothers, Boise ... 192 584
- Budget Director, Bureau of Public Accounts ............ 251 661
- Bureau of Mines and Geology .......................................... 288 755
- Bureau of the Budget ...................................................... 254 665

#### Children’s Home Finding and Aid Society of North Idaho, Lewiston .............................................. 192 584

#### Children’s Home Society of Idaho, Boise .............. 192 584

#### Civil Defense ................................................................ 302 792

#### Commissioner of Agriculture:
- Agriculture Administration ............................................. 328 943
- Meat Inspection ............................................................... 197 588

#### Commissioner of Finance .............................................. 415 1090

#### Commissioner of Public Works ................................... 246 657

#### Department of Commerce and Development ........... 243 655

#### Department of Insurance ................................................ 235 648

#### Department of Labor .................................................................. 260 670

#### Department of Public Assistance .................................. 408 1084

#### Department of Reclamation ............................................ 245 656

#### Governor:
- Administration ................................................................ 411 1087
- Emergency fund for Disaster Relief, Civil Defense, Law Enforcement and other emergencies .......... 256 666
- Franklin County Relic Hall .............................................. 406 1083
- Governor’s Residence ..................................................... 395 1073
- Western Interstate Commission for Higher Education .............................................................................. 302 791
<table>
<thead>
<tr>
<th>General Fund Appropriations</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Council</td>
<td>57</td>
<td>224</td>
</tr>
<tr>
<td>Lieutenant Governor</td>
<td>196</td>
<td>587</td>
</tr>
<tr>
<td>Plant Pest Control and Research Commission</td>
<td>.417</td>
<td>1092</td>
</tr>
<tr>
<td>Public School Income Fund</td>
<td>.429</td>
<td>1108</td>
</tr>
<tr>
<td>Public Utilities Commission</td>
<td>.253</td>
<td>663</td>
</tr>
<tr>
<td>Secretary of State:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>.391</td>
<td>1070</td>
</tr>
<tr>
<td>Advertising constitutional amendments</td>
<td>.388</td>
<td>1067</td>
</tr>
<tr>
<td>Advertising constitutional amendments and printing Idaho Session Laws</td>
<td>.326</td>
<td>941</td>
</tr>
<tr>
<td>Presidential Electors’ Expense</td>
<td>.198</td>
<td>589</td>
</tr>
<tr>
<td>Soil Conservation Commission</td>
<td>.191</td>
<td>583</td>
</tr>
<tr>
<td>Soldiers’ Home</td>
<td>.255</td>
<td>665</td>
</tr>
<tr>
<td>State Auditor</td>
<td>.409</td>
<td>1085</td>
</tr>
<tr>
<td>State Board for Vocational Education:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>.393</td>
<td>1072</td>
</tr>
<tr>
<td>Vocational Rehabilitation</td>
<td>.419</td>
<td>1094</td>
</tr>
<tr>
<td>State Board of Correction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Penitentiary Administration</td>
<td>.418</td>
<td>1093</td>
</tr>
<tr>
<td>Probation and Parole Department</td>
<td>.257</td>
<td>667</td>
</tr>
<tr>
<td>State Board of Education:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>As Board of Trustees of Idaho State University</td>
<td>.399</td>
<td>1077</td>
</tr>
<tr>
<td>Deaf and Blind School</td>
<td>.233</td>
<td>646</td>
</tr>
<tr>
<td>Industrial Training School</td>
<td>.289</td>
<td>756</td>
</tr>
<tr>
<td>Lewis-Clark Normal School</td>
<td>.229</td>
<td>642</td>
</tr>
<tr>
<td>State Board of Health:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air Pollution Control Commission</td>
<td>.407</td>
<td>1083</td>
</tr>
<tr>
<td>Department of Public Health</td>
<td>.230</td>
<td>644</td>
</tr>
<tr>
<td>Nampa State School</td>
<td>.398</td>
<td>1076</td>
</tr>
<tr>
<td>State Hospital North</td>
<td>.410</td>
<td>1086</td>
</tr>
<tr>
<td>State Hospital South</td>
<td>.400</td>
<td>1077</td>
</tr>
<tr>
<td>Tuberculosis Hospital</td>
<td>.402</td>
<td>1079</td>
</tr>
<tr>
<td>State Board of Land Commissioners:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capitol maintenance</td>
<td>.239</td>
<td>651</td>
</tr>
<tr>
<td>Lands Administration</td>
<td>.237</td>
<td>650</td>
</tr>
<tr>
<td>State Forester:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>.242</td>
<td>654</td>
</tr>
<tr>
<td>Blister Rust Control, Land Acquisition and Pest Control</td>
<td>.247</td>
<td>658</td>
</tr>
<tr>
<td>Delinquent fire assessments</td>
<td>.397</td>
<td>1075</td>
</tr>
<tr>
<td>Idaho Youth Conservation Project</td>
<td>.386</td>
<td>1066</td>
</tr>
<tr>
<td>Mountain Pine Beetle Control</td>
<td>.426</td>
<td>1106</td>
</tr>
<tr>
<td>State Historical Society</td>
<td>.412</td>
<td>1088</td>
</tr>
<tr>
<td>State Inspector of Mines</td>
<td>.258</td>
<td>668</td>
</tr>
<tr>
<td>General Fund Appropriations:</td>
<td>Chapter</td>
<td>Page</td>
</tr>
<tr>
<td>-------------------------------------------------------------------</td>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>State Library Board</td>
<td>259</td>
<td>669</td>
</tr>
<tr>
<td>State Purchasing Agent</td>
<td>416</td>
<td>1091</td>
</tr>
<tr>
<td>State Social Security Trust Fund for Old Age and Survivor's Insurance Program</td>
<td>401</td>
<td>1078</td>
</tr>
<tr>
<td>State Superintendent of Public Instruction</td>
<td>241</td>
<td>653</td>
</tr>
<tr>
<td>State Tax Collector</td>
<td>238</td>
<td>650</td>
</tr>
<tr>
<td>State Tax Commission</td>
<td>194</td>
<td>585</td>
</tr>
<tr>
<td>State Treasurer</td>
<td>200</td>
<td>590</td>
</tr>
<tr>
<td>Supreme Court:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>393</td>
<td>1071</td>
</tr>
<tr>
<td>Commission on Uniform Laws</td>
<td>327</td>
<td>942</td>
</tr>
<tr>
<td>District Courts</td>
<td>389</td>
<td>1068</td>
</tr>
<tr>
<td>Law Library</td>
<td>420</td>
<td>1095</td>
</tr>
<tr>
<td>Teachers' Retirement System, Board of Trustees</td>
<td>193</td>
<td>584</td>
</tr>
<tr>
<td>University of Idaho:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>324</td>
<td>936</td>
</tr>
<tr>
<td>Agricultural Extension</td>
<td>396</td>
<td>1074</td>
</tr>
<tr>
<td>Agricultural Research</td>
<td>413</td>
<td>1089</td>
</tr>
<tr>
<td>Pure Seed Research</td>
<td>195</td>
<td>586</td>
</tr>
<tr>
<td>Special Research</td>
<td>424</td>
<td>1103</td>
</tr>
<tr>
<td>Veterans' Affairs Commission</td>
<td>386</td>
<td>1065</td>
</tr>
<tr>
<td>GEOLOGY:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bureau of Mines and Geology, appropriation</td>
<td>288</td>
<td>755</td>
</tr>
<tr>
<td>GOVERNOR:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>411</td>
<td>1087</td>
</tr>
<tr>
<td>Disaster relief, civil defense, law enforcement and other emergencies</td>
<td>256</td>
<td>666</td>
</tr>
<tr>
<td>Franklin County Relic Hall</td>
<td>406</td>
<td>1083</td>
</tr>
<tr>
<td>Governor's Residence</td>
<td>395</td>
<td>1073</td>
</tr>
<tr>
<td>Motor Vehicle Reciprocity</td>
<td>383</td>
<td>1063</td>
</tr>
<tr>
<td>Western Interstate Commission for Higher</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education</td>
<td>302</td>
<td>791</td>
</tr>
<tr>
<td>Authorized to proclaim &quot;Poetry Day&quot;</td>
<td></td>
<td>1110</td>
</tr>
<tr>
<td>Cemetery Board, member of</td>
<td>179</td>
<td>534</td>
</tr>
<tr>
<td>Collection Agencies Board Members, appointed by</td>
<td>212</td>
<td>610</td>
</tr>
<tr>
<td>Driver license compact, &quot;Executive Head&quot;</td>
<td>60</td>
<td>242</td>
</tr>
<tr>
<td>Idaho State Board of Psychologist Examiners, appointed by</td>
<td></td>
<td>552</td>
</tr>
<tr>
<td>Interdepartmental Committee on Children and Youth, ex-officio member</td>
<td>186</td>
<td></td>
</tr>
<tr>
<td>Requested to convene Thirty-Eighth Session early</td>
<td></td>
<td>1119</td>
</tr>
<tr>
<td>for preparational purposes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seventh District Judge, appointment by</td>
<td></td>
<td>18</td>
</tr>
</tbody>
</table>
**GOVERNOR:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slum Clearance Act, funds expendable for</td>
<td>50</td>
<td>202</td>
</tr>
<tr>
<td>State Board of Education:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appointment of members by</td>
<td>13</td>
<td>28</td>
</tr>
<tr>
<td>Removal of members by</td>
<td>13</td>
<td>28</td>
</tr>
<tr>
<td>Vehicle Equipment Safety Commission, Executive Head of</td>
<td>59</td>
<td>236</td>
</tr>
</tbody>
</table>

**GOVERNOR'S MESSAGES:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joint Sessions for purpose of hearing:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Budget Message</td>
<td>H.C.R. 5</td>
<td>1120</td>
</tr>
<tr>
<td>State of the State Message</td>
<td>H.C.R. 1</td>
<td>1117</td>
</tr>
</tbody>
</table>

**GRAIN, SHIPMENT OF:**

Interstate Commerce Commission urged to maintain present rate level on grain shipments .......... S.J.M. 5 1157

**GRAND JURY:**

See INDICTMENTS

**GROUND WATER ADMINISTRATION FUND:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td></td>
<td>364</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1047</td>
</tr>
</tbody>
</table>

**GROUP LIFE INSURANCE:**

Limitation on individual's coverage repealed .......... 361 1032

**GUEST PASSENGERS:**

See MOTOR VEHICLES IN GENERAL

**HANDICAPPED CHILDREN:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education of:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Definitions</td>
<td>13</td>
<td>117</td>
</tr>
<tr>
<td></td>
<td></td>
<td>270</td>
</tr>
<tr>
<td></td>
<td></td>
<td>690</td>
</tr>
<tr>
<td>Homebound children</td>
<td>350</td>
<td>1011</td>
</tr>
<tr>
<td>Mentally handicapped child, further defined</td>
<td>270</td>
<td>690</td>
</tr>
<tr>
<td>Reimbursement of cost</td>
<td>350</td>
<td>1012</td>
</tr>
<tr>
<td>State Board of Education responsible for</td>
<td>219</td>
<td>628</td>
</tr>
</tbody>
</table>

**HANDICAPPED PERSONS:**

Responsibility for education of ........................................ 219 628

**HARRIMAN STATE PARK:**

Acceptance of ................................................................. 315 857

**HEALTH:**

Department of Health, appropriation ..................................... 230 644
<table>
<thead>
<tr>
<th>HERD DISTRICTS:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Duration of district</td>
<td>264 675</td>
</tr>
<tr>
<td>Petition for establishment:</td>
<td></td>
</tr>
<tr>
<td>Animals excepted</td>
<td>264 674</td>
</tr>
<tr>
<td>Description of area</td>
<td>264 674</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HEYBURN STATE PARK:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td>414 1090</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HIGHWAY DISTRICTS:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Access roads to public lands and public waters, procedure for abandonment of</td>
<td>210 228</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HIGHWAY FUND:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriations:</td>
<td></td>
</tr>
<tr>
<td>Bureau of Public Accounts</td>
<td>251 662</td>
</tr>
<tr>
<td>Governor for Motor Vehicle Reciprocity</td>
<td>383 1063</td>
</tr>
<tr>
<td>Legislative Council for Western Interstate Committee on Highway Policy Problems</td>
<td>379 1060</td>
</tr>
<tr>
<td>State Board of Highway Directors for Administration</td>
<td>378 1059</td>
</tr>
<tr>
<td>Fifteen per cent of, to cities and villages for roads and streets</td>
<td>355 1019</td>
</tr>
<tr>
<td>Tacy, Pauline J., claim of</td>
<td>199 589</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HIGHWAYS:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>See COUNTY LOCAL OPTION SECONDARY HIGHWAY REORGANIZATION ACT</td>
<td></td>
</tr>
<tr>
<td>Abandonment of</td>
<td>6 17</td>
</tr>
<tr>
<td></td>
<td>267 680</td>
</tr>
<tr>
<td>Method of abandonment:</td>
<td></td>
</tr>
<tr>
<td>Access roads to public waters</td>
<td>267 680</td>
</tr>
<tr>
<td>Roads established by prescription</td>
<td>267 680</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HIGHWAYS AND GOOD ROAD DISTRICTS:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Definitions</td>
<td>294 775</td>
</tr>
<tr>
<td>Jurisdiction of commissioners</td>
<td>294 775</td>
</tr>
<tr>
<td>Tax levy, purpose and amount</td>
<td>294 776</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HIGHWAYS IN GENERAL:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Access roads to public lands and public waters, procedure for abandonment</td>
<td>210 228</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HIGHWAYS OF STATE:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees of Idaho Department of Highways:</td>
<td></td>
</tr>
<tr>
<td>Budget Director concurrence in policy required</td>
<td>41 190</td>
</tr>
<tr>
<td>Motor vehicle license money, remittance to State Treasurer</td>
<td>171 496</td>
</tr>
<tr>
<td>Overtime policy</td>
<td>41 190</td>
</tr>
</tbody>
</table>
### HIGHWAYS OF STATE:
- State Board of Examiners, approval of policy by .......... 41 190
- Supervisory and administrative employees, exception .................................................................................... 41 190
- Work day defined ................................................................ 41 190
- Work week policy .......................................................... 41 190

### HISTORICAL SOCIETY:
- See ARCHAEOLOGY

### HOMICIDE:
- Death of child while correcting not excusable .......... 109 332

### HONEY ADVERTISING COMMISSION:
- Appropriation .......................................................................... 201 591

### HONEY INDUSTRY REGULATIONS:
#### Annual statement of bee keepers:
- Contents of ............................................................................ 305 803
- Failure to post unlawful .................................................... 305 803
- Posting at apiary required ................................................ 305 803
- To Department of Agriculture ........................................ 305 803

#### Apiary inspectors:
- Appointed by Commissioner of Agriculture .................. 305 798
- Duties .................................................................................... 305 799
- Bee keepers’ duties regarding disease of bees ............ 305 798
- Bee inspection fund created .................................................. 305 802
- Box hives prohibited .............................................................. 305 802
- Declaration of policy .............................................................. 305 797
- Definitions ................................................................................ 305 797
- Department of Agriculture, duties ...................................... 305 804
- Disinfection of equipment after inspection required ...... 305 802
- Division of apiary inspection and investigation authorized .............................................................................. 305 797
- Entomologist to be appointed ............................................. 305 798

#### Permits to ship bees into state:
- Annual and continuing permits ............................................ 305 800
- Application, contents ......................................................... 305 800
- Expiration date .................................................................. 305 800
- Fee .......................................................................................... 305 800
- Location of hives ................................................................. 305 800
- Public hearing on location of hives ................................ 305 800
- Unlawful acts ...................................................................... 305 800

#### Pollination permits:
- Application for, contents ...................................................... 305 801
- Duration ................................................................................ 305 801
- Reports to Department of Agriculture .......................... 305 802

- "Qualified bi-state bee keepers" ........................................ 305 799
### HONEY INDUSTRY REGULATIONS:

<table>
<thead>
<tr>
<th>Action</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shipping bees into state, permit required</td>
<td>305 799</td>
</tr>
<tr>
<td>Taxation of bee colonies:</td>
<td></td>
</tr>
<tr>
<td>Collection of tax</td>
<td>305 803</td>
</tr>
<tr>
<td>Deposit to Bee Inspection Fund</td>
<td>305 804</td>
</tr>
<tr>
<td>Levy established</td>
<td>305 803</td>
</tr>
<tr>
<td>Violations, misdemeanor</td>
<td>305 804</td>
</tr>
</tbody>
</table>

### HOP GROWERS COMMISSION:

<table>
<thead>
<tr>
<th>Action</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td>371 1053</td>
</tr>
<tr>
<td>Branding of hops</td>
<td>335 962</td>
</tr>
<tr>
<td>Defining “hops”</td>
<td>335 959</td>
</tr>
<tr>
<td>Powers and duties of Hop Commissioner</td>
<td>335 961</td>
</tr>
</tbody>
</table>

### HORSES:

See IDAHO HORSE RACING ACT

### HOSPITALS:

<table>
<thead>
<tr>
<th>Type</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advisory hospital council, member of nursing profession to serve on</td>
<td>108 331</td>
</tr>
<tr>
<td>Appropriations:</td>
<td></td>
</tr>
<tr>
<td>Booth Memorial</td>
<td>192 584</td>
</tr>
<tr>
<td>State Hospital North</td>
<td>410 1086</td>
</tr>
<tr>
<td>State Hospital South</td>
<td>400 1077</td>
</tr>
<tr>
<td>Tuberculosis Hospital</td>
<td>402 1079</td>
</tr>
<tr>
<td>Building appropriations:</td>
<td></td>
</tr>
<tr>
<td>State Hospital North</td>
<td>228 637</td>
</tr>
<tr>
<td>State Hospital South</td>
<td>228 637</td>
</tr>
<tr>
<td>State Tuberculosis Hospital</td>
<td>228 640</td>
</tr>
<tr>
<td>County hospitals:</td>
<td></td>
</tr>
<tr>
<td>Aged and infirm, care of</td>
<td>139 398</td>
</tr>
<tr>
<td>Nursing homes included</td>
<td>139 398</td>
</tr>
<tr>
<td>Petitions for establishment of, number of signers</td>
<td>139 398</td>
</tr>
</tbody>
</table>

### HOUSE JOURNAL:

Certified printed Journal to be filed with Secretary of State | S.C.R. 5 1115 |

### HOUSE REVENUE AND TAXATION COMMITTEE:

Appropriation for drafting revenue proposals | H.C.R. 15 1137 |

### HUNTING:

See FISH AND GAME

Power driven craft, use of unlawful | 140 400 |

### HUSBAND AND WIFE:

Testimony not privileged in child injury cases | 104 325 |
ICE CREAM:
See MILK AND MILK PRODUCTS

IDAHO BUREAU OF MINES AND GEOLOGY:
See OIL AND GAS CONSERVATION ACT
Appointed as Oil and Gas Conservation Commission
of the State of Idaho .......................................................... 148 434

IDAHO CODES:
Furnished to new members, Pocket Supplements and
1963 Annotations to all members ..................... H.C.R. 18 1140
Idaho Codes and Pocket Supplements furnished for
each member of 37th Session to complete set .... H.C.R. 15 1145

IDAHO COLLECTORS ASSOCIATION:
Collection Agencies Board, recommendations for
membership to .......................................................... 12 610

IDAHO DEPARTMENT OF HIGHWAYS:
See HIGHWAYS OF STATE

IDAHO HORSE RACING ACT:
Application for race meet ........................................... 64 249
Bond requirements .................................................... 64 252
Definitions:
Breakage .......................................................... 64 247
Committee ......................................................... 64 247
Persons .......................................................... 64 247
Race Meet ........................................................ 64 247
Idaho bred horses:
Disposition of purse .................................................. 64 250
One race each day ............................................... 64 250
Idaho Horse Racing Committee:
Created .......................................................... 64 247
Duties .......................................................... 64 248
Expenses .......................................................... 64 248
Membership ...................................................... 64 247
Organization ..................................................... 64 248
Quorum .......................................................... 64 248
Records .......................................................... 64 248
Removal of members ........................................... 64 248
Term .......................................................... 64 247
Vacancies ........................................................ 64 247
Insurance required ............................................. 64 250
Licenses:
Application for .................................................... 64 249
Bond .......................................................... 64 249
### IDAHO HORSE RACING ACT:

- **Disqualifications**: Page 64, Line 249
- **Required to hold race meets**: Page 64, Line 249

#### Pari-Mutuel system:
- **Authorized**: Page 64, Line 251
- **Distribution of funds**: Page 64, Line 251
- **Gross receipts, distribution**: Page 64, Line 251
- **Special tax levy**: Page 64, Line 251
- **Unlawful acts**: Page 64, Line 251

#### Rules and Regulations:
- **License required**: Page 64, Line 248
- **Suspension of race meets**: Page 64, Line 248
- **Unlawful acts**: Page 64, Line 248

### IDAHO INCOME TAX ACT:

- **Advisory Board**: Page 339, Line 976
- **Corporations**:
  - **Federal tax deduction**: Page 339, Line 975
  - **Treatment of refunds, credits and deficiencies**: Page 339, Line 975
- **Examination of books outside state**: Page 339, Line 976
- **Internal Revenue Code of 1962**: Page 339, Line 972
- **Net operating loss, adjustments thereto**: Page 339, Line 972
- **Retroactive to January 1, 1963**: Page 339, Line 977

#### Taxable income:
- **Additions included in Internal Revenue Code**: Page 339, Line 973
- **Net operating loss carry-back**: Page 339, Line 973
- **Subtractions and deductions**: Page 339, Line 974

### IDAHO INDUSTRIAL TRAINING SCHOOL:

See **STATE YOUTH TRAINING CENTER**

### IDAHO NATIONAL GUARD:

- **Exempt from certain motor fuels tax**: Page 312, Line 839

#### Special license plates:
- **Adjutant General to design**: Page 61, Line 242
- **Application for**: Page 61, Line 243
- **Commissioner of Law Enforcement, duties, approval of**: Page 61, Line 242
- **Expiration of**: Page 61, Line 243
- **Qualifications of**: Page 61, Line 242

### IDAHO NATIONAL GUARD ARMORIES:

- **Appropriations, building**: Page 228, Line 637

### IDAHO POTATO AND ONION COMMISSION:

- **Appropriation**: Page 377, Line 1048
IDAHO SESSION LAWS

IDAHO STATE BOARD OF PSYCHOLOGIST EXAMINERS:
See PSYCHOLOGY PRACTICE ACT
Created .................................................................186 552
Membership, qualifications and terms ..................186 552

IDAHO STATE CAPITOL:
Appropriations, building ......................................228 640

IDAHO STATE CHAMBER OF COMMERCE:
Appreciation expressed for weekly bulletins ..........H.C.R. 23 1143

IDAHO STATE COLLEGE:
See IDAHO STATE UNIVERSITY
Appropriations, building ......................................228 639
Now Idaho State University .................................12 23

IDAHO STATE HISTORICAL MUSEUM, BOISE:
Appropriations, building ......................................228 641

IDAHO, STATE OF:
To aid in developing plans for Lewis and Clark
   National Tourway .............................................S.J.M. 11 1165

IDAHO STATE PENITENTIARY:
Appropriations:
   Building ..........................................................228 641
   New Penitentiary Site ........................................353 1016

IDAHO STATE TUBERCULOSIS HOSPITAL—GOODING:
Appropriations, building ......................................228 640

IDAHO STATE UNIVERSITY:
Appropriation .....................................................399 1077
Board of Trustees:
   Idaho State Board of Education as .................12 24
   Meetings .........................................................12 24
   Organization of ..............................................12 24
   Powers of .......................................................12 24
   Proceedings ....................................................12 24
   Sale or exchange of property .........................12 24
   Title to property vested in ............................12 24
   Corporate Entity ............................................12 24
   Dining Hall receipts to retire revenue bonds ......286 754
   Establishment of ............................................12 23

   Idaho State College:
   Changed to Idaho State University .................12 23
   Construction of existing statutes ...................12 27
<table>
<thead>
<tr>
<th>IDAHO STATE UNIVERSITY:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funds, property obligations transferred</td>
</tr>
<tr>
<td>Purposes of</td>
</tr>
<tr>
<td>Sectarian tests</td>
</tr>
<tr>
<td>Training school, maintenance of</td>
</tr>
<tr>
<td>Tuition not required, exceptions</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IDAHO TECHNICAL INSTITUTE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Now Idaho State University</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IDAHO VETERANS' COMMISSION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation for new Veterans' Home</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IDAHO VETERANS' HOME:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name changed from Old Soldiers' Home</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IDAHO YOUTH CONSERVATION PROJECT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
</tr>
<tr>
<td>Compensation of participants:</td>
</tr>
<tr>
<td>Allotments from</td>
</tr>
<tr>
<td>Items furnished in addition to compensation</td>
</tr>
<tr>
<td>Rate of</td>
</tr>
<tr>
<td>Unemployment law not applicable</td>
</tr>
<tr>
<td>Workmen's compensation law applicable</td>
</tr>
<tr>
<td>Creation of</td>
</tr>
<tr>
<td>Declaration of policy</td>
</tr>
<tr>
<td>Expenses of, payment</td>
</tr>
<tr>
<td>Participants' qualifications</td>
</tr>
<tr>
<td>Purpose</td>
</tr>
<tr>
<td>State Forester, powers and duties</td>
</tr>
<tr>
<td>Unemployment law not applicable</td>
</tr>
<tr>
<td>Workmen's Compensation law applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INAUGURATION OF GOVERNOR ROBERT E. SMYLIE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expressing appreciation to participants in inaugural ceremony</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INCOME TAX:</th>
</tr>
</thead>
<tbody>
<tr>
<td>See IDAHO INCOME TAX ACT</td>
</tr>
<tr>
<td>See TAXATION</td>
</tr>
<tr>
<td>Withholding tax, increase in percentage withheld</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INDIANS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil and criminal jurisdiction:</td>
</tr>
<tr>
<td>Assumed by states</td>
</tr>
<tr>
<td>Extension of, consent required</td>
</tr>
<tr>
<td>Taxation, property not subject to</td>
</tr>
<tr>
<td>Treaties not abrogated</td>
</tr>
<tr>
<td>INDICTMENTS:</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>Charging one offense, repealed</td>
</tr>
<tr>
<td>Count pleading authorized</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INDUSTRIAL ACCIDENT BOARD:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td>252</td>
</tr>
<tr>
<td>Report by employer of accidents</td>
<td>276</td>
</tr>
<tr>
<td>Salary of members</td>
<td>279</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INDUSTRIAL ACCIDENT FUND:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation to Bureau of Public Accounts</td>
<td>251</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INDUSTRIAL DEVELOPMENT CORPORATION:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual examinations of</td>
<td>273</td>
</tr>
<tr>
<td>Articles of incorporation:</td>
<td></td>
</tr>
<tr>
<td>Amendment</td>
<td>273</td>
</tr>
<tr>
<td>Contents of</td>
<td>273</td>
</tr>
<tr>
<td>Board of Directors:</td>
<td></td>
</tr>
<tr>
<td>Meetings</td>
<td>273</td>
</tr>
<tr>
<td>Powers and duties</td>
<td>273</td>
</tr>
<tr>
<td>Definitions</td>
<td>273</td>
</tr>
<tr>
<td>Deposit of funds</td>
<td>273</td>
</tr>
<tr>
<td>Dissolution</td>
<td>273</td>
</tr>
<tr>
<td>Duration of corporation</td>
<td>273</td>
</tr>
<tr>
<td>Duration of membership in</td>
<td>273</td>
</tr>
<tr>
<td>First meeting of incorporators</td>
<td>273</td>
</tr>
<tr>
<td>Fiscal year</td>
<td>273</td>
</tr>
<tr>
<td>Incorporators, number and qualifications</td>
<td>273</td>
</tr>
<tr>
<td>Loans to corporations:</td>
<td></td>
</tr>
<tr>
<td>Limitations</td>
<td>273</td>
</tr>
<tr>
<td>Members, loans by</td>
<td>273</td>
</tr>
<tr>
<td>Members:</td>
<td></td>
</tr>
<tr>
<td>Defined</td>
<td>273</td>
</tr>
<tr>
<td>Loans to corporations</td>
<td>273</td>
</tr>
<tr>
<td>Power and authority</td>
<td>273</td>
</tr>
<tr>
<td>Name requirement</td>
<td>273</td>
</tr>
<tr>
<td>Powers</td>
<td>273</td>
</tr>
<tr>
<td>Chapter Page</td>
<td>INDUSTRIAL DEVELOPMENT CORPORATION:</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>273 697</td>
<td>Purposes .................................................................</td>
</tr>
<tr>
<td>273 707</td>
<td>Small Business Investment Act of 1958, reference to ..........</td>
</tr>
<tr>
<td>273 707</td>
<td>State prohibited from pledging credit to ....................</td>
</tr>
<tr>
<td>273 703</td>
<td>Stockholders and members, powers ................................</td>
</tr>
<tr>
<td>273 706</td>
<td>Surplus, disposition of ...........................................</td>
</tr>
<tr>
<td>289 756</td>
<td>INDUSTRIAL TRAINING SCHOOL—ST. ANTHONY:</td>
</tr>
<tr>
<td></td>
<td>Appropriations:</td>
</tr>
<tr>
<td></td>
<td>Administration .......................................................</td>
</tr>
<tr>
<td></td>
<td>Building construction .............................................</td>
</tr>
<tr>
<td>204 594</td>
<td>INFORMATION:</td>
</tr>
<tr>
<td></td>
<td>Count pleading authorized ........................................</td>
</tr>
<tr>
<td>63 246</td>
<td>INHERITANCE:</td>
</tr>
<tr>
<td></td>
<td>Adopted children ..................................................</td>
</tr>
<tr>
<td>44 193</td>
<td>INHERITANCE TAXES:</td>
</tr>
<tr>
<td></td>
<td>Exemptions:</td>
</tr>
<tr>
<td></td>
<td>Reciprocity with other states ...................................</td>
</tr>
<tr>
<td></td>
<td>Transfers to charitable uses .....................................</td>
</tr>
<tr>
<td>156 458</td>
<td>INJUNCTIONS:</td>
</tr>
<tr>
<td></td>
<td>Pre-arranged funeral plans, injunctions for viola-</td>
</tr>
<tr>
<td></td>
<td>tions of ............................................................</td>
</tr>
<tr>
<td>120 349</td>
<td>INSURANCE:</td>
</tr>
<tr>
<td></td>
<td>Certificate of authority, photostatic copies may be</td>
</tr>
<tr>
<td></td>
<td>used in application for ...........................................</td>
</tr>
<tr>
<td>48 200</td>
<td>County Mutual Fire Insurance Companies, members</td>
</tr>
<tr>
<td></td>
<td>residing in municipal corporations may insure ........ ....</td>
</tr>
<tr>
<td>401 1078</td>
<td>Old Age and Survivor’s Insurance Program, appro-</td>
</tr>
<tr>
<td></td>
<td>priation .............................................................</td>
</tr>
<tr>
<td>13 115</td>
<td>School safety patrols, insurance of ...........................</td>
</tr>
<tr>
<td>3 8</td>
<td>INTERDEPARTMENTAL COMMITTEE ON</td>
</tr>
<tr>
<td></td>
<td>CHILDREN AND YOUTH:</td>
</tr>
<tr>
<td></td>
<td>Compensation and expenses ......................................</td>
</tr>
<tr>
<td>3 7</td>
<td>Creation of ................................................................</td>
</tr>
<tr>
<td>3 7</td>
<td>Declaration of policy .............................................</td>
</tr>
<tr>
<td>3 7</td>
<td>Duties .....................................................................</td>
</tr>
<tr>
<td>3 7</td>
<td>Membership:</td>
</tr>
<tr>
<td>3 7</td>
<td>Appointment of ........................................................</td>
</tr>
<tr>
<td>3 7</td>
<td>Composition of ........................................................</td>
</tr>
<tr>
<td>3 7</td>
<td>Governor, ex-officio member .....................................</td>
</tr>
<tr>
<td>3 7</td>
<td>Term of ....................................................................</td>
</tr>
<tr>
<td>3 7</td>
<td>Powers .....................................................................</td>
</tr>
<tr>
<td>3 8</td>
<td>Reports ....................................................................</td>
</tr>
</tbody>
</table>
INTERNAL REVENUE COLLECTOR’S OFFICE:
Requesting retention of office and staff in Boise,
Idaho .................................................................H.J.M. 12

INTERSTATE COMMERCE COMMISSION:
Urged to maintain present rate level on grain
shipments .....................................................S.J.M. 5 1157

INTERSTATE COMPACTS:
Columbia Interstate Compact ....................310 818

IRRIGATION:
Appropriation of ground water:
Applications for permits ................................216 625
Critical ground water area defined ..............216 625
Methods of appropriation .............................216 624
Penalties for violation .................................216 626
Extension of time for completion of certain irri-
gation works ................................................214 620
Natural gas energy transmission systems exempt
from taxation .................................................360 1031
Natural gas pumping facilities exempt from tax-
ation .........................................................354 1017
State Reclamation Engineer, authority ..........216 625

J

JAILS:
County may lease ............................................106 329

JOCKEYS:
See IDAHO HORSE RACING ACT

JOINT RULES OF HOUSE AND SENATE:
Adopted .............................................................H.C.R. 3 1119

JOINT SERVICE FUNCTIONS OF MUNICIPALITIES:
Agreements:
Contents ..................................................73 267
Financing of .................................................73 267
Nature of service .........................................73 267
Term ..........................................................73 267
Declaration of policy .....................................73 266
Definitions:
Municipalities .............................................73 267
Service functions .......................................73 266
Procedure for making agreements, notice required .....73 267
Purpose .......................................................73 266
<table>
<thead>
<tr>
<th>JOINT SESSIONS:</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governor's Budget Message</td>
<td>H.C.R. 5</td>
<td>1120</td>
</tr>
<tr>
<td>Governor's State of State Message</td>
<td>H.C.R. 1</td>
<td>1117</td>
</tr>
<tr>
<td>Lincoln Day Memorial Program</td>
<td>H.C.R. 14</td>
<td>1136</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>JOURNALS, HOUSE AND SENATE:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Certified printed Journal to be filed with Secretary of State</td>
<td>S.C.R. 5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>JUDGES:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>See DISTRICT COURTS</td>
<td></td>
</tr>
<tr>
<td>Creation of new district judgeship</td>
<td>7</td>
</tr>
<tr>
<td>Subsistence and travel expense</td>
<td>101</td>
</tr>
<tr>
<td>Supreme Court justices, salary increase</td>
<td>275</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>JUDGMENTS:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lower courts:</td>
<td></td>
</tr>
<tr>
<td>Lien of</td>
<td>223</td>
</tr>
<tr>
<td>Time of issuance of execution on</td>
<td>223</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>JUDICIAL DISTRICTS:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Seventh District, third judgeship created</td>
<td>7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>JUNIOR COLLEGES:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Addition to districts, procedure for</td>
<td>363</td>
</tr>
<tr>
<td>Bonds, issuance authorized</td>
<td>363</td>
</tr>
<tr>
<td>Courses of study</td>
<td>363</td>
</tr>
<tr>
<td>Districts may be organized</td>
<td>363</td>
</tr>
<tr>
<td>Financial support:</td>
<td></td>
</tr>
<tr>
<td>Capital funds, bonds</td>
<td>363</td>
</tr>
<tr>
<td>Gymnasium and grounds, special tax</td>
<td>363</td>
</tr>
<tr>
<td>Liquor Revenues</td>
<td>363</td>
</tr>
<tr>
<td>Taxation</td>
<td>363</td>
</tr>
<tr>
<td>Formation of districts:</td>
<td></td>
</tr>
<tr>
<td>Conduct of elections</td>
<td>363</td>
</tr>
<tr>
<td>Election required</td>
<td>363</td>
</tr>
<tr>
<td>Minimum requirements</td>
<td>363</td>
</tr>
<tr>
<td>Petitions for</td>
<td>363</td>
</tr>
<tr>
<td>Two or more counties involved</td>
<td>363</td>
</tr>
<tr>
<td>Instructors, hiring of</td>
<td>363</td>
</tr>
<tr>
<td>President:</td>
<td></td>
</tr>
<tr>
<td>Elected by trustees</td>
<td>363</td>
</tr>
<tr>
<td>Recommendations by</td>
<td>363</td>
</tr>
<tr>
<td>Public Corporations:</td>
<td></td>
</tr>
<tr>
<td>Capacity to sue and be sued</td>
<td>363</td>
</tr>
<tr>
<td>Seal</td>
<td>363</td>
</tr>
<tr>
<td><strong>JUNIOR COLLEGES:</strong></td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td>---</td>
</tr>
<tr>
<td>Reports:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual audit</td>
<td>363 1046</td>
</tr>
<tr>
<td>State board of education, reports required by</td>
<td>363 1046</td>
</tr>
<tr>
<td>Textbooks, selection of</td>
<td>363 1042</td>
</tr>
<tr>
<td>Trustees:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Appointment of first board</td>
<td>363 1041</td>
</tr>
<tr>
<td>Election</td>
<td>363 1041</td>
</tr>
<tr>
<td>Employees hired by</td>
<td>363 1042</td>
</tr>
<tr>
<td>Meetings</td>
<td>363 1042</td>
</tr>
<tr>
<td>Organization</td>
<td>363 1042</td>
</tr>
<tr>
<td>Powers</td>
<td>363 1042</td>
</tr>
<tr>
<td>President, elected by</td>
<td>363 1042</td>
</tr>
<tr>
<td>Quorum</td>
<td>363 1042</td>
</tr>
<tr>
<td>Term</td>
<td>363 1041</td>
</tr>
<tr>
<td>Textbooks, selection of</td>
<td>363 1042</td>
</tr>
<tr>
<td>Tuition fixed by</td>
<td>363 1044</td>
</tr>
<tr>
<td>Vacancies</td>
<td>363 1041</td>
</tr>
<tr>
<td>Tuition:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Board of trustees to fix</td>
<td>363 1044</td>
</tr>
<tr>
<td>Fees</td>
<td>363 1044</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>JURORS:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Coroners jury, number of</td>
<td>4 9</td>
</tr>
<tr>
<td>District courts, women subject to same rules as men</td>
<td>84 278</td>
</tr>
<tr>
<td>Teachers free from jury duty</td>
<td>13 112</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>JUSTICE COURTS:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Transcripts of judgment:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Liens created</td>
<td>209 598</td>
</tr>
<tr>
<td>Recording in another county</td>
<td>209 598</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>JUSTICE OF THE PEACE:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>New fee schedule of</td>
<td>217 626</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>LABELS:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Toxicants:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Contents of labels</td>
<td>40 189</td>
</tr>
<tr>
<td>Labels required</td>
<td>40 189</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>LABOR:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>See COMMISSIONER OF LABOR</td>
<td></td>
</tr>
<tr>
<td>See EMPLOYMENT SECURITY LAW</td>
<td></td>
</tr>
<tr>
<td>See WORKMEN'S COMPENSATION LAW</td>
<td></td>
</tr>
<tr>
<td>Female Employees:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Hours of employment</td>
<td>281 724</td>
</tr>
<tr>
<td>Minimum wage established</td>
<td>9 20</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>LAND ADMINISTRATION:</td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>237</td>
</tr>
<tr>
<td>LAVA HOT SPRINGS FOUNDATION:</td>
<td></td>
</tr>
<tr>
<td>Appropriations:</td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>382</td>
</tr>
<tr>
<td>Building</td>
<td>228</td>
</tr>
<tr>
<td>LAVA HOT SPRINGS FOUNDATION FUND:</td>
<td></td>
</tr>
<tr>
<td>Appropriation to Bureau of Public Accounts</td>
<td>251</td>
</tr>
<tr>
<td>LAW LIBRARY:</td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>420</td>
</tr>
<tr>
<td>LAWYERS:</td>
<td></td>
</tr>
<tr>
<td>Annual bar fee increased</td>
<td>47</td>
</tr>
<tr>
<td>LEGAL NOTICES:</td>
<td></td>
</tr>
<tr>
<td>See PUBLICATIONS OF NOTICES</td>
<td></td>
</tr>
<tr>
<td>LEGISLATIVE “CLEAN UP”:</td>
<td></td>
</tr>
<tr>
<td>Duties of presiding officers</td>
<td>307</td>
</tr>
<tr>
<td>Supplemental appropriation for</td>
<td>307</td>
</tr>
<tr>
<td>LEGISLATIVE COUNCIL:</td>
<td></td>
</tr>
<tr>
<td>Appointment of members</td>
<td>47</td>
</tr>
<tr>
<td>Appropriations:</td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>57</td>
</tr>
<tr>
<td>Western Interstate Committee on Highway Policy</td>
<td>379</td>
</tr>
<tr>
<td>Problems</td>
<td>1060</td>
</tr>
<tr>
<td>Assignments by legislature</td>
<td>57</td>
</tr>
<tr>
<td>Budget, to assist in preparation of</td>
<td>225</td>
</tr>
<tr>
<td>Compensation and expenses</td>
<td>57</td>
</tr>
<tr>
<td>Committees of</td>
<td>57</td>
</tr>
<tr>
<td>Created</td>
<td>47</td>
</tr>
<tr>
<td>Duties</td>
<td>57</td>
</tr>
<tr>
<td>Employees enumerated</td>
<td>57</td>
</tr>
<tr>
<td>Membership</td>
<td>57</td>
</tr>
<tr>
<td>Organization of</td>
<td>57</td>
</tr>
<tr>
<td>Places and times of meetings</td>
<td>57</td>
</tr>
<tr>
<td>Public hearings authorized</td>
<td>57</td>
</tr>
<tr>
<td>Purpose of meetings</td>
<td>57</td>
</tr>
<tr>
<td>Reports to legislature required</td>
<td>57</td>
</tr>
<tr>
<td>Research director, salary</td>
<td>57</td>
</tr>
<tr>
<td>To assist Director of Budget in preparation of State</td>
<td></td>
</tr>
<tr>
<td>Budget</td>
<td>S.C.R. 6</td>
</tr>
<tr>
<td>To study sparsity factor in application of school</td>
<td></td>
</tr>
<tr>
<td>apportionment formulas</td>
<td>H.C.R. 19</td>
</tr>
<tr>
<td>Vacancies, filling</td>
<td>57</td>
</tr>
</tbody>
</table>
LEGISLATURE:
Examine proposed legislation for effect upon business climate of state ........................................... S.C.R. 3 1112
Idaho codes and pocket supplements furnished to each member of Thirty-seventh Session to complete set ............................................................... H.C.R. 25 1145
Idaho codes furnished to new members. Pocket supplements and 1963 annotations to all members .. H.C.R. 18 1140
Insurance provided for members ....................................................... S.C.R. 4 1114
Thirty-seventh Session, appropriation ................................................... 1 4
Thirty-sixth Session, appropriation for First Extraordinary Session ............................................. 1 4

LEGISLATURE, THIRTY-EIGHTH SESSION:
Early convention for preparational purposes ........................................ H.C.R. 4 1119

LEGISLATURE, THIRTY-SEVENTH SESSION:
Fixing time for adjournment Sine Die ............................................... S.C.R. 7 1116

LEWIS AND CLARK NATIONAL TOURWAY:
Idaho to aid in developing plans for ........................................ S.J.M. 11 1165

LEWIS-CLARK NORMAL SCHOOL:
Appropriations:
  Administration ................................................................. 229 642
  Building ............................................................................. 228 639
  Bachelor's degrees granted .................................................. 76 271
  Dining hall receipts to retire revenue bonds ......................... 286 754
  Expanding courses to four years ........................................... 76 271

LEWISTON, CITY OF:
Special charter amended to require bids on expenditures over two thousand dollars ..................... 80 274

LIBEL:
See RADIO AND TELEVISION BROADCASTING STATIONS

LIBRARIES:
See LIBRARY DISTRICTS ACT
See PUBLIC LIBRARIES

LIBRARY DISTRICT ACT:
Addition of new territory, election procedure ........... 188 571
Board of Trustees of District:
  Meetings ................................................................. 188 574
  Nomination and election ................................................. 188 573
  Oath ........................................................................... 188 572
  Powers and duties ...................................................... 188 574
**LIBRARY DISTRICT ACT:**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qualifications</td>
<td>188</td>
</tr>
<tr>
<td>Selection of first board</td>
<td>188</td>
</tr>
<tr>
<td>Term</td>
<td>188</td>
</tr>
<tr>
<td>Dissolution of districts, procedure for</td>
<td>188</td>
</tr>
<tr>
<td>Effective date of Act</td>
<td>188</td>
</tr>
<tr>
<td><strong>Elections:</strong></td>
<td></td>
</tr>
<tr>
<td>Addition of new territory</td>
<td>188</td>
</tr>
<tr>
<td>Conduct of</td>
<td>188</td>
</tr>
<tr>
<td>More than one county involved, procedure</td>
<td>188</td>
</tr>
<tr>
<td>Petition, contents</td>
<td>188</td>
</tr>
<tr>
<td>Qualifications of electors</td>
<td>188</td>
</tr>
<tr>
<td><strong>Employees of districts:</strong></td>
<td></td>
</tr>
<tr>
<td>Chief Librarian</td>
<td>188</td>
</tr>
<tr>
<td>Classification of employees</td>
<td>188</td>
</tr>
<tr>
<td>Grounds for discharge</td>
<td>188</td>
</tr>
<tr>
<td>Salaries</td>
<td>188</td>
</tr>
<tr>
<td>Fiscal year of districts</td>
<td>188</td>
</tr>
<tr>
<td>Library services, contracts for</td>
<td>188</td>
</tr>
<tr>
<td>Present districts continued</td>
<td>188</td>
</tr>
<tr>
<td>Public corporation, district constitutes</td>
<td>188</td>
</tr>
<tr>
<td>Purpose and policy</td>
<td>188</td>
</tr>
<tr>
<td>Qualified elector defined</td>
<td>188</td>
</tr>
<tr>
<td>Reports of districts</td>
<td>188</td>
</tr>
<tr>
<td>Taxation authorized</td>
<td>188</td>
</tr>
<tr>
<td>Tax supported libraries may join district</td>
<td>188</td>
</tr>
<tr>
<td>Territory and limitation</td>
<td>188</td>
</tr>
<tr>
<td>Treasurer of District</td>
<td></td>
</tr>
<tr>
<td>Bond requirements</td>
<td>188</td>
</tr>
<tr>
<td>Disposition of Funds</td>
<td>188</td>
</tr>
<tr>
<td>Qualifications and appointment</td>
<td>188</td>
</tr>
<tr>
<td>State Treasurer may be</td>
<td>188</td>
</tr>
</tbody>
</table>

**LICENSE PLATES:**

See MOTOR VEHICLE REGISTRATION

**LICENSES:**

See MOTOR VEHICLE OPERATORS  
See MOTOR VEHICLE REGISTRATION

<table>
<thead>
<tr>
<th>Permit</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collection Agency permits</td>
<td>212</td>
</tr>
<tr>
<td>Common carrier aircraft, liquor license fee</td>
<td>423</td>
</tr>
<tr>
<td>Deer and elk tag fees increased</td>
<td>185</td>
</tr>
<tr>
<td>Egg Act requirements</td>
<td>143</td>
</tr>
<tr>
<td>Fish and Game License, transfer of unlawful</td>
<td>185</td>
</tr>
<tr>
<td>Hunting and fishing licenses, fee schedule</td>
<td>334</td>
</tr>
<tr>
<td>Municipal corporation, billiard and bowling alley licenses abolished</td>
<td>272</td>
</tr>
</tbody>
</table>
LICENSES:

<table>
<thead>
<tr>
<th>License Type</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pickup trucks</td>
<td>75</td>
</tr>
<tr>
<td>Psychologist licenses:</td>
<td></td>
</tr>
<tr>
<td>Examination fees</td>
<td>186</td>
</tr>
<tr>
<td>Renewal fees</td>
<td>186</td>
</tr>
<tr>
<td>Reciprocity</td>
<td>186</td>
</tr>
<tr>
<td>Revocation of</td>
<td>186</td>
</tr>
<tr>
<td>Retail sale of liquor by the drink, number of licenses determined by subsequent U.S. Census</td>
<td>215</td>
</tr>
</tbody>
</table>

LIENS:

<table>
<thead>
<tr>
<th>Type of Lien</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transcript of judgment, creating</td>
<td>204</td>
</tr>
</tbody>
</table>

LIEUTENANT GOVERNOR:

<table>
<thead>
<tr>
<th>Type of Duty</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional duties</td>
<td>307</td>
</tr>
<tr>
<td>Appropriation</td>
<td>196</td>
</tr>
</tbody>
</table>

LIFE INSURANCE:

See GROUP LIFE INSURANCE

LINCOLN DAY MEMORIAL:

<table>
<thead>
<tr>
<th>Program Details</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vandaleers invited to participate in program</td>
<td>H.C.R. 6 1121</td>
</tr>
</tbody>
</table>

LINCOLN DAY MEMORIAL PROGRAM:

<table>
<thead>
<tr>
<th>Program Details</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joint Session for</td>
<td>H.C.R. 14 1136</td>
</tr>
</tbody>
</table>

LIQUOR:

See ALCOHOLIC BEVERAGES

<table>
<thead>
<tr>
<th>Type of Activity</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits to purchase abolished</td>
<td>296</td>
</tr>
<tr>
<td>Sale by dispensary only</td>
<td>296</td>
</tr>
<tr>
<td>State liquor dispensary, appropriation for administration</td>
<td>240</td>
</tr>
</tbody>
</table>

LIQUOR CONTROL ACT FUND:

<table>
<thead>
<tr>
<th>Activity Details</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation to Bureau of Public Accounts</td>
<td>251</td>
</tr>
</tbody>
</table>

LIQUOR FUND:

<table>
<thead>
<tr>
<th>Distribution by counties</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>111</td>
</tr>
</tbody>
</table>

LIQUOR LAW ENFORCEMENT:

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>224</td>
</tr>
</tbody>
</table>

LIVESTOCK:

See HERD DISTRICTS

<table>
<thead>
<tr>
<th>Activity Details</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation to Commissioner of Agriculture for disease control</td>
<td>206</td>
</tr>
</tbody>
</table>

LIVESTOCK MARKETS:

<table>
<thead>
<tr>
<th>Type of Activity</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sales exempt from provisions of livestock marketing act</td>
<td>130</td>
</tr>
</tbody>
</table>
LOANS:
See BANKS AND BANKING

LOCAL IMPROVEMENT DISTRICTS:
Authorized to receive money from school plant facil-
ities reserve fund .......................................................... 13 89
Definitions:
Off-street parking .......................................................... 115 339
Resident owner ............................................................... 115 339
Street .............................................................................. 115 339
Off-street parking:
Authority to create district for ....................................... 115 340
Costs and expenses in enlarged districts ....................... 115 341
Resolutions of intention to create .................................. 115 342
Registered warrants:
Collection of delinquent installments on ......................... 132 385
Payment of ..................................................................... 132 385

LOWER TETON RESERVOIR:
Congress of United States urged to give early con-
sideration to construction of ................................. S.J.M. 3 1154

LOYALTY OATHS:
Definition of public officer or employee ......................... 210 600
Form .............................................................................. 210 599
Public officers and employees required to take ............... 210 599
Refusal to take, result .................................................... 210 600
Savings clause ............................................................... 210 600

LUMBER:
House Joint Memorial No. 1 requesting Congress to
place lumber industry on competitive basis with
foreign firms ............................................................. H.J.M. 1 1171

MARKETING ASSOCIATIONS:
See COOPERATIVE MARKETING ASSOCIATIONS

MARY MINERVA McCROSKY STATE PARK:
Additional lands:
Acceptance authorized ............................................... 203 593
Administration of ....................................................... 203 593
Description ............................................................... 203 593

MEAT INSPECTION:
Appropriation ............................................................ 197 588

MEDICAL ASSISTANCE:
See DEPARTMENT OF PUBLIC ASSISTANCE
### MEMORIALS, JOINT:

#### House:
- Lumber industry ...................................................... H.J.M. 1 1171
- Minerals policy ........................................................ H.J.M. 2 1173
- Wilderness legislation ............................................ H.J.M. 3 1175
- Unemployment insurance ...................................... H.J.M. 4 1177
- Legislative conference, Utah and Idaho ............ H.J.M. 5 1178
- Indemnity lands ...................................................... H.J.M. 6 1179
- Change in method of amending constitution ........... H.J.M. 7 1181
- Federal Weed Eradication Laboratory ................... H.J.M. 9 1182
- National Forest timber sale ................................... H.J.M. 10 1183
- Extend payment to school districts .......... H.J.M. 11 1184
- Internal Revenue Collector's office in Boise, re-questing retention of .......................................... H.J.M. 12 1186

#### Senate:
- Social Security .......................................................... S.J.M. 2 1153
- Construction of Lower Teton Reservoir .............. S.J.M. 3 1154
- Prohibiting federal intervention in apportionment of legislature .................................................. S.J.M. 4 1156
- Grain ............................................................................ S.J.M. 5 1157
- Changing Bruces Eddy project to Henry Dworshak Dam ............................................................. S.J.M. 7 1159
- Challis Project .......................................................... S.J.M. 8 1161
- Setting limit on federal debt ......................... S.J.M. 9 1162
- Mountain Home Division, Snake River Project, Guffey plan of Development .................................. S.J.M. 10 1163
- Lewis and Clark National Tourway ...................... S.J.M. 11 1165
- Forest funds not repealed (IRC 631-A) .............. S.J.M. 12 1166
- Expansion of Mountain Home Air Force Base .... S.J.M. 13 1169

### MENTALLY HANDICAPPED CHILDREN:
- Defined ................................................................. 13 117
- Education of .......................................................... 270 690
- Further defined ...................................................... 270 690
- Responsibility for education of .......................... 219 628

### MICROFILM AND PHOTOGRAPHIC PROCESSES:
- Approved for making official records .................. 86 282

### MILK AND MILK PRODUCTS:
- Definitions:
  - Frozen desserts and frozen novelties .............. 123 352
  - Fruit sherbert .................................................. 123 353
  - Ice cream .......................................................... 123 352
  - Ice milk ............................................................. 123 353
  - Water ices ............................................................ 123 354
- Method of testing:
  - Association of Agricultural Chemists must approve 49 201
  - Commissioner of Agriculture must approve .......... 49 201
<table>
<thead>
<tr>
<th>MINERALS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urging Congress to enact legislation to vest fee simple title to indemnity lands in state of Idaho. H.J.M. 6 1179</td>
</tr>
<tr>
<td>Urging Congress to formulate a national minerals policy .................. H.J.M. 2 1173</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MINES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bureau of Mines and Geology, appropriation .................................. 288 755</td>
</tr>
<tr>
<td>State Inspector of, appropriation ............................................ 258 668</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MINORS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>See CHILD CARE LICENSING ACT</td>
</tr>
<tr>
<td>See YOUTH REHABILITATION ACT</td>
</tr>
<tr>
<td>Redefined for certain purposes .................................................. 103 324</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MISDEMEANORS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Egg Act violations ........................................................................ 143 418</td>
</tr>
<tr>
<td>Fish and Game, power driven craft, sailboats, use of ..................... 140 400</td>
</tr>
<tr>
<td>Idaho Horse Racing Act, violation of ........................................ 164 250</td>
</tr>
<tr>
<td>Labor, violation of bargaining regulations ................................... 110 334</td>
</tr>
<tr>
<td>Trash, unauthorized disposal of ................................................ 220 629</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MOTOR BOATS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>See WATERCRAFT</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MOTOR CARRIERS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual fees:</td>
</tr>
<tr>
<td>Date payable .................................................................................. 160 471</td>
</tr>
<tr>
<td>Half yearly fee ............................................................................... 160 472</td>
</tr>
<tr>
<td>Authority to operate, registrations required .................................. 160 469</td>
</tr>
<tr>
<td>Authority to operate, revocation of ........................................... 160 469</td>
</tr>
<tr>
<td>County Assessors, duty to collect fees ........................................ 160 472</td>
</tr>
<tr>
<td>Department of Law Enforcement, duty to collect fees ......................... 160 472</td>
</tr>
<tr>
<td>Enforcement of regulations, agencies chargeable with ................................</td>
</tr>
<tr>
<td>Fees, schedule of remittance to Public Utility Commission ................ 160 474</td>
</tr>
<tr>
<td>Interstate carrier defined ......................................................... 160 468</td>
</tr>
<tr>
<td>Permit, procedure for revocation:</td>
</tr>
<tr>
<td>Complaint, filing of ....................................................................... 160 469</td>
</tr>
<tr>
<td>Failure to file annual report ..................................................... 160 470</td>
</tr>
<tr>
<td>Notice to holder ............................................................................... 160 470</td>
</tr>
<tr>
<td>Public convenience and necessity, factors considered ........................ 160 468</td>
</tr>
<tr>
<td>Sale or transfer of .......................................................................... 160 470</td>
</tr>
<tr>
<td>Registration:</td>
</tr>
<tr>
<td>Payment of fees required .................................................................. 160 474</td>
</tr>
<tr>
<td>Rescission, grounds for .................................................................... 160 474</td>
</tr>
<tr>
<td>Temporary operating authority ....................................................... 160 469</td>
</tr>
<tr>
<td>Transportation of structures included .......................................... 160 467</td>
</tr>
</tbody>
</table>
### IDAHO SESSION LAWS

**Chapter Page**

**MOTOR FUELS TAX:**
- Idaho National Guard:
  - Certification of exempt use .............................................. 312 839
  - Exempt from portion of tax .............................................. 312 839
  - Refund for commercial use other than fishing .................. 163 480

**MOTOR VEHICLE FUND:**
- Appropriation to Bureau of Public Accounts ...................... 251 662

**MOTOR VEHICLE OPERATORS:**
- Driving while license suspended, additional period of suspension equal to existing period ................. 338 971
- Driving while under influence of intoxicating liquor or narcotics:
  - Mandatory suspension ........................................................ 362 1034
  - Suspension periods for convictions ................................ 362 1034
  - Revoked license, driving while, extension of revocation period ......................................................... 338 971
  - Uniform violation point count system .............................. 265 675

**MOTOR VEHICLE RECIPROCITY:**
- Appropriation ................................................................. 383 1063

**MOTOR VEHICLE REGISTRATION:**
- Display of use fee plates:
  - On front of power unit .................................................. 53 218
  - On rear of trailer ......................................................... 53 218
- Fees of commercial and certain non-commercial carriers:
  - Bond may be furnished .................................................. 154 456
  - Commissioner may require advance deposit ...................... 154 456
  - Hearing on reasonable amount of deposit ......................... 154 456
  - Refunds ......................................................................... 154 456
- Non-resident owners, no exemptions for vehicles not in excess of 6,000 lbs. ............................................. 421 1095
- Non-resident trucks, one-half annual after certain date .. 136 389
- Pickup trucks, not for hire, annual fee same as car ........ 75 270

**MOTOR VEHICLES:**
- See DRIVERS LICENSE COMPACT
- See MOTOR VEHICLE REGISTRATION
- See VEHICLE EQUIPMENT SAFETY COMMISSION
- Guest passengers, re-defining liability of owner to guest 114 337
- Idaho National Guard, special license plates ..................... 61 243
- Idaho-Utah conference requested concerning licensing and taxation of Idaho automobiles in Utah ........... H.J.M. 5 1178
- Maximum length of vehicles or combinations thereof .... 49 915
- Maximum length vehicles, use on designated highways .. 49 915
# MOTOR VEHICLES, ACT REGULATING TRAFFIC:
- Farm trucks, brake requirements, when exempt from ........................................ 137 390
- School buses:
  - Covering of lettering, when required ............................................................. 129 381
  - Erasing of lettering, when required ............................................................... 129 381
  - Lettering upon ................................................................................................. 129 381
  - Procedure for pupils crossing highways ....................................................... 129 382
  - Stopping regulations ....................................................................................... 129 381

# MOTOR VEHICLES, OPERATORS AND CHAUFFEURS:
- Driver training fund:
  - Deposits thereto ............................................................................................ 167 486
  - Disbursements ............................................................................................... 167 486

# MOUNTAIN HOME AIR FORCE BASE:
- Secretary of Defense urged to expand ............................................................ S.J.M. 13 1169

# MOUNTAIN HOME DIVISION, SNAKE RIVER PROJECT, GUFFEY PLAN OF DEVELOPMENT:
- Congress of the United States urged to consider construction of .................... S.J.M. 10 1163

# MOUNTAIN PINE BEETLE CONTROL:
- Appropriation ..................................................................................................... 426 1106

# MUNICIPAL BOND LAW:
- Bonds:
  - Amortized maturities, defined ................................................................. 183 543
  - Denominations raised ................................................................................. 183 543
  - Issuance, regulations governing ......................................................... 183 544
  - Term of .................................................................................................. 183 543

# MUNICIPAL BONDS:
- Zoo purposes, may be issued for ............................................................... 357 1024

# MUNICIPAL CORPORATIONS:
- See COUNCIL-MANAGER-MAYOR PLAN OF CITY GOVERNMENT
- See JOINT SERVICE FUNCTIONS OF MUNICIPALITIES
- See SLUM CLEARANCE ACT

<table>
<thead>
<tr>
<th>Acceptance of plats</th>
<th>City-Manager Plan of city government, fiscal year changed</th>
<th>Civil defense:</th>
</tr>
</thead>
<tbody>
<tr>
<td>67</td>
<td>82</td>
<td>81</td>
</tr>
<tr>
<td>258</td>
<td>276</td>
<td>276</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Appropriation for from general fund</th>
<th>Part payments validated</th>
<th>Council-Manager-Mayor Plan of City Government, fiscal year changed</th>
</tr>
</thead>
<tbody>
<tr>
<td>302</td>
<td>302</td>
<td>81</td>
</tr>
<tr>
<td>792</td>
<td>792</td>
<td>276</td>
</tr>
</tbody>
</table>
MUNICIPAL CORPORATIONS:
Electric service furnished by .............................................. 269 686
Fifteen percent of highway funds for roads and streets .. 355 1019
Liability for property damage, bodily injury or death ... 302 792
Local Improvement Districts ................................................ 115 339

Municipal Bond Law:
- Denominations, general obligation bonds .......... 183 543
- Maturities, general obligation bonds ................. 183 543
- Term, general obligation bonds ......................... 183 543

Thirty-mill tax levy authorized ............................................ 285 752
Trash, unauthorized disposal of ................................. 220 629

MYRTLE CREEK GAME PRESERVE:
- Exempted from controlled hunt regulations ............ 306 811

N

Nampa State School:
Appropriations:
- Administration ................................................................. 398 1076
- Building ............................................................................. 228 637

National Forests:
- Congress urged to enact legislation to pay State with
  national forests 65% of gross receipts from sale of
  timber ................................................................................... H.J.M. 10 1183

Newspapers:
- See Radio and Television Broadcasting Stations
Libel, retractions of:
- Demand for ................................................................. 158 462
- Effect of .......................................................................... 158 462
- Made prior to demand, effect of ............................... 158 462
- Manner of ........................................................................ 158 462
- Malice not inferred from publication ..................... 158 463
- Privileged publication defined ................................. 158 462

Nominating Elections:
- Ballot, form and sufficiency ........................................ 93 298
- Canvass of results of election ................................... 93 309
- Certification of national candidates to county chairman . 93 302
- Certified list of declarants ........................................... 93 297

County assembly:
- Alternate state delegates, election .......................... 93 302
- Certifications of state delegates ............................... 93 303
- Election of state delegates .......................................... 93 302
### NOMINATING ELECTIONS:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of state delegates</td>
<td>93</td>
<td>302</td>
</tr>
<tr>
<td>Powers, nominate county candidates when no one has filed</td>
<td>93</td>
<td>302</td>
</tr>
<tr>
<td>Presiding officers</td>
<td>93</td>
<td>302</td>
</tr>
<tr>
<td>State delegates enumerated</td>
<td>93</td>
<td>302</td>
</tr>
<tr>
<td>Time of meeting</td>
<td>93</td>
<td>302</td>
</tr>
<tr>
<td>County Central Committee, filling of vacancies on</td>
<td>93</td>
<td>309</td>
</tr>
<tr>
<td>Declaration of candidacy:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Form</td>
<td>93</td>
<td>293</td>
</tr>
<tr>
<td>Number of signers of petitions</td>
<td>93</td>
<td>295</td>
</tr>
<tr>
<td>Time of filing</td>
<td>93</td>
<td>293</td>
</tr>
<tr>
<td>Independent candidates, certificate of nominations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amendment permitted</td>
<td>93</td>
<td>306</td>
</tr>
<tr>
<td>Contents</td>
<td>93</td>
<td>305</td>
</tr>
<tr>
<td>Filing date</td>
<td>93</td>
<td>305</td>
</tr>
<tr>
<td>Number of signers</td>
<td>93</td>
<td>305</td>
</tr>
<tr>
<td>Oath of signer</td>
<td>93</td>
<td>306</td>
</tr>
<tr>
<td>Party name not to appear</td>
<td>93</td>
<td>305</td>
</tr>
<tr>
<td>Independent candidates, rights and penalties</td>
<td>93</td>
<td>306</td>
</tr>
<tr>
<td>Publication of names of candidates, state assemblies to certify names</td>
<td></td>
<td>93</td>
</tr>
<tr>
<td>State Assembly</td>
<td></td>
<td>298</td>
</tr>
<tr>
<td>Certification of candidates to Secretary of State</td>
<td>93</td>
<td>305</td>
</tr>
<tr>
<td>Meeting date</td>
<td>93</td>
<td>303</td>
</tr>
<tr>
<td>Nomination of candidates</td>
<td>93</td>
<td>304</td>
</tr>
<tr>
<td>Notice of meeting</td>
<td>93</td>
<td>303</td>
</tr>
<tr>
<td>Powers and duties</td>
<td>93</td>
<td>303</td>
</tr>
<tr>
<td>Proxy voting abolished</td>
<td>93</td>
<td>304</td>
</tr>
<tr>
<td>Unit rule abolished</td>
<td>93</td>
<td>304</td>
</tr>
<tr>
<td>State Central Committee, filling of vacancies on</td>
<td>93</td>
<td>309</td>
</tr>
<tr>
<td>Unendorsed political party candidates:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional declaration required</td>
<td>93</td>
<td>306</td>
</tr>
<tr>
<td>Contents of additional declaration</td>
<td>93</td>
<td>306</td>
</tr>
<tr>
<td>Method of declaration of candidacy</td>
<td>93</td>
<td>306</td>
</tr>
<tr>
<td>Number of signers required on declaration</td>
<td>93</td>
<td>308</td>
</tr>
</tbody>
</table>

### NON-RESIDENTS:

See MOTOR VEHICLES

School bond issues, when affected                                     | 13      | 83   |

### NOXIOUS WEED ERADICATION, RANGE IMPROVEMENTS AND RE-SEEDING PROGRAMS:

Appropriation                                                          | 405     | 1082 |

### NURSE REGISTRATION AND NURSING EDUCATION BOARD:

Appropriation                                                          | 227     | 636  |
                                                                 | 232     | 645  |
### IDAHO SESSION LAWS

<table>
<thead>
<tr>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>NURSES:</td>
</tr>
<tr>
<td>Member of profession to serve on hospital advisory council</td>
</tr>
<tr>
<td>NURSES REGISTRATION AND NURSING EDUCATION FUND:</td>
</tr>
<tr>
<td>Appropriation to Bureau of Public Accounts</td>
</tr>
<tr>
<td>NURSING HOMES:</td>
</tr>
<tr>
<td>See HOSPITALS</td>
</tr>
<tr>
<td>OATHS:</td>
</tr>
<tr>
<td>Public employees required to take loyalty oath</td>
</tr>
<tr>
<td>OCCUPATIONAL LICENSE BUREAU:</td>
</tr>
<tr>
<td>Appropriation</td>
</tr>
<tr>
<td>OCCUPATIONAL LICENSE FUND:</td>
</tr>
<tr>
<td>Appropriation to Bureau of Public Accounts</td>
</tr>
<tr>
<td>OFFICIAL RECORDS:</td>
</tr>
<tr>
<td>See COUNTY RECORDER</td>
</tr>
<tr>
<td>OFF-STREET PARKING:</td>
</tr>
<tr>
<td>See LOCAL IMPROVEMENT DISTRICTS</td>
</tr>
<tr>
<td>OIL AND GAS CONSERVATION ACT:</td>
</tr>
<tr>
<td>Actions against commission:</td>
</tr>
<tr>
<td>Jurisdiction</td>
</tr>
<tr>
<td>Time limitation</td>
</tr>
<tr>
<td>Venue</td>
</tr>
<tr>
<td>Application of Act</td>
</tr>
<tr>
<td>Appropriations for:</td>
</tr>
<tr>
<td>Tax levy, exemptions</td>
</tr>
<tr>
<td>Tax levy, imposed</td>
</tr>
<tr>
<td>Criminal offenses</td>
</tr>
<tr>
<td>Declaration of policy</td>
</tr>
<tr>
<td>Definitions</td>
</tr>
<tr>
<td>Expenses, payment of</td>
</tr>
<tr>
<td>Fees</td>
</tr>
<tr>
<td>Lands, jurisdiction over</td>
</tr>
<tr>
<td>Limitations of actions</td>
</tr>
<tr>
<td>Name of Act</td>
</tr>
<tr>
<td>Oil and Gas Conservation Commission of the State of Idaho:</td>
</tr>
<tr>
<td>Bureau of Mines and Geology</td>
</tr>
<tr>
<td>Created</td>
</tr>
</tbody>
</table>
**OIL AND GAS CONSERVATION ACT:**
- Drilling regulations ............................................................ 148 438
- Jurisdiction and authority ................................................ 148 434
- Specific authority ............................................................. 148 437
- Testing of wells ................................................................. 148 438

**Oil and Gas conservation fund:**
- Appropriations to ............................................................. 148 447
- Created .............................................................................. 148 447
- Manner of making payments to ........................................ 148 448
- Tax levy for ...................................................................... 148 447

**Permits to drill required** ................................................ 148 438

**Pool spacing units:**
- Cooperative development of .............................................. 148 442
- Establishment of ............................................................... 148 439
- Operation upon, regulations .............................................. 148 441
- Regulations concerning .................................................... 148 439
- Separately owned tracts in ................................................ 148 441

**Practice before Commission:**
- Appeal to district court .................................................... 148 444
- Damages, suits for ............................................................ 148 445
- Emergency order .............................................................. 148 443
- Hearing dates, fixing of .................................................... 148 444
- Hearings required before adoption of rules, orders .......... 148 443
- Notice, manner of giving .................................................. 148 443
- Oath, authority to administer ............................................ 148 444
- Orders, term for entry of .................................................. 148 444
- Records open to public ...................................................... 148 443
- Rules and regulations governing ...................................... 148 442
- Violations, suit to be brought .......................................... 148 444
- Witnesses, power to summon ......................................... 148 444
- Writing, rules, regulations and orders to be in .............. 148 443
- Severability clause ............................................................ 148 447
- Waste, duties to prevent ................................................... 148 437
- Waste prohibited ............................................................... 148 434

**OLD AGE, AND SURVIVORS’ INSURANCE PROGRAM:**
- Appropriation ..................................................................... 401 1078

**OLD SOLDIERS’ HOME:**
- Changed to Idaho Veterans’ Home ...................................... 118 346

**OPTOMETRISTS:**
- Appeal from suspension or revocation of license, procedure .................................................. 262 671

**OUTFITTER’S AND GUIDE’S BOARD:**
- Appropriation .................................................................... 244 655
<table>
<thead>
<tr>
<th>IDAHO SESSION LAWS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P</strong></td>
</tr>
</tbody>
</table>

| PACIFIC MARINE FISHERIES COMPACT: |
| Commissioners enumerated | 176 | 508 |
| Form and content | 176 | 503 |
| Governor authorized to execute | 176 | 503 |

| PAINT: |
| Containing toxicants, label required | 40 | 189 |

| PARENT AND CHILD: |
| See TERMINATION OF PARENT-CHILD RELATIONSHIP ACT |

| PARI-MUTUEL SYSTEM: |
| See IDAHO HORSE RACING ACT |

| PARKS ADMINISTRATION: |
| Appropriation | 234 | 647 |

| PENITENTIARY: |
| Appropriation | 418 | 1093 |
| Education of inmates | 13 | 33 |
| Study recommended for site of new penitentiary | H.C.R. 21 | 1142 |
| Transfer of prisoners to federal penal institutions | 107 | 330 |

| PERMANENT BUILDING FUND: |
| Appropriations: |
| Building construction | 228 | 641 |
| Idaho State Penitentiary | 253 | 1016 |
| Beer and cigarette tax refunds, made from fund by |
| Tax Collector | 97 | 315 |
| Liquor refunds, made from fund by Superintendent of State Liquor Dispensary | 97 | 315 |

| PERMANENT BUILDING FUND COUNCIL: |
| Appropriation for building construction | 228 | 641 |
| Approval required for public works | 313 | 840 |
| Projected report to Governor and Legislature | 313 | 841 |
| Rules and regulations, power to adopt | 313 | 840 |

| PHARMACIES: |
| Poisonous, dangerous drugs: |
| Appeals from decisions of State Board of Pharmacy | 172 | 496 |
| Cancellation of determination as dangerous, harmful, etc. | 172 | 496 |
| Designated as by Board of Pharmacy | 172 | 496 |
| Sale of, regulations | 172 | 496 |

<p>| PHARMACY BOARD: |
| Appropriation | 297 | 786 |</p>
<table>
<thead>
<tr>
<th>Title</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PHARMACY FUND:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation to Bureau of Public Accounts</td>
<td>251</td>
<td>662</td>
</tr>
<tr>
<td><strong>PHOSPHATE:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urging Congress to enact legislation to vest fee simple title to indemnity land in State of Idaho</td>
<td>H.J.M. 6</td>
<td>1179</td>
</tr>
<tr>
<td><strong>PHOTOSTATIC COPIES:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Insurance, certain uses of photostatic copies approved</td>
<td>120</td>
<td>349</td>
</tr>
<tr>
<td><strong>PHYSICAL THERAPY ACT:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appeals from order of suspension or revocation</td>
<td>127</td>
<td>378</td>
</tr>
<tr>
<td>Certificates of registration:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appeals from order of suspension or revocation</td>
<td>127</td>
<td>378</td>
</tr>
<tr>
<td>Expiration and renewal</td>
<td>127</td>
<td>377</td>
</tr>
<tr>
<td>Fees</td>
<td>127</td>
<td>377</td>
</tr>
<tr>
<td>Issuance of</td>
<td>127</td>
<td>377</td>
</tr>
<tr>
<td>Proceedings on revocation and suspension</td>
<td>127</td>
<td>378</td>
</tr>
<tr>
<td>Revocation and suspension</td>
<td>127</td>
<td>377</td>
</tr>
<tr>
<td>Declaration of policy</td>
<td>127</td>
<td>374</td>
</tr>
<tr>
<td>Definitions</td>
<td>127</td>
<td>374</td>
</tr>
<tr>
<td>Examinations</td>
<td>127</td>
<td>376</td>
</tr>
<tr>
<td>Exemptions from act</td>
<td>127</td>
<td>375</td>
</tr>
<tr>
<td>Registration:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application forms</td>
<td>127</td>
<td>376</td>
</tr>
<tr>
<td>Emergency certificates</td>
<td>127</td>
<td>376</td>
</tr>
<tr>
<td>Examination for</td>
<td>127</td>
<td>375</td>
</tr>
<tr>
<td>Temporary registration</td>
<td>127</td>
<td>376</td>
</tr>
<tr>
<td>Without examination—“Grandfather Clause” and reciprocity with other states</td>
<td>127</td>
<td>375</td>
</tr>
<tr>
<td>Short title</td>
<td>127</td>
<td>374</td>
</tr>
<tr>
<td>Violations and penalties</td>
<td>127</td>
<td>379</td>
</tr>
<tr>
<td><strong>PHYSICIANS AND SURGEONS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Testimony not privileged in child injury cases</td>
<td>104</td>
<td>325</td>
</tr>
<tr>
<td><strong>PICKUP TRUCKS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Registration of</td>
<td>75</td>
<td>270</td>
</tr>
<tr>
<td><strong>PLANT PEST CONTROL AND RESEARCH COMMISSION:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>417</td>
<td>1092</td>
</tr>
<tr>
<td><strong>PLATS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acceptance by municipality, registered engineer or surveyor shall check</td>
<td>67</td>
<td>259</td>
</tr>
<tr>
<td>Fee, collection by municipality</td>
<td>67</td>
<td>259</td>
</tr>
<tr>
<td><strong>PLUMBING AND PLUMBERS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Certificates of competency, exceptions to</td>
<td>138</td>
<td>393</td>
</tr>
</tbody>
</table>
PLUMBING AND PLUMBERS:
Compliance bond:
Amount, maximum .............................................................. 138 395
Required by State Board .................................................... 138 395
Declaration of policy, extension of .................................... 138 393
Prosecuting attorney's duties ............................................. 138 397

PLUMBING BOARD:
Appropriation ........................................................................ 365 1048

PLUMBING BOARD FUND:
Appropriation to Bureau of Public Accounts ................. 251 662

POETRY DAY:
Resolution authorizing to set ........................................... S.C.R. 1 1110

POISON:
See ECONOMIC POISON ACT OF 1963
Economic Poison fund created ........................................... 226 635
Economic Poison Law, appropriation ................................ 226 635

POOL AND BILLIARDS:
Municipal licenses abolished .............................................. 272 694

POST MORTEM EXAMINATIONS:
Persons who may give consent to .................................... 155 457

POTATO AND ONION FUND:
Appropriation ........................................................................ 377 1058
Appropriation to Bureau of Public Accounts ...................... 251 662

PRACTICAL NURSES:
State institutions, training required to practice ................ 77 272

PRECINCT COMMITTEEEMEN:
Recommend appointment of election judges ..................... 358 1026

PRESIDENT:
Uniform Act for voting by new residents in
Presidential elections ....................................................... 268 681

PRESIDENT PRO TEM OF THE SENATE:
Additional duties ............................................................ 307 812

PRESIDENTIAL ELECTORS' EXPENSE:
Appropriation ....................................................................... 198 589

PRIMARY ELECTIONS:
See NOMINATING ELECTIONS

PRIMITIVE AND WILDERNESS AREAS:
Declaring opposition to Federal enactment of Wilderness legislation ........................................... H.J.M. 3 1175
<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRINTING: Appropriation for Session Laws</td>
<td>326</td>
<td>941</td>
</tr>
<tr>
<td>PRINTING CONTRACTS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>House and senate letterheads, envelopes and calling cards</td>
<td>H.C.R. 7</td>
<td>1121</td>
</tr>
<tr>
<td>Legislative calendars</td>
<td>H.C.R. 11</td>
<td>1132</td>
</tr>
<tr>
<td>Legislative journals</td>
<td>H.C.R. 7</td>
<td>1124</td>
</tr>
<tr>
<td>Senate and house bills</td>
<td>H.C.R. 9</td>
<td>1127</td>
</tr>
<tr>
<td>Session laws</td>
<td>H.C.R. 10</td>
<td>1129</td>
</tr>
<tr>
<td>PRISONERS: Transfer to federal penal institutions</td>
<td>103</td>
<td>330</td>
</tr>
<tr>
<td>PRIVATE PROPERTY: Trash, disposal on</td>
<td>220</td>
<td>629</td>
</tr>
<tr>
<td>PRIVATE SCHOOLS: Regulations of</td>
<td>13</td>
<td>142</td>
</tr>
<tr>
<td>PRIVILEGED COMMUNICATIONS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attorney-client relationship, client defined</td>
<td>122</td>
<td>351</td>
</tr>
<tr>
<td>Exceptions to</td>
<td>104</td>
<td>325</td>
</tr>
<tr>
<td>Psychologist and client</td>
<td>186</td>
<td>556</td>
</tr>
<tr>
<td>Revocation of teachers' certificates, publications and communications privileged</td>
<td>13</td>
<td>108</td>
</tr>
<tr>
<td>PROBATE COURTS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>See DECEDENTS' ESTATES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>See TERMINATION OF PARENT-CHILD RELATIONSHIP ACT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fee schedule</td>
<td>345</td>
<td>983</td>
</tr>
<tr>
<td>Office hours, Saturdays excepted</td>
<td>11</td>
<td>22</td>
</tr>
<tr>
<td>Purpose of this Act</td>
<td>308</td>
<td>814</td>
</tr>
<tr>
<td>Recording abolished:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decree of due notice to creditors</td>
<td>308</td>
<td>815</td>
</tr>
<tr>
<td>Inventory and appraisement</td>
<td>308</td>
<td>816</td>
</tr>
<tr>
<td>Justification of sureties</td>
<td>308</td>
<td>815</td>
</tr>
<tr>
<td>Oath and bond of executor and administrator</td>
<td>308</td>
<td>814</td>
</tr>
<tr>
<td>Orders and decrees</td>
<td>308</td>
<td>815</td>
</tr>
<tr>
<td>Orders of conveyance</td>
<td>308</td>
<td>815</td>
</tr>
<tr>
<td>Transcripts of judgment:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liens created</td>
<td>209</td>
<td>598</td>
</tr>
<tr>
<td>Recording in another county</td>
<td>209</td>
<td>598</td>
</tr>
<tr>
<td>Youth Rehabilitation:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Files closed subject to discretion of judge</td>
<td>69</td>
<td>261</td>
</tr>
<tr>
<td>Hearings closed subject to discretion of judge</td>
<td>69</td>
<td>261</td>
</tr>
<tr>
<td>IDAHO SESSION LAWS 1265</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Chapter Page</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PROBATE JUDGES:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salary</td>
<td>304 795</td>
<td></td>
</tr>
<tr>
<td>Sale of real estate, additional bond discretionary with</td>
<td>19 160</td>
<td></td>
</tr>
<tr>
<td>PROBATION AND PAROLE:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>257 667</td>
<td></td>
</tr>
<tr>
<td>PROFESSIONAL ENGINEERS' BOARD:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>380 1060</td>
<td></td>
</tr>
<tr>
<td>PROFESSIONAL ENGINEERS' FUND:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation to Bureau of Public Accounts</td>
<td>251 662</td>
<td></td>
</tr>
<tr>
<td>PROFESSIONAL SANITARIANS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>See SANITARIANS ACT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PROFESSIONAL SERVICE CORPORATION ACT:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual statement</td>
<td>282 729</td>
<td></td>
</tr>
<tr>
<td>Application of business corporation act of State of Idaho</td>
<td>282 726</td>
<td></td>
</tr>
<tr>
<td>Conflicts, consolidation and merger</td>
<td>282 729</td>
<td></td>
</tr>
<tr>
<td>Declaration of policy</td>
<td>282 726</td>
<td></td>
</tr>
<tr>
<td>Definitions</td>
<td>282 726</td>
<td></td>
</tr>
<tr>
<td>Dentistry, practice of</td>
<td>336 963</td>
<td></td>
</tr>
<tr>
<td>Liability for acts</td>
<td>282 727</td>
<td></td>
</tr>
<tr>
<td>Limitation on type of service of business</td>
<td>282 727</td>
<td></td>
</tr>
<tr>
<td>Name of Act</td>
<td>282 729</td>
<td></td>
</tr>
<tr>
<td>Public officials, may not be participant</td>
<td>282 728</td>
<td></td>
</tr>
<tr>
<td>Purpose of incorporation</td>
<td>282 729</td>
<td></td>
</tr>
<tr>
<td>Qualification of incorporators</td>
<td>282 729</td>
<td></td>
</tr>
<tr>
<td>Services must be rendered by qualified agents</td>
<td>282 726</td>
<td></td>
</tr>
<tr>
<td>Stock, limited to professionally qualified persons</td>
<td>282 727</td>
<td></td>
</tr>
<tr>
<td>Transfer of stock, limitation on</td>
<td>282 728</td>
<td></td>
</tr>
<tr>
<td>PROSECUTING ATTORNEYS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dairies and dairy products, duties in regard to unlawful marketing practices</td>
<td>190 581</td>
<td></td>
</tr>
<tr>
<td>Plumbing and plumbers, enforcement of Act</td>
<td>138 397</td>
<td></td>
</tr>
<tr>
<td>Egg Act enforcement</td>
<td>143 419</td>
<td></td>
</tr>
<tr>
<td>Pre-arranged funeral plans, injunctions, duties of</td>
<td>156 458</td>
<td></td>
</tr>
<tr>
<td>Salary schedule</td>
<td>332 950</td>
<td></td>
</tr>
<tr>
<td>PRUDENT MAN INVESTMENT ACT:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guardians, banks and trust companies governed by</td>
<td>303 793</td>
<td></td>
</tr>
<tr>
<td>PRUNE ADVERTISING COMMISSION:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>392 1071</td>
<td></td>
</tr>
</tbody>
</table>
**PSYCHOLOGY PRACTICE ACT:**

<table>
<thead>
<tr>
<th>Applicants to practice:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disqualifications</td>
<td>186 555</td>
</tr>
<tr>
<td>Fees</td>
<td>186 554</td>
</tr>
<tr>
<td>Qualifications</td>
<td>186 554</td>
</tr>
<tr>
<td>Construction of Act</td>
<td>186 550</td>
</tr>
<tr>
<td>Declaration of purpose</td>
<td>186 550</td>
</tr>
<tr>
<td>Definitions</td>
<td>186 551</td>
</tr>
</tbody>
</table>

**Department of Law Enforcement:**

| Examination of applicants             | 186 553      |
| Licenses, issued by                   | 186 553      |
| Powers defined                        | 186 553      |

**Exceptions:**

| Social psychologist                   | 186 554      |
| Specified activities                  | 186 551      |

**Idaho State Board of Psychologist Examiners:**

| Created                                | 186 552      |
| Governor, appointment of members       | 186 553      |
| Membership, qualifications and term    | 186 552      |

**Licenses:**

| Reciprocity                            | 186 555      |
| Restriction on issuance                 | 186 555      |
| Revocation                              | 186 555      |
| Practice of medicine prohibited         | 186 555      |
| Severability clause                     | 186 556      |

**Unlawful practices:**

| Defined                                | 186 551      |
| Exceptions                             | 186 551      |

**PUBLIC ACCOUNTANTS:**

See **CERTIFIED PUBLIC ACCOUNTANTS ACT**

**PUBLIC ACCOUNTS:**

See **DEPARTMENT OF FINANCE**

**PUBLIC ASSISTANCE:**

See **DEPARTMENT OF PUBLIC ASSISTANCE**

Compromise and release of claims against recipients .... 99 317

**PUBLIC ASSISTANCE LAW:**

<table>
<thead>
<tr>
<th>Powers of Department:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acceptance of children under Child Protective Act</td>
<td>325 938</td>
</tr>
<tr>
<td>Adoption, authority to place children for</td>
<td>325 938</td>
</tr>
<tr>
<td>Care of unmarried mothers</td>
<td>325 939</td>
</tr>
<tr>
<td>Protective services for children</td>
<td>325 938</td>
</tr>
<tr>
<td>Rules and regulations for protection of children</td>
<td>325 939</td>
</tr>
</tbody>
</table>
PUBLIC BUILDINGS:
Combinations of buildings, county may lease 106 329
Court houses, county may lease 106 329
Hospitals, county may lease 106 329
Jails, county may lease 106 329

PUBLIC DEPOSITORY LAW:
Approved securities:
Federal Home Loan Bank bonds 100 318
Municipal bonds listed on New York Stock Exchange 100 318
State and local bonds approved 100 318

PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO:
Amount of retirement:
Death benefits 349 1002
Disability retirement allowance 349 1002
Disabled service retirement 349 1001
Early retirement allowance 349 1002
Membership service retirement 349 1002
Military service retirement 349 1001
Prior service retirement 349 1001
Separation benefits 349 1002
Service retirement 349 1000
Vested retirement allowance 349 1002
Workmen’s compensation, effect of lump sum payments 349 1002
Attachment, benefits exempt from 349 1003
Beneficiaries of members, entitled to death benefits 349 997
Benefits not assignable 349 1003
Cessation of membership 349 995
Compulsory retirement 349 999

Contribution rates:
Firemen 349 995
Other employees 349 995
Police officers 349 995

Death benefits 349 998

Decisions of board:
Appeals to board, procedure 349 1006
Appeals to district court, procedure 349 1007

Definition of terms 349 990
Disability retirement 349 997
Early retirement 349 997
Elective officers excepted 349 999

Eligibility for service retirement:
Beneficiaries of members, entitlement to death benefits 349 997
<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disability retirement</td>
<td>349</td>
<td>997</td>
</tr>
<tr>
<td>Early retirement</td>
<td>349</td>
<td>997</td>
</tr>
<tr>
<td>Members not police officers or firemen</td>
<td>349</td>
<td>996</td>
</tr>
<tr>
<td>Police officers and firemen</td>
<td>349</td>
<td>996</td>
</tr>
<tr>
<td>Vested retirement, inactive member</td>
<td>349</td>
<td>997</td>
</tr>
<tr>
<td>Employees' contributions</td>
<td>349</td>
<td>1007</td>
</tr>
<tr>
<td>Executives, benefits exempt from</td>
<td>349</td>
<td>1005</td>
</tr>
<tr>
<td>Executive Secretary, appointment</td>
<td>349</td>
<td>1003</td>
</tr>
<tr>
<td>Governor's appointees, excepted</td>
<td>349</td>
<td>999</td>
</tr>
<tr>
<td>Governing authority</td>
<td>349</td>
<td>1003</td>
</tr>
<tr>
<td>Military service, contributions being payable during</td>
<td>349</td>
<td>996</td>
</tr>
<tr>
<td>Optional retirement allowances</td>
<td>349</td>
<td>999</td>
</tr>
<tr>
<td>Other retirement system of State, agreements with</td>
<td>349</td>
<td>996</td>
</tr>
<tr>
<td>Political subdivisions may participate</td>
<td>349</td>
<td>996</td>
</tr>
<tr>
<td>Postponement of retirement</td>
<td>349</td>
<td>999</td>
</tr>
<tr>
<td>Prior service certificates, specification of amount of service</td>
<td>349</td>
<td>995</td>
</tr>
<tr>
<td>Public Employees' Retirement Fund:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delinquent remittances, procedure</td>
<td>349</td>
<td>1009</td>
</tr>
<tr>
<td>Establishment of</td>
<td>349</td>
<td>1008</td>
</tr>
<tr>
<td>Interest in specific portion of fund prohibited</td>
<td>349</td>
<td>1010</td>
</tr>
<tr>
<td>Monthly remittances to</td>
<td>349</td>
<td>1009</td>
</tr>
<tr>
<td>Payments to and from</td>
<td>349</td>
<td>1008</td>
</tr>
<tr>
<td>Perpetual appropriation</td>
<td>349</td>
<td>1009</td>
</tr>
<tr>
<td>Suits to collect installments authorized</td>
<td>349</td>
<td>1010</td>
</tr>
<tr>
<td>Purpose</td>
<td>349</td>
<td>990</td>
</tr>
<tr>
<td>Re-employment of retired members</td>
<td>349</td>
<td>999</td>
</tr>
<tr>
<td>Retirement allowance:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disability retirement</td>
<td>349</td>
<td>997</td>
</tr>
<tr>
<td>Service retirement</td>
<td>349</td>
<td>997</td>
</tr>
<tr>
<td>Vested retirement</td>
<td>349</td>
<td>997</td>
</tr>
<tr>
<td>Retirement Board:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Actuary, appointment and qualifications</td>
<td>349</td>
<td>1004</td>
</tr>
<tr>
<td>Additional powers</td>
<td>349</td>
<td>1005</td>
</tr>
<tr>
<td>Annual valuation required</td>
<td>349</td>
<td>1004</td>
</tr>
<tr>
<td>Executive secretary</td>
<td>349</td>
<td>1004</td>
</tr>
<tr>
<td>Funding agent, duties</td>
<td>349</td>
<td>1005</td>
</tr>
<tr>
<td>Governing authority</td>
<td>349</td>
<td>1003</td>
</tr>
<tr>
<td>Governor to appoint</td>
<td>349</td>
<td>1003</td>
</tr>
<tr>
<td>Group annuity contract, establishment of</td>
<td>349</td>
<td>1005</td>
</tr>
<tr>
<td>Honorarians</td>
<td>349</td>
<td>1003</td>
</tr>
<tr>
<td>Legal advisor to</td>
<td>349</td>
<td>1004</td>
</tr>
<tr>
<td>Meetings</td>
<td>349</td>
<td>1004</td>
</tr>
<tr>
<td>Office, establishment of</td>
<td>349</td>
<td>1005</td>
</tr>
</tbody>
</table>
Public Employees Retirement System of Idaho:

- Powers and duties: 349 1004
- Quorum: 349 1004
- Staff members: 349 1004
- Term of members: 349 1003
- Separation benefits: 349 998
- Service retirement: 349 996
- Teachers' Retirement System members may become members of the System: 349 1010
- Vested retirement, inactive members: 349 997
- Workmen's Compensation, effect of lump sum payment: 349 1002

Public Funds:
- Permanent education funds, approved investments: 157 459

Public Indebtedness:
- Proposed constitutional amendment to change maximum time for payment of indebtedness to thirty years: H.J.R., as amended 5 1149

Public Lands:
- See Oil and Gas Conservation Act
  - Additional school lands:
    - Acquired by escheat: 153 454
    - Control of lands: 153 454
  - Exchange with United States and agencies thereof:
    - Authorized: 147 432
    - Fee simple title required: 147 432
    - Land Board, duties: 147 432

Public Libraries:
- Tax levy for increased: 212 350

Public Livestock Market Board:
- Appropriation: 370 1052

Public Officers:
- Salaries, time of payment: 133 385

Public Officers and Employees:
- Defined: 210 600
- Loyalty Oath required: 210 599

Public Property:
- Trash, unauthorized disposition on: 220 629

Public Roads:
- See Highway Districts
- See Highways
<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PUBLIC ROADS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access to public lands and public waters procedure for abandonment</td>
<td>210</td>
<td>228</td>
</tr>
<tr>
<td><strong>PUBLIC SCHOOL APPORTIONMENT FORMULAS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legislative Council to study sparsity factor</td>
<td>H.C.R. 19</td>
<td>1142</td>
</tr>
<tr>
<td><strong>PUBLIC SCHOOL ENDOWMENT FUND:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Teachers' Retirement System of Idaho, guarantee of</td>
<td>13</td>
<td>140</td>
</tr>
<tr>
<td><strong>PUBLIC SCHOOL INCOME FUND:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See FUNDS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>See SCHOOL RECODIFICATION ACT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>429</td>
<td>1108</td>
</tr>
<tr>
<td><strong>PUBLIC SCHOOLS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See SCHOOL RECODIFICATION ACT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employees excluded from Employment Security Law</td>
<td>92</td>
<td>290</td>
</tr>
<tr>
<td><strong>PUBLIC UTILITIES:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extension of service, municipal corporations service by</td>
<td>269</td>
<td>686</td>
</tr>
<tr>
<td>Municipal corporations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annexation of territory, effect of</td>
<td>269</td>
<td>687</td>
</tr>
<tr>
<td>Election in event of disagreement with existing utility</td>
<td>269</td>
<td>688</td>
</tr>
<tr>
<td>Limitations on electrical cooperative</td>
<td>269</td>
<td>689</td>
</tr>
<tr>
<td>Reimbursement to public utility in annexed areas</td>
<td>269</td>
<td>687</td>
</tr>
<tr>
<td><strong>PUBLIC UTILITIES COMMISSION:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See MOTOR CARRIERS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>253</td>
<td>663</td>
</tr>
<tr>
<td>Salary of members</td>
<td>279</td>
<td>714</td>
</tr>
<tr>
<td><strong>PUBLIC WORKS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approval of by Permanent Building Fund Council</td>
<td>313</td>
<td>840</td>
</tr>
<tr>
<td>Projections report to Governor and Legislature</td>
<td>313</td>
<td>841</td>
</tr>
<tr>
<td><strong>PUBLIC WORKS CONTRACTORS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Statement to be filed with tax collector upon awarding of bids</td>
<td>292</td>
<td>773</td>
</tr>
<tr>
<td><strong>PUBLIC WORKS CONTRACTORS STATE LICENSE BOARD:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>207</td>
<td>596</td>
</tr>
<tr>
<td><strong>PUBLIC WORKS CONTRACTORS STATE LICENSE FUND:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation to Bureau of Public Accounts</td>
<td>251</td>
<td>662</td>
</tr>
<tr>
<td><strong>PUBLICATION OF NOTICES:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Radio and television publication:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**IDAHO SESSION LAWS**

**PUBLICATION OF NOTICES:**
- Authorized ............................................. 299 789
- Contents of .................................................. 299 289
- Limitations on .............................................. 299 789
- Proof of by affidavit ....................................... 299 789
- Station to retain copy ..................................... 299 789

**PURE SEED:**
- Appropriation .............................................. 195 586

**QUALIFICATION OF ELECTORS:**
- Ratification of proposed amendment to constitution of the United States regarding .................. H.J.R. 7 1151

**RADIO AND TELEVISION:**
- See PUBLICATION OF NOTICES

**RADIO AND TELEVISION BROADCASTING STATIONS:**
- Due care:
  - Defined .................................................. 158 460
  - Duty to exercise .......................................... 158 460
  - Effect of failure to exercise .......................... 158 460
- Joint operations, originating stations libel for broadcasts .................................................. 158 460
- Liability for broadcasts, malice must be proven .................................................. 158 460
- Malice not inferred from broadcast ................................................. 158 461
- Newspapers:
  - Definition of privileged communications .......... 158 462
  - Malice not inferred by publication .................. 158 462
  - Retraction, effect of .................................... 158 462
  - Privileged broadcasts ................................... 158 461
  - Privileged communications .......................... 158 462
- Retractions:
  - Demand for .............................................. 158 462
  - Effect of .................................................. 158 462
  - Made prior to demand, effect of ................. 158 462
  - Manner of .................................................. 158 462
  - Station has right to revise proposed material .... 158 460

**RAILROAD RANCH:**
- See HARRIMAN STATE PARK
<table>
<thead>
<tr>
<th>Range Lands:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duty of state forester to protect</td>
<td>356 1022</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Real Estate Brokers' Board:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td>230 643</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Real Estate Brokers' Board Fund:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation to Bureau of Public Accounts</td>
<td>251 662</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reclamation:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation of ground water:</td>
<td>216 625</td>
</tr>
<tr>
<td>Applications for permits</td>
<td>216 625</td>
</tr>
<tr>
<td>Critical water area defined</td>
<td>216 624</td>
</tr>
<tr>
<td>Method of appropriation</td>
<td>216 624</td>
</tr>
<tr>
<td>Penalties for violation</td>
<td>216 626</td>
</tr>
<tr>
<td>Extension of time for completion of certain irrigation works</td>
<td>214 620</td>
</tr>
<tr>
<td>State Reclamation Engineer, authority</td>
<td>216 625</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Recreation:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bear Lake County Recreation Area:</td>
<td>2 5</td>
</tr>
<tr>
<td>Authority of Land Commissioners to accept</td>
<td>2 5</td>
</tr>
<tr>
<td>Description of property</td>
<td>2 5</td>
</tr>
<tr>
<td>Purposes</td>
<td>2 5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Referendum:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council-Manager-Mayor plan of City Government, adoption by</td>
<td>5 10</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Resolutions, Concurrent:</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>House</td>
<td>1 1117</td>
</tr>
<tr>
<td>Governor's message, joint session</td>
<td>H.C.R. 1 1117</td>
</tr>
<tr>
<td>Expressing appreciation to participants in inaugural ceremony</td>
<td>H.C.R. 2 1117</td>
</tr>
<tr>
<td>Joint Rules of House and Senate</td>
<td>H.C.R. 3 1119</td>
</tr>
<tr>
<td>Requesting early convention of 38th Session</td>
<td>H.C.R. 4 1119</td>
</tr>
<tr>
<td>Governor's Budget Message, Joint Session</td>
<td>H.C.R. 5 1120</td>
</tr>
<tr>
<td>Inviting Vandaleers to participate in Lincoln Day Memorial</td>
<td>H.C.R. 6 1121</td>
</tr>
<tr>
<td>Letterheads and envelopes—printing contract</td>
<td>H.C.R. 7 1121</td>
</tr>
<tr>
<td>Journals—printing contract</td>
<td>H.C.R. 8 1124</td>
</tr>
<tr>
<td>Bills, Senate and House—printing contract</td>
<td>H.C.R. 9 1127</td>
</tr>
<tr>
<td>Session Laws—printing contract</td>
<td>H.C.R. 10 1129</td>
</tr>
<tr>
<td>Legislative Calendars—printing contract</td>
<td>H.C.R. 11 1132</td>
</tr>
<tr>
<td>Requesting early presentation of proposed legislation</td>
<td>H.C.R. 12 1134</td>
</tr>
<tr>
<td>Welcoming Aircade for Citizens action</td>
<td>H.C.R. 13 1135</td>
</tr>
<tr>
<td>Lincoln Day Memorial, Joint Session</td>
<td>H.C.R. 14 1136</td>
</tr>
<tr>
<td>Drafting revenue proposals, appropriation</td>
<td>H.C.R. 15 1137</td>
</tr>
</tbody>
</table>
### RESOLUTIONS, CONCURRENT:

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Publication of prayers of Reverend Benjamin C. Bailey</td>
<td>1138</td>
</tr>
<tr>
<td>Honoring memory of Gutzon Borglum</td>
<td>1139</td>
</tr>
<tr>
<td>Idaho Codes, pocket supplements and 1963 annotations furnished to all members</td>
<td>1140</td>
</tr>
<tr>
<td>Legislative Council to study sparsity factor, school apportionment formulas</td>
<td>1142</td>
</tr>
<tr>
<td>New penitentiary site, study recommended</td>
<td>1142</td>
</tr>
<tr>
<td>Idaho State Chamber of Commerce for weekly bulletins, appreciation for</td>
<td>1143</td>
</tr>
<tr>
<td>Associated Industries of Idaho for Legislative Digests, appreciation for</td>
<td>1144</td>
</tr>
<tr>
<td>Idaho Code and Pocket Supplements for each member of 37th Session</td>
<td>1145</td>
</tr>
</tbody>
</table>

### Senate:

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poetry Day</td>
<td>1110</td>
</tr>
<tr>
<td>Salaries of attaches fixed</td>
<td>1111</td>
</tr>
<tr>
<td>Legislature to examine proposed legislation for effect upon business climate of State</td>
<td>1112</td>
</tr>
<tr>
<td>Insurance for legislative members and attaches</td>
<td>1114</td>
</tr>
<tr>
<td>Certified copy of printed House and Senate Journals to be filed with Secretary of State</td>
<td>1115</td>
</tr>
<tr>
<td>Legislative Council to assist in preparation of State Budget</td>
<td>1116</td>
</tr>
<tr>
<td>Adjournment, Sine Die, setting time for</td>
<td>1116</td>
</tr>
</tbody>
</table>

### RESOLUTIONS, JOINT:

#### House:

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed constitutional amendment, changing time for payment of Public Indebtedness</td>
<td>1149</td>
</tr>
<tr>
<td>Ratifying proposed amendment relating to qualification of electors</td>
<td>1151</td>
</tr>
</tbody>
</table>

#### Senate:

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheriff to be elected every four years</td>
<td>1147</td>
</tr>
</tbody>
</table>

### RETIREMENT:

See PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO

### REVENUE BONDS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho State University, dining hall receipts to retire revenue bonds</td>
<td>286</td>
</tr>
<tr>
<td>Lewis-Clark Normal School, dining hall receipts to retire bonds</td>
<td>286</td>
</tr>
</tbody>
</table>

### RIVERS:

See COLUMBIA INTERSTATE COMPACT
ROADS AND STREETS:
Fifteen percent of highway funds to cities and villages for ........................................... 355 1019

SAFETY DEVICES:
See MINES AND MINING

SALARIES:
See PUBLIC OFFICERS
Attaches of the Thirty-seventh Session .................. S.C.R. 2 1111
County commissioners ........................................... 333 953
County highway commissioners ............................... 300 789
County officers .................................................. 304 795
Prosecuting attorneys ......................................... 332 950
Supreme court justices ....................................... 275 710
Teachers .......................................................... 13 111

SALES:
See LIVESTOCK MARKETS

SANITARIANS ACT:
Applicants for registration:
Fee ................................................................. 280 719
Form of application ............................................ 280 719
Registers of .................................................... 280 719
Qualifications .................................................. 280 720
“Sanitarian trainees” ......................................... 280 721
Board of Sanitarian Examiners for Professional Sanitarians:
Created .......................................................... 280 717
Membership, appointment and organization ............... 280 718
Powers and duties .............................................. 280 718
Records ............................................................ 280 719
Rules and regulations by ..................................... 280 719
Definitions ........................................................ 280 716
Department of Law Enforcement, duties .................... 280 717
Employees of sanitarians ..................................... 280 724
Engineering practice prohibited .............................. 280 717
Revocation and suspension of registration:
Appeal to district court ....................................... 280 722
Commissioner of Law Enforcement, duties ................. 280 721
Grounds ........................................................... 280 721
Procedure .......................................................... 280 721
Reinstatement ................................................... 280 722
Transcript of proceedings to be kept ....................... 280 722
SANITATION ACT:
Title and abbreviation of registered professional sanitarian ........................................ 280 723
Unlawful practices ...................................................... 280 723

SCHOOL BUSES:
See MOTOR VEHICLES, ACT REGULATING TRAFFIC
See SCHOOL RECODIFICATION ACT

SCHOOL DISTRICT EMPLOYEES:
See SCHOOL RECODIFICATION ACT
Board of trustees, hiring of relatives ................................ 13 56
Employers’ share of social security taxes:
  Computations and certification ........................................ 342 980
  Other employees .......................................................... 342 980
  Teacher ........................................................................ 342 980

SCHOOL DISTRICT FINANCING:
See SCHOOL RECODIFICATION ACT
Annual statement of financial condition and report:
  Certification of ............................................................. 211 604
  Contents of ................................................................. 211 603
  Failure to publish, result of ........................................... 211 604
  Open to public examination .......................................... 211 605
  Publication required .................................................... 211 603

SCHOOL DISTRICT TRUSTEES:
See SCHOOL RECODIFICATION ACT

SCHOOL DISTRICTS:
See SCHOOL DISTRICT FINANCING
See SCHOOLS IN GENERAL
See SCHOOL RECODIFICATION ACT
Completion of reorganizations repealed ................................ 136 389
Congress urged to extend payment to school districts in lieu of federal taxes ........................................ H.J.M. 11 1184
Emmettsville district, tax levy increased ................................ 105 307
Library services, contracts for .......................................... 188 576
Taxation:
  Annexing district, when tax levy authorized ..................... 351 1013
  Division, when authorized ............................................... 351 1013
  New district, when levy authorized ................................... 351 1013

SCHOOL RECODIFICATION ACT:
Abuse:
  Teachers free from .................................................... 13 112
Arbor Day:
  Observance of in schools .............................................. 13 116
### SCHOOL RECODIFICATION ACT:

**Adult Americanization classes:**
- Authorized ................................................................. 13 117

**Apportionment of funds:**
- County school emergency fund ...................................... 13 101
- Repealed ........................................................................ 311 837
- County school fund .......................................................... 13 101
- County school special assistance levy .............................. 13 101
- Repealed ........................................................................ 311 837
- County treasurer, duties .................................................... 13 101

**Equalization of apportionments by State Board of Education**
- Amended ........................................................................ 322 928

**Public school fund** ...................................................... 13 101

**Public school income fund:**
- Apportionments from .................................................... 13 97
- Repealed ........................................................................ 322 928
- Apportionment of to counties ...................................... 13 102
- Minimum levies defined .................................................. 13 97
- Repealed ........................................................................ 322 928

**Bible Reading:**
- Required ........................................................................ 13 116

**Board of Trustees:**
- Annual statement of financial condition and report ... 211 603
- Bond issue proceeds:
  - Temporary investment authorized ................................ 13 61
- Budget, publication of summary statement of ensuing year ........................................................................................................... 348 987

**Clerk:**
- Duties ............................................................................... 13 56
- Temporary clerk, duties .................................................... 13 56

**Conveyance of property, procedure for** ........................ 13 65

**Disciplining of pupils, authority to** ............................... 13 59

**Discontinuance of school:**
- Contents of ballot .......................................................... 13 59
- Election required ............................................................. 13 58
- Procedure for ................................................................. 13 58

**Election of** ...................................................................... 13 53

**Expense of members, payment authorized** ........................ 13 62

**Expenses and extraordinary expenses defined** ............... 13 62

**Financial report, contents and publication of** ................. 13 62
- Repealed ........................................................................ 311 603

**Financing of** .................................................................. 13 59

**Fiscal year:**
- Bank checks, when authorized ........................................ 13 61
- Budget, publication of summary statement, ensuing year ........................................................................................................... 348 987
### SCHOOL RECODIFICATION ACT:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Definitions</td>
<td>13</td>
<td>61</td>
</tr>
<tr>
<td>Expenses, payment of</td>
<td>13</td>
<td>61</td>
</tr>
<tr>
<td>Governing board of district</td>
<td>13</td>
<td>52</td>
</tr>
<tr>
<td>Limitation on amount of warrants issued</td>
<td>13</td>
<td>61</td>
</tr>
<tr>
<td>Plant facilities reserve fund, investment of</td>
<td>13</td>
<td>61</td>
</tr>
<tr>
<td>Salaries and wages, determination of</td>
<td>13</td>
<td>61</td>
</tr>
<tr>
<td>Warrants, when required</td>
<td>13</td>
<td>61</td>
</tr>
<tr>
<td>Closing of schools, when authorized</td>
<td>13</td>
<td>59</td>
</tr>
<tr>
<td>Contagious diseases, regulations concerning</td>
<td>13</td>
<td>59</td>
</tr>
<tr>
<td>Diseases, regulations concerning</td>
<td>13</td>
<td>59</td>
</tr>
<tr>
<td>Enforcement, general authority</td>
<td>13</td>
<td>61</td>
</tr>
<tr>
<td>Flag, display of required</td>
<td>13</td>
<td>59</td>
</tr>
<tr>
<td>Fraternities prohibited</td>
<td>13</td>
<td>60</td>
</tr>
<tr>
<td>Holidays, determination of</td>
<td>13</td>
<td>60</td>
</tr>
<tr>
<td>Libraries, maintenance of</td>
<td>13</td>
<td>60</td>
</tr>
<tr>
<td>Secret societies prohibited</td>
<td>13</td>
<td>60</td>
</tr>
<tr>
<td>Secret society defined</td>
<td>13</td>
<td>60</td>
</tr>
<tr>
<td>Societies authorized</td>
<td>13</td>
<td>60</td>
</tr>
<tr>
<td>Sororities prohibited</td>
<td>13</td>
<td>60</td>
</tr>
<tr>
<td>Insurance of school property</td>
<td>13</td>
<td>62</td>
</tr>
<tr>
<td>Insurance proceeds, disposition of</td>
<td>13</td>
<td>62</td>
</tr>
<tr>
<td>Elementary school, when required</td>
<td>13</td>
<td>58</td>
</tr>
<tr>
<td>High school, when required</td>
<td>13</td>
<td>58</td>
</tr>
<tr>
<td>Annual meeting designated</td>
<td>13</td>
<td>57</td>
</tr>
<tr>
<td>Annual meeting, notice of</td>
<td>13</td>
<td>57</td>
</tr>
<tr>
<td>Executive sessions authorized</td>
<td>13</td>
<td>57</td>
</tr>
<tr>
<td>Executive sessions, transactions limited</td>
<td>13</td>
<td>57</td>
</tr>
<tr>
<td>Public, meetings open to</td>
<td>13</td>
<td>57</td>
</tr>
<tr>
<td>Quorum defined</td>
<td>13</td>
<td>57</td>
</tr>
<tr>
<td>Regular monthly meetings required</td>
<td>13</td>
<td>57</td>
</tr>
<tr>
<td>Special meetings, method of calling</td>
<td>13</td>
<td>57</td>
</tr>
<tr>
<td>Morals and health of pupils, protection of</td>
<td>13</td>
<td>54</td>
</tr>
<tr>
<td>Newly created consolidated district, appointment of</td>
<td>13</td>
<td>54</td>
</tr>
<tr>
<td>Newly created consolidated district, selection of trustees</td>
<td>13</td>
<td>54</td>
</tr>
<tr>
<td>Nomination procedure</td>
<td>13</td>
<td>53</td>
</tr>
<tr>
<td>Compensation of officers</td>
<td>13</td>
<td>55</td>
</tr>
<tr>
<td>Limitation on compensation of officers</td>
<td>13</td>
<td>55</td>
</tr>
<tr>
<td>Limitation upon authority of</td>
<td>13</td>
<td>55</td>
</tr>
<tr>
<td>Member, duties</td>
<td>13</td>
<td>55</td>
</tr>
<tr>
<td>Officers</td>
<td>13</td>
<td>55</td>
</tr>
<tr>
<td>Powers and duties</td>
<td>13</td>
<td>55</td>
</tr>
<tr>
<td>School Recodification Act</td>
<td>Chapter Page</td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>--------------</td>
<td></td>
</tr>
<tr>
<td>Relatives of members, procedure for hiring</td>
<td>13 56</td>
<td></td>
</tr>
<tr>
<td>Spouse of member, unlawful to hire</td>
<td>13 56</td>
<td></td>
</tr>
<tr>
<td>Powers and duties of trustees</td>
<td>13 58</td>
<td></td>
</tr>
<tr>
<td>Powers and duties of trustees</td>
<td>13 59</td>
<td></td>
</tr>
<tr>
<td>Professional personnel:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contracts with</td>
<td>13 67</td>
<td></td>
</tr>
<tr>
<td>Powers and duties of trustees</td>
<td>13 67</td>
<td></td>
</tr>
<tr>
<td>Superintendent, duration of contract</td>
<td>13 67</td>
<td></td>
</tr>
<tr>
<td>Suspension, leave of absence and discharge of</td>
<td>13 67</td>
<td></td>
</tr>
<tr>
<td>Teachers, excused absences of</td>
<td>13 67</td>
<td></td>
</tr>
<tr>
<td>Teaching certificate required by</td>
<td>13 66</td>
<td></td>
</tr>
<tr>
<td>Property—acquisition, use or disposal of:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contracts, procedure for letting</td>
<td>13 65</td>
<td></td>
</tr>
<tr>
<td>Easements and rights of way, conveyance of</td>
<td>13 67</td>
<td></td>
</tr>
<tr>
<td>Expenditure of less than one thousand dollars</td>
<td>13 65</td>
<td></td>
</tr>
<tr>
<td>Joint contracts authorized</td>
<td>13 66</td>
<td></td>
</tr>
<tr>
<td>Powers and duties of trustees</td>
<td>13 65</td>
<td></td>
</tr>
<tr>
<td>Public use of, authorized</td>
<td>13 67</td>
<td></td>
</tr>
<tr>
<td>Recreational facilities</td>
<td>13 66</td>
<td></td>
</tr>
<tr>
<td>Qualification</td>
<td>13 53</td>
<td></td>
</tr>
<tr>
<td>School sites, acquisition</td>
<td>13 65</td>
<td></td>
</tr>
<tr>
<td>School term, determination of</td>
<td>13 59</td>
<td></td>
</tr>
<tr>
<td>Selection of trustees of consolidated districts</td>
<td>13 54</td>
<td></td>
</tr>
<tr>
<td>Textbooks and supplies, furnishing of</td>
<td>13 59</td>
<td></td>
</tr>
<tr>
<td>Treasurer, duties, furnishing of</td>
<td>13 56</td>
<td></td>
</tr>
<tr>
<td>Vacancies:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Creation of</td>
<td>13 54</td>
<td></td>
</tr>
<tr>
<td>Declaration of</td>
<td>13 54</td>
<td></td>
</tr>
<tr>
<td>Filling of</td>
<td>13 54</td>
<td></td>
</tr>
<tr>
<td>Warrants, procedure for drawing and paying of</td>
<td>13 63</td>
<td></td>
</tr>
<tr>
<td>Warrants, when void</td>
<td>13 64</td>
<td></td>
</tr>
<tr>
<td>Bonds:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amortization, deviation from</td>
<td>263 673</td>
<td></td>
</tr>
<tr>
<td>Amortization required</td>
<td>13 84</td>
<td></td>
</tr>
<tr>
<td>County commissioners, duties:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appeal from order of procedure</td>
<td>13 83</td>
<td></td>
</tr>
<tr>
<td>Approval of, when required</td>
<td>13 83</td>
<td></td>
</tr>
<tr>
<td>Reduction of issue by</td>
<td>13 83</td>
<td></td>
</tr>
<tr>
<td>Coupons, numbering and contents of</td>
<td>13 84</td>
<td></td>
</tr>
<tr>
<td>Definitions:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aggregate outstanding indebtedness</td>
<td>13 82</td>
<td></td>
</tr>
<tr>
<td>Assessed valuation</td>
<td>13 82</td>
<td></td>
</tr>
<tr>
<td>Issue, issued, issuance</td>
<td>13 82</td>
<td></td>
</tr>
<tr>
<td>Denominations and multiples of</td>
<td>13 83</td>
<td></td>
</tr>
<tr>
<td>Departure from plan and form of bonds, when permitted</td>
<td>13 83</td>
<td></td>
</tr>
</tbody>
</table>
SCHOOL RECODIFICATION ACT:

Elections:

Aggregate outstanding indebtedness, determination of .................................................. 13 83
Canvass of elections ........................................................................................................... 13 83
Conduct of election ........................................................................................................... 13 83
District limited to ten percent issue ................................................................................ 13 82
District limited to fifteen percent to issue ........................................................................ 13 82
Notice of election .............................................................................................................. 13 83
Qualifications of voters ................................................................................................... 13 83
Submission of question .................................................................................................... 13 82
Time of issuance of bonds ............................................................................................... 13 83
Vote required to carry ...................................................................................................... 13 83
Existing bond proceedings .............................................................................................. 13 82
Existing issues impaired ................................................................................................. 13 81
First maturity date .......................................................................................................... 13 84
Form ................................................................................................................................. 13 84
Interest payable semiannually ....................................................................................... 13 84

Liquidation of indebtedness:

Call or redemption of, procedure, notice ......................................................................... 13 88
Constructive notice of call and redemption ..................................................................... 13 88
Disposition of money remaining after redemption ........................................................ 13 88
District responsible for bonds .......................................................................................... 13 88
Levy, district to make ....................................................................................................... 13 87
Levy set by county commissioners when required ........................................................ 13 87
Redemption bonds held by state ..................................................................................... 13 88
Numbering of .................................................................................................................. 13 84
Period of debt limitation .................................................................................................. 13 83
Preferential right of state to purchase ............................................................................ 13 85

Printing costs:

Exception—State Department of Public Investments ..................................................... 13 85
Purchaser to pay .............................................................................................................. 13 82
Purpose of issues ............................................................................................................. 13 82

Sale of:

Bid opening ......................................................................................................................... 13 86
Less than par prohibited .................................................................................................. 13 86
Low bid, exception required ............................................................................................ 13 86
Notice form and period of publication ............................................................................. 13 85
Notice of sale, when publication is required .................................................................... 13 85
Preliminary expenses, payment of ................................................................................ 13 86
Private sale authorized .................................................................................................... 13 86
Proceeds of sale, disposition of ..................................................................................... 13 87
Rejection, right of reserved ............................................................................................ 13 86
Successful bidder, failure to purchase, procedure ......................................................... 13 86
Unexpended bond proceeds, disposition of .................................................................... 13 86
Signature and recording of .............................................................................................. 13 88
### SCHOOL RECODIFICATION ACT:

<table>
<thead>
<tr>
<th>Clause</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Twenty-year limitation</td>
<td>13</td>
<td>84</td>
</tr>
<tr>
<td>Unimpaired, existing issues</td>
<td>13</td>
<td>81</td>
</tr>
</tbody>
</table>

**Certification of teachers:**

- Accredited teachers' training requirements
- Certificate required
- Eligibility for certificates
- Endorsement and registration of
- Exceptions enumerated
- Existing certificates, validity of
- Lapse, service in armed forces, exception
- Practice teaching, certificate not required

**Provisional certificates:**

- Endorsements on
- Renewal qualifications
- Term of
- Reciprocity limited
- Records and fees

**Revocation of certificates:**

- Complaint for
- Grounds for
- Hearing and procedure
- Privileged communications
- Suspension

**State Board of Education, duties of**

- Termination of certificate at age seventy, exceptions
- Validity, duration, renewal and lapse of certificates

**Classroom units:**

- Average increase, when allowed
- Computation of number of
- Districts receiving federal funds
- Elementary classroom units, computation of
- Handicapped pupils
- Out-of-state students
- Secondary classroom units, computation of
- Weighted classroom units, index

**Contracts:**

- See teachers' contracts

**Correspondence courses and private schools:**

- Accepted courses
SCHOOL RECODIFICATION ACT:
Advisory committee authorized ...................................... 13 148
Approval of courses by State Board of Education ...... 13 144
Certificate of compliance:
  Application for, contents ................................................ 13 143
  Appeal from order of denial ........................................ 13 143
  Expiration date ................................................................ 13 143
  Fee ............................................................................. 13 143
  Required ........................................................................ 13 143
  State Superintendent of Public Instruction,
    agent for process of applicant ...................................... 13 143
Definitions:
  Agent ........................................................................... 13 142
  Course ............................................................................ 13 142
  Person ............................................................................... 13 142
  Principal ......................................................................... 13 142
  Registrant ........................................................................ 13 142
Judicial review:
  Acts subject to ............................................................ 13 148
  Venue .............................................................................. 13 148
Publicizing of instruction, prohibited acts .............. 13 144
Rules and regulations, adoption by State Board
  of Education ................................................................ 13 148
Soliciting and selling of courses:
  Annual permit fee .......................................................... 13 145
  Application for permit, form ........................................ 13 145
  Bond ................................................................................ 13 145
  Permit required for each salesman ................................ 13 145
Suspension and revocation of permits and certificates:
  Appeal, right of ............................................................ 13 147
  Hearing required ............................................................ 13 146
  Injunctions authorized .................................................. 13 147
  Procedure for ................................................................... 13 146
Violations, penalty for ...................................................... 13 147
County Commissioners:
Certification of school tax levies, time of ..................... 13 81
County school emergency fund levy, determination of .. 13 79
  Amended ........................................................................ 311 835
  Amended ........................................................................ 322 926
County school special assistance levy ......................... 13 80
  311 837
School bond issues, approval of ........................................ 13 80
School district elections, board of canvassers in
certain cases ................................................................... 13 51
County School Emergency Fund:
Certification of levy, time of .............................................. 13 81
Certification to county commissioners .............................. 13 81
### SCHOOL RECODIFICATION ACT:

<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Computation of amount of levy</td>
<td>13</td>
<td>79</td>
</tr>
<tr>
<td>Amended</td>
<td>311</td>
<td>836</td>
</tr>
<tr>
<td>Amended</td>
<td>322</td>
<td>926</td>
</tr>
<tr>
<td>Creation and apportionment</td>
<td>13</td>
<td>101</td>
</tr>
<tr>
<td>Repealed</td>
<td>311</td>
<td>837</td>
</tr>
<tr>
<td>Determination by county commissioners</td>
<td>13</td>
<td>79</td>
</tr>
<tr>
<td>Amended</td>
<td>311</td>
<td>835</td>
</tr>
<tr>
<td>Amended</td>
<td>322</td>
<td>926</td>
</tr>
<tr>
<td>Established</td>
<td>13</td>
<td>79</td>
</tr>
<tr>
<td>Amended</td>
<td>311</td>
<td>836</td>
</tr>
<tr>
<td>Procedure for establishment of</td>
<td>13</td>
<td>79</td>
</tr>
<tr>
<td>Amended</td>
<td>311</td>
<td>835</td>
</tr>
<tr>
<td>Three-mill maximum levy</td>
<td>311</td>
<td>836</td>
</tr>
<tr>
<td>Amended</td>
<td>322</td>
<td>926</td>
</tr>
</tbody>
</table>

#### County School Fund:

<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apportionment of</td>
<td>13</td>
<td>100</td>
</tr>
<tr>
<td>Certification to county commissioners</td>
<td>13</td>
<td>99</td>
</tr>
<tr>
<td>Defined</td>
<td>13</td>
<td>90</td>
</tr>
<tr>
<td>Equalization of apportionment of by State Board</td>
<td>13</td>
<td>102</td>
</tr>
<tr>
<td>of Education</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### County school special assistance levy:

<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Added to other levies</td>
<td>13</td>
<td>80</td>
</tr>
<tr>
<td>Amended</td>
<td>311</td>
<td>837</td>
</tr>
<tr>
<td>Apportionment of</td>
<td>13</td>
<td>101</td>
</tr>
<tr>
<td>Certification of levy, time of</td>
<td>13</td>
<td>80</td>
</tr>
<tr>
<td>Amended</td>
<td>311</td>
<td>837</td>
</tr>
<tr>
<td>Limitation on authorization of levy</td>
<td>13</td>
<td>80</td>
</tr>
<tr>
<td>Maximum levy</td>
<td>311</td>
<td>837</td>
</tr>
<tr>
<td>Tax levy for</td>
<td>13</td>
<td>80</td>
</tr>
<tr>
<td>Three-mill levy authorized</td>
<td>13</td>
<td>80</td>
</tr>
<tr>
<td>Time for requesting levy</td>
<td>13</td>
<td>80</td>
</tr>
<tr>
<td>Amended</td>
<td>311</td>
<td>837</td>
</tr>
</tbody>
</table>

#### County Treasurer:

<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duties with regard to school tax procedure</td>
<td>13</td>
<td>101</td>
</tr>
</tbody>
</table>

#### Definitions in general:

<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average daily attendance</td>
<td>322</td>
<td>922</td>
</tr>
<tr>
<td>Foundation program</td>
<td>13</td>
<td>91</td>
</tr>
<tr>
<td>Redefined</td>
<td>322</td>
<td>921</td>
</tr>
<tr>
<td>Public school district</td>
<td>13</td>
<td>91</td>
</tr>
<tr>
<td>Redefined</td>
<td>322</td>
<td>921</td>
</tr>
<tr>
<td>“Pupils in average daily attendance”</td>
<td>322</td>
<td>922</td>
</tr>
<tr>
<td>School</td>
<td>13</td>
<td>91</td>
</tr>
<tr>
<td>Repealed</td>
<td>322</td>
<td>922</td>
</tr>
<tr>
<td>Teacher</td>
<td>13</td>
<td>91</td>
</tr>
<tr>
<td>Redefined</td>
<td>322</td>
<td>921</td>
</tr>
</tbody>
</table>
SCHOOL RECODIFICATION ACT:

Driver training courses:
- Approval of State Board of Education required ........................................ 13 113
- Cooperation between districts authorized ............................................. 13 113
- Cost, reimbursement to district ............................................................. 13 113
- Eligible pupils ....................................................................................... 13 113
- Established ............................................................................................ 13 112
- Minimum standards ............................................................................... 13 112
- Report to State Board of Education, contents ...................................... 13 113
- State Supervisor of driver training, employees, expenses ................... 13 114
- Time of ................................................................................................. 13 113

Education of certain persons:
- Delivered mothers ................................................................................ 350 1011
- Homebound children ........................................................................... 350 1011
- Mentally handicapped child ................................................................. 13 117
- Out-patients .......................................................................................... 350 1011
- Reimbursement of cost ........................................................................ 350 1012
- Unmarried expectant mothers .............................................................. 350 1011

Elementary schools:
- Less than ten pupils ............................................................................ 322 925
- Ten mile rule ........................................................................................ 322 924
- Effective date of act ............................................................................ 13 148
- Election required for thirty mill levy .................................................... 422 1098

English language:
- Foreign languages, exception ............................................................... 13 116
- Instruction must be in .......................................................................... 13 116

Fees:
- Teachers' certificates, issuance and renewal ....................................... 13 105
- Formula ................................................................................................. 322 921

Foundation education program:

Arrived at:
- Classroom cost factor ....................................................................... 322 923
  Amended ............................................................................................. 323 933
- District share of state and county funds .............................................. 322 924
  Amended ............................................................................................. 323 933
- Foundation transportation program .................................................... 322 923
  Amended ............................................................................................. 323 932
- Handicapped child factor .................................................................... 322 923
  Amended ............................................................................................. 323 933
- Sparsity factor ...................................................................................... 322 923
  Amended ............................................................................................. 323 933
- State average cost per student ......................................................... 322 924
  Amended ............................................................................................. 323 934
- State equalization levy ....................................................................... 322 922
  Amended ............................................................................................. 323 932
SCHOOL RECODIFICATION ACT:

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total distribution funds</td>
<td>322</td>
<td>922</td>
</tr>
<tr>
<td>Amended</td>
<td>323</td>
<td>932</td>
</tr>
<tr>
<td>Average daily attendance defined</td>
<td>322</td>
<td>922</td>
</tr>
<tr>
<td>Change of district boundaries, effect</td>
<td>13</td>
<td>96</td>
</tr>
<tr>
<td>Defined</td>
<td>322</td>
<td>91</td>
</tr>
<tr>
<td>Amended</td>
<td>322</td>
<td>921</td>
</tr>
<tr>
<td>District contribution to</td>
<td>13</td>
<td>103</td>
</tr>
<tr>
<td>Amended</td>
<td>322</td>
<td>931</td>
</tr>
<tr>
<td>Elementary districts reclassified</td>
<td>13</td>
<td>96</td>
</tr>
<tr>
<td>Elementary schools:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than ten pupils</td>
<td>322</td>
<td>925</td>
</tr>
<tr>
<td>Ten mile rule</td>
<td>322</td>
<td>924</td>
</tr>
<tr>
<td>Federal funds, effect of receipt</td>
<td>322</td>
<td>924</td>
</tr>
<tr>
<td>Foundation transportation program:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allowable costs basis</td>
<td>13</td>
<td>95</td>
</tr>
<tr>
<td>As used in determining foundation program</td>
<td>322</td>
<td>923</td>
</tr>
<tr>
<td>Amended</td>
<td>323</td>
<td>932</td>
</tr>
<tr>
<td>Less than twenty-eight mill maintenance and operation levy</td>
<td>323</td>
<td>935</td>
</tr>
<tr>
<td>Procedure</td>
<td>13</td>
<td>96</td>
</tr>
<tr>
<td>Original computation</td>
<td>13</td>
<td>95</td>
</tr>
<tr>
<td>Repealed</td>
<td>322</td>
<td>928</td>
</tr>
<tr>
<td>Secondary schools:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fifteen mile rule</td>
<td>322</td>
<td>924</td>
</tr>
<tr>
<td>Twenty-eight mill maintenance and operation levy required</td>
<td>322</td>
<td>925</td>
</tr>
<tr>
<td>Amended</td>
<td>323</td>
<td>934</td>
</tr>
<tr>
<td>Handicapped children:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education of:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contracts with other districts and hospitals authorized</td>
<td>13</td>
<td>118</td>
</tr>
<tr>
<td>Definitions</td>
<td>13</td>
<td>117</td>
</tr>
<tr>
<td>Delivered mothers</td>
<td>350</td>
<td>1011</td>
</tr>
<tr>
<td>Homebound children</td>
<td>350</td>
<td>1011</td>
</tr>
<tr>
<td>Mentally handicapped child defined</td>
<td>13</td>
<td>117</td>
</tr>
<tr>
<td>Mentally handicapped child further defined</td>
<td>270</td>
<td>690</td>
</tr>
<tr>
<td>Out-patients</td>
<td>350</td>
<td>1011</td>
</tr>
<tr>
<td>Reimbursements of cost</td>
<td>350</td>
<td>1012</td>
</tr>
<tr>
<td>Responsibility for education of</td>
<td>219</td>
<td>628</td>
</tr>
<tr>
<td>Responsibility of districts</td>
<td>219</td>
<td>628</td>
</tr>
<tr>
<td>State Board of Education, responsibility of</td>
<td>219</td>
<td>628</td>
</tr>
<tr>
<td>State Board of Education, powers and duties</td>
<td>13</td>
<td>117</td>
</tr>
<tr>
<td>Health and physical fitness instruction:</td>
<td>13</td>
<td>116</td>
</tr>
</tbody>
</table>
SCHOOL RECODIFICATION ACT:

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teachers free from</td>
<td>13</td>
</tr>
<tr>
<td>Patriotism:</td>
<td></td>
</tr>
<tr>
<td>Adult Americanization classes</td>
<td>13</td>
</tr>
<tr>
<td>American Flag, instructions and use</td>
<td>13</td>
</tr>
<tr>
<td>Instruction in United States Constitution, required</td>
<td>13</td>
</tr>
<tr>
<td>Pledge of Allegiance</td>
<td>13</td>
</tr>
<tr>
<td>Words and music of National Anthem and “America”</td>
<td>13</td>
</tr>
<tr>
<td>Powers and duties of teachers:</td>
<td></td>
</tr>
<tr>
<td>Enumerations of</td>
<td>13</td>
</tr>
<tr>
<td>Public school fund</td>
<td>13</td>
</tr>
<tr>
<td>Public school income fund:</td>
<td></td>
</tr>
<tr>
<td>Apportionments from</td>
<td>13</td>
</tr>
<tr>
<td>Amended</td>
<td>322</td>
</tr>
<tr>
<td>Defined</td>
<td>13</td>
</tr>
<tr>
<td>Method of apportioning</td>
<td>13</td>
</tr>
<tr>
<td>Amended</td>
<td>322</td>
</tr>
<tr>
<td>Mines—net profits, effect on</td>
<td>13</td>
</tr>
<tr>
<td>Minimum levies defined</td>
<td>13</td>
</tr>
<tr>
<td>Amended</td>
<td>322</td>
</tr>
<tr>
<td>Ratio of</td>
<td>13</td>
</tr>
<tr>
<td>Time of making</td>
<td>13</td>
</tr>
<tr>
<td>Revocation of teachers’ certificates:</td>
<td></td>
</tr>
<tr>
<td>Complaint for</td>
<td>13</td>
</tr>
<tr>
<td>Grounds</td>
<td>13</td>
</tr>
<tr>
<td>Hearing and procedure</td>
<td>13</td>
</tr>
<tr>
<td>Privileged communications</td>
<td>13</td>
</tr>
<tr>
<td>Suspension</td>
<td>13</td>
</tr>
<tr>
<td>Safety patrols:</td>
<td></td>
</tr>
<tr>
<td>Establishment authorized</td>
<td>13</td>
</tr>
<tr>
<td>Insignia required</td>
<td>13</td>
</tr>
<tr>
<td>Insurance, purchase authorized</td>
<td>13</td>
</tr>
<tr>
<td>Obedience to required</td>
<td>13</td>
</tr>
<tr>
<td>Private and parochial schools may establish</td>
<td>13</td>
</tr>
<tr>
<td>Traffic signs authorized</td>
<td>13</td>
</tr>
<tr>
<td>Uniforms and equipment, purchase authorized</td>
<td>13</td>
</tr>
<tr>
<td>Salaries of teachers:</td>
<td></td>
</tr>
<tr>
<td>In-service training authorized</td>
<td>13</td>
</tr>
<tr>
<td>In-service training, halting of increments</td>
<td>13</td>
</tr>
<tr>
<td>Minimum salary schedule</td>
<td>13</td>
</tr>
<tr>
<td>Sales of services or merchandise:</td>
<td></td>
</tr>
<tr>
<td>Limited</td>
<td>13</td>
</tr>
<tr>
<td>School community libraries:</td>
<td></td>
</tr>
<tr>
<td>Duties of boards of trustees</td>
<td>13</td>
</tr>
<tr>
<td>Elections for establishment:</td>
<td></td>
</tr>
</tbody>
</table>
SCHOOL RECODIFICATION ACT:

- Maximum mill levy ........................................................ 13 81
- Population limitation ........................................ 13 80
- Procedure for ....................................................... 13 80
- Establishment authorized ........................................ 13 80
- Public library may become part of, election to determine ....................................................... 13 81
- Treasurer of ........................................................... 13 81

School district budget:

- Annual statement of financial condition and report required ....................................................... 211 603
- Certification of levies, time of ........................................ 13 81
- Notice, posting and publication required ....................................................... 13 77
- Publication of summary statement, ensuing year ....................................................... 348 987

Tax levies:

- Election, when required, procedure ....................................................... 13 78
- Election required for thirty-mill levy ....................................................... 422 1098
- Levies authorized ........................................ 13 77
- Migratory farm worker's children, election required ....................................................... 13 78
- Migratory farm worker's children, levy for ....................................................... 13 77
- Mill levy, limitation on ....................................................... 13 77
- Thirty-mill levy, election required ....................................................... 422 1098

Preparation of ....................................................... 13 77

Public hearings required ....................................................... 13 77

School districts:

- Annual statement of financial condition and report ....................................................... 211 604
- Bodies corporate ....................................................... 13 25

Boundaries:

- Correction and alteration of ....................................................... 13 38
- Defined ....................................................... 13 37
- Excision and annexation of territory ....................................................... 13 38
- Lapsed districts, annexation to ....................................................... 13 41

Classification of ....................................................... 13 36

Consolidation:

- Bonded debt, effect on ....................................................... 13 44
- Election required ....................................................... 13 43
- Notice of hearings ....................................................... 13 43
- Order of ....................................................... 13 44
- Procedure for ....................................................... 13 42
- Public hearing required ....................................................... 13 42
- Submission of plan to State Board of Education ....................................................... 13 43

Division of school districts:

- Authorized ....................................................... 13 44
- Canvass of votes ....................................................... 13 45
- Election ....................................................... 13 45
- Limitation on ....................................................... 13 44
### School Recodification Act:

<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Majority vote required</td>
<td>175 502</td>
</tr>
<tr>
<td>Notice of hearings required</td>
<td>13 44</td>
</tr>
<tr>
<td>Proposal, contents of</td>
<td>13 44</td>
</tr>
<tr>
<td>Proposal, submission of</td>
<td>13 44</td>
</tr>
<tr>
<td>Public hearings required</td>
<td>13 44</td>
</tr>
<tr>
<td>Joint districts</td>
<td>13 36</td>
</tr>
<tr>
<td>Naming and numbering of</td>
<td>13 36</td>
</tr>
<tr>
<td>Reclassification of</td>
<td>13 36</td>
</tr>
</tbody>
</table>

### School Board of Education:

- Supervised by | 13 31 |
- Transferred students, reception of | 13 69 |

### School Elections:

#### Absentee Voting:
- Application for ballot | 13 51 |
- Authorized | 13 51 |
- Procedure for | 13 51 |

#### Ballots, Conduct of Election:
- Ballots, contents of | 13 48 |
- Conduct of election | 13 48 |

#### Notice of Election, Return and canvass:
- Notice of election, contents | 13 47 |
- Notice required:
  - Ten-day notice in general school elections | 13 47 |
  - Twenty-one day notice in certain cases | 13 47 |
- Places held | 13 49 |
- Publication required | 13 47 |
- Qualifications of electors | 13 50 |

#### Return and canvass:
- Notice of result | 13 52 |
- School trustees as board of canvassers | 13 51 |
- Time and return | 13 52 |

### School Funds:

#### County School Emergency Fund:
- Certification of levy, time of | 13 81 |
- Certification to county commissioners | 13 81 |
- Computation of amount of levy | 13 79 |
  - Amended | 311 836 |
  - Amended | 322 926 |
- Creation and apportionment | 13 101 |
  - Repealed | 311 837 |
- Determination by county commissioners | 13 79 |
  - Amended | 311 835 |
  - Amended | 322 926 |
- Established | 13 79 |
  - Amended | 311 835 |
- Procedure for establishment of | 13 79 |
  - Amended | 311 835 |
<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCHOOL RECODIFICATION ACT:</td>
<td>311</td>
<td>837</td>
</tr>
<tr>
<td>Three-mill maximum levy</td>
<td>311</td>
<td>837</td>
</tr>
<tr>
<td>Amended</td>
<td>322</td>
<td>926</td>
</tr>
<tr>
<td>County school fund:</td>
<td>13</td>
<td>100</td>
</tr>
<tr>
<td>Apportionment of</td>
<td>13</td>
<td>99</td>
</tr>
<tr>
<td>Certification to county commissioners</td>
<td>13</td>
<td>90</td>
</tr>
<tr>
<td>Defined</td>
<td>311</td>
<td>837</td>
</tr>
<tr>
<td>Equalization of apportionment of by State</td>
<td>13</td>
<td>102</td>
</tr>
<tr>
<td>Board of Education</td>
<td>13</td>
<td>102</td>
</tr>
<tr>
<td>County school special assistance levy:</td>
<td>13</td>
<td>80</td>
</tr>
<tr>
<td>Added to other levies</td>
<td>13</td>
<td>80</td>
</tr>
<tr>
<td>Amended</td>
<td>311</td>
<td>837</td>
</tr>
<tr>
<td>Apportionment of</td>
<td>13</td>
<td>101</td>
</tr>
<tr>
<td>Certification of levy, time of</td>
<td>13</td>
<td>80</td>
</tr>
<tr>
<td>Amended</td>
<td>311</td>
<td>837</td>
</tr>
<tr>
<td>Limitation on authorization of levy</td>
<td>13</td>
<td>80</td>
</tr>
<tr>
<td>Maximum levy</td>
<td>311</td>
<td>837</td>
</tr>
<tr>
<td>Tax levy for</td>
<td>13</td>
<td>80</td>
</tr>
<tr>
<td>Three-mill levy authorized</td>
<td>13</td>
<td>80</td>
</tr>
<tr>
<td>Time for requesting levy</td>
<td>13</td>
<td>80</td>
</tr>
<tr>
<td>Amended</td>
<td>311</td>
<td>837</td>
</tr>
<tr>
<td>Federal funds</td>
<td>322</td>
<td>927</td>
</tr>
<tr>
<td>Public school fund</td>
<td>13</td>
<td>101</td>
</tr>
<tr>
<td>Public school income fund:</td>
<td>13</td>
<td>97</td>
</tr>
<tr>
<td>Apportionments from</td>
<td>13</td>
<td>97</td>
</tr>
<tr>
<td>Amended</td>
<td>322</td>
<td>928</td>
</tr>
<tr>
<td>Defined</td>
<td>13</td>
<td>90</td>
</tr>
<tr>
<td>Method of apportioning</td>
<td>13</td>
<td>98</td>
</tr>
<tr>
<td>Amended</td>
<td>322</td>
<td>929</td>
</tr>
<tr>
<td>Mines—net profits, effect on</td>
<td>13</td>
<td>99</td>
</tr>
<tr>
<td>Minimum levies defined</td>
<td>13</td>
<td>99</td>
</tr>
<tr>
<td>Amended</td>
<td>322</td>
<td>930</td>
</tr>
<tr>
<td>Ratio of</td>
<td>13</td>
<td>97</td>
</tr>
<tr>
<td>Time of making</td>
<td>13</td>
<td>97</td>
</tr>
<tr>
<td>School plant facilities reserve fund:</td>
<td>13</td>
<td>88</td>
</tr>
<tr>
<td>Creation of</td>
<td>13</td>
<td>88</td>
</tr>
<tr>
<td>Disbursements, procedures for</td>
<td>13</td>
<td>89</td>
</tr>
<tr>
<td>Election to authorize tax levy for</td>
<td>13</td>
<td>78</td>
</tr>
<tr>
<td>Investment authorized</td>
<td>13</td>
<td>61</td>
</tr>
<tr>
<td>School plant facilities reserve fund:</td>
<td>13</td>
<td>81</td>
</tr>
<tr>
<td>Certification of levy, time of</td>
<td>13</td>
<td>81</td>
</tr>
<tr>
<td>Consolidated districts, disposition of funds</td>
<td>13</td>
<td>89</td>
</tr>
<tr>
<td>Creation of</td>
<td>13</td>
<td>88</td>
</tr>
<tr>
<td>Disbursements from:</td>
<td>13</td>
<td>89</td>
</tr>
<tr>
<td>Expenditures for remodeling must not exceed</td>
<td>13</td>
<td>89</td>
</tr>
<tr>
<td>$5,000.00</td>
<td>13</td>
<td>89</td>
</tr>
</tbody>
</table>
SCHOOL RECODIFICATION ACT:

Local improvement district, payments to
authorized .......................................................... 13  89
Procedure for ..................................................... 13  89
Disbursements, procedures for ............................ 13  89
Discontinuance of fund and transfer of moneys ...... 13  89
Divided districts, disposition of funds .................. 13  89

Election to authorize tax levy:
  Election required .............................................. 13  78
  Increase in mill levy, when authorized ............... 13  79
  Increase in term, when authorized ...................... 13  79
  Maximum mill levy ............................................ 13  78
  Notice of election ............................................. 13  78
  Resubmission of question .................................. 13  78
  Return and canvass of ...................................... 13  78

Financial report form and publication .................. 13  89
Investment of authorized ...................................... 13  61
Local improvement district authorized to receive
  payments from .................................................. 13  89
  Moneys that may be deposited to ....................... 13  89

Sectarian instruction:
  Forbidden ................................................................ 13  116

State Board of Education:

Accreditation:
  Elementary schools, standards of ....................... 13  30
  Secondary schools .............................................. 13  30
  Teachers' training institutions ............................ 13  30
  Appointment by Governor .................................... 13  29
  Appointment of members ..................................... 13  28
  Appointment of trustees of new school districts .... 13  54
  Apportionment of county school fund .................. 13  100

Attendance in school:
  Age ...................................................................... 13  33
  Compulsory ....................................................... 13  33
  Denial of attendance, grounds for ....................... 13  33
  Exemptions, cause for ...................................... 13  34
  Notice to parents or guardians ............................ 13  33
  Proceedings against parents ............................... 13  35
  Truant defined .................................................. 13  34

Biennial report required ...................................... 13  30

Buildings:
  Construction plans and specifications .................. 13  30

Budgets:
  Educational institutions ..................................... 13  30
  Executive department ........................................ 13  29
  Certification of educational personnel by .......... 13  30
**SCHOOL RECODIFICATION ACT:**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Composition of board</td>
<td>13</td>
<td>28</td>
</tr>
<tr>
<td>Compulsory attendance</td>
<td>13</td>
<td>33</td>
</tr>
<tr>
<td>Correspondence schools, adopting rules and regulations by</td>
<td>13</td>
<td>148</td>
</tr>
<tr>
<td>Correspondence schools and private schools, approval of courses</td>
<td>13</td>
<td>148</td>
</tr>
<tr>
<td>Courses of study</td>
<td>13</td>
<td>31</td>
</tr>
<tr>
<td>Creation of</td>
<td>13</td>
<td>28</td>
</tr>
<tr>
<td>Curriculum of schools, determined by</td>
<td>13</td>
<td>30</td>
</tr>
<tr>
<td>Driver training courses, established by</td>
<td>13</td>
<td>112</td>
</tr>
<tr>
<td>Duties of</td>
<td>13</td>
<td>29</td>
</tr>
<tr>
<td>Elementary school defined</td>
<td>13</td>
<td>32</td>
</tr>
<tr>
<td>Expenses of, payment</td>
<td>13</td>
<td>29</td>
</tr>
<tr>
<td>Expulsion, grounds for</td>
<td>13</td>
<td>34</td>
</tr>
<tr>
<td>Federal assistance, agency to accept</td>
<td>13</td>
<td>30</td>
</tr>
<tr>
<td>Foundation program, submission of</td>
<td>13</td>
<td>31</td>
</tr>
<tr>
<td>Handicapped children:</td>
<td>13</td>
<td>117</td>
</tr>
<tr>
<td>Responsibility of State Board</td>
<td>219</td>
<td>628</td>
</tr>
<tr>
<td>Honorarium of members</td>
<td>13</td>
<td>29</td>
</tr>
<tr>
<td>Idaho State University, trustees of</td>
<td>12</td>
<td>24</td>
</tr>
<tr>
<td>Meetings</td>
<td>13</td>
<td>29</td>
</tr>
<tr>
<td>Office at State Capitol</td>
<td>13</td>
<td>28</td>
</tr>
<tr>
<td>Organization</td>
<td>13</td>
<td>29</td>
</tr>
<tr>
<td>Penitentiary, education of inmates</td>
<td>13</td>
<td>33</td>
</tr>
<tr>
<td>Qualifications of members</td>
<td>13</td>
<td>29</td>
</tr>
<tr>
<td>Removal of members, cause for</td>
<td>13</td>
<td>28</td>
</tr>
<tr>
<td>Reports, biennial required</td>
<td>13</td>
<td>31</td>
</tr>
<tr>
<td>Rules and regulations</td>
<td>13</td>
<td>29</td>
</tr>
<tr>
<td>Safety regulations, determined by</td>
<td>13</td>
<td>33</td>
</tr>
<tr>
<td>Sanitation requirements determined by</td>
<td>13</td>
<td>32</td>
</tr>
<tr>
<td>Secondary school defined</td>
<td>13</td>
<td>32</td>
</tr>
<tr>
<td>School bonds, form prescribed by</td>
<td>13</td>
<td>84</td>
</tr>
<tr>
<td>School districts, supervised by</td>
<td>13</td>
<td>31</td>
</tr>
<tr>
<td>School taxes, certification to county commissioners</td>
<td>13</td>
<td>99</td>
</tr>
<tr>
<td>State agencies, cooperation with</td>
<td>13</td>
<td>33</td>
</tr>
<tr>
<td>Superintendent of Public Instruction, ex officio member of</td>
<td>13</td>
<td>29</td>
</tr>
<tr>
<td>Teachers' certificates, duties of board</td>
<td>13</td>
<td>104</td>
</tr>
<tr>
<td>Teachers' register, keeping of</td>
<td>13</td>
<td>30</td>
</tr>
<tr>
<td>Textbooks, examination of by</td>
<td>13</td>
<td>32</td>
</tr>
<tr>
<td>Textbooks selected by</td>
<td>13</td>
<td>31</td>
</tr>
<tr>
<td>Transportation service, contracts, approval of</td>
<td>13</td>
<td>76</td>
</tr>
<tr>
<td>Transportation service, duties of Board</td>
<td>13</td>
<td>76</td>
</tr>
<tr>
<td>Truant defined</td>
<td>13</td>
<td>34</td>
</tr>
</tbody>
</table>
SCHOOL RECODIFICATION ACT:

Tuition:
- Transfer of students from home districts, determination of rates by ............................................ 13 70
- Unmarried expectant or delivered mothers, reimbursement of tuition by ........................................... 350 1012
- Uniform reports required .................................................. 13 28
- University of Idaho, Board of Regents of .......................... 13 28

State supervisor of driver training:
- Employees expenses ......................................................... 13 114

Taxes:
- Bonded indebtedness, liquidation of .................................. 13 87
- Certification to board of county commissioners ............... 13 99
- County school emergency fund, three mill maximum levy .................................................................... 13 79
  Amended ........................................................................ 311 836
  Amended ........................................................................ 322 926
- County school special assistance levy:
  Three mill authorized ....................................................... 13 80
  Amended ........................................................................ 311 837
- District contribution to foundation program ................... 13 103
  Amended ........................................................................ 322 631
- Election required for thirty mill levy ................................ 422 1098
- General school levies authorized .................................... 13 77
- Migratory farm worker's children, levy for ....................... 13 77
- Public school income fund, minimum levies defined ......... 13 99
  Amended ........................................................................ 322 930
- School community libraries, maximum levy for ............... 13 81
- School plant facilities reserve fund ................................. 13 78
- Thirty-mill levy, election required for .............................. 422 1098
- Twenty-eight mill maintenance and operation levy required ................................................................. 322 925
  Amended ........................................................................ 324 934

Teachers' contracts:
- Renewable contract:
  Conditions ..................................................................... 13 108
  Exceptions ...................................................................... 13 108
  Intent not to renew, notice ............................................. 13 109
  Notice ............................................................................ 13 108
  Release from .................................................................... 13 109
  Salary reduction, notice ................................................ 13 109
  Termination of employment, hearing and review ..... 13 110

Sick leave:
- Accumulation of, limitation ............................................. 13 110
- Excess leave, when permitted ........................................ 13 110
- Minimum leave, time of ................................................ 13 110
<table>
<thead>
<tr>
<th>School Recodification Act:</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proof of illness, when required</td>
<td>13</td>
<td>110</td>
</tr>
<tr>
<td>Terminates sick leave</td>
<td>13</td>
<td>110</td>
</tr>
<tr>
<td>Termination of employment</td>
<td>13</td>
<td>110</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Teachers' Retirement System of Idaho:</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved investments</td>
<td>266</td>
<td>678</td>
</tr>
<tr>
<td>Assessment determined by Board of Trustees</td>
<td>13</td>
<td>122</td>
</tr>
<tr>
<td>Assignment of benefits prohibited</td>
<td>13</td>
<td>141</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Board of Trustees:</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actuary, duties of</td>
<td>13</td>
<td>123</td>
</tr>
<tr>
<td>Compensation, none</td>
<td>13</td>
<td>122</td>
</tr>
<tr>
<td>Director appointed by</td>
<td>13</td>
<td>122</td>
</tr>
<tr>
<td>Duties enumerated</td>
<td>13</td>
<td>122</td>
</tr>
<tr>
<td>Expenses paid</td>
<td>13</td>
<td>122</td>
</tr>
<tr>
<td>Medical board, appointment of</td>
<td>13</td>
<td>123</td>
</tr>
<tr>
<td>Members enumerated</td>
<td>13</td>
<td>121</td>
</tr>
<tr>
<td>Oath required</td>
<td>13</td>
<td>122</td>
</tr>
<tr>
<td>Organization of</td>
<td>13</td>
<td>122</td>
</tr>
<tr>
<td>Vacancies, filling of</td>
<td>13</td>
<td>122</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Books and records to be kept</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Death benefits, election of by surviving spouse</td>
<td>89</td>
<td>286</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Definitions:</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accumulated contributions</td>
<td>13</td>
<td>120</td>
</tr>
<tr>
<td>Actuarial equivalent</td>
<td>13</td>
<td>121</td>
</tr>
<tr>
<td>Annuitant</td>
<td>13</td>
<td>119</td>
</tr>
<tr>
<td>Average final compensation</td>
<td>13</td>
<td>120</td>
</tr>
<tr>
<td>Beneficiary</td>
<td>13</td>
<td>120</td>
</tr>
<tr>
<td>Board</td>
<td>13</td>
<td>119</td>
</tr>
<tr>
<td>Creditable service</td>
<td>13</td>
<td>119</td>
</tr>
<tr>
<td>Director</td>
<td>13</td>
<td>119</td>
</tr>
<tr>
<td>Earnable compensation</td>
<td>13</td>
<td>120</td>
</tr>
<tr>
<td>Employer</td>
<td>13</td>
<td>119</td>
</tr>
<tr>
<td>Full normal working time</td>
<td>13</td>
<td>120</td>
</tr>
<tr>
<td>Masculine pronoun includes feminine</td>
<td>13</td>
<td>121</td>
</tr>
<tr>
<td>Medical board</td>
<td>13</td>
<td>119</td>
</tr>
<tr>
<td>Members</td>
<td>13</td>
<td>119</td>
</tr>
<tr>
<td>Membership service</td>
<td>13</td>
<td>119</td>
</tr>
<tr>
<td>Prior service</td>
<td>13</td>
<td>119</td>
</tr>
<tr>
<td>Retirement</td>
<td>13</td>
<td>120</td>
</tr>
<tr>
<td>Retirement allowance</td>
<td>13</td>
<td>120</td>
</tr>
<tr>
<td>Retirement system</td>
<td>13</td>
<td>118</td>
</tr>
<tr>
<td>Savings annuity</td>
<td>13</td>
<td>120</td>
</tr>
<tr>
<td>Savings annuity reserve</td>
<td>13</td>
<td>120</td>
</tr>
<tr>
<td>Service</td>
<td>13</td>
<td>119</td>
</tr>
<tr>
<td>Service annuity</td>
<td>13</td>
<td>120</td>
</tr>
<tr>
<td>Service annuity reserve</td>
<td>13</td>
<td>121</td>
</tr>
<tr>
<td>Teacher</td>
<td>13</td>
<td>118</td>
</tr>
</tbody>
</table>
### SCHOOL RECODIFICATION ACT:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director, appointment of</td>
<td>13</td>
<td>122</td>
</tr>
<tr>
<td>Errors and records, correction of authorized</td>
<td>13</td>
<td>141</td>
</tr>
<tr>
<td>Expense fund:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Created</td>
<td>13</td>
<td>137</td>
</tr>
<tr>
<td>Purpose and general provisions</td>
<td>13</td>
<td>137</td>
</tr>
<tr>
<td>Federal government participate in retirement fund</td>
<td>13</td>
<td>138</td>
</tr>
<tr>
<td>Funds enumerated:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expense fund</td>
<td>13</td>
<td>132</td>
</tr>
<tr>
<td>Savings annuity reserve fund</td>
<td>13</td>
<td>132</td>
</tr>
<tr>
<td>Savings annuity savings fund</td>
<td>13</td>
<td>132</td>
</tr>
<tr>
<td>Service annuity accumulation fund, county contribution to</td>
<td>343</td>
<td>982</td>
</tr>
<tr>
<td>Service annuity reserve fund</td>
<td>13</td>
<td>132</td>
</tr>
<tr>
<td>Funds, management and investment of</td>
<td>13</td>
<td>131</td>
</tr>
<tr>
<td>Amended</td>
<td>266</td>
<td>678</td>
</tr>
<tr>
<td>Gifts, authority to accept</td>
<td>13</td>
<td>141</td>
</tr>
<tr>
<td>Government of:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Board of trustees established</td>
<td>13</td>
<td>121</td>
</tr>
<tr>
<td>Director, appointment by board of trustees</td>
<td>13</td>
<td>123</td>
</tr>
<tr>
<td>Expenses of board members</td>
<td>13</td>
<td>122</td>
</tr>
<tr>
<td>Oath of office required</td>
<td>13</td>
<td>122</td>
</tr>
<tr>
<td>Organization of board of trustees</td>
<td>13</td>
<td>122</td>
</tr>
<tr>
<td>Trustees enumerated</td>
<td>13</td>
<td>121</td>
</tr>
<tr>
<td>Vacancies on board</td>
<td>13</td>
<td>122</td>
</tr>
<tr>
<td>Guaranteed payment of benefits of:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual appropriation, limitations</td>
<td>13</td>
<td>140</td>
</tr>
<tr>
<td>Method of computation of general fund contributions</td>
<td>13</td>
<td>140</td>
</tr>
<tr>
<td>Public school endowment fund, obligated to</td>
<td>13</td>
<td>140</td>
</tr>
<tr>
<td>State's obligation</td>
<td>13</td>
<td>140</td>
</tr>
<tr>
<td>Uniformity of procedure required</td>
<td>13</td>
<td>141</td>
</tr>
<tr>
<td>Various funds obligated to</td>
<td>13</td>
<td>140</td>
</tr>
<tr>
<td>Information to be furnished to board of trustees</td>
<td>13</td>
<td>139</td>
</tr>
<tr>
<td>Interest and claims against</td>
<td>13</td>
<td>131</td>
</tr>
<tr>
<td>Legal advisor</td>
<td></td>
<td>123</td>
</tr>
<tr>
<td>Membership:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annuitants, teaching limited</td>
<td>13</td>
<td>129</td>
</tr>
<tr>
<td>Death benefits</td>
<td>13</td>
<td>130</td>
</tr>
<tr>
<td>Amended</td>
<td>89</td>
<td>286</td>
</tr>
<tr>
<td>Disability retirement benefits</td>
<td>13</td>
<td>126</td>
</tr>
<tr>
<td>Eligibility</td>
<td>13</td>
<td>123</td>
</tr>
<tr>
<td>Contribution, when returnable</td>
<td>13</td>
<td>130</td>
</tr>
<tr>
<td>Creditable service defined</td>
<td>13</td>
<td>124</td>
</tr>
<tr>
<td>Membership redefined</td>
<td></td>
<td>149</td>
</tr>
<tr>
<td></td>
<td></td>
<td>449</td>
</tr>
</tbody>
</table>
SCHOOL RECODIFICATION ACT:

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>New member, admission of</td>
<td>149 450</td>
</tr>
<tr>
<td>Optional service allowances</td>
<td>13 128</td>
</tr>
<tr>
<td>Reexamination of disabled teachers</td>
<td>13 127</td>
</tr>
<tr>
<td>Retired teachers may enter service</td>
<td>13 129</td>
</tr>
<tr>
<td>Service retirement benefits</td>
<td>13 125</td>
</tr>
<tr>
<td>Succession of</td>
<td>13 123</td>
</tr>
<tr>
<td>Withdrawal from membership</td>
<td>149 450</td>
</tr>
<tr>
<td>Name, status and supervision</td>
<td>13 121</td>
</tr>
<tr>
<td>Payments under, exempt from taxation</td>
<td>13 142</td>
</tr>
</tbody>
</table>

Savings annuity reserve fund:

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Established</td>
<td>13 134</td>
</tr>
<tr>
<td>Purpose</td>
<td>13 134</td>
</tr>
<tr>
<td>Transfers on restoration to membership</td>
<td>13 134</td>
</tr>
</tbody>
</table>

Savings annuity savings fund:

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actuary provisions</td>
<td>13 133</td>
</tr>
<tr>
<td>Deductions</td>
<td>13 133</td>
</tr>
<tr>
<td>Established</td>
<td>13 132</td>
</tr>
<tr>
<td>Purpose</td>
<td>13 133</td>
</tr>
<tr>
<td>Redeposits</td>
<td>13 134</td>
</tr>
</tbody>
</table>

Service annuity accumulation fund:

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Computation of compensation of members</td>
<td>13 136</td>
</tr>
<tr>
<td>Contribution of counties, amount and</td>
<td>13 138</td>
</tr>
<tr>
<td>determination</td>
<td>13 135</td>
</tr>
<tr>
<td>Established</td>
<td>13 135</td>
</tr>
<tr>
<td>General provisions</td>
<td>13 136</td>
</tr>
<tr>
<td>Payments to and from</td>
<td>13 135</td>
</tr>
<tr>
<td>Retirement of member, effect of</td>
<td>13 136</td>
</tr>
<tr>
<td>State contribution, amount and determination</td>
<td>13 128</td>
</tr>
<tr>
<td>Transfers to and from authorized</td>
<td>13 137</td>
</tr>
</tbody>
</table>

Service annuity reserve fund:

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Established</td>
<td>13 137</td>
</tr>
<tr>
<td>General provisions</td>
<td>13 137</td>
</tr>
<tr>
<td>Purpose</td>
<td>13 137</td>
</tr>
<tr>
<td>State Auditor, duties of</td>
<td>13 139</td>
</tr>
<tr>
<td>State Treasurer, duties of</td>
<td>13 139</td>
</tr>
</tbody>
</table>

Thirty-mill levy, election required          422 1098

Transfer of pupils from home districts:

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for:</td>
<td>13 68</td>
</tr>
<tr>
<td>Application required</td>
<td>13 68</td>
</tr>
<tr>
<td>Contents of application</td>
<td>13 68</td>
</tr>
<tr>
<td>Exceptions</td>
<td>13 68</td>
</tr>
<tr>
<td>Hearing required</td>
<td>13 68</td>
</tr>
<tr>
<td>Notice of hearing</td>
<td>13 68</td>
</tr>
</tbody>
</table>

District to receive pupils:

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receiving district, duties of</td>
<td>13 69</td>
</tr>
<tr>
<td>Receiving district, hardship cases</td>
<td>13 69</td>
</tr>
</tbody>
</table>
SCHOOL RECODIFICATION ACT:

**Initiative for transfer:**
- Agreement to be filed with State Board of Education ..................................................... 13 69
- Attendance in neighboring district ................................................................. 13 69
- Attendance in neighboring state ................................................................. 13 69
- Contents of agreement with neighboring state ...................................................... 13 69
- Payment required ............................................................................................... 13 70
- Receiving district, not required to accept certain pupils ........................................ 13 69
- Suits for recovery of tuition ............................................................................. 13 70

**Tuition:**
- Computation of ................................................................. 13 70
- Rate determined by State Board of Education .................................................... 13 70
- Rendition of bills for ................................................................. 13 70

**Transportation of pupils:**
- Board and lodging in lieu of transportation ......................................................... 13 73
- Bus routes, establishment of ............................................................................. 13 72
- Chauffeurs of school buses and other school passenger equipment:
  - Contracts with ................................................................. 13 76
  - Definition ......................................................................................... 13 75
  - Duties ............................................................................................... 13 76
  - Maintenance of route books and records ......................................................... 13 76
  - Qualifications ..................................................................................... 13 76
  - Revocation of bus driver's permit .................................................................... 13 76
- Contracts for transportation service:
  - Bids required ......................................................................................... 13 76
  - Powers and duties of State Board of Education ........................................... 13 77
  - Writing, required to be in ........................................................................... 13 76
  - Contracts with private carriers ...................................................................... 13 72
  - Declaration of public policy .......................................................................... 13 72
  - Denial of transportation authorized .............................................................. 13 71
  - Duties of trustees ....................................................................................... 13 71
  - Exception to establishment of route ............................................................ 13 73
  - Minimum distance and exceptions ............................................................... 13 72
  - Non-transportation zones defined .................................................................. 13 72
  - Payment in lieu of transportation .................................................................. 13 73
  - Primary requirement of ................................................................................... 13 71
- School buses:
  - Definition ................................................................................................. 13 73
  - Inspection and standards ............................................................................... 13 73
  - Insurance requirements .................................................................................. 13 73
  - Operation of, regulations ............................................................................... 13 73
  - Other passenger equipment defined ................................................................ 13 73
  - Seller's warranty ............................................................................................ 13 73
**SCHOOL RECODIFICATION ACT:**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation service:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contracts for</td>
<td>13</td>
<td>76</td>
</tr>
<tr>
<td>Trustee zones:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boundaries, determination of</td>
<td>13</td>
<td>45</td>
</tr>
<tr>
<td>Election for redefinition and change</td>
<td>13</td>
<td>46</td>
</tr>
<tr>
<td>Elementary districts</td>
<td>13</td>
<td>45</td>
</tr>
<tr>
<td>Notice of redefinition and change</td>
<td>13</td>
<td>46</td>
</tr>
<tr>
<td>Other districts (except elementary)</td>
<td>13</td>
<td>45</td>
</tr>
<tr>
<td>Petitions for redefinitions and changes</td>
<td>13</td>
<td>46</td>
</tr>
</tbody>
</table>

**SCHOOL TEACHERS:**

See **SCHOOL RECODIFICATION ACT**

**SCHOOLS IN GENERAL**

See **SCHOOL DISTRICT FINANCING**

See **SCHOOL DISTRICTS**

See **SCHOOL RECODIFICATION ACT**

**Appropriation:**

<table>
<thead>
<tr>
<th>Institution</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho State University, State Board of Education as Board of Trustees</td>
<td>399</td>
<td>1077</td>
</tr>
<tr>
<td>Nampa State School</td>
<td>398</td>
<td>1076</td>
</tr>
<tr>
<td>Public school income fund</td>
<td>429</td>
<td>1108</td>
</tr>
</tbody>
</table>

**Building appropriations:**

<table>
<thead>
<tr>
<th>Institution</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deaf and Blind School, Gooding</td>
<td>228</td>
<td>649</td>
</tr>
<tr>
<td>Idaho State College, Pocatello</td>
<td>228</td>
<td>639</td>
</tr>
<tr>
<td>Industrial Training School, St. Anthony</td>
<td>228</td>
<td>639</td>
</tr>
<tr>
<td>Lewis-Clark Normal School</td>
<td>228</td>
<td>639</td>
</tr>
<tr>
<td>Nampa State School</td>
<td>228</td>
<td>637</td>
</tr>
<tr>
<td>University of Idaho</td>
<td>228</td>
<td>639</td>
</tr>
<tr>
<td>School age defined</td>
<td>13</td>
<td>33</td>
</tr>
</tbody>
</table>

**Vocational education:**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits of Smith-Hughes Act and amendments, acceptance of</td>
<td>150</td>
<td>451</td>
</tr>
<tr>
<td>Cooperation with federal agencies</td>
<td>150</td>
<td>451</td>
</tr>
<tr>
<td>Duties with reference to</td>
<td>150</td>
<td>452</td>
</tr>
<tr>
<td>State Superintendent of Public Instruction, executive officer of State Board for Vocational Education</td>
<td>150</td>
<td>451</td>
</tr>
</tbody>
</table>

**SECRETARY OF DEFENSE:**

Urged to expand Mountain Home Air Force Base S.J.M. 13 1169

**SECRETARY OF STATE:**

**Appropriations:**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>391</td>
<td>1070</td>
</tr>
<tr>
<td>Advertising Constitutional Amendments</td>
<td>388</td>
<td>1067</td>
</tr>
<tr>
<td>IDAHO SESSION LAWS</td>
<td>1297</td>
<td></td>
</tr>
<tr>
<td>--------------------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td><strong>SECRETARY OF STATE:</strong></td>
<td>Chapter Page</td>
<td></td>
</tr>
<tr>
<td>Advertising Constitutional Amendments and printing of Idaho Session Laws</td>
<td>326 941</td>
<td></td>
</tr>
<tr>
<td>Presidential Electors' expenses</td>
<td>198 589</td>
<td></td>
</tr>
<tr>
<td>Certified printed Journal to be filed with Secretary of State</td>
<td>S.C.R. 5 1115</td>
<td></td>
</tr>
<tr>
<td><strong>SENATE JOURNALS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Certified printed Journal to be filed with Secretary of State</td>
<td>S.C.R. 5 1115</td>
<td></td>
</tr>
<tr>
<td><strong>SESSION LAWS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation for printing and proof reading</td>
<td>326 941</td>
<td></td>
</tr>
<tr>
<td><strong>SHEEP COMMISSION:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>374 1056</td>
<td></td>
</tr>
<tr>
<td><strong>SHERIFFS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elected every four years</td>
<td>S.J.R. 6 1141</td>
<td></td>
</tr>
<tr>
<td>Employment Security Law, enforcement of liens for employer's contributions</td>
<td>316 869</td>
<td></td>
</tr>
<tr>
<td>Salary</td>
<td>304 795</td>
<td></td>
</tr>
<tr>
<td><strong>SLANDER:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See RADIO AND TELEVISION BROADCASTING STATIONS</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SLUM CLEARANCE ACT:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Declaration of policy</td>
<td>50 202</td>
<td></td>
</tr>
<tr>
<td>Department of Commerce and Development:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Authorized to petition for and receive federal grants</td>
<td>50 202</td>
<td></td>
</tr>
<tr>
<td>State Planning Agency designated</td>
<td>50 202</td>
<td></td>
</tr>
<tr>
<td>Funds expendable for</td>
<td>50 202</td>
<td></td>
</tr>
<tr>
<td>Municipal corporations may participate</td>
<td>50 202</td>
<td></td>
</tr>
<tr>
<td><strong>SMALL BUSINESS INVESTMENT ACT OF 1958</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See INDUSTRIAL DEVELOPMENT CORPORATIONS</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SOCIAL SECURITY:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Congress urged to resist further expansion of social security into occupational disability field</td>
<td>S.J.M. 2 1153</td>
<td></td>
</tr>
<tr>
<td><strong>SOCIAL SECURITY CONTRIBUTIONS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Teachers and other school district employees</td>
<td>342 980</td>
<td></td>
</tr>
<tr>
<td><strong>SOIL CONSERVATION COMMISSION:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>191 583</td>
<td></td>
</tr>
<tr>
<td><strong>SOLDIERS' HOME:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>255 666</td>
<td></td>
</tr>
<tr>
<td>Name changed to Idaho Veterans' Home</td>
<td>118 346</td>
<td></td>
</tr>
</tbody>
</table>
### SOUTHERN BRANCH OF THE UNIVERSITY

**OF IDAHO**

Now Idaho State University .................................................. 12 23

### SPEAKER OF THE HOUSE:

Addition duties ...................................................................... 307 812

### SPECIAL FUNDS:

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Appropriation Details</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aeronautics Fund</td>
<td>Appropriation for Bureau of Public Accounts</td>
<td>251</td>
<td>662</td>
</tr>
<tr>
<td>Aeronautics Fund</td>
<td>Appropriation to Director of Aeronautics</td>
<td>372</td>
<td>1054</td>
</tr>
<tr>
<td>Agriculture Inspection Fund</td>
<td>Appropriation to Commissioner of Agriculture</td>
<td>366</td>
<td>1049</td>
</tr>
<tr>
<td>Athletic Commission Fund</td>
<td>Appropriation for Bureau of Public Accounts</td>
<td>251</td>
<td>662</td>
</tr>
<tr>
<td>Athletic Fund</td>
<td>Appropriation to Athletic Commission</td>
<td>373</td>
<td>1055</td>
</tr>
<tr>
<td>Bar Commission Fund</td>
<td>Appropriation</td>
<td>208</td>
<td>597</td>
</tr>
<tr>
<td>Bar Commission Fund</td>
<td>Appropriation for Bureau of Public Accounts</td>
<td>251</td>
<td>662</td>
</tr>
<tr>
<td>Bean Marketing and Production Promotion Fund</td>
<td>Appropriation to Bean Commission</td>
<td>205</td>
<td>594</td>
</tr>
<tr>
<td>Bee Inspection Fund</td>
<td>Appropriation</td>
<td>221</td>
<td>630</td>
</tr>
<tr>
<td>Board of Medicine Fund</td>
<td>Appropriation for Bureau of Public Accounts</td>
<td>251</td>
<td>662</td>
</tr>
<tr>
<td>Board of Medicine Fund</td>
<td>Appropriation to State Board of Medicine</td>
<td>369</td>
<td>1051</td>
</tr>
<tr>
<td>Brand Inspection Fund</td>
<td>Appropriation for Bureau of Public Accounts</td>
<td>251</td>
<td>662</td>
</tr>
<tr>
<td>Brand Inspection Fund</td>
<td>Appropriation to Brand Inspector</td>
<td>222</td>
<td>631</td>
</tr>
<tr>
<td>Commercial Feed and Fertilizer Fund</td>
<td>Appropriation for building construction, etc.</td>
<td>228</td>
<td>637</td>
</tr>
<tr>
<td>Commercial Feed and Fertilizer Fund</td>
<td>Appropriation to Commissioner of Agriculture</td>
<td>384</td>
<td>1064</td>
</tr>
<tr>
<td>Dairy Industry and Inspection Fund</td>
<td>Appropriation to Commissioner of Agriculture</td>
<td>368</td>
<td>1051</td>
</tr>
<tr>
<td>Development and Publicity Fund</td>
<td>Appropriation</td>
<td>243</td>
<td>655</td>
</tr>
<tr>
<td>Driver Training Fund</td>
<td>Appropriation to Commissioner of Law Enforcement</td>
<td>381</td>
<td>1061</td>
</tr>
<tr>
<td>Economic Poison Fund</td>
<td>Appropriation for objects of Economic Poison Law</td>
<td>226</td>
<td>635</td>
</tr>
<tr>
<td>Electrical Board Account</td>
<td>Appropriation to Electrical Board</td>
<td>367</td>
<td>1050</td>
</tr>
<tr>
<td>Electrical Board Accounts Fund</td>
<td>Appropriation for Bureau of Public Accounts</td>
<td>251</td>
<td>662</td>
</tr>
</tbody>
</table>
SPECIAL FUNDS:

Employment Security Agency Fund appropriation:
- Bureau of Public Accounts ........................................ 251  662
- Construction of office building ................................ 298  787
- Real estate, acquisition of ....................................... 298  787

Federal Matching Funds appropriation for building construction, etc. ................................................................. 228  637

Fish and Game Fund appropriation for Bureau of Public Accounts ................................................................. 251  662

Fish and Game Fund appropriation to Fish and Game Commission ................................................................. 375  1056

Fresh Fruit and Vegetable Inspection Fund appropriation ................................................................. 250  660

Ground Water Administration Fund appropriation to State Reclamation Engineer ...................................... 364  1047

Highway Fund appropriation for Bureau of Public Accounts ................................................................. 251  662

Highway Fund appropriation to Commissioner of Law Enforcement for salaries and wages, etc. .............. 248  659

Highway Fund appropriation to Governor ................................................................. 383  1063

Highway Fund appropriation to Legislative Council for Western Interstate Committee on Highway Policy Problems ................................................................. 379  1060

Highway Fund appropriation to State Board of Highway Directors ................................................................. 378  1059

Honey Advertising Fund appropriation to Honey Advertising Commission ......................................................... 201  591

Hop Growers Commission Fund appropriation to Hop Growers Commission ......................................................... 371  1053

Industrial Accident Fund appropriation for Bureau of Public Accounts ................................................................. 251  662

Industrial Administration Fund appropriation to Industrial Accident Board ................................................................. 252  663

Lava Hot Springs Foundation Fund appropriation for Bureau of Public Accounts ................................................................. 251  662

Lava Hot Springs Foundation Fund appropriation to Lava Hot Springs Foundation ......................................................... 382  1062

Liquor Control Act Fund appropriation for Bureau of Public Accounts ................................................................. 251  662

Liquor Law Enforcement Fund appropriation to Commissioner of Law Enforcement ......................................................... 224  633

Livestock Disease Control Fund appropriation to Commissioner of Agriculture ......................................................... 206  596

Meat Inspection Fund appropriation to Commissioner of Agriculture ................................................................. 197  588
SPECIAL FUNDS:

| Moneys received by State of Idaho through United States office of Education for Civil Defense Adult Education appropriation to State Board of Education | 317 872 |
| Motor Vehicle Fund appropriation for Bureau of Public Accounts | 251 662 |
| Motor Vehicle Fund appropriation to Commissioner of Law Enforcement for salaries and wages, etc. | 248 659 |
| Nurse Registration and Nursing Education Fund appropriation to Commissioner of Law Enforcement | 227 636 |
| | 232 645 |
| Nurses Registration and Nursing Education Fund appropriation for Bureau of Public Accounts | 251 662 |
| Occupational License Fund appropriation for Bureau of Public Accounts | 251 662 |
| Occupational License Fund appropriation to Commissioner of Law Enforcement | 249 660 |
| Outfitter's and Guide's License Fund appropriation | 244 655 |
| Permanent Building Fund appropriation | 228 637 |
| Permanent Building Fund appropriation to Idaho State Penitentiary | 353 1016 |
| Pharmacy Fund appropriation for Bureau of Public Accounts | 251 662 |
| Pharmacy Fund appropriation to Pharmacy Board | 297 786 |
| Plumbing Board Fund appropriation for Bureau of Public Accounts | 251 662 |
| Plumbing Board Fund appropriation to Plumbing Board | 365 1048 |
| Potato and Onion Fund appropriation for building construction, etc. | 228 637 |
| Potato and Onion Fund appropriation for Bureau of Public Accounts | 251 662 |
| Potato and Onion Fund appropriation to Idaho Potato and Onion Commission | 377 1058 |
| Professional Engineers' Fund appropriation for Bureau of Public Accounts | 251 662 |
| Professional Engineers' Fund appropriation to Professional Engineers' Board | 380 1060 |
| Prune Advertising Development Fund appropriation to Prune Advertising Commission | 392 1071 |
| Public Livestock Market Fund appropriation to Public Livestock Market Board | 370 1052 |
| Public Works Contractors License Fund appropriation to Public Works Contractors State License Board | 207 596 |
SPECIAL FUNDS:

<table>
<thead>
<tr>
<th>Fund Description</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Works Contractors' State License Fund appropriation for Bureau of Public Accounts</td>
<td>251</td>
<td>662</td>
</tr>
<tr>
<td>Real Estate Brokers' Board Fund appropriation for Bureau of Public Accounts</td>
<td>251</td>
<td>662</td>
</tr>
<tr>
<td>Real Estate Brokers Fund appropriation</td>
<td>230</td>
<td>643</td>
</tr>
<tr>
<td>Sheep Commission Fund appropriation to Sheep Commission</td>
<td>374</td>
<td>1056</td>
</tr>
<tr>
<td>Special Agricultural Funds appropriation for Bureau of Public Accounts</td>
<td>251</td>
<td>662</td>
</tr>
<tr>
<td>State Insurance Fund appropriation</td>
<td>236</td>
<td>649</td>
</tr>
<tr>
<td>State Insurance Fund appropriation for Bureau of Public Accounts</td>
<td>251</td>
<td>662</td>
</tr>
<tr>
<td>State Liquor Fund appropriation</td>
<td>240</td>
<td>652</td>
</tr>
<tr>
<td>Surplus Property Fund appropriation for Bureau of Public Accounts</td>
<td>251</td>
<td>662</td>
</tr>
<tr>
<td>Tacy, Pauline J., appropriation from State Highway Fund</td>
<td>199</td>
<td>589</td>
</tr>
<tr>
<td>Waterways Improvement Fund, continuance of appropriation</td>
<td>376</td>
<td>1057</td>
</tr>
<tr>
<td>Wheat Commission Fund appropriation for Bureau of Public Accounts</td>
<td>251</td>
<td>662</td>
</tr>
<tr>
<td>Wheat Commission Fund appropriation to Wheat Commission</td>
<td>54</td>
<td>219</td>
</tr>
</tbody>
</table>

SPECIAL HUNTS:

See FISH AND GAME COMMISSION

SPECIAL RESEARCH

University of Idaho, appropriation                      | 424     | 1103 |

STATE AUDITOR:

Appropriation                                           | 409     | 1085 |
Teachers’ Retirement Fund, duties                      | 13      | 139  |

STATE BANKS:

See BANKS AND BANKING

STATE BOARD FOR VOCATIONAL EDUCATION:

Appropriations:
- Administration                                         | 394     | 1072 |
- Vocational Rehabilitation                               | 419     | 1094 |

STATE BOARD OF ACCOUNTANCY:

See CERTIFIED PUBLIC ACCOUNTANTS ACT

STATE BOARD OF CORRECTION:

Appropriations:
- Penitentiary administration                            | 418     | 1093 |
### STATE BOARD OF CORRECTION:
- Probation and parole .............................................. 257 667
- Education of inmates .............................................. 13 33
- Transfer of prisoners to federal penal institutions ... 107 330

### STATE BOARD OF EDUCATION:
See SCHOOL RECODIFICATION ACT

#### Appropriations:
- Civil Defense Adult Education ................................ 317 872
- Deaf and Blind School ........................................... 233 646
- Idaho State University ......................................... 399 1077
- Industrial Training School ................................... 289 756
- Lewis-Clark Normal School .................................. 229 642
- Deaf and Blind School, trustees ............................ 102 321
- Failure of trustees to publish annual statement, duties of ........................................... 211 604
- Idaho State University, trustees of ....................... 12 24
- Mentally handicapped child, determination of eligibility criteria for ...................................... 219 628

### STATE BOARD OF EXAMINERS:
- Highways of State, approval of work policies required by ....................................................... 41 190

### STATE BOARD OF HEALTH:

#### Appropriations:
- Air Pollution Control Commission .......................... 407 1083
- Department of Public Health ................................ 230 644
- Nampa State School ............................................. 398 1076
- State Hospital North ........................................... 410 1086
- State Hospital South .......................................... 400 1077
- Tuberculosis Hospital .......................................... 402 1079
- Vending machines, food and beverages, rules and regulations concerning ................................... 178 526

### STATE BOARD OF HIGHWAY DIRECTORS:
- Appropriation ..................................................... 378 1059

### STATE BOARD OF LAND COMMISSIONERS:

#### Appropriations:
- Capitol maintenance .......................................... 239 651
- Central Postal System ........................................ 403 1080
- Heyburn State Park ............................................ 414 1090
- Lands Administration ......................................... 237 650
- Noxious Weed Eradication, Range Improvements and Re-Seeding Programs .............................. 405 1082
- Parks Administration ......................................... 234 647
<table>
<thead>
<tr>
<th>Agency/Project</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATE BOARD OF LAND COMMISSIONERS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bear Lake County Recreational Area:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration of area</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Authorization to accept Utah Power and Light Company agreement</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Description of property</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Exchange of State's lands</td>
<td></td>
<td>147</td>
</tr>
<tr>
<td>Mary Minerva McCrosky State Park:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional lands, acceptance authorized</td>
<td></td>
<td>203</td>
</tr>
<tr>
<td>Additional lands, described</td>
<td></td>
<td>203</td>
</tr>
<tr>
<td>Administration of additional lands</td>
<td></td>
<td>203</td>
</tr>
<tr>
<td>Timber, installment sales, crediting of payments</td>
<td></td>
<td>43</td>
</tr>
<tr>
<td>STATE BOARD OF MEDICINE:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>See PHYSICAL THERAPY ACT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>STATE BUDGET:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director of Budget to be assisted in preparation of budget by Legislative Council</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>STATE DEPARTMENT OF LAW ENFORCEMENT:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>See DEPARTMENT OF LAW ENFORCEMENT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>STATE FORESTER:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>See IDAHO YOUTH CONSERVATION PROJECT:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td></td>
<td>242</td>
</tr>
<tr>
<td>Blister Rust Control, Land Acquisition and Pest Control</td>
<td></td>
<td>247</td>
</tr>
<tr>
<td>Delinquent fire assessments</td>
<td></td>
<td>397</td>
</tr>
<tr>
<td>Idaho Youth Conservation Project</td>
<td></td>
<td>287</td>
</tr>
<tr>
<td>Mountain Pine Beetle Control</td>
<td></td>
<td>426</td>
</tr>
<tr>
<td>Duty to protect range lands</td>
<td></td>
<td>356</td>
</tr>
<tr>
<td>STATE GOVERNMENT AGENCIES:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Early presentation of proposed legislation requested</td>
<td></td>
<td></td>
</tr>
<tr>
<td>H.C.R. 12</td>
<td></td>
<td>1134</td>
</tr>
<tr>
<td>STATE HISTORICAL SOCIETY:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td></td>
<td>412</td>
</tr>
<tr>
<td>Archaeology permits issued by</td>
<td></td>
<td>181</td>
</tr>
<tr>
<td>STATE HOSPITAL NORTH:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building construction</td>
<td></td>
<td>228</td>
</tr>
<tr>
<td>State Board of Health for administration</td>
<td></td>
<td>410</td>
</tr>
<tr>
<td>Practical nurses, training required</td>
<td></td>
<td>77</td>
</tr>
</tbody>
</table>
## STATE HOSPITAL SOUTH:

<table>
<thead>
<tr>
<th>Appropriations</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building construction</td>
<td>228</td>
<td>637</td>
</tr>
<tr>
<td>State Board of Health for administration</td>
<td>400</td>
<td>1077</td>
</tr>
<tr>
<td>Practical nurses, training required</td>
<td>77</td>
<td>272</td>
</tr>
</tbody>
</table>

## STATE INSPECTOR OF MINES:

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>258</td>
<td>668</td>
</tr>
</tbody>
</table>

## STATE INSURANCE FUND:

<table>
<thead>
<tr>
<th>Appropriations</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bureau of Public Accounts</td>
<td>251</td>
<td>662</td>
</tr>
<tr>
<td>Manager</td>
<td>236</td>
<td>649</td>
</tr>
</tbody>
</table>

## STATE INSTITUTIONS:

See STATE HOSPITAL NORTH
See STATE HOSPITAL SOUTH
See STATE SCHOOL AND COLONY

## STATE LIBRARY BOARD:

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>259</td>
<td>669</td>
</tr>
</tbody>
</table>

## STATE LIQUOR DISPENSARY:

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>240</td>
<td>652</td>
</tr>
</tbody>
</table>

## STATE OFFICERS:

<table>
<thead>
<tr>
<th>Salaries</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appointed officers</td>
<td>279</td>
<td>714</td>
</tr>
<tr>
<td>Industrial Accident Board member</td>
<td>279</td>
<td>714</td>
</tr>
<tr>
<td>Public Utilities Commissioners</td>
<td>279</td>
<td>714</td>
</tr>
<tr>
<td>Time of payment of salaries</td>
<td>133</td>
<td>385</td>
</tr>
</tbody>
</table>

## STATE PARKS:

Bear Lake County Recreational Area:

<table>
<thead>
<tr>
<th>Acceptance of agreement with Utah Power and Light Company</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2</td>
<td>5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Administration as state park</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2</td>
<td>5</td>
</tr>
</tbody>
</table>

## STATE PLANNING AGENCY:

See SLUM CLEARANCE ACT

## STATE PURCHASING AGENT:

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>416</td>
<td>1091</td>
</tr>
</tbody>
</table>

## STATE RECLAMATION ENGINEER:

<table>
<thead>
<tr>
<th>Appropriation for ground water administration</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>364</td>
<td>1047</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Appropriation of ground water</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duties</td>
<td>216</td>
<td>626</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Penalty for violation of decision</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>216</td>
<td>626</td>
</tr>
</tbody>
</table>
# IDAHO SESSION LAWS

## STATE RECLAMATION ENGINEER:
- Feasibility proposals concerning reclamation:
  - Duty to hold hearings .......................................................... 166 485
  - Notice and conduct of hearings ........................................ 166 485
  - Opinions in writing .............................................................. 166 485

## STATE SCHOOL AND COLONY:
- Practical nurses, training required ........................................ 77 272

## STATE SOCIAL SECURITY TRUST FUND:
- Appropriation for Old Age and Survivors’ Insurance Program ................................................................. 401 1078

## STATE SUPERINTENDENT OF PUBLIC INSTRUCTION:
- Agent for service of process in certain cases ...................... 13 143
- Appropriation .......................................................................... 241 653
- State Board of Education, ex-officio member of .................. 13 28

## STATE TAX COLLECTOR:
- Appropriation .......................................................................... 238 650

## STATE TAX COMMISSION:
- Appropriation .......................................................................... 194 585
- Assessment ratios, determination of ..................................... 13 102
  - Property exempt from taxation:
    - Air pollution control facilities .......................................... 213 617
    - Water pollution control facilities .................................... 213 617
  - School finances, determination of assessment ratios .......... 13 102

## STATE TREASURER:
- Appropriation .......................................................................... 200 590
- Motor vehicle license money, remittance to ......................... 171 496
- Teachers’ Retirement funds, duties ....................................... 13 139
- Treasurer of Board of Trustees of State Deaf and Blind School .......................................................... 102 321

## STATE YOUTH TRAINING CENTER:
- Board of Trustees:
  - Organizations, meetings and procedures .......................... 168 487
  - Powers .................................................................................... 168 487
  - State Board of Education as .............................................. 168 487
  - Title to property in .............................................................. 168 487
  - Treasurer of ................................................................. 168 487
  - Body politic .............................................................................. 168 487
  - Change of name .................................................................... 168 487
  - Establishment confirmed and ratified ............................... 168 486
  - Religious services required ............................................... 168 487
  - Sectarian tests prohibited ................................................... 168 487
<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATE YOUTH TRAINING CENTER:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Superintendent:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employed by Board of Trustees</td>
<td>168</td>
<td>488</td>
</tr>
<tr>
<td>Reports required by</td>
<td>168</td>
<td>488</td>
</tr>
<tr>
<td>STUMPAGE DISTRICTS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Survey of:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fee to be agreed upon</td>
<td>68</td>
<td>260</td>
</tr>
<tr>
<td>To be made by registered surveyor or engineer</td>
<td>68</td>
<td>260</td>
</tr>
<tr>
<td>SUCCESSION:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adopted children, inheriting</td>
<td>63</td>
<td>246</td>
</tr>
<tr>
<td>SUMMONS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Superintendent of Public Instruction:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fees</td>
<td>13</td>
<td>144</td>
</tr>
<tr>
<td>Service upon, when authorized</td>
<td>13</td>
<td>143</td>
</tr>
<tr>
<td>Time to plead</td>
<td>13</td>
<td>143</td>
</tr>
<tr>
<td>SUPERINTENDENT OF STATE LIQUOR DISPENSARY:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Refunds from permanent building fund</td>
<td>97</td>
<td>315</td>
</tr>
<tr>
<td>SUPREME COURT:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>393</td>
<td>1071</td>
</tr>
<tr>
<td>Commission on Uniform Laws</td>
<td>327</td>
<td>942</td>
</tr>
<tr>
<td>District Court</td>
<td>389</td>
<td>1068</td>
</tr>
<tr>
<td>Law Library</td>
<td>420</td>
<td>1095</td>
</tr>
<tr>
<td>Subsistence and travel expense</td>
<td>112</td>
<td>336</td>
</tr>
<tr>
<td>SUPREME COURT JUSTICES:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salary increase</td>
<td>275</td>
<td>710</td>
</tr>
<tr>
<td>SURPLUS PROPERTY FUND:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation to Bureau of Public Accounts</td>
<td>251</td>
<td>662</td>
</tr>
<tr>
<td>SURVEYORS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>See COUNTY SURVEYORS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Board of Examining Surveyors, powers and duties abolished</td>
<td>91</td>
<td>288</td>
</tr>
<tr>
<td>County surveyor:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eliminated as an elected official</td>
<td>83</td>
<td>277</td>
</tr>
<tr>
<td>Fees repealed</td>
<td>79</td>
<td>274</td>
</tr>
<tr>
<td>Functions transferred</td>
<td>90</td>
<td>287</td>
</tr>
<tr>
<td>Examination of by Department of Law Enforcement repealed</td>
<td>78</td>
<td>273</td>
</tr>
<tr>
<td>Fees</td>
<td>90</td>
<td>287</td>
</tr>
<tr>
<td>Survey of division fence lines</td>
<td>87</td>
<td>282</td>
</tr>
</tbody>
</table>
TACY, PAULINE J.:  
Appropriation ........................................................................ 199  589

TAX COLLECTOR:  
Appropriation ........................................................................ 238  650  
Refunds from permanent building fund ................................ 97  315  
Unclaimed and abandoned property, trust fund reduced  
  to $100,000.00 ................................................................ 291  772

TAXATION:  
See IDAHO INCOME TAX ACT  
Assessment of personal property, freeport provision ...... 173  499  
Cigarette tax ........................................................................ 344  983  
Corporation tax increase ....................................................... 425  1104  
County Board of Education, levy repealed .................... 142  405  
District annexing territory, when levy authorized ........... 351  1012  
Estates and trusts tax increase ............................................. 425  1104  
Exemptions:  
Inheritance taxes, transfers to charitable uses .......... 44  193  
  Natural gas facilities for transmission of energy  
    for irrigation purposes .............................................. 360  1031  
  Natural gas pumping facilities for irrigation .............. 354  1071  
  Property used for water and air pollution control ....... 213  617  
  Teachers' Retirement System, benefits ...................... 13  142  
Highway and good road districts levy, purpose and  
  amount .............................................................................. 294  776  
Income tax increases .......................................................... 425  1104  
Library district levy ............................................................ 188  575  
Municipal corporations, thirty-mill levy for general  
  purposes ........................................................................... 285  752  
New taxing districts, when levy authorized ................. 351  1012  
Public libraries, levy increased ......................................... 121  350  
School taxes:  
  Bonded indebtedness, levy for liquidation of .......... 13  87  
  Certification to board of county commissioners ........ 13  99  
  County school emergency fund levy ......................... 13  79  
    Amended ........................................................................ 311  836  
    Amended ........................................................................ 322  926  
  County school special assistance levy ...................... 13  80  
    Amended ........................................................................ 311  837  
  District contribution to Foundation Program .......... 13  103  
    Amended ........................................................................ 322  681  
  Election required for thirty-mill levy ...................... 422  1098  
  General school tax levies authorized ...................... 13  77  
  Migratory farm worker's children, levy for .............. 13  77  
  Public school income fund, minimum levies defined .... 13  99
<table>
<thead>
<tr>
<th>TAXATION:</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>School community libraries, maximum levy for</td>
<td>13</td>
<td>81</td>
</tr>
<tr>
<td>School plant facilities reserve fund</td>
<td>13</td>
<td>78</td>
</tr>
<tr>
<td>Thirty-mill levy, election required</td>
<td>422</td>
<td>1098</td>
</tr>
<tr>
<td>Twenty-eight mill maintenance and operation levy required</td>
<td>322</td>
<td>925</td>
</tr>
<tr>
<td>Amended</td>
<td>324</td>
<td>934</td>
</tr>
<tr>
<td>State ad valorem levy</td>
<td>340</td>
<td>987</td>
</tr>
<tr>
<td>Taxing districts and bond issues:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elections to form, limitations on</td>
<td>146</td>
<td>431</td>
</tr>
<tr>
<td>Exceptions, elections authorized by State Board of Education</td>
<td>146</td>
<td>431</td>
</tr>
<tr>
<td>General school elections exempt</td>
<td>146</td>
<td>431</td>
</tr>
<tr>
<td>Thirty-mill school levy, election required</td>
<td>442</td>
<td>1098</td>
</tr>
<tr>
<td>Twenty-mill cemetery maintenance district levy</td>
<td>341</td>
<td>979</td>
</tr>
<tr>
<td>Withholding tax, increase in percentage</td>
<td>352</td>
<td>1014</td>
</tr>
<tr>
<td>TEACHERS' RETIREMENT SYSTEM OF IDAHO:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>See SCHOOL RECODIFICATION ACT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>193</td>
<td>584</td>
</tr>
<tr>
<td>TELEPHONE AND TELEGRAPH SERVICE:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Obtaining use of by fraud, penalty</td>
<td>189</td>
<td>579</td>
</tr>
<tr>
<td>TELEPHONE, TELEGRAPH AND ELECTRIC LINES:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Criminal offenses:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coin boxes, breaking into</td>
<td>74</td>
<td>269</td>
</tr>
<tr>
<td>Destruction of</td>
<td>74</td>
<td>269</td>
</tr>
<tr>
<td>Penalty</td>
<td>74</td>
<td>269</td>
</tr>
<tr>
<td>Removal of</td>
<td>74</td>
<td>269</td>
</tr>
<tr>
<td>TELEVISION:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>See RADIO AND TELEVISION BROADCASTING STATIONS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TERMINATION OF PARENT-CHILD RELATIONSHIP ACT:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appeals, procedure</td>
<td>145</td>
<td>430</td>
</tr>
<tr>
<td>Consent to termination</td>
<td>145</td>
<td>424</td>
</tr>
<tr>
<td>Costs, assessment of</td>
<td>145</td>
<td>429</td>
</tr>
<tr>
<td>Decree, recitals and effect</td>
<td>145</td>
<td>428</td>
</tr>
<tr>
<td>Definitions</td>
<td>145</td>
<td>421</td>
</tr>
<tr>
<td>Grounds for termination</td>
<td>145</td>
<td>423</td>
</tr>
<tr>
<td>Guardian ad litem appointment</td>
<td>145</td>
<td>426</td>
</tr>
<tr>
<td>Hearing, procedure for</td>
<td>145</td>
<td>427</td>
</tr>
<tr>
<td>Investigations</td>
<td>145</td>
<td>427</td>
</tr>
<tr>
<td>Jurisdiction</td>
<td>145</td>
<td>423</td>
</tr>
<tr>
<td>Notice of hearing</td>
<td>145</td>
<td>426</td>
</tr>
</tbody>
</table>
TERMINATION OF PARENT-CHILD RELATIONSHIP ACT:
Petition, contents of ................................................................. 145 425
Petition, who may file .............................................................. 145 423
Purpose ...................................................................................... 145 421
Records not public ................................................................. 145 429
Waiver of notice ........................................................................ 145 526

TESTING OF MILK:
See MILK AND MILK PRODUCTS

THIRTY-SEVENTH SESSION:
See LEGISLATIVE “CLEAN UP”

TIMBER:
Sale on State lands:
  Cash reserve balance .......................................................... 43 192
  Cutting permits, installment payments credited to .... 43 192
  Unpaid balance, when due .................................................. 43 192

TITLE INSURANCE POLICIES, REPORTS:
Evidence:
  Copy to adverse party ........................................................ 202 592
  When admissable as ............................................................. 202 592

TORTS:
  Liability of motor vehicle owner to guest ......................... 114 337

TOXICANTS:
  Labeling of packages required ............................................ 40 189

TRANSCRIPT OF JUDGMENT:
  Recording in another county:
    Lien created .................................................................. 209 598
    State courts ..................................................................... 209 598
    United States Courts ...................................................... 209 598

TRAPPERS:
  Trapping season set by Fish and Game Commission .......... 306 809

TRASH:
  Disposal of on unauthorized premises prohibited ............. 220 629

TRESPASS:
  Refusal to leave premises when ordered ......................... 309 817

TRUCKS:
See MOTOR VEHICLES
See MOTOR VEHICLE REGISTRATIONS
| TRUSTS: |  |
| See UNIFORM PRINCIPAL AND INCOME ACT |  |
| See UNIFORM TESTAMENTARY ADDITIONS TO TRUST ACT |  |
| Attorney General: |  |
| Duty to supervise public and charitable trusts | 161 476 |
| Decedents’ estates, Attorney General to receive copy of decree of distribution containing charitable trust | 164 482 |

| TUBERCULOSIS HOSPITAL: |  |
| Appropriation | 402 1079 |

| U |  |
| UNCLAIMED AND ABANDONED PROPERTY: |  |
| Deposit of funds from sale of abandoned property reduced to $100,000 | 291 772 |

| UNEMPLOYMENT COMPENSATION: |  |
| See EMPLOYMENT SECURITY LAW |  |

| UNEMPLOYMENT INSURANCE: |  |
| Declaring opposition to federal unemployment insurance program | H.J.M. 4 1177 |

| UNFAIR SALES ACT: |  |
| Rebates and agreements constituting unfair competition | 144 420 |

| UNFAIR TRADE PRACTICES: |  |
| Dairy and dairy products, unlawful marketing practices | 190 580 |

| UNIFORM ACT FOR VOTING BY NEW RESIDENTS IN PRESIDENTIAL ELECTIONS: |  |
| Application to vote | 268 681 |
| Challenge of new residents | 268 684 |
| Eligibility | 268 681 |
| Procedure | 268 683 |
| “State” defined | 268 684 |

| UNIFORM LAWS, COMMISSION ON: |  |
| Appropriation | 327 942 |

| UNIFORM PRINCIPAL AND INCOME ACT: |  |
| Application of Act | 187 564 |
| Bond premiums and discount | 187 562 |
| Business and farming operations | 187 563 |
| Corporate distribution | 187 561 |
| Definitions | 187 557 |
**UNIFORM PRINCIPAL AND INCOME ACT:**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disposition of natural resources</td>
<td>187 563</td>
</tr>
<tr>
<td>Income:</td>
<td></td>
</tr>
<tr>
<td>Apportionment of</td>
<td>187 559</td>
</tr>
<tr>
<td>Charges against</td>
<td>187 565</td>
</tr>
<tr>
<td>Decedents’ estate income, disposition of</td>
<td>187 560</td>
</tr>
<tr>
<td>Property subject to depletion</td>
<td>187 564</td>
</tr>
<tr>
<td>Right to</td>
<td>187 559</td>
</tr>
<tr>
<td>Principal, charges against</td>
<td>187 566</td>
</tr>
<tr>
<td>Productive property</td>
<td>187 564</td>
</tr>
<tr>
<td>Property subject to depletion</td>
<td>187 564</td>
</tr>
<tr>
<td>Severability</td>
<td>187 567</td>
</tr>
<tr>
<td>Short Title</td>
<td>187 567</td>
</tr>
<tr>
<td>Timber, disposition of proceeds from</td>
<td>187 564</td>
</tr>
<tr>
<td>Trustee, duties of</td>
<td>187 557</td>
</tr>
<tr>
<td>Uniformity of interpretation</td>
<td>187 567</td>
</tr>
</tbody>
</table>

**UNIFORM TESTAMENTARY ADDITIONS TO TRUSTS ACT:**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effect on prior wills</td>
<td>182 541</td>
</tr>
<tr>
<td>Existing trusts:</td>
<td></td>
</tr>
<tr>
<td>Additions authorized</td>
<td>182 541</td>
</tr>
<tr>
<td>Lapse of devise or bequest</td>
<td>182 541</td>
</tr>
<tr>
<td>Regulations concerning</td>
<td>182 541</td>
</tr>
<tr>
<td>Short title</td>
<td>182 541</td>
</tr>
<tr>
<td>Uniformity of interpretation</td>
<td>182 541</td>
</tr>
</tbody>
</table>

**UNITED STATES:**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exchange of lands with</td>
<td>147 432</td>
</tr>
</tbody>
</table>

**UNITED STATES COURTS:**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transcripts of Judgment:</td>
<td></td>
</tr>
<tr>
<td>Leins created</td>
<td>209 598</td>
</tr>
<tr>
<td>Recording in another county</td>
<td>209 598</td>
</tr>
</tbody>
</table>

**UNITED STATES FEDERAL GOVERNMENT INDEBTEDNESS:**

Congress of the United States urged to call a constitutional convention to propose amendment setting limit of $350 billions on federal debt ..........S.J.M. 9 1162

**UNIVERSITY OF IDAHO:**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriations:</td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>324 936</td>
</tr>
<tr>
<td>Agricultural Extension</td>
<td>396 1047</td>
</tr>
<tr>
<td>Agricultural Research</td>
<td>413 1089</td>
</tr>
<tr>
<td>Building</td>
<td>228 639</td>
</tr>
<tr>
<td>Pure seed</td>
<td>195 586</td>
</tr>
<tr>
<td>Special Research</td>
<td>424 1103</td>
</tr>
</tbody>
</table>
### UNMARRIED EXPECTANT MOTHERS:

**Education of** ............................................................................... 350 1011

### UTAH LEGISLATURE:

Conference requested concerning licensing and taxation of Idaho automobiles ..................... H.J.M. 5 1178

### UTAH POWER AND LIGHT COMPANY:

Bear Lake Recreational Area, agreement to assign to State ........................................................................ 2 5

---

#### V

### VANDALEERS:

Invited to participate in Lincoln Day Memorial program .......................................................... H.C.R. 6 1121

### VEHICLE EQUIPMENT SAFETY COMMISSION:

Advisory and technical committees, power to appoint .......................................................... 59 234
Annual report required ........................................................................................................ 59 230
Bureau of Budget:
- Commissioner to submit budget to ........................................................................ 59 236
- Inspection of accounts by .......................................................................................... 59 236
By-Laws:
- Adoption ........................................................................................................ 59 230
- Amendment ........................................................................................................... 59 230
- Publication and filing .............................................................................................. 59 230
Commissioner of Law Enforcement:
- Member of commission ...................................................................................... 59 235
- Members, alternate .................................................................................................. 59 235
- Conflicts of interest .................................................................................................. 59 233
- Construction and severability ............................................................................... 59 235
- Cooperation of state agencies ............................................................................... 59 236
- Created ..................................................................................................................... 59 228
Donations, acceptance authorized .......................................................................................... 59 230
Entry into force and withdrawal:
- Six states required ........................................................................................................ 59 234
- Withdrawal from ........................................................................................................ 59 234
Executive director:
- Appointment .............................................................................................................. 59 229
- Bond .......................................................................................................................... 59 229
- Duties .......................................................................................................................... 59 229
- Personnel, in charge of .............................................................................................. 59 229
“Executive head”, Governor ................................................................................................. 59 236
Existing statutes continue in force ..................................................................................... 59 235
Expenses of members ......................................................................................................... 59 229
Facilities, authorized to establish .......................................................................................... 59 230
<table>
<thead>
<tr>
<th>VEHICLE EQUIPMENT SAFETY COMMISSION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Filing of documents ........................</td>
</tr>
<tr>
<td>Finances:</td>
</tr>
<tr>
<td>Accounts and records required ..........</td>
</tr>
<tr>
<td>Apportionment of costs ..................</td>
</tr>
<tr>
<td>Budget .........................................</td>
</tr>
<tr>
<td>Inspection of accounts ..................</td>
</tr>
<tr>
<td>State credit not pledged ...............</td>
</tr>
<tr>
<td>Governor is &quot;executive head&quot; ...........</td>
</tr>
<tr>
<td>Legislative approval of regulations required</td>
</tr>
<tr>
<td>Meetings .......................................</td>
</tr>
<tr>
<td>Membership ....................................</td>
</tr>
<tr>
<td>Officers .......................................</td>
</tr>
<tr>
<td>Research and testing:</td>
</tr>
<tr>
<td>Conduct of ....................................</td>
</tr>
<tr>
<td>Fields in which to conduct ............</td>
</tr>
<tr>
<td>Recommendations ...........................</td>
</tr>
<tr>
<td>Retirement system, establishment authorized</td>
</tr>
<tr>
<td>Rules and regulations:</td>
</tr>
<tr>
<td>Adoption of ...................................</td>
</tr>
<tr>
<td>Force and effect ...........................</td>
</tr>
<tr>
<td>Review .........................................</td>
</tr>
<tr>
<td>Time of adoption ...........................</td>
</tr>
<tr>
<td>Variations ....................................</td>
</tr>
<tr>
<td>Seal authorized .............................</td>
</tr>
<tr>
<td>Vehicle Equipment Safety Compact:</td>
</tr>
<tr>
<td>Definitions:</td>
</tr>
<tr>
<td>Equipment ....................................</td>
</tr>
<tr>
<td>State ..........................................</td>
</tr>
<tr>
<td>Vehicle ........................................</td>
</tr>
<tr>
<td>Entered into ..................................</td>
</tr>
<tr>
<td>Findings and purpose ....................</td>
</tr>
<tr>
<td>Vehicular equipment:</td>
</tr>
<tr>
<td>Adoption of regulations concerning ....</td>
</tr>
<tr>
<td>Hearings on recommended changes .......</td>
</tr>
<tr>
<td>Study authorized ...........................</td>
</tr>
<tr>
<td>Vote of members ............................</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VENDING MACHINES, FOOD AND BEVERAGES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleaning of ..................................</td>
</tr>
<tr>
<td>Definitions ..................................</td>
</tr>
<tr>
<td>Dispensing of food ........................</td>
</tr>
<tr>
<td>Food and beverages ......................</td>
</tr>
<tr>
<td>Rules and regulations ...................</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VERTEBRATE, PALEONTOLOGICAL RESOURCES</th>
</tr>
</thead>
<tbody>
<tr>
<td>See ARCHAEOLOGY</td>
</tr>
<tr>
<td>Topic</td>
</tr>
<tr>
<td>------------------------------------------------------------</td>
</tr>
<tr>
<td>VETERANS:</td>
</tr>
<tr>
<td>See IDAHO VETERANS' HOME</td>
</tr>
<tr>
<td>VETERANS AFFAIRS COMMISSION:</td>
</tr>
<tr>
<td>Appropriation</td>
</tr>
<tr>
<td>VOCATIONAL EDUCATION:</td>
</tr>
<tr>
<td>See SCHOOLS</td>
</tr>
<tr>
<td>VOCATIONAL REHABILITATION:</td>
</tr>
<tr>
<td>Appropriation</td>
</tr>
<tr>
<td>VOCATIONAL REHABILITATION SERVICE:</td>
</tr>
<tr>
<td>Interdepartmental Committee on Children and Youth,</td>
</tr>
<tr>
<td>director, member of</td>
</tr>
<tr>
<td>VOTING MACHINES:</td>
</tr>
<tr>
<td>Additional supplies</td>
</tr>
<tr>
<td>Ballots</td>
</tr>
<tr>
<td>Count of:</td>
</tr>
<tr>
<td>Closing machine after</td>
</tr>
<tr>
<td>Method</td>
</tr>
<tr>
<td>Public announcement of</td>
</tr>
<tr>
<td>Transmittal of returns</td>
</tr>
<tr>
<td>Verification and certification</td>
</tr>
<tr>
<td>Custodians</td>
</tr>
<tr>
<td>Definition</td>
</tr>
<tr>
<td>Delivery of ballot to voter</td>
</tr>
<tr>
<td>Election Board, number where machines are used</td>
</tr>
<tr>
<td>Examination of during election</td>
</tr>
<tr>
<td>General provisions</td>
</tr>
<tr>
<td>Help in use of</td>
</tr>
<tr>
<td>Inoperative machine, voting procedure</td>
</tr>
<tr>
<td>Inspection of</td>
</tr>
<tr>
<td>Instruction in use of</td>
</tr>
<tr>
<td>Keys, receipt of</td>
</tr>
<tr>
<td>Physically disabled voter</td>
</tr>
<tr>
<td>Posting of instructions</td>
</tr>
<tr>
<td>Preparation for use</td>
</tr>
<tr>
<td>Primary and elections laws, use of machine authorized</td>
</tr>
<tr>
<td>Printed matter and supplies</td>
</tr>
<tr>
<td>Purchase of machines</td>
</tr>
<tr>
<td>Recanvass of votes:</td>
</tr>
<tr>
<td>Authorized</td>
</tr>
<tr>
<td>Notice</td>
</tr>
<tr>
<td>Recounting ballots</td>
</tr>
<tr>
<td>Test of counting mechanism</td>
</tr>
<tr>
<td>Required to be locked</td>
</tr>
<tr>
<td>Section</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>VOTING MACHINES:</td>
</tr>
<tr>
<td>Requirements of machines for approval</td>
</tr>
<tr>
<td>Sample printed matter</td>
</tr>
<tr>
<td>Specimen machines:</td>
</tr>
<tr>
<td>Diagnos of</td>
</tr>
<tr>
<td>Exhibition of</td>
</tr>
<tr>
<td>Spoiled ballots</td>
</tr>
<tr>
<td>Time allowed to voter</td>
</tr>
<tr>
<td>Use authorized</td>
</tr>
<tr>
<td>Voting machine committee, appointment, powers and duties</td>
</tr>
<tr>
<td>WAGES:</td>
</tr>
<tr>
<td>Minimum wage established</td>
</tr>
<tr>
<td>WARRANTS:</td>
</tr>
<tr>
<td>See LOCAL IMPROVEMENT DISTRICTS</td>
</tr>
<tr>
<td>WATER:</td>
</tr>
<tr>
<td>See STATE RECLAMATION ENGINEER</td>
</tr>
<tr>
<td>See WATER POLLUTION</td>
</tr>
<tr>
<td>Extension of time for completion of certain irrigation works</td>
</tr>
<tr>
<td>WATER POLLUTION:</td>
</tr>
<tr>
<td>Property used for control of, exempt from taxation</td>
</tr>
<tr>
<td>WATERCRAFT:</td>
</tr>
<tr>
<td>See WATERWAYS IMPROVEMENT FUND</td>
</tr>
<tr>
<td>Appeals from regulations:</td>
</tr>
<tr>
<td>Jurisdiction</td>
</tr>
<tr>
<td>Notice</td>
</tr>
<tr>
<td>Definitions</td>
</tr>
<tr>
<td>Fees for numbering of motor boats</td>
</tr>
<tr>
<td>Marking of water areas:</td>
</tr>
<tr>
<td>Hearings prior to installations</td>
</tr>
<tr>
<td>Uniformity of</td>
</tr>
<tr>
<td>Number of motor boats</td>
</tr>
<tr>
<td>WATERWAYS IMPROVEMENT FUND:</td>
</tr>
<tr>
<td>Appropriations, continuance of</td>
</tr>
<tr>
<td>Creation</td>
</tr>
<tr>
<td>Disbursements</td>
</tr>
<tr>
<td>Source of funds</td>
</tr>
<tr>
<td>Title</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
</tr>
<tr>
<td>WEED ERADICATION LABORATORY:</td>
</tr>
<tr>
<td>Congress urged to appropriate for erection of federal laboratory at University of Idaho</td>
</tr>
<tr>
<td>WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION:</td>
</tr>
<tr>
<td>Students, repayment of loans, exceptions</td>
</tr>
<tr>
<td>WESTERN INTERSTATE COMMITTEE ON HIGHWAY POLICY PROBLEMS:</td>
</tr>
<tr>
<td>Appropriation</td>
</tr>
<tr>
<td>WHEAT COMMISSION:</td>
</tr>
<tr>
<td>Appropriation</td>
</tr>
<tr>
<td>WHEAT COMMISSION FUND:</td>
</tr>
<tr>
<td>Appropriation to Bureau of Public Accounts</td>
</tr>
<tr>
<td>WILLS:</td>
</tr>
<tr>
<td>See UNIFORM PRINCIPAL AND INCOME ACT See UNIFORM TESTAMENTARY ADDITIONS TO TRUSTS ACT</td>
</tr>
<tr>
<td>WITHHOLDING TAX:</td>
</tr>
<tr>
<td>Increase in percentage withheld</td>
</tr>
<tr>
<td>WITNESSES:</td>
</tr>
<tr>
<td>Injuries to children:</td>
</tr>
<tr>
<td>Hospital attendants may testify</td>
</tr>
<tr>
<td>Parents may testify</td>
</tr>
<tr>
<td>Physicians may testify</td>
</tr>
<tr>
<td>Testimony of husband and wife not privileged in child injury cases</td>
</tr>
<tr>
<td>WOMEN:</td>
</tr>
<tr>
<td>Jurors, subject to same rule as men</td>
</tr>
<tr>
<td>WORKMEN'S COMPENSATION LAW:</td>
</tr>
<tr>
<td>Extraterritorial jurisdiction of Board</td>
</tr>
<tr>
<td>Idaho Youth Conservation Project, applicability of law</td>
</tr>
<tr>
<td>Injuries received out of state, credit for benefits paid by another jurisdiction</td>
</tr>
<tr>
<td>Transitory employment:</td>
</tr>
<tr>
<td>Definitions</td>
</tr>
<tr>
<td>Injuries received in</td>
</tr>
<tr>
<td>Out-of-state employer, where security is required</td>
</tr>
<tr>
<td>Reciprocity provisions</td>
</tr>
<tr>
<td>Self insurers under laws of other states</td>
</tr>
</tbody>
</table>
**WORKMEN'S COMPENSATION:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Death benefits, reduction for pre-existing infirmities</td>
<td>277</td>
<td>712</td>
</tr>
<tr>
<td>Increase in rates</td>
<td></td>
<td>46</td>
</tr>
<tr>
<td>Report of accident by employer</td>
<td>276</td>
<td>710</td>
</tr>
</tbody>
</table>

**YOUTH:**

See IDAHO YOUTH CONSERVATION PROJECT
See INTERDEPARTMENTAL COMMITTEE ON CHILDREN AND YOUTH

**YOUTH REHABILITATION:**

<table>
<thead>
<tr>
<th>Probate Court:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Files closed, subject to discretion of judge</td>
<td>69</td>
</tr>
<tr>
<td>Hearings closed, subject to discretion of judge</td>
<td>69</td>
</tr>
</tbody>
</table>

**YOUTH REHABILITATION ACT:**

<table>
<thead>
<tr>
<th>Agreements, Board's authority to make</th>
<th>319</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeals:</td>
<td></td>
</tr>
<tr>
<td>Custody pending</td>
<td>319</td>
</tr>
<tr>
<td>Right conferred</td>
<td>319</td>
</tr>
<tr>
<td>Undertaking not required</td>
<td>319</td>
</tr>
<tr>
<td>Board of Corrections, transfer of minors by</td>
<td>319</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commitment by District Court:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Felony, conviction of</td>
<td>319</td>
</tr>
<tr>
<td>Form of</td>
<td>319</td>
</tr>
<tr>
<td>Notice to Board</td>
<td>319</td>
</tr>
<tr>
<td>Contracts, Board's authority to enter into</td>
<td>319</td>
</tr>
<tr>
<td>County probation officers, appointment and duties</td>
<td>319</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Custody of child:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Detention of child</td>
<td>319</td>
</tr>
<tr>
<td>Immediate custody</td>
<td>319</td>
</tr>
<tr>
<td>Taken without court order</td>
<td>319</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Declaration of policy</th>
<th>319</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decrees:</td>
<td></td>
</tr>
<tr>
<td>Commitment to institution</td>
<td>319</td>
</tr>
<tr>
<td>Findings of fact</td>
<td>319</td>
</tr>
<tr>
<td>Medical treatment</td>
<td>319</td>
</tr>
<tr>
<td>Parents or guardians, orders to</td>
<td>319</td>
</tr>
<tr>
<td>Probation</td>
<td>319</td>
</tr>
<tr>
<td>Psychiatric treatment</td>
<td>319</td>
</tr>
<tr>
<td>Traffic offenses</td>
<td>319</td>
</tr>
<tr>
<td>Definitions</td>
<td>319</td>
</tr>
</tbody>
</table>

<p>| Detention:                                                               | 319     |
|----------------------------------------------------------------------------|
| Accommodations for                                                       | 319     |
|----------------------------------------------------------------------------|</p>
<table>
<thead>
<tr>
<th>Clause</th>
<th>Chapter Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duration without petition</td>
<td>319 885</td>
</tr>
<tr>
<td>Of committed person by Board</td>
<td>319 897</td>
</tr>
<tr>
<td>Discharge by Board, effect of</td>
<td>319 899</td>
</tr>
<tr>
<td>Disposition of committed person</td>
<td>319 896</td>
</tr>
<tr>
<td>Acceptance of committed children</td>
<td>319 895</td>
</tr>
<tr>
<td>Board has no control over</td>
<td>319 895</td>
</tr>
<tr>
<td>Encouraging violations, penalty</td>
<td>319 891</td>
</tr>
<tr>
<td>Commitment to Board</td>
<td>319 897</td>
</tr>
<tr>
<td>Disposition of incorrigible felon</td>
<td>319 899</td>
</tr>
<tr>
<td>Transfer by Board of Corrections to Board of Health</td>
<td>319 899</td>
</tr>
<tr>
<td>Manner of holding and records of</td>
<td>319 886</td>
</tr>
<tr>
<td>Time and place</td>
<td>319 882</td>
</tr>
<tr>
<td>Fingerprint</td>
<td>319 885</td>
</tr>
<tr>
<td>Official records not open to public</td>
<td>319 885</td>
</tr>
<tr>
<td>Children and minors subject to</td>
<td>319 879</td>
</tr>
<tr>
<td>Retention of</td>
<td>319 880</td>
</tr>
<tr>
<td>Transfers from other courts</td>
<td>319 879</td>
</tr>
<tr>
<td>Transfers to other courts</td>
<td>319 880</td>
</tr>
<tr>
<td>Money, disposition and disbursement</td>
<td>319 895</td>
</tr>
<tr>
<td>Name of Act</td>
<td>319 901</td>
</tr>
<tr>
<td>Order of Board as warrant</td>
<td>319 897</td>
</tr>
<tr>
<td>Penalty for failure to perform duties under this act</td>
<td>319 900</td>
</tr>
<tr>
<td>Petition, title and contents</td>
<td>319 882</td>
</tr>
<tr>
<td>Powers of Board</td>
<td>319 894</td>
</tr>
<tr>
<td>Parties who may inspect</td>
<td>319 890</td>
</tr>
<tr>
<td>Privileged information</td>
<td>319 890</td>
</tr>
<tr>
<td>School trustees to report truants</td>
<td>319 891</td>
</tr>
<tr>
<td>Appointment</td>
<td>319 900</td>
</tr>
<tr>
<td>Expenses</td>
<td>319 900</td>
</tr>
<tr>
<td>Powers and duties</td>
<td>319 900</td>
</tr>
<tr>
<td>Annual report required</td>
<td>319 892</td>
</tr>
<tr>
<td>Failure to re-examine</td>
<td>319 893</td>
</tr>
<tr>
<td>Immediate examination</td>
<td>319 893</td>
</tr>
<tr>
<td>Re-examination periodically</td>
<td>319 893</td>
</tr>
<tr>
<td>Written records required</td>
<td>319 893</td>
</tr>
</tbody>
</table>
### YOUTH REHABILITATION ACT:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Period of Board’s control</td>
<td>319</td>
</tr>
<tr>
<td>Youth correction agency</td>
<td>319</td>
</tr>
<tr>
<td><strong>Summons:</strong></td>
<td></td>
</tr>
<tr>
<td>Failure to obey</td>
<td>319</td>
</tr>
<tr>
<td>Issuance directed</td>
<td>319</td>
</tr>
<tr>
<td>Service, method</td>
<td>319</td>
</tr>
<tr>
<td><strong>Support of committed child:</strong></td>
<td></td>
</tr>
<tr>
<td>County to pay</td>
<td>319</td>
</tr>
<tr>
<td>Parents to pay</td>
<td>319</td>
</tr>
<tr>
<td>Traffic offenses, treated as adult</td>
<td>319</td>
</tr>
<tr>
<td>Warrant for failure to obey summons</td>
<td>319</td>
</tr>
<tr>
<td><strong>Youth rehabilitation division:</strong></td>
<td></td>
</tr>
<tr>
<td>Created</td>
<td>319</td>
</tr>
<tr>
<td>Powers and duties</td>
<td>319</td>
</tr>
</tbody>
</table>

### ZOOS:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal corporations may issue bonds for</td>
<td>357</td>
</tr>
<tr>
<td></td>
<td>1024</td>
</tr>
<tr>
<td>Title</td>
<td>Chapter</td>
</tr>
<tr>
<td>-------</td>
<td>---------</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>11</td>
</tr>
<tr>
<td>9</td>
<td>2</td>
</tr>
<tr>
<td>10</td>
<td>12</td>
</tr>
<tr>
<td>14</td>
<td>5</td>
</tr>
<tr>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>17</td>
<td>1</td>
</tr>
<tr>
<td>18</td>
<td>15</td>
</tr>
<tr>
<td>18</td>
<td>15</td>
</tr>
<tr>
<td>18</td>
<td>24</td>
</tr>
<tr>
<td>21</td>
<td>7</td>
</tr>
<tr>
<td>22</td>
<td>25</td>
</tr>
<tr>
<td>22</td>
<td>26</td>
</tr>
<tr>
<td>23</td>
<td>3</td>
</tr>
<tr>
<td>23</td>
<td>4</td>
</tr>
<tr>
<td>23</td>
<td>9</td>
</tr>
<tr>
<td>26</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>21</td>
</tr>
<tr>
<td>26</td>
<td>22</td>
</tr>
<tr>
<td>26</td>
<td>22</td>
</tr>
<tr>
<td>26</td>
<td>22</td>
</tr>
<tr>
<td>26</td>
<td>22</td>
</tr>
<tr>
<td>26</td>
<td>22</td>
</tr>
<tr>
<td>26</td>
<td>22</td>
</tr>
<tr>
<td>26</td>
<td>22</td>
</tr>
<tr>
<td>26</td>
<td>22</td>
</tr>
<tr>
<td>30</td>
<td>1</td>
</tr>
<tr>
<td>30</td>
<td>1</td>
</tr>
<tr>
<td>30</td>
<td>3</td>
</tr>
<tr>
<td>31</td>
<td>24</td>
</tr>
<tr>
<td>32</td>
<td>3</td>
</tr>
<tr>
<td>33</td>
<td>1</td>
</tr>
<tr>
<td>33</td>
<td>3</td>
</tr>
<tr>
<td>33</td>
<td>4</td>
</tr>
<tr>
<td>33</td>
<td>5</td>
</tr>
<tr>
<td>33</td>
<td>6</td>
</tr>
<tr>
<td>Title</td>
<td>Chapter</td>
</tr>
<tr>
<td>-------</td>
<td>---------</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>7</td>
</tr>
<tr>
<td>33</td>
<td>8</td>
</tr>
<tr>
<td>33</td>
<td>9</td>
</tr>
<tr>
<td>33</td>
<td>10</td>
</tr>
<tr>
<td>33</td>
<td>12</td>
</tr>
<tr>
<td>33</td>
<td>13</td>
</tr>
<tr>
<td>33</td>
<td>14</td>
</tr>
<tr>
<td>33</td>
<td>15</td>
</tr>
<tr>
<td>33</td>
<td>16</td>
</tr>
<tr>
<td>33</td>
<td>17</td>
</tr>
<tr>
<td>33</td>
<td>18</td>
</tr>
<tr>
<td>33</td>
<td>19</td>
</tr>
<tr>
<td>33</td>
<td>24</td>
</tr>
<tr>
<td>33</td>
<td>27</td>
</tr>
<tr>
<td>33</td>
<td>30</td>
</tr>
<tr>
<td>33</td>
<td>34</td>
</tr>
<tr>
<td>33</td>
<td>35</td>
</tr>
<tr>
<td>33</td>
<td>40</td>
</tr>
<tr>
<td>33</td>
<td>41</td>
</tr>
<tr>
<td>33</td>
<td>42</td>
</tr>
<tr>
<td>33</td>
<td>43</td>
</tr>
<tr>
<td>34</td>
<td>6</td>
</tr>
<tr>
<td>34</td>
<td>6</td>
</tr>
<tr>
<td>34</td>
<td>6</td>
</tr>
<tr>
<td>34</td>
<td>6</td>
</tr>
<tr>
<td>36</td>
<td>4</td>
</tr>
<tr>
<td>36</td>
<td>4</td>
</tr>
<tr>
<td>36</td>
<td>54</td>
</tr>
<tr>
<td>39</td>
<td>17</td>
</tr>
<tr>
<td>39</td>
<td>21</td>
</tr>
<tr>
<td>39</td>
<td>25</td>
</tr>
<tr>
<td>39</td>
<td>27</td>
</tr>
<tr>
<td>40</td>
<td>1</td>
</tr>
<tr>
<td>40</td>
<td>1</td>
</tr>
<tr>
<td>40</td>
<td>15</td>
</tr>
<tr>
<td>41</td>
<td>20</td>
</tr>
<tr>
<td>41</td>
<td>26</td>
</tr>
<tr>
<td>41</td>
<td>30</td>
</tr>
<tr>
<td>41</td>
<td>30</td>
</tr>
<tr>
<td>41</td>
<td>35</td>
</tr>
<tr>
<td>44</td>
<td>1</td>
</tr>
<tr>
<td>46</td>
<td>10</td>
</tr>
<tr>
<td>48</td>
<td>4</td>
</tr>
<tr>
<td>49</td>
<td>1</td>
</tr>
<tr>
<td>49</td>
<td>1</td>
</tr>
<tr>
<td>Title</td>
<td>Chapter</td>
</tr>
<tr>
<td>-------</td>
<td>---------</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>7</td>
</tr>
<tr>
<td>49</td>
<td>9</td>
</tr>
<tr>
<td>49</td>
<td>12</td>
</tr>
<tr>
<td>50</td>
<td>17</td>
</tr>
<tr>
<td>50</td>
<td>29</td>
</tr>
<tr>
<td>50</td>
<td>36</td>
</tr>
<tr>
<td>50</td>
<td>37</td>
</tr>
<tr>
<td>50</td>
<td>38</td>
</tr>
<tr>
<td>50</td>
<td>39</td>
</tr>
<tr>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>50</td>
<td>41</td>
</tr>
<tr>
<td>50</td>
<td>42</td>
</tr>
<tr>
<td>54</td>
<td>2</td>
</tr>
<tr>
<td>54</td>
<td>11</td>
</tr>
<tr>
<td>54</td>
<td>11</td>
</tr>
<tr>
<td>54</td>
<td>12</td>
</tr>
<tr>
<td>54</td>
<td>15</td>
</tr>
<tr>
<td>54</td>
<td>19</td>
</tr>
<tr>
<td>56</td>
<td>2</td>
</tr>
<tr>
<td>56</td>
<td>2</td>
</tr>
<tr>
<td>56</td>
<td>2</td>
</tr>
<tr>
<td>56</td>
<td>2</td>
</tr>
<tr>
<td>56</td>
<td>4</td>
</tr>
<tr>
<td>56</td>
<td>18</td>
</tr>
<tr>
<td>57</td>
<td>2</td>
</tr>
<tr>
<td>57</td>
<td>2</td>
</tr>
<tr>
<td>57</td>
<td>2</td>
</tr>
<tr>
<td>57</td>
<td>11</td>
</tr>
<tr>
<td>58</td>
<td>1</td>
</tr>
<tr>
<td>58</td>
<td>2</td>
</tr>
<tr>
<td>59</td>
<td>11</td>
</tr>
<tr>
<td>61</td>
<td>3</td>
</tr>
<tr>
<td>61</td>
<td>3</td>
</tr>
<tr>
<td>61</td>
<td>8</td>
</tr>
<tr>
<td>61</td>
<td>8</td>
</tr>
<tr>
<td>61</td>
<td>8</td>
</tr>
<tr>
<td>61</td>
<td>8</td>
</tr>
<tr>
<td>63</td>
<td>1</td>
</tr>
<tr>
<td>63</td>
<td>30</td>
</tr>
<tr>
<td>63</td>
<td>30</td>
</tr>
<tr>
<td>63</td>
<td>30</td>
</tr>
<tr>
<td>67</td>
<td>23</td>
</tr>
<tr>
<td>67</td>
<td>23</td>
</tr>
<tr>
<td>67</td>
<td>29</td>
</tr>
<tr>
<td>67</td>
<td>29</td>
</tr>
<tr>
<td>Title</td>
<td>Chapter</td>
</tr>
<tr>
<td>-------</td>
<td>---------</td>
</tr>
<tr>
<td>67</td>
<td>35</td>
</tr>
<tr>
<td>67</td>
<td>36</td>
</tr>
<tr>
<td>67</td>
<td>36</td>
</tr>
<tr>
<td>68</td>
<td>5</td>
</tr>
<tr>
<td>68</td>
<td>5</td>
</tr>
<tr>
<td>72</td>
<td>5</td>
</tr>
<tr>
<td>72</td>
<td>6</td>
</tr>
<tr>
<td>72</td>
<td>6</td>
</tr>
<tr>
<td>72</td>
<td>6</td>
</tr>
<tr>
<td>72</td>
<td>9</td>
</tr>
<tr>
<td>72</td>
<td>13</td>
</tr>
<tr>
<td>72</td>
<td>13</td>
</tr>
<tr>
<td>72</td>
<td>13</td>
</tr>
<tr>
<td>72</td>
<td>14</td>
</tr>
<tr>
<td>72</td>
<td>14</td>
</tr>
<tr>
<td>72</td>
<td>14</td>
</tr>
<tr>
<td>72</td>
<td>14</td>
</tr>
<tr>
<td>72</td>
<td>14</td>
</tr>
<tr>
<td>72</td>
<td>14</td>
</tr>
<tr>
<td>72</td>
<td>14</td>
</tr>
<tr>
<td>72</td>
<td>14</td>
</tr>
<tr>
<td>72</td>
<td>14</td>
</tr>
</tbody>
</table>

IDAHO CODE

SECTION REFERENCES IN THIRTY-SEVENTH SESSION,
1963 LAWS

<table>
<thead>
<tr>
<th>Section</th>
<th>1963 Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-211</td>
<td>Amended</td>
</tr>
<tr>
<td>1-711</td>
<td>Amended</td>
</tr>
<tr>
<td>1-712</td>
<td>Repealed</td>
</tr>
<tr>
<td>1-1102</td>
<td>Referred to</td>
</tr>
<tr>
<td>1-1105</td>
<td>Amended</td>
</tr>
<tr>
<td>1-1107</td>
<td>Repealed</td>
</tr>
<tr>
<td>1-2003</td>
<td>Amended</td>
</tr>
<tr>
<td>2-304</td>
<td>Amended</td>
</tr>
<tr>
<td>2-411</td>
<td>Amended</td>
</tr>
<tr>
<td>3-406</td>
<td>Amended</td>
</tr>
<tr>
<td>3-409</td>
<td>Amended</td>
</tr>
<tr>
<td>6-701</td>
<td>Referred to</td>
</tr>
<tr>
<td>7-711</td>
<td>Referred to</td>
</tr>
<tr>
<td>Section</td>
<td>1963 Laws</td>
</tr>
<tr>
<td>---------------</td>
<td>-----------</td>
</tr>
<tr>
<td></td>
<td>Chapter Page</td>
</tr>
<tr>
<td>9-203</td>
<td>Amended 104 324</td>
</tr>
<tr>
<td>9-203</td>
<td>Amended 122 351</td>
</tr>
<tr>
<td>9-1206</td>
<td>Amended 104 325</td>
</tr>
<tr>
<td>10-1110</td>
<td>Amended 209 598</td>
</tr>
<tr>
<td>14-103</td>
<td>Referred to 63 246</td>
</tr>
<tr>
<td>14-103</td>
<td>Referred to 349 998</td>
</tr>
<tr>
<td>14-406</td>
<td>Referred to 44 194</td>
</tr>
<tr>
<td>14-407a</td>
<td>Referred to 44 194</td>
</tr>
<tr>
<td>14-407b</td>
<td>Referred to 44 194</td>
</tr>
<tr>
<td>14-408</td>
<td>Amended 44 193</td>
</tr>
<tr>
<td>14-514</td>
<td>Amended 329 944</td>
</tr>
<tr>
<td>14-516</td>
<td>Amended 291 771</td>
</tr>
<tr>
<td>14-516</td>
<td>Referred to 291 772</td>
</tr>
<tr>
<td>14-517</td>
<td>Amended 291 771</td>
</tr>
<tr>
<td>14-518</td>
<td>Referred to 329 944</td>
</tr>
<tr>
<td>14-532</td>
<td>New section 346 985</td>
</tr>
<tr>
<td>15-219</td>
<td>Amended 308 814</td>
</tr>
<tr>
<td>15-333</td>
<td>Amended 308 814</td>
</tr>
<tr>
<td>15-335</td>
<td>Amended 19 160</td>
</tr>
<tr>
<td>15-339</td>
<td>Amended 308 815</td>
</tr>
<tr>
<td>15-603</td>
<td>Amended 308 815</td>
</tr>
<tr>
<td>15-1004</td>
<td>Amended 308 815</td>
</tr>
<tr>
<td>15-1132A</td>
<td>New section 164 482</td>
</tr>
<tr>
<td>15-1501</td>
<td>Amended 308 815</td>
</tr>
<tr>
<td>15-1810</td>
<td>Repealed 308 816</td>
</tr>
<tr>
<td>15-1825</td>
<td>Amended 308 815</td>
</tr>
<tr>
<td>15-1835</td>
<td>Repealed 27 169</td>
</tr>
<tr>
<td>15-1836</td>
<td>Referred to 303 793</td>
</tr>
<tr>
<td>15-1839</td>
<td>Amended 345 984</td>
</tr>
<tr>
<td>16-1010</td>
<td>Repealed 223 632</td>
</tr>
<tr>
<td>16-1011</td>
<td>Amended 223 632</td>
</tr>
<tr>
<td>16-1012</td>
<td>Amended 223 632</td>
</tr>
<tr>
<td>16-1508</td>
<td>Amended 63 246</td>
</tr>
<tr>
<td>16-1601</td>
<td>Repealed 321 919</td>
</tr>
<tr>
<td>16-1602</td>
<td>Repealed 321 919</td>
</tr>
<tr>
<td>16-1603</td>
<td>Repealed 321 919</td>
</tr>
<tr>
<td>16-1604</td>
<td>Repealed 321 919</td>
</tr>
<tr>
<td>16-1605</td>
<td>Repealed 321 919</td>
</tr>
<tr>
<td>16-1606</td>
<td>Repealed 321 919</td>
</tr>
<tr>
<td>16-1607</td>
<td>Repealed 321 919</td>
</tr>
<tr>
<td>16-1608</td>
<td>Repealed 321 919</td>
</tr>
<tr>
<td>16-1609</td>
<td>Repealed 321 919</td>
</tr>
<tr>
<td>16-1610</td>
<td>Repealed 321 919</td>
</tr>
<tr>
<td>16-1611</td>
<td>Repealed 321 919</td>
</tr>
<tr>
<td>16-1612</td>
<td>Repealed 321 919</td>
</tr>
<tr>
<td>Section</td>
<td>1963 Laws</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>16-1613</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1614</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1615</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1616</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1617</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1618</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1619</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1620</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1621</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1622</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1623</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1801</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1802</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1803</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1804</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1805</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1806</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1807</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1808</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1809</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1810</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1811</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1812</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1813</td>
<td>Amended</td>
</tr>
<tr>
<td>16-1814</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1815</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1816</td>
<td>Amended</td>
</tr>
<tr>
<td>16-1817</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1818</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1819</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1820</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1821</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1822</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1823</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1824</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1825</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1826</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1827</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1828</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1829</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1830</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1831</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1832</td>
<td>Repealed</td>
</tr>
<tr>
<td>Section</td>
<td>1963 Laws Chapter</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>16-1833</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1834</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1835</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1836</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1837</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1838</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1839</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1840</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1841</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1842</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1843</td>
<td>Repealed</td>
</tr>
<tr>
<td>16-1901</td>
<td>Referred to</td>
</tr>
<tr>
<td>16-1902</td>
<td>Referred to</td>
</tr>
<tr>
<td>16-1903</td>
<td>Referred to</td>
</tr>
<tr>
<td>16-1904</td>
<td>Referred to</td>
</tr>
<tr>
<td>16-1905</td>
<td>Referred to</td>
</tr>
<tr>
<td>16-1906</td>
<td>Referred to</td>
</tr>
<tr>
<td>16-1907</td>
<td>Referred to</td>
</tr>
<tr>
<td>16-1908</td>
<td>Referred to</td>
</tr>
<tr>
<td>16-1909</td>
<td>Referred to</td>
</tr>
<tr>
<td>16-1910</td>
<td>Referred to</td>
</tr>
<tr>
<td>18-1401</td>
<td>Amended</td>
</tr>
<tr>
<td>18-1502</td>
<td>Amended</td>
</tr>
<tr>
<td>18-1503</td>
<td>Amended</td>
</tr>
<tr>
<td>18-2403</td>
<td>Referred to</td>
</tr>
<tr>
<td>18-2403A</td>
<td>New section</td>
</tr>
<tr>
<td>18-2506</td>
<td>Amended</td>
</tr>
<tr>
<td>18-4012</td>
<td>Amended</td>
</tr>
<tr>
<td>18-6101</td>
<td>Referred to</td>
</tr>
<tr>
<td>18-6602</td>
<td>Referred to</td>
</tr>
<tr>
<td>18-6605</td>
<td>Referred to</td>
</tr>
<tr>
<td>18-6607</td>
<td>Referred to</td>
</tr>
<tr>
<td>18-6801</td>
<td>Amended</td>
</tr>
<tr>
<td>18-6802</td>
<td>Amended</td>
</tr>
<tr>
<td>18-7008</td>
<td>Amended</td>
</tr>
<tr>
<td>19-1413</td>
<td>Repealed</td>
</tr>
<tr>
<td>19-4301</td>
<td>Amended</td>
</tr>
<tr>
<td>19-4301(a)</td>
<td>Referred to</td>
</tr>
<tr>
<td>19-4301(b)</td>
<td>Referred to</td>
</tr>
<tr>
<td>21-401</td>
<td>Amended</td>
</tr>
<tr>
<td>22-201</td>
<td>Amended</td>
</tr>
<tr>
<td>22-202</td>
<td>Amended</td>
</tr>
<tr>
<td>22-2622A</td>
<td>New section</td>
</tr>
<tr>
<td>22-2718</td>
<td>Referred to</td>
</tr>
<tr>
<td>22-2721</td>
<td>Amended</td>
</tr>
<tr>
<td>Section</td>
<td>Action</td>
</tr>
<tr>
<td>-----------</td>
<td>--------------------</td>
</tr>
<tr>
<td>22-3103</td>
<td>Amended</td>
</tr>
<tr>
<td>22-3105</td>
<td>Amended</td>
</tr>
<tr>
<td>22-3106</td>
<td>Amended</td>
</tr>
<tr>
<td>23-217</td>
<td>Amended</td>
</tr>
<tr>
<td>23-308</td>
<td>Repealed</td>
</tr>
<tr>
<td>23-405</td>
<td>Amended</td>
</tr>
<tr>
<td>23-511</td>
<td>Repealed</td>
</tr>
<tr>
<td>23-512</td>
<td>Amended</td>
</tr>
<tr>
<td>23-902,d</td>
<td>Referred to</td>
</tr>
<tr>
<td>23-903</td>
<td>Amended</td>
</tr>
<tr>
<td>23-903</td>
<td>Referred to</td>
</tr>
<tr>
<td>23-904</td>
<td>Amended</td>
</tr>
<tr>
<td>23-906</td>
<td>Amended</td>
</tr>
<tr>
<td>23-910</td>
<td>Amended</td>
</tr>
<tr>
<td>23-910</td>
<td>Referred to</td>
</tr>
<tr>
<td>23-917</td>
<td>Referred to</td>
</tr>
<tr>
<td>23-918</td>
<td>Referred to</td>
</tr>
<tr>
<td>23-919</td>
<td>Referred to</td>
</tr>
<tr>
<td>23-920</td>
<td>Referred to</td>
</tr>
<tr>
<td>23-921</td>
<td>Referred to</td>
</tr>
<tr>
<td>23-922</td>
<td>Amended</td>
</tr>
<tr>
<td>23-1002</td>
<td>Referred to</td>
</tr>
<tr>
<td>23-1033</td>
<td>Amended</td>
</tr>
<tr>
<td>23-1034</td>
<td>Amended</td>
</tr>
<tr>
<td>25-220</td>
<td>Repealed</td>
</tr>
<tr>
<td>25-1722</td>
<td>Amended</td>
</tr>
<tr>
<td>25-1722(e)</td>
<td>New section</td>
</tr>
<tr>
<td>25-2402</td>
<td>Amended</td>
</tr>
<tr>
<td>25-2404</td>
<td>Referred to</td>
</tr>
<tr>
<td>26-201</td>
<td>Referred to</td>
</tr>
<tr>
<td>26-501</td>
<td>Amended</td>
</tr>
<tr>
<td>26-601</td>
<td>Amended</td>
</tr>
<tr>
<td>26-603</td>
<td>Amended</td>
</tr>
<tr>
<td>26-1001</td>
<td>Amended</td>
</tr>
<tr>
<td>26-2118</td>
<td>Amended</td>
</tr>
<tr>
<td>26-2201</td>
<td>Amended</td>
</tr>
<tr>
<td>26-2201</td>
<td>Referred to</td>
</tr>
<tr>
<td>26-2202</td>
<td>Amended</td>
</tr>
<tr>
<td>26-2203</td>
<td>Amended</td>
</tr>
<tr>
<td>26-2203a</td>
<td>New section</td>
</tr>
<tr>
<td>26-2203b</td>
<td>New section</td>
</tr>
<tr>
<td>26-2203b</td>
<td>Referred to</td>
</tr>
<tr>
<td>26-2203c</td>
<td>New section</td>
</tr>
<tr>
<td>26-2203c</td>
<td>Referred to</td>
</tr>
<tr>
<td>26-2204</td>
<td>Amended</td>
</tr>
<tr>
<td>Section</td>
<td>1963 Laws</td>
</tr>
<tr>
<td>---------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>26-2204b</td>
<td>Amended ..........................</td>
</tr>
<tr>
<td>26-2205</td>
<td>Amended ..........................</td>
</tr>
<tr>
<td>26-2205a</td>
<td>Amended ..........................</td>
</tr>
<tr>
<td>26-2205b</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>26-2206</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>26-2206</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>26-2207</td>
<td>Amended ..........................</td>
</tr>
<tr>
<td>26-2211</td>
<td>Amended ..........................</td>
</tr>
<tr>
<td>26-2211</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>26-2213</td>
<td>New section ..........................</td>
</tr>
<tr>
<td>28-102</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>28-104</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>28-105</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>28-106</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>28-106</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>28-107</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>28-112</td>
<td>Amended ..........................</td>
</tr>
<tr>
<td>28-121</td>
<td>Amended ..........................</td>
</tr>
<tr>
<td>30-102</td>
<td>Amended ..........................</td>
</tr>
<tr>
<td>30-102</td>
<td>Amended ..........................</td>
</tr>
<tr>
<td>30-133</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>30-139</td>
<td>Amended ..........................</td>
</tr>
<tr>
<td>30-519</td>
<td>Amended ..........................</td>
</tr>
<tr>
<td>31-836</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>31-1001</td>
<td>Amended ..........................</td>
</tr>
<tr>
<td>31-1901</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>31-1902</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>31-1903</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>31-1904</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>31-1905</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>31-1906</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>31-1907</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>31-1908</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>31-1909</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>31-2001</td>
<td>Amended ..........................</td>
</tr>
<tr>
<td>31-2003</td>
<td>Amended ..........................</td>
</tr>
<tr>
<td>31-2009</td>
<td>Amended ..........................</td>
</tr>
<tr>
<td>31-2015</td>
<td>Amended ..........................</td>
</tr>
<tr>
<td>31-2227</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>31-2402</td>
<td>Referred to ..........................</td>
</tr>
<tr>
<td>31-2402A</td>
<td>New section ..........................</td>
</tr>
<tr>
<td>31-2701</td>
<td>Repealed ..........................</td>
</tr>
<tr>
<td>31-2702</td>
<td>Repealed ..........................</td>
</tr>
<tr>
<td>31-2703</td>
<td>Repealed ..........................</td>
</tr>
<tr>
<td>Section</td>
<td>1963 Laws</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
</tr>
<tr>
<td></td>
<td>Chapter Page</td>
</tr>
<tr>
<td>31-2704</td>
<td>Repealed 90 286</td>
</tr>
<tr>
<td>31-2705</td>
<td>Amended 90 287</td>
</tr>
<tr>
<td>31-2706</td>
<td>Repealed 90 286</td>
</tr>
<tr>
<td>31-2707</td>
<td>Amended 90 287</td>
</tr>
<tr>
<td>31-2708</td>
<td>Repealed 90 286</td>
</tr>
<tr>
<td>31-2709</td>
<td>Amended 90 287</td>
</tr>
<tr>
<td>31-3104</td>
<td>Repealed 333 953</td>
</tr>
<tr>
<td>31-3106</td>
<td>Amended 304 794</td>
</tr>
<tr>
<td>31-3113</td>
<td>Repealed 332 950</td>
</tr>
<tr>
<td>31-3201</td>
<td>Amended 169 489</td>
</tr>
<tr>
<td>31-3204</td>
<td>New section 345 983</td>
</tr>
<tr>
<td>31-3204</td>
<td>Repealed 345 983</td>
</tr>
<tr>
<td>31-3208</td>
<td>Repealed 79 274</td>
</tr>
<tr>
<td>31-3209</td>
<td>New section 217 627</td>
</tr>
<tr>
<td>31-3209</td>
<td>Repealed 217 627</td>
</tr>
<tr>
<td>31-3210</td>
<td>Amended 261 670</td>
</tr>
<tr>
<td>31-3501</td>
<td>Amended 139 397</td>
</tr>
<tr>
<td>31-3502</td>
<td>Amended 139 398</td>
</tr>
<tr>
<td>32-101</td>
<td>Amended 103 323</td>
</tr>
<tr>
<td>33-513</td>
<td>Repealed 136 389</td>
</tr>
<tr>
<td>33-1904</td>
<td>Referred to 319 891</td>
</tr>
<tr>
<td>33-2101</td>
<td>Repealed 363 1046</td>
</tr>
<tr>
<td>33-2102</td>
<td>Repealed 363 1046</td>
</tr>
<tr>
<td>33-2103</td>
<td>Repealed 363 1046</td>
</tr>
<tr>
<td>33-2104</td>
<td>Repealed 363 1046</td>
</tr>
<tr>
<td>33-2105</td>
<td>Repealed 363 1046</td>
</tr>
<tr>
<td>33-2106</td>
<td>Repealed 363 1046</td>
</tr>
<tr>
<td>33-2107</td>
<td>Repealed 363 1046</td>
</tr>
<tr>
<td>33-2108</td>
<td>Repealed 363 1046</td>
</tr>
<tr>
<td>33-2109</td>
<td>Repealed 363 1046</td>
</tr>
<tr>
<td>33-2110</td>
<td>Repealed 363 1046</td>
</tr>
<tr>
<td>33-2111</td>
<td>Repealed 363 1046</td>
</tr>
<tr>
<td>33-2112</td>
<td>Repealed 363 1046</td>
</tr>
<tr>
<td>33-2113</td>
<td>Repealed 363 1046</td>
</tr>
<tr>
<td>33-2114</td>
<td>Repealed 363 1046</td>
</tr>
<tr>
<td>33-2115</td>
<td>Repealed 363 1046</td>
</tr>
<tr>
<td>33-2117</td>
<td>Repealed 363 1046</td>
</tr>
<tr>
<td>33-2118</td>
<td>Repealed 363 1046</td>
</tr>
<tr>
<td>33-2119</td>
<td>Repealed 363 1046</td>
</tr>
<tr>
<td>33-2120</td>
<td>Repealed 363 1046</td>
</tr>
<tr>
<td>33-2121</td>
<td>Repealed 363 1046</td>
</tr>
<tr>
<td>33-2202</td>
<td>Amended 150 451</td>
</tr>
<tr>
<td>33-2205</td>
<td>Amended 150 451</td>
</tr>
<tr>
<td>33-2601</td>
<td>Amended 121 350</td>
</tr>
<tr>
<td>33-2609</td>
<td>Repealed 189 577</td>
</tr>
<tr>
<td>Section</td>
<td>1963 Laws Chapter</td>
</tr>
<tr>
<td>---------</td>
<td>------------------</td>
</tr>
<tr>
<td>33-2610</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2611</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2612</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2613</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2614</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2615</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2616</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2617</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2618</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2619</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2620</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2621</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2622</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2623</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2624</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2625</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2626</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2627</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2628</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2629</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2630</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2631</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2632</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2633</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2634</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2635</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2636</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2637</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-2638</td>
<td>Repealed</td>
</tr>
<tr>
<td>33-3101</td>
<td>Amended</td>
</tr>
<tr>
<td>33-3407</td>
<td>Referred to</td>
</tr>
<tr>
<td>33-3701</td>
<td>Amended</td>
</tr>
<tr>
<td>33-3701</td>
<td>Referred to</td>
</tr>
<tr>
<td>33-3706</td>
<td>Amended</td>
</tr>
<tr>
<td>33-3707</td>
<td>Amended</td>
</tr>
<tr>
<td>33-3711</td>
<td>Referred to</td>
</tr>
<tr>
<td>33-4004</td>
<td>New section</td>
</tr>
<tr>
<td>34-202</td>
<td>Amended</td>
</tr>
<tr>
<td>34-504</td>
<td>Amended</td>
</tr>
<tr>
<td>34-603</td>
<td>Repealed</td>
</tr>
<tr>
<td>34-604</td>
<td>Amended</td>
</tr>
<tr>
<td>34-606</td>
<td>Amended</td>
</tr>
<tr>
<td>34-606</td>
<td>Referred to</td>
</tr>
<tr>
<td>34-610</td>
<td>Amended</td>
</tr>
<tr>
<td>34-611</td>
<td>Amended</td>
</tr>
<tr>
<td>Section</td>
<td>Action</td>
</tr>
<tr>
<td>---------</td>
<td>-------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>34-612</td>
<td>Amended</td>
</tr>
<tr>
<td>34-612A</td>
<td>New section</td>
</tr>
<tr>
<td>34-612B</td>
<td>New section</td>
</tr>
<tr>
<td>34-612B</td>
<td>Referred to</td>
</tr>
<tr>
<td>34-612B</td>
<td>Referred to</td>
</tr>
<tr>
<td>34-612C</td>
<td>New section</td>
</tr>
<tr>
<td>34-612C</td>
<td>Referred to</td>
</tr>
<tr>
<td>34-612D</td>
<td>New section</td>
</tr>
<tr>
<td>34-612D</td>
<td>Referred to</td>
</tr>
<tr>
<td>34-625</td>
<td>Repealed</td>
</tr>
<tr>
<td>34-626</td>
<td>Repealed</td>
</tr>
<tr>
<td>34-627</td>
<td>Amended</td>
</tr>
<tr>
<td>34-637</td>
<td>Amended</td>
</tr>
<tr>
<td>34-642</td>
<td>Referred to</td>
</tr>
<tr>
<td>34-650</td>
<td>Repealed</td>
</tr>
<tr>
<td>34-650A</td>
<td>Repealed</td>
</tr>
<tr>
<td>34-801</td>
<td>Amended</td>
</tr>
<tr>
<td>35-110</td>
<td>Amended</td>
</tr>
<tr>
<td>36-102</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-102</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-103</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-103</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-104</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-104</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-105</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-105</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-106</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-106</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-106</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-106</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-107</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-107</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-107</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-107</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-107</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-108</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-109</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-109</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-110</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-110</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-111</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-111</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-111</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-404</td>
<td>Amended</td>
</tr>
<tr>
<td>36-404</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-406</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-406</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-407</td>
<td>Amended</td>
</tr>
<tr>
<td>36-407</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-408</td>
<td>Amended</td>
</tr>
<tr>
<td>Section</td>
<td>1963 Laws</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------------------------------------------------------</td>
</tr>
<tr>
<td>36-409</td>
<td>Repealed</td>
</tr>
<tr>
<td>36-412</td>
<td>New section</td>
</tr>
<tr>
<td>36-1301</td>
<td>Amended</td>
</tr>
<tr>
<td>36-2702</td>
<td>Repealed</td>
</tr>
<tr>
<td>36-2703</td>
<td>Amended</td>
</tr>
<tr>
<td>36-5408</td>
<td>Amended</td>
</tr>
<tr>
<td>36-5408</td>
<td>Referred to</td>
</tr>
<tr>
<td>36-5409</td>
<td>Amended</td>
</tr>
<tr>
<td>36-5410</td>
<td>Amended</td>
</tr>
<tr>
<td>36-5412</td>
<td>Amended</td>
</tr>
<tr>
<td>37-506</td>
<td>Amended</td>
</tr>
<tr>
<td>37-1003 (c)</td>
<td>Repealed</td>
</tr>
<tr>
<td>37-1003 (d)</td>
<td>Repealed</td>
</tr>
<tr>
<td>37-1003 (e)</td>
<td>Repealed</td>
</tr>
<tr>
<td>37-1003 (f)</td>
<td>Repealed</td>
</tr>
<tr>
<td>37-1201</td>
<td>Amended</td>
</tr>
<tr>
<td>37-1508</td>
<td>Repealed</td>
</tr>
<tr>
<td>37-1509</td>
<td>Repealed</td>
</tr>
<tr>
<td>37-1510</td>
<td>Repealed</td>
</tr>
<tr>
<td>37-1511</td>
<td>Repealed</td>
</tr>
<tr>
<td>37-1512</td>
<td>Repealed</td>
</tr>
<tr>
<td>37-1513</td>
<td>Repealed</td>
</tr>
<tr>
<td>37-1514</td>
<td>Repealed</td>
</tr>
<tr>
<td>37-1515</td>
<td>Repealed</td>
</tr>
<tr>
<td>37-1516</td>
<td>Repealed</td>
</tr>
<tr>
<td>37-1517</td>
<td>Repealed</td>
</tr>
<tr>
<td>37-1518</td>
<td>Repealed</td>
</tr>
<tr>
<td>37-2205</td>
<td>Amended</td>
</tr>
<tr>
<td>38-105</td>
<td>Amended</td>
</tr>
<tr>
<td>38-108</td>
<td>Amended</td>
</tr>
<tr>
<td>38-116</td>
<td>Amended</td>
</tr>
<tr>
<td>38-121</td>
<td>Referred to</td>
</tr>
<tr>
<td>38-131</td>
<td>Referred to</td>
</tr>
<tr>
<td>38-401</td>
<td>Referred to</td>
</tr>
<tr>
<td>38-408</td>
<td>Referred to</td>
</tr>
<tr>
<td>38-410</td>
<td>Referred to</td>
</tr>
<tr>
<td>38-1010</td>
<td>Amended</td>
</tr>
<tr>
<td>39-313</td>
<td>Referred to</td>
</tr>
<tr>
<td>39-315</td>
<td>Referred to</td>
</tr>
<tr>
<td>39-1201</td>
<td>Repealed</td>
</tr>
<tr>
<td>39-1202</td>
<td>Repealed</td>
</tr>
<tr>
<td>39-1203</td>
<td>Repealed</td>
</tr>
<tr>
<td>39-1204</td>
<td>Repealed</td>
</tr>
<tr>
<td>39-1205</td>
<td>Repealed</td>
</tr>
<tr>
<td>39-1206</td>
<td>Repealed</td>
</tr>
<tr>
<td>Section</td>
<td>1963 Laws</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------</td>
</tr>
<tr>
<td></td>
<td>Chapter</td>
</tr>
<tr>
<td>39-1207</td>
<td>Repealed</td>
</tr>
<tr>
<td>39-1310</td>
<td>Amended</td>
</tr>
<tr>
<td>39-1604</td>
<td>Amended</td>
</tr>
<tr>
<td>39-2101</td>
<td>Amended</td>
</tr>
<tr>
<td>39-2102</td>
<td>Amended</td>
</tr>
<tr>
<td>39-2102(A)</td>
<td>New section</td>
</tr>
<tr>
<td>39-2404</td>
<td>Amended</td>
</tr>
<tr>
<td>39-2404</td>
<td>Amended</td>
</tr>
<tr>
<td>39-2409</td>
<td>Amended</td>
</tr>
<tr>
<td>39-2534</td>
<td>New section</td>
</tr>
<tr>
<td>39-2535</td>
<td>New section</td>
</tr>
<tr>
<td>39-2536</td>
<td>New section</td>
</tr>
<tr>
<td>39-2537</td>
<td>New section</td>
</tr>
<tr>
<td>39-2538</td>
<td>New section</td>
</tr>
<tr>
<td>39-2701</td>
<td>Amended</td>
</tr>
<tr>
<td>39-2702</td>
<td>Amended</td>
</tr>
<tr>
<td>39-2702(a)</td>
<td>Referred to</td>
</tr>
<tr>
<td>39-2702(b)</td>
<td>Referred to</td>
</tr>
<tr>
<td>39-2702(c)</td>
<td>Referred to</td>
</tr>
<tr>
<td>39-2702(d)</td>
<td>Referred to</td>
</tr>
<tr>
<td>39-2711</td>
<td>Amended</td>
</tr>
<tr>
<td>39-2724</td>
<td>Amended</td>
</tr>
<tr>
<td>39-2725</td>
<td>Amended</td>
</tr>
<tr>
<td>39-2732</td>
<td>Amended</td>
</tr>
<tr>
<td>39-2734</td>
<td>Amended</td>
</tr>
<tr>
<td>40-104</td>
<td>Amended</td>
</tr>
<tr>
<td>40-104</td>
<td>Amended</td>
</tr>
<tr>
<td>40-109</td>
<td>Amended</td>
</tr>
<tr>
<td>40-405</td>
<td>Amended</td>
</tr>
<tr>
<td>40-605</td>
<td>Repealed</td>
</tr>
<tr>
<td>40-1503A</td>
<td>New section</td>
</tr>
<tr>
<td>40-1506</td>
<td>Amended</td>
</tr>
<tr>
<td>40-1614</td>
<td>Amended</td>
</tr>
<tr>
<td>40-1618</td>
<td>Amended</td>
</tr>
<tr>
<td>40-1633</td>
<td>Repealed</td>
</tr>
<tr>
<td>40-1636</td>
<td>Repealed</td>
</tr>
<tr>
<td>40-1639</td>
<td>Repealed</td>
</tr>
<tr>
<td>40-2211</td>
<td>Amended</td>
</tr>
<tr>
<td>41-316</td>
<td>Referred to</td>
</tr>
<tr>
<td>41-317</td>
<td>Referred to</td>
</tr>
<tr>
<td>41-319</td>
<td>Amended</td>
</tr>
<tr>
<td>41-333</td>
<td>Referred to</td>
</tr>
<tr>
<td>41-401</td>
<td>Referred to</td>
</tr>
<tr>
<td>41-402</td>
<td>Referred to</td>
</tr>
<tr>
<td>41-2008</td>
<td>Repealed</td>
</tr>
<tr>
<td>Section</td>
<td>1963 Laws</td>
</tr>
<tr>
<td>------------</td>
<td>-----------</td>
</tr>
<tr>
<td>41-2613</td>
<td>New section</td>
</tr>
<tr>
<td>41-2707</td>
<td>Referred to</td>
</tr>
<tr>
<td>41-2908</td>
<td>Referred to</td>
</tr>
<tr>
<td>41-3104</td>
<td>Amended</td>
</tr>
<tr>
<td>41-3105</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-201</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-202</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-203</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-204</td>
<td>Amended</td>
</tr>
<tr>
<td>42-204</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-205</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-206</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-207</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-208</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-209</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-210</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-211</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-212</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-213</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-214</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-215</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-216</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-217</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-218</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-219</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-220</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-221</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-222</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-223</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-224</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-225</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-229</td>
<td>Amended</td>
</tr>
<tr>
<td>42-233a</td>
<td>Amended</td>
</tr>
<tr>
<td>42-233b</td>
<td>Repealed</td>
</tr>
<tr>
<td>42-234</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-237</td>
<td>Referred to</td>
</tr>
<tr>
<td>42-237g</td>
<td>Amended</td>
</tr>
<tr>
<td>44-107</td>
<td>Amended</td>
</tr>
<tr>
<td>44-107</td>
<td>Referred to</td>
</tr>
<tr>
<td>44-107A</td>
<td>New section</td>
</tr>
<tr>
<td>44-107A</td>
<td>Referred to</td>
</tr>
<tr>
<td>44-107B</td>
<td>New section</td>
</tr>
<tr>
<td>44-1107</td>
<td>Amended</td>
</tr>
<tr>
<td>44-1502</td>
<td>Amended</td>
</tr>
<tr>
<td>Section</td>
<td>1963 Laws</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
</tr>
<tr>
<td></td>
<td>Chapter</td>
</tr>
<tr>
<td>46-1010</td>
<td>New section</td>
</tr>
<tr>
<td>46-1010</td>
<td>Referred to</td>
</tr>
<tr>
<td>46-1011</td>
<td>New section</td>
</tr>
<tr>
<td>46-1012</td>
<td>New section</td>
</tr>
<tr>
<td>47-301</td>
<td>Repealed</td>
</tr>
<tr>
<td>47-302</td>
<td>Repealed</td>
</tr>
<tr>
<td>47-303</td>
<td>Repealed</td>
</tr>
<tr>
<td>47-304</td>
<td>Repealed</td>
</tr>
<tr>
<td>47-305</td>
<td>Repealed</td>
</tr>
<tr>
<td>47-308</td>
<td>Repealed</td>
</tr>
<tr>
<td>47-309</td>
<td>Repealed</td>
</tr>
<tr>
<td>47-310</td>
<td>Repealed</td>
</tr>
<tr>
<td>47-311</td>
<td>Repealed</td>
</tr>
<tr>
<td>47-312</td>
<td>Repealed</td>
</tr>
<tr>
<td>47-313</td>
<td>Repealed</td>
</tr>
<tr>
<td>47-314</td>
<td>Repealed</td>
</tr>
<tr>
<td>47-402</td>
<td>Amended</td>
</tr>
<tr>
<td>47-408</td>
<td>Amended</td>
</tr>
<tr>
<td>47-409</td>
<td>Amended</td>
</tr>
<tr>
<td>47-410</td>
<td>Amended</td>
</tr>
<tr>
<td>47-412</td>
<td>Amended</td>
</tr>
<tr>
<td>47-414</td>
<td>Amended</td>
</tr>
<tr>
<td>47-415</td>
<td>Amended</td>
</tr>
<tr>
<td>47-425</td>
<td>Amended</td>
</tr>
<tr>
<td>47-426</td>
<td>Amended</td>
</tr>
<tr>
<td>47-427</td>
<td>Amended</td>
</tr>
<tr>
<td>47-501</td>
<td>Amended</td>
</tr>
<tr>
<td>47-502</td>
<td>Amended</td>
</tr>
<tr>
<td>48-406</td>
<td>Referred to</td>
</tr>
<tr>
<td>48-413</td>
<td>New section</td>
</tr>
<tr>
<td>49-107</td>
<td>Amended</td>
</tr>
<tr>
<td>49-107</td>
<td>Referred to</td>
</tr>
<tr>
<td>49-108</td>
<td>Referred to</td>
</tr>
<tr>
<td>49-109</td>
<td>Amended</td>
</tr>
<tr>
<td>49-109</td>
<td>Referred to</td>
</tr>
<tr>
<td>49-109</td>
<td>Referred to</td>
</tr>
<tr>
<td>49-114</td>
<td>Amended</td>
</tr>
<tr>
<td>49-116</td>
<td>Referred to</td>
</tr>
<tr>
<td>49-117d</td>
<td>Referred to</td>
</tr>
<tr>
<td>49-118</td>
<td>Referred to</td>
</tr>
<tr>
<td>49-120</td>
<td>Amended</td>
</tr>
<tr>
<td>49-120</td>
<td>Referred to</td>
</tr>
<tr>
<td>49-124</td>
<td>Amended</td>
</tr>
<tr>
<td>49-124</td>
<td>Referred to</td>
</tr>
<tr>
<td>49-126</td>
<td>Amended</td>
</tr>
<tr>
<td>Section</td>
<td>1963 Laws</td>
</tr>
<tr>
<td>--------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>49-127</td>
<td>Referred to 154 455</td>
</tr>
<tr>
<td>49-127 (d), 6</td>
<td>Referred to 154 456</td>
</tr>
<tr>
<td>49-127F</td>
<td>Referred to 135 388</td>
</tr>
<tr>
<td>49-128</td>
<td>Amended 154 455</td>
</tr>
<tr>
<td>49-329</td>
<td>Amended 362 1033</td>
</tr>
<tr>
<td>49-330</td>
<td>Amended 265 675</td>
</tr>
<tr>
<td>49-330</td>
<td>Amended 362 1034</td>
</tr>
<tr>
<td>49-330 (a) 7</td>
<td>New subsection 362 1054</td>
</tr>
<tr>
<td>49-337</td>
<td>Amended 338 970</td>
</tr>
<tr>
<td>49-346</td>
<td>Amended 167 485</td>
</tr>
<tr>
<td>49-352</td>
<td>Amended 362 1036</td>
</tr>
<tr>
<td>49-753</td>
<td>Repealed 129 381</td>
</tr>
<tr>
<td>49-768</td>
<td>Repealed 129 382</td>
</tr>
<tr>
<td>49-832</td>
<td>Amended 137 389</td>
</tr>
<tr>
<td>49-832 (A) (4) (a)</td>
<td>New subsection 137 390</td>
</tr>
<tr>
<td>49-915</td>
<td>New section 119 348</td>
</tr>
<tr>
<td>49-1201</td>
<td>Amended 174 498</td>
</tr>
<tr>
<td>49-1210</td>
<td>Referred to 174 500</td>
</tr>
<tr>
<td>49-1241</td>
<td>Amended 174 500</td>
</tr>
<tr>
<td>49-1401</td>
<td>Amended 114 337</td>
</tr>
<tr>
<td>49-1805</td>
<td>Amended 166 484</td>
</tr>
<tr>
<td>50-110</td>
<td>Amended 94 310</td>
</tr>
<tr>
<td>50-111</td>
<td>Amended 94 311</td>
</tr>
<tr>
<td>50-201</td>
<td>Amended 134 386</td>
</tr>
<tr>
<td>50-305</td>
<td>Amended 152 453</td>
</tr>
<tr>
<td>50-1102</td>
<td>Amended 285 752</td>
</tr>
<tr>
<td>50-1105</td>
<td>Referred to 16 151</td>
</tr>
<tr>
<td>50-1812</td>
<td>Referred to 5 12</td>
</tr>
<tr>
<td>50-1915</td>
<td>Referred to 285 752</td>
</tr>
<tr>
<td>50-2502</td>
<td>Amended 67 258</td>
</tr>
<tr>
<td>50-2502</td>
<td>Amended 357 1024</td>
</tr>
<tr>
<td>50-2902</td>
<td>Amended 115 338</td>
</tr>
<tr>
<td>50-2903</td>
<td>Amended 115 339</td>
</tr>
<tr>
<td>50-2905</td>
<td>Referred to 115 341</td>
</tr>
<tr>
<td>50-2909</td>
<td>Amended 115 341</td>
</tr>
<tr>
<td>50-2910</td>
<td>Amended 115 341</td>
</tr>
<tr>
<td>50-2925</td>
<td>Amended 132 384</td>
</tr>
<tr>
<td>50-3001</td>
<td>Referred to 132 385</td>
</tr>
<tr>
<td>Section</td>
<td>1963 Laws Chapter Page</td>
</tr>
<tr>
<td>-----------</td>
<td>------------------------</td>
</tr>
<tr>
<td>50-3008</td>
<td>Referred to 132 385</td>
</tr>
<tr>
<td>50-3602</td>
<td>Referred to 5 17</td>
</tr>
<tr>
<td>50-3603</td>
<td>Referred to 5 17</td>
</tr>
<tr>
<td>50-3717</td>
<td>Referred to 94 311</td>
</tr>
<tr>
<td>50-3724</td>
<td>Referred to 94 311</td>
</tr>
<tr>
<td>50-3909</td>
<td>Referred to 134 387</td>
</tr>
<tr>
<td>50-4303</td>
<td>Referred to 5 17</td>
</tr>
<tr>
<td>50-4313</td>
<td>Referred to 5 17</td>
</tr>
<tr>
<td>50-4315</td>
<td>Amended 82 276</td>
</tr>
<tr>
<td>54-102</td>
<td>Amended 202 591</td>
</tr>
<tr>
<td>54-103</td>
<td>Amended 202 592</td>
</tr>
<tr>
<td>54-505</td>
<td>Amended 295 778</td>
</tr>
<tr>
<td>54-506</td>
<td>Amended 295 778</td>
</tr>
<tr>
<td>54-506</td>
<td>Referred to 295 778</td>
</tr>
<tr>
<td>54-507</td>
<td>Referred to 295 782</td>
</tr>
<tr>
<td>54-512</td>
<td>Amended 295 779</td>
</tr>
<tr>
<td>54-513</td>
<td>Referred to 295 782</td>
</tr>
<tr>
<td>54-516</td>
<td>Amended 295 780</td>
</tr>
<tr>
<td>54-518</td>
<td>Amended 295 781</td>
</tr>
<tr>
<td>54-519</td>
<td>Referred to 295 781</td>
</tr>
<tr>
<td>54-521</td>
<td>Amended 295 782</td>
</tr>
<tr>
<td>54-524</td>
<td>Amended 295 784</td>
</tr>
<tr>
<td>54-911</td>
<td>Amended 55 220</td>
</tr>
<tr>
<td>54-915</td>
<td>Amended 56 220</td>
</tr>
<tr>
<td>54-924</td>
<td>Amended 336 963</td>
</tr>
<tr>
<td>54-930</td>
<td>Amended 56 221</td>
</tr>
<tr>
<td>54-1101</td>
<td>Amended 116 343</td>
</tr>
<tr>
<td>54-1104</td>
<td>Referred to 116 344</td>
</tr>
<tr>
<td>54-1117</td>
<td>Referred to 156 458</td>
</tr>
<tr>
<td>54-1118</td>
<td>Referred to 156 458</td>
</tr>
<tr>
<td>54-1119</td>
<td>Referred to 156 458</td>
</tr>
<tr>
<td>54-1121</td>
<td>New section 156 458</td>
</tr>
<tr>
<td>54-1202</td>
<td>Referred to 20 161</td>
</tr>
<tr>
<td>54-1202</td>
<td>Referred to 280 717</td>
</tr>
<tr>
<td>54-1208</td>
<td>Amended 22 163</td>
</tr>
<tr>
<td>54-1211</td>
<td>Amended 28 169</td>
</tr>
<tr>
<td>54-1213</td>
<td>Amended 23 164</td>
</tr>
<tr>
<td>54-1216</td>
<td>Amended 24 166</td>
</tr>
<tr>
<td>54-1220</td>
<td>Amended 25 167</td>
</tr>
<tr>
<td>54-1221</td>
<td>Amended 26 168</td>
</tr>
<tr>
<td>54-1223</td>
<td>Referred to 20 161</td>
</tr>
<tr>
<td>54-1235</td>
<td>New section 20 161</td>
</tr>
<tr>
<td>54-1235</td>
<td>Referred to 23 165</td>
</tr>
<tr>
<td>54-1413</td>
<td>Amended 77 272</td>
</tr>
<tr>
<td>54-1511a</td>
<td>New section 262 671</td>
</tr>
<tr>
<td>Section</td>
<td>1963 Laws Chapter Page</td>
</tr>
<tr>
<td>--------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>54-1904A</td>
<td>New section</td>
</tr>
<tr>
<td></td>
<td>292 773</td>
</tr>
<tr>
<td>54-2040</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>35 183</td>
</tr>
<tr>
<td>54-2041</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>35 180</td>
</tr>
<tr>
<td>55-1201</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>31 174</td>
</tr>
<tr>
<td>56-203</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>325 937</td>
</tr>
<tr>
<td>56-204A</td>
<td>New section</td>
</tr>
<tr>
<td></td>
<td>325 938</td>
</tr>
<tr>
<td>56-204B</td>
<td>New section</td>
</tr>
<tr>
<td></td>
<td>325 940</td>
</tr>
<tr>
<td>56-214A</td>
<td>New section</td>
</tr>
<tr>
<td></td>
<td>8 19</td>
</tr>
<tr>
<td>56-224a</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>85 279</td>
</tr>
<tr>
<td>56-224b</td>
<td>New section</td>
</tr>
<tr>
<td></td>
<td>99 317</td>
</tr>
<tr>
<td>57-114</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>100 318</td>
</tr>
<tr>
<td>57-127</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>13 89</td>
</tr>
<tr>
<td>57-203</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>183 542</td>
</tr>
<tr>
<td>57-207</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>183 543</td>
</tr>
<tr>
<td>57-210</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>183 543</td>
</tr>
<tr>
<td>57-211</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>183 543</td>
</tr>
<tr>
<td>57-701</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>157 459</td>
</tr>
<tr>
<td>57-1105</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>313 840</td>
</tr>
<tr>
<td>57-1108</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>344 983</td>
</tr>
<tr>
<td>57-1113</td>
<td>New section</td>
</tr>
<tr>
<td></td>
<td>97 315</td>
</tr>
<tr>
<td>57-1303</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>65 253</td>
</tr>
<tr>
<td>58-205</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>153 454</td>
</tr>
<tr>
<td>58-205A</td>
<td>New section</td>
</tr>
<tr>
<td></td>
<td>153 454</td>
</tr>
<tr>
<td>58-406</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>29 170</td>
</tr>
<tr>
<td>58-412</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>43 192</td>
</tr>
<tr>
<td>59-401</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>210 599</td>
</tr>
<tr>
<td>59-502</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>275 710</td>
</tr>
<tr>
<td>59-503</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>133 385</td>
</tr>
<tr>
<td>59-508</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>279 714</td>
</tr>
<tr>
<td>61-332</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>269 687</td>
</tr>
<tr>
<td>61-333</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>269 688</td>
</tr>
<tr>
<td>61-333</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>269 687</td>
</tr>
<tr>
<td>61-333A</td>
<td>New section</td>
</tr>
<tr>
<td></td>
<td>269 688</td>
</tr>
<tr>
<td>61-333B</td>
<td>New section</td>
</tr>
<tr>
<td></td>
<td>269 688</td>
</tr>
<tr>
<td>61-333B</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>269 687</td>
</tr>
<tr>
<td>61-333C</td>
<td>New section</td>
</tr>
<tr>
<td></td>
<td>269 689</td>
</tr>
<tr>
<td>61-801</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>160 466</td>
</tr>
<tr>
<td>61-801</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>160 471</td>
</tr>
<tr>
<td>61-801</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>160 473</td>
</tr>
<tr>
<td>61-801</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>160 474</td>
</tr>
<tr>
<td>61-801A</td>
<td>New section</td>
</tr>
<tr>
<td></td>
<td>160 468</td>
</tr>
<tr>
<td>61-801A</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>160 473</td>
</tr>
<tr>
<td>61-802</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>160 468</td>
</tr>
<tr>
<td>61-802A</td>
<td>New section</td>
</tr>
<tr>
<td></td>
<td>160 469</td>
</tr>
<tr>
<td>61-802A</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>160 473</td>
</tr>
<tr>
<td>Section</td>
<td>Action</td>
</tr>
<tr>
<td>-------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>61-802A</td>
<td>Referred to</td>
</tr>
<tr>
<td>61-802B</td>
<td>New section</td>
</tr>
<tr>
<td>61-808</td>
<td>Amended</td>
</tr>
<tr>
<td>61-808</td>
<td>Referred to</td>
</tr>
<tr>
<td>61-809</td>
<td>Amended</td>
</tr>
<tr>
<td>61-810</td>
<td>Amended</td>
</tr>
<tr>
<td>61-811</td>
<td>Amended</td>
</tr>
<tr>
<td>61-811</td>
<td>Referred to</td>
</tr>
<tr>
<td>61-811A</td>
<td>Referred to</td>
</tr>
<tr>
<td>61-811A</td>
<td>Amended</td>
</tr>
<tr>
<td>61-812</td>
<td>Amended</td>
</tr>
<tr>
<td>61-812</td>
<td>Referred to</td>
</tr>
<tr>
<td>61-812</td>
<td>Referred to</td>
</tr>
<tr>
<td>63-105J</td>
<td>Amended</td>
</tr>
<tr>
<td>63-105J</td>
<td>Referred to</td>
</tr>
<tr>
<td>63-105T</td>
<td>New section</td>
</tr>
<tr>
<td>63-106</td>
<td>Amended</td>
</tr>
<tr>
<td>63-628</td>
<td>Referred to</td>
</tr>
<tr>
<td>63-904</td>
<td>Repealed</td>
</tr>
<tr>
<td>63-906</td>
<td>Referred to</td>
</tr>
<tr>
<td>63-907</td>
<td>Amended</td>
</tr>
<tr>
<td>63-907</td>
<td>Referred to</td>
</tr>
<tr>
<td>63-907</td>
<td>Referred to</td>
</tr>
<tr>
<td>63-907</td>
<td>Repealed</td>
</tr>
<tr>
<td>63-908A</td>
<td>Repealed</td>
</tr>
<tr>
<td>63-910</td>
<td>Repealed</td>
</tr>
<tr>
<td>63-915</td>
<td>Referred to</td>
</tr>
<tr>
<td>63-918</td>
<td>Referred to</td>
</tr>
<tr>
<td>63-628</td>
<td>Referred to</td>
</tr>
<tr>
<td>63-628</td>
<td>Referred to</td>
</tr>
<tr>
<td>63-921</td>
<td>Amended</td>
</tr>
<tr>
<td>63-1201</td>
<td>Amended</td>
</tr>
<tr>
<td>63-2313</td>
<td>Amended</td>
</tr>
<tr>
<td>63-2503</td>
<td>Amended</td>
</tr>
<tr>
<td>63-2803</td>
<td>Referred to</td>
</tr>
<tr>
<td>63-3004</td>
<td>Amended</td>
</tr>
<tr>
<td>63-3021</td>
<td>Amended</td>
</tr>
<tr>
<td>63-3022</td>
<td>Amended</td>
</tr>
<tr>
<td>63-3022</td>
<td>Referred to</td>
</tr>
<tr>
<td>63-3022</td>
<td>Referred to</td>
</tr>
<tr>
<td>63-3022</td>
<td>Referred to</td>
</tr>
<tr>
<td>63-3022(k)</td>
<td>Referred to</td>
</tr>
<tr>
<td>63-3024</td>
<td>Amended</td>
</tr>
<tr>
<td>Section</td>
<td>1963 Laws</td>
</tr>
<tr>
<td>---------------</td>
<td>------------</td>
</tr>
<tr>
<td></td>
<td>Chapter Page</td>
</tr>
<tr>
<td>63-3025</td>
<td>425</td>
</tr>
<tr>
<td></td>
<td>1105</td>
</tr>
<tr>
<td>63-3025</td>
<td>425</td>
</tr>
<tr>
<td></td>
<td>1105</td>
</tr>
<tr>
<td>63-3025A</td>
<td>425</td>
</tr>
<tr>
<td></td>
<td>1105</td>
</tr>
<tr>
<td>63-3027</td>
<td>339</td>
</tr>
<tr>
<td></td>
<td>975</td>
</tr>
<tr>
<td>63-3028</td>
<td>339</td>
</tr>
<tr>
<td></td>
<td>975</td>
</tr>
<tr>
<td>63-3028</td>
<td>339</td>
</tr>
<tr>
<td></td>
<td>977</td>
</tr>
<tr>
<td>63-3034</td>
<td>352</td>
</tr>
<tr>
<td></td>
<td>1015</td>
</tr>
<tr>
<td>63-3035</td>
<td>352</td>
</tr>
<tr>
<td></td>
<td>1013</td>
</tr>
<tr>
<td>63-3039A</td>
<td>339</td>
</tr>
<tr>
<td></td>
<td>976</td>
</tr>
<tr>
<td>63-3042</td>
<td>339</td>
</tr>
<tr>
<td></td>
<td>976</td>
</tr>
<tr>
<td>66-901</td>
<td>118</td>
</tr>
<tr>
<td></td>
<td>346</td>
</tr>
<tr>
<td>66-1103</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>26</td>
</tr>
<tr>
<td>66-1107</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>26</td>
</tr>
<tr>
<td>67-203</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>150</td>
</tr>
<tr>
<td>67-507a</td>
<td>S.J.R. 6</td>
</tr>
<tr>
<td></td>
<td>1148</td>
</tr>
<tr>
<td>67-509</td>
<td>H.C.R. 8</td>
</tr>
<tr>
<td></td>
<td>1124</td>
</tr>
<tr>
<td>67-509</td>
<td>H.C.R. 8</td>
</tr>
<tr>
<td></td>
<td>1125</td>
</tr>
<tr>
<td>67-601</td>
<td>S.C.R. 2</td>
</tr>
<tr>
<td></td>
<td>1111</td>
</tr>
<tr>
<td>67-602</td>
<td>S.C.R. 2</td>
</tr>
<tr>
<td></td>
<td>1111</td>
</tr>
<tr>
<td>67-608</td>
<td>S.C.R. 2</td>
</tr>
<tr>
<td></td>
<td>1111</td>
</tr>
<tr>
<td>67-904</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>152</td>
</tr>
<tr>
<td>67-904</td>
<td>H.C.R. 10</td>
</tr>
<tr>
<td></td>
<td>1129</td>
</tr>
<tr>
<td>67-904</td>
<td>H.C.R. 10</td>
</tr>
<tr>
<td></td>
<td>1130</td>
</tr>
<tr>
<td>67-1401</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>161</td>
</tr>
<tr>
<td></td>
<td>475</td>
</tr>
<tr>
<td>67-1608</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>313</td>
</tr>
<tr>
<td></td>
<td>840</td>
</tr>
<tr>
<td>67-2008</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>112</td>
</tr>
<tr>
<td></td>
<td>336</td>
</tr>
<tr>
<td>67-2304</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>313</td>
</tr>
<tr>
<td></td>
<td>840</td>
</tr>
<tr>
<td>67-2304</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>228</td>
</tr>
<tr>
<td></td>
<td>642</td>
</tr>
<tr>
<td>67-2304</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>353</td>
</tr>
<tr>
<td></td>
<td>1016</td>
</tr>
<tr>
<td>67-2304A</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>313</td>
</tr>
<tr>
<td></td>
<td>841</td>
</tr>
<tr>
<td>67-2310</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>150</td>
</tr>
<tr>
<td>67-2728</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>72</td>
</tr>
<tr>
<td></td>
<td>264</td>
</tr>
<tr>
<td>67-2728</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>72</td>
</tr>
<tr>
<td></td>
<td>266</td>
</tr>
<tr>
<td>67-2740</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>72</td>
</tr>
<tr>
<td></td>
<td>265</td>
</tr>
<tr>
<td>67-2901</td>
<td>Amended</td>
</tr>
<tr>
<td></td>
<td>91</td>
</tr>
<tr>
<td></td>
<td>288</td>
</tr>
<tr>
<td>67-2913</td>
<td>Repealed</td>
</tr>
<tr>
<td></td>
<td>78</td>
</tr>
<tr>
<td></td>
<td>273</td>
</tr>
<tr>
<td>67-2915</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>280</td>
</tr>
<tr>
<td></td>
<td>718</td>
</tr>
<tr>
<td>67-2917</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>280</td>
</tr>
<tr>
<td></td>
<td>717</td>
</tr>
<tr>
<td>67-2917</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>284</td>
</tr>
<tr>
<td></td>
<td>739</td>
</tr>
<tr>
<td>67-2918</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>280</td>
</tr>
<tr>
<td></td>
<td>717</td>
</tr>
<tr>
<td>67-2918</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>280</td>
</tr>
<tr>
<td></td>
<td>721</td>
</tr>
<tr>
<td>67-2918</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>284</td>
</tr>
<tr>
<td></td>
<td>739</td>
</tr>
<tr>
<td>67-2919</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>284</td>
</tr>
<tr>
<td></td>
<td>739</td>
</tr>
<tr>
<td>67-2920</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>280</td>
</tr>
<tr>
<td></td>
<td>717</td>
</tr>
<tr>
<td>67-2921</td>
<td>Referred to</td>
</tr>
<tr>
<td></td>
<td>280</td>
</tr>
<tr>
<td></td>
<td>717</td>
</tr>
<tr>
<td>Section</td>
<td>1963 Laws</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------</td>
</tr>
<tr>
<td></td>
<td>Chapter</td>
</tr>
<tr>
<td>67-2921</td>
<td>Referred</td>
</tr>
<tr>
<td>67-2922</td>
<td>Referred</td>
</tr>
<tr>
<td>67-3505</td>
<td>Amended</td>
</tr>
<tr>
<td>67-3505</td>
<td>Referred</td>
</tr>
<tr>
<td>67-3509</td>
<td>Referred</td>
</tr>
<tr>
<td>67-3516</td>
<td>Referred</td>
</tr>
<tr>
<td>67-3516</td>
<td>Referred</td>
</tr>
<tr>
<td>67-3516</td>
<td>Referred</td>
</tr>
<tr>
<td>67-3517</td>
<td>Referred</td>
</tr>
<tr>
<td>67-3518</td>
<td>Referred</td>
</tr>
<tr>
<td>67-3519</td>
<td>Referred</td>
</tr>
<tr>
<td>67-3520</td>
<td>Referred</td>
</tr>
<tr>
<td>67-3521</td>
<td>Referred</td>
</tr>
<tr>
<td>67-3522</td>
<td>Referred</td>
</tr>
<tr>
<td>67-3523</td>
<td>Referred</td>
</tr>
<tr>
<td>67-3531</td>
<td>Referred</td>
</tr>
<tr>
<td>67-3531</td>
<td>Repealed</td>
</tr>
<tr>
<td>67-3532</td>
<td>Referred</td>
</tr>
<tr>
<td>67-4904</td>
<td>Amended</td>
</tr>
<tr>
<td>67-3602</td>
<td>Referred</td>
</tr>
<tr>
<td>68-506</td>
<td>New section</td>
</tr>
<tr>
<td>72-310(a)</td>
<td>Amended</td>
</tr>
<tr>
<td>72-310(b)</td>
<td>Referred</td>
</tr>
<tr>
<td>72-310(c)</td>
<td>Referred</td>
</tr>
<tr>
<td>72-310(d)</td>
<td>Referred</td>
</tr>
<tr>
<td>72-323</td>
<td>Amended</td>
</tr>
<tr>
<td>72-615</td>
<td>New section</td>
</tr>
<tr>
<td>72-615</td>
<td>Repealed</td>
</tr>
<tr>
<td>72-616</td>
<td>New section</td>
</tr>
<tr>
<td>72-617</td>
<td>New section</td>
</tr>
<tr>
<td>72-618</td>
<td>New section</td>
</tr>
<tr>
<td>72-619</td>
<td>New section</td>
</tr>
<tr>
<td>72-1001</td>
<td>Amended</td>
</tr>
<tr>
<td>72-1304</td>
<td>Referred</td>
</tr>
<tr>
<td>72-1304</td>
<td>Referred</td>
</tr>
<tr>
<td>72-1313</td>
<td>Amended</td>
</tr>
<tr>
<td>72-1315</td>
<td>Referred</td>
</tr>
<tr>
<td>72-1315</td>
<td>Referred</td>
</tr>
<tr>
<td>72-1315A</td>
<td>New section</td>
</tr>
<tr>
<td>72-1316</td>
<td>Amended</td>
</tr>
<tr>
<td>72-1316</td>
<td>Amended</td>
</tr>
<tr>
<td>72-1316</td>
<td>Referred</td>
</tr>
<tr>
<td>72-1316B</td>
<td>Amended</td>
</tr>
<tr>
<td>72-1316B</td>
<td>Repealed</td>
</tr>
<tr>
<td>72-1319</td>
<td>Amended</td>
</tr>
<tr>
<td>Section</td>
<td>1963 Laws</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------</td>
</tr>
<tr>
<td></td>
<td>Chapter</td>
</tr>
<tr>
<td>72-1319A</td>
<td>314</td>
</tr>
<tr>
<td>72-1322</td>
<td>314</td>
</tr>
<tr>
<td>72-1323</td>
<td>314</td>
</tr>
<tr>
<td>72-1328</td>
<td>314</td>
</tr>
<tr>
<td>72-1329</td>
<td>316</td>
</tr>
<tr>
<td>72-1344</td>
<td>314</td>
</tr>
<tr>
<td>72-1344</td>
<td>316</td>
</tr>
<tr>
<td>72-1344</td>
<td>318</td>
</tr>
<tr>
<td>72-1348 (d)</td>
<td>298</td>
</tr>
<tr>
<td>72-1349</td>
<td>271</td>
</tr>
<tr>
<td>72-1349</td>
<td>314</td>
</tr>
<tr>
<td>72-1350</td>
<td>314</td>
</tr>
<tr>
<td>72-1350</td>
<td>314</td>
</tr>
<tr>
<td>72-1351</td>
<td>314</td>
</tr>
<tr>
<td>72-1351</td>
<td>314</td>
</tr>
<tr>
<td>72-1351</td>
<td>314</td>
</tr>
<tr>
<td>72-1351A</td>
<td>314</td>
</tr>
<tr>
<td>72-1351 (a)</td>
<td>314</td>
</tr>
<tr>
<td>72-1351 (b)</td>
<td>314</td>
</tr>
<tr>
<td>72-1352</td>
<td>316</td>
</tr>
<tr>
<td>72-1352</td>
<td>318</td>
</tr>
<tr>
<td>72-1355A</td>
<td>316</td>
</tr>
<tr>
<td>72-1357</td>
<td>316</td>
</tr>
<tr>
<td>72-1357</td>
<td>318</td>
</tr>
<tr>
<td>72-1358</td>
<td>316</td>
</tr>
<tr>
<td>72-1360</td>
<td>316</td>
</tr>
<tr>
<td>72-1365 (c)</td>
<td>271</td>
</tr>
<tr>
<td>72-1366</td>
<td>271</td>
</tr>
<tr>
<td>72-1366</td>
<td>316</td>
</tr>
<tr>
<td>72-1367</td>
<td>271</td>
</tr>
<tr>
<td>72-1368 (j)</td>
<td>314</td>
</tr>
<tr>
<td>72-1368 (m)</td>
<td>271</td>
</tr>
<tr>
<td>72-1371</td>
<td>316</td>
</tr>
<tr>
<td>72-1372</td>
<td>316</td>
</tr>
<tr>
<td>72-1402</td>
<td>125</td>
</tr>
<tr>
<td>72-1402 (A)</td>
<td>125</td>
</tr>
<tr>
<td>72-1402 (A)</td>
<td>125</td>
</tr>
<tr>
<td>72-1402 (G)</td>
<td>125</td>
</tr>
<tr>
<td>72-1402 (H)</td>
<td>125</td>
</tr>
<tr>
<td>72-1402 (H)</td>
<td>125</td>
</tr>
<tr>
<td>72-1402 (H)</td>
<td>125</td>
</tr>
<tr>
<td>72-1402 (H)</td>
<td>125</td>
</tr>
<tr>
<td>72-1402 (H)</td>
<td>125</td>
</tr>
<tr>
<td>72-1402 (H)</td>
<td>125</td>
</tr>
<tr>
<td>72-1402 (H)</td>
<td>125</td>
</tr>
<tr>
<td>Section</td>
<td>1963 Laws Chapter</td>
</tr>
<tr>
<td>------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>72-1405</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1411</td>
<td>Amended</td>
</tr>
<tr>
<td>72-1411</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1411</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1411</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1411</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1411</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1411</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1411</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1411</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1412</td>
<td>Amended</td>
</tr>
<tr>
<td>72-1412</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1412</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1412</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1412</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1412</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1414</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1429A</td>
<td>New section</td>
</tr>
<tr>
<td>72-1429A</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1429A</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1429B</td>
<td>New section</td>
</tr>
<tr>
<td>72-1429B</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1429C</td>
<td>New section</td>
</tr>
<tr>
<td>72-1429D</td>
<td>New section</td>
</tr>
<tr>
<td>72-1429E</td>
<td>New section</td>
</tr>
<tr>
<td>72-1429F</td>
<td>New section</td>
</tr>
<tr>
<td>72-1429F</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1429G</td>
<td>New section</td>
</tr>
<tr>
<td>72-1429G</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1429H</td>
<td>New section</td>
</tr>
<tr>
<td>72-1429I</td>
<td>New section</td>
</tr>
<tr>
<td>72-1429J</td>
<td>New section</td>
</tr>
<tr>
<td>72-1429K</td>
<td>New section</td>
</tr>
<tr>
<td>72-1429L</td>
<td>New section</td>
</tr>
<tr>
<td>72-1429L</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1429M</td>
<td>New section</td>
</tr>
<tr>
<td>72-1429M</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1429N</td>
<td>New section</td>
</tr>
<tr>
<td>72-1429O</td>
<td>New section</td>
</tr>
<tr>
<td>72-1429P</td>
<td>New section</td>
</tr>
<tr>
<td>72-1429Q</td>
<td>New section</td>
</tr>
<tr>
<td>72-1429Q</td>
<td>Referred to</td>
</tr>
<tr>
<td>72-1429R</td>
<td>New section</td>
</tr>
<tr>
<td>73-108</td>
<td>Referred to</td>
</tr>
</tbody>
</table>
## AMENDMENTS AND REFERENCES TO 1907 SESSION LAWS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Referred to</th>
</tr>
</thead>
<tbody>
<tr>
<td>22</td>
<td>105 327</td>
</tr>
</tbody>
</table>

## AMENDMENTS AND REFERENCES TO 1909 SESSION LAWS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Referred to</th>
</tr>
</thead>
<tbody>
<tr>
<td>93</td>
<td>105 327</td>
</tr>
</tbody>
</table>

## AMENDMENTS AND REFERENCES TO 1925 SESSION LAWS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Section</th>
<th>Referred to</th>
</tr>
</thead>
<tbody>
<tr>
<td>133</td>
<td>6</td>
<td>180 538</td>
</tr>
</tbody>
</table>

## AMENDMENTS AND REFERENCES TO 1951 SESSION LAWS

### 1951 SESSION LAWS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Referred to</th>
</tr>
</thead>
<tbody>
<tr>
<td>61</td>
<td>310 819</td>
</tr>
<tr>
<td>231</td>
<td>105 327</td>
</tr>
</tbody>
</table>

### (First Extraordinary Session)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Referred to</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>135 388</td>
</tr>
</tbody>
</table>

## AMENDMENTS AND REFERENCES TO 1953 SESSION LAWS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Referred to</th>
</tr>
</thead>
<tbody>
<tr>
<td>148</td>
<td>143 419</td>
</tr>
<tr>
<td>248</td>
<td>274 708</td>
</tr>
</tbody>
</table>

## AMENDMENTS AND REFERENCES TO 1955 SESSION LAWS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Section</th>
<th>Referred to</th>
</tr>
</thead>
<tbody>
<tr>
<td>77</td>
<td></td>
<td>283 730</td>
</tr>
<tr>
<td>185</td>
<td></td>
<td>310 835</td>
</tr>
<tr>
<td>232</td>
<td>5</td>
<td>225 633</td>
</tr>
</tbody>
</table>
### AMENDMENTS AND REFERENCES TO 1957 SESSION LAWS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Section</th>
<th>1963 Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Chapter Page</td>
</tr>
<tr>
<td>49</td>
<td>Referred to</td>
<td>105 327</td>
</tr>
<tr>
<td>116</td>
<td>Amended</td>
<td>65 253</td>
</tr>
<tr>
<td>216</td>
<td>Repealed</td>
<td>343 981</td>
</tr>
</tbody>
</table>

### AMENDMENTS AND REFERENCES TO 1959 SESSION LAWS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>1963 Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Chapter Page</td>
</tr>
<tr>
<td>299</td>
<td>Referred to</td>
</tr>
</tbody>
</table>

### AMENDMENTS AND REFERENCES TO 1961 SESSION LAWS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>1963 Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Chapter Page</td>
</tr>
<tr>
<td>64</td>
<td>Referred to</td>
</tr>
<tr>
<td>91</td>
<td>Repealed</td>
</tr>
<tr>
<td>195</td>
<td>Referred to</td>
</tr>
<tr>
<td>247</td>
<td>Referred to</td>
</tr>
</tbody>
</table>

### AMENDMENTS AND REFERENCES TO 1963 SESSION LAWS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>1963 Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Chapter Page</td>
</tr>
<tr>
<td>5</td>
<td>Amended</td>
</tr>
<tr>
<td>13</td>
<td>New section added</td>
</tr>
<tr>
<td>13</td>
<td>Amended</td>
</tr>
<tr>
<td>13</td>
<td>Referred to</td>
</tr>
<tr>
<td>13</td>
<td>Amended</td>
</tr>
<tr>
<td>13</td>
<td>Amended</td>
</tr>
<tr>
<td>13</td>
<td>Amended</td>
</tr>
<tr>
<td>13</td>
<td>Amended</td>
</tr>
<tr>
<td>13</td>
<td>Amended</td>
</tr>
<tr>
<td>13</td>
<td>Amended</td>
</tr>
<tr>
<td>13</td>
<td>New section added</td>
</tr>
<tr>
<td>13</td>
<td>Repealed</td>
</tr>
<tr>
<td>13</td>
<td>Repealed</td>
</tr>
<tr>
<td>13</td>
<td>Repealed</td>
</tr>
<tr>
<td>13</td>
<td>Amended</td>
</tr>
<tr>
<td>13</td>
<td>Amended</td>
</tr>
</tbody>
</table>
# Chapter 13

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Section</th>
<th>1963 Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Chapter Page</td>
</tr>
<tr>
<td>13</td>
<td>128</td>
<td>Repealed ................................ 322 928</td>
</tr>
<tr>
<td>13</td>
<td>129</td>
<td>Referred to ............................. 322 921</td>
</tr>
<tr>
<td>13</td>
<td>129</td>
<td>Repealed ................................ 322 928</td>
</tr>
<tr>
<td>13</td>
<td>130</td>
<td>Referred to ............................. 322 921</td>
</tr>
<tr>
<td>13</td>
<td>130</td>
<td>Referred to ............................. 323 932</td>
</tr>
<tr>
<td>13</td>
<td>133</td>
<td>Amended ................................ 322 928</td>
</tr>
<tr>
<td>13</td>
<td>133</td>
<td>Referred to ............................. 322 925</td>
</tr>
<tr>
<td>13</td>
<td>137</td>
<td>Repealed ................................ 311 837</td>
</tr>
<tr>
<td>13</td>
<td>138</td>
<td>Repealed ................................ 311 837</td>
</tr>
<tr>
<td>13</td>
<td>141</td>
<td>Amended ................................ 322 930</td>
</tr>
<tr>
<td>13</td>
<td>142</td>
<td>Amended ................................ 322 931</td>
</tr>
<tr>
<td>13</td>
<td>183</td>
<td>Amended ................................ 219 628</td>
</tr>
<tr>
<td>13</td>
<td>183</td>
<td>Referred to ............................. 322 923</td>
</tr>
<tr>
<td>13</td>
<td>183</td>
<td>Referred to ............................. 323 933</td>
</tr>
<tr>
<td>13</td>
<td>184</td>
<td>Amended ................................ 270 690</td>
</tr>
<tr>
<td>13</td>
<td>184</td>
<td>Referred to ............................. 322 923</td>
</tr>
<tr>
<td>13</td>
<td>185</td>
<td>Referred to ............................. 322 923</td>
</tr>
<tr>
<td>13</td>
<td>186</td>
<td>Amended ................................ 322 923</td>
</tr>
<tr>
<td>13</td>
<td>186</td>
<td>(New subsections added) 350 1011</td>
</tr>
<tr>
<td>13</td>
<td>194</td>
<td>Amended ................................ 149 449</td>
</tr>
<tr>
<td>13</td>
<td>202</td>
<td>Amended ................................ 89 285</td>
</tr>
<tr>
<td>13</td>
<td>203</td>
<td>Referred to ............................. 149 450</td>
</tr>
<tr>
<td>13</td>
<td>204</td>
<td>Amended ................................ 266 678</td>
</tr>
<tr>
<td>13</td>
<td>212</td>
<td>Amended ................................ 343 982</td>
</tr>
<tr>
<td>52</td>
<td></td>
<td>Referred to ............................. 226 635</td>
</tr>
<tr>
<td>57</td>
<td>3</td>
<td>Referred to ............................. H.C.R. 19 1142</td>
</tr>
<tr>
<td>57</td>
<td></td>
<td>Referred to ............................. S.C.R. 6 1116</td>
</tr>
<tr>
<td>174</td>
<td></td>
<td>Referred to ............................. 376 1057</td>
</tr>
<tr>
<td>228</td>
<td></td>
<td>Amended ................................ 353 1016</td>
</tr>
</tbody>
</table>

## REFERENCES TO FEDERAL LAWS

<p>| Act of Congress, June 30, 1906 | H.J.M. 10 1183 |
| Act of Congress, June 16, 1933, (Subsections (c) (d) of section 36 of title 12 of the United States Code as amended by Sec. 23 of the Bank Act of 1933) | 180 538 |
| Act of Congress, June 19, 1934 | 66 257 |
| Act of Congress, June 27, 1934 | 66 256 |
| Act of Congress, June 22, 1944 (&quot;Servicemen's Readjustment Act of 1944&quot;) | 66 256 |
| Act of Congress, June 30, 1961 | 66 256 |
| Federal Food, Drug and Cosmetic Act | 172 497 |
| Federal Reserve Act | 71 263 |
| Housing Act of 1949, Sec. 701 | 50 203 |
| Internal Revenue Code of 1954 | 339 972 |
| Internal Revenue Code, Sub-title C. Ch. 23 | 316 865 |
| Internal Revenue Code, Section 38 | 339 974 |
| Internal Revenue Code, Section 47 | 339 975 |
| Internal Revenue Code, Section 48(g) | 339 974 |
| Internal Revenue Code, Section 63 | 339 972 |
| Internal Revenue Code, Section 172 | 339 973 |
| Internal Revenue Code, Section 172(c) | 339 972 |
| Internal Revenue Code, Section 172(d) | 339 972 |
| Internal Revenue Code, Section 181 | 339 974 |
| Internal Revenue Code, Section 243(a) | 339 973 |
| Internal Revenue Code, Section 246(b)(1) | 339 973 |
| Internal Revenue Code, Section 401(a) | 314 844 |
| Internal Revenue Code, Sections 401(a)(3), (4), (5), and (6) | 314 845 |
| Internal Revenue Code, Section 501(a) | 314 844 |
| Internal Revenue Code, Section 613(a) | 339 974 |
| Internal Revenue Code, Section 1600 | 316 867 |
| Internal Revenue Code, Section 3101 | 314 845 |
| Internal Revenue Code, Section 3304 | 316 865 |
| National Plumbing Code of the American Standards Association | 138 393 |
| Old Age and Survivors' Insurance Program | |
| Professional Service Corporation Act | 336 963 |
| Public Law 113, Statute 57, Ch. 190, Pg. 374 of U.S. Statute at large, 78th Congress | 825 938 |
| Public Law 815, 81st Congress | H.J.M. 11 1185 |</p>
<table>
<thead>
<tr>
<th>Public Law 874, 81st Congress</th>
<th>H.J.M. 11</th>
<th>1185</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Electrification Administration Act of the</td>
<td>-----------------</td>
<td>------</td>
</tr>
<tr>
<td>United States Congress</td>
<td>354</td>
<td>1017</td>
</tr>
<tr>
<td>Small Business Act</td>
<td>66</td>
<td>257</td>
</tr>
<tr>
<td>Small Business Investment Act of 1958</td>
<td>273</td>
<td>704</td>
</tr>
<tr>
<td></td>
<td>707</td>
<td></td>
</tr>
<tr>
<td>Smith-Hughes Act</td>
<td>150</td>
<td>451</td>
</tr>
<tr>
<td>Social Security Act, Section 903</td>
<td>298</td>
<td>787</td>
</tr>
<tr>
<td></td>
<td>788</td>
<td></td>
</tr>
<tr>
<td>Social Security Act</td>
<td>S.J.M. 2</td>
<td>1153</td>
</tr>
<tr>
<td>United States Code 1151, Title 18</td>
<td>58</td>
<td>225</td>
</tr>
</tbody>
</table>

**AMENDMENTS AND REFERENCES TO LEWISTON CITY CHARTER**
(Special Charter)

<table>
<thead>
<tr>
<th>Charter</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>213</td>
</tr>
</tbody>
</table>

Amended ........................................... 80 274

**AMENDMENTS AND REFERENCES TO UNITED STATES CONSTITUTION**

<table>
<thead>
<tr>
<th>Article</th>
<th>Section</th>
<th>1963 Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Chapter Page</td>
</tr>
<tr>
<td></td>
<td></td>
<td>210 599</td>
</tr>
<tr>
<td>I</td>
<td>10</td>
<td>176 507</td>
</tr>
<tr>
<td>VI</td>
<td>2</td>
<td>188 569</td>
</tr>
</tbody>
</table>

Proposing amendment to Constitution of United States relating to amendments to United States Constitution ........................................... H.J.M. 7 1181

Proposing amendment to Constitution of United States relating to apportionment of representation in legislature ................................................... S.J.M. 4 1156

Proposing amendment to Constitution of United States relating to limit to be set on the United States Federal Government indebtedness S.J.M. 9 1162

Proposing amendment to Constitution of United States relating to qualifications of electors H.J.R. 7 1151

**AMENDMENTS AND REFERENCES TO CONSTITUTION OF THE STATE OF IDAHO**

<table>
<thead>
<tr>
<th>Article</th>
<th>Section</th>
<th>1963 Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Chapter Page</td>
</tr>
<tr>
<td></td>
<td></td>
<td>210 599</td>
</tr>
<tr>
<td>Article</td>
<td>Section</td>
<td>1963 Laws Chapter</td>
</tr>
<tr>
<td>---------</td>
<td>---------</td>
<td>------------------</td>
</tr>
<tr>
<td>III</td>
<td>13</td>
<td>Referred to</td>
</tr>
<tr>
<td>VIII</td>
<td>3</td>
<td>Referred to</td>
</tr>
<tr>
<td>VIII</td>
<td>3</td>
<td>Amendments</td>
</tr>
<tr>
<td>XVIII</td>
<td>6</td>
<td>Amendments</td>
</tr>
</tbody>
</table>

RESOLUTIONS

House Concurrent Resolutions

<table>
<thead>
<tr>
<th>Resolution No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1117</td>
</tr>
<tr>
<td>2</td>
<td>1117</td>
</tr>
<tr>
<td>3</td>
<td>1119</td>
</tr>
<tr>
<td>4</td>
<td>1119</td>
</tr>
<tr>
<td>5</td>
<td>1120</td>
</tr>
<tr>
<td>6</td>
<td>1121</td>
</tr>
<tr>
<td>7</td>
<td>1121</td>
</tr>
<tr>
<td>8</td>
<td>1124</td>
</tr>
<tr>
<td>9</td>
<td>1127</td>
</tr>
<tr>
<td>10</td>
<td>1129</td>
</tr>
<tr>
<td>11</td>
<td>1132</td>
</tr>
<tr>
<td>12</td>
<td>1134</td>
</tr>
<tr>
<td>13</td>
<td>1135</td>
</tr>
<tr>
<td>14</td>
<td>1136</td>
</tr>
<tr>
<td>15</td>
<td>1137</td>
</tr>
<tr>
<td>16</td>
<td>1138</td>
</tr>
<tr>
<td>17</td>
<td>1139</td>
</tr>
<tr>
<td>18</td>
<td>1140</td>
</tr>
<tr>
<td>19</td>
<td>1142</td>
</tr>
<tr>
<td>21</td>
<td>1142</td>
</tr>
<tr>
<td>22</td>
<td>1143</td>
</tr>
<tr>
<td>23</td>
<td>1144</td>
</tr>
<tr>
<td>25</td>
<td>1145</td>
</tr>
</tbody>
</table>

Senate Concurrent Resolutions

<table>
<thead>
<tr>
<th>Resolution No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1110</td>
</tr>
<tr>
<td>2</td>
<td>1111</td>
</tr>
<tr>
<td>3</td>
<td>1112</td>
</tr>
<tr>
<td>4</td>
<td>1114</td>
</tr>
<tr>
<td>5</td>
<td>1115</td>
</tr>
<tr>
<td>6</td>
<td>1116</td>
</tr>
<tr>
<td>7</td>
<td>1116</td>
</tr>
<tr>
<td>House Joint Resolution No.</td>
<td>Page</td>
</tr>
<tr>
<td>----------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>5</td>
<td>1149</td>
</tr>
<tr>
<td>7</td>
<td>1151</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Senate Joint Resolution No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>1147</td>
</tr>
</tbody>
</table>

**MEMORIALS**

**House Joint Memorials**

<table>
<thead>
<tr>
<th>House Joint Memorial No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1171</td>
</tr>
<tr>
<td>2</td>
<td>1173</td>
</tr>
<tr>
<td>3</td>
<td>1175</td>
</tr>
<tr>
<td>4</td>
<td>1177</td>
</tr>
<tr>
<td>5</td>
<td>1178</td>
</tr>
<tr>
<td>6</td>
<td>1179</td>
</tr>
<tr>
<td>7</td>
<td>1181</td>
</tr>
<tr>
<td>9</td>
<td>1182</td>
</tr>
<tr>
<td>10</td>
<td>1183</td>
</tr>
<tr>
<td>11</td>
<td>1184</td>
</tr>
<tr>
<td>12</td>
<td>1186</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Senate Joint Memorial No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>1153</td>
</tr>
<tr>
<td>3</td>
<td>1154</td>
</tr>
<tr>
<td>4</td>
<td>1156</td>
</tr>
<tr>
<td>5</td>
<td>1157</td>
</tr>
<tr>
<td>7</td>
<td>1159</td>
</tr>
<tr>
<td>8</td>
<td>1161</td>
</tr>
<tr>
<td>9</td>
<td>1162</td>
</tr>
<tr>
<td>10</td>
<td>1163</td>
</tr>
<tr>
<td>11</td>
<td>1165</td>
</tr>
<tr>
<td>12</td>
<td>1166</td>
</tr>
<tr>
<td>13</td>
<td>1169</td>
</tr>
</tbody>
</table>
### NUMERICAL INDEX OF SESSION LAWS BY BILL NUMBERS

#### LAWS ORIGINATING IN HOUSE

<table>
<thead>
<tr>
<th>House Bill No.</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>5</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>10</td>
<td>139</td>
<td>397</td>
</tr>
<tr>
<td>15</td>
<td>6</td>
<td>17</td>
</tr>
<tr>
<td>20</td>
<td>52</td>
<td>204</td>
</tr>
<tr>
<td>21</td>
<td>16</td>
<td>150</td>
</tr>
<tr>
<td>24</td>
<td>280</td>
<td>715</td>
</tr>
<tr>
<td>26</td>
<td>319</td>
<td>876</td>
</tr>
<tr>
<td>29</td>
<td>320</td>
<td>901</td>
</tr>
<tr>
<td>30</td>
<td>145</td>
<td>420</td>
</tr>
<tr>
<td>31</td>
<td>48</td>
<td>199</td>
</tr>
<tr>
<td>37</td>
<td>278</td>
<td>712</td>
</tr>
<tr>
<td>39</td>
<td>86</td>
<td>281</td>
</tr>
<tr>
<td>41</td>
<td>47</td>
<td>198</td>
</tr>
<tr>
<td>42</td>
<td>33</td>
<td>176</td>
</tr>
<tr>
<td>43</td>
<td>32</td>
<td>175</td>
</tr>
<tr>
<td>46</td>
<td>14</td>
<td>149</td>
</tr>
<tr>
<td>48</td>
<td>51</td>
<td>204</td>
</tr>
<tr>
<td>50</td>
<td>15</td>
<td>149</td>
</tr>
<tr>
<td>53</td>
<td>314</td>
<td>841</td>
</tr>
<tr>
<td>54</td>
<td>316</td>
<td>864</td>
</tr>
<tr>
<td>56</td>
<td>17</td>
<td>151</td>
</tr>
<tr>
<td>60</td>
<td>31</td>
<td>174</td>
</tr>
<tr>
<td>65</td>
<td>279</td>
<td>714</td>
</tr>
<tr>
<td>67</td>
<td>94</td>
<td>310</td>
</tr>
<tr>
<td>70</td>
<td>59</td>
<td>226</td>
</tr>
<tr>
<td>71</td>
<td>60</td>
<td>236</td>
</tr>
<tr>
<td>72</td>
<td>92</td>
<td>290</td>
</tr>
<tr>
<td>73</td>
<td>281</td>
<td>724</td>
</tr>
<tr>
<td>74</td>
<td>138</td>
<td>392</td>
</tr>
<tr>
<td>75</td>
<td>40</td>
<td>188</td>
</tr>
<tr>
<td>76</td>
<td>61</td>
<td>242</td>
</tr>
<tr>
<td>77</td>
<td>50</td>
<td>202</td>
</tr>
<tr>
<td>78</td>
<td>144</td>
<td>419</td>
</tr>
<tr>
<td>81</td>
<td>76</td>
<td>271</td>
</tr>
<tr>
<td>82</td>
<td>30</td>
<td>171</td>
</tr>
<tr>
<td>83</td>
<td>143</td>
<td>406</td>
</tr>
<tr>
<td>86</td>
<td>75</td>
<td>270</td>
</tr>
<tr>
<td>House Bill No.</td>
<td>Chapter</td>
<td>Page</td>
</tr>
<tr>
<td>---------------</td>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>87</td>
<td>39</td>
<td>187</td>
</tr>
<tr>
<td>92</td>
<td>13</td>
<td>27</td>
</tr>
<tr>
<td>94</td>
<td>124</td>
<td>354</td>
</tr>
<tr>
<td>95</td>
<td>141</td>
<td>401</td>
</tr>
<tr>
<td>97</td>
<td>62</td>
<td>243</td>
</tr>
<tr>
<td>98</td>
<td>66</td>
<td>254</td>
</tr>
<tr>
<td>99</td>
<td>423</td>
<td>1098</td>
</tr>
<tr>
<td>104</td>
<td>187</td>
<td>556</td>
</tr>
<tr>
<td>105</td>
<td>63</td>
<td>246</td>
</tr>
<tr>
<td>106</td>
<td>283</td>
<td>730</td>
</tr>
<tr>
<td>108</td>
<td>146</td>
<td>431</td>
</tr>
<tr>
<td>110</td>
<td>67</td>
<td>258</td>
</tr>
<tr>
<td>111</td>
<td>68</td>
<td>260</td>
</tr>
<tr>
<td>113</td>
<td>88</td>
<td>283</td>
</tr>
<tr>
<td>114</td>
<td>90</td>
<td>286</td>
</tr>
<tr>
<td>115</td>
<td>78</td>
<td>273</td>
</tr>
<tr>
<td>116</td>
<td>79</td>
<td>274</td>
</tr>
<tr>
<td>117</td>
<td>91</td>
<td>288</td>
</tr>
<tr>
<td>118</td>
<td>87</td>
<td>282</td>
</tr>
<tr>
<td>119</td>
<td>83</td>
<td>277</td>
</tr>
<tr>
<td>120</td>
<td>298</td>
<td>787</td>
</tr>
<tr>
<td>124</td>
<td>299</td>
<td>788</td>
</tr>
<tr>
<td>126</td>
<td>84</td>
<td>277</td>
</tr>
<tr>
<td>127</td>
<td>89</td>
<td>285</td>
</tr>
<tr>
<td>128</td>
<td>125</td>
<td>358</td>
</tr>
<tr>
<td>129</td>
<td>93</td>
<td>291</td>
</tr>
<tr>
<td>131</td>
<td>318</td>
<td>872</td>
</tr>
<tr>
<td>132</td>
<td>95</td>
<td>312</td>
</tr>
<tr>
<td>134</td>
<td>190</td>
<td>579</td>
</tr>
<tr>
<td>138</td>
<td>282</td>
<td>725</td>
</tr>
<tr>
<td>139</td>
<td>120</td>
<td>348</td>
</tr>
<tr>
<td>144</td>
<td>118</td>
<td>346</td>
</tr>
<tr>
<td>145</td>
<td>77</td>
<td>272</td>
</tr>
<tr>
<td>146</td>
<td>119</td>
<td>347</td>
</tr>
<tr>
<td>149</td>
<td>123</td>
<td>352</td>
</tr>
<tr>
<td>150</td>
<td>49</td>
<td>201</td>
</tr>
<tr>
<td>151</td>
<td>135</td>
<td>388</td>
</tr>
<tr>
<td>153</td>
<td>81</td>
<td>275</td>
</tr>
<tr>
<td>154</td>
<td>82</td>
<td>276</td>
</tr>
<tr>
<td>155</td>
<td>121</td>
<td>350</td>
</tr>
<tr>
<td>158</td>
<td>96</td>
<td>313</td>
</tr>
<tr>
<td>161</td>
<td>338</td>
<td>970</td>
</tr>
<tr>
<td>162</td>
<td>370</td>
<td>1052</td>
</tr>
<tr>
<td>163</td>
<td>371</td>
<td>1053</td>
</tr>
<tr>
<td>164</td>
<td>368</td>
<td>1050</td>
</tr>
<tr>
<td>House Bill No.</td>
<td>Chapter</td>
<td>Page</td>
</tr>
<tr>
<td>---------------</td>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>165</td>
<td>97</td>
<td>315</td>
</tr>
<tr>
<td>166</td>
<td>147</td>
<td>431</td>
</tr>
<tr>
<td>168</td>
<td>148</td>
<td>433</td>
</tr>
<tr>
<td>169</td>
<td>122</td>
<td>351</td>
</tr>
<tr>
<td>181</td>
<td>80</td>
<td>274</td>
</tr>
<tr>
<td>184</td>
<td>300</td>
<td>789</td>
</tr>
<tr>
<td>185</td>
<td>297</td>
<td>786</td>
</tr>
<tr>
<td>186</td>
<td>372</td>
<td>1053</td>
</tr>
<tr>
<td>187</td>
<td>369</td>
<td>1051</td>
</tr>
<tr>
<td>188</td>
<td>365</td>
<td>1047</td>
</tr>
<tr>
<td>189</td>
<td>392</td>
<td>1070</td>
</tr>
<tr>
<td>190</td>
<td>373</td>
<td>1054</td>
</tr>
<tr>
<td>191</td>
<td>374</td>
<td>1055</td>
</tr>
<tr>
<td>192</td>
<td>366</td>
<td>1048</td>
</tr>
<tr>
<td>193</td>
<td>367</td>
<td>1049</td>
</tr>
<tr>
<td>194</td>
<td>184</td>
<td>544</td>
</tr>
<tr>
<td>195</td>
<td>186</td>
<td>549</td>
</tr>
<tr>
<td>198</td>
<td>284</td>
<td>732</td>
</tr>
<tr>
<td>201</td>
<td>133</td>
<td>385</td>
</tr>
<tr>
<td>203</td>
<td>315</td>
<td>857</td>
</tr>
<tr>
<td>205</td>
<td>287</td>
<td>754</td>
</tr>
<tr>
<td>206</td>
<td>293</td>
<td>774</td>
</tr>
<tr>
<td>207</td>
<td>295</td>
<td>777</td>
</tr>
<tr>
<td>209</td>
<td>361</td>
<td>1032</td>
</tr>
<tr>
<td>210</td>
<td>74</td>
<td>268</td>
</tr>
<tr>
<td>212</td>
<td>306</td>
<td>805</td>
</tr>
<tr>
<td>213</td>
<td>140</td>
<td>400</td>
</tr>
<tr>
<td>214</td>
<td>185</td>
<td>548</td>
</tr>
<tr>
<td>215</td>
<td>137</td>
<td>389</td>
</tr>
<tr>
<td>219</td>
<td>285</td>
<td>752</td>
</tr>
<tr>
<td>221</td>
<td>134</td>
<td>386</td>
</tr>
<tr>
<td>224</td>
<td>149</td>
<td>449</td>
</tr>
<tr>
<td>225</td>
<td>381</td>
<td>1061</td>
</tr>
<tr>
<td>226</td>
<td>382</td>
<td>1062</td>
</tr>
<tr>
<td>227</td>
<td>383</td>
<td>1062</td>
</tr>
<tr>
<td>228</td>
<td>304</td>
<td>794</td>
</tr>
<tr>
<td>230</td>
<td>359</td>
<td>1028</td>
</tr>
<tr>
<td>231</td>
<td>189</td>
<td>577</td>
</tr>
<tr>
<td>232</td>
<td>85</td>
<td>279</td>
</tr>
<tr>
<td>236</td>
<td>73</td>
<td>266</td>
</tr>
<tr>
<td>237</td>
<td>286</td>
<td>752</td>
</tr>
<tr>
<td>238</td>
<td>136</td>
<td>389</td>
</tr>
<tr>
<td>241</td>
<td>142</td>
<td>405</td>
</tr>
<tr>
<td>244</td>
<td>150</td>
<td>451</td>
</tr>
<tr>
<td>245</td>
<td>188</td>
<td>568</td>
</tr>
<tr>
<td>House Bill No.</td>
<td>Chapter</td>
<td>Page</td>
</tr>
<tr>
<td>---------------</td>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>249</td>
<td>305</td>
<td>795</td>
</tr>
<tr>
<td>250</td>
<td>294</td>
<td>774</td>
</tr>
<tr>
<td>251</td>
<td>312</td>
<td>838</td>
</tr>
<tr>
<td>253</td>
<td>131</td>
<td>383</td>
</tr>
<tr>
<td>256</td>
<td>313</td>
<td>839</td>
</tr>
<tr>
<td>257</td>
<td>349</td>
<td>988</td>
</tr>
<tr>
<td>258</td>
<td>357</td>
<td>1023</td>
</tr>
<tr>
<td>259</td>
<td>327</td>
<td>941</td>
</tr>
<tr>
<td>260</td>
<td>416</td>
<td>1091</td>
</tr>
<tr>
<td>261</td>
<td>328</td>
<td>942</td>
</tr>
<tr>
<td>262</td>
<td>420</td>
<td>1094</td>
</tr>
<tr>
<td>263</td>
<td>132</td>
<td>384</td>
</tr>
<tr>
<td>264</td>
<td>130</td>
<td>382</td>
</tr>
<tr>
<td>268</td>
<td>362</td>
<td>1032</td>
</tr>
<tr>
<td>269</td>
<td>296</td>
<td>785</td>
</tr>
<tr>
<td>271</td>
<td>291</td>
<td>771</td>
</tr>
<tr>
<td>272</td>
<td>428</td>
<td>1107</td>
</tr>
<tr>
<td>273</td>
<td>360</td>
<td>1030</td>
</tr>
<tr>
<td>274</td>
<td>354</td>
<td>1017</td>
</tr>
<tr>
<td>275</td>
<td>321</td>
<td>909</td>
</tr>
<tr>
<td>276</td>
<td>355</td>
<td>1018</td>
</tr>
<tr>
<td>277</td>
<td>417</td>
<td>1092</td>
</tr>
<tr>
<td>278</td>
<td>415</td>
<td>1090</td>
</tr>
<tr>
<td>279</td>
<td>418</td>
<td>1092</td>
</tr>
<tr>
<td>280</td>
<td>419</td>
<td>1093</td>
</tr>
<tr>
<td>281</td>
<td>289</td>
<td>756</td>
</tr>
<tr>
<td>282</td>
<td>301</td>
<td>790</td>
</tr>
<tr>
<td>283</td>
<td>292</td>
<td>772</td>
</tr>
<tr>
<td>285</td>
<td>311</td>
<td>835</td>
</tr>
<tr>
<td>286</td>
<td>356</td>
<td>1022</td>
</tr>
<tr>
<td>290</td>
<td>288</td>
<td>755</td>
</tr>
<tr>
<td>291</td>
<td>358</td>
<td>1026</td>
</tr>
<tr>
<td>302</td>
<td>302</td>
<td>791</td>
</tr>
<tr>
<td>303</td>
<td>329</td>
<td>943</td>
</tr>
<tr>
<td>307</td>
<td>303</td>
<td>793</td>
</tr>
<tr>
<td>308</td>
<td>337</td>
<td>965</td>
</tr>
<tr>
<td>311</td>
<td>351</td>
<td>1012</td>
</tr>
<tr>
<td>312</td>
<td>348</td>
<td>986</td>
</tr>
<tr>
<td>316</td>
<td>334</td>
<td>956</td>
</tr>
<tr>
<td>317</td>
<td>364</td>
<td>1047</td>
</tr>
<tr>
<td>319</td>
<td>330</td>
<td>945</td>
</tr>
<tr>
<td>324</td>
<td>405</td>
<td>1081</td>
</tr>
<tr>
<td>325</td>
<td>389</td>
<td>1068</td>
</tr>
<tr>
<td>326</td>
<td>326</td>
<td>940</td>
</tr>
<tr>
<td>327</td>
<td>427</td>
<td>1106</td>
</tr>
<tr>
<td>House Bill No.</td>
<td>Chapter</td>
<td>Page</td>
</tr>
<tr>
<td>---------------</td>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>328</td>
<td>388</td>
<td>1067</td>
</tr>
<tr>
<td>329</td>
<td>290</td>
<td>757</td>
</tr>
<tr>
<td>330</td>
<td>335</td>
<td>959</td>
</tr>
<tr>
<td>332</td>
<td>344</td>
<td>983</td>
</tr>
<tr>
<td>333</td>
<td>390</td>
<td>1068</td>
</tr>
<tr>
<td>335</td>
<td>347</td>
<td>986</td>
</tr>
<tr>
<td>336</td>
<td>333</td>
<td>953</td>
</tr>
<tr>
<td>337</td>
<td>332</td>
<td>950</td>
</tr>
<tr>
<td>339</td>
<td>346</td>
<td>985</td>
</tr>
<tr>
<td>340</td>
<td>391</td>
<td>1069</td>
</tr>
<tr>
<td>341</td>
<td>404</td>
<td>1080</td>
</tr>
<tr>
<td>342</td>
<td>406</td>
<td>1082</td>
</tr>
<tr>
<td>343</td>
<td>385</td>
<td>1064</td>
</tr>
<tr>
<td>344</td>
<td>386</td>
<td>1065</td>
</tr>
<tr>
<td>346</td>
<td>414</td>
<td>1089</td>
</tr>
<tr>
<td>348</td>
<td>387</td>
<td>1066</td>
</tr>
<tr>
<td>349</td>
<td>336</td>
<td>963</td>
</tr>
<tr>
<td>350</td>
<td>331</td>
<td>946</td>
</tr>
<tr>
<td>351</td>
<td>395</td>
<td>1073</td>
</tr>
<tr>
<td>352</td>
<td>421</td>
<td>1095</td>
</tr>
<tr>
<td>355</td>
<td>350</td>
<td>1010</td>
</tr>
<tr>
<td>356</td>
<td>341</td>
<td>978</td>
</tr>
<tr>
<td>362</td>
<td>343</td>
<td>981</td>
</tr>
<tr>
<td>363</td>
<td>363</td>
<td>1037</td>
</tr>
<tr>
<td>364</td>
<td>342</td>
<td>980</td>
</tr>
<tr>
<td>366</td>
<td>322</td>
<td>919</td>
</tr>
<tr>
<td>368</td>
<td>339</td>
<td>971</td>
</tr>
<tr>
<td>369</td>
<td>345</td>
<td>983</td>
</tr>
<tr>
<td>373</td>
<td>422</td>
<td>1097</td>
</tr>
<tr>
<td>374</td>
<td>424</td>
<td>1103</td>
</tr>
<tr>
<td>375</td>
<td>377</td>
<td>1057</td>
</tr>
<tr>
<td>376</td>
<td>375</td>
<td>1056</td>
</tr>
<tr>
<td>377</td>
<td>426</td>
<td>1105</td>
</tr>
<tr>
<td>378</td>
<td>397</td>
<td>1074</td>
</tr>
<tr>
<td>379</td>
<td>376</td>
<td>1057</td>
</tr>
<tr>
<td>385</td>
<td>340</td>
<td>978</td>
</tr>
<tr>
<td>386</td>
<td>400</td>
<td>1077</td>
</tr>
<tr>
<td>387</td>
<td>398</td>
<td>1075</td>
</tr>
<tr>
<td>388</td>
<td>384</td>
<td>1063</td>
</tr>
<tr>
<td>389</td>
<td>379</td>
<td>1059</td>
</tr>
<tr>
<td>390</td>
<td>402</td>
<td>1079</td>
</tr>
<tr>
<td>391</td>
<td>378</td>
<td>1058</td>
</tr>
<tr>
<td>392</td>
<td>403</td>
<td>1080</td>
</tr>
<tr>
<td>393</td>
<td>394</td>
<td>1072</td>
</tr>
<tr>
<td>394</td>
<td>401</td>
<td>1078</td>
</tr>
<tr>
<td>House Bill No.</td>
<td>Chapter</td>
<td>Page</td>
</tr>
<tr>
<td>---------------</td>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>395</td>
<td>.396</td>
<td>1073</td>
</tr>
<tr>
<td>396</td>
<td>.399</td>
<td>1076</td>
</tr>
<tr>
<td>397</td>
<td>.393</td>
<td>1071</td>
</tr>
<tr>
<td>399</td>
<td>.411</td>
<td>1087</td>
</tr>
<tr>
<td>400</td>
<td>.410</td>
<td>1086</td>
</tr>
<tr>
<td>401</td>
<td>.380</td>
<td>1060</td>
</tr>
<tr>
<td>403</td>
<td>.409</td>
<td>1085</td>
</tr>
<tr>
<td>404</td>
<td>.413</td>
<td>1088</td>
</tr>
<tr>
<td>406</td>
<td>.352</td>
<td>1013</td>
</tr>
<tr>
<td>407</td>
<td>.408</td>
<td>1084</td>
</tr>
<tr>
<td>408</td>
<td>.407</td>
<td>1083</td>
</tr>
<tr>
<td>410</td>
<td>.412</td>
<td>1087</td>
</tr>
<tr>
<td>411</td>
<td>.425</td>
<td>1104</td>
</tr>
<tr>
<td>413</td>
<td>.353</td>
<td>1016</td>
</tr>
</tbody>
</table>

---

**LAWS ORIGINATING IN SENATE**

<table>
<thead>
<tr>
<th>Senate Bill No.</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>65</td>
<td>253</td>
</tr>
<tr>
<td>5</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>6</td>
<td>12</td>
<td>23</td>
</tr>
<tr>
<td>7</td>
<td>.210</td>
<td>599</td>
</tr>
<tr>
<td>9</td>
<td>34</td>
<td>176</td>
</tr>
<tr>
<td>10</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>12</td>
<td>18</td>
<td>154</td>
</tr>
<tr>
<td>14</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>15</td>
<td>8</td>
<td>19</td>
</tr>
<tr>
<td>19</td>
<td>9</td>
<td>20</td>
</tr>
<tr>
<td>22</td>
<td>7</td>
<td>18</td>
</tr>
<tr>
<td>23</td>
<td>11</td>
<td>22</td>
</tr>
<tr>
<td>26</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>29</td>
<td>35</td>
<td>179</td>
</tr>
<tr>
<td>30</td>
<td>29</td>
<td>170</td>
</tr>
<tr>
<td>34</td>
<td>43</td>
<td>192</td>
</tr>
<tr>
<td>35</td>
<td>36</td>
<td>183</td>
</tr>
<tr>
<td>37</td>
<td>44</td>
<td>193</td>
</tr>
<tr>
<td>38</td>
<td>46</td>
<td>196</td>
</tr>
<tr>
<td>39</td>
<td>19</td>
<td>160</td>
</tr>
<tr>
<td>40</td>
<td>.99</td>
<td>317</td>
</tr>
<tr>
<td>43</td>
<td>.20</td>
<td>161</td>
</tr>
<tr>
<td>44</td>
<td>.21</td>
<td>162</td>
</tr>
<tr>
<td>Senate Bill No.</td>
<td>Chapter</td>
<td>Page</td>
</tr>
<tr>
<td>----------------</td>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>45</td>
<td>22</td>
<td>163</td>
</tr>
<tr>
<td>46</td>
<td>28</td>
<td>169</td>
</tr>
<tr>
<td>47</td>
<td>23</td>
<td>164</td>
</tr>
<tr>
<td>48</td>
<td>24</td>
<td>166</td>
</tr>
<tr>
<td>49</td>
<td>25</td>
<td>167</td>
</tr>
<tr>
<td>50</td>
<td>26</td>
<td>168</td>
</tr>
<tr>
<td>54</td>
<td>69</td>
<td>260</td>
</tr>
<tr>
<td>56</td>
<td>104</td>
<td>324</td>
</tr>
<tr>
<td>57</td>
<td>37</td>
<td>185</td>
</tr>
<tr>
<td>58</td>
<td>38</td>
<td>186</td>
</tr>
<tr>
<td>60</td>
<td>325</td>
<td>936</td>
</tr>
<tr>
<td>61</td>
<td>202</td>
<td>591</td>
</tr>
<tr>
<td>63</td>
<td>70</td>
<td>262</td>
</tr>
<tr>
<td>64</td>
<td>27</td>
<td>169</td>
</tr>
<tr>
<td>66</td>
<td>45</td>
<td>194</td>
</tr>
<tr>
<td>68</td>
<td>308</td>
<td>814</td>
</tr>
<tr>
<td>69</td>
<td>220</td>
<td>629</td>
</tr>
<tr>
<td>70</td>
<td>42</td>
<td>191</td>
</tr>
<tr>
<td>72</td>
<td>53</td>
<td>218</td>
</tr>
<tr>
<td>73</td>
<td>41</td>
<td>189</td>
</tr>
<tr>
<td>76</td>
<td>110</td>
<td>332</td>
</tr>
<tr>
<td>77</td>
<td>181</td>
<td>539</td>
</tr>
<tr>
<td>80</td>
<td>156</td>
<td>457</td>
</tr>
<tr>
<td>81</td>
<td>182</td>
<td>540</td>
</tr>
<tr>
<td>83</td>
<td>98</td>
<td>316</td>
</tr>
<tr>
<td>85</td>
<td>64</td>
<td>246</td>
</tr>
<tr>
<td>87</td>
<td>172</td>
<td>496</td>
</tr>
<tr>
<td>89</td>
<td>203</td>
<td>593</td>
</tr>
<tr>
<td>90</td>
<td>126</td>
<td>370</td>
</tr>
<tr>
<td>91</td>
<td>58</td>
<td>224</td>
</tr>
<tr>
<td>98</td>
<td>111</td>
<td>334</td>
</tr>
<tr>
<td>100</td>
<td>105</td>
<td>326</td>
</tr>
<tr>
<td>101</td>
<td>171</td>
<td>495</td>
</tr>
<tr>
<td>102</td>
<td>170</td>
<td>492</td>
</tr>
<tr>
<td>104</td>
<td>72</td>
<td>264</td>
</tr>
<tr>
<td>105</td>
<td>71</td>
<td>263</td>
</tr>
<tr>
<td>106</td>
<td>100</td>
<td>318</td>
</tr>
<tr>
<td>109</td>
<td>106</td>
<td>328</td>
</tr>
<tr>
<td>111</td>
<td>57</td>
<td>222</td>
</tr>
<tr>
<td>112</td>
<td>159</td>
<td>463</td>
</tr>
<tr>
<td>113</td>
<td>169</td>
<td>489</td>
</tr>
<tr>
<td>116</td>
<td>180</td>
<td>538</td>
</tr>
<tr>
<td>117</td>
<td>114</td>
<td>337</td>
</tr>
<tr>
<td>118</td>
<td>109</td>
<td>332</td>
</tr>
<tr>
<td>119</td>
<td>204</td>
<td>593</td>
</tr>
<tr>
<td>Senate Bill No.</td>
<td>Chapter</td>
<td>Page</td>
</tr>
<tr>
<td>----------------</td>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>120</td>
<td></td>
<td></td>
</tr>
<tr>
<td>121</td>
<td>101</td>
<td>319</td>
</tr>
<tr>
<td>122</td>
<td>128</td>
<td>379</td>
</tr>
<tr>
<td>123</td>
<td>112</td>
<td>335</td>
</tr>
<tr>
<td>126</td>
<td>113</td>
<td>336</td>
</tr>
<tr>
<td>127</td>
<td>54</td>
<td>219</td>
</tr>
<tr>
<td>128</td>
<td>56</td>
<td>220</td>
</tr>
<tr>
<td>129</td>
<td>55</td>
<td>219</td>
</tr>
<tr>
<td>130</td>
<td>205</td>
<td>594</td>
</tr>
<tr>
<td>131</td>
<td>221</td>
<td>630</td>
</tr>
<tr>
<td>132</td>
<td>206</td>
<td>595</td>
</tr>
<tr>
<td>133</td>
<td>127</td>
<td>374</td>
</tr>
<tr>
<td>134</td>
<td>102</td>
<td>320</td>
</tr>
<tr>
<td>135</td>
<td>168</td>
<td>486</td>
</tr>
<tr>
<td>136</td>
<td>167</td>
<td>485</td>
</tr>
<tr>
<td>137</td>
<td>129</td>
<td>380</td>
</tr>
<tr>
<td>138</td>
<td>155</td>
<td>457</td>
</tr>
<tr>
<td>139</td>
<td>107</td>
<td>329</td>
</tr>
<tr>
<td>140</td>
<td>103</td>
<td>323</td>
</tr>
<tr>
<td>141</td>
<td>108</td>
<td>331</td>
</tr>
<tr>
<td>142</td>
<td>154</td>
<td>454</td>
</tr>
<tr>
<td>143</td>
<td>157</td>
<td>458</td>
</tr>
<tr>
<td>144</td>
<td>201</td>
<td>590</td>
</tr>
<tr>
<td>145</td>
<td>230</td>
<td>643</td>
</tr>
<tr>
<td>146</td>
<td>207</td>
<td>596</td>
</tr>
<tr>
<td>147</td>
<td>208</td>
<td>597</td>
</tr>
<tr>
<td>148</td>
<td>222</td>
<td>631</td>
</tr>
<tr>
<td>149</td>
<td>249</td>
<td>659</td>
</tr>
<tr>
<td>150</td>
<td>250</td>
<td>660</td>
</tr>
<tr>
<td>151</td>
<td>153</td>
<td>454</td>
</tr>
<tr>
<td>152</td>
<td>209</td>
<td>598</td>
</tr>
<tr>
<td>153</td>
<td>223</td>
<td>631</td>
</tr>
<tr>
<td>154</td>
<td>115</td>
<td>338</td>
</tr>
<tr>
<td>155</td>
<td>224</td>
<td>632</td>
</tr>
<tr>
<td>156</td>
<td>240</td>
<td>652</td>
</tr>
<tr>
<td>157</td>
<td>317</td>
<td>871</td>
</tr>
<tr>
<td>158</td>
<td>244</td>
<td>655</td>
</tr>
<tr>
<td>159</td>
<td>166</td>
<td>484</td>
</tr>
<tr>
<td>160</td>
<td>158</td>
<td>459</td>
</tr>
<tr>
<td>161</td>
<td>309</td>
<td>816</td>
</tr>
<tr>
<td>162</td>
<td>152</td>
<td>453</td>
</tr>
<tr>
<td>163</td>
<td>160</td>
<td>463</td>
</tr>
<tr>
<td>164</td>
<td>266</td>
<td>678</td>
</tr>
<tr>
<td>165</td>
<td>116</td>
<td>342</td>
</tr>
<tr>
<td>166</td>
<td>183</td>
<td>542</td>
</tr>
<tr>
<td>167</td>
<td>245</td>
<td>656</td>
</tr>
<tr>
<td>Senate Bill No.</td>
<td>Chapter</td>
<td>Page</td>
</tr>
<tr>
<td>----------------</td>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>187</td>
<td>243</td>
<td>654</td>
</tr>
<tr>
<td>188</td>
<td>200</td>
<td>590</td>
</tr>
<tr>
<td>189</td>
<td>198</td>
<td>588</td>
</tr>
<tr>
<td>190</td>
<td>197</td>
<td>587</td>
</tr>
<tr>
<td>191</td>
<td>196</td>
<td>586</td>
</tr>
<tr>
<td>192</td>
<td>232</td>
<td>645</td>
</tr>
<tr>
<td>195</td>
<td>117</td>
<td>344</td>
</tr>
<tr>
<td>197</td>
<td>151</td>
<td>452</td>
</tr>
<tr>
<td>199</td>
<td>179</td>
<td>527</td>
</tr>
<tr>
<td>200</td>
<td>162</td>
<td>477</td>
</tr>
<tr>
<td>201</td>
<td>276</td>
<td>710</td>
</tr>
<tr>
<td>203</td>
<td>211</td>
<td>601</td>
</tr>
<tr>
<td>204</td>
<td>270</td>
<td>690</td>
</tr>
<tr>
<td>209</td>
<td>271</td>
<td>691</td>
</tr>
<tr>
<td>210</td>
<td>212</td>
<td>605</td>
</tr>
<tr>
<td>211</td>
<td>165</td>
<td>482</td>
</tr>
<tr>
<td>214</td>
<td>199</td>
<td>589</td>
</tr>
<tr>
<td>217</td>
<td>213</td>
<td>617</td>
</tr>
<tr>
<td>220</td>
<td>178</td>
<td>526</td>
</tr>
<tr>
<td>221</td>
<td>161</td>
<td>475</td>
</tr>
<tr>
<td>222</td>
<td>164</td>
<td>481</td>
</tr>
<tr>
<td>228</td>
<td>214</td>
<td>618</td>
</tr>
<tr>
<td>229</td>
<td>215</td>
<td>622</td>
</tr>
<tr>
<td>232</td>
<td>216</td>
<td>623</td>
</tr>
<tr>
<td>234</td>
<td>217</td>
<td>626</td>
</tr>
<tr>
<td>236</td>
<td>177</td>
<td>508</td>
</tr>
<tr>
<td>237</td>
<td>176</td>
<td>503</td>
</tr>
<tr>
<td>240</td>
<td>175</td>
<td>501</td>
</tr>
<tr>
<td>241</td>
<td>274</td>
<td>708</td>
</tr>
<tr>
<td>242</td>
<td>267</td>
<td>680</td>
</tr>
<tr>
<td>243</td>
<td>218</td>
<td>627</td>
</tr>
<tr>
<td>246</td>
<td>268</td>
<td>681</td>
</tr>
<tr>
<td>247</td>
<td>265</td>
<td>675</td>
</tr>
<tr>
<td>251</td>
<td>219</td>
<td>628</td>
</tr>
<tr>
<td>256</td>
<td>174</td>
<td>500</td>
</tr>
<tr>
<td>257</td>
<td>163</td>
<td>479</td>
</tr>
<tr>
<td>258</td>
<td>275</td>
<td>709</td>
</tr>
<tr>
<td>259</td>
<td>277</td>
<td>711</td>
</tr>
<tr>
<td>263</td>
<td>272</td>
<td>694</td>
</tr>
<tr>
<td>264</td>
<td>261</td>
<td>670</td>
</tr>
<tr>
<td>265</td>
<td>310</td>
<td>818</td>
</tr>
<tr>
<td>266</td>
<td>225</td>
<td>633</td>
</tr>
<tr>
<td>267</td>
<td>429</td>
<td>1108</td>
</tr>
<tr>
<td>269</td>
<td>226</td>
<td>635</td>
</tr>
<tr>
<td>270</td>
<td>263</td>
<td>672</td>
</tr>
<tr>
<td>Senate Bill No.</td>
<td>Chapter</td>
<td>Page</td>
</tr>
<tr>
<td>----------------</td>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>271</td>
<td>228</td>
<td>636</td>
</tr>
<tr>
<td>272</td>
<td>273</td>
<td>695</td>
</tr>
<tr>
<td>273</td>
<td>262</td>
<td>671</td>
</tr>
<tr>
<td>274</td>
<td>195</td>
<td>586</td>
</tr>
<tr>
<td>275</td>
<td>194</td>
<td>585</td>
</tr>
<tr>
<td>276</td>
<td>193</td>
<td>584</td>
</tr>
<tr>
<td>277</td>
<td>192</td>
<td>583</td>
</tr>
<tr>
<td>280</td>
<td>264</td>
<td>674</td>
</tr>
<tr>
<td>281</td>
<td>236</td>
<td>648</td>
</tr>
<tr>
<td>282</td>
<td>252</td>
<td>663</td>
</tr>
<tr>
<td>283</td>
<td>246</td>
<td>657</td>
</tr>
<tr>
<td>285</td>
<td>238</td>
<td>650</td>
</tr>
<tr>
<td>286</td>
<td>247</td>
<td>657</td>
</tr>
<tr>
<td>287</td>
<td>237</td>
<td>649</td>
</tr>
<tr>
<td>288</td>
<td>253</td>
<td>663</td>
</tr>
<tr>
<td>289</td>
<td>251</td>
<td>661</td>
</tr>
<tr>
<td>290</td>
<td>254</td>
<td>664</td>
</tr>
<tr>
<td>291</td>
<td>255</td>
<td>665</td>
</tr>
<tr>
<td>292</td>
<td>256</td>
<td>666</td>
</tr>
<tr>
<td>293</td>
<td>191</td>
<td>582</td>
</tr>
<tr>
<td>295</td>
<td>227</td>
<td>635</td>
</tr>
<tr>
<td>296</td>
<td>173</td>
<td>498</td>
</tr>
<tr>
<td>297</td>
<td>269</td>
<td>685</td>
</tr>
<tr>
<td>300</td>
<td>235</td>
<td>647</td>
</tr>
<tr>
<td>301</td>
<td>239</td>
<td>651</td>
</tr>
<tr>
<td>302</td>
<td>242</td>
<td>653</td>
</tr>
<tr>
<td>303</td>
<td>234</td>
<td>647</td>
</tr>
<tr>
<td>304</td>
<td>233</td>
<td>646</td>
</tr>
<tr>
<td>305</td>
<td>229</td>
<td>642</td>
</tr>
<tr>
<td>306</td>
<td>241</td>
<td>652</td>
</tr>
<tr>
<td>307</td>
<td>257</td>
<td>667</td>
</tr>
<tr>
<td>308</td>
<td>258</td>
<td>667</td>
</tr>
<tr>
<td>309</td>
<td>231</td>
<td>644</td>
</tr>
<tr>
<td>310</td>
<td>324</td>
<td>935</td>
</tr>
<tr>
<td>311</td>
<td>259</td>
<td>668</td>
</tr>
<tr>
<td>312</td>
<td>323</td>
<td>932</td>
</tr>
<tr>
<td>315</td>
<td>260</td>
<td>669</td>
</tr>
<tr>
<td>316</td>
<td>248</td>
<td>658</td>
</tr>
<tr>
<td>319</td>
<td>307</td>
<td>812</td>
</tr>
</tbody>
</table>
STATE ELECTIVE OFFICIALS
TERM 1963-1967

Governor .......................................... Robert E. Smylie (R) .................. Boise
Lieutenant Governor ......................... W. E. Drevlow (D) .................. Craigmont
Attorney General .......................... Allan G. Shepard (R) .................. Boise
Secretary of State ....................... Arnold Williams (D) .............. Idaho Falls
State Treasurer ........................ Marjorie Moon (D) .................. Boise
Supt. Public Instruction .............. D. F. Engelking (D) ............... Blackfoot
Inspector of Mines .................. O. T. Hansen (R) .................. Boise

STATE LEGISLATIVE OFFICERS

President Pro tem of Senate .......... Jack M. Murphy (R) .............. Shoshone
Speaker of the House .............. Pete T. Cenarrusa (R) .......... Carey
Secretary of the Senate ............. Arthur Wilson (R) .............. Cambridge
Chief Clerk and Parliamentarian .......... Robert H. Remaklus (R) .... Cascade

SUPREME COURT OF IDAHO

CHIEF JUSTICE
E. T. Knudson, Coeur d'Alene

JUSTICES

Joseph McFadden, Hailey
Henry F. McQuade, Pocatello

E. B. Smith, Boise
C. J. Taylor, Boise

CLERK OF THE COURT — L. J. Bideganeta, Boise

CONGRESSIONAL DELEGATION

U. S. Senator ................................. Frank Church (D) .................. Boise
U. S. Senator ................................. Len B. Jordan (R) .................. Boise
Representative (1st District) .......... Compton I. White (D) .......... Clark Fork
Representative (2nd District) .......... Ralph R. Harding (D) .......... Blackfoot
# Members of the State Legislature

**Idaho State Senators**

(Thirty-Seventh Session)


<table>
<thead>
<tr>
<th>County</th>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ada</td>
<td>William C. Roden (R)</td>
<td>Boise</td>
</tr>
<tr>
<td>Adams</td>
<td>Fred Glenn (D)</td>
<td>Fruitdale</td>
</tr>
<tr>
<td>Bannock</td>
<td>Perry Swisher (R)</td>
<td>Pocatello</td>
</tr>
<tr>
<td>Bear Lake</td>
<td>Whitney J. Transtrum (D)</td>
<td>St. Charles</td>
</tr>
<tr>
<td>Benewah</td>
<td>C. C. &quot;Cy&quot; Chase (D)</td>
<td>St. Maries</td>
</tr>
<tr>
<td>Bingham</td>
<td>J. Cecil Sandberg (D)</td>
<td>Blackfoot</td>
</tr>
<tr>
<td>Blaine</td>
<td>Hal L. Wallington (R)</td>
<td>Ketchum</td>
</tr>
<tr>
<td>Boise</td>
<td>J. E. Yensen (R)</td>
<td>Garden Valley</td>
</tr>
<tr>
<td>Bonner</td>
<td>Donald W. Samuelson (R)</td>
<td>Sandpoint</td>
</tr>
<tr>
<td>Bonneville</td>
<td>Jack A. Wood, Jr. (D)</td>
<td>Idaho Falls</td>
</tr>
<tr>
<td>Boundary</td>
<td>Watt E. Prather (R)</td>
<td>Bonners Ferry</td>
</tr>
<tr>
<td>Butte</td>
<td>J. Burns Beal (R)</td>
<td>Moose</td>
</tr>
<tr>
<td>Camas</td>
<td>Lloyd F. Barron (R)</td>
<td>Fairfield</td>
</tr>
<tr>
<td>Canyon</td>
<td>R. H. &quot;Bill&quot; Young (R)</td>
<td>Nampa</td>
</tr>
<tr>
<td>Caribou</td>
<td>Herbert K. Whitworth (R)</td>
<td>Bancroft</td>
</tr>
<tr>
<td>Cassia</td>
<td>Don C. Loveland (R)</td>
<td>Burley</td>
</tr>
<tr>
<td>Clark</td>
<td>John A. Rasmussen (R)</td>
<td>Kilgore</td>
</tr>
<tr>
<td>Clearwater</td>
<td>Cecil D. Andrus (D)</td>
<td>Orofino</td>
</tr>
<tr>
<td>Custer</td>
<td>Joseph L. &quot;Joe&quot; Ausich (D)</td>
<td>Mackay</td>
</tr>
<tr>
<td>Elmore</td>
<td>Robert M. Wetherell (D)</td>
<td>Mountain Home</td>
</tr>
<tr>
<td>Franklin</td>
<td>J. Clifford Forsgren (R)</td>
<td>Preston</td>
</tr>
<tr>
<td>Fremont</td>
<td>Harvey Schwendiman (R)</td>
<td>St. Anthony</td>
</tr>
<tr>
<td>Gem</td>
<td>Vincent A. Nally (R)</td>
<td>Ola</td>
</tr>
<tr>
<td>Gooding</td>
<td>Don G. Fredericksen (D)</td>
<td>Gooding</td>
</tr>
<tr>
<td>Idaho</td>
<td>William J. Dee (D)</td>
<td>Grangeville</td>
</tr>
<tr>
<td>Jefferson</td>
<td>Wayne E. Tibbits (D)</td>
<td>Lorenzo</td>
</tr>
<tr>
<td>Jerome</td>
<td>J. R. Seeley (R)</td>
<td>Hazelton</td>
</tr>
<tr>
<td>Kootenai</td>
<td>James A. MacDonald (R)</td>
<td>Bayview</td>
</tr>
<tr>
<td>Latah</td>
<td>Harold Lough (D)</td>
<td>Moscow</td>
</tr>
<tr>
<td>Lemhi</td>
<td>J. Howard Sims (D)</td>
<td>Salmon</td>
</tr>
<tr>
<td>Lewis</td>
<td>Don McLeod (D)</td>
<td>Nezperce</td>
</tr>
<tr>
<td>Lincoln</td>
<td>Jack M. Murphy (R)</td>
<td>Shoshone</td>
</tr>
<tr>
<td>Madison</td>
<td>Dick Smith (R)</td>
<td>Rexburg</td>
</tr>
<tr>
<td>Minidoka</td>
<td>Rodney A. Hansen (R)</td>
<td>Paul</td>
</tr>
<tr>
<td>Nez Perce</td>
<td>Carl C. Moore (D)</td>
<td>Lewiston</td>
</tr>
<tr>
<td>Oneida</td>
<td>Russell O. Daniels (D)</td>
<td>Malad</td>
</tr>
<tr>
<td>Owyhee</td>
<td>Arlie Parkins (D)</td>
<td>Marsing</td>
</tr>
<tr>
<td>Payette</td>
<td>James A. McClure (R)</td>
<td>Payette</td>
</tr>
<tr>
<td>Power</td>
<td>Ray O. Burge (D)</td>
<td>American Falls</td>
</tr>
<tr>
<td>Shoshone</td>
<td>Arthur P. Murphy (D)</td>
<td>Mullan</td>
</tr>
<tr>
<td>Teton</td>
<td>Richard A. Egbert (D)</td>
<td>Teton</td>
</tr>
<tr>
<td>Twin Falls</td>
<td>George L. Blick (R)</td>
<td>Castleford</td>
</tr>
<tr>
<td>Valley</td>
<td>Harry Nock (D)</td>
<td>Cascade</td>
</tr>
<tr>
<td>Washington</td>
<td>Harold L. Ryan (R)</td>
<td>Weiser</td>
</tr>
</tbody>
</table>
## MEMBERS OF THE STATE LEGISLATURE
### IDAHO STATE REPRESENTATIVES
#### (Thirty-Seventh Session)


<table>
<thead>
<tr>
<th>County</th>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ada</td>
<td>Robert W. Green (R)</td>
<td>Boise</td>
</tr>
<tr>
<td>Ada</td>
<td>Wm. L. Hendrix (R)</td>
<td>Boise</td>
</tr>
<tr>
<td>Ada</td>
<td>H. Ferd Koch (R)</td>
<td>Boise</td>
</tr>
<tr>
<td>Ada</td>
<td>Charles McDevitt (R)</td>
<td>Boise</td>
</tr>
<tr>
<td>Ada</td>
<td>W. Larry Mills (R)</td>
<td>Boise</td>
</tr>
<tr>
<td>Ada</td>
<td>H. Dean Summers (R)</td>
<td>Boise</td>
</tr>
<tr>
<td>Adams</td>
<td>Charles Winkler (D)</td>
<td>Council</td>
</tr>
<tr>
<td>Bannock</td>
<td>Darrell V. Manning (D)</td>
<td>Pocatello</td>
</tr>
<tr>
<td>Bannock</td>
<td>Herman J. McDevitt (D)</td>
<td>Pocatello</td>
</tr>
<tr>
<td>Bannock</td>
<td>T. F. &quot;Tommy&quot; Terrell (D)</td>
<td>Pocatello</td>
</tr>
<tr>
<td>Bear Lake</td>
<td>Frank W. Hirschi (R)</td>
<td>Montpelier</td>
</tr>
<tr>
<td>Benewah</td>
<td>Emery E. Hedlund (D)</td>
<td>St. Maries</td>
</tr>
<tr>
<td>Bingham</td>
<td>D. Theron Dance (R)</td>
<td>Blackfoot</td>
</tr>
<tr>
<td>Bingham</td>
<td>Arvil Millar (R)</td>
<td>Shelley</td>
</tr>
<tr>
<td>Blaine</td>
<td>Pete T. Cenarrusa (R)</td>
<td>Carey</td>
</tr>
<tr>
<td>Boise</td>
<td>Vernon K. Brassey (R)</td>
<td>Placerville</td>
</tr>
<tr>
<td>Bonner</td>
<td>Don Maynard (D)</td>
<td>Clark Fork</td>
</tr>
<tr>
<td>Bonneville</td>
<td>R. Howard Andrus (D)</td>
<td>Ucon</td>
</tr>
<tr>
<td>Bonneville</td>
<td>Don Pieper (D)</td>
<td>Idaho Falls</td>
</tr>
<tr>
<td>Bonneville</td>
<td>L. Devon Sanderson (R)</td>
<td>Idaho Falls</td>
</tr>
<tr>
<td>Boundary</td>
<td>Marion Davidson (D)</td>
<td>Bonners Ferry</td>
</tr>
<tr>
<td>Butte</td>
<td>Verne A. Duncan (R)</td>
<td>Arco</td>
</tr>
<tr>
<td>Camas</td>
<td>Fred Walton (D)</td>
<td>Fairfield</td>
</tr>
<tr>
<td>Canyon</td>
<td>Ernest Allen (R)</td>
<td>Nampa</td>
</tr>
<tr>
<td>Canyon</td>
<td>John W. Batt, Jr. (R)</td>
<td>Wilder</td>
</tr>
<tr>
<td>Canyon</td>
<td>G. M. Brown (R)</td>
<td>Nampa</td>
</tr>
<tr>
<td>Canyon</td>
<td>Clair B. Hull (R)</td>
<td>Caldwell</td>
</tr>
<tr>
<td>Caribou</td>
<td>Robert W. Hubbard (R)</td>
<td>Soda Springs</td>
</tr>
<tr>
<td>Cassia</td>
<td>J. Vard Chatburn (R)</td>
<td>Albion</td>
</tr>
<tr>
<td>Clark</td>
<td>Roy M. Laird (R)</td>
<td>Dubois</td>
</tr>
<tr>
<td>Clearwater</td>
<td>A. L. White (D)</td>
<td>Orofino</td>
</tr>
<tr>
<td>Custer</td>
<td>Charles Powers (D)</td>
<td>Mackay</td>
</tr>
<tr>
<td>Elmore</td>
<td>Alvin Joslyn (D)</td>
<td>Glens Ferry</td>
</tr>
<tr>
<td>Franklin</td>
<td>Mark Hart (D)</td>
<td>Preston</td>
</tr>
<tr>
<td>Fremont</td>
<td>William M. Frome (R)</td>
<td>St. Anthony</td>
</tr>
<tr>
<td>Gem</td>
<td>Max D. Rogers (R)</td>
<td>Emmett</td>
</tr>
<tr>
<td>Gooding</td>
<td>Vernon F. Ravenscroft (D)</td>
<td>Tuttle</td>
</tr>
<tr>
<td>Idaho</td>
<td>Tony Wessels (D)</td>
<td>Cottonwood</td>
</tr>
<tr>
<td>County</td>
<td>Name</td>
<td>Address</td>
</tr>
<tr>
<td>-------------</td>
<td>----------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Jefferson</td>
<td>M. Karl Shurtliff (D)</td>
<td>Menan</td>
</tr>
<tr>
<td>Jerome</td>
<td>James G. Martin (R)</td>
<td>Hazelton</td>
</tr>
<tr>
<td>Kootenai</td>
<td>Johnny Carlson (D)</td>
<td>Coeur d'Alene</td>
</tr>
<tr>
<td>Kootenai</td>
<td>John A. Molyneaux (D)</td>
<td>Coeur d'Alene</td>
</tr>
<tr>
<td>Latah</td>
<td>George F. Brocke, Sr. (D)</td>
<td>Kendrick</td>
</tr>
<tr>
<td>Latah</td>
<td>Harold Snow (R)</td>
<td>Moscow</td>
</tr>
<tr>
<td>Lemhi</td>
<td>George W. Howell (R)</td>
<td>Salmon</td>
</tr>
<tr>
<td>Lewis</td>
<td>Harold J. Crawford (D)</td>
<td>Craigmont</td>
</tr>
<tr>
<td>Lincoln</td>
<td>Ward A. Mills (R)</td>
<td>Gooding</td>
</tr>
<tr>
<td>Madison</td>
<td>Karl C. Klingler (R)</td>
<td>Rexburg</td>
</tr>
<tr>
<td>Minidoka</td>
<td>Dale B. Garner (R)</td>
<td>Rupert</td>
</tr>
<tr>
<td>Nez Perce</td>
<td>J. W. “Jim” Monroe (D)</td>
<td>Culdesac</td>
</tr>
<tr>
<td>Nez Perce</td>
<td>Edward V. Williams (D)</td>
<td>Lewiston</td>
</tr>
<tr>
<td>Oneida</td>
<td>Jenkin Palmer (R)</td>
<td>Malad</td>
</tr>
<tr>
<td>Owyhee</td>
<td>Alvin B. Benson (D)</td>
<td>Melba</td>
</tr>
<tr>
<td>Payette</td>
<td>H. Grant Gardner (R)*</td>
<td>Fruitland</td>
</tr>
<tr>
<td></td>
<td>Benjamin Wherry (R)**</td>
<td>New Plymouth</td>
</tr>
<tr>
<td>Power</td>
<td>Ernest L. Permann (D)</td>
<td>American Falls</td>
</tr>
<tr>
<td>Shoshone</td>
<td>William J. Murphy (D)</td>
<td>Wallace</td>
</tr>
<tr>
<td>Shoshone</td>
<td>John Vernon Posnick (D)</td>
<td>Mullan</td>
</tr>
<tr>
<td>Teton</td>
<td>Max H. Rammell (D)</td>
<td>Driggs</td>
</tr>
<tr>
<td>Twin Falls</td>
<td>Jack D. Claiborn, Sr. (R)</td>
<td>Kimberly</td>
</tr>
<tr>
<td>Twin Falls</td>
<td>William J. Lanting (R)</td>
<td>Twin Falls</td>
</tr>
<tr>
<td>Twin Falls</td>
<td>Harry Turner (R)</td>
<td>Twin Falls</td>
</tr>
<tr>
<td>Valley</td>
<td>Bob H. Fogg (R)</td>
<td>McCall</td>
</tr>
<tr>
<td>Washington</td>
<td>W. Clay Sutton (D)</td>
<td>Midvale</td>
</tr>
</tbody>
</table>

*Deceased—February 9, 1963

**Appointed to fill vacancy caused by death of H. Grant Gardner