PROCLAMATION

WHEREAS, an extraordinary occasion requiring emergency attention has arisen in the State of Idaho which makes it appropriate and desirable to convene the 37th 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 37th 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 Wednesday, the 29th day of July 1964 for the following purposes and none other, to-wit:

1. To consider the passage of, and to enact, a resolution submitting a constitutional amendment to the people of Idaho providing for the creation of a water resources conservation agency;

2. To consider the passage of, and to enact, legislation designating a portion of the Farragut Wildlife Management Unit as Farragut State Park, and appropriating funds for the purpose of completing the preparation of that area as the site of the Girl Scout National Roundup in 1965;

3. To consider the passage of, and to enact, legislation appropriating funds to the Legislative Council for the purpose of completing studies required in the preparation of legislation reapportioning the membership of the House of Representatives and the Senate of Idaho;

4. To consider the passage of, and to enact, legislation authorizing the use of moneys appropriated by Section 1, subsection 14, Chapter 228, Idaho Session Laws of 1963, for the purpose of preparing the legislative chambers for the next regular session of the Legislature in 1965;

5. To consider the passage of, and to enact, legislation amending Section 70-101, Idaho Code, the so-called
Port District Law, to limit its application to counties bordering upon continuous waterway systems capable of floating commercial tug and barge facilities; and

6. To consider the passage of, and to enact, legislation appropriating funds to defray the expenses of this extraordinary session of the 37th Idaho Legislature.

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 37th 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 22nd day of July, in the year of our Lord Nineteen Hundred and Sixty-four and of the Independence of the United States the One Hundred and Eighty-Ninth.

/s/ ROBERT E. SMYLIE
Governor of Idaho

By the Governor
ATTEST:
/s/ ARNOLD WILLIAMS
Secretary of State
AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF SALARIES, WAGES AND MILEAGE OF MEMBERS; FOR SALARIES AND WAGES OF OFFICERS AND EMPLOYEES; AND FOR EXPENSES OF THE FIRST EXTRAORDINARY SESSION OF THE THIRTY-SEVENTH SESSION OF THE LEGISLATURE; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated out of any moneys in the general fund not otherwise appropriated, for salaries, wages and travel expense of members, for salaries and wages of officers and employees, and for the expenses of the First Extraordinary Session of the Thirty-seventh Session of the Legislature of the State of Idaho as follows:

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<tr>
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Approved August 1, 1964.
CHAPTER 2
(H. B. No. 2)

AN ACT

APPROPRIATING AND TRANSFERRING $297,500 FROM THE PERMANENT BUILDING FUND FOR THE PURPOSE OF INSTALLING PERMANENT IMPROVEMENTS AT FARRAGUT STATE PARK IN PREPARATION FOR THE GIRL SCOUT NATIONAL ROUNDUP IN 1965; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated and transferred from the Permanent Building Fund the sum of $297,500, or so much thereof as may be needed, to the Girl Scout Roundup Project Coordinator (the Adjutant General of Idaho) in the Office of the Governor to be used for installing permanent improvements at Farragut State Park, and in making necessary preparation for the Girl Scout National Roundup which will be held there in 1965.

SECTION 2. 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.

Approved August 10, 1964.

CHAPTER 3
(H. B. No. 1)

AN ACT

CREATING FARRAGUT STATE PARK AND DESCRIBING THE AREA THEREOF IN METES AND BOUNDS; DESIGNATING THE OFFICERS RESPONSIBLE FOR CONTROL, ADMINISTRATION AND MANAGEMENT OF THE PARK DURING THE GIRL SCOUT ROUNDUP IN 1965 AND VESTING CONTROL, ADMINISTRATION AND MANAGEMENT THEREAFTER IN THE STATE PARKS DIVISION, DEPARTMENT OF LAND; PROVIDING THAT THE LANDS SO DESIGNATED AS FARRAGUT STATE PARK MAY NEVER BE ALIENATED WITHOUT THE EXPRESS CONSENT OF THE LEGISLATURE AND PROVIDING AN EFFECTIVE DATE.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby created a State Park to be known and designated as Farragut State Park at Bayview, Kootenai County, Idaho, located in a portion of the area heretofore known and designated as the Farragut Wildlife Management Area, consisting of about 2,900 acres, more or less, and more particularly described as follows:

“A portion of the facility formerly known as Farragut Naval Training and Distribution Center, being a portion of fractional Sections 2, 3, 9 & 10 and 4, 5 and 8, Township 53 North, Range 2 West of the Boise Meridian, Kootenai County, State of Idaho, more particularly described as follows:

“Commencing at a point on the southerly shore of Idlewilde Bay of Lake Pend d'Oreille, said point being the meander corner common to Sections 9 and 10, Township 53 North, Range 2 West of the Boise Meridian, the real point of the beginning; thence

“South 0°03'00" East 894.96 feet along said section line to the section corner common to Sections 9, 10, 15 & 16, Township 53 North, Range 2 West of the Boise Meridian; thence along the section line between said Sections 9 & 16

“North 87°57'26" West 5426.89 feet to the section corner common to Sections 8, 9, 16 & 17, Township 53 North, Range 2 West of the Boise Meridian; thence along the section line between said Sections 8 & 17

“South 89°47'46" West 5111.50 feet to the section corner common to Sections 7, 8, 17 & 18, Township 53 North, Range 2 West of the Boise Meridian; thence along the section line between said Sections 7 & 8

“North 0°31'00" West 2650.80 feet to the 1/4 corner common to said Sections 7 & 8; thence continuing along said section line

“North 0°11'58" West 2648.75 feet to the section corner common to Sections 5, 6, 7 & 8, Township 53 North, Range 2 West of the Boise Meridian; thence

“North 82°37'38" East 1308.62 feet to a point that is 30.00 feet to the left (West) of a point on the North-South centerline of an access road, known as "North Road", said point being at Engineers Station: P. C. 37+82.72; thence parallel to and 30.00 feet to the left (Westerly & Northerly)
of North Road centerline, the nineteen (19) following courses and distances:

"Along a curve to the right, whose Central Angle is 44°15', whose Radius is 168.53 feet, whose Degree of Curve is 34°00', a distance of 130.15 feet to a point; thence

"North 44°15' East 2580.24 feet to a point on a curve; thence

"Along a curve to the right, whose Central Angle is 19°16'47", whose Radius is 677 feet, whose Degree of Curve is 8°27'50", a distance of 227.81 feet to a point; thence

"North 63°31'46" East 2136.00 feet to a point on a curve; thence

"Along a curve to the left, whose Central Angle is 9°17'46", whose Radius is 2865.00 feet, whose Degree of Curve is 2°00', a distance of 464.83 feet to a point; thence

"North 54°14'00" East 97.07 feet to a point on a curve; thence

"Along a curve to the right, whose Central Angle is 12°02'18", whose Radius is 2825.00 feet, whose Degree of Curve is 2.028°, a distance of 593.56 feet to a point of Compound Curvature; thence

"Along a curve to the right, whose Central Angle is 18°11'54", whose Radius is 677 feet, whose Degree of Curve is 8°27'50", a distance of 215.03 feet to a point; thence

"North 85°02'34" East 1648.83 feet to a point on a curve; thence

"Along a curve to the right, whose Central Angle is 23°13'46", whose Radius is 2825.00 feet, whose Degree of Curve is 2.028°, a distance of 1177.11 feet to a point of Compound Curvature; thence

"Along a curve to the right, whose Central Angle is 30°03'52", whose Radius is 677 feet, whose Degree of Curve is 8°27'50", a distance of 355.24 feet to a point; thence

"South 41°00'00" East 43.13 feet to a point on a curve; thence

"Along a curve to the left, whose Central Angle is 21°30', whose Radius is 1637.14 feet, whose Degree of Curve is 3°30', a distance 614.29 feet to a point; thence
“South 62°30’00” East 198.20 feet to a point on a curve; thence

“Along a curve to the right, whose Central Angle is 23°05’42”, whose Radius is 955 feet, whose Degree of Curve is 6°00’, a distance of 384.92 feet to a point; thence

“North 68°38’00” East 230.91 feet to a point on a curve; thence

“Along a curve to the right, whose Central Angle is 10°11’20”, whose Radius is 2292.00 feet, whose Degree of Curve is 2°30’, a distance of 407.56 feet to a point; thence

“North 610.99 feet to a point on a curve; thence

“Along a curve to the right, whose Central Angle is 56°01’45”, whose Radius is 881.50 feet, whose Degree of Curve is 6°30’, a distance of 862 feet to a point on said curve (said curve being a part of Blackwood Circle Road on the Northerly edge of the Hospital Area of said Farragut Naval Training and Distribution Center); thence parallel to and 18.0 feet Northerly of the centerline of said Blackwood Circle Road, the three following courses and distances: continuing

“Along a curve to the right, whose Central Angle is 33°58’15”, whose Radius is 881.50 feet, whose Degree of Curve is 6°30’, a distance of 522.62 feet to a point; thence

“East 641.82 feet to a point on a curve; thence

“Along a curve to the right, whose Radius is 1910 feet, whose Degree of Curve is 3°00’, a distance of 35 feet, more or less, to a point that is South 62°48’ East 187.50 feet and South 34°23’ West 865 feet from the meander corner common to Section 3, Township 53 North, Range 2 West of the Boise Meridian and Section 34, Township 54 North, Range 2 West of the Boise Meridian, as described in Parcel 1 of Exceptions in that certain Deed, by and between the UNITED STATES OF AMERICA and the STATE OF IDAHO, recorded under Instrument No. 235294, records of Kootenai County, State of Idaho; thence

“North 34°23’ East 865 feet along the aforementioned course to a point on the Southwesterly shore of Squaw Bay, Lake Pend d’Oreille; thence

“Easterly, Southeasterly, Southerly, Southwesterly, Southerly, Southeasterly, and Easterly along the meandering shore line of Solitaire, or Blackwell Point, Idlewilde
and Buttonhook Bays of Lake Pend d'Oreille to the point of beginning

"EXCEPTING from the above described land:

"(1) Those certain three (3) tracts of land lying Sections 2 & 3, Township 53 North, Range 2 West of the Boise Meridian, as described in Parcels 2, 3 & 7 of EXCEPTIONS under part I of that certain Deed, by and between the UNITED STATES OF AMERICA and the STATE OF IDAHO, recorded under Instrument No. 235294, records of Kootenai County, State of Idaho,

"(2) Those certain seven (7) tracts of land lying in Sections 2, 3 & 10, Township 53 North, Range 2 West of the Boise Meridian, as described in Parcels: 51A, 51B, 51C, 53, 54, 55 & 56 in that certain Deed, by and between the UNITED STATES OF AMERICA and the STATE OF IDAHO, recorded under Instrument No. 230238, records of Kootenai County, State of Idaho,

"(3) Those certain two tracts of land lying in Section 9, Township 53 North, Range 2 West of the Boise Meridian, as described in the second paragraph of that certain Quit-claim Deed, by and between the UNITED STATES OF AMERICA and the STATE OF IDAHO, recorded under Instrument No. 229734, records of Kootenai County, State of Idaho."

SECTION 2. From the effective date of this act, as set forth in Section 4 hereof, and until September 1, 1965, control, administration and management of the Farragut State Park shall be vested in the Girl Scout Roundup Project Coordinator, Office of the Governor. On and after September 1, 1965, control, administration and management of the Farragut State Park shall be vested in the State Parks Division, Department of Land of the State of Idaho.

SECTION 3. The Farragut State Park shall be maintained as a State Park for the use of all the people, and no part, parcel, or interest therein shall ever be permanently alienated without the express consent of the Legislature.

SECTION 4. This act shall be effective on the date that title to the real estate described as Farragut State Park in Section 1 of this act vests in the State of Idaho for park purposes.

Approved August 10, 1964.
CHAPTER 4
(H. B. No. 6)

AN ACT

AUTHORIZING THE USE OF FUNDS HERETOFORE APPROPRIATED BY CHAPTER 228, SECTION 1, SUBSECTION 14, IDAHO SESSION LAWS OF 1963 FOR THE PURPOSE OF PREPARING THE LEGISLATIVE CHAMBERS FOR THE MEETING OF THE REGULAR SESSION OF THE LEGISLATURE IN 1965; AND DECLARING AN EMERGENCY.

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

SECTION 1. The funds heretofore appropriated by Chapter 228, Section 1, subsection 14, Idaho Session Laws of 1963, for the purpose of planning renovation of the legislative chambers, are, to the extent which may be necessary, hereby made available to the Legislative Council to execute the work of preparing and renovating the chambers to accommodate the 1965 regular session of the Legislature.

SECTION 2. EMERGENCY AND EFFECTIVE DATE:
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 August 10, 1964.

CHAPTER 5
(H. B. No. 4)

AN ACT

APPROPRIATING $20,000.00 FROM THE GENERAL FUND TO THE LEGISLATIVE COUNCIL FOR THE PURPOSE OF CONDUCTING A STUDY OF THE PROBLEM OF REAPPORTIONING THE IDAHO LEGISLATURE; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated from the General Fund of the State of Idaho to the Legislative Council the sum of $20,000.00, or so much thereof as may be necessary, for the purpose of conducting a study of the problem of reapportioning the Idaho Legislature. The Council shall
complete the study and make report thereon to the membership of the Legislature at the earliest possible date.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be effective from and after its approval.

Approved August 10, 1964.

CHAPTER 6  
(S. B. No. 1)

AN ACT

AMENDING TITLE 70, CHAPTER 1, SECTION 101, IDAHO CODE, TO LIMIT THE ESTABLISHMENT OF PORT DISTRICTS TO COUNTIES BORDERING UPON ANY CONTINUOUS WATER WAY SYSTEM WHICH WILL FLOAT COMMERCIAL TUG AND BARGE VEHICLES TO PORTS HANDLING TRANS-OCEANIC TRAFFIC.

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

SECTION 1. That Section 70-101, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

70-101. ESTABLISHMENT OF DISTRICTS AUTHORIZED.—Port districts for the acquirement, construction, maintenance, operation, development and regulation of a system of harbor improvements and rail and water transfer and terminal facilities within such district, are hereby authorized to be established in the various counties of this state, any county bordering upon any continuous water way system which will float commercial tug and barge vehicles to ports handling trans-oceanic traffic as in this chapter provided.

Approved August 10, 1964.
A CONCURRENT RESOLUTION

FIXING THE SALARIES OF THE EMPLOYEES OF THE FIRST
EXTRAORDINARY SESSION OF THE THIRTY-SEVENTH
LEGISLATURE OF THE STATE OF IDAHO.

A Concurrent Resolution fixing the salaries of the employees of the First Extraordinary Session of the Thirty-seventh 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-seventh 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-seventh 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) .................. .......................... 25.00
Sergeant-at-Arms .......................................................... 20.00
Journal Clerk .............................................................. 20.00
Docket Clerk ............................................................... 20.00
Assistant Sergeant-at-Arms and Doorkeeper .......... 20.00
Secretaries and Clerks ................................................ 18.00
Janitor ................................................................. 12.00
Messengers .............................................................. 12.00
Pages ................................................................. 10.00
Chaplain ............................................................... 10.00

Passed by the Senate July 29, 1964.
Passed by the House July 29, 1964.
A CONCURRENT RESOLUTION

WHEREAS, H. M. Burningham, Manager of Sears Roebuck & Co., has furnished air conditioners to the State Legislature, and

WHEREAS, It is our desire to express our appreciation and gratitude for this beneficial service to us;

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that we express our sincere appreciation to Mr. H. M. Burningham and Sears Roebuck & Co. for this fine service.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the Senate and the Journal of the House and that the Secretary of the Senate be, and he hereby is instructed to forward a copy thereof to H. M. Burningham, Manager, Sears Roebuck & Co., Boise, Idaho.

Passed by the Senate July 30, 1964.

Passed by the House August 1, 1964.

A CONCURRENT RESOLUTION

WHEREAS, the Girl Scouts of the United States of America have accepted the invitation of the Great State of Idaho to conduct the 1965 Senior Girl Scout Roundup within the boundaries of Farragut State Park, and

WHEREAS, the Girl Scouts of the United States of America selected the Idaho site on the shores of Lake Pend Oreille over many other sites within the United States as a
result of determining that the Farragut area of large level spaces, covered with lush grass and surrounded by evergreen trees to be the most beautiful land ideally suited for the Roundup, and

WHEREAS, the Girl Scouts of the United States of America will be joined by two Girl Guides and Girl Scouts from more than each of 50 foreign countries for the 1965 Roundup, and

WHEREAS, it is anticipated that many thousands of relatives, friends and visitors will join the more than 10,000 Girl Scouts and counselors at Farragut in July, 1965, and

WHEREAS, by official action of the Legislature of the Great State of Idaho, the people of Idaho have served notice of their gratification of these developments,

NOW, THEREFORE, BE IT RESOLVED that all the people of Idaho through their elected representatives in this Legislature do hereby welcome the Girl Scouts of the United States of America, their Senior Girl representatives from all the fifty states and the more than fifty foreign countries and their counselors and out-of-state guests to Idaho in July of 1965, for the most enjoyable, the most successful and the greatest Roundup in the history of the Girl Scouting organization.

Passed by the Senate August 1, 1964.

Passed by the House August 1, 1964.
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 House of Representatives in the Hall of the House of Representatives at 11:00 o'clock a.m., July 29, 1964.

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 11:00 o'clock a.m., on July 29, 1964, for the purpose of hearing a message from the Governor."

Moved by Mr. Lanting that House Concurrent Resolution No. 1 be adopted.

Seconded by Mr. McDevitt (Bannock).
Passed by the House July 29, 1964.
Passed by the Senate July, 29, 1964.

A CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION AUTHORIZING THE LEGISLATIVE COUNCIL TO ACQUIRE AN ELECTRIC ROLL CALL VOTING SYSTEM FOR THE HOUSE OF REPRESENTATIVES.
WHEREAS, the task of calling the roll in the House of Representatives is very time consuming and burdensome upon the members thereof; and

WHEREAS, an electric roll call voting system in the House of Representatives would greatly facilitate the flow of Legislative work, contribute to the dignity and decorum of this deliberative body, substantially reduce the time spent on calling the roll, and contribute generally to the well being of the entire legislative process;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the State of Idaho, the Senate concurring therein, that the Legislative Council be, and is hereby authorized and directed to acquire by lease or purchase an electric roll call voting system for the House of Representatives for the 1965 Session of the Legislature.

Passed by the House on July 30, 1964.
Passed by the Senate on August 1, 1964.

(H. C. R. No. 3)

A CONCURRENT RESOLUTION

PROVIDING FOR THE ADJOURNMENT OF THE FIRST EXTRAORDINARY SESSION OF THE IDAHO LEGISLATURE AND FIXING THE TIME FOR THE ADJOURNMENT SINE DIE.

BE IT RESOLVED by the House of Representatives of the First Extraordinary Session of the Thirty-Seventh Session of the Legislature of the State of Idaho, the Senate concurring therein, that at the hour of 3:30 p.m. on August 1, 1964, the House of Representatives and the Senate of the First Extraordinary Session of the Thirty-Seventh Session of the Legislature of the State of Idaho adjourn Sine Die.

Passed by the House on August 1, 1964.
Passed by the Senate on August 1, 1964.
SENATE JOINT RESOLUTIONS

(S. J. R. No. 1)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT ADDING A NEW SECTION, SECTION 7, TO ARTICLE 15 OF THE CONSTITUTION OF THE STATE OF IDAHO CREATING A WATER RESOURCE AGENCY COMPOSED AS THE LEGISLATURE MAY NOW OR HEREAFTER PRESCRIBE, WITH POWER TO FORMULATE AND IMPLEMENT A STATE WATER PLAN, CONSTRUCT AND OPERATE WATER PROJECTS, ISSUE REVENUE BONDS, GENERATE AND WHOLESALE HYDROELECTRIC POWER, APPROPRIATE PUBLIC WATER, TAKE TITLE TO STATE LANDS AND CONTROL STATE LANDS REQUIRED FOR WATER PROJECTS.

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

SECTION 1. That the Constitution of the State of Idaho be amended by adding Section 7 to Article 15 to read as follows:

SECTION 7. State Water Resource Agency.—There shall be constituted a Water Resource Agency, composed as the Legislature may now or hereafter prescribe, which shall have power to formulate and implement a state water plan for optimum development of water resources in the public interest; to construct and operate water projects; to issue bonds, without state obligation, to be repaid from revenues of projects; to generate and wholesale hydroelectric power at the site of production; to appropriate public waters as trustee for Agency projects; to acquire, transfer and encumber title to real property for water projects and to have control and administrative authority over state lands required for water projects; all under such laws as may be prescribed by the legislature.

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 the Constitution of the State of Idaho be amended by adding Section 7 to Article 15 creating a State Water Resource Agency as the legislature may now or hereafter prescribe for the State of Idaho with power to formulate
and implement a state water plan for optimum development of water resources in the public interest; to construct and operate water projects; to issue bonds, without state obligation, to be repaid from revenues of projects; to generate and wholesale hydroelectric power at the site of production; to appropriate public waters as trustee for Agency projects; to acquire, transfer and encumber title to real property for water projects and to have control and administrative authority over state lands required for water projects; all under such laws as may be prescribed by the Legislature?"

SECTION 3. The Attorney General is directed to prepare the statement required by Section 67-507-a, Idaho Code, as amended and file the same with the Secretary of State.

SECTION 4. 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, in conformity with the Constitution and Section 67-507a, Idaho Code, as amended.

Passed by the Senate July 31, 1964.

Passed by the House August 1, 1964.
SENATE JOINT MEMORIALS

(S. J. M. No. 1)

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 First Extraordinary Session of the Thirty-seventh Legislature thereof, do respectfully represent that:

WHEREAS, we heartily concur with the remarks of the distinguished Senator from Illinois, the Honorable Everett M. Dirksen as said remarks are recorded in the Congressional Record of the United States Senate on page 16127, and

WHEREAS, we are in complete accord and heartily endorse and urge the passage of Senate Joint Resolution No. 184, which Resolution was introduced on July 23, 1964 by Mr. Dirksen for himself and twenty other United States Senators, and

WHEREAS, this Resolution follows closely the intent and wording contained in Idaho State Joint Memorial No. 4, passed by the regular session of the Thirty-seventh Legislature of the State of Idaho on February 4, 1963, which Memorial was forwarded to the Congress of the United States on February 9, 1963.

NOW THEREFORE, BE IT RESOLVED by the First Extraordinary Session of the Thirty-seventh 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 of America, be respectfully petitioned to give priority to Senate Joint Resolution No. 184 in order that the entire historic legislative processes of the fifty states be preserved and the right to apportion State Legislatures as their individual states may determine shall be held inviolate, and

BE IT FURTHER RESOLVED, That the Secretary of
State of the State of Idaho be, and he hereby is, authorized and directed to forward certified copies of this Memorial to the President and Vice President of the United States, the Speaker of the House of Representatives of the Congress, and to the Senators and Representatives representing this State in the Congress of the United States.

Passed by Senate August 1, 1964.

Passed by House August 1, 1964.
A JOINT MEMORIAL

TO STATE BOARD OF EDUCATION AND PRESIDENT OF THE UNIVERSITY OF IDAHO AND ACTING PRESIDENT OF IDAHO STATE UNIVERSITY.

WHEREAS, We, your Memorialists, feel that an annual football contest between the University of Idaho and Idaho State University is of great benefit in cementing good relationships and understanding between the Northern and Southern sections of Idaho;

NOW, THEREFORE, BE IT RESOLVED, We, your Memorialists, the Legislature of the State of Idaho, petition the University of Idaho and Idaho State University to schedule a post season varsity football game at Boise in 1964.

We further urge the contest between the two schools be scheduled on a continuing annual basis.

Passed by the House on August 1, 1964.
Passed by the Senate on August 1, 1964.
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 First Extraordinary Session of Thirty-Seventh Session of the Legislature of the State of Idaho, which convened July 29, 1964, and adjourned August 1, 1964, 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, 1965.

Arnold Williams
Secretary of State

When errors appear in the enrolled bills received from the Legislature at the office of the Secretary of State this office has no authority to correct them.
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(Prepared by The Voter Publishing Company, Boise, Idaho)

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CHAPTER 1
(H. B. No. 8)

AN ACT

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

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

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

<table>
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<tr>
<td>Salaries and Wages</td>
<td>$338,150.00</td>
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<tr>
<td>Travel Expense</td>
<td>20,000.00</td>
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<tr>
<td>Other Current Expense</td>
<td>234,350.00</td>
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<tr>
<td>Capital Outlay</td>
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Total ...........................................$600,000.00
SECTION 2. Upon the certificate of the presiding officer of the House or Senate, as the case may be, the State Auditor is hereby authorized and directed to draw his warrant on the general fund in payment of such salaries, wages and mileage of members, and salaries and wages of officers, employees and attorneys of said Legislature as fixed by law. All other claims shall be submitted to and passed upon by the State Board of Examiners.

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


CHAPTER 2
(S. B. No. 3)

AN ACT
APPROPRIATING MONEY FROM THE STATE HIGHWAY FUND TO PAY THE CLAIM OF GERRY CROMWELL; 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 $35.26 to Gerry Cromwell for the purpose of reimbursing Gerry Cromwell for damages to his automobile caused by construction operations carried on by Highway Department employees in connection with the construction of a State Highway project in Grangeville, 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
c. 3 '65 IDAHO SESSION LAWS

effect and be in full force and effect from and after its
passage and approval.


CHAPTER 3
(S. B. No. 13)

AN ACT

AMENDING SECTION 39-2403, IDAHO CODE, BY CHANGING
THE PERIOD OF EXEMPTION FROM SIXTY TO NINETY
DAYS, OF MOTORBOATS NUMBERED UNDER THE SYS-
TEM OF ANOTHER STATE, BUT LOCATED WITHIN THIS
STATE FOR SUCH CONSECUTIVE PERIOD, FROM BEING
NUMBERED AS REQUIRED UNDER THIS ACT.

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

SECTION 1. That Section 39-2403, Idaho Code, be, and
the same is hereby amended to read as follows:

39-2403. EXEMPTION FROM NUMBERING PROVI-
SIONS.—A motorboat shall not be required to be numbered
under this act if it is:

(1) Already covered by a number in full force and effect
which has been awarded to it pursuant to federal law or a
federally-approved numbering system of another state;
Provided that such boat shall not have been within this
state for a period in excess of sixty ninety consecutive days.

(2) A motorboat from a country other than the United
States temporarily using the waters of this state.

(3) A motorboat whose owner is the United States, a
state or a subdivision thereof.

(4) A ship's lifeboat.

(5) A motorboat belonging to a class of boats which
has been exempted from numbering by the department after
said agency has found that the numbering of motorboats
of such class will not materially aid in their identification;
and, if an agency of the federal government has a num-
bering system applicable to the class of motorboats to which the
motorboat in question belongs, after the department has
further found that the motorboat would also be exempt from numbering if it were subject to the federal law.

Approved February 2, 1965.

CHAPTER 4
(S. B. No. 9, As Amended)

AN ACT
AMENDING SECTION 49-113, IDAHO CODE, TO PROVIDE FOR PERMANENT NUMBER PLATES FOR STATE, COUNTY AND CITY MOTOR VEHICLES.

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

SECTION 1. That Section 49-113, Idaho Code, be, and the same is hereby amended to read as follows:

49-113. NUMBER PLATES TO BE FURNISHED BY DEPARTMENT—FORM AND CONTENTS.—a. The assessor shall also furnish to every owner whose vehicle shall be registered by him one number plate for a motorcycle, trailer, or semi-trailer and two number plates for every other motor vehicle. Providing that number plates issued for state, county and city motor vehicles shall be permanent and remain on the vehicle for which issued from year to year, and need no renewal.

b. Every number plate shall have displayed upon it the registration number assigned to the vehicle and to the owner thereof, also the name of this state which may be abbreviated and the year number for which it is issued. Such plate and the required letters and numerals thereon, except the year number for which issued, shall be of sufficient size to be plainly readable from a distance of one hundred feet during daylight. Each passenger number plate must bear upon its face the inscription "World Famous Potatoes," which shall be subject to the approval of the state advertising commission.

c. The commissioner of law enforcement shall furnish to every owner whose vehicle shall be registered by him number plates the same as if such vehicle had been registered by a county assessor and in addition thereto shall furnish to every owner whose vehicle is subject to the payment of the use fee provided by subdivision (e) of section 49-127
a use fee number plate. Said use fee number plate shall be similar in form to the registration plate and shall contain such information as the commissioner may by rule or regulation provide.

d. The commissioner shall have authority to require the return to the department of all number plates upon termination of the lawful use thereof by the owner, under this chapter.

Approved February 1, 1965.

CHAPTER 5
(H. B. No. 14)

AN ACT


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

SECTION 1. That Section 67-412, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

67-412. Each member of the legislature of the state of Idaho, and the lieutenant governor while performing his duties as president of the senate, shall receive the sum of $15.00 $25.00 per day as expenses for board, lodging and necessary committee expenses while serving during any session of the legislature, including each day of the thirty-fourth thirty-eighth session of the legislature after January 4, 1965.

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 2, 1965.
CHAPTER 6
(H. B. No. 4)

AN ACT
AMENDING SECTION 22-502, IDAHO CODE, ELIMINATING THEREFROM PROVISION FOR POTATOES DESIGNATED AS "IDAHO APPROVED"; ELIMINATING THE REQUIREMENT THAT POTATOES SOLD OR OFFERED FOR SALE AS "IDAHO CERTIFIED SEED POTATOES" BE PACKED IN CONTAINERS; PROVIDING THAT POTATOES SOLD OR OFFERED FOR SALE AS "IDAHO CERTIFIED SEED POTATOES" MUST BE PACKED, TAGGED AND SEALED IN ACCORDANCE WITH RULES APPROVED BY THE UNIVERSITY OF IDAHO; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 22-502, Idaho Code, be, and the same is hereby amended to read as follows:

22-502. All potatoes that may be sold or offered for sale as "Idaho certified seed potatoes" or "Idaho approved" shall must be packed, in containers and tagged and sealed, with the seal approved by the University Extension Service and with a tag attached thereto showing the grade and quality thereof, the name of the producer and the place where produced in accordance with rules approved by the University 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 February 3, 1965.

CHAPTER 7
(H. B. No. 12)

AN ACT
AMENDING SECTION 22-2304, IDAHO CODE, RELATING TO EXPIRATION DATE OF AGENTS, SALESMEN, OR SOLICITORS OF NURSERYMAN'S AND/OR FLORIST'S LICENSES, TO CHANGE SUCH EXPIRATION DATE FROM
JUNE 30TH TO JANUARY 1ST OF EACH YEAR; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 22-2304, Idaho Code, be and the same is hereby amended to read as follows:

22-2304. LICENSING OF AGENTS.—All persons licensed under the provisions of this act may appoint agents, salesmen, or solicitors to solicit orders for the sale of nursery and/or florist's stock. Upon making the appointment of any agent, salesman or solicitor as above provided, said person, firm or corporation shall immediately make application to the state department of agriculture for a license for said agent, salesman or solicitor, accompanying said application by the fee of $1.00 provided for in section 22-2302 (f) of this act. The state department of agriculture shall thereupon issue to such agent, salesman or solicitor a license setting forth that such agent, salesman or solicitor is entitled to solicit orders for the sale of nursery and/or florist's stock for the current year, ending the thirtieth day of June. first day of January next following the date of issuing the said license. It shall be no defense to such an agent, salesman or solicitor in any criminal action brought under this act to allege or prove that his employer did not procure a license for such agent, salesman or solicitor, but if such employer shall fail to procure such license, the agent himself must procure the license provided for by this act.

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

Approved February 3, 1965.

CHAPTER 8
(H. B. No. 13)

AN ACT

AMENDING SECTION 37-1521, IDAHO CODE, BY MAKING IT LAWFUL FOR AN IDAHO EGG PRODUCER HAVING 300 HENS OR LESS TO SELL EGGS PRODUCED UPON HIS PREMISES TO RETAILERS OR CONSUMERS SO LONG AS THE CONTAINERS ARE CLEARLY MARKED "UN-
GRADED” AND BEAR THE NAME AND ADDRESS OF THE PRODUCER.

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

SECTION 1. That Section 37-1521, Idaho Code, be, and the same is hereby amended to read as follows:

37-1521. 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 as of July 1, 1965, it shall be lawful for Idaho egg producers having three hundred or less hens 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. 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 the 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 the 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 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 development. 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 membranes, 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 development) 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 $\frac{1}{8}$ 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 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 is not more than one-fourth ($\frac{1}{4}$) of the distance from its normal central position toward the ends of the egg and swings not more than one-half ($\frac{1}{2}$) 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 weak-
ened 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 (2) or more eggs. Reference in these standards of identity to the term "case" means thirty (30) 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 (80%) are AA quality. Within the maximum tolerance of twenty percent (20%), which may be below AA quality, not more than five percent (5%) 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 (80%) are A quality or better. Within the maximum tolerance of twenty percent (20%) which may be below A quality, not more than five percent (5%) 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 (80%) are B quality or better. Within the maximum tolerance of twenty percent (20%) which may be below B quality, ten percent (10%) may be of C quality, and not over ten percent (10%) may be dirties or checks in any combination.

(3) Case Lot Tolerances:

(i) In lots of two (2) or more cases, an individual case may not fall below seventy percent (70%) 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 (1/2%) 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:

<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>Pewee</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 (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.

Approved February 3, 1965.

CHAPTER 9
(S. B. No. 1, As Amended)

AN ACT
AMENDING SECTION 49-839, IDAHO CODE, RELATING TO TIRES ON VEHICLES MOVED ON THE HIGHWAY TO PROVIDE FOR THE USE OF BUILT IN LUGS OF TUNGSTEN CARBIDE OR OTHER SUITABLE MATERIAL; AND DECLARING AN EMERGENCY.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-839, Idaho Code, be, and the same is hereby amended to read as follows:

49-839. RESTRICTIONS AS TO TIRE EQUIPMENT. — (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(b) No person shall operate or move on any highway any motor vehicle, trailer, or semi-trailer having any metal tire in contact with the roadway.

(c) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not unduly injure the highway, and except also that it shall be permissible to use tire chains; provided further that built in lugs of tungsten carbide or other suitable material of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid, that will not unduly damage the highway, may be inserted if approved by the Commissioner of Law Enforcement. The State Highway Board shall have the power to revoke any permission for built in lugs at any time it may determine such lugs are unduly damaging to the public highway.

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

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

Approved February 3, 1965.
CHAPTER 10
(S. B. No. 2, As Amended)

AN ACT
TO PROVIDE FOR BUILT IN LUGS IN TIRE EQUIPMENT ON A VEHICLE MOVED ON ANY PUBLIC HIGHWAY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-904, Idaho Code, be, and the same is hereby amended to read as follows:

49-904. RESTRICTIONS AS TO TIRE EQUIPMENT. —a. Every solid rubber tire on a vehicle moved on any public highway shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery. Provided further that built in lugs of tungsten carbide or other suitable material that will not unduly damage the highway, may be inserted if approved by the Commissioner of Law Enforcement. The State Highway Board shall have the power to revoke any permission for built in lugs at any time it may determine such lugs are unduly damaging to the public highway.

b. No metal tired vehicle shall be operated over a public highway if such vehicle has on the periphery of any of the road wheels, any lug, flange, cleat, ridge, bolt, or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire, unless the highway is protected by putting down solid planks or other suitable material, or by attachments to the wheels so as to prevent such vehicles from damaging the highways, except that this prohibition shall not apply to tractors or traction engines equipped with what is known as caterpillar treads, when such caterpillar does not contain any projection of any kind likely to injure the surface of the road: provided, however, that tractors, traction engines and similar vehicles may be operated which have upon their road wheels “V” shaped, diagonal and other cleats arranged in such manner as to be continuously in contact with the road surface: provided, that the gross weight on the wheels per inch of width of such cleats or road surface, when measured in the direction of the axle of the vehicle does not exceed 500 pounds.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this Act shall take
CHAPTER 11
(S. B. No. 15)

AN ACT
AMENDING SECTION 68-506, IDAHO CODE, TO PROVIDE THAT THE PRUDENT MAN INVESTMENT ACT SHALL APPLY TO BANKS, TRUST COMPANIES, AND INDIVIDUALS ACTING AS GUARDIANS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 68-506, Idaho Code, be, and the same is hereby amended to read as follows:

68-506. GUARDIANS.—Notwithstanding the limitations and restrictions imposed upon guardians by section 15-1836, Idaho Code, as to the type and kind of investments that may legally be made by guardians, the term "fiduciary," as used in this act, and all of the provisions of this act, shall apply to and govern any bank, trust company, or individual authorized and duly appointed, by a court of competent 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 February 3, 1965.

CHAPTER 12
(H. B. No. 18)

AN ACT
AMENDING SECTION 31-3801, IDAHO CODE, BY PROVIDING COUNTY ZONING AUTHORITY TO ALL BOARDS OF COUN-
TY COMMISSIONERS IN THE STATE OF IDAHO AND CLARIFYING THE LANGUAGE THEREOF; REPEALING SECTION 31-3802, IDAHO CODE, DISTINGUISHING BETWEEN COUNTIES OF VARIOUS POPULATIONS AND REQUIRING ELECTIONS IN ORDER TO EXERCISE COUNTY ZONING POWERS; AND AMENDING SECTION 31-3804, IDAHO CODE, BY ELIMINATING THE RESTRICTION OF SAID SECTION TO "URBAN" COUNTIES ONLY.

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

SECTION 1. That Section 31-3801, Idaho Code, be and the same is hereby amended to read as follows:

31-3801. GRANT OF POWER.—For the purpose of promoting the health, safety, morals and general welfare, to provide for orderly development of land and to protect property values, the board of county commissioners of each county in the State of Idaho as hereinafter defined, is hereby authorized and empowered to exercise for its counties all the powers, pursuant to the provisions and subject to the restrictions, granted to the legislative bodies of cities and villages by sections 50-401 through 50-409, Idaho Code, to city legislative bodies of municipalities.

SECTION 2. That Section 31-3802, Idaho Code, be and the same is hereby repealed.

SECTION 3. That Section 31-3804, Idaho Code, be and the same is hereby amended to read as follows:

31-3804. ZONING COMMISSION.—The Board of county commissioners of each county in the State of Idaho as hereinafter defined shall appoint a commission as authorized under the sections 50-2701 through 50-2708, Idaho Code, which shall be entitled the zoning commission, and which shall function with the powers and duties and subject to the provisions of said sections; provided, that at least one-third (1/3) of the members of the county zoning commission shall be resident taxpayers of a municipality within the county. In addition to the original recommendation of a comprehensive county plan of districts and regulations required to be made by the zoning commission to the board of county commissioners, on the zoning commission's initiative or on request by the board of county commissioners, it shall from time to time review and recommend amendments and additions to such plan and regulations. The board of county commissioners shall not hold public hearings nor take action upon the original plan and regulations proposed, nor amendments and
additions thereto, until recommendations thereon have been received from the zoning commission.

Approved February 5, 1965.

CHAPTER 13
(H. B. No. 25)

AN ACT
AMENDING SECTION 49-1102, IDAHO CODE, BY CHANGING THE REQUIREMENT THAT THE COMMISSIONER SHALL REVOKE THE LICENSE OR PERMIT TO DRIVE AND ANY NON-RESIDENT OPERATING PRIVILEGE OF ANY PERSON CONVICTED UNDER THIS SECTION FOR A PERIOD OF TWELVE MONTHS, TO REQUIRE THE COMMISSIONER TO SUSPEND SUCH LICENSE, PERMIT OR PRIVILEGE FOR A PERIOD OF NINETY DAYS; AND PROVIDING THAT NOTHING IN THIS SECTION SHALL LIMIT THE POWER OF THE COMMISSIONER TO INCREASE THE PERIOD OF SUSPENSION AS PROVIDED IN IDAHO CODE, SECTION 49-330(a)7.

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

SECTION 1. That Section 49-1102, Idaho Code, be, and the same is hereby amended to read as follows:

49-1102. PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR OF DRUGS.—(a) It is unlawful and punishable as provided in paragraph (d) of this section for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any vehicle within this state.

(b) In any criminal prosecution for a violation of paragraph (a) of this section relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant’s blood at the time alleged as shown by chemical analysis of the defendant’s blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

1. If there was at that time 0.05 percent or less by weight of alcohol in the defendant’s blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;

2. If there was at that time in excess of 0.05 percent but
less than 0.15 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;

3. If there was at the time 0.15 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor;

4. The foregoing provisions of paragraph (b) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

(c) It is unlawful and punishable as provided in paragraph (d) of this section for any person who is an habitual user of, or under the influence of any narcotic drug, or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle within this state. The fact that any person charged with a violation of this paragraph is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this paragraph.

(d) Every person who is convicted of a violation of this section shall be punished by imprisonment in the county or municipal jail for not less than thirty days nor more than six months or by fine of not less than $100 nor more than $300 or by both such fine and imprisonment. On a second or subsequent conviction he shall be imprisoned in the state penitentiary at hard labor for not less than two years and not more than five.

The commissioner shall revoke suspend the license or permit to drive and any nonresident operating privilege of any person convicted under this section for a period of twelve months ninety days, provided however, that nothing in this section shall limit the power of the commissioner to increase the period of suspension as provided in Idaho Code, Section 49-330(a) 7.

Approved February 5, 1965.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-809, Idaho Code, be, and the same is hereby amended to read as follows:

49-809. In addition to other equipment required in this act, the following vehicles shall be equipped as herein stated under the conditions stated in section 49-802.

(a) On every bus or truck, whatever its size, there shall be the following:

On each side, one reflector, at or near the rear.

On the rear, two reflectors, one at each side, and one stop light.

(b) On every bus or truck 80 inches or more in over-all width and less than 30 feet in over-all length, in addition to the requirements in paragraph (a):

On the front, two clearance lamps, one at each side.

On the rear, two clearance lamps, one at each side.

(c) On every bus or truck 30 feet or more in over-all length, regardless of its width, in addition to the requirements in paragraph (a):

Clearance lamps required in (b) above.

On each side, two side marker lamps, one at or near the front and one at or near the rear.

On each side, one reflector at or near the front.

(d) On every truck tractor the cab of which is as wide as or wider than any vehicle being drawn:

On the front, two clearance lamps, one at each side.

On each side, one side marker lamp at or near the front.

(e) On every trailer or semi-trailer having a gross
weight in excess of 3,000 pounds, if wider than the truck or the cab of the truck tractor drawing it, the following:

On the front, two clearance lamps, one at each side.
On each side, two side marker lamps, one at or near the front and one at or near the rear.
On each side, two reflectors, one at or near the front and one at or near the rear.
On the rear, two clearance lamps, one at each side, also two reflectors, one at each side, and one stop light.

(f) On every trailer or semi-trailer having a gross weight in excess of 3,000 pounds if of the same width or less than the truck or the cab of the truck drawing it, the following:

On each side, one side marker lamp near the rear.
On each side, two reflectors, one at or near the front and one at or near the rear.
On the rear, two clearance lamps, one at each side.
On the rear, two reflectors, one at each side and one stop light.

(g) On every pole trailer in excess of 3,000 pounds gross weight:

On each side, one side marker lamp and one clearance lamp which may be in combination, to show the front, side and rear.
On the rear of the pole trailer or load, two reflectors one at each side.

(h) On every trailer, semi-trailer and pole trailer weighing 3,000 pounds gross or less:

On the rear, two reflectors, one on each side. If any trailer or semi-trailer is so loaded or is of such dimensions to obscure the stop light on the towing vehicle, then such vehicle shall also be equipped with one stop light.

Approved February 5, 1965.
CHAPTER 15
(H. B. No. 27)

AN ACT


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

SECTION 1. That Chapter 10 of Title 36, Idaho Code, be, and the same is hereby amended by adding two new sections thereto, following Section 36-1002, to be known and designated as Sections 36-1002A and 36-1002B, and to read as follows:

36-1002A. Provided the State of Washington enacts similar reciprocal legislation to this act, the right to take fish and game from the waters of the Snake River or the islands of the Snake River, where the same forms the boundary line between the State of Idaho and the State of Washington, by either a holder of an Idaho or a Washington license in accordance with the fish and game laws of the respective states shall be recognized and make lawful and it shall be the duty of law enforcement officers to honor the license of either state and the right of the holder thereof to take fish and game from said waters and said islands in accordance with the laws of the state issuing said license.

36-1002B. The purpose of this act is to avoid the conflict, confusion and difficulty involved in attempting to find the exact location of the state boundary on said waters and on said islands in the Snake River and shall not be construed to permit the holder of an Idaho license to fish or hunt on the shore lines, sloughs or tributaries on the Washington side nor to permit the holder of a Washing-
CHAPTER 16
(H. B. No. 7)

AN ACT
RELATING TO THE ESTABLISHMENT AND OPERATION OF THIRD AND FOURTH YEAR COLLEGE CURRICULUM IN JUNIOR COLLEGE DISTRICTS; PROVIDING A STATEMENT OF POLICY TO ALLOW JUNIOR COLLEGE DISTRICTS TO ESTABLISH AND UPPER DIVISION OF THE THIRD AND FOURTH YEARS OF COLLEGE EDUCATION WITH POWERS TO GRANT BACCALAUREATE DEGREES PRIMARILY FOR STUDENTS LIVING AT HOME, PROVIDING SUCH UPPER DIVISION CAN ONLY BE ESTABLISHED IN JUNIOR COLLEGE DISTRICTS OF AN URBAN AREA AS DEFINED HEREIN AND ALLOWING DELETION OF "JUNIOR" FROM THE NAME, PROVIDING THAT THE OPERATION OF THE FIRST AND SECOND YEAR SHALL BE SEPARATE FROM SAID UPPER DIVISION AND THE UPPER DIVISION SUPPORTED BY TUITION AND PROVIDING A ONE MILL LEVY FOR THE LEASING, PURCHASING OR CONSTRUCTING OF BUILDINGS AND EQUIPMENT AND ADMINISTRATION COST, AND ADDING A NEW SECTION 33-2107A TO TITLE 33, IDAHO CODE, PROVIDING THE AUTHORITY OF THE BOARD OF TRUSTEES TO OPERATE SAID UPPER DIVISION UPON NOTIFICATION TO THE STATE BOARD OF EDUCATION AND PROVIDING FOR THE OPERATION OF SAID UPPER DIVISION IN LEASED QUARTERS OR BUILDINGS FINANCED BY LEVIES ON LOCAL TAXABLE PROPERTY, AND DECLARING AN EMERGENCY.

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

Section 1. Statement of Policy; It is hereby declared to be the policy of the State of Idaho in the public interest to provide an opportunity for a full college education to students living at home by permitting the establishment of an upper division college curriculum accessible to such students living in or near urban counties as herein defined.
SECTION 2. The provisions of this Act shall be in addition to all powers and authorities heretofore vested by law or by regulation of the State Board of Education in the Board of Trustees of a junior college district and all provisions of Section 33-2101, 33-2103 to 33-2115, Idaho Code, and any additions or supplements amendatory thereto, shall be applicable to providing the third and fourth year college curriculum within such junior college districts, unless the same are specifically in contradiction with any provision of this Act. Districts exercising the powers herein granted may drop the word “Junior” from their designation.

SECTION 3. DEFINITION OF URBAN AREA DISTRICTS EMPOWERED TO CREATE UPPER DIVISIONS—The powers provided herein for instruction of the third and fourth year college curriculum shall only be exercisable by junior college districts which at the date of the filing of notice of establishment of upper divisions as required are urban area districts, which is defined as a district containing (a) an assessed value of taxable property of not less than $70,000,000.00 and (b) a population of not less than 90,000 persons, in the county of the district where the college is located.

SECTION 4. That Title 33, Chapter 21, Idaho Code, be, and the same hereby is, amended by adding a new section thereto following Section 33-2107 to be designated Section 33-2107A, to read as follows:

33-2107A. ESTABLISHMENT AND OPERATION OF THIRD AND FOURTH YEAR COLLEGE CURRICULUM IN JUNIOR COLLEGE DISTRICTS—The Board of Trustees of a junior college district of an urban area, upon filing with the State Board of Education a notice of intent to exercise the powers herein granted, shall thereafter be authorized and empowered to organize and operate an upper division consisting of the third and fourth years of college curriculum with powers to grant baccalaureate degrees in liberal arts and sciences, business and education. The operation of the junior college and the upper division shall be kept separate; however, the joint use of facilities is authorized providing a proper cost allocation is made. The buildings and equipment for the use of said upper division may be purchased, leased, constructed, maintained, and administered from funds obtained by the Board of Trustee's levy upon taxable property within the district, not to exceed ten cents (10 cents) on each hundred dollars ($100.00) of assessed valuation. Said Board under Sec-
tion 33-2113, Idaho Code, may obtain capital funds through issuance of general obligation bonds for such equipment and buildings, with the total tax levy for operation and bonds of the upper division not to exceed the levy limit authorized in this section. Such tax shall be certified and levied as provided for other taxes of the district. All other costs of operation of said upper division shall be provided by tuition and fees paid by the student. Gifts and grants may be accepted by the Board of Trustees for this or other purposes. A student who has been a resident of the district for not less than one year at time of admission to the upper division, or who has completed the first two years in the college, shall be given preference for admission to the upper division.

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 6, 1965.

CHAPTER 17
(H. B. No. 31)

AN ACT

AMENDING SECTION 67-509, IDAHO CODE, BY PROVIDING THAT THE PRINTING COMMITTEE SHALL DETERMINE THE SIZE, FORM, NUMBER AND MANNER OF DISTRIBUTION, AND BINDING OF THE JOURNALS FOR THE TWO HOUSES OF THE LEGISLATURE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-509, Idaho Code, be, and the same is hereby amended to read as follows:

67-509. On the first legislative day or as soon thereafter as the speaker shall have been elected, it shall be the duty of the president of the senate and the speaker of the house of representatives each to appoint a printing committee for his body whose duties shall be, in addition to its duties prescribed by the rules of said bodies respectively, to immediately meet in joint session and to provide, in the same manner as for other legislative printing, for the printing
of the journals of the two houses of the legislature. They shall be printed in super royal octavo form, in neat eight point type, with at least 2400 ems in a page, without any unnecessary leads, blank or broken lines or pages. The legislature shall fix by concurrent resolution the number of copies of the said journals to be printed daily during the sessions of the legislature in the same form as herein provided, said copies to be bound in pamphlet form without covers, and the portions of the journal of the senate shall precede the portion of the journal of the house of representatives in the pamphlets. Said pamphlets shall be placed daily, one on the desk of each senator and member of the house of representatives, and one to each head of a department of the state government, and to the librarian of congress, and of those remaining, forty per cent shall be distributed by the members of the senate, under the direction of the secretary of the senate, and 60 per cent shall be distributed by the members (members) of the house of representatives, under the direction of the clerk of the house; provided, that as rapidly as possible the usual number of sheets, not exceeding 350, for the bound and permanent copies of the said journals, shall be printed and retained for binding at such time as the indexes therefor are prepared and printed. Said committee shall determine the form of the journals to be used, the size of the type, the number to be distributed to each member of the legislature and the method of distribution, and the manner in which the journals are to be bound for the permanent copies of the journal.

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

Approved February 5, 1965.
COMPLETED FROM THE 2ND MONDAY OF DECEMBER TO
THE 4TH MONDAY OF JANUARY OF EACH YEAR, BY
CHANGING THE DATE ON WHICH THE BUDGET FOR SUCH
SYSTEMS MUST BE ESTIMATED FROM THE 4TH MONDAY
OF DECEMBER TO THE 2ND MONDAY OF FEBRUARY OF
EACH YEAR, AND BY CHANGING THE SUBSEQUENT
DATES OF NOTICE AND MEETING TO CORRECT ASSESS­
MENTS MADE WITH RESPECT THERETO FROM THE 5TH
DAY OF JANUARY TO THE 1ST DAY OF MARCH AND
FROM THE 5TH DAY OF FEBRUARY TO THE 20TH DAY
OF MARCH, RESPECTIVELY.

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

SECTION 1. That Section 50-1304, Idaho Code, be and
the same is hereby amended to read as follows:

50-1304. LEVYING OF ANNUAL ASSESSMENTS
TO DEFRAY OPERATING AND MAINTENANCE
COSTS.—The clerk of such city or village which shall ac­
cquire and operate a municipal irrigation system under this
act shall act as the assessor of such irrigation system and
shall, on or before the 4th Monday of December
January of each year, prepare an assessment book contain­
ing a full and accurate list and description of all of the lots,
parcels, pieces and tracts of land within the boundaries of
such municipal irrigation system to which irrigation water
is being supplied by such municipal irrigation system, and
a list of the persons who own, claim or have in possession
or control thereof during said year, giving the number of
acres in the unplatted portion of such city or village and the
number of the lots and blocks within the boundaries of such
municipal irrigation system listed to each person. The
mayor and council of such city or the board of trustees of
such village shall, on the 4th Monday of December
February of each year, unless a legal holiday then on the
next succeeding work day, meet and make an estimate of
the necessary funds for the expenses of maintaining, oper­
ating, improving, extending and enlarging said municipal
irrigation system for the ensuing calendar year, said esti­
mate shall also include a reasonable sum not to exceed ten
per cent of the total estimate for anticipated unpaid and
delinquent taxes and such sum as may be necessary to
retire outstanding warrants, indebtedness, sinking funds,
bonds and interests, of a municipal irrigation system, and
shall spread the same upon their minutes and shall there­
upon apportion to each lot, piece or parcel of land within
the boundaries of such municipal irrigation system in
proportion to the benefits received by such lot, piece or parcel of land growing out of the maintenance and operation of such municipal irrigation system. Such assessment shall be immediately carried out by the city or village clerk and entered under appropriate columns on the assessment roll. Said assessment roll shall contain an appropriate column for each item assessed and which said assessment roll shall be subject to review by the mayor and council of the city or board of trustees of the village as hereinafter provided. On or before the 15th 1st day of January March of each year the city or village clerk must give notice of the time the mayor and council or board of trustees, respectively, shall meet to correct the assessments so made; said notice shall be published twice at intervals of not less than six days in a newspaper printed and published within such city or village or if no such newspaper is published within such city or village then in one of general circulation in such city or village and most likely to give notice to the persons interested which has been designated as the official newspaper of the city or village, when the mayor and council or board of trustees will meet to correct such assessments so levied and assessed as herein provided. The time fixed for such meeting shall not be later than the 20th 5th day of February March of each year and in the meantime the assessment books shall remain in the office of the city or village clerk for the inspection of any person interested.

Approved February 9, 1965.

CHAPTER 19
(H. B. No. 16)

AN ACT
AMENDING SECTION 31-1415, IDAHO CODE, AND SECTION 31-1417, IDAHO CODE, PERTAINING TO THE CORPORATE POWERS OF FIRE PROTECTION DISTRICTS, SO AS TO SPECIFICALLY INCLUDE THE POWER TO SELL, CONVEY AND DISPOSE OF REAL AND PERSONAL PROPERTY.

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

SECTION 1. That Section 31-1415, Idaho Code, be, and the same is hereby amended to read as follows:
31-1415. CORPORATE POWERS.—Each fire protection district has power:

1. To sue and be sued.

2. To purchase, hold, sell and convey real property, make such contracts, and purchase, hold, sell and dispose of such personal property as may be necessary or convenient for the purposes of this act.

3. To levy and apply such taxes for purposes under its exclusive jurisdiction as are authorized by law.

SECTION 2. That Section 31-1417, Idaho Code, be, and the same is hereby amended to read as follows:

31-1417. FIRE PROTECTION DISTRICT HAS LEGAL TITLE TO PROPERTY.—The legal title to all property acquired under the provisions of this chapter shall immediately and by operation of law, vest in such fire protection district, and shall be held by such district in trust for and is hereby dedicated and set apart to the uses and purposes set forth in this act. Said board is hereby authorized and empowered to hold, use, acquire, manage, occupy, possess, sell, convey and dispose of said property, whether real or personal, as herein provided; and to institute and maintain any and all actions and proceedings, suits at law or in equity necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act or acquired in pursuance thereof. In all courts, actions, suits or proceedings, the said board may sue, appear and defend, in person or by attorneys, and in the name of such fire protection district.

Approved February 11, 1965.

CHAPTER 20
(H. B. No. 28)

AN ACT

AMENDING SECTION 37-409, IDAHO CODE, BY ADDING THERE-TO A NEW SUBSECTION, DEFINING THE WORD "CHLORINE", AND DECLARING AN EMERGENCY.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 37-409, Idaho Code, be, and the same is hereby amended to read as follows:

MILK HAULERS AND TANKS—DEFINITIONS.— As used in this act, unless the context clearly requires otherwise, the following definitions are adopted:

(1) The term “milk hauler” is the operator of a transportation tank and may be an employee or the owner of the equipment.

(2) The term “farm tank” is a tank used to cool and/or store milk prior to transportation to the processing plant.

(3) The terms “transportation tank”, “bulk tank” and “feeder tank” mean tanks used to transport milk from a farm to a processing plant.

(4) The term “chlorine” shall mean chlorine, or other type of sanitizer approved by the commissioner of agriculture.

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 11, 1965.

CHAPTER 21
(H. B. No. 55)

AN ACT

AMENDING SECTION 43-708, IDAHO CODE, RELATING TO THE COLLECTION OF PENALTIES AND INTEREST ON THE DELINQUENT ASSESSMENTS OF IRRIGATION DISTRICTS, BY PROVIDING THAT WHERE SUCH PENALTIES AND INTEREST DO NOT AGGREGATE THE SUM OF ONE DOLLAR ($1.00) ON ANY ONE ASSESSMENT NUMBER, THE TREASURER SHALL NOT BE REQUIRED TO COLLECT SUCH PENALTY AND INTEREST.

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

SECTION 1. That Section 43-708, Idaho Code, be, and the same is hereby amended to read as follows:
43-708. On or before the second Monday of January of each year succeeding the year in which the assessments are levied the treasurer shall carry out and enter all delinquent assessments, with the penalties thereon, on the assessment roll, which entry shall be considered to be dated as of the first day of January in such succeeding year, and shall have the force and effect of a sale to the treasurer of the district as grantee in trust for the district for all lands entered upon the assessment roll upon which one-half or more of the original amount of such assessments have not been paid before delinquency.

On or before the second Monday of July of such succeeding year the treasurer shall make delinquency entries as hereinbefore described for all lands entered on the assessment roll on which the remaining one-half of the original amount of such assessment has not been paid before delinquency, which entries shall also be considered to be dated as of January first of such year.

The penalties required to be added on delinquent assessments shall be two percent of the amount remaining unpaid and the treasurer shall collect such delinquent assessments with such penalty added, together with interest on the amount of such delinquent assessments at the rate of eight percent per annum from said first day of January until redemption, provided that where such penalties and interest do not aggregate the sum of one dollar ($1.00) on any one assessment number, the treasurer shall not be required to collect such penalty and interest.

Provided, that if the first half of such taxes be not paid prior to the said third Monday of December, the amount of such one-half, plus a penalty of two per cent thereof with interest on the total at the rate of eight per cent per annum from the date of delinquency may be paid at any time between the third Monday of January in the year succeeding the year in which such taxes are levied and the third Monday of June next thereafter, and, in the event of such payment, the second one-half of such taxes may be paid thereafter, without penalty, at any time between the two dates last above-mentioned.

Approved February 11, 1965.
CHAPTER 22  
(H. B. No. 52)  

AN ACT  

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO BOISE COUNTY FOR THE PURPOSE OF ERECTING A SERVICE MEN'S MEMORIAL PURSUANT TO THE PROVISIONS OF CHAPTER 1, TITLE 65, IDAHO CODE; SUBJECT TO 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 sum of money, for the purpose of erecting a service men's memorial pursuant to the provisions of Chapter 1, Title 65, Idaho Code; subject to the provisions of the Standard Appropriations Act of 1945:  

To Whom Appropriated: Appropriations:  
BOISE COUNTY:  
For: Erecting Service Men's Memorial $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 February 17, 1965.  

CHAPTER 23  
(H. B. No. 68)  

AN ACT  

REPEALING SECTION 21-402, IDAHO CODE, THEREBY MAKING CHAPTER 4 OF TITLE 21, IDAHO CODE, HAVING TO DO WITH AIR NAVIGATION FACILITIES, APPLICABLE TO CITIES OF THE FIRST CLASS.  

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 21-402, Idaho Code, be, and the same is hereby repealed.

Approved February 17, 1965.

CHAPTER 24
(H. B. No. 50)

AN ACT

AMENDING SECTION 18-1201, IDAHO CODE, RELATING TO OPENING AND CLOSING OF POOL HALLS AND BILLIARD ROOMS BY PROVIDING THAT THE SECTION SHALL APPLY ONLY WHEN THE POOL HALL OR BILLIARD ROOM SERVES OR DISPENSES ANY KIND OF ALCOHOLIC BEVERAGES; AMENDING SECTION 18-1203, IDAHO CODE, RELATING TO MINORS LOITERING OR FREQUENTING POOL HALLS OR BILLIARD ROOMS AND PROPRIETORS ALLOWING MINORS TO FREQUENT AND LOITER BY PROVIDING THAT THE PROVISIONS OF THAT SECTION SHALL APPLY ONLY WHEN THE POOL HALL OR BILLIARD ROOM SERVES OR DISPENSES ANY KIND OF ALCOHOLIC BEVERAGE.

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

SECTION 1. That Section 18-1201, Idaho Code, be, and the same is hereby amended to read as follows:

18-1201. It shall be unlawful for any proprietor, keeper, manager, conductor, clerk or person having control or charge of any table pool or billiard room or hall conducted for profit, or pleasure, or any room, building or place where card games are conducted to conduct or permit to be conducted any such pool, billiard or card games on the first day of the week, commonly called Sunday, or on any day between the hours of twelve o'clock midnight and six o'clock A.M., provided, however, that in unincorporated villages, towns, or precincts, the board of county commissioners of the county in which said unincorporated village, town or precinct is located, may prescribe an earlier hour of closing; provided, that nothing contained in this section shall apply to bona fide private residences, nor to regularly incorporated societies, when such incorporation is not primarily nor principally for purposes of amusement or pleasure; provided, that nothing contained in this section shall apply to
any table pool or billiard room or hall conducted for profit or pleasure or the proprietor thereof which does not sell or dispense beer, liquor, wine or any other alcoholic beverage.

Every person violating the provisions of this section is guilty of a misdemeanor and punishable by a fine of not less than fifty dollars, or imprisonment in the county jail for a term not less than one month, or by both such fine and imprisonment.

SECTION 2. That Section 18-1203, Idaho Code, be, and the same is hereby amended to read as follows:

18-1203. It shall be unlawful for any minor under the age of twenty years to frequent or loiter in or about table pool or billiard rooms or halls conducted for profit in the state of Idaho. Every proprietor, keeper, manager, conductor, clerk or person, having control of any table pool or billiard room or hall conducted for profit in the state of Idaho, who allows any minor under the age of twenty years to frequent or loiter in or about such table pool or billiard room or hall is deemed guilty of a misdemeanor: provided, however, that nothing contained in this section shall apply to any table pool or billiard rooms or hall or proprietor thereof conducted for profit in the state of Idaho which does not sell or dispense beer, liquor, wine or any other alcoholic beverage. Every minor under the age of twenty years who frequents or loiters in or about any table pool or billiard room or hall conducted for profit in the state of Idaho is deemed guilty of a misdemeanor.

Approved February 17, 1965.

CHAPTER 25
(H. B. No. 33)

AN ACT
AMENDING SECTION 43-327, IDAHO CODE, RELATING TO DELINQUENT TOLLS, ASSESSMENTS AND CHARGES OF IRRIGATION DISTRICTS AND THE SHUTTING OFF OF WATER, BY PROVIDING THAT IN IRRIGATION DISTRICTS HAVING A CONTRACT WITH THE UNITED STATES UNDER THE PROVISIONS OF TITLE 43, IDAHO CODE, FOR THE CONSTRUCTION, OR OPERATION, OF MAINTENANCE OF A DOMESTIC WATER SYSTEM OR FOR THE REPAY-
MENT TO THE UNITED STATES OF A LOAN FOR ANY SUCH PURPOSE, THE BOARD OF DIRECTORS, OF SUCH DISTRICT, MAY FIX A DATE AFTER WHICH ALL TOLLS AND CHARGES OF THE DISTRICT EXCEPT ASSESSMENTS AGAINST REAL PROPERTY WITHIN THE DISTRICT, WILL BE DEEMED DELINQUENT; AND PROVIDING THAT SUCH DISTRICTS WILL HAVE THE RIGHT, SUPPLEMENTAL TO ALL OTHER LAWFUL MEANS FOR THE COLLECTION OF SUCH TOLLS AND CHARGES, TO CEASE DELIVERY OF DOMESTIC AND IRRIGATION WATER AT ANY TIME FOLLOWING THE TENTH DAY AFTER SUCH DELINQUENCY, TO ALL LANDS IN CONNECTION WITH WHICH SUCH TOLLS OR CHARGES HAVE BEEN INCURRED, AND AT THE DISTRICTS' OPTION ALSO TO ALL OTHER LANDS WITHIN THE DISTRICT BELONGING TO THE LEGAL ENTITY INCURRING SUCH TOLLS OR CHARGES, UNTIL ALL SUCH SUMS AND ANY LAWFUL ADDITIONAL CHARGES HAVE BEEN PAID; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 43-327, Idaho Code, be, and the same is hereby amended to read as follows:

43-327. The board of directors of any irrigation district shall have the power to refuse to deliver water for the use on any lands upon which any assessments, tolls or charges levied, assessed or charged against said lands or the owner, lessee, occupant or contract purchaser thereof, under any section of this title, whether for irrigation or domestic water service, are unpaid for more than ninety days after delinquency until such assessments, tolls or charges, together with any lawful penalties and additional charges are paid.

Provided, that, in irrigation districts having a contract with the United States under the provisions of this Title, for the construction, or operation, or maintenance of a domestic water system or for the repayment to the United States of a loan for any such purpose, the board of directors of such district may, by resolution, from time to time, fix a date or dates after which any or all lawful tolls and/or charges of the district, including without limitation domestic water tolls and charges, and excepting only assessments provided for in this title against real property within the district, shall be deemed delinquent. Such district shall have the right, in addition to and supplemental to all other legal rights now in effect, or hereafter acquired for the collection of any such sums, to cease delivery of do-
mestic and irrigation water to all lands in connection with which such tolls or charges have been incurred and, at the district’s option, also to all other lands within the district belonging to the person or persons, firm, corporation or other legal entity incurring any such tolls or charges. Such delivery may be ceased at any time after the tenth day following the date any such sums become delinquent, and until all such sums together with any lawful penalties, additional charges and/or interest at the legal rate are paid.

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 17, 1965.

CHAPTER 26
(H. B. No. 9)

AN ACT

AMENDING SECTION 49-1218, IDAHO CODE, AS AMENDED, TO PROVIDE FOR THE REFUND OF MOTOR FUEL TAX PAID ON FUEL USED OUTSIDE THE STATE OF IDAHO; 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 in motor vehicles operated on highways outside of the state of Idaho where a duplicate tax is assessed for the same 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, operating solely intra-state, 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 di-
rectly 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. In the event the claimant seeks a refund for motor fuel purchased in Idaho and used outside the state, his claim shall be accompanied by a verification of such use determined by an audit of his operations conducted by the department of law enforcement; or his claim may be verified by the filing of a receipt showing the payment of tax on such fuel in any other state.

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

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

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

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

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

SECTION 2. An emergency existing, 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 17, 1965.

CHAPTER 27
(S. B. No. 62)

AN ACT

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

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

SECTION 1. That the State Board of Land Commissioners is hereby empowered, authorized and directed to include on behalf of the State of Idaho the State owned lands as described herewith:
Lot one (1) (NE\textsuperscript{1/4} of NE\textsuperscript{1/4}), Lot two (2) (NW\textsuperscript{1/4} of NE\textsuperscript{1/4}) and the South one-half (S\textsuperscript{1/2}) of the Northeast Quarter (NE\textsuperscript{1/4}) of Sec. (5), Township forty-three (43) North Range five (5) W.B.M., the rights thereto, in Latah County, for the preservation and control of the scenic area thereof.

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

Approved February 17, 1965.

CHAPTER 28
(S. B. No. 4)

AN ACT

PROVIDING FOR THE FURNISHING OF PERFORMANCE AND PAYMENT BONDS BY CONTRACTORS FOR PUBLIC BUILDINGS AND PUBLIC WORKS OF THE STATE OF IDAHO, POLITICAL SUBDIVISIONS AND OTHER PUBLIC INSTRUMENTALITIES; DESCRIBING THE PROCEDURES AND LIMITATIONS UPON CLAIMS FOR LABOR OR MATERIAL FURNISHED WITH REGARD THERETO, AND LITIGATION THEREON; PRESCRIBING LIABILITY OF PUBLIC BODY FOR FAILURE TO OBTAIN PAYMENT BOND; PROVIDING FOR ALLOWANCE OF ATTORNEY FEES; DEFINITION OF TERMS; REPEAL OF SECTION 45-502 AND SECTION 45-503 OF THE IDAHO CODE; DECLARING AN EMERGENCY.

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

SECTION 1. SHORT TITLE.—This act may be cited as the Public Contracts Bond Act.

SECTION 2. PERFORMANCE AND PAYMENT BONDS REQUIRED OF CONTRACTORS FOR PUBLIC BUILDINGS AND PUBLIC WORKS OF THE STATE, POLITICAL SUBDIVISIONS AND OTHER PUBLIC INSTRUMENTALITIES—REQUIREMENTS FOR BONDS.
—Before any contract for the construction, alteration, or repair of any public building or public work or improvement of the state of Idaho, or of any county, city, town,
municipal corporation, township, school district, public educational institution, or other political subdivision, public authority, or public instrumentality, or of any officer, board, commission, institution, or agency of the foregoing, is awarded to any person, he shall furnish to the state of Idaho, or to such county, city, town, municipal corporation, township, school district, public educational institution, or other political subdivision, public authority, or public instrumentality, or to such officer, board, commission, institution, or agency thereof, bonds which shall become binding upon the award of the contract to such person, who is hereinafter designated as "contractor":

(1) A performance bond in any amount to be fixed by the contracting body, but in no event less than 50 per cent of the contract amount conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions thereof. Said bond shall be solely for the protection of the public body awarding the contract.

(2) A payment bond in an amount to be fixed by the contracting body but in no event less than 50 per cent of the contract amount, solely for the protection of persons supplying labor or materials to the contractor or his subcontractors in the prosecution of the work provided for in such contract.

Each bond shall be executed by a surety company or companies duly authorized to do business in this state. In the case of contracts of the state or a department, board, commission, institution, or agency thereof the aforesaid bonds shall be payable to the state, or particular state agency where authorized. In case of all other contracts subject to this act, the bonds shall be payable to the public body concerned.

Said bonds shall be filed in the office of the department, board, commission, institution, agency or other contracting body awarding the contract.

Nothing in this section shall be construed to limit the authority of the state of Idaho or other public body herein-above mentioned to require a performance bond or other security in addition to these, or in cases other than the cases specified in this act.

It shall be illegal for the invitation for bids, or any person acting or purporting to act, on behalf of the contracting body to require that such bonds be furnished by a
particular surety company, or through a particular agent or broker.

SECTION 3. CLAIMS FOR LABOR OR MATERIAL FURNISHED—SUIT ON CONTRACTOR'S PAYMENT BOND—PROCEDURE—LIMITATION.—Every claimant who has furnished labor or material in the prosecution of the work provided for in such contract in respect of which a payment bond is furnished under this act, and who has not been paid in full therefor before the expiration of a period of ninety days after the day on which the last of the labor was done or performed by him or material was furnished or supplied by him for which such claim is made, shall have the right to sue on such payment bond for the amount, or the balance thereof, unpaid at the time of institution of such suit and to prosecute such action to final judgment for the sum or sums justly due him and have execution thereon; provided, however, that any such claimant having a direct contractual relationship with a subcontractor of the contractor furnishing such payment bond but no contractual relationship expressed or implied with such contractor shall not have a right of action upon such payment bond unless he has given written notice to such contractor within ninety days from the date on which such claimant performed the last of the labor or furnished or supplied the last of the material for which such claim is made, stating with substantial accuracy the amount claimed and the name of the person to whom the material was furnished or supplied or for whom the labor was done or performed. Each notice shall be served by mailing the same by registered or certified mail, postage prepaid, in an envelope addressed to the contractor at any place he maintains an office or conducts his business or at his residence.

The contracting body and the agent in charge of its office, is authorized and directed to furnish, to anyone making application therefor who submits an affidavit that he has supplied labor, or materials for such work and payment therefor has not been made or that he is being sued on any such bond, or that it is the surety thereon, a certified copy of such bond and the contract for which it was given, which copy shall be prima-facie evidence of the contents, execution, and delivery of the original. Applicants shall pay for such certified copies such reasonable fees as the contracting body or the agent in charge of its office fixes to cover the actual cost of the preparation thereof.

Every suit instituted on the aforesaid payment bond shall be brought in appropriate court in any county in
which the contract was to be performed and not elsewhere; provided, however, that no such suit shall be commenced after the expiration of one year from the date on which the claimant performed the last of the labor or furnished or supplied the last of the material for which such suit is brought, except, that if the claimant is a subcontractor of the contractor, no such suit shall be commenced after the expiration of one year from the date on which final payment under the subcontract became due.

SECTION 4. LIABILITY OF PUBLIC BODY FOR FAILURE TO OBTAIN PAYMENT BOND.—Any public body subject to this act which shall fail or neglect to obtain the delivery of the payment bond as required by this act, shall, upon demand, itself promptly make payment to all persons who have supplied materials or performed labor in the prosecution of the work under the contract, and any such creditor shall have a direct right of action upon his account against such public body in any court having jurisdiction in any county in which the contract was to be performed and executed which action shall be commenced within one year after the furnishing of materials or labor.

SECTION 5. ATTORNEY’S FEES ALLOWED.—In any action brought upon either of the bonds provided herein, or against the public body failing to obtain the delivery of the payment bond, the prevailing party, upon each separate cause of action, shall recover a reasonable attorney’s fee to be taxed as costs.

SECTION 6. MEANING OF TERMS USED IN ACT.—The terms “person” and “claimant” and the masculine pronoun as used in this act shall include individuals, associations, copartnerships, or corporations.

SECTION 7. Section 45-502 and Section 45-503 of the Idaho Code are 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.

Approved February 17, 1965.
CHAPTER 29
(S. B. No. 55)

AN ACT

AMENDING SECTION 43-206, IDAHO CODE, AS AMENDED BY CHAPTER 149, 1951 SESSION LAWS, TO PROVIDE FOR ELECTIONS IN DISTRICTS OF ONE HUNDRED LAND OWNERS OR LESS, AND TO PROVIDE FOR ONE POLLING PLACE AND FOR APPOINTMENT OF ELECTORS AS JUDGES.

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

SECTION 1. That Section 43-206, Idaho Code, as amended by Chapter 149, 1951 Session Laws, be, and the same is hereby amended to read as follows:

43-206. NOTICE OF ELECTION—APPOINTMENT OF JUDGES.—The secretary of the district shall give notice of all elections in said district subsequent to the organization thereof, by posting the same in three public places in each such precinct and in the office of said board, at least four weeks before the day of such election, and by publication of the same once a week for two successive weeks in a newspaper having general circulation within said district. If notice be given by publication in a weekly newspaper the same shall be published in two successive issues thereof, or, if in a daily newspaper, at least six days shall elapse between the first and last dates of publication, and, in either case, publication shall be completed not less than fifteen days before such election. Notices shall state the time of said election and the polling place in each precinct; and the officer to be elected or other question to be voted upon, as the case may be. At least ten days before the holding of any such election, the board of directors shall appoint three electors of each precinct judges of election therein who shall constitute a board of election for such precinct. Provided that in districts of 100 land owners or less, the board may provide for one polling place in the district and name one elector from each precinct thereof, and they shall constitute the judges of election.

Approved February 17, 1965.
AN ACT
AMENDING SECTION 31-2402, IDAHO CODE, PROVIDING FOR THE RECORDING OF CERTIFIED COPIES OF PETITIONS AND ORDERS OR DECREES MADE UNDER ANY PROCEEDING UNDER THE NATIONAL BANKRUPTCY ACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-2402, Idaho Code, be, and the same is hereby amended to read as follows:

31-2402. INSTRUMENTS TO BE RECORDED.—He must, upon the payment of his fees for the same, record separately, in large and well-bound separate books, in legible handwriting, typewriting or by photographic reproduction:

1. Deeds, grants, transfers and mortgages or real estate, releases of mortgages, powers of attorney to convey real estate and leases which have been acknowledged or proved.

2. Certificates of marriage and marriage contracts.

3. Wills admitted to probate.

4. Official bonds.


6. Transcripts of judgments which by law are made liens upon real estate.

7. Notices of attachments upon real estate.

8. Notices of the pendency of an action affecting real estate, the title thereto or possession thereof.

9. Instruments describing or relating to the separate property of married women.


11. Certified copies of any petition, with the schedules omitted, filed in, and certified copies of any Order or Decree made or entered in, any proceeding under the National Bankruptcy Act.
§ 12. Such other writings as are required or permitted by law to be recorded.

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

Approved February 17, 1965.

CHAPTER 31
(S. B. No. 52)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO TO THE SECRETARY OF STATE FOR THE PAYMENT OF DUE AND UNPAID COSTS OF PUBLISHING AND PROOF READING THE CONSTITUTIONAL AMENDMENTS ENACTED BY THE THIRTY-SEVENTH SESSION OF THE IDAHO LEGISLATURE; 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 sum of money, or so much thereof as may be necessary, for the purpose of paying the due and unpaid costs of publishing and proof reading the Constitutional Amendments enacted by the Thirty-seventh Session of the Idaho Legislature:

To Whom Appropriated: Appropriation:
SECRETARY OF STATE FOR ADVERTISING CONSTITUTIONAL AMENDMENTS:
For: Other Current Expense .................... $3,147.00

Total ............................................. $3,147.00
From the General Fund .............................. $3,147.00

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 17, 1965.
CHAPTER 32
(S. B. No. 50)

AN ACT

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

SECTION 1. That Section 66-116, Idaho Code, be, and the same is hereby amended to read as follows:

66-116. INSTITUTIONS UNDER THE JURISDICTION OF THE BOARD.—State Hospital South, State Hospital North, Idaho State School and Hospital, and the Soldiers' Home, shall be under the management and control of the state hospitals board.

Approved February 17, 1965.

CHAPTER 33
(S. B. No. 47)

AN ACT
AMENDING SECTION 66-115, IDAHO CODE, BY PROVIDING THAT THE NAME OF THE NAMPA STATE SCHOOL BE CHANGED AND THE INSTITUTION BE RENAMED THE IDAHO STATE SCHOOL AND HOSPITAL.

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

SECTION 1. That Section 66-115, Idaho Code, be, and the same is hereby amended to read as follows:

66-115. OFFICIALLY NAMING THE STATE HOSPITALS.—The hospital located at Blackfoot, in the county of Bingham, shall be known as the State Hospital South; the hospital located at Orofino, in the county of Clearwater, shall be known as the State Hospital North; the hospital located at Nampa, in the county of Canyon, shall be known as the Idaho State School and Hospital.

Approved February 17, 1965.
AN ACT
AMENDING SECTION 36-2202 BY DELETING MOUNTAIN GOAT AS BEING EXEMPT FROM REQUIREMENT TO SAVE THE MEAT OF BIG GAME ANIMALS.

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

SECTION 1. That Section 36-2202, Idaho Code, be, and the same is hereby amended to read as follows:

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

Approved February 17, 1965.
CHAPTER 35
(S. B. No. 75)

AN ACT

RELATING TO THE RETAIL SALE OF LIQUOR BY THE DRINK
SO AS TO PERMIT LICENSED PREMISES UPON AN AIRPORT OWNED OR OPERATED BY A COUNTY OR MUNICIPAL CORPORATION OR UPON AN AIRPORT OWNED OR OPERATED JOINTLY BY A COUNTY AND MUNICIPAL CORPORATION; AMENDING SECTION 23-903, IDAHO CODE, TO PERMIT SUCH LICENSE, TO DEFINE AN "AIRPORT OWNED OR OPERATED BY A COUNTY OR MUNICIPAL CORPORATION OR AN AIRPORT OWNED OR OPERATED JOINTLY BY A COUNTY AND MUNICIPAL CORPORATION"; AMENDING SECTION 23-904, IDAHO CODE, TO PRESCRIBE LICENSE FEES THEREFOR; AND DECLARING AN EMERGENCY.

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

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

23-903. LICENSE TO RETAIL LIQUOR.—The 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 (1) 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 with-
out 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 (9) 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 (1) licensed premises shall be permitted on any golf course or within the area comprising the same. Nothing herein contained shall prohibit the issuance of a license to the owner, operator, or lessee of a restaurant operated on an airport owned or operated by a county or municipal corporation or on an airport owned or operated jointly by a county and municipal corporation, and which said airport is served by a trunk or local service air carrier holding a certificate of public convenience and necessity issued by the Civil Aeronautics Board of the United States of America. Not more than one (1) license shall be issued on any airport.

SECTION 2. That Section 23-904, Idaho Code, 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.

j. For each license issued to the owner, operator, or lessee of a restaurant operated on an airport, as described in section 23-903, situate within the corporate limits of a city or village, the fee shall be the same as provided in paragraphs "a" through "e", inclusive, of this section.

k. For each license issued to the owner, operator, or lessee of a restaurant operated on an airport, as described in section 23-903, situate without the corporate limits of a city or village, the fee shall be the same as provided in paragraph "h" of this section. 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 (6) 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 (10) 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 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 February 17, 1965.

CHAPTER 36
(S. B. No. 71)

AN ACT
AMENDING SECTION 26-601, IDAHO CODE, AS AMENDED, RELATING TO LIMITATIONS ON BANK LOANS SECURED BY REAL ESTATE, AND INCREASING THE MAXIMUM TERM FOR SUCH LOANS TO TWENTY-FIVE YEARS AND INCREASING THE AMOUNT WHICH CAN BE LOANED THEREON FROM SEVENTY-FIVE PER CENTUM OF THE APPRAISED VALUE TO EIGHTY PER CENTUM THEREOF; 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 (1) 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 (6) months from the date of acquirement be sold or disposed of at public or private sale; after the expiration of six (6) 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 (50%) of the ap­praised value of the real estate offered as security and no such loan shall be made for a longer term than five (5) years; except that (1) any such loan may be made in an amount not to exceed sixty-six and two-thirds per centum (66⅔%) of the appraised value of the real estate offered as security and for a term not longer than ten (10) 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 forty per centum (40%) or more of the principal of the loan within a period of not more than ten (10) years, and (2) any such loan may be made in an amount not to exceed
sixty-six and two-thirds per centum (66 2/3\%) of the appraised value of the real estate offered as security and for a term not longer than twenty (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 a period of not more than twenty (20) years, and (3) any such loan may be made in an amount not to exceed seventy-five per centum (75\%) of the appraised value of the real estate offered as security and for a term not longer than twenty-five (25) 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 seventy per centum (70\%) 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 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 twenty per centum (20\%) 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 (18) 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 fifty per centum (50%) 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 February 17, 1965.

CHAPTER 37
(S. B. No. 56)

AN ACT

AMENDING SECTION 33-3804, IDAHO CODE, RELATING TO POWERS AND DUTIES OF STATE EDUCATIONAL INSTITUTIONS REGARDING THE TERMS AND CONDITIONS UNDER WHICH REFUNDING BONDS MAY BE ISSUED TO RE-FUND BONDS ISSUED BY STATE EDUCATIONAL INSTITUTIONS AND AUTHORIZING THE ISSUANCE OF SUCH REFUNDING BONDS; AMENDING SECTION 33-3805, IDAHO CODE, RELATING TO STATE EDUCATIONAL INSTITUTIONS, AUTHORIZATION, ISSUANCE, MATURITY, INTEREST AND SALE OF BONDS, BY INCREASING THE MAXIMUM INTEREST RATE AT WHICH BONDS OF STATE EDUCATIONAL INSTITUTIONS MAY BE ISSUED AND AUTHORIZING SUCH BONDS TO CONTAIN CONVERSION PRIVILEGES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-3804, Idaho Code, be, and the same is hereby amended to read as follows:

33-3804. POWERS AND DUTIES OF STATE INSTITUTIONS.—Every institution shall have power in its proper name as aforesaid:

(a) To have a corporate seal and alter the same at pleasure;
(b) To sue and be sued;

(c) To acquire by purchase, gift or the exercise of the right of eminent domain and hold and dispose of real or personal property or rights or interests therein and water rights;

(d) To make contracts and to execute all instruments necessary or convenient;

(e) To acquire any project or projects, and to own, operate, and maintain such project;

(f) To accept grants of money or materials or property of any kind from a federal agency, upon such terms and conditions as such federal agency may impose;

(g) To borrow money and issue bonds and to provide for the payment of the same and for the rights of the holders thereof;

(h) To perform all acts and do all things necessary or convenient to carry out the powers herein granted, to obtain loans or grants or both from any federal agency, and to accomplish the purposes of sections 33-3801—33-3813 and secure the benefits of the Recovery Act.

(i) To issue refunding bonds, for the purpose of paying, redeeming, or refunding any outstanding and unpaid principal and interest on bonds issued under the provisions of sections 33-3801—33-3813, whenever the funds in the treasury available for payment of such indebtedness are inadequate for such purpose and refunding can be done to the benefit or advantage of the institution without increasing its indebtedness and the board deems it for the best interests of the institution bonds theretofore issued under authority of this chapter. Refunding bonds so issued shall have such details, shall bear such rate or rates of interest and shall be otherwise issued and secured as provided by the board authorizing the issuance of such bonds and as otherwise provided in this chapter, provided, however, that such changes in the security and revenues pledged to the payment thereof may be made by such board as may be provided by it in the proceedings authorizing such bonds, but in no event shall such refunding bonds ever be secured by revenues not authorized by this chapter to be pledged to the payment of bonds issued for other than refunding purposes. Refunding bonds issued hereunder may be exchanged for a like principal amount of the bonds to be refunded, may be sold in the manner provided in this chap-
ter for the sale of other bonds, or may be exchanged in part and sold in part. If sold, the proceeds of such bonds may be deposited in escrow for the payment of the bonds to be refunded, provided such bonds mature or are callable for redemption under their terms within six months from the date of the delivery of the refunding bonds. No refunding bonds may be issued hereunder in a principal amount in excess of the principal amount of the bonds to be refunded nor may any bonds not maturing or callable for redemption under their terms as above provided be refunded hereunder without the consent of the holders thereof. Refunding bonds so authorized and issued may in the discretion of the board be combined with other bonds to be authorized and issued under this chapter, and a single issue of bonds may be so authorized in part for improvement and in part for refunding purposes.

SECTION 2. That Section 33-3805, Idaho Code, be, and the same is hereby amended to read as follows:

33-3805. AUTHORIZATION, ISSUANCE, MATURITY, INTEREST AND SALE OF BONDS.—The bonds shall be authorized by resolution of the board. The bonds may be issued in one or more series, may bear such date or dates, may be in such denomination or denominations, may mature at such time or times, not exceeding forty (40) years from the respective dates thereof, may mature in such amount or amounts, may bear interest, at such rate or rates, not exceeding six per centum (6%) per annum, payable semi-annually, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, may be subject to such terms of redemption, with or without premium, as such resolution or other resolutions may provide. The bonds if sold to a federal agency, may be sold at a private sale at not less than par and accrued interest, without advertising the same at competitive bidding. If not sold to a federal agency, the bonds shall be sold publicly in a manner to be provided by the board. The bonds shall be fully negotiable within the meaning and for all purposes of title 27.

SECTION 3. 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 in-
valid provision or application, and to this end the provisions of this act are declared to be severable.

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 February 17, 1965.

CHAPTER 38
(S. B. No. 22)

AN ACT
AMENDING SECTION 43-303, IDAHO CODE, AUTHORIZING THE BOARD OF DIRECTORS OF AN IRRIGATION DISTRICT TO HOLD ITS REGULAR MONTHLY MEETING IN THEIR OFFICE ON SUCH DATE AS IT SHALL FIX BY RESOLUTION.

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

SECTION 1. That Section 43-303, Idaho Code, be, and the same is hereby amended to read as follows:

43-303. MEETINGS OF BOARD.—The board of directors shall hold a regular monthly meeting in their office on the first Tuesday in every month or such date each month as it shall fix by resolution and such special meetings as may be required for the proper transaction of business.

All special meetings shall be ordered by the president or a majority of the board, the order must be entered of record and the secretary must give each member not joining in the order five days' notice of such special meetings. The order must specify the business to be transacted at such special meeting and none other than that specified shall be transacted: provided, that whenever all members of the board are present, however called, the same shall be deemed a legal meeting and any lawful business may be transacted.

All meetings of the board must be public, and a majority shall constitute a quorum for the transaction of business; but on all questions requiring a vote there shall be a concurrence of at least a majority of the members of the board. All records of the board shall be open to the inspection of any elector during business hours.

Approved February 17, 1965.
CHAPTER 39
(S. B. No. 10, As Amended)

AN ACT

AMENDING SECTION 50-1104, IDAHO CODE, TO PROVIDE THAT A MUNICIPALITY MAY EXTEND ITS STREET LIGHTING OUTSIDE ITS LIMITS TO PROVIDE FOR LIGHTING STATE HIGHWAY SYSTEM APPROACHES TO THE MUNICIPALITY.

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

SECTION 1. That Section 50-1104, Idaho Code, be, and the same is hereby amended to read as follows:

50-1104. IMPROVEMENT OF STREETS—GENERAL LEVY.—Establish, lay out, alter, open any streets or alleys, and improve, repair, light, grade, sprinkle, gravel, oil or drain the same and remove any and all obstructions therefrom, establish grades and construct bridges, crosswalks, culverts and sewers thereon and repair and maintain the same; cause to be planted, set out and cultivated shade trees along the lines thereof or therein; extend its street lighting system outside its corporate limits, to a maximum distance of two miles from said limits, to provide for highway, road or street lighting only along approaches to its street system with the approval of the agency having legal jurisdiction of the highway, road or street involved; provided, however, that no public utility, municipal corporation or quasi-municipal corporation or cooperative association serving electric energy to such street lighting system outside the corporate limits of such municipal corporation shall, by so serving such electric energy, acquire any rights to serve any other property or any present or future consumer, by virtue of, or in violation of, any provisions of Title 61, Chapter 3, Idaho Code, and defray the costs and expenses of the same out of the general fund of such city or village, or defray the costs and expenses of the same by special assessment in accordance with the provisions of chapter 29 of this title, or defray the costs and expenses of the same by such ordinances as may now or hereafter be authorized by the laws of the state of Idaho.

Approved February 17, 1965.
CHAPTER 40
(S. B. No. 54)

AN ACT

AMENDING SECTION 58-402, IDAHO CODE, WHICH PROVIDES FOR THE DISPOSAL OF DEAD AND DOWN TIMBER ON STATE LAND, SO AS TO ALLOW PRIVATE PERSONS TO CUT AND REMOVE FIFTEEN CORDS OR LESS OF FIREWOOD FOR PERSONAL USE WITHOUT PAYMENT TO THE STATE.

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

SECTION 1. That Section 58-402, Idaho Code, be, and the same is hereby amended to read as follows:

58-402. DISPOSAL OF DEAD AND DOWN TIMBER. —Dead and down timber on state land and trees and/or brush growing thereon and which are not suitable for sawing, manufacture or processing, and which are not required for water conservation, may be sold and disposed of by the state land commissioner for the use of any applicant when authorized so to do by any general or special resolution of the state land board, upon written application being filed therefor, and without necessity of advertising as is otherwise provided by law on sale of state owned timber. The state land board may authorize the cutting and removal of an amount of such material, not to exceed fifteen standard cords by an individual for his personal use as firewood without any payment to the state.

Approved February 17, 1965.

CHAPTER 41
(S. B. No. 28)

AN ACT

AMENDING SECTION 16-1510, IDAHO CODE, RELATING TO ADOPTION OF ILLEGITIMATE CHILDREN, ADDING NEW MATERIAL PROVIDING THAT THIS SECTION BE DEEMED AN ENLARGEMENT RATHER THAN A LIMITATION OF THE RIGHTS OF AN ILLEGITIMATE CHILD UNDER ALL PROVISIONS OF THE IDAHO CODE.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 16-1510, Idaho Code, be, and the same is hereby amended to read as follows:

16-1510. ADOPTION OF ILLEGITIMATE CHILD.—The father of an illegitimate child, by publicly acknowledging it as his own, receiving it as such, with the consent of his wife, if he is married, into his family, and otherwise treating it as if it were a legitimate child, thereby adopts it as such; and such child is thereupon deemed for all purposes legitimate from the time of its birth. The foregoing provisions of this chapter do not apply to such an adoption.

This section shall be deemed an enlargement rather than a limitation of the rights of an illegitimate child under all provisions of the Idaho Code pertaining to illegitimate children.

Approved February 17, 1965.

CHAPTER 42
(H. B. No. 3)

AN ACT

CONCERNING SERVICES FOR LOCATING DESERTING PARENTS AND OTHER PERSONS LIABLE FOR SUPPORT OF DEPENDENTS; AND FIXING AN EFFECTIVE DATE FOR THIS ACT.

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

SECTION 1. To assist in locating parents who have deserted their children and other persons liable for support of dependents, the Department of Public Assistance and county prosecuting attorneys may request and shall receive information from the records of all departments, boards, bureaus or other agencies of this state and the same are authorized to provide such information as is necessary for this purpose. Only information directly bearing on the identity and whereabouts of a person owing or asserted to be owing an obligation of support shall be requested and used or transmitted by the Department of Public Assistance and county prosecuting attorneys pursuant to the authority conferred by this act. The Department of Public Assistance and county prosecuting attorneys may make such information available only to public officials and agencies of this state, other states and the political subdivisions
of this state and other states seeking to locate parents who have deserted their children and other person liable for support of dependents for the purpose of enforcing their liability for support.

SECTION 2. This act should be in full force and effect on and after March 1, 1965.

Approved February 19, 1965.

CHAPTER 43
(H. B. No. 65)

AN ACT
AMENDING SECTION 63-2215, IDAHO CODE, BY REQUIRING A MAP OF THE LEGAL BOUNDARIES OF NEWLY ORGANIZED OR ALTERED TAXING UNITS BE FILED WITH THE COUNTY RECORDER, COUNTY ASSESSOR AND STATE TAX COMMISSION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 63-2215, Idaho Code, be, and the same is hereby amended to read as follows:

63-2215. LEGAL DESCRIPTION AND MAP OF BOUNDARIES OF NEWLY ORGANIZED OR ALTERED TAXING UNITS TO BE FILED WITH THE COUNTY RECORDER, COUNTY ASSESSOR AND STATE TAX COMMISSION.—Any city, town, village, school district, cemetery, fire, water, sewer, hospital, or other district or municipality which has the power to levy taxes, which shall be formed or organized after this act becomes effective, or which shall change any existing boundaries thereof after this act becomes effective, shall cause one copy of the legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of such district or municipality as formed or organized, or as altered, to be filed with the county recorder, county assessor in the counties within which the unit is located, and the State Tax Commission within 10 days following the effective date of such formation, organization, or alteration.

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

Approved February 19, 1965.

CHAPTER 44
(S. B. No. 51)

AN ACT


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

SECTION 1. That Section 72-1331, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1331. ADMINISTRATION.—The Employment Security Law shall be administered by an executive director, in this act referred to as "director," who shall be appointed by the governor from a list of three names submitted by the advisory council established under the provisions of section 72-1336, Idaho Code. The provisions of this section shall become effective when the office of director becomes vacant for any reason. Any appointments made under the provisions of this section shall be confirmed by the state senate. If an appointment is made during the recess of the legislature, it shall be subject to confirmation by the senate during its next ensuing session.

SECTION 2. That Section 72-1336, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1336. ADVISORY COUNCIL.—The director, with the approval of the governor, may appoint an advisory council to consist of not less than three seven nor more than eleven fifteen members and provide the qualifications
of the members and fix their term of office. *Appointments of industry members shall be from nominations submitted by qualified representatives of industry, and appointments of labor members shall be from nominations submitted by qualified representatives of labor. All appointments made under the provisions of this section shall be subject to confirmation by the governor.* The duties and functions of the council shall be to consult with and advise the director on matters arising out of the administration of the Employment Security Law as may be necessary to meet the requirements of federal law, and whenever the director desires the advice of said council. Members of the council shall be compensated on a per diem basis at a rate to be fixed by the director, and in addition shall be reimbursed for ordinary and actual expenses.

The director may from time to time appoint special committees as may be required in connection with the administration of this act.

Approved February 19, 1965.

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CHAPTER 45
(S. B. No. 45)

AN ACT

AMENDING SECTION 33-1310, IDAHO CODE, RELATING TO TEACHERS' RETIREMENT AND SERVICE RETIREMENT BENEFIT BY ADDING NEW MATERIAL THERETO, PROVIDING THAT THE BOARD OF TRUSTEES HAVE DISCRETION TO SHORTEN TIME OR WAIVE NECESSITY OF FILING SERVICE RETIREMENT BENEFIT WRITTEN APPLICATION IN CASES OF DISABILITY OR CIRCUMSTANCES MAKING IT IMPRACTICABLE OR IMPOSSIBLE TO FILE WRITTEN APPLICATION; PROVIDING FOR RETROACTIVE DISCRETION IN BOARD OF TRUSTEES AND PROVIDING A LIMITATION ON EXERCISE OF DISCRETION.

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

**SECTION 1.** That Section 33-1310, Idaho Code, be, and the same is hereby amended to read as follows:

33-1310. RETIREMENT—SERVICE RETIREMENT BENEFIT.—Any member may retire upon written appli-
cation to the board of trustees setting forth at what time, not less than thirty (30) days nor more than ninety (90) 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 (60) years and notwithstanding that he may have separated from service.

The board of trustees may, in its discretion, shorten time or waive necessity of the above mentioned filing of not less than thirty (30) days nor more than ninety (90) days in cases where a disability or other circumstances make it impracticable or impossible for the member to file such application. The board shall, as to any member applicant, have retroactive discretion to shorten time or waive necessity of filing herein; however, such discretion shall expire in the instance of any applicant three years after the final date when such application for retirement would, under ordinary circumstances, have been required by this act to be filed.

Any member who shall attain the age of seventy (70) years shall be retired forthwith under the provisions of this chapter except that if such member shall attain the age of seventy (70) 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-thirtieth 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.

Approved February 19, 1965.
AN ACT

AMENDING SECTION 41-3403, IDAHO CODE, BY FURTHER DEFINING THE TERM "PARTICIPANT PHYSICIAN" TO INCLUDE MEDICAL DOCTORS AND PODIATRISTS, DULY LICENSED TO PRACTICE UNDER THE LAWS OF IDAHO; AND AMENDING SECTION 41-3408, IDAHO CODE, BY PROVIDING THAT A MEDICAL SERVICE CORPORATION SHALL AT ALL TIMES BE READY AND WILLING TO ENTER SERVICE AGREEMENTS WITH ALL LICENSED PHYSICIANS, PRACTICING WITHIN THE SERVICE AREA OF SAID CORPORATION.

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

SECTION 1. That Section 41-3403, Idaho Code, be, and the same is hereby amended to read as follows:

41-3403. DEFINITIONS.—For the purposes of this chapter:

(1) "Health care service" means any service rendered to an individual for diagnosis, relief, or treatment of any injury, ailment or bodily condition.

(2) "Service corporation" means a corporation providing all or part of one or more health care services for subscribers thereto in exchange for periodic prepayments in identifiable amount by or as to such subscribers.

(3) A "medical service corporation" is one so providing principally medical and/or surgical services.

(4) A "hospital service corporation" is one so providing principally hospital services.

(5) "Service agreement" is a contract between a service corporation and a physician or hospital under which the physician or hospital agrees to render all or part of one or more health care services to subscribers of the service corporation.

(6) "Subscriber's contract" is that between the service corporation and its subscriber under which all or part of one or more health care services is to be rendered to or on behalf of the subscriber by a physician or hospital that has entered into a service agreement with such corporation covering such services.
(7) "Participant hospital" is one which has entered into a service agreement with a service corporation.

(8) "Participant physician" is one who has entered into a service agreement with a service corporation—and shall include medical doctors and podiatrists duly licensed to practice under the laws of the State of Idaho.

(9) "Physician" includes also "surgeon".

SECTION 2. That Section 41-3408, Idaho Code, be, and the same is hereby amended to read as follows:

41-3408. QUALIFICATIONS FOR CERTIFICATE OF AUTHORITY.—The commissioner shall not issue or permit to exist a certificate of authority to be or act as a service corporation, as to any corporation not fulfilling the following qualifications:

(1) Must be incorporated as provided in section 41-3406 as either a medical service corporation, or as a hospital service corporation, or as a combined medical and hospital service corporation.

(2) Must intend to and actually conduct its business in good faith as a nonprofit corporation.

(3) If a hospital service corporation it must have in force at all times while so authorized, service agreements with participant hospitals located in the areas of the subscribers' residences, convenient as to location and sufficient as to capacity and facilities reasonably to furnish the hospital services provided or proposed to be provided by the corporation to its subscribers.

(4) If a medical service corporation, it must have in force service agreements with participant physicians located in the areas of the subscribers' residences convenient as to location and sufficient in numbers and facilities reasonably to furnish the medical and surgical services provided or proposed to be provided by the corporation to its subscribers. Said medical service corporation shall be ready and willing at all times to enter into service agreements with all physicians qualified under the laws of the State of Idaho who desire to become participant physicians and who practice within the general area served by said medical service corporation.

(5) If a newly formed corporation, it must possess sufficient available working funds to pay all reasonably anticipated cost of acquisition of new business and operat-
ing expenses, other than payment for hospital or medical services, for a period of not less than the six (6) months next following the date of issuance of the certificate of authority, if issued.

(6) Must fulfill all other applicable requirements of this chapter.

Approved February 23, 1965.

CHAPTER 47
(H. B. No. 48)

AN ACT

AMENDING SECTION 41-2103, IDAHO CODE, BY ADDING THERETO A NEW PARAGRAPH TO BE DESIGNATED (8) PROVIDING INSURED WITH A FREE CHOICE OF MEDICAL DOCTOR OR QUALIFIED PODIATRIST TO PERFORM COVERED MEDICAL AND SURGICAL SERVICES.

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

SECTION 1. That Section 41-2103, Idaho Code, be, and the same is hereby amended to read as follows:

41-2103. SCOPE AND FORMAT OF POLICY.—No policy of disability insurance shall be delivered or issued for delivery to any person in this state unless it otherwise complies with this code, and complies with the following:

(1) The entire money and other considerations therefor shall be expressed therein;

(2) The time when the insurance takes effect and terminates shall be expressed therein;

(3) It shall purport to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family, who shall be deemed the policyholder, any two (2) or more eligible members of that family, including husband, wife, dependent children or any children under a specified age which shall not exceed nineteen (19) years and any other person dependent upon the policyholder;

(4) The style, arrangement and overall appearance of the policy shall give no undue prominence to any portion
of the text, and every printed portion of the text of the policy and of any endorsements or attached papers shall be plainly printed in light-faced type of a style in general use, the size of which shall be uniform and not less than ten point with a lower case unspaced alphabet length not less than one hundred and twenty point (the “text” shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description, if any, and captions and subcaptions);

(5) The exceptions and reductions of indemnity shall be set forth in the policy and, other than those contained in sections 41-2105 to 41-2127, inclusive, of this chapter, shall be printed, at the insurer’s option, either included with the benefit provisions to which they apply, or under an appropriate caption such as “Exceptions”, or “Exceptions and Reductions”, except that if an exception or reduction specifically applies to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies;

(6) Each such form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page thereof;

(7) The policy shall contain no provision purporting to make any portion of the charter, rules, constitution or by-laws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or short-rate table filed with the commissioner.

(8) When the policy provides payment for medical or surgical expense to the insured, on a reimbursement basis, or otherwise, the insured shall be entitled to a free choice of medical doctor to perform said services, or the free choice of a podiatrist if the latter is authorized by law to perform the particular medical or surgical services covered under the terms of said policy.

Approved February 23, 1965.
CHAPTER 48
(S. B. No. 36)

AN ACT

RELATING TO PORT DISTRICTS; AMENDING TITLE 70, CHAPTER 1, IDAHO CODE, BY ADDING THERETO NEW SECTIONS FOLLOWING SECTION 70-127 TO BE KNOWN AND DESIGNATED AS SECTIONS 70-128, 70-129, 70-130, 70-131, 70-132, 70-133, 70-134, 70-135, 70-136 AND 70-137, TO PROVIDE THAT THE PORT COMMISSIONERS OF ANY PORT DISTRICT BE AUTHORIZED, FOR THE PURPOSE OF CARRYING OUT THE LAWFUL POWERS GRANTED PORT DISTRICTS, TO CONTRACT INDEBTEDNESS AND TO ISSUE REVENUE BONDS EVIDENCING SUCH INDEBTEDNESS; AND PROVIDING THAT SUCH BONDS BE PAYABLE SOLELY OUT OF REVENUES OF THE PORT DISTRICT OTHER THAN THOSE REVENUES DERIVED FROM AD VALOREM TAXES; AND PROVIDING THAT SUCH BONDS BE AUTHORIZED BY RESOLUTION OF THE PORT COMMISSION, AND THAT SUCH RESOLUTION SHALL CREATE SPECIAL FUNDS FOR THE REPAYMENT OF SUCH BONDS, INTO WHICH THE PORT COMMISSION SHALL OBLIGATE THE PORT TO PAY THE REVENUES WHICH ARE TO BE USED FOR THE RETIREMENT OF SUCH BONDS, WHICH FUNDS CAN BE USED FOR NO OTHER PURPOSE; AND PROVIDING THAT SUCH BONDS SHALL BE NEGOTIABLE INSTRUMENTS WITHIN THE PROVISIONS AND INTENT OF THE NEGOTIABLE INSTRUMENT LAWS OF THIS STATE; AND PROVIDING THAT THE PORT COMMISSION SHALL SET THE TERMS AND COVENANTS OF SUCH BONDS, INCLUDING MATURITY DATES, PLACES OF PAYMENT, INTEREST RATE OR RATES NOT EXCEEDING 6% PER ANNUM, THE FORM OF SUCH BONDS, REGISTRATION PROVISIONS, TERMS OF REDEMPTION, SIGNING AND SEALING OF SUCH BONDS AND ANY INTEREST COUPONS ATTACHED THERETO, THE MANNER OF SALE AND SALE PRICE, THE APPOINTMENT OF A TRUSTEE TO HOLD AND INVEST THE SPECIAL FUNDS, THE POWERS AND DUTIES OF SUCH TRUSTEE AND SUCH OTHER COVENANTS, CONSISTENT WITH LAW, AS IN THE OPINION OF THE PORT COMMISSION WILL INCREASE THE MARKETABILITY OF SUCH BONDS; AND PROVIDING THAT PORT DISTRICTS MAY ALSO ISSUE REVENUE WARRANTS FOR THE SAME PURPOSES AND UNDER THE SAME TERMS, CONDITIONS AND COVENANTS AS PROVIDED FOR THE ISSUANCE OF REVENUE BONDS; AND PROVIDING THAT PORT DIS-
TRICTS MAY PROVIDE FOR THE ISSUANCE OF FUNDING AND REFUNDING BONDS TO FUND OR REFUND ANY OUTSTANDING REVENUE OR OTHER BONDS, REVENUE WARRANTS, PREMIUMS THEREON, AND INTEREST COUPONS, AND PROVIDE FOR SPECIAL FUNDS IN CONNECTION THEREWITH, INTO WHICH THE PORT DISTRICT SHALL BE OBLIGATED TO PAY THE REVENUES OBLIGATED TO THE PAYMENT OF SUCH FUNDING OR REFUNDING BONDS; AND PROVIDING THAT SUCH FUNDING AND REFUNDING BONDS SHALL BE NEGOTIABLE INSTRUMENTS WITHIN THE PROVISIONS AND INTENT OF THE NEGOTIABLE INSTRUMENT LAWS OF THIS STATE; AND PROVIDING THE MAXIMUM INTEREST RATE ON SUCH FUNDING AND REFUNDING BONDS; AND PROVIDING FOR THE TERMS, CONDITIONS, COVENANTS, ISSUANCE, AND SALE OF SUCH FUNDING AND REFUNDING BONDS; AND PROVIDING FOR THE EXCHANGE THEREOF WITH THE BONDS OR WARRANTS BEING FUNDED OR REFUNDED; AND PROVIDING THAT THIS ACT SHALL BE COMPLETE AUTHORITY FOR THE ISSUANCE OF THE BONDS AND WARRANTS DESCRIBED HEREIN, AND THAT NO RESTRICTION, LIMITATION OR REGULATIONS CONTAINED IN ANY OTHER ACT, SHALL APPLY TO BONDS OR WARRANTS ISSUED UNDER THIS ACT; AND PROVIDING THAT ANY LAW INCONSISTENT WITH THE PROVISIONS OF THIS ACT SHALL BE DEEMED MODIFIED TO CONFORM TO THE PROVISIONS OF THIS ACT FOR THE PURPOSES OF THIS ACT ONLY; AND DEFINING THE TERM “THIS CHAPTER” AS USED IN THIS ACT; AND PROVIDING A SHORT TITLE FOR THIS ACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 70, Chapter 1, Idaho Code, be, and the same is hereby amended by adding new sections thereto following Section 70-127, to read as follows:

70-128. REVENUE BONDS AUTHORIZED.—The Port Commission of any port district is authorized, for the purpose of carrying out the lawful powers granted port districts by the laws of the state, to contract indebtedness and to issue revenue bonds evidencing such indebtedness in conformity with this chapter.

70-129. REVENUE BONDS—PURPOSES.—All such revenue bonds authorized under the terms of this chapter may be issued and sold by the port district from time to time and in such amounts as is deemed necessary by the Port
Commission to provide sufficient funds for the carrying out of all port district powers and, without limiting the generality thereof, shall include the following: acquisition, construction, reconstruction, maintenance, repair and operation of port properties and facilities, including the cost thereof engineering, inspection, accounting, fiscal and legal expenses, the cost of issuance of bonds, including printing, engraving and advertising and other similar expenses, the establishment of bond reserves, and the payment of interest on bonds issued for any project during the period of actual construction and for not exceeding twelve months after the completion thereof.

70-130. REVENUE BONDS—TERMS—INTEREST RATE.—Such revenue bonds shall bear such date or dates, mature at such time or times, be in such denominations, bear interest at such rate or rates not exceeding 6% per annum payable at such time or times, be payable at such place or places, be in such form either coupon or registered or both, carry such registration privileges and be subject to such terms of redemption as the Port Commission shall by resolution determine.

70-131. REVENUE BONDS—PAYMENT—SINKING FUNDS—NEGOTIABLE INSTRUMENTS.—Bonds issued under the provisions of this chapter shall be payable solely out of revenues of the port district other than those revenues derived from ad valorem taxes. Such bonds shall be authorized by resolution of the Port Commission, which resolution shall create a special fund or funds into which the Port Commission shall obligate and bind the port district to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the gross revenue of the port district sufficient to pay the principal of and interest on such bonds as the same shall become due and, if deemed necessary, to maintain adequate reserves therefor. Such fund or funds shall be drawn upon for the sole purpose of paying the principal of and interest on bonds issued pursuant to this chapter.

The bonds shall be negotiable instruments within the provisions and intent of the negotiable instrument laws of this state even though they shall be payable solely from such special fund or funds, and the ad valorem tax revenue of the port district may not be used to pay, secure or guarantee the payment of the principal of and interest on such bonds. The bonds and any coupons attached thereto shall state upon their face that they are payable solely from such
special fund or funds. If the Port Commission fails to set aside and pay into such fund or funds the payment provided for in such resolution, the holder of any such bonds may bring suit to compel compliance with the provisions of the resolution.

70-132. REVENUE BONDS—COVENANTS AND CONDITIONS.—The Port Commission may provide such covenants as it may deem necessary to secure and guarantee the payment of the principal of and interest on such bonds, including but not limited to covenants to create reserve accounts and to authorize the deposit of certain moneys therein for the purpose of securing and guaranteeing the payment of such principal and interest, to establish, maintain and collect tariffs, rates, charges, fees, rentals and sales prices sufficient to pay and guarantee the payment of such principal and interest and to maintain an adequate coverage over annual debt service, to appoint a state or national bank or trust company as trustee for the bondholders to hold, invest and disburse moneys set aside and pledged to pay and guarantee the payment of such bonds and/or as a trustee for the safeguarding and disbursing of the proceeds of the sale of such bonds, to fix such powers and duties of such trustee or trustees as may be found necessary to carry out the purposes of this chapter, and to make any and all other covenants not inconsistent with the provisions of this chapter which in the judgment of the Port Commission will increase the marketability of such bonds. The Port Commission may also provide that revenue bonds payable out of the same source or sources may be later issued on a parity with any revenue bonds being issued and sold. The provisions of this chapter and any resolution or resolutions providing for the authorization, issuance and sale of such bonds shall constitute a contract with the holders of such bonds and the provisions thereof shall be enforceable by any owner or holder of such bonds by mandamus or any appropriate suit, action or proceeding at law and equity in any court of competent jurisdiction.

70-133. REVENUE BONDS—INTEREST COUPONS—SIGNING AND SEALING—SALE.—Such bonds shall be signed on behalf of the port district by the President of the Port Commission and shall be attested by the Secretary of the Port Commission, one of which signatures may be a facsimile signature, and shall have the seal or facsimile seal of the port district impressed or imprinted thereon. All interest coupons attached thereto shall be signed with the facsimile signatures of said officials. Such bonds shall
be sold in the manner and at such price as the port district shall deem advisable, either at public or private sale.

70-134. REVENUE WARRANTS—TERMS AND COVENANTS.—Port districts may also issue revenue warrants for the same purposes for which they may issue revenue bonds and the provisions of this chapter relating to the terms, conditions, covenants, issuance and sale of revenue bonds shall be applicable to such revenue warrants.

70-135. FUNDING OR REFUNDING BONDS.—The Port Commission of any port district may by resolution, from time to time provide for the issuance of funding or refunding revenue bonds to fund or refund any outstanding revenue or other warrants, bonds, and any premiums thereon, and coupons evidencing interest upon any such bonds at or before the maturity or first optional redemption date of such coupons, warrants or bonds, and may combine various outstanding revenue warrants and parts or all of various series and issues of outstanding revenue bonds and matured coupons in the amount thereof to be funded or refunded.

The Port Commission shall create a special fund for the sole purpose of paying the principal of and interest on such funding or refunding revenue bonds, into which fund the Commission shall obligate and bind the port district to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the gross revenue of the port district sufficient to pay such principal and interest as the same shall become due, and if deemed necessary to maintain adequate reserves therefor.

Such funding or refunding bonds shall be negotiable instruments within the provisions and intent of the negotiable instrument laws of this state, and the tax revenue of the port district may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds. The net interest cost to maturity on such funding or refunding bonds taken as a whole shall not exceed six percent per annum and the amount of any premium to be paid to effect the redemption of outstanding revenue warrants or bonds shall not be considered in determining such net interest cost.

The port district may exchange such funding or refunding bonds for the warrants, bonds, and coupons being funded or refunded, or it may sell such funding or refunding bonds in the manner and at such price as the Port Com-
mission shall deem to be for the best interest of the district and its inhabitants, either at public or private sale.

The provisions of this chapter relating to the terms, conditions, covenants, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

70-136. CONSTRUCTION OF CHAPTER.—This chapter shall be complete authority for the issuance of the bonds and warrants hereby authorized, and shall be liberally construed to accomplish its purposes. Any restrictions, limitations or regulations relative to the issuance of such bonds or warrants contained in any other act shall not apply to the bonds or warrants issued under this chapter. Any laws inconsistent herewith shall be deemed modified to conform with the provisions of this chapter for the purpose of this chapter only.

70-137. DEFINITION—SHORT TITLE.—As used in Sections 70-128 through 70-136 of this Code, the term “this chapter” shall refer to said sections, as added by the Idaho legislature during the 1965 regular session. The said sections may be referred to under the short title “Port District Revenue Bond Act”.

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

Approved February 23, 1965.

CHAPTER 49
(S. B. No. 43)

AN ACT

AMENDING SECTION 49-104 b 1, 2, 3, 4, 5, 6, 7 AND SECTION 49-104 d, IDAHO CODE, RELATING TO RECORDS OF DEPARTMENT OF LAW ENFORCEMENT AND FEES FOR SERVICES BY COMMISSIONER, BY INCREASING THE FEE FOR CERTIFYING A COPY OF ANY RECORD PERTAINING TO ANY MOTOR VEHICLE LICENSE, ANY CERTIFICATE OF TITLE, OR ANY OPERATOR'S OR CHAUFFEUR'S LI-
CENSE FROM $1.25 TO $2.00 AND FOR RECORDING THE TRANSFER OF ANY INTEREST UPON A CERTIFICATE OF TITLE FROM $.75 TO $1.50 AND FOR ISSUANCE OF EVERY CERTIFICATE OF TITLE ON A NEW MOTOR VEHICLE SOLD BY A REGISTERED DEALER TO A PURCHASER FROM $.75 TO $1.50 AND FOR FURNISHING A DUPLICATE COPY OF ANY CERTIFICATE OF TITLE OR OPERATOR'S OR CHAUFFEUR'S LICENSE OR RECEIPT OF REGISTRATION FROM $.75 TO $1.50 AND FOR ISSUING AN IDAHO CERTIFICATE OF TITLE, OR AN INTERSTATE LETTER IN LIEU OF THE IDAHO CERTIFICATE OF TITLE ON ANY MOTOR VEHICLE THAT HAS PREVIOUSLY BEEN LICENSED IN ANOTHER STATE FROM $1.50 TO $2.50 AND FOR ANSWERING INQUIRIES AS TO OWNERS OF MOTOR VEHICLES OR DRIVER'S LICENSE RECORDS, PER VEHICLE OR PER DRIVER'S LICENSE RECORD RESPECTIVELY FROM $1.00 TO $1.50 AND FOR SERVICES IN FURNISHING COPIES OF FILES OF MOTOR VEHICLE REGISTRATIONS, MOTOR VEHICLE TITLES, DRIVER'S LICENSES, OR CHAUFFEUR'S LICENSES, PER HOUR FROM $2.00 TO $3.00 AND PROVIDING FOR $.50 OF THE FEE SO COLLECTED TO BE PAID BY THE COMMISSIONER TO THE COUNTY ASSESSOR OF THE COUNTY COLLECTING SUCH FEE, THE REMAINDER OF THE FEE SO COLLECTED TO BE PAID TO THE STATE TREASURER AND PLACED IN THE MOTOR VEHICLE FUND.

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

SECTION 1. That Section 49-104, Idaho Code, be, and the same is hereby amended to read as follows:

49-104. RECORDS OF DEPARTMENT—FEES FOR SERVICES BY COMMISSIONER.—a. All registration and license records in the office of the department shall be public records and open to inspection by the public during business hours.

b. In addition to all other fees required by law to be collected by the commissioner, the commissioner(s) shall collect for the following services the following fees:

1. For certifying a copy of any record pertaining to any motor vehicle license, any certificate of title, or any operator's or chauffeur's license ...........................................$1.25 $2.00

2. For recording the transfer of any interest upon a certificate of title ..................................................$.75 $1.50

3. For issuance of every certificate of title on a new mo-
tor vehicle sold by a registered dealer to a purchaser ……
...................................................................................... $ .75 $ 1.50

4. For furnishing a duplicate copy of any certificate of title or operator’s or chauffeur’s license or receipt of registration ………………………………………………………… $ .75 $ 1.50

5. For issuing an Idaho certificate of title, or an interstate letter in lieu of the Idaho certificate of title on any motor vehicle that has previously been licensed in another state ......................................................... $ 1.50 $ 2.50

6. For answering inquiries as to owners of motor vehicles or driver’s license records, per vehicle or per driver’s license record respectively ……………………………………… $ 1.00 $ 1.50

7. For services in furnishing copies of files of motor vehicle registrations, motor vehicle titles, driver’s licenses, or chauffeur’s licenses, per hour ……………………... $ 2.00 $ 3.00

8. Placing “stop” cards in motor vehicle file, each ....$ .75

c. Provided the fees required by this section shall not apply when the service is furnished to any federal, state, county, or city official when such service is required in the performance of official duties of their respective offices.

d. All: The Commissioner shall pay $.50 of the fee collected by a county assessor or an agent of the department under subsections b 1, 2, 3, 4, 5, 6 and 7 of this section to the assessor of the county collecting such fee, and deposited with the county treasurer and credited to the county general fund, the remainder of the fees collected under this section shall be paid by the commissioner to the state treasurer and placed in the motor vehicle fund.

Approved February 20, 1965.

CHAPTER 50
(S. B. No. 82)

AN ACT

AMENDING SECTION 49-830, IDAHO CODE, TO PROVIDE THE MINIMUM LIGHTING STANDARDS THAT COULD BE APPROVED ON MOTORCYCLES OR MOTOR-DRIVEN CYCLES.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 49-830, Idaho Code, be, and the same is hereby amended to read as follows:

49-830. AUTHORITY OF COMMISSIONER WITH REFERENCE TO LIGHTING DEVICES.—(a) The commissioner is hereby authorized to approve or disapprove lighting devices and to issue and enforce regulations establishing standards and specifications for the approval of such lighting devices, their installation, adjustment, and aiming, and adjustment when in use on motor vehicles. Such regulations shall correlate with and, so far as practicable, conform to the then current standards and specifications of the society of automotive engineers applicable to such equipment.

(b) The commissioner is hereby required to approve or disapprove any lighting device, of a type on which approval is specifically required in this act, within a reasonable time after such device has been submitted.

(c) The commissioner is further authorized to set up the procedure which shall be followed when any device is submitted for approval.

(d) The commissioner upon approving any such lamp or device shall issue to the applicant a certificate of approval together with any instructions determined by him.

(e) The commissioner shall publish lists of all lamps and devices by name and type which have been approved by him.

(f) Any person, firm or corporation desiring approval of a device shall submit to the commissioner two sets of each type of device upon which approval is desired, together with a fee of twenty-five dollars for each type of head lamp and auxiliary driving lamp and a fee of ten dollars for each type of rear lamp, signal lamp or reflector submitted.

(g) The commissioner may not approve a lighting device on any motorcycle or motor-driven cycle that does not have a self-recovery lighting system such as a generator or alternator to replace the power supply.

Approved February 23, 1965.
CHAPTER 51  
(S. B. No. 23)  
AN ACT  
AMENDING SECTION 26-2042, IDAHO CODE, RELATING TO INSURANCE BY PROVIDING THAT LICENSEES UNDER THE IDAHO CONSUMER FINANCE ACT MAY SELL CREDIT LIFE INSURANCE AND CREDIT DISABILITY INSURANCE AT THE REQUEST OF THE BORROWER IN ACCORDANCE WITH CHAPTER 23, OF TITLE 41, IDAHO CODE, INCLUSIVE, AND OTHER APPLICABLE PROVISIONS OF THE IDAHO INSURANCE CODE.

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

SECTION 1. That Section 26-2042, Idaho Code, be, and the same is hereby amended to read as follows:

26-2042. PROPERTY INSURANCE—CANNOT REQUIRE PURCHASE OF INSURANCE FROM LICENSEE—CREDIT LIFE AND DISABILITY INSURANCE.—(a) When the loan exceeds $200.00 exclusive of interest and insurance premiums, the licensee may require a borrower to insure tangible personal property other than household goods against any substantial risk of loss, damage or destruction for an amount not to exceed the reasonable value of the property insured or the amount of the loan, whichever is smaller, and for the customary term approximating the term of the loan contract. It shall be optional with the borrower to obtain such insurance in an amount greater than the amount of the loan or for a longer term. The premium for such insurance shall not exceed that fixed by current applicable manual approved or recognized by the department of insurance of the state of Idaho, and such insurance shall be written by or through a duly licensed insurance agent or broker with a company qualified to do business in Idaho.

No licensee shall require the purchase of insurance from the licensee or any employee, affiliate or associate of the licensee, or from any agent, broker or insurance company designated by the licensee as a condition precedent to the making of a loan, nor shall any licensee decline existing insurance or insurance obtained from any licensed agent in a company qualified in Idaho to write such insurance which meets or exceeds the standards set forth in this section. Nothing in this act shall be deemed to alter, amend
or repeal any provision of the insurance laws of the state of Idaho as now existing.

(b) Subject to compliance with Chapter 23, of Title 41, Idaho Code, a licensee may at the request of the borrower obtain credit life insurance and/or credit disability insurance on one borrower, but only one of them if there are two or more obligors on the loan contract. No borrower shall be required to obtain credit life insurance and/or credit disability insurance as a condition precedent to the obtaining of a loan. The premium or identifiable charge for such insurance may equal but shall not exceed the premium rate filed by the insurer and not disapproved by the commissioner of insurance pursuant to Section 41-2309 of the Idaho Code. For the purpose of Section 41-2306 of the Idaho Code, the initial indebtedness and the aggregate of the periodic scheduled unpaid installments shall include either precomputed interest or the interest which would be earned for payment according to schedule, as provided by Section 26-2040 of the Idaho Code. If the borrower obtains such insurance from or through a licensee, the statement required by Section 26-2043 of the Idaho Code shall show the charge therefor, the licensee shall cause to be delivered to the borrower the policy or certificate or other evidence of the insurance when the loan is made, and the insurance shall be in force when the loan is made. Nothing in the Idaho Consumer Finance Act shall prohibit the licensee or any employee, affiliate, subsidiary or associate of the licensee from collecting a premium or identifiable charge for insurance permitted by this subsection or from receiving and retaining any commission, dividend, premium readjustment or any other gain or advantage resulting from such insurance, subject to the applicable licensing provisions of Title 41, Idaho Code.

Approved February 23, 1965.

CHAPTER 52
(H. B. No. 17, As Amended in the S.)

AN ACT
AMENDING CHAPTER 14, TITLE 31, IDAHO CODE, BY ADDING A NEW SECTION THERETO, TO BE KNOWN AND DESIGNATED AS 31-1417A, PROVIDING A PROCEDURE FOR
THE SALE, CONVEYANCE, AND DISPOSITION OF PROPERTY BY FIRE DISTRICTS.

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

SECTION 1. That Chapter 14, Title 31, Idaho Code, be, and the same is hereby amended by adding a new section thereto, following Section 31-1417, to be known and designated as Section 31-1417A, and to read as follows:

31-1417A. PROCEDURE FOR SALE, CONVEYANCE AND DISPOSITION OF PROPERTY.—Real or personal property of a fire protection district may be sold, conveyed, and disposed of by its board of commissioners whenever the board finds and by resolution declares that the district no longer has use therefor, subject to the following procedure:

(a) If in the opinion of the board, any such personal property does not exceed $500.00 in value, the same may be sold without independent appraisal, notice, or competitive bids.

(b) All such real property, and any such personal property exceeding $500.00 in value, shall be appraised by three disinterested residents of the county in which the district is located, who shall be selected by the board. It may then be sold at public or private sale to the highest bidder for cash at not less than its appraised value, after due notice.

(c) Due notice of sale shall be accomplished if the notice shall describe the property to be sold (legal description, if real property), state the appraised value thereof (by separate items, if so appraised), and specify the time, place, and conditions of sale.

(d) Said notice shall be published in a newspaper having general circulation in the district at least twice, the first publication thereof to be not less than ten days preceding the day of sale.

(e) If such property is sold on terms, the board may contract for the sale of the same for a period of years not exceeding ten (10) years, with an annual rate of interest on all deferred payments not to exceed six percent (6%) per annum. The title to all property sold on contract shall be retained in the name of the district until full payment has been made by the purchaser. Any property sold by the board under the provisions of this section, either for cash or on contract, shall be assessed by the county assessor in the same manner and upon the same basis of valuation as
though the purchaser held a record title to the property so sold. The board shall have authority to cancel any contract of sale, pursuant to law, if the purchaser shall fail to comply with any of the terms of such contract, and retain all payments paid thereon. The board may by agreement with the purchaser modify or extend any of the terms of any contracts of sale, but the total period of years shall not exceed ten (10) years.

(f) Upon final payment pursuant to the sale of such real property, the president and secretary, pursuant to resolution of the board, shall duly execute and deliver an appropriate deed to the purchaser, and upon the accomplishment of the sale of such personal property, the president and secretary, pursuant to resolution of the board, shall duly execute and deliver an appropriate bill of sale to the purchaser.

Approved February 24, 1965.

CHAPTER 53
(H. B. No. 38, As Amended)

AN ACT
AMENDING SECTION 72-1333, IDAHO CODE, AS AMENDED, CHANGING THE DESIGNATION OF “EMPLOYMENT SECURITY AGENCY” TO “DEPARTMENT OF EMPLOYMENT,” AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 72-1333, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1333. AUTHORITY AND DUTIES OF THE EXECUTIVE DIRECTOR.—(a) It shall be the duty of the director to administer this act. The director shall have the power and authority to employ such persons, make such expenditures, require such reports, make such investigations, perform such travel pursuant to the provisions of this act, and take such other actions as he deems necessary or suitable to that end. He shall determine his own organization to be known as the “Employment Security Agency” and “Department of Employment.” The references in the
Employment Security Law to "Agency," and "Employment Security Agency," are hereby deemed to be references to the "Department of Employment." The director shall determine methods of procedure in accordance with the provisions of this act, and shall have an official seal which shall be judicially noticed.

(b) The director shall have the power and authority to adopt, amend, or rescind such rules and regulations as may be necessary for the proper administration of this act, subject, however, to prior approval by the governor of the proposed action.

(1) Adoption, amendment, or rescinding of rules shall be done only after a public hearing or opportunity to be heard thereon, of which proper notice thereof has been given. Action taken with respect to said rules shall become effective ten days after filing with the secretary of state and publication in one or more newspapers of general circulation of this state.

(2) Regulations shall be effective upon publication in a manner not inconsistent with the provisions of this act which the director shall prescribe.

(c) The director is authorized and directed to provide for a merit system covering all persons, except the director, employed in the administration of the act and shall have authority, by regulation, to provide for all matters which are appropriate to the establishment and maintenance of such system on the basis of efficiency and fitness. The director is authorized to adopt such regulations as may be necessary to meet personnel standards promulgated by the secretary of labor pursuant to the Social Security Act, as amended, or other applicable federal laws and to provide for the maintenance of the merit system required under this section in conjunction with the merit system applicable to any other department or departments of this state which meet the personnel standards promulgated by the secretary of labor or other appropriate federal authority.

(d) Biennially, not late than the 31st day of December, the director shall submit to the governor a report covering the administration and operation of this act during the two preceding fiscal years ending June 30, and shall make such recommendations for amendments to this act as he deems proper.
SECTION 2. This act shall be and become effective on and after the 1st day of July, 1965.

Approved February 24, 1965.

CHAPTER 54
(S. B. No. 17, As Amended)

AN ACT
AMENDING CHAPTER 15, TITLE 54, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 54-1520, PROVIDING INJUNCTION PROCEDURES AGAINST VIOLATIONS OF CHAPTER 15, TITLE 54, IDAHO CODE; AND DECLARING AN EMERGENCY.

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 54-1519, to be known and designated as Section 54-1520 to read as follows:

54-1520. INJUNCTION—PROCEDURE.—The department of law enforcement or any resident citizen may maintain an action in equity in the name of the state of Idaho to enjoin perpetually any person, firm, company, corporation or partnership from persisting in the doing of any acts constituting a violation of this chapter. 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 complaint setting forth said acts. The court, or a judge thereof at chambers, if satisfied from such complaint or by affidavits that the acts complained of have been or are being committed and will probably be persisted in, may issue a temporary writ 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 commission of said act or acts by the defendant be established, and the court further finds that it is probable that defendant will continue therein or in similar violations, the court, or a judge thereof at chambers, shall enter a decree perpetually enjoining said 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 from and after its passage and approval.

Approved February 24, 1965.

CHAPTER 55
(S. B. No. 85)

AN ACT

AMENDING SECTION 49-348, IDAHO CODE, BY ABOLISHING THE REQUIREMENT THAT THE JUDGE OR JUSTICE BEFORE WHOM A PERSON HOLDING A CHAUFFEUR’S LICENSE IS CONVICTED OF DRIVING WHILE INTOXICATED ENDORSE SUCH SUSPENDED LICENSE AND ENTER THE RECORD THEREOF UPON THE MINUTES OF THE COURT.

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

SECTION 1. That Section 49-348, Idaho Code, be, and the same is hereby amended to read as follows:

49-348. CHAUFFEUR’S LICENSE—APPLICATION—SUSPENSION UPON CONVICTION FOR DRIVING WHILE INTOXICATED.—No person shall be permitted, as chauffeur to operate any motor vehicle on the public highway for profit without first having obtained a license therefor. Application for such license shall be made to and upon blanks furnished by the department of law enforcement, through the sheriff. The applicant must state therein that he is 18 years of age or over, the trade name and motor power of vehicle or vehicles he is capable of operating, and such other information as may be demanded by the department of law enforcement. The application shall be signed and verified by the applicant, shall show his post office address, and the names and addresses of at least two responsible persons as references to the applicant’s character and his ability to operate a motor vehicle.

Provided, however, that in case of the conviction of any person holding a chauffeur’s license, issued under the provisions of this act upon the charge of driving a motor vehicle upon any public highway or street, while intoxicated, the court, judge, or justice before whom the conviction is
had shall in addition to imposing any penalty provided by law, require the defendant to surrender his chauffeur's license for a period of not less than six months, nor more than one year, and indorse such suspension upon such license, and enter the record thereof upon the minutes of the court; such judge shall immediately transmit such suspended license to the state department of law enforcement. Such state department shall hold such suspended license during the period of suspension, and not issue to such chauffeur any further, or other, chauffeur's license during such period, and said department, after the period of said suspension may deliver the said license, or one in its stead, to the said chauffeur upon application by the chauffeur therefor.

Approved February 24, 1965.

CHAPTER 56
(H. B. No. 49)

AN ACT
AMENDING SECTION 36-1901, IDAHO CODE, RELATING TO THE ESTABLISHMENT OF PRIVATE PARKS OR LAKES FOR HUNTING AND FISHING IF NOT ON LANDS OR WATERS WHERE WILDLIFE ABOUNDS BY PROVIDING THAT PRIVATE PARKS AND PONDS MAY BE ESTABLISHED IF FISH AND GAME COMMISSION DETERMINES THAT WATER FLOW AND VOLUME OF WILDLIFE ARE NOT SIGNIFICANT, PROVIDING THAT EVERY PERSON MUST GET A PERMIT FROM FISH AND GAME COMMISSION PRIOR TO ESTABLISHING PRIVATE PARK OR FISHING POND, AND PROVIDING THAT IT SHALL BE UNLAWFUL TO SELL OR BARTER FISH OR GAME FROM PRIVATE PARKS OR PONDS.

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

SECTION 1. That Section 36-1901, Idaho Code, be, and the same is hereby amended to read as follows:

36-1901. Any person, association or corporation may establish, maintain or own a private park, lake or stream for fish, game or both on premises owned by him or it, respectively, and to that end may employ means to preserve and propagate such fish and game: provided, that no pri-
vate park or pond shall be established under the provisions of this act so as to contain any lands or waters where wild game or food wild fish naturally abound, and shall be maintained subject to the regulations prescribed in this act except when it is determined by the fish and game commission that the water flow and volume of wildlife concerned in such private ponds, waters or parks are not a significant part of the wildlife resource of the state; provided, further, that no such private park, fish pond, or waters shall be established prior to the approval of an application and the issuance of a permit therefor by the director of the fish and game department. It shall be unlawful to sell or barter any fish or game kept or propagated under permits issued pursuant to the provisions of this chapter.

Approved February 26, 1965.

CHAPTER 57
(H. B. No. 101)

AN ACT

AMENDING CHAPTER 3 (H.B. No. 9) OF THE 1959 SESSION LAWS OF THE STATE OF IDAHO, ENTITLED "AN ACT AMENDING THE CHARTER OF THE CITY OF LEWISTON, IDAHO, AND PROVIDING FOR A FORM OF GOVERNMENT TO BE KNOWN AS THE CITY MANAGER PLAN FOR THE CITY OF LEWISTON, IDAHO; PROVIDING THAT SAID CITY MAY BECOME ORGANIZED UNDER THE PROVISIONS OF THIS ACT THROUGH THE ADOPTION THEREOF BY SPECIAL ELECTION AND PROVIDING THE PROCEDURE THEREFOR; PROVIDING A METHOD WHEREBY SAID CITY HAVING ADOPTED THE PROVISIONS OF THIS ACT MAY DISCONTINUE THE SAME AFTER A CERTAIN TIME; PROVIDING THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS LIMITING THE POWERS HERETOFORE CONFERRED UPON SAID CITY UNLESS SUCH POWERS ARE INCONSISTENT WITH THE PROVISIONS OF THIS ACT; AND DECLARING AN EMERGENCY," IN SECTION 10, SUBSECTION (f) THEREOF BY REQUIRING CERTAIN REPORTS AND PERMITTING OTHERS TO BE PREPARED AND SUBMITTED TO THE BOARD OF COMMISSIONERS BY THE CITY MANAGER; IN SECTION 10, SUBSECTION (j) THEREOF BY ELIMINATING THEREFROM THE PROVISION MAKING THE DECISION OF THE CITY MANAGER FINAL AND
NON-APPEALABLE AND BY ADDING A NEW PROVISION THAT ALL POWERS CONFERRED UPON THE CITY MANAGER BY SAID SECTION 10 SHALL BE SUBJECT TO ALL THE PROVISIONS OF CHAPTER 7A OF THE CODE OF THE CITY OF LEWISTON, IDAHO, 1960, AND ANY OTHER ORDINANCES HEREAFTER ENACTED MAKING A CIVIL SERVICE SYSTEM OPERATIVE IN ANY DEPARTMENT OF SAID CITY, AND THAT SUCH POWERS OF SAID MANAGER BE ALSO SUBJECT TO THE PROVISIONS OF SECTION 127 OF THE CHARTER OF THE CITY OF LEWISTON; IN SECTION 15 THEREOF BY PROVIDING THAT THE BOARD OF COMMISSIONERS MAY, BY ORDINANCE, FROM TIME TO TIME, SET AND RESET THE FISCAL YEAR UNDER WHICH SAID CITY SHALL OPERATE; BY ADDING THERETO A NEW SECTION FOLLOWING SECTION 16 TO BE KNOWN AND DESIGNATED AS SECTION 17, PROVIDING THAT NOTHING IN SAID CHAPTER 3 (H. B. NO. 9) OF THE 1959 SESSION LAWS OF THE STATE OF IDAHO SHALL BE CONSTRUED AS LIMITING THE POWERS HERETOFORE CONFERRED UPON SAID CITY UNLESS SUCH POWERS ARE INCONSISTENT WITH THE PROVISIONS OF SAID CHAPTER 3, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 10, Subsection (f) of Chapter 3 (H. B. No. 9) of the 1959 Session Laws of the State of Idaho be, and the same is, hereby amended to read as follows:

SECTION 10. DUTIES OF THE CITY MANAGER:
The duties of the city manager shall be:

(f) To prepare and submit to the board such reports as may be required by that body or by the Charter of the City of Lewiston, and such other reports as he may deem advisable to submit.

SECTION 2. That Section 10, Subsection (j) of Chapter 3 (H. B. No. 9) of the 1959 Session Laws of the State of Idaho be, and the same is, hereby amended to read as follows:

SECTION 10. DUTIES OF THE CITY MANAGER:
The duties of the city manager shall be:

(j) The city manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. Any officer or employee who may be appointed by the city manager, or by
the head of a department or office, may be removed by the manager or other such appointing officer at any time. Subject to the provisions of paragraph (e) of this section, the decision of the manager or other appointing officer shall be final and there shall be no appeal therefrom to any other office, body, or court whatsoever. All of the powers conferred upon said city manager by this Section 10 shall be subject to all of the provisions of Chapter 7A (entitled CIVIL SERVICE FOR POLICE DEPARTMENT) of the Code of the City of Lewiston, Idaho, 1960, and all of the provisions or any other ordinance or ordinances hereafter enacted by said city making a civil service system operative in any department of the City of Lewiston, and all of the provisions of Section 127 of the Charter of the City of Lewiston, Idaho, and all acts amendatory thereof or additions thereto.

SECTION 3. That Section 15 of Chapter 3 (H. B. No. 9) of the 1959 Session Laws of the State of Idaho be, and the same is, hereby amended to read as follows:

SECTION 15. FISCAL YEAR. The fiscal year of said city operating under the provisions of this act shall commence on the first day of July and close on the 30th day of June of the following year. The Board of Commissioners of the City of Lewiston may, by ordinance, from time to time, set and reset the fiscal year under which said city shall operate.

SECTION 4. That Chapter 3 (H. B. No. 9) of the 1959 Session Laws of the State of Idaho be, and the same is hereby amended by adding a new section thereto following Section 16, to be known as Section 17, to read as follows:

Section 17. POWERS OF CITY NOT LIMITED UNLESS INCONSISTENT WITH THIS ACT. Nothing in this act shall be construed as limiting the powers heretofore conferred upon said city by constitutional or legislative enactment unless such powers are inconsistent with the Provisions of Chapter 3 of the 1959 Session Laws of the State of Idaho or any acts amendatory thereof or additions thereto.

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 26, 1965.
CHAPTER 58
(H. B. No. 155)

AN ACT

LIMITING THE LIABILITY OF THE OWNER OR OPERATOR OF AIRCRAFT FOR INJURY, DEATH OR LOSS TO A NON-PAYING GUEST; AND DECLARING AN EMERGENCY.

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

SECTION 1. No person transported by the owner or operator of any aircraft as his guest without payment for such transportation shall have a cause of action 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 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 February 26, 1965.

CHAPTER 59
(S. B. No. 27)

AN ACT

ACTUALLY SOLD ARE USED IN TESTING; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-1515, Idaho Code, be, and the same hereby is amended to read as follows:

54-1515. LIMITATIONS ON APPLICATION OF CHAPTER. The following persons, firms and corporations are exempt from the operations of this chapter. A license to practice optometry, as provided in this chapter, is not required for the following practices:

1. Persons authorized under the laws of this state to practice medicine and surgery. The practice of optometry by persons authorized under the laws of this state to practice medicine and surgery.

2. Persons, firms and corporations who sell eye glasses or spectacles in a store, shop, or other permanently established place of business on prescription from persons authorized under the laws of this state to practice either optometry or medicine and surgery. The sale of eyeglasses or spectacles in or from a store, shop, or other permanently established place of business on prescription from persons authorized under the laws of this state to practice either optometry or medicine and surgery, by persons, firms and corporations who neither practice nor attempt to practice optometry.

3. Persons, firms and corporations who manufacture or deal in eye glasses or spectacles in a store, shop or other permanently established place of business, and who neither practice, nor attempt to practice, optometry, and who do not use in the testing of the eye thereafter lenses other than the lenses actually sold, and who do not give or offer spectacles and eye glasses as premiums. The sale of ready-to-wear glasses equipped with convex spherical lenses, or sunglasses equipped with plano lenses, or industrial glasses or goggles with plano lenses used for industrial or agricultural eye protection, when the same are sold as merchandise and where the selection of the glasses is at the discretion of the purchaser, by persons, firms and corporations who neither practice nor attempt to practice optometry nor use in the testing of the eye thereafter lenses other than the lenses actually sold, and who neither give nor offer spectacles or eyeglasses as premiums.

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 26, 1965.

CHAPTER 60
(S. B. No. 61)

AN ACT
AMENDING SECTION 33-3903, IDAHO CODE, INCREASING THE MAXIMUM NUMBER OF DIRECTORS OR TRUSTEES TO FORTY AS TO CORPORATIONS FOR THE ESTABLISHMENT OF INSTITUTIONS OF LEARNING FORMED AND EXISTING UNDER TITLE 33, CHAPTER 39, IDAHO CODE.

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

SECTION 1. That Section 33-3903, Idaho Code, be, and the same is hereby amended to read as follows:

33-3903. NUMBER OF DIRECTORS.—The number of directors or trustees shall not be less than five (5), nor more than thirty (30) forty (40); at least one (1) of the directors, or trustees must, in all cases, be a citizen and actual bona fide resident of the state of Idaho.

Approved February 26, 1965.

CHAPTER 61
(S. B. No. 49, As Amended in the House of Representatives)

AN ACT
AMENDING SECTION 31-3901, IDAHO CODE, RELATING TO AMBULANCE SERVICE: AUTHORIZING THE BOARDS OF COUNTY COMMISSIONERS TO ESTABLISH AND PAY FOR AN AMBULANCE SERVICE IN AREAS WHICH DO NOT HAVE AN EXISTING AMBULANCE SERVICE REASONABLY AVAILABLE.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 31-3901, Idaho Code, be, and the same is hereby amended to read as follows:

31-3901. AUTHORIZATION TO ESTABLISH AMBULANCE SERVICE.—The boards of county commissioners in the several counties are hereby authorized, whenever existing ambulance service is not reasonably available to the inhabitants of the county or any portion thereof, to procure an ambulance and pay for the same out of any funds available and to establish an ambulance service to serve the areas, which do not have an existing ambulance service reasonably available, both within and outside the cities and villages in their respective counties.

Approved February 27, 1965.

CHAPTER 62
(S. B. No. 104)

AN ACT
AMENDING SECTION 56-214A, IDAHO CODE, RELATING TO THE RIGHT OF A RECIPIENT OF AWARD OF PUBLIC ASSISTANCE FOR EXAMINATION, REFRACTION OR CARE OF THE EYES TO EXERCISE FREE CHOICE IN THE SELECTION OF PRACTITIONER OR SYSTEM OF PRACTICE LICENSED BY THE STATE OF IDAHO, AND PROHIBITING RECOMMENDATION OF SUCH PRACTITIONER OR SYSTEM OF PRACTICE BY THE STATE DEPARTMENT OR ANY OF ITS AGENCIES, DEPARTMENTS OR PERSONNEL; BY SUBSTITUTING LANGUAGE WHICH DELETES REFERENCE TO "REFRACTION OR CARE OF THE EYES," GRANTS TO A RECIPIENT OF AN AWARD OF PUBLIC ASSISTANCE WHICH INCLUDES AN EYE EXAMINATION, OR TO HIS LEGAL CUSTODIAN, THE RIGHT TO SELECT ANY PRACTITIONER LICENSED BY THE STATE OF IDAHO TO PERFORM EYE EXAMINATIONS, AND PROHIBITS RECOMMENDATION OF ANY PRACTITIONER OR SYSTEM OF PRACTICE BY THE STATE DEPARTMENT OR ANY OF ITS PERSONNEL, WHENEVER SUCH AWARD IS APPLIED FOR OR APPROVED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 56-214A, Idaho Code, be, and the same hereby is amended 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 the 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.

If an award of public assistance which includes an eye examination is made to or in behalf of an individual, that individual or his legal custodian shall have the right to select any practitioner to perform such examination who is licensed by the state of Idaho to perform eye examinations. Whenever such an award is applied for or approved, the state department or its personnel shall not recommend any practitioner or system of practice from among those licensed to perform eye examinations.

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, 1965.

CHAPTER 63
(S. B. No. 95)

AN ACT

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 32-712 of the Idaho Code, be, and the same hereby is amended to read as follows:

32-712. COMMUNITY PROPERTY AND HOME­STEAD—DISPOSITION.—In case of the dissolution of the marriage by the decree of a court of competent jurisdiction, the community property and the homestead must be as­signed as follows:

1. If the decree be rendered on the ground of adultery or extreme cruelty, the community property must be as­signed to the respective parties in such proportions as the court, from all the facts of the case and the condition of the parties, deems just, regardless of the ground or grounds on which the dissolution decree is rendered.

2. If the decree be rendered on any other ground than that of adultery or extreme cruelty, the community prop­erty must be equally divided between the parties.

3. If a homestead has been selected from the community property, it may be assigned to the innocent party, either absolutely or for a limited period, subject in the latter case to the future disposition of the court; or it may be divided or be sold and the proceeds divided.

4. If a homestead has been selected from the separate property of either, it must be assigned to the former owner of such property, subject to the power of the court to as­sign it for a limited period to the innocent party.

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

Approved February 27, 1965.

CHAPTER 64
(H. B. No. 15)

AN ACT
AMENDING SECTION 67-4707, IDAHO CODE, BY PERMITTING STATE PLANNING AGENCY TO RECEIVE GRANTS PUR­SUANT TO THE HOUSING ACT OF 1954, BY PERMITTING THE STATE PLANNING AGENCY TO COMMENCE PLANS
FOR AREA REDEVELOPMENT, AND BY EXPANDING THE AREAS TO BE COVERED TO INCLUDE CITIES, METROPOLITAN OR REGIONAL AREAS, COUNTIES AND INDIAN RESERVATIONS.

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

SECTION 1. That Section 67-4707, Idaho Code, be, and the same is hereby amended to read as follows:

67-4707. 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 1949-1954, as amended, for the purpose of undertaking and facilitating planning for smaller communities, cities, metropolitan or regional areas, counties and Indian Reservations lacking adequate planning resources and to assist such communities in rehabilitating, clearing and redeveloping their slums and blighted areas.

Approved February 27, 1965.

CHAPTER 65
(H. B. No. 83)

AN ACT

AN ACT AMENDING SECTION 25-1724, IDAHO CODE, TO PROVIDE THAT AN APPLICATION FOR A PUBLIC LIVESTOCK MARKET CHARTER SHALL BE ACCOMPANIED BY A FEE OF FIVE HUNDRED DOLLARS TO BE CREDITED TO THE PUBLIC LIVESTOCK MARKET FUND; AMENDING SECTION 25-1725, IDAHO CODE, BY DELETING THEREFROM THE REQUIREMENT THAT A COPY OF AN APPLICATION FOR A MARKET CHARTER BE SERVED ON THE PERSONS DELINEATED IN SAID STATUTE; AMENDING SECTION 25-1728, IDAHO CODE, BY DELETING THEREFROM THE PROVISION THAT AN ANNUAL MARKET CHARTER FEE SHALL NOT BE IN EXCESS OF ONE HUNDRED DOLLARS AND PROVIDING IN LIEU THEREOF THAT THE SAID FEE SHALL NOT BE IN EXCESS OF TWO HUNDRED DOLLARS; AMENDING SECTION 25-1729, IDAHO CODE, BY PROVIDING THE CONDITIONS UNDER WHICH A MARKET CHAR-
TER MAY BE TRANSFERRED AFTER NOTICE WITHOUT A HEARING AND PROVIDING FOR A TRANSFER AND ANNUAL FEE; AMENDING SECTION 25-1732, IDAHO CODE, BY PROVIDING THAT A MARKET CHARTER MAY BE SUSPENDED OR REVOKED IF A MARKET OPERATOR VIOLATES THE PACKERS AND STOCKYARDS ACT, 1921, AS AMENDED, OR REGULATIONS PERTAINING THERETO; AND FURTHER PROVIDING FOR INJUNCTIVE RELIEF UNDER CERTAIN CONDITIONS AGAINST MARKET OPERATORS AND SETTING FORTH THE PROCEDURE THEREFOR AND LIMITATIONS THEREON AND PRESCRIBING RULES OF EVIDENCE.

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

SECTION 1. That Section 25-1724, Idaho Code, be, and the same hereby is amended to read as follows:

25-1724. MARKET CHARTER AND APPLICATION. —No person shall conduct or operate a public livestock market unless and until he has a market charter therefor, upon which the current annual market charter fee has been paid. Any person making application for such market charter shall do so to the board in writing, verified by the applicant, in the form as prescribed by the board, showing the following:

(a) The name and address of the applicant, with a statement of the names and addresses of all persons having any financial interest in the applicant and the amount of such interest.

(b) Financial responsibility of the applicant in the form of a statement of all assets and liabilities.

(c) A legal description of the property and its exact location with a complete description of the facilities proposed to be used in connection with such public livestock market.

(d) The schedule of charges applicant proposes to charge for all services proposed to be rendered.

(e) A detailed statement of the facts upon which the applicant relies showing the general confines of the trade area proposed to be served by such public livestock market, the benefits to be derived by the livestock industry and the services proposed to be rendered.

Such application shall be accompanied by the annual charter fee as prescribed in section 25-1728. In addition,
the application shall be accompanied by a hearing fee of Five Hundred Dollars which shall not be returnable to the applicant. Said annual charter fee and hearing fee shall be remitted separately. The board shall remit said hearing fee to the state treasurer of the state of Idaho to be credited to the “Public Livestock Market Fund.”

SECTION 2. That Section 25-1725, Idaho Code, be and the same hereby is amended to read as follows:

25-1725. NOTICE OF HEARING ON APPLICATION. —Upon the filing of such application, the commissioner shall fix a reasonable time for the hearing thereon in the city itself, or the nearest city, where the public livestock market is proposed to be located. The commissioner forthwith shall cause a copy of such application, together with notice of the time and place of hearing, to be served by mail not less than 15 days prior to such hearing, upon the following:

(a) All duly organized statewide livestock associations in the state who have filed written notice with the board of a request to receive notice of such hearings and such other livestock associations as in the opinion of the commissioner would be interested in such application.

(b) The operators of all public livestock markets in the state.

The commissioner shall give further notice of such hearing by publication of the notice thereof once in a daily or weekly newspaper circulated in the city or town where such hearing is to be held, as in the opinion of the commissioner will give public notice of such time and place of hearing to persons interested therein.

SECTION 3. That Section 25-1728, Idaho Code, be and the same hereby is amended to read as follows:

25-1728. MARKET CHARTER FEE—PUBLIC LIVESTOCK MARKET FUND—APPROPRIATION—PAYMENT OF CLAIMS.—(1) Every livestock market operator shall pay annually, on or before May 1, a market charter fee established by rules of the board but not in excess of $100.00 to the board for each public livestock market operated by him, which payment shall constitute a renewal of his license for one year.

(2) The board shall promptly remit said fees to the state treasurer of the state of Idaho and the sums so paid
under the provisions of this act shall be held by the state treasurer as a separate fund to be known as the "Public Livestock Market Fund", which said fund is hereby created by this act. The state auditor is hereby authorized, upon presentation of the proper vouchers or claims against said fund, approved by the board and the state board of examiners, as provided by law, to draw his warrant upon said fund.

(3) All monies in or hereafter to come into said fund are hereby appropriated to said board for the purpose of carrying out the objects of this act and to pay all costs and expenses heretofore or hereafter incurred therein or connected therewith. For the purpose of carrying out the objects of this act, and in the exercise of the powers therein granted, and duties hereby imposed, the board shall have power to make orders concerning the disbursement of said fund.

SECTION 4. That Section 25-1729, Idaho Code, be and the same hereby is amended to read as follows:

25-1729. TRANSFERS OF MARKET CHARTERS.—Each market charter is personal to the holder and the facilities covered thereby, and transferable only upon application in the same form and manner as new applications for such market charters. Each application for a transfer of a market charter shall be accompanied by a hearing fee of Two Hundred Fifty Dollars, which sum shall not be returnable to the applicant and which sum shall be remitted by the board to the Public Livestock Market Fund. Each such application shall also be accompanied by a separate remittance of the annual charter fee. If within ten days after notice to those persons to whom notice is required to be given by Section 25-1725, Idaho Code, a request for a hearing is not made by such a person, the board may transfer a market charter without a hearing if it finds that such a transfer meets the conditions required for a new charter.

SECTION 5. That Section 25-1732, Idaho Code, be and the same hereby is amended to read as follows:

25-1732. INVESTIGATION OF ACTIONS OF MARKET CHARTER HOLDERS—HEARINGS ON COMPLAINTS—WITNESSES—SUSPENSION OR REVOCATION OF MARKET CHARTERS.—The board may, upon its own motion, whenever it has reason to believe the provisions of this act have been violated, or upon verified complaint of any person in writing, investigate the actions of any market charter holder, and if it finds probable cause to do so, shall file a complaint against the market charter hold-
er which shall be set down for hearing before the board upon fifteen (15) days' notice served upon such market charter holder either by personal service upon him or by registered mail or telegram prior to such hearing.

The commissioner shall have the power to administer oaths, certify to all official acts and shall have the power to subpoena and bring before the board any person in this state as a witness, to compel the producing of books and papers and to take the testimony of any person on deposition in the same manner as is prescribed by law in the procedure before the courts of this state in civil cases. Processes issued by the commissioner shall extend to all parts of the state and may be served by any person authorized to serve processes. Each witness that shall appear by the order of the commissioner at any hearing before the board shall receive for his attendance the same fees and mileage allowed by law to witnesses in civil cases appearing in the district court, which amount shall be paid by the party at whose request such witness is subpoenaed. When any witness has not been required to attend at the request of any party, but subpoenaed by the commissioner, his fees and mileage shall be paid by the commissioner in the same manner as other expenses of the board are paid.

All powers of the commissioner herein enumerated in respect to administering oaths, power of subpoena, etc., in hearings on complaints shall likewise be applicable to hearings held on applications for the issuance of a market charter.

Formal finding by the board after due hearing that any market charter holder:

(a) Has ceased to conduct a public livestock market business for at least twelve months; or

(b) Has been guilty of fraud or misrepresentation as to the titles, charges, number, brands, weights, proceeds of sale or ownership of livestock; or

(c) Has violated any of the provisions of this act; or

(d) Has violated any of the rules or regulations adopted and published by the board; or

(e) Has violated any of the provisions of the United States Packers and Stockyards Act, 1921, as amended, or regulations relating thereto, shall be deemed a sufficient cause for the suspension or revocation of the market char-
ter of the offending public livestock market operator. Provided, however, that if the board has reasonable cause to believe that a market operator has violated this act or said Packers and Stockyards Act, 1921, as amended, or regulations pertaining thereto, it may petition the district court of the district in which said market is located to enjoin such violation by filing a verified complaint setting forth the acts constituting such violation. The court, if satisfied from such complaint that the act or acts complained of have been or are being or are about to be committed, may issue a temporary writ without notice or bond enjoining the defendant from operating said market pending a hearing of the board but no longer than twenty-one days. An audit by the Packers and Stockyards Division of the United States Department of Agriculture of said market shall be prima facie evidence of the facts therein contained.

Approved February 27, 1965.

CHAPTER 66
(H. B. No. 113)

AN ACT
AMENDING SECTION 50-111, IDAHO CODE, TO CHANGE THE TERM OF OFFICE OF MAYOR IN CITIES OF THE FIRST CLASS FROM TWO (2) YEARS TO FOUR (4) YEARS COMMENCING WITH THE TERM OF OFFICE OF THE MAYOR ELECTED AT THE NEXT GENERAL MUNICIPAL ELECTION AFTER THE EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. That Section 50-111, Idaho Code, be, and the same is hereby amended to read as follows:

50-111. The term of office of mayor in cities of the first class shall be for a period of two (2) years, commencing with and including the term of office of the mayor elected in the next general municipal election after the effective date of this act. Members of the city council shall hold office for the term of four (4) years; provided, that at the city election in any such city next ensuing after this chapter shall become applicable thereto, four (4) councilmen shall be elected, two (2) of which councilmen shall hold office for the term of four (4) years, and two
(2) shall hold office for the term of two (2) years, so that thereafter, as far as practicable, there shall be two (2) 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 (4) or of six (6) members. If a majority at such election votes in favor of a council consisting of six (6) members, the mayor and council shall, within ten (10) days after taking office following such election, appoint one (1) councilman to serve the remaining term of two (2) years and one (1) councilman to serve the remaining term of four (4) years. Thereafter at each election for election of officers three (3) members of the council shall be elected for a term of four (4) years.

Approved February 27, 1965.

CHAPTER 67
(H. B. No. 140)

AN ACT
AMENDING CHAPTER 1 OF TITLE 58, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 58-138 THEREOF, TO BE KNOWN AND DESIGNATED AS SECTION 58-139, PROVIDING FOR COMPLETION OF THE EXCHANGE OF FARRAGUT NAVAL TRAINING STATION IN KOOTENAI COUNTY AND CERTAIN STATE LAND IN CLEARWATER COUNTY ON THE NORTH FORK OF THE CLEARWATER RIVER BETWEEN THE UNITED STATES OF AMERICA, BY AND THROUGH THE GENERAL SERVICES ADMINISTRATION, AND THE STATE OF IDAHO, BY AND THROUGH THE STATE BOARD OF LAND COMMISSIONERS, UNDER THE TERMS AND CONDITIONS OF CERTAIN FEDERAL LAWS RELATING TO SALE AND EXCHANGE OF SURPLUS FEDERAL PROPERTY; DECLARING THAT THIS ACT SUPERSEDES ALL LAWS IN CONFLICT WITH IT PASSED BY THE THIRTY-EIGHTH
SESSION OF THE LEGISLATURE OR ANY EARLIER SESSION OF THE LEGISLATURE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 1 of Title 58, Idaho Code, be, and the same is hereby amended by adding a new section thereto, following Section 58-138, to be known and designated as Section 58-139, and to read as follows:

58-139. The exchange of Farragut Naval Training and Distribution Center, being a portion of Sections 2, 3, 4, 5, 8, 9, and 10, Township 53 North, Range 2 West, Boise Meridian, in Kootenai County, Idaho, owned by the United States of America for certain state lands which are portions of Sections 28, 25, 35 and 36, Township 38 North, Range 1 East, Boise Meridian, and portions of Sections 17 and 30, Township 38 North, Range 2 East, Boise Meridian, all in Clearwater County, Idaho, being Dworshak Dam Project Tracts 331, 332, 333, 334, 405-1 and 405-2, may be made and done by the State Board of Land Commissioners and the General Services Administration under the terms and conditions required by the Federal Property and Administrative Service Act of 1949, 63 Stat. 377, and all amendments thereto, and the Surplus Property Act of 1944, 58 Stat. 765, and all amendments thereto, and particularly under a section thereof, 50 U.S. Code Appendix 1622 (h) as amended, and under the regulations and orders promulgated under said federal acts.

SECTION 2. This act shall supersede all other acts or any portion thereof enacted by the Thirty-eighth 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 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 February 27, 1965.
AN ACT

AMENDING SECTION 54-1709, IDAHO CODE, BY STRIKING THEREFROM THE FEES FOR EXAMINING AN APPLICANT FOR LICENSE AS ASSISTANT PHARMACIST AND FOR ISSUING A PERMIT TO AN ASSISTANT PHARMACIST; STRIKING THE FEE FOR RENEWING LICENSE TO PHARMACIST NOT ACTIVELY ENGAGED IN PRACTICE IN IDAHO; REPEALING SECTION 54-1711, IDAHO CODE, RELATING TO GRANTING A PERMIT TO AN ASSISTANT PHARMACIST TO CONDUCT A PHARMACY DURING THE TEMPORARY ABSENCE OF A LICENSED PHARMACIST; AMENDING SECTION 54-1712, IDAHO CODE, BY STRIKING THEREFROM ALL REFERENCES TO ASSISTANT PHARMACISTS; REPEALING SECTION 54-1714, IDAHO CODE, RELATING TO THE QUALIFICATIONS AND LICENSING OF ASSISTANT PHARMACISTS; AMENDING SECTION 54-1715, IDAHO CODE, BY STRIKING PROVISIONS FOR APPEAL TO GOVERNOR AND ATTORNEY GENERAL; PROVIDING FOR AN APPEAL TO THE DISTRICT COURT OF THE COUNTY OF RESIDENCE OF THE PETITIONER; PROVIDING FOR A TRIAL DE NOVO AND APPEAL TO THE SUPREME COURT OF THE STATE OF IDAHO; AMENDING SECTION 54-1716, IDAHO CODE, BY STRIKING THEREFROM ALL REFERENCES TO ASSISTANT PHARMACISTS; AMENDING SECTION 54-1718, IDAHO CODE, BY STRIKING THEREFROM THE PROHIBITION AGAINST USE OF THE TERM "ASSISTANT PHARMACIST"; AMENDING SECTION 54-1719, IDAHO CODE, BY STRIKING THEREFROM ALL REFERENCES TO ASSISTANT PHARMACISTS; AMENDING SECTION 54-1721, IDAHO CODE, BY STRIKING THEREFROM ALL REFERENCES TO ASSISTANT PHARMACISTS.

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

SECTION 1. That Section 54-1709, Idaho Code, be, and hereby is amended to read as follows:

54-1709. FEES.—The board of pharmacy shall be entitled to charge and collect the following fees:

For examining an applicant for license as pharmacist, twenty-five dollars.

For examining an applicant for license as assistant pharmacist, ten dollars.
For renewal of license to pharmacist actively engaged in the practice of pharmacy, ten dollars, payable annually.

For issuing permit to an assistant pharmacist to conduct a drug store in village of not more than two hundred inhabitants, five dollars.

For renewing license to pharmacist not actively engaged in the practice of pharmacy in Idaho, five dollars, payable annually.

All fees must be paid before the applicant shall be admitted to examination or his name placed upon the register of pharmacists, or before any license or permit or renewal thereof may be issued by the board.

SECTION 2. That Section 54-1711, Idaho Code, be, and hereby is repealed.

SECTION 3. That Section 54-1712, Idaho Code, be, and hereby is amended to read as follows:

54-1712. APPLICATION FOR EXAMINATION.—Every person who shall hereafter desire to be licensed as a pharmacist, or assistant pharmacist, shall file with the department of law enforcement an application, duly verified under oath, setting forth the name and age of the applicant, the place or places at which he studied, and the time spent in the study of the science and art of pharmacy, and the experience in compounding physicians' prescriptions which the applicant has had under the direction of legally qualified pharmacists; and shall appear at a time and place designated by the department of law enforcement, and submit to an examination as to his qualifications for registration under this chapter, as pharmacist or assistant pharmacist.

SECTION 4. That Section 54-1714, Idaho Code, be, and hereby is repealed.

SECTION 5. That Section 54-1715, Idaho Code, be, and hereby is amended to read as follows:

54-1715. ISSUANCE AND REFUSAL OF LICENSES—REVOCATION—APPEAL.—If the applicant for license as pharmacist or assistant pharmacist has complied with all the provisions of the three preceding sections, the department of law enforcement shall enroll his name upon the register of pharmacists or assistant pharmacists, and issue to him a license which shall entitle him to practice as a pharmacist or assistant pharmacist for the period of
two years from the date of said license. The department of law enforcement may refuse to grant a license to any person guilty of felony or gross immorality or who is addicted to the use of alcoholic liquors or narcotic drugs to such an extent as to render him unfit to practice pharmacy; and the board may, after due notice and hearing, revoke the license for like cause, or any license which has been obtained by fraud. An appeal from the action of the department in refusing to grant or in revoking a license for such cause, may be taken to the governor and attorney general, the decision of which officers, either affirmative or overruling the action of the department shall be final. District court of the county in which the petitioner lives by filing with the said court a petition stating the grounds upon which the petitioner seeks relief, and summons may be issued upon the filing of the petition as in any other civil case. The action shall be in the nature of the trial de novo, and appeal may be taken to the Supreme Court of Idaho from the final order of the district court by either party, as in other civil actions.

SECTION 6. That Section 54-1716, Idaho Code, be, and hereby is amended to read as follows:

54-1716. PHARMACISTS LICENSED IN OTHER STATES—LICENSING WITHOUT EXAMINATION—EXCEPTIONS—FEE AND EXPENSES.—The department of law enforcement may in its discretion register as a pharmacist or assistant pharmacist, without examination, any person who is duly so registered by examination in some other state, provided that the said person shall produce satisfactory evidence of having had the required secondary and professional education and is possessed of good character and morals demanded of applicants for registration as pharmacists under the laws of this state, excepting that persons of good moral character who have become registered as pharmacists by examination in other states prior to the passage of this act shall be required to meet only the requirements which existed in this state at the time when they become registered in such other states, and provided also that the state in which such person is registered shall, under like conditions, grant registration as a pharmacist without examination to pharmacists duly registered by examination in this state.

Applicants for such registration in this state shall pay an examination fee of fifty dollars to cover the expense of examination and of making an investigation of their char-
acter, general reputation and pharmaceutical standing in the state where they are registered.

SECTION 7. That Section 54-1718, Idaho Code, be, and hereby is amended to read as follows:

54-1718. UNAUTHORIZED PERSONS NOT TO USE TITLE OF PHARMACIST.—It shall be unlawful for any person, not legally licensed as a pharmacist, to take, use or exhibit the title of pharmacist or the title of druggist or apothecary, or any other title or description of like import. And it shall be unlawful for any person, not legally licensed as an assistant pharmacist, to take, use or exhibit the title of assistant pharmacist, or any other title or description of like import.

SECTION 8. That Section 54-1719, Idaho Code, be, and hereby is amended to read as follows:

54-1719. EXEMPTION FROM JURY SERVICE.—All persons licensed under this chapter as pharmacists or assistant pharmacists, and actively engaged in the practice of their profession, shall be free and exempt from jury duty in all courts of this state.

SECTION 9. That Section 54-1721, Idaho Code, be, and hereby is amended to read as follows:

54-1721. PENALTIES FOR VIOLATIONS OF CHAPTER.—Whoever, not being licensed as a pharmacist, shall conduct or manage any drug store, pharmacy or other place of business for the compounding, dispensing, or sale at retail of any drugs, medicines or poisons, or for the compounding of physicians' prescriptions, contrary to the provisions of section 53-2002, Idaho Code Annotated, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than $100.00; and each week such drug store or pharmacy or other place of business is so unlawfully conducted, shall be held to constitute a separate and distinct offense.

Whoever, not being licensed as a pharmacist or assistant pharmacist, shall compound, dispense or sell at retail, any drug, medicine, poison or pharmaceutical preparation, either upon a physician's prescription or otherwise, and whoever, being the owner or manager of a drugstore, pharmacy or other place of business, shall cause or permit any one not licensed as a pharmacist or assistant pharmacist, to dispense, sell at retail or compound any drug, medicine, poison or physician's prescription, contrary to the provi-
sions of section 53-2002, Idaho Code Annotated, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than $100.00.

Any license or permit or renewal thereof obtained through fraud or by any false or fraudulent representation shall be void and of no effect in law. Any person who shall make any false or fraudulent representation for the purpose of procuring a license or permit, or renewal thereof, either for himself or for another, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than $100.00; and any person who shall willfully make a false affidavit for the purpose of procuring a license or permit, or renewal thereof, either for himself or for another, shall be deemed guilty of perjury, and upon conviction thereof shall be subject to like punishment as in other cases of perjury.

Whoever, being the holder of any license or permit granted under this chapter, shall fail to expose such license or permit, or any renewal thereof, in a conspicuous position in the place of business to which such permit relates, or in which the holder of any license issued under the provisions of this chapter is employed, contrary to the provisions of section 54-1717, shall, upon conviction thereof, be fined not less than five dollars nor more than twenty-five dollars, and each week that such license, permit or renewal shall not be exposed shall be held to constitute a separate and distinct offense. And whoever, being the holder of any license or permit granted under this chapter, shall after the expiration of such license or permit, and without renewing the same, continue to carry on the business for which such license or permit was granted, contrary to the provisions of section 54-1717, shall, upon conviction thereof, be fined not less than five dollars nor more than twenty-five dollars.

Whoever shall sell or deliver to any person any poisonous substance specified in section 54-1720, without labeling the same and recording the delivery thereof in the manner prescribed in said section 54-1720, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than $100.00.

Whoever, not being legally licensed as a pharmacist, shall take, use or exhibit the title of pharmacist, licensed or registered pharmacist, druggist, apothecary, or any other title of similar import, contrary to the provisions of section 54-1718, and whoever, not being legally licensed as an as
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assistant pharmacist, shall take, use or exhibit the title of assistant pharmacist, or any other title of similar import, contrary to the provisions of said section 54-1718, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars.

Approved March 2, 1965.

CHAPTER 69
(H. B. No. 114)

AN ACT

AMENDING SECTION 50-318, IDAHO CODE, TO PROVIDE FOR THE EFFECTIVE DATES OF ORDINANCES SETTING THE SALARIES OF ELECTIVE OFFICERS OF CITIES OF THE SECOND CLASS; ELIMINATING THE PROVISION THAT NO SALARY OF ANY ELECTIVE OFFICER SHALL BE INCREASED OR DIMINISHED DURING HIS TERM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 50-318, Idaho Code, be, and the same is hereby amended to read as follows:

50-318. The salaries of all elective officers of cities of the second class shall be fixed by ordinance, provided, that no salary of an elected officer shall be changed within sixty days of the date of the election of such officers; and no salary of any elective officer of such city shall be increased or diminished during the term for which he is elected, passed at least sixty (60) days before any general municipal election, which ordinance shall be effective for all said officers commencing at the beginning of the next fiscal year following said election and continuing until changed pursuant to this section.

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

Approved March 2, 1965.
CHAPTER 70
(H. B. No. 115)

AN ACT

AMENDING SECTION 50-110, IDAHO CODE, TO REMOVE THE LIMITATION ON SALARIES OF THE MAYOR AND COUNCILMEN WHICH MAY BE AUTHORIZED BY ORDINANCE BY CITIES OF THE FIRST CLASS; PROVIDING FOR THE EFFECTIVE DATES OF SUCH ORDINANCES; ELIMINATING THE PROVISION THAT NO SALARY OF ANY ELECTIVE OFFICER SHALL BE INCREASED OR DECREASED DURING HIS TERM; AND DECLARING AN EMERGENCY.

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:

50-110. The officers of such city shall consist of a mayor and either four (4) or six (6) 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 (60) 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 any general municipal election, which ordinance shall be effective for all said officers commencing at the beginning of the next fiscal year following said election and continuing until changed pursuant to this section.

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

Approved March 2, 1965.

CHAPTER 71
(H. B. No. 116)

AN ACT

AMENDING SECTION 50-710, IDAHO CODE, TO PROVIDE THAT TRUSTEES OF VILLAGES SHALL RECEIVE SUCH COMPENSATION AS MAY BE SET BY ORDINANCE; PROVIDING FOR THE EFFECTIVE DATES OF SUCH ORDINANCES; PROVIDING THAT THE COMPENSATION OF OTHER OFFICERS AND EMPLOYEES OF VILLAGES SHALL BE FIXED BY RESOLUTION OF THE BOARD OF TRUSTEES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 50-710, Idaho Code, be, and the same is hereby amended to read as follows:

50-710. The trustees shall receive such compensation as shall be fixed by ordinance passed at least sixty (60) days before any general municipal election, which ordinance shall be effective for all trustees commencing at the beginning of the next fiscal year following said election and continuing until changed pursuant to this section. The compensation of the other officers and employees shall be fixed by ordinance resolution of the board of trustees.

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

Approved March 2, 1965.
CHAPTER 72
(H. B. No. 100)

AN ACT

AMENDING SECTION 137 OF THE CHARTER OF THE CITY OF LEWISTON, IDAHO, BY INCREASING THE MAXIMUM LEVY FOR CURRENT EXPENSES AND GENERAL MUNICIPAL PURPOSES THAT MAY BE MADE FROM THIRTY-EIGHT TO FORTY-FIVE MILLS ON THE DOLLAR, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 137 of the Charter of the City of Lewiston, Idaho, be, and the same is, hereby amended to read as follows:

SECTION 137. Taxes for General Municipal Purposes. The Council has full power and authority within the limits of the City of Lewiston to assess, levy and collect taxes for current expenses and general municipal purposes, not to exceed thirty-eight forty-five mills on the dollar per annum, upon all property, both real and personal, which is taxable by law for state and county taxes and shall, in addition, assess, levy and collect, in each fiscal year, a tax upon such real and personal property for the payment of the amount which may be certified to them by the controller to be raised by taxation for the payment of the principal of and interest upon the outstanding bonded indebtedness of the city.

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

Approved March 2, 1965.

CHAPTER 73
(H. B. No. 117)

AN ACT

AMENDING SECTION 50-317, IDAHO CODE, TO CHANGE THE TERM OF OFFICE OF MAYOR IN CITIES OF THE SECOND CLASS FROM TWO (2) TO FOUR (4) YEARS COMMENCING
WITH THE TERM OF OFFICE OF THE MAYOR ELECTED AT THE NEXT GENERAL MUNICIPAL ELECTION AFTER THIS ACT BECOMES EFFECTIVE.

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

SECTION 1. That Section 50-317, Idaho Code, be, and the same is hereby amended to read as follows:

50-317. The term of mayor in cities of the second class shall be for a period of four years beginning with and including the term of office of mayor elected at the next regular term next ensuing general municipal election after this act shall become effective.

At the time of the biennial election hereinbefore provided for, there shall be elected one councilman from each ward as hereinbefore provided for. The mayor, with the consent of the council, shall appoint a city clerk, a city treasurer, a city attorney, a city engineer, a police judge, a chief of police, a fire chief, and such other officers as may be deemed necessary for the efficient operation of the city, who shall hold their offices for two years, unless sooner removed by the mayor. The council may provide by ordinance that the city clerk shall be ex officio police judge.

Approved March 2, 1965.

CHAPTER 74
(S. B. No. 46, As Amended in the House of Representatives)

AN ACT

AMENDING CHAPTER 15, TITLE 30, IDAHO CODE, RELATING TO INDUSTRIAL DEVELOPMENT CORPORATIONS OF IDAHO, BY AMENDING SECTION 30-1502, IDAHO CODE, TO CHANGE THE NUMBER OF PERSONS REQUIRED FOR INCORPORATION OF AN INDUSTRIAL DEVELOPMENT CORPORATION FROM FIFTEEN TO TEN, BY AMENDING SUBSECTION (6) THEREOF TO CHANGE THE MINIMUM AMOUNT OF CAPITAL REQUIRED TO COMMENCE BUSINESS FROM FIFTY THOUSAND DOLLARS TO THIRTY THOUSAND DOLLARS, AND BY AMENDING SUB-SECTION (8) THEREOF TO CHANGE THE NUMBER OF REQUIRED FINANCIAL INSTITUTIONS FROM TEN TO FIVE; BY AMENDING SECTION 30-1507, IDAHO CODE, TO CLARIFY...
AND PRESCRIBE THE POWERS OF STOCKHOLDERS AND MEMBERS OF INDUSTRIAL DEVELOPMENT CORPORATIONS; BY AMENDING SECTION 30-1509, IDAHO CODE, TO PROVIDE THAT TWO-THIRDS OF THE DIRECTORS OF INDUSTRIAL DEVELOPMENT CORPORATIONS SHALL BE OFFICERS OR EMPLOYEES OF MEMBERS, AS DEFINED IN SECTION 30-1501, IDAHO CODE, AND THAT VACANCIES IN THE BOARD OF DIRECTORS SHALL BE FILLED BY THE DIRECTORS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 30-1502, Idaho Code, be, and the same is hereby amended to read as follows:

30-1502. WHO MAY INCORPORATE. — 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 de-
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 (1) 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) five (5) 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 2. That Section 30-1507, Idaho Code, be, and the same is hereby amended to read as follows:

30-1507. POWERS OF STOCKHOLDERS AND MEMBERS.—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 30-1509.

The stockholders and the members of the corporation shall have the following powers of the corporation:

(2) To make, amend and repeal bylaws;

(3) To amend the articles of incorporation as provided in section 30-1508;

(4) To dissolve the corporation as provided in section 30-1515;

(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 30-1505.

SECTION 3. That Section 30-1509, Idaho Code, be, and the same is hereby amended to read as follows:

30-1509. BUSINESS OF CORPORATION MANAGED BY BOARD OF DIRECTORS.—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), at least two-thirds of which directors shall be officers or employees of members, as defined in section 30-1501, Idaho Code, 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 (90) days after the approval of the articles of in-
corporation 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 shall 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 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 2, 1965.

CHAPTER 75
(S. B. No. 67, As Amended in the House of Representatives)

AN ACT

AMENDING SECTION 26-701, IDAHO CODE, TO PERMIT BANKS, WITH THE CONSENT OF THE COMMISSIONER OF FINANCE, TO ISSUE CAPITAL NOTES OR DEBENTURES FOR CAPITAL PURPOSES, WITH CERTAIN LIMITATIONS, AND REMOVING THEREFROM THE LIMITATION THAT SUCH SECURITIES MAY ISSUE ONLY FOR MONIES BORROWED FROM THE RECONSTRUCTION FINANCE CORPORATION, AN AGENCY OF THE UNITED STATES OR BY AUTHORITY OF AN ACT OF CONGRESS.

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

SECTION 1. That Section 26-701, Idaho Code, be, and the same is hereby amended to read as follows:
26-701. BORROWING MONEY—LIMITATIONS.—No bank shall borrow money, except to meet its seasonal requirements or unexpected withdrawals. Provided, that at no time shall the bills payable and rediscounts of any bank be permitted to exceed in the aggregate an amount equal to twice the capital and surplus of such bank, except with the written consent of the commissioner, first had and obtained. Whenever it shall appear to the commissioner that a bank is borrowing money in excess of the above limitation, or for purposes other than as specified above, he may require it to reduce such borrowings within a time to be fixed by him. With the consent of the commissioner of finance, every bank or trust company is, however, authorized to issue and sell its capital notes or debentures, for all capital purposes, in an amount not to exceed one hundred percent (100%) of its unimpaired, paid-in capital stock, plus fifty percent (50%) of its unimpaired surplus fund, or to incur any other obligation, including but not being limited to, money loaned it by the Reconstruction Finance Corporation or any other agency of the United States or by authority of any act of congress now or hereafter in effect, as to all of which none of the limitations of this section shall have any application.

Approved March 2, 1965.

CHAPTER 76
(S. B. No. 134)

AN ACT

AMENDING SECTION 49-126, IDAHO CODE, AS AMENDED, BY INCREASING THE MAXIMUM GROSS WEIGHT FOR REGISTRATION PURPOSES FROM 6,000 TO 8,000 POUNDS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-126, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

49-126. OPERATING FEES FOR PASSENGER CARRYING MOTOR VEHICLES.—The annual fee for operating each pickup truck and each other motor vehicle hav-
ing a maximum gross weight not in excess of 8,000 pounds, designed for the purpose of carrying passengers, and not used 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 for the purpose of carrying passengers and not used 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 designation as the year for which the fee herein provided is paid, and if any such vehicle has a manufacturer’s year designation later than the year for which the fee herein provided is paid, such vehicles shall be deemed to be one year old for the purposes of 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.

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

Approved March 2, 1965.
CHAPTER 77
(S. B. No. 79)

AN ACT
AMENDING SECTION 38-107, IDAHO CODE, BY REPEALING THE PORTION THEREOF WHICH EXCEEDS OWNERS OF FOREST LAND LIVING WITHIN A MILE OF SUCH LAND OR HAVING A TENANT LIVING ON A QUARTER SECTION OF SUCH LAND FROM PAYMENT OF THE FOREST PROTECTION CHARGES.

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

SECTION 1. That Section 38-107, Idaho Code, be, and the same is hereby amended to read as follows:

38-107. PROTECTION BY OWNER—RESIDENCE ON LAND—PROTECTION BY STATE FORESTER—CHARGES A LIEN—COLLECTION AS TAXES—PURCHASER OF FOREST PRODUCTS RESPONSIBLE FOR PROTECTION.—Every owner of forest lands in the state shall furnish or provide therefor, throughout the closed season, protection against the starting, existence or spread of fires thereon, or therefrom, in conformity with reasonable rules and standards for adequate protection, to be established by the state cooperative board of forestry: provided, however, that for the purpose of this section, forest land shall be deemed adequately protected if the owner actually resides throughout the closed season, within one mile of said forest land. Provided, further, that for the purpose of this section, when a tenant actually resides upon forest land, throughout the closed season, the quarter section of such forest land upon which the dwelling house of the tenant is located shall be deemed adequately protected. In the event the owner of any forest land shall neglect or fail to furnish the protection required by this section, the state forester shall provide such patrol and protection therefor at actual cost. Any amounts paid or contracted to be paid by the state forester and approved by the board for this purpose shall be a lien on the property protected, and shall be collected as follows:

By the first Monday in August of each year, the state forester shall have prepared a list of all amounts charged under this section against property protected, and upon request received from any owner thereof, shall render the latter a statement of the sum so due from such owner; upon further request made to said forester within ten days
following said first Monday in August, any such owner shall be granted a hearing before the board on or before the last Monday in August. Said board shall then either approve or revise all sums to be collected, and the state forester shall certify each and every current amount to the auditor of the county or counties in which such property is situated not later than the first Monday in September following. Upon receiving such certificate from the state forester showing the amounts due, the auditor shall extend the amounts so certified upon the county tax rolls covering such property, and such sums shall be collected in the same manner and at the same time and with like penalties as general state and county taxes upon the same property are collected. When collected, such sums shall immediately be paid into the forest protection fund to be applied by the state forester to expenses incurred, accrued and/or contracted for in carrying out the provisions of this section.

For the purpose of this section when the owner of forest land shall have sold timber and/or other forest products or potential forest products thereon to another, retaining the land, the owner of the timber and/or other forest products or potential forest products shall be responsible for providing the protection required for that portion of the land covered by his uncut timber and/or other forest products or potential forest products and for the area he has cut over during the year up to the end of the closed season, and for any areas he has cut over without complying with the forest fire and slash disposal laws of the state, and if he fails, neglects or refuses to provide the protection required by this section, the state forester shall provide such patrol and protection at actual cost. Any amounts paid or contracted to be paid by the state forester or the board for this purpose shall be a lien upon the remaining standing timber and/or other forest products or potential forest products and upon the timber and/or other forest products theretofore cut and/or removed or remaining on the ground and may be collected through extension upon the tax rolls covering such property as hereinbefore provided for collection of similar liens upon forest land: provided, that if the state forester shall deem such property to be inadequate security, the lien, unless promptly paid on demand of the state forester, may be by him perfected and enforced as loggers' liens are perfected and enforced, or such amounts, together with any expenses rendered necessary, may be re-
coverable from the offender by a civil action for debt prosecuted in the name of the state of Idaho.

Approved March 2, 1965.

CHAPTER 78
(S. B. No. 76)

AN ACT

RELATING TO THE SALE OR THE OFFERING FOR SALE OF CERTAIN IMPORTED MEATS, POULTRY, EGGS AND BUTTER, PROVIDING FOR THE LABELING THEREOF; PROVIDING THAT PRODUCTS NOT COVERED BY THIS ACT BUT WHICH CONTAIN IMPORTED MEAT PRODUCTS SHALL BE LABELED; PROVIDING FOR ENFORCEMENT OF THE ACT; MAKING CERTAIN ACTS UNLAWFUL; PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF; AND REPEALING CHAPTER 16, TITLE 37, IDAHO CODE.

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

SECTION 1. Every wholesaler or retailer who sells or offers for sale in the state of Idaho through a meat market, store or otherwise, any meats, either frozen, canned, cured, processed, or any mixture thereof, or any poultry, eggs or butter which are the products of any country foreign to the United States, shall clearly label such meat, poultry, eggs or butter as "imported," naming the country of its origin, which labeling shall be in lettering not less than one-half inch in height. As used in this act: (a) the word "wholesaler" shall mean a person regularly engaged in the business of selling meat, canned, frozen, cured or processed, or poultry, eggs or butter for resale; (b) the word "retailer" shall mean a person regularly engaged in the business of selling meat, canned, frozen, cured or processed, or poultry, eggs or butter at retail to the trade and public as such, and selling only to the user or consumer and not for resale; (c) the word "meat" means the dressed flesh of cattle, swine, horses, sheep or goats but shall not include fish or products of fish.

SECTION 2. It shall be the duty of the State Department of Agriculture to administer and enforce the provisions of this act. The State Department of Agriculture or its duly authorized agents shall have free access at all rea-
sonable hours to every wholesale and retail establishment which sells or offers to sell meat, poultry, eggs or butter to the public and may enter any vehicle being used to transport any such meat, poultry, eggs or butter for the purpose of inspecting the products therein, and to secure samples or specimens of such meat or products.

SECTION 3. Such products not covered under the provisions of Section 1 and which is or contains any portion of an imported meat product moving in the fresh trade shall bear a label, marker, or other suitable means clearly identifying such product as being or containing imported meat.

SECTION 4. In addition to other remedies provided by this act the State Department of Agriculture is authorized to apply to the district court, and such court shall have jurisdiction upon a hearing and for cause shown to grant a temporary or permanent injunction restraining any person from violating this act.

SECTION 5. It shall be the duty of a county attorney to whom the State Department of Agriculture reports a violation of this act to institute appropriate proceedings in the proper courts without delay and to prosecute the same in the manner provided by law.

SECTION 6. The State Department of Agriculture is hereby authorized to adopt such regulations as it may deem necessary to properly enforce the provisions of this act.

SECTION 7. Any person who shall fail to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one hundred dollars ($100) or by imprisonment not exceeding thirty (30) days, or both, for the first offense, and double such fine and imprisonment for each subsequent conviction hereunder.

SECTION 8. That Chapter 16, Title 37, Idaho Code, be, and the same is hereby repealed.

Approved March 2, 1965.
CHAPTER 79
(S. B. No. 73)

AN ACT

AMENDING SECTION 50-1001, IDAHO CODE, RELATING TO SALE OF REAL PROPERTY BELONGING TO MUNICIPAL CORPORATIONS BY PERMITTING SALES ON A SECURED, INSTALLMENT BASIS, WITH TERMS NOT TO EXCEED TEN YEARS AND SIX PERCENT INTEREST; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 50-1001, Idaho Code, be, and the same is hereby amended to read as follows:

50-1001. SALES, EXCHANGES, TRANSFERS, AND CONVEYANCES OF REAL OR PERSONAL PROPERTY.—Real property belonging to a municipal corporation shall not be conveyed or exchanged except by ordinance duly passed by the city council or board of trustees when so authorized by a majority vote of the qualified electors residing in such municipal corporation, to be cast at a special election to be called by said ordinance and held as herein provided. Real property may be exchanged hereunder for other property, or sold for cash, or upon such terms as the city council may determine, if the consideration received by such cities or villages shall be deemed adequate by, and said exchange or sale be authorized by, the majority vote of the electors as herein provided. If such property is sold on terms, the city council may contract for the sale of the same for a period of years not exceeding ten (10) years, with an annual rate of interest on all deferred payments not to exceed six percent (6%) per annum. The title to all property sold on contract shall be retained in the name of the city until full payment has been made by the purchaser. Any property sold by the city council under the provisions of this section, either for cash or on contract, shall be assessed by the county assessor in the same manner and upon the same basis of valuation as though the purchaser held a record title to the property so sold. The city council shall have authority to cancel any contract of sale, pursuant to law, if the purchaser shall fail to comply with any of the terms of such contract, and retain all payments paid thereon. The city council may by agreement with the purchaser modify or extend any of the terms of any contracts of sale, but the total period of years shall not exceed
ten (10) years; provided, however, that any city or village of the state of Idaho may by three-fourths vote of all of the elected, qualified and acting councilmen or trustees, by ordinance duly enacted, authorize the transfer or conveyance of any real property owned by such city or village, to the United States, state of Idaho, any county, school district or to any junior college district organized under the provisions of chapter 21 of title 33, in which said city or village is located, and authorize the transfer or conveyance of its municipal cemetery and endowment, or any, funds pertaining thereto, to a cemetery maintenance district organized under the laws of this state, for any public use, with or without any consideration accruing to said city or village, when in the judgment of said councilmen or trustees it is for the best interests of said city or village that said transfer or conveyance be made.

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

Approved March 2, 1965.

CHAPTER 80
(S. B. No. 64)

AN ACT

AMENDING SECTION 19-1902, IDAHO CODE, REMOVING THEREFROM THE PROVISIONS FOR 12-MAN JURIES AND FOR VERDICT BY FIVE-SIXTHS OF THE JURORS IN MISDEMEANOR CASES, AND PROVIDING FOR JURIES OF NOT MORE THAN SIX MEMBERS IN MISDEMEANOR CASES; AND AMENDING SECTION 2-105, IDAHO CODE, REMOVING THEREFROM THE PROVISION FOR 12-MAN JURIES IN MISDEMEANOR CASES, AND PROVIDING FOR JURIES OF NOT MORE THAN SIX IN MISDEMEANOR CASES AND IN CIVIL ACTIONS INVOLVING NOT MORE THAN $500 EXCLUSIVE OF COSTS.

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

SECTION 1. That Section 19-1902, Idaho Code, be, and the same hereby is amended to read as follows:
19-1902. TRIAL BY JURY.—Issues of fact must be tried by jury, unless a trial by jury be waived, in criminal cases not amounting to felony, by the consent of both parties expressed in open court and entered in the minutes. In case of misdemeanor the jury may consist of twelve or any number less than twelve upon which the parties may agree in open court, but five-sixths of the jury may render a verdict, which verdict shall have the same effect as a unanimous verdict.

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

2-105. CONSTITUTION OF TRIAL JURY.—A trial jury consists of twelve men; provided, that in civil actions and cases of misdemeanor, the jury may consist of any number less than twelve upon which the parties may agree in open court; and provided, further, that in cases of misdemeanor and in civil actions involving not more than five hundred dollars, exclusive of costs, the jury shall consist of not more than six.

Approved March 2, 1965.

CHAPTER 81
(S. B. No. 21)

AN ACT
RELATING TO OPERATOR’S AND CHAUFFEUR’S LICENSES;
AMENDING SECTION 49-318, IDAHO CODE, REQUIRING AN OPERATOR’S AND CHAUFFEUR’S LICENSE TO BEAR THEREON A COLOR PHOTOGRAPH TO BE TAKEN BY THE EXAMINER AT THE TIME THE APPLICATION IS MADE; AND PROVIDING AN EFFECTIVE DATE OF SEPTEMBER 1, 1965.

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

SECTION 1. That Section 49-318, Idaho Code, be, and the same is hereby amended to read as follows:

49-318. LICENSES ISSUED TO OPERATORS AND CHAUFFEURS.—(a) The department shall issue to every applicant qualifying therefor an operator’s or chauffeur’s license as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the
full name, date of birth, residence address and a brief description of the licensee, and a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

(b) Every operator’s and chauffeur’s license shall bear thereon a color photograph of the licensee, which shall be furnished by him, taken by the examiner at the time the application is made for an Idaho operator’s or chauffeur’s license.

SECTION 2. This Act shall become effective beginning September 1, 1965.

This bill became a law without the signature of the governor effective March 2, 1965.
by human power or used exclusively upon stationary rails or tracks.

b. The term "motor vehicle" shall mean every vehicle as herein defined which is self-propelled.

c. The term "motorcycle" shall mean every motor vehicle designed to travel (on) not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined.

d. The term "truck tractor" shall mean every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

e. The term "farm tractor" shall mean every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

f. The term "maximum gross weight" shall be the scale weight of a vehicle, equipped for operation, to which shall be added the maximum load to be carried thereon as declared by the owner in making application for registration. The term "light weight" or "unladen weight" shall be the scale weight of a vehicle, equipped for operation, but without any cargo thereon.

g. The term "trailer" shall mean every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

h. The term "semi-trailer" shall mean every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

i. The term "specially constructed vehicle" shall mean any vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles.

j. The term "essential parts" shall mean all integral parts and body parts, the removal, alteration or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.

k. The term "reconstructed vehicle" shall mean any vehicle which shall have been assembled or constructed large-
ly by means of essential parts, new or used, derived from other vehicles or makes of vehicles of various names, models and types, or which, if originally otherwise constructed, shall have been materially altered by the removal of essential parts or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

1. The term “foreign vehicle” shall mean every motor vehicle, trailer, or semi-trailer which shall be brought into this state otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

m. The term “pneumatic tires” shall mean all tires inflated with compressed air.

n. The term “solid rubber tire” shall mean every tire made of rubber other than a pneumatic tire.

o. The term “metal tires” shall mean all tires the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

p. The term “person” shall mean every natural person, firm, copartnership, association or corporation.

q. The term “owner” shall mean the person legally responsible for the operation of a vehicle upon the highways of the state of Idaho, whether as owner, lessee or otherwise.

r. The term “nonresident” shall mean every person who is not a resident of this state, and shall include any association, partnership or corporation organized under the laws of any foreign country, federal district, territory, or another state. The term “resident” shall mean every person who has resided continuously in the state of Idaho for a period of ninety days or any person residing in the state of Idaho and gainfully employed in the state of Idaho, notwithstanding that the period of residing therein is less than ninety days. All other persons shall be nonresidents and shall include any association, partnership or corporation organized under the laws of any foreign country, federal district, territory, or another state.

s. The term “manufacturer” shall mean every person engaged in the business of manufacturing motor vehicles, trailers, or semi-trailers.

t. The term “new motor vehicle dealer” as employed in this act, shall mean any person, who has a franchise from
a manufacturer of motor vehicles to sell new motor vehicles and who is engaged in the business of selling or exchanging three or more new or new and used motor vehicles in any one calendar year.

u. The term "highway" shall mean every way or place of whatever nature open to the use of the public as a matter of right for the purposes of vehicular travel which is maintained by the state of Idaho or some taxing subdivision or unit thereof or the federal government or an agency thereof.

v. The term "department" shall mean the department of law enforcement of this state acting directly or through its duly authorized officers and agents.

w. The term "commissioner" shall mean the commissioner of law enforcement of this state.

x. The term "assessor" shall mean county assessor.

y. The term "ambulance" as employed in this chapter shall mean a motor vehicle designed and used primarily for the transportation of injured, sick, or deceased persons, on stretchers, cots, beds, or other devices for carrying persons in a prone position.

z. The term "hearse" as employed in this chapter shall mean a motor vehicle designed and used primarily for transporting deceased persons.

aa. The term "wrecker" as used in this chapter shall mean a motor vehicle designed and used primarily for towing other vehicles that may be disabled.

bb. The term "used motor vehicle dealer," as employed in this act, shall mean any person engaged in the business of buying, selling, or exchanging used motor vehicles, or who buys and sells, or exchanges, three or more used motor vehicles in any one calendar year.

Provided, however, that no insurance company, bank, finance company, public utilities company, or other person coming into possession of any motor vehicle, as an incident to its regular business, who shall sell such vehicle under any contractual rights it may have with respect thereto shall be considered a new motor vehicle dealer or used motor vehicle dealer.

cc. The term "used motor vehicle," as employed in this
act, shall mean every motor vehicle, which has been sold, bargained, exchanged, given away or title transferred from the person who first acquired it from the manufacturer or importer, dealer, or agent of the manufacturer or importer, and so used as to have become what is commonly known as "second-hand" within the ordinary meaning thereof.

dd. The term “principal place of business,” as employed in this act, shall mean a site or location devoted exclusively to the business for which the new motor vehicle dealer or used motor vehicle dealer is licensed, and businesses incidental thereto, sufficiently bounded by fence, chain, posts, or otherwise marked to definitely indicate the boundary thereof and to admit of a definite description, with space thereon adequate to permit the display of one or more new or new and used or used motor vehicles, on which there shall be located or erected a permanent closed building or structure large enough to accommodate the office or offices of the dealer and to provide a safe place to keep the books and other records of the business of such dealer, at which site or location the principal portion of such dealer’s business shall be conducted and the books and records thereof kept and maintained.

ee. The term “house trailer” shall mean (a) a trailer or semi-trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways, or

(b) A trailer or a semi-trailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead permanently or temporarily for advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

ff. The term “truck” shall mean every motor vehicle exceeding 8,000 pounds gross weight which is designed, used or maintained primarily for the transportation of property.

gg. The term “bus” shall mean every motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.
The term "school bus" shall mean every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of Minimum Standards for School Buses as approved by the state board of education and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children.

The term "pickup truck" shall mean every motor vehicle 8,000 pounds gross weight or less which is designed, used or maintained primarily for the transportation of property and shall be exempt from the provisions of Section 49-842, 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.


CHAPTER 83
(S. B. No. 88)

AN ACT

NAMING AND DESIGNATING THE REGISTER AND MASSACRE ROCK AREA AS "REGISTER ROCK—MASSACRE ROCK STATE PARK AND HISTORICAL MONUMENT."

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

SECTION 1. In the mid-nineteenth century, the Register and Massacre Rock area of Idaho was an overnight camping area for west-bound immigrants on the Oregon and California trails. The giant lava boulder, known as Register Rock, is a record of the passage of these early pioneers and the area is significant in the history and lore of Idaho, and is today, for the passing traveler, an area of scenic beauty and has been designated a state park of Idaho. To perpetuate this historical area, Register Rock and Massacre Rock State Park is hereby given the name of "Register Rock—Massacre Rock State Park and Historical Monument" which said state park shall include but not be limited to the following described real property: to-wit:
A parcel of land located in Power County, Idaho, more particularly described as That Part of the N¼SW¼ and the NW¼SE¼ of Sec. 12, Twp. 9 South, Range 29 East, Boise Meridian, lying North of State and Federal Highway 30 N. and Interstate Highway 15 W. containing 46 acres, more or less;

Lot 1, Sec. 31, Twp. 8 South, Range 30 East, Boise Meridian, containing 63.0 acres, more or less, excepting right-of-way for State and Federal Highway purposes; with such additions or deletions therefrom as may be necessary for proper utilization of the area as a state park to be determined by the administrator thereof.


CHAPTER 84
(S. B. No. 152)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO SYMS-YORK PRINTING COMPANY, BOISE, IDAHO, FOR THE PAYMENT OF PRINTING EXPENSES OF THE THIRTY-SEVENTH SESSION OF THE IDAHO LEGISLATURE; EXEMPTING THIS ACT FROM 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 sum of money, or so much thereof as may be necessary, to Syms-York Printing Company for payment of printing expenses of the Thirty-Seventh Session of the Legislature of the state of Idaho:

To Whom Appropriated: Syms-York Printing Company
For: Printing expenses of the Thirty-Seventh Session of the Legislature of the State of Idaho ............................................ $23,500.95
From the General Fund ............................................. $23,500.95
SECTION 2. Upon the certificate of the presiding officer of the House of Representatives 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 printing expense of the Thirty-Seventh Session of the Idaho Legislature, to Sym's-York Printing Company.

SECTION 3. The appropriation herein made is expressly exempt from the provisions of the Standard Appropriations Act of 1945.

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


CHAPTER 85  
(H. B. No. 138, As Amended)

AN ACT

CREATING A DEPARTMENT OF PARKS; DECLARING PURPOSES AND INTENT; AUTHORIZING THE CREATION OF AN INTER-AGENCY ADVISORY COMMITTEE TO ASSIST THE DEPARTMENT; CREATING A PARK BOARD TO ADMINISTER THE ACT; PROVIDING FOR APPOINTMENT, TERM OF OFFICE, QUALIFICATIONS, SALARIES, BOARD MEETINGS, VOTING RIGHTS AND EXPENSES OF BOARD MEMBERS; DEFINING THE POWERS AND DUTIES OF THE BOARD; EXEMPTING THE APPOINTMENTS TO THE BOARD FROM THE PROVISIONS OF SECTION 59-102, IDAHO CODE; PROVIDING FOR APPOINTMENT OF A DIRECTOR AND HIS POWERS AND DUTIES AND HIRING OF A STAFF UNDER MERIT SYSTEM RULES; PROVIDING FOR ACQUISITION OF PARK AND RECREATIONAL LAND; AUTHORIZING PARTICIPATION BY THE BOARD IN PROGRAMS OF FEDERAL ASSISTANCE RELATING TO THE PLANNING, ACQUIRING AND DEVELOPMENT OF OUTDOOR RECREATIONAL RESOURCES AND FACILITIES, AND FOR RELATED PURPOSES; AUTHORIZING THE BOARD TO RECEIVE AND DISBURSE FEDERAL MONIES, TO DEVELOP, OPERATE, ACQUIRE AND MAINTAIN OUTDOOR RECREATIONAL AREAS AND FACILITIES; CREATING A PARK FUND; ABOLISHING THE DIVISION OF
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby created a Department of Parks which shall be a civil administrative department of the state government.

SECTION 2. It is the intent of the legislature that the Department of Parks shall formulate and put into execution a long range, comprehensive plan and program for the acquisition, planning, protection, operation, maintenance, development and wise use of areas of scenic beauty, recreational utility, historic, archaeological or scientific interest, to the end that the health, happiness, recreational opportunities and wholesome enjoyment of life of the people may be further encouraged. The legislature finds that the State of Idaho and its subdivisions should enjoy the benefits of federal assistance programs for the planning and development of the outdoor recreational resources of the state, including the acquisition of lands and waters and interests therein. It is the purpose of this act to provide authority to enable the State of Idaho and its subdivisions to participate in the benefits of such programs.

SECTION 3. In order to facilitate the work of the department, the Governor of the State of Idaho shall direct the heads of those departments and agencies whose duties relate to state parks or recreation to appoint a representative to serve on a state inter-agency committee on state parks and recreational functions of the various departments of the state government.

SECTION 4. (a) There is hereby created a governing authority of the department to consist of a board of six (6) persons to be known as the “Park Board”. Each member of the board shall be appointed by the Governor of the State of Idaho, with the advice and consent of the Senate, to serve a term of six (6) years, except the terms of the initial appointees shall commence on the date of appointment and shall be of staggered lengths so that a term of one member will expire annually. Each member of the board shall be a
qualified elector of the state. One member of the board shall be appointed from each of the six (6) districts hereinafter created. Not more than three members of the board shall be from any one political party.

(b) For the purposes of this Act, the State of Idaho is divided into six (6) districts, numbered from one (1) to six (6) as follows:

District No. 1 shall consist of the counties of Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah and Clearwater.

District No. 2 shall consist of the counties of Nez Perce, Lewis, Idaho, Adams, Valley and Washington.

District No. 3 shall consist of the counties of Payette, Gem, Boise, Canyon, Ada, Elmore and Owyhee.

District No. 4 shall consist of the counties of Camas, Blaine, Gooding, Lincoln, Jerome, Minidoka, Twin Falls and Cassia.

District No. 5 shall consist of the counties of Bingham, Power, Bannock, Caribou, Oneida, Franklin, and Bear Lake.

District No. 6 shall consist of the counties of Lemhi, Custer, Clark, Fremont, Butte, Jefferson, Madison, Teton and Bonneville.

(c) The members of the board shall receive an honorarium of Twenty-Five ($25.00) Dollars for each day the board is in session notwithstanding any laws to the contrary plus an allowance for expenses they may incur in carrying out their duties.

(d) Each board member shall be entitled to one vote and a majority of the members of the board shall constitute a quorum. The board shall hold regular meetings at least once each three months and shall hold special meetings at such times as it deems necessary. All meetings of the board shall be open to the public. The board shall keep a record of its proceedings.

(e) A member of the board may be removed for inefficiency, neglect of duty, misconduct in office or if he is no longer a resident of the district from which he was appointed.

(f) This section shall be exempt from the provisions of Section 59-102 Idaho Code.
SECTION 5. (a) The Park Board shall administer, conduct and supervise the Department of Parks and shall have the powers and privilege of a corporation, including the right to sue and be sued in its own name.

(b) The board shall appoint a director to serve at its discretion. When appointed, the director shall be an ex-officio member of the board and its secretary and administrative officer. He shall be bonded as required by the board and shall perform such duties as are in this act presented and as are delegated by the board. The director shall be selected upon the basis of executive ability, experience and training in park and recreational matters.

(c) The board shall authorize the employment of whatever staff it deems necessary for sound and economical administration of the department. The board shall adopt a merit system for all employees of the department. The director shall hire said persons who shall hold their respective positions subject to the rules of the merit system of the department. If a merit system is adopted for state employees, then the employees of the department shall be subject to the rules of such state merit system. The salaries and compensation of all persons employed by the department shall be fixed by the board and as otherwise provided by law.

SECTION 6. The Park Board shall have the power to:

(a) Adopt, amend or rescind such rules and regulations as may be necessary for the proper administration of this act and the use and protection of park and recreational areas subject to its jurisdiction.

(b) Make expenditures for the acquisition, care, control, supervision, improvement, development, extension and maintenance of all lands under the control of the department and to make such arrangements, agreements, contracts or commitments, which may or may not involve expenditures or transfer of funds, with the head of any state institution, department or agency for the improvement or development of lands or properties under the control of the board, or any other department or agency of the State of Idaho.

(c) Appoint advisory, local and regional park and recreational councils, to consider, study and advise in the work of the department for the extension, development, use and maintenance of any areas which are to be considered as
future park or recreational sites or which are designated as park recreational areas.

(d) Cooperate with the United States and its agencies and local governments of the state for the purpose of acquiring, supervising, improving, developing, extending or maintaining lands which are designated as state parks, state monuments or state recreational areas and to secure agreements or contracts with the United States and its agencies or local governments of the state for the accomplishment of the purposes of this act.

(e) Construct, lease or otherwise establish public park or recreational privileges, facilities and conveniences and to operate said recreational services and to make and collect reasonable charges for their use or to enter into contracts for their operation. The net proceeds derived therefrom shall be credited to the Park Fund (hereinafter created) and are hereby specifically appropriated to defray the cost of said public park or recreational services. The department is specifically authorized to enter into contracts with the United States and its agencies which require that the state expend any excess of revenue above expenses for improvements of the recreational or park area from which said excess was derived.

(f) Prepare, maintain and keep up-to-date a comprehensive plan for the development of the outdoor recreational resources of the state; to develop, operate and maintain outdoor recreational areas and facilities of the state, and to acquire lands, waters and interests in lands and waters for such areas and facilities.

(g) Apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program respecting outdoor recreation. It may enter into contracts and agreements with the United States or any appropriate agency thereof, keep financial and other records relating thereto and furnish to appropriate officials and agencies of the United States such reports and information as may be reasonably necessary to enable such officials and agencies to perform their duties under such programs. In connection with obtaining the benefits of any such program, the Park Board shall coordinate its activities with and represent the interest of all agencies and subdivisions of the state having interests in the planning, development and maintenance of outdoor recreational resources and facilities.
(h) Obligate the state regarding the responsible management of any Federal funds transferred to it for the purpose of any Federal enactment and, in accordance with the exercise of this responsibility, the state hereby consents to be sued in any United States District Court for the recovery of any Federal funds that the responsible Federal official, department or agency finds have been misused or disposed of contrary to the agreement with such Federal official, department or agency or contrary to the provisions of such Federal enactment or applicable Federal regulations.

(i) Cooperate and contract with and receive and expend aid, donations and matching funds from the government of the United States and to receive and expend donations from other sources to acquire, develop, operate and maintain outdoor recreational areas and facilities of the state and, when authorized or directed by any act of Congress or any rule or regulation of any agency of the government of the United States, to expend funds donated or granted to the State of Idaho by the federal government for such purposes.

Provided, however, the Park Board shall make no commitment or enter into any agreement pursuant to an exercise of authority under this act until it has determined that sufficient funds are available to it for meeting the state's share, if any, of project costs. It is the legislative intent that, to such extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to any program participated in by this state under authority of this act, such areas and facilities shall be publicly maintained for outdoor recreational purposes. The Park Board may enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition and development projects involving participating federal-aid funds on behalf of any subdivision or subdivisions of this state. Provided, that such subdivision or subdivisions give necessary assurances to the Park Board that they have available sufficient funds to meet their shares, if any, of the cost of the project and that the acquired or developed areas will be operated and maintained at the expense of such subdivision or subdivisions for public outdoor recreational use.

SECTION 7. It shall be the duty of the board to acquire in the name of the State of Idaho by gift, devise, purchase, agreement, or otherwise, such land as in its judgment may be necessary, suitable and proper for roadside picnic, recreational or park purposes and to control, develop and main-
tain such land and all existing state parks, state monuments and state recreational areas heretofore established, acquired or designated to be used for such purposes, except state historical monuments. Administrative jurisdiction over all parks, park areas and recreational sites and areas, except wildlife access sites operated by the Department of Fish and Game and roadside picnic areas under the jurisdiction of the Department of Highways is hereby specifically transferred to the Department of Parks.

SECTION 8. There is hereby created in the state treasury a fund to be known as the "Park Fund", which shall consist of all monies received from the granting of concessions, the charging of rentals or other amounts received from whatever source by the state park department. The legislature shall appropriate all funds in the Park Fund.

SECTION 9. The Division of Parks and Recreation in the Department of Land is hereby abolished and any appropriations made thereto or to the Board of Land Commissioners for administration thereof and the appropriation made to the Heyburn State Park and any residual balances in the funds of the Division or of the Heyburn State Park shall be transferred and made available for expenditure by the Department of Parks, hereby created, in the fiscal period commencing July 1, 1965, for the purposes of this act.

SECTION 10. The rights, duties and obligations of the State Board of Land Commissioners created by Chapter 5, Title 58, and Chapter 42, Title 67, Idaho Code, relating to parks, are hereby transferred to the Park Board of the Department of Parks.

SECTION 11. The board, on behalf of the Department of Parks of the State of Idaho, is specifically empowered to receive any and all gifts, grants or endowments of real or personal property, or both, from any and all persons, firms, organizations, corporations, agencies of government and otherwise, on such terms and conditions as the board shall deem reasonable and acceptable.

SECTION 12. 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 there-
by. It is the legislative intent that the provisions of this act be reasonably and liberally construed.

SECTION 13. The effective date of this act shall be July 1, 1965.

Approved March 6, 1965.

CHAPTER 86
(H. B. No. 89, As Amended)

AN ACT
AMENDING SECTION 22-1302, IDAHO CODE, BY DELETING SUBSECTION (B) WHICH EXEMPTS ANY PERSON OR EXCHANGE BUYING FARM PRODUCTS FOR THE PURPOSE OF RESELLING THE SAME IN DRIED, CANNED OR OTHER PRESERVED FORM FROM THE PROVISIONS OF CHAPTER 13, TITLE 22, IDAHO CODE.

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

SECTION 1. That Section 22-1302, Idaho Code, be, and the same is hereby amended to read as follows:

22-1302. This chapter does not apply to or include:

(a) Any cooperative organization, operating under and by virtue of the laws of this state, or of any other state, or the District of Columbia, or the United States, or the agents of such organizations in the performance of their duties as such except as to that portion of the activities of such organization, or agent, as involves the handling or dealing in the farm products of non-members of such organization.

(b) Any person or exchange buying farm products for the purpose of reselling the same in dried, canned or other preserved form.

(c) Any cash buyer.

Approved March 6, 1965.
CHAPTER 87
(H. B. No. 105)

AN ACT

AMENDING CHAPTER 3 OF TITLE 36, IDAHO CODE, RELATING TO WILDLIFE DEFINITIONS BY REPEALING THE SECTIONS PRESENTLY DESIGNATED AS 36-301 THROUGH 36-305; BY ADDING A NEW SECTION TO BE KNOWN AS SECTION 36-301A AND THEREIN AUTHORIZING THE IDAHO FISH AND GAME COMMISSION TO DEFINE, CLASSIFY AND RECLASSIFY ALL WILD ANIMALS, WILD BIRDS AND WILD FISH IN IDAHO WITH THE EXCEPTION OF PREDATORY ANIMALS AND BIRDS; BY REDESIGNATING SECTION 36-306 AS SECTION 36-302A; BY REDESIGNATING SECTION 36-307 AS SECTION 36-303A.

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

SECTION 1. That Section 36-301, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 36-302, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 36-303, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 36-304, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 36-305, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Chapter 3 of Title 36, Idaho Code, be, and the same is hereby amended by adding a new section thereto to be known and designated as Section 36-301A, and to read as follows:

36-301A. With the exception of predatory animals and birds, the Idaho Fish and Game Commission is hereby authorized to define by classification or reclassification all wild animals, wild birds and wild fish in the State of Idaho. Such definitions and classifications shall include: (1) game animals; (2) game birds; (3) game fish; (4) fur-bearing animals; (5) migratory birds; (6) song, insectivorous rodent-killing, and innocent birds; and (7) other wild animals, birds and fish.

SECTION 7. That Section 36-306, Idaho Code, be redes-
esignated and hereafter be known as Section 36-302A and to read as follows:

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

SECTION 8. That Section 36-307, Idaho Code, be redesignated and hereafter be known as Section 36-303A and to read as follows:

36-303A. The words “trap” or “trapping” include the use of any trap, net, snare or deadfall used for the purpose of killing or attempting to kill, capture, trap, net or ensnare any game birds, game animal, fur-bearing animal, non-game bird or game fish, whether this results in taking or not.

Approved March 6, 1965.

CHAPTER 88
(H. B. No. 119)

AN ACT
PROVIDING FOR THE QUALIFICATION OF BLIND PERSONS FOR EMPLOYMENT UNDER ANY MERIT SYSTEM NOW IN EFFECT OR HEREAFTER TO BE ESTABLISHED IN ANY DEPARTMENT, AGENCY OR OFFICE OF THE STATE OF IDAHO IN ANY POSITION WHERE SIGHT IS NOT ESSENTIAL TO THE PERFORMANCE OF DUTIES, AND AUTHORIZING THE USE OF READERS BY PARTIALLY OR TOTALLY BLIND PERSONS IN TAKING WRITTEN MERIT SERVICE EXAMINATIONS.

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

SECTION 1. No partially or totally blind person shall be denied employment under the provisions of any merit system now in effect or hereafter to be established in any department, agency or office of the State of Idaho solely because of his blind condition unless it is clearly demonstrated that sight is essential to the performance of duties. When applying for employment under the provisions of the merit system, a partially or totally blind person may use the services of a reader to assist him in any written examinations.

Approved March 6, 1965.
CHAPTER 89
(H. B. No. 84, As Amended in the Senate)

AN ACT

APPROPRIATING ONE HUNDRED FIFTY THOUSAND ($150,000) 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 One Hundred Fifty Thousand ($150,000) 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 nine (9) 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 ten (10) 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 6, 1965.

CHAPTER 90
(H. B. No. 151)

AN ACT
AMENDING SECTION 33-1214, IDAHO CODE, TO PERMIT AN ANNUITANT TO EARN TWELVE HUNDRED DOLLARS ($1,200) AS A SUBSTITUTE TEACHER, IN ANY CALENDAR YEAR WITHOUT AFFECTING RETIREMENT BENEFITS PREVIOUSLY GRANTED.

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

33-1314. 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 calendar year until earnings as substitute teacher total twelve hundred dollars ($1,200) and such service shall not affect any retirement benefits previously granted.

Approved March 6, 1965.

CHAPTER 91
(H. B. No. 165)

AN ACT
AMENDING SECTION 25-2902, IDAHO CODE, PROVIDING THAT THE PURPOSE OF THE ACT IS TO ASSIST IDAHO BEEF PROMOTION AND VOLUNTARY ASSOCIATIONS OF PERSONS ENGAGED IN THE PRODUCTION OF BEEF CATTLE IN IDAHO; AMENDING CHAPTER 29 OF TITLE 25, IDAHO CODE, BY ADDING A NEW SECTION THERETO, FOLLOWING SECTION 25-2902, TO BE KNOWN AND DESIGNATED AS SECTION 25-2902A, AUTHORIZING THE FORMATION
OF THE IDAHO BEEF PROMOTION COMMITTEE; PROVIDING FOR ITS MEMBERSHIP; DEFINING ITS POWERS UNDER THE ACT; AMENDING SECTION 25-2903, IDAHO CODE, AUTHORIZING THE IDAHO BEEF PROMOTION COMMITTEE TO ACCEPT VOLUNTARY CONTRIBUTIONS FOR BEEF PROMOTION; AMENDING SECTION 25-2905, IDAHO CODE, AUTHORIZING THE STATE BRAND INSPECTOR OR THE STATE OF IDAHO TO PAY TO THE IDAHO BEEF PROMOTION COMMITTEE ALL VOLUNTARY CONTRIBUTIONS RECEIVED ON BEHALF OF THE IDAHO BEEF PROMOTION COMMITTEE.

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

SECTION 1. That Section 25-2902, Idaho Code, be, and the same is hereby amended to read as follows:

25-2902. IDAHO CATTLEMEN'S ASSOCIATION BEEF PROMOTION TO BE ASSISTED.—The purposes of this act are to assist the Idaho Cattlemen's Association, a voluntary associations of persons, firms and corporations engaged in the production of beef cattle in Idaho, with the aid of the state, to develop, maintain and expand the state, nationwide and foreign markets for beef and beef products produced, processed or manufactured in this state, and the use and consumption of such beef and beef products. The state recognizes that the offices of the state brand board and state brand inspector are operated and maintained by taxes paid by, and fees collected from, persons engaged in the cattle industry in Idaho.

SECTION 2. That Chapter 29 of Title 25, Idaho Code, be, and the same is hereby amended by adding a new section thereto, following Section 25-2902, to be known and designated as Section 25-2902A, and to read as follows:

25-2902A. IDAHO BEEF PROMOTION COMMITTEE. —There is hereby authorized the formation of the Idaho Beef Promotion Committee to be composed of one representative from each of the following organizations:

(1) Idaho Cattlemen's Association.

(2) Idaho Cattle Feeders Association, Inc.

The representative from each of said organizations shall be chosen in such manner and for such term as the respective organization shall determine, and each organization shall certify the name of its representative to the state brand inspector. The two designated members of the committee
shall meet and select a third member from any organization interested in the promotion of beef. The third member shall serve for a term of one year and may be reappointed for successive terms. The three members so selected shall constitute the Idaho Beef Promotion Committee and upon its formation the committee shall elect a chairman and secretary from among its members. The Idaho Beef Promotion Committee shall have the power to accept contributions for beef promotion and may use such funds in any manner for the promotion of beef as it deems desirable in its discretion. The committee may have such other powers as authorized by articles of association adopted by the members of the committee and approved by each of the two named organizations, including the power to compensate its members and officers and pay reasonable expenses.

SECTION 3. That Section 25-2903, Idaho Code, be, and the same is hereby amended to read as follows:

25-2903. The state brand inspector and his deputies shall have the power and authority to accept, in behalf of the Idaho Cattlemen's Association Beef Promotion Committee, voluntary contributions from any person, firm or corporation who raises, breeds, feeds or grows cattle or calves for beef production or for dairy production, and from any other individual, firm or corporation, and any other business unit or organization, to advance the purposes of this act.

SECTION 4. That Section 25-2905, Idaho Code, be, and the same is hereby amended to read as follows:

25-2905. PAYMENT OF CONTRIBUTIONS TO ASSOCIATION. - All such contributions received by the state brand inspector and his deputies pursuant to this act shall be paid to the Idaho Cattlemen's Association Beef Promotion Committee, and the state brand inspector is authorized to pay such contributions direct to such association. In the event any such contributions shall be deposited with, or in the treasury of, the state of Idaho, payment thereof shall be made by the state to the Idaho Cattlemen's Association Beef Promotion Committee.

Approved March 6, 1965.
CHAPTER 92  
(H. B. No. 112, As Amended)  

AN ACT  
AMENDING CHAPTER 14 OF TITLE 54, IDAHO CODE, RELATING TO LICENSING AND REGULATION OF THE PRACTICE OF NURSING BY AMENDING SECTION 54-1413, IDAHO CODE, TO CHANGE NAMES TO BOARD OF NURSING AND ADVISORY COUNCIL OF LICENSED PRACTICAL NURSES, CHANGE DEFINITION OF PROFESSIONAL AND PRACTICAL NURSING; AMENDING SECTION 54-1414, IDAHO CODE, TO PROVIDE FOR CHANGE OF NAME TO BOARD OF NURSING AND LIMITING SERVICE OF MEMBERS OF BOARD OF NURSING TO THREE CONSECUTIVE TERMS AND PROVIDING FOR QUALIFICATIONS OF CERTAIN MEMBERS OF THE BOARD OF NURSING, PROVIDING FOR A SECRETARY-TREASURER, PROVIDING THAT BOARD POLICIES REGULATING PROFESSIONAL AND PRACTICAL NURSES SHALL BE CONSISTENT TO POLICIES OF AMERICAN NURSES ASSOCIATION, NATIONAL LEAGUE FOR NURSING AND NATIONAL FEDERATION OF LICENSED PRACTICAL NURSES STATE ASSOCIATIONS AS THE SAME MAY BE PRACTICAL, TO PROVIDE FOR CHANGE OF NAME OF OFFICE TO THAT OF EXECUTIVE DIRECTOR AND SETTING UP QUALIFICATIONS THEREFOR, PROVIDING FOR PAYMENT OF EXPENSES OF BOARD MEMBERS WHILE PERFORMING BOARD DUTIES; AMENDING SECTION 54-1415, IDAHO CODE, BY PROVIDING FOR ISSUANCE OF TEMPORARY PERMITS TO PRACTICE NURSING BY COMMISSIONER OF LAW ENFORCEMENT; AMENDING SECTION 54-1416, IDAHO CODE, TO PROVIDE FOR USE OF NATIONAL TEST POOL NURSING EXAMINATIONS IN DISCRETION OF BOARD OF NURSING AND TO MAKE RULES AND REGULATIONS FOR RE-EXAMINATION OF UNSUCCESSFUL APPLICANTS, AND PROVIDING FOR APPLICATION FEES FOR LICENSES OF REGISTERED NURSES AND PERMIT FEES OF REGISTERED NURSES FROM ANOTHER STATE, TERRITORY OR COUNTRY; AMENDING SECTION 54-1417, IDAHO CODE, BY CHANGING NAME TO ADVISORY COUNCIL OF LICENSED PRACTICAL NURSES, REQUIRE THAT ADVISORY COUNCIL MEMBERS HAVE ENGAGED IN PRACTICE OF PRACTICAL NURSING FOR AT LEAST TWO YEARS, PROVIDE FOR COMPENSATION OF MEMBERS WHILE PERFORMING BOARD DUTIES NOT TO EXCEED $25.00 PER DAY; AMENDING SECTION 54-1418, IDAHO CODE, TO PROVIDE LICENSED PRACTICAL NURSE MUST BE A
HIGH SCHOOL GRADUATE OR HAVE HAD EQUIVALENT EDUCATION, PROVIDING THAT BOARD OF NURSING MAY USE NATIONAL TESTING POOL EXAMINATION AND MAKE NECESSARY RULES FOR RE-EXAMINATION OF UNSUCCESSFUL APPLICANTS, LICENSE APPLICATION FEES AND PERMIT FEES; AMENDING SECTION 54-1419, IDAHO CODE, TO PROVIDE FOR FEE FOR RENEWAL LICENSE OF REGISTERED AND PRACTICAL NURSE; AMENDING SECTION 54-1420, IDAHO CODE, BY CHANGING NAME OF STATE BOARD TO THAT OF STATE BOARD OF NURSING AS PROVIDED IN THIS ACT; AMENDING SECTION 54-1421, IDAHO CODE, TO PROVIDE CHANGE OF NAME TO EXECUTIVE DIRECTOR AS PROVIDED IN THIS ACT; AMENDING SECTION 54-1422, IDAHO CODE, BY REDEFINING GROUNDS FOR DISCIPLINARY PROCEEDINGS OF COMMISSIONER OF LAW ENFORCEMENT RELATING TO LICENSED REGISTERED AND PRACTICAL NURSES AND CHANGING NAME TO BOARD OF NURSING, EXECUTIVE DIRECTOR OF STATE BOARD OF NURSING AS PROVIDED IN THIS ACT; AMENDING SECTION 54-1425, IDAHO CODE, BY PROVIDING CLARIFICATION OF PERSONS SUBJECT TO THIS ACT AND PENALTIES FOR VIOLATIONS OF PROVISIONS OF THIS ACT; TO PROVIDE A SEVERABILITY CLAUSE; REPEALING ANY CONFLICTING LAWS; AND PROVIDING FOR AN EMERGENCY CLAUSE.

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. DEFINITIONS.—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 nursing.

d. Council means the advisory council of licensed 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.

The practice of professional nursing means the performance for compensation of any act in the observation, care, and counsel of the ill, injured, or infirm, or in the maintenance of health or prevention of illness of others, or in the supervision and teaching of other personnel, or the administration of medications and treatments as prescribed by a licensed physician or dentist; requiring substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical and social science. The foregoing shall not be deemed to include acts of medical diagnosis or prescription of therapeutic or corrective measures.

(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.

The practice of practical nursing means the performance for compensation of selected acts in the care of the ill, injured, or infirm under the direction of a registered professional nurse or a licensed physician or a licensed dentist; and not requiring the substantial specialized skill, judgment and knowledge required in professional nursing.

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. That Section 54-1414, Idaho Code, be, and the same is hereby amended to read as follows:

54-1414. BOARD OF NURSE REGISTRATION AND NURSING EDUCATION. BOARD OF NURSING.—

a. Appointment, term of office and removal from office.

There is hereby created the board of nurse registration and nursing education board of nursing for the state of
Idaho, consisting of five members appointed by the governor as follows:

Within ten days after the effective date of this act the governor shall appoint the members of the board of nursing registration and nursing education board of nursing who shall hold office as follows:

2 From the date of appointment to April 1, 1953.
2 From the date of appointment to April 1, 1954.
1 From the date of appointment to April 1, 1955.

In making said appointments the governor shall consider for appointment to said board the members of the former nurse examining board. At the expiration of a term as set forth above succeeding appointments shall be for a term of three years and each board member shall hold office until his successor is appointed and qualified, but shall not serve more than three consecutive terms.

On or before March 1, of each year a list of the members of the Idaho State Nurses Association, qualified for appointment shall be submitted to the governor in number not less than twice the number of vacancies to be filled. The nominations for appointment to the terms initially terminating in 1953 and 1955 and for all subsequent appointments to fill those particular terms shall be made by the Idaho State Nurses Association. The nominations for the terms initially terminating in 1954 and for all subsequent appointments to fill those particular terms shall be made by the Licensed Practical Nurses of Idaho, Inc., from a list of all the members of the Idaho state nurses association who are qualified for appointment. In order to effect such nomination, on or before February 1, of each year in which nominations are to be so made the Idaho State Nurses Association shall submit to the Licensed Practical Nurses of Idaho, Inc., a list of all the members qualified for appointment. The appointment to fill such vacancy shall be made by the governor from such a list and shall be made within 30 days of the receipt by the governor of the list of persons qualified. Appointments to fill vacancies resulting from the expiration of term shall be made for a term of three years. Appointments to fill any other vacancy shall be made for the unexpired term.

The governor may remove any member from the board for neglect of any duty required by law or for incompetency or for unprofessional or dishonorable conduct.
b. Qualifications of members. Each member of the board shall be a citizen of the United States and a resident of this state for a period of 3 months, shall have graduated from an accredited school of nursing; shall be licensed as a registered nurse in this state and shall have been actively engaged in the practice of nursing within two years of her appointment. At least four members of this board shall have had not less than five years executive or teaching experience in nursing education in an accredited school of nursing or in a public health nursing organization. Three members of this board shall have had not less than five years administrative or teaching experience in an accredited school of nursing; one member shall have had not less than five years administrative experience in a community health agency; one member shall have had not less than five years administrative experience in institutional nursing service. Each member of the board prior to beginning his term of office shall file with the secretary of state the oath of office provided by section 59-401 Idaho Code, or any amendments thereto.

c. Duties and Powers. Within ten days after the appointment of the members of the first board the governor shall call a meeting of the board at his office and the board shall immediately organize by the election of a president, vice-president and a secretary. Thereafter, the president may call meetings of the board whenever he deems it advisable, but if the president refuses to call a meeting upon written demand of the other four members of the board, then the other four members may call such meeting of the board. Commencing with the year 1952 the board shall meet annually in the month of May and shall elect from its members a president, vice-president and a secretary. It shall hold such other meetings during the year as may be deemed necessary to transact its business. A majority of the board shall constitute a quorum at a meeting.

The board is authorized and empowered to adopt and from time to time revise such rules and regulations not inconsistent with the law as may be necessary to enable it to carry into effect the provisions of this act. The board shall prescribe curricula and standards for schools of nursing and courses preparing persons for licensure under this act. It shall provide for surveys of such schools and courses at such time as it may deem necessary. It shall accredit such schools and courses as meet the requirements of this act and of the board. It shall evaluate and approve courses
for affiliation. It shall examine all applicants for licensure hereunder and certify to the commissioner those qualified to practice nursing. It shall keep a record of all its proceedings and make an annual report to the governor. It shall have the power to do all things necessary to carry out the provisions of this act.

The policies of the board regarding education, control, licensing, and discipline of professional and practical nurses shall conform so far as practicable to the policies and practices of the American Nurses Association, National League of Nursing Education, National League for Nursing and the National Federation of Licensed Practical Nurse State Associations, Inc.

The board may appoint and employ a qualified person to serve as executive secretary, director to the board who shall not be a member of the board, and shall define her duties, and submit to the state board of examiners a recommendation as to the amount of her salary. It may employ such other persons as may be necessary to carry on the work of the board.

The executive secretary, director shall meet all the qualifications for board members and shall have had at least two years of experience in nursing school administration or teaching or shall have been successfully employed as an executive secretary, director to a board of nurse examiners, board of nursing within four years preceding her appointment. It is recommended the executive director have a masters degree.

d. Compensation. Each member of the board shall receive, in addition to necessary traveling, hotel, subsistence, and other necessary expenses, $10.00, not more than $25.00 per day for each day she is actually engaged in the discharge of her duties, including a reasonable number of days for the preparation of examination questions, conducting examinations and grading examination papers.

SECTION 3. That Section 54-1415, Idaho Code, be, and the same is hereby amended to read as follows:

54-1415. COMMISSIONER OF LAW ENFORCEMENT, POWER AND DUTIES.—The commissioner of law enforcement in addition to powers and duties subsequently provided for herein shall have the following powers and duties:
a. To issue licenses to all persons who have been certified by the board to practice nursing as defined herein.

b. To issue a temporary permit to persons who have been certified by the board.

c. To annually renew the licenses of all persons so licensed upon the receipt of the fee provided for herein.

d. To collect all fees prescribed herein and deposit the same in the state treasury in the manner hereinafter provided.

e. Upon being advised by the board that a written accusation of a licensee hereunder alleging violation of the terms and provisions of this act has been filed and that such accusation requires formal proceedings to set the matter for hearing; serve notice of the time and place of said hearing upon the accused as provided for herein and to appoint some fair minded disinterested person to serve as hearing officer.

f. Upon being advised by the board that a hearing upon such an accusation has been had, that the hearing officer has made a determination that the accused has violated some provision or provisions of this act and that the board has determined that the license of said accused person be suspended or revoked as the case may be, to enter an order suspending or revoking such license in conformity with the determination made by the board.

SECTION 4. That Section 54-1416, Idaho Code, be, and the same is hereby amended to read as follows:

54-1416. REGISTERED PROFESSIONAL NURSE.—a. Qualifications of Applicants. An applicant for a license to practice as a registered professional nurse shall submit to the board written evidence, verified by oath, that said applicant:

(1) Is of good moral character;
(2) Is in good physical and mental health;
(3) Has completed at least an approved four-year high school course of study or the equivalent thereof as determined by the board and shall meet such other preliminary qualification requirements as the board may prescribe;
(4) Has completed the basic professional curriculum
in an accredited school of nursing and holds a diploma therefrom.

b. License.

(1) By examination:

The applicant shall be required to pass a written examination in such subjects as the board may determine. The board is empowered to utilize a national test pool nursing examination if it deems it advantageous to the applicant. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination, the board shall certify the applicant to the commissioner who shall issue to the applicant a license to practice nursing as a registered professional nurse.

The board may make such rules and regulations as it deems necessary for the re-examination of applicants who fail to pass a regular examination.

(2) Without examination:

The board may certify to the commissioner an applicant who has been licensed or registered as a registered nurse by examination under the laws of another state, territory or foreign country, if in the opinion of the board the applicant meets the qualifications required of registered professional nurses in this state and the commissioner shall thereupon issue a license to such applicant. Permission to practice for a period of one year may be granted at the discretion of the board to exchange nurses who are citizens of another country.

c. Fee:

The applicant applying for a license to practice as a registered nurse shall pay to the commissioner a fee of not less than $15.00 nor more than $25.00 but $25.00 nor more than $45.00 as fixed by the board.

An applicant from another state, territory, or foreign country shall pay a fee of $5.00 in addition to the licensure fee, for a temporary permit.

d. Title and abbreviation:

Any person who holds a license to practice as a registered professional nurse in this state shall have the right to use the title “Registered Nurse” and the abbreviation “R.N.”. No other person shall assume such title or use
such abbreviation or any other words, letters, signs or figures to indicate that the person using the same is a registered professional nurse.

c. Nurses registered under a previous law.

Any person holding a license or certificate of registration to practice nursing as a registered nurse in the state of Idaho, which is valid to June 30, 1951, shall thereafter be deemed eligible to be licensed as a registered professional nurse under the provisions of this act.

SECTION 5. That Section 54-1417, Idaho Code, be, and the same is hereby amended to read as follows:


There is hereby created an advisory council of practical licensed practical nurses for the state of Idaho, consisting of 3 members appointed by the governor as follows:

Within ten days after the effective date of this act the governor shall appoint the members of the advisory council of practical licensed practical nurses, who shall hold office as follows:

1 From date of appointment to April 1, 1953.
1 From date of appointment to April 1, 1954.
1 From date of appointment to April 1, 1955.

At the expiration of a term as set forth above succeeding appointments shall be made for a term of three years and each council member shall hold office until his successor is appointed and qualified.

On or before March 1, of each year and at any other time when there is a vacancy in the membership of the council, the Licensed Practical Nurses of Idaho, Inc. shall submit to the governor a list of its members suitable and qualified for appointment in number not less than twice the number of vacancies to be filled. The appointment to fill such vacancy shall be made by the governor from such list and shall be made within 30 days of the receipt by the governor of the list of persons suitable and qualified. Appointments to fill vacancies resulting from expiration of term shall be made for a term of three years. Appointments to fill any other vacancy shall be made from the unexpired term.
The governor may remove any member from the council for neglect of any duty required by law or for incompetency or for unprofessional or dishonorable conduct.

b. Qualifications of members. Each member of the council shall be a citizen of the United States and a resident of this state for a period of 3 months and shall have been a licensed practical nurse or and engaged in the bona-fide practice of practical nursing for a period of at least two years. Each member of the council shall file with the secretary of state the oath of office provided for by section 59-401, Idaho Code, and any amendments thereto.

c. Duties and powers. The council shall have the responsibility and duty of consulting and advising with the board in all matters relating to education, training and discipline of practical nurses and to effect that end shall have full access to all files and information of the board relating to those subjects. The council shall meet at least annually, upon call of the president of the board, and at such other times as may be deemed advisable by the council and/or president of the board.

d. Compensation. Each member of the council shall receive, in addition to necessary traveling, hotel, subsistence and other necessary expenses, $10.00 not more than $25.00 per day for each day actually engaged in the discharge of his duties.

SECTION 6. That Section 54-1418, Idaho Code, be, and the same is hereby amended to read as follows:

54-1418. LICENSED PRACTICAL NURSE.—a. Qualification of applicants. Any applicant for license to practice as a licensed practical nurse shall submit to the board written evidence, verified by oath, that the applicant:

(1) Is of good moral character;

(2) Is in good physical and mental health;

(3) Has completed, if under 25 years of age, at least two years of Has graduated from an accredited high school or its equivalent and such other preliminary qualification requirements as the board may prescribe.

(4) Has successfully completed the prescribed curriculum in a course of practical nursing approved by the board of nurse examiners. board of nursing and holds a diploma or certificate therefrom.
b. License.

(1) By examination:

The applicant shall be required to pass a written examination in such subjects as the board may determine. The board is empowered to utilize a national test pool nursing examination if it deems it advantageous to the applicant. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination the board shall certify the applicant to the commissioner who shall issue to the applicant a license to practice as a licensed practical nurse.

The board may make such rules and regulations as it deems necessary for the re-examination of applicants who fail to pass a regular examination.

(2) Without examination:

The board may certify to the commissioner any applicant who has been duly licensed or registered as a licensed practical nurse or a person entitled to perform similar services under a different title, under the laws of another state, territory or foreign country if, in the opinion of the board, the applicant meets the requirements for licensed practical nurse in this state and the commissioner shall thereupon issue a license to such applicant.

c. Fee.

The applicant applying for a license to practice as a licensed practical nurse shall pay a fee of $15.00, not less than $15.00 nor more than $40.00 as fixed by the board to the commissioner.

The applicant from another state, territory, or foreign country shall pay a fee of $5.00, in addition to the licensure fee, for a temporary permit.

d. Title and abbreviation.

Any person who holds a license to practice as a licensed practical nurse in this state shall have the right to use the title “Licensed Practical Nurse” and abbreviation “L.P.N.”. No other persons shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is a licensed practical nurse.

e. Person licensed under a previous law.
Any person holding a license or certificate of registration to practice nursing as a practical nurse in the state of Idaho which is valid to June 30, 1951, shall thereafter be deemed eligible to be licensed as a licensed practical nurse under the provisions of this act.

SECTION 7. That Section 54-1419, Idaho Code, be, and the same is hereby amended to read as follows:

54-1419. RENEWAL OF LICENSE.—The license of every person licensed under the provisions of this act shall be annually renewed, except as hereinafter provided. On or before May 1 of each year the commissioner shall mail an application for renewal of license to every person to whom a license was issued or renewed during the current year. The applicant shall fill in the application blank and return it to the commissioner with a renewal fee of $2.00 not less than $3.00 nor more than $10.00 before July 1 of such year. Upon receipt of the application and fee the commissioner shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the current year beginning July 1 and expiring June 30. Such certificate of renewal shall render the holder thereof a legal practitioner of nursing for the period stated on the certificate of renewal.

Any licensee who allows his or her license to lapse by failing to renew the license as provided above may be reinstated by making a satisfactory showing to the board that such person was previously licensed, is of good moral character and capable and qualified to again practice nursing and upon payment of a reinstatement fee of $10.00 and renewal fee for the current year.

Any person practicing nursing during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of this act.

SECTION 8. That Section 54-1420, Idaho Code, be, and the same is hereby amended to read as follows:

54-1420. DISPOSITION OF FUNDS. State board of nurse registration and nursing education—State board of nursing 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 nurse registration and nursing education state board of nursing fund, which is hereby created, 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 hereunder shall be immediately available in the biennium 1951-1953, 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 nurse registration and nursing education state board of nursing and the commissioner. Such claims and vouchers shall be examined by the board of examiners as are other claims against the state. Until such time as the board has assumed its duties subsequent to July 1, 1951, the administration of this act shall be carried out by the commissioner and the present board of nurse examiners and any expenses incurred therein shall be paid from the state board of nurse registration and nurse education state board of nursing fund.

SECTION 9. That Section 54-1421, Idaho Code, be, and the same is hereby amended to read as follows:

54-1421. SCHOOLS OF NURSING.—a. Application for accreditation. An institution desiring to conduct a school of professional or practical nursing for the purpose of preparing persons for licensure under this act, shall apply to the board and submit evidence that:

(1) It is prepared to carry out the prescribed basic professional nursing curriculum or the prescribed curriculum for practical nursing, as the case may be.

(2) It is prepared to meet other standards established by this law and by the board.

b. Survey. A survey of the institution or institutions with which the school is to be affiliated shall be made by the executive secretary director or other authorized employee of the board, who shall submit a written report of the survey to the board. If, in the opinion of the board, the requirements for an accredited school of nursing are met, it shall approve the school as an accredited school of nursing.

From time to time as deemed necessary by the board, it shall be the duty of the board, through its executive secretary director or other authorized agent, to survey all schools of nursing in the state. Written reports of such surveys shall be submitted to the board. If the board determines that any accredited school of nursing is not main-
taining the standards required by the statutes and by the board, notice thereof in writing specifying the defect or defects shall be immediately given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of accredited schools of nursing. A school so removed may apply again for accreditation in the manner herein provided for initial applications.

SECTION 10. That Section 54-1422, Idaho Code, be, and the same is hereby amended to read as follows:

54-1422. DISCIPLINARY PROCEEDINGS. — a. Ground for discipline. The commissioner shall have the power to deny, revoke, or suspend any license to practice nursing issued by the board or applied for in accordance with the provisions of this act, or to otherwise discipline a licensee upon the proof that the person any of the following grounds:

-(1) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing.

-(2) Is guilty of a crime or gross immorality.

-(3) Practicing nursing under a false or assumed name.

-(4) Is unfit or incompetent by reason of negligence, habits or other causes.

-(5) Conviction of a crime involving moral turpitude.

-(6) Is habitually intemperate or is addicted to the use of habit forming drugs.

-(7) Gross incompetency.

-(8) Is mentally incompetent.

-(9) Habitual intemperance in the use of ardent spirits, narcotics or stimulants.

-(10) Is guilty of unprofessional conduct.

-(11) Mental incompetence.

-(12) Has wilfully or repeatedly violated any of the provisions of this act or rules and regulations promulgated by the board.
(7) Immoral, unprofessional or dishonorable conduct.

Unprofessional conduct defined: Without intent to limit the general term "unprofessional conduct", as used in this chapter, or without intent to limit the department of law enforcement in exercising its powers as provided in this nurse practice act, the following are declared to be acts of unprofessional conduct:

(a) Any practice or behavior of a character likely to deceive or defraud the public.

(b) Obtaining of any fee or compensation by fraud, deceit, or misrepresentation.

(c) Advertising by any means whatsoever of the practices of nursing in which untruthful or misleading statements are made.

(8) Wilful or repeated violation of any of the provisions of this act, or rules and regulations promulgated by the board.

b. Proceedings. The proceedings for revocation or suspension shall be had only after an accusation in writing, verified by some persons familiar with the facts charged, has been filed with the board. Upon receipt of such an accusation the board shall make a preliminary examination of the facts charged to determine whether the accusation is sufficient. If the board shall determine that the accusation is sufficient to require formal action, the board shall so advise the commissioner who shall forthwith set the matter for hearing at a specific time and place. The commissioner shall cause a copy of such order and a copy of the verified accusation to be served upon the licensee accused not less than 20 days before the day appointed in the order for said hearing. The commissioner shall appoint some fair minded, disinterested person to serve as hearing officer. The commissioner, 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 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 occupational license fund to the credit of the board of nurse registration and nursing education. 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 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 therein. 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 section and shall enter the same upon the record of proceedings. After the transcript has been certified, the board shall take the proceedings under advisement and if the board shall approve the findings of the hearing officer that the licensed person accused has violated any of the provisions of this section, the board shall determine whether the license of such person accused be revoked or suspended and shall notify the commissioner who shall enter the order revoking or suspending said license. If the findings of the hearing officer are that there has been no violation of the provisions of this section the board shall notify the commissioner, the licensed person accused and the person making the accusation, and shall dismiss the complaint.

Any licensed person whose license shall be revoked or
suspended pursuant to this section shall have the right to have the proceedings of the board revoking or suspending said license reviewed by the district court of the county in which such person resides. The review shall be had upon the person whose license has been revoked filing a notice of appeal with the clerk of the court and service of the same upon any member of the board or its executive secretary director. Such appeal must be taken within 20 days from the date of the entry of the order of revocation. The court shall command the board to certify a copy of the complete record and transcript of the proceedings and the same shall be delivered to the court within 20 days of such order. The review by said court shall be limited to determining whether the board has regularly pursued its authority and the findings of fact made by the hearing officer and approved by the board shall be conclusive if supported by competent evidence. If the court shall find that the board has regularly pursued its authority and that the findings are supported by competent evidence the order of the commissioner shall be confirmed. If the court shall find that the board has not regularly pursued its authority or that the findings are not supported by competent evidence the order of the commissioner shall be reversed but in no case shall the district court modify the order of the commissioner. An appeal may be taken by the licensed person whose license has been revoked or by the board from the final order of the district court. The proceedings on appeal to the Supreme Court shall be limited to a review of the proceedings in the same manner as provided herein for review by the district court.

A revoked or suspended license may be reissued after one year, in the discretion of the board.

SECTION 11. That Section 54-1425, Idaho Code, be, and the same is hereby amended to read as follows:

54-1425. VIOLATION OF ACT—PENALTIES.—It shall be a misdemeanor for any person (including any corporation, association or individual) to:

a. Sell or fraudulently obtain or furnish any nursing diploma license or record or aid or abet therein.

b. Practice nursing as defined by this act under cover of any diploma, license or record illegally or fraudulently obtained or signed issued unlawfully or under fraudulent representation.
c. Practice nursing as defined by this act unless **duly currently** licensed to do so under the provisions of this act.

d. Use in connection with his or her name any designation tending to imply that he or she is a registered professional nurse or a licensed practical nurse unless duly licensed so to practice under the provisions of this act.

e. Practice nursing during the time his or her license issued under the provisions of this act shall be suspended or revoked.

f. Conduct a school of nursing or a course for the training of practical nurses as herein defined unless the school or course has been accredited by the board.

g. **Otherwise violate any provisions of this act.**

h. **Otherwise violate any provisions of this act.**

Such misdemeanor shall be punishable by a fine of not less than $50.00 for a first offense. Each subsequent offense shall be punishable by a fine of not less than $100.00 or by imprisonment of not more than six months or by both such fine and imprisonment.

It shall be necessary to prove in any prosecution or hearing under this article only a single act prohibited by law or a single holding out or an attempt without proving a general course of conduct, in order to constitute a violation.

**SECTION 12. SEVERABILITY.**—If any provision of this act or the application thereof to any person, persons or associations, 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 13.** This act shall supersede all other acts or any portion thereof enacted by the 38th Session of the Idaho Legislature and all prior laws of the state of Idaho or any portion thereof with which it may conflict.

**SECTION 14.** An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in
full force and effect from and after its passage and approval.

Approved March 6, 1965.

CHAPTER 93
(S. B. No. 33)

AN ACT
AMENDING TITLE 8, CHAPTER 5, IDAHO CODE, RELATING TO THE DISCHARGE OF LIEN ON REAL ESTATE BY ADDING THERETO A NEW SECTION PROVIDING FOR THE DISCHARGE OF ATTACHMENT OR EXECUTION LIENS WITHIN TWO YEARS FROM THE LEVY OF SUCH LIENS, UNLESS THE LIEN HOLDERS BY MOTION TO COURT EXTEND SUCH LIENS.

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

SECTION 1. That Title 8, Chapter 5, Idaho Code, be, and the same is hereby amended by adding thereto a new section to be designated Section 8-539 to read as follows:

8-539. LIEN ON REAL ESTATE—TIME EFFECTIVE — DURATION — TERMINATION — EXTENSION.—Whenever in any action, real estate has been levied upon under writs, either of attachment or execution, such levy shall be a lien upon all real property for a period of two years after the date of levy unless sooner released or discharged in accordance with law, or by dismissal of the action or by the recording with the Recorder of an abstract of judgment in the action. At the expiration of two years, the lien shall cease and any proceeding or proceedings against the property under the lien shall be barred; provided, that upon motion of a party to the action, made not less than five nor more than sixty days before the expiration of said period of two years, the court in which the action is pending may extend the time of said lien for a period not exceeding two years from the date on which the original lien would expire, and the lien shall be extended for the period specified in the order upon the recording before the expiration of the existing lien, of a certified copy of the order with the recorder of the county in which the
real property attached is situated. The lien may be extended from time to time in the manner herein prescribed.

Approved March 8, 1965.

CHAPTER 94
(S. B. No. 48, As Amended)

AN ACT
DEALING WITH DECEDENTS' AND MINORS' AND INCOMPETENT PERSONS' PROPERTY WHICH CONSISTS OF UNDIVIDED INTERESTS IN REAL AND PERSONAL PROPERTY; PROVIDING AUTHORITY FOR EXECUTORS OR ADMINISTRATORS OF ANY ESTATE, OR GUARDIAN OF ANY MINOR OR INCOMPETENT PERSON TO BORROW MONEY AND TO GIVE SECURITY UPON THOSE UNDIVIDED INTERESTS BY JOINING WITH THE OTHER OWNERS OF THAT PROPERTY; PROVIDING THAT UPON FORECLOSURE OF ANY SUCH SECURITY THERE SHALL NOT BE ANY CLAIM OR JUDGMENT FOR ANY DEFICIENCY AGAINST THE MINOR OR INCOMPETENT PERSON OR THEIR ESTATES; AND DECLARING AN EMERGENCY.

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

SECTION 1. When property of a decedent, or of a minor, or an incompetent person, or any part thereof, consists of an undivided interest in real or personal property, or any other interest therein less than the entire ownership, and it shall appear to be to the advantage of the decedent's estate, or the minor, or the incompetent person to borrow money in order to improve, utilize, operate or preserve the same jointly with the owner or owners of the other interests therein, or in order to pay, reduce or renew some lien, mortgage, or deed of trust already subsisting upon all such property, the executor or administrator of any estate or a guardian of a minor or incompetent person, or any person interested in the estates of such decedents, minors, or incompetent persons, may join with the owner or owners of said other interest or interests in the property in the borrowing of the money and in the execution of such joint and several note or notes for such sum or sums as may be required for such purposes, and join with the owner or owners of said other interest or interests in the property in the execution of such lien, mortgage, or deed of trust as
may be required to secure the payment of such note or notes. Upon any foreclosure or sale under any such lien, mortgage or deed of trust on the property of a minor or incompetent person, if the proceeds of the sale of the encumbered property are insufficient to pay the note or notes, the lien, mortgage or deed of trust, and the costs or expenses of sale, no judgment or claim for any deficiency shall be had or allowed against the minor or incompetent person or their estates either before or after the minor attains majority or before or after the disability of the incompetent person is removed.

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 8, 1965.

CHAPTER 95
(S. B. No. 66, As Amended in the House of Representatives)

AN ACT
DESIGNATING THE POWERS OF TRUSTEES, PROVIDING THAT A TRUSTEE MAY NOT DELEGATE HIS ENTIRE ADMINISTRATION, AUTHORIZING THE COURTS TO DETERMINE MATTERS INVOLVING CONFLICTS OF INTEREST, PROVIDING THE POWERS OF JOINT TRUSTEES AND THEIR LIABILITY, PROTECTING THE RIGHTS OF THIRD PERSONS, SPECIFYING TRUSTS TO WHICH THE ACT WILL APPLY, PROVIDING FOR UNIFORMITY OF INTERPRETATION, PROVIDING A SHORT TITLE, AND PROVIDING FOR SEVERABILITY.

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

SECTION 1. DEFINITIONS.—As used in this Act:

(1) “trust” means an express trust created by a trust instrument, including a will, whereby a trustee has the duty to administer a trust asset for the benefit of a named or otherwise described income or principal beneficiary, or both; “trust” does not include a resulting or constructive trust, a business trust which provides for certificates to be issued to the beneficiary, an investment trust, a voting trust, a security instrument, a trust created by the judgment or decree of a court, a liquidation trust, or a trust for the pri-
mary purpose of paying dividends, interests, interest coupons, salaries, wages, pensions or profits, or employee benefits of any kind, an instrument wherein a person is nominee or escrowee for another, a trust created in deposits in any financial institution, or other trust the nature of which does not admit of general trust administration;

(2) "trustee" means an original, added, or successor trustee;

(3) "prudent man" means a trustee whose exercise of trust powers is reasonable and equitable in view of the interests of income or principal beneficiaries, or both, and in view of the manner in which men of ordinary prudence, diligence, discretion, and judgment would act in the management of their own affairs.

SECTION 2. POWERS OF TRUSTEE CONFERRED BY TRUST OR BY LAW.—

(a) The trustee has all powers conferred upon him by the provisions of this Act unless limited in the trust instrument.

(b) An instrument which is not a trust under section 1 (1) may incorporate any part of this Act by reference.

SECTION 3. POWERS OF TRUSTEES CONFERRED BY THIS ACT.—(a) From time of creation of the trust until final distribution of the assets of the trust, a trustee has the power to perform, without court authorization, every act which a prudent man would perform for the purposes of the trust including but not limited to the powers specified in subsection (c).

(b) In the exercise of his powers including the powers granted by this Act, a trustee has a duty to act with due regard to his obligation as a fiduciary.

(c) A trustee has the power, subject to subsections (a) and (b):

(1) to collect, hold, and retain trust assets received from a trustor until, in the judgment of the trustee, disposition of the assets should be made; and the assets may be retained even though they include an asset in which the trustee is personally interested;

(2) to receive additions to the assets of the trust;

(3) to continue or participate in the operation of any
business or other enterprise, and to effect incorporation, dissolution, or other change in the form of the organization of the business or enterprise;

(4) to acquire an undivided interest in a trust asset in which the trustee, in any trust capacity, holds an undivided interest;

(5) to invest and reinvest trust assets in accordance with the provisions of the trust or as provided by law;

(6) to deposit trust funds in a bank, including a bank operated by the trustee;

(7) to acquire, sell, convey or dispose of an asset, for cash or on credit, at public or private sale; and to manage, develop, improve, exchange, partition, change the character of, or abandon a trust asset or any interest therein; and to encumber, mortgage, or pledge a trust asset for a term within or extending beyond the term of the trust, in connection with the exercise of any power vested in the trustee;

(8) to make ordinary or extraordinary repairs or alterations in buildings or other structures, to demolish any improvements, to raze existing or erect new party walls or buildings;

(9) to subdivide, develop, or dedicate land to public use; or to make or obtain the vacation of plats and adjust boundaries; or to adjust differences in valuation on exchange or partition by giving or receiving consideration; or to dedicate easements to public use without consideration;

(10) to enter for any purpose into a lease as lessor or lessee with or without option to purchase or renew for a term within or extending beyond the term of the trust;

(11) to enter into a lease or arrangement for exploration and removal of minerals or other natural resources or enter into a pooling or unitization agreement;

(12) to grant an option involving disposition of a trust asset, or to take an option for the acquisition of any asset;

(13) to vote a security, in person or by general or limited proxy;

(14) to pay calls, assessments, and any other sums chargeable or accruing against or on account of securities;

(15) to sell or exercise stock subscription or conversion rights; to consent, directly or through a committee or other
agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;

(16) to hold a security in the name of a nominee or in other form without disclosure of the trust, so that title to the security may pass by delivery, but the trustee is liable for any act of the nominee in connection with the stock so held;

(17) to insure the assets of the trust against damage or loss, and the trustee against liability with respect to third persons;

(18) to borrow money to be repaid from trust assets or otherwise; to advance money for the protection of the trust, and for all expenses, losses, and liability sustained in the administration of the trust or because of the holding or ownership of any trust assets, for which advances with any interest the trustee has a lien on the trust assets as against the beneficiary;

(19) to pay or contest any claim; to settle a claim by or against the trust by compromise, arbitration, or otherwise; and to release, in whole or in part, any claim belonging to the trust to the extent that the claim is uncollectible;

(20) to pay taxes, assessments, compensation of the trustee, and other expenses incurred in the collection, care, administration, and protection of the trust;

(21) to allocate items of income or expense to either trust income or principal, as provided by law, including creation of reserves out of income for depreciation, obsolescence, or amortization, or for depletion in mineral or timber properties;

(22) to pay any sum distributable to a beneficiary under legal disability, without liability to the trustee, by paying the sum to the beneficiary or by paying the sum for the use of the beneficiary either to a legal representative appointed by the court, or if none, to a relative;

(23) to effect distribution of property and money in divided or undivided interests and to adjust resulting differences in valuation;

(24) to employ persons, including attorneys, auditors, investment advisors, or agents, even if they are associated with the trustee, to advise or assist the trustee in the per-
formance of his administrative duties; to act without inde-
pendent investigation upon their recommendations; and
instead of acting personally, to employ one or more agents
to perform any act of administration, whether or not dis-
cretionary;

(25) to prosecute or defend actions, claims, or pro-
ceedings for the protection of trust assets and of the trus-
tee in the performance of his duties;

(26) to execute and deliver all instruments which will
accomplish or facilitate the exercise of the powers vested
in the trustee.

SECTION 4. TRUSTEE'S OFFICE NOT TRANSFER-
ABLE.—The trustee shall not transfer his office to an-
other or delegate the entire administration of the trust to
a co-trustee or another.

SECTION 5. POWER OF COURT TO PERMIT DEVIA-
TION OR TO APPROVE TRANSACTIONS INVOLVING
CONFLICT OF INTEREST.—(a) This Act does not effect
the power of a court of competent jurisdiction for cause
shown and upon petition of the trustee or affected benefici-
ary and upon appropriate notice to the affected parties to
relieve a trustee from any restrictions on his power that
would otherwise be placed upon him by the trust or by this
Act.

(b) If the duty of the trustee and his individual interest
or his interest as trustee of another trust, conflict in the
exercise of a trust power, the power may be exercised only
by court authorization, except as provided in sections 3(c)
(1), (4), (6), (18), and (24) upon petition of the trustee.
Under this section, personal profit or advantage to an af-
filiated or subsidiary company or association is personal
profit to any corporate trustee.

SECTION 6. POWERS EXERCISABLE BY JOINT
TRUSTEES—LIABILITY.—(a) Any power vested in 3
or more trustees may be exercised by a majority, but a trus-
tee who has not joined in exercising a power is not liable to
the beneficiaries or to others for the consequences of the
exercise; and a dissenting trustee is not liable for the con-
sequences of an act in which he joins at the direction of the
majority of the trustees, if he expressed his dissent in
writing to any of his co-trustees at or before the time of the
joinder.

(b) If 2 or more trustees are appointed to perform a
trust, and if any of them is unable or refuses to accept the appointment, or, having accepted, ceases to be a trustee, the surviving or remaining trustees shall perform the trust and succeed to all the powers, duties, and discretionary authority given to the trustees jointly.

(c) This section does not excuse a co-trustee from liability for failure either to participate in the administration of the trust or to attempt to prevent a breach of trust.

SECTION 7. THIRD PERSONS PROTECTED IN DEALING WITH TRUSTEE.—With respect to a third person dealing with a trustee or assisting a trustee in the conduct of a transaction, the existence of trust powers and their proper exercise by the trustee may be assumed without inquiry. The third person is not bound to inquire whether the trustee has power to act or is properly exercising the power; and a third person, without actual knowledge that the trustee is exceeding his powers or improperly exercising them, is fully protected in dealing with the trustee as if the trustee possessed and properly exercised the powers he purports to exercise. A third person is not bound to assure the proper application of trust assets paid or delivered to the trustee.

SECTION 8. APPLICATION OF ACT.—Except as specifically provided in the trust, the provisions of this Act apply to any trust established after the effective date of this Act.

SECTION 9. UNIFORMITY OF INTERPRETATION.—This Act shall be construed to effectuate its general purpose to make uniform the law of those states which enact it.

SECTION 10. SHORT TITLE.—This Act may be cited as the “Uniform Trustees’ Powers Act.”

SECTION 11. 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 provision or application, and to this end the provisions of this Act are severable.

Approved March 8, 1965.
CHAPTER 96
(S. B. No. 77, As Amended in the House of Representatives)

AN ACT
AMENDING SECTION 37-1932, IDAHO CODE, RELATING TO THE SALE OF MEAT PRODUCTS; PROVIDING FOR STAMPING OF INSPECTED MEATS BY PROVIDING THAT RESTAURANTS OR RETAIL OUTLETS SHALL NOT SELL MEAT PRODUCTS UNLESS PREPARED AT A STATE OR FEDERAL MEAT INSPECTION ESTABLISHMENT, AND PROVIDING THAT SUCH PLACES MAINTAIN RECORDS SHOWING COMPLIANCE WITH PROVISIONS OF THIS ACT; PROVIDING AN EXCEPTION RELATING TO THE OWNER SLAUGHTERING OR HAVING ANIMALS SLAUGHTERED, AND PROVIDING FOR STATE OR FEDERAL MEAT INSPECTION; AND PROVIDING THAT PERSONS DOING CUSTOM MOBILE SLAUGHTERING MAY TRANSPORT SAID UNINSPECTED MEAT.

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

SECTION 1. That Section 37-1932, Idaho Code, be, and the same is hereby amended to read as follows:

37-1932. SALE OF MEAT OR MEAT PRODUCTS.—
(a) No person, restaurant, public eating establishment or retail outlet or establishment shall sell, offer for sale, or expose for sale any meat product if such meat product is from a meat animal not slaughtered at, or such meat product is not prepared or processed at an establishment having state or federal meat inspection. Such places shall be prepared at all times to provide evidence by prescribed records and/or actual inspection by the Department of Agriculture that they comply with the provisions of this act.

(b) Slaughtering.—No person, except an owner slaughtering animals or having them slaughtered on his own premises for his own consumption or for the consumption and use of his immediate family, shall slaughter any meat animal except at an establishment having state or federal meat inspection.

(c) Ante-mortem, post-mortem inspection.—No person shall slaughter or permit the slaughter, at any establishment, of any meat animal not subjected to ante-mortem and post-mortem inspection under the provisions of this act.
(d) Transporting.—No person, except an owner trans­porting meat products from meat animals owned and slaughtered by him on his own premises, for his own con­sumption or for the consumption and use of his immediate family, shall transport meat products on the public high­ways of this state if such meat products have not been in­spected under this act; provided, persons doing custom mo­bile slaughtering may transport uninspected meat which has been slaughtered on the premises of the owner and for the consumption of the owner or his immediate family.

(e) Condemned meat.—No person shall sell or dis­pose of any condemned meat animal or condemned meat product, except as provided for by the regulations to be established pursuant to this act by the Idaho department of agriculture.

(f) Providing further, the Department of Agriculture adopt a system of stamping inspected meat, either by roller or other suitable means, that would permit positive identi­fication at all levels of distribution of any portion of the inspected carcass.

(g) And providing further, where there is a federal meat inspector, but not a state inspector, that the Brand Board inspector have authority to make actual inspections with cooperation of the department of agriculture.

Approved March 8, 1965.

CHAPTER 97
(S. B. No. 91)

AN ACT

AMENDING SECTION 49-330, IDAHO CODE, AS AMENDED, BY CORRECTING THE SPELLING OF THE WORD "FRAUDU­LENT" AS USED IN SUBSECTION (A) 5., AND BY AUTHO­ORIZING THE DEPARTMENT OF LAW ENFORCEMENT TO SUSPEND THE LICENSE OF AN OPERATOR OR CHAUF­FEUR WITHOUT PRELIMINARY HEARING UPON A SHOW­ING THAT SUCH LICENSEE HAS A DRIVING RECORD WHICH SHOWS A VIOLATION POINT COUNT OF 12 OR MORE POINTS IN ANY CONSECUTIVE TWELVE MONTH PERIOD, AND DEFINING THE TERM "VIOLATION" TO MEAN CONVICTION ON A CHARGE INVOLVING A MOVING
TRAFFIC VIOLATION, AND DEFINING THE TERM “CONVICTION” TO MEAN A FINAL CONVICTION, OR FORFEITURE OF BAIL OR COLLATERAL DEPOSITED TO SECURE A DEFENDANT’S APPEARANCE IN COURT, WHICH FORFEITURE HAS NOT BEEN VACATED, AND REQUIRING THAT IN DETERMINING THE VIOLATION POINT COUNT THE VALUE TO BE GIVEN FOR A MOVING TRAFFIC VIOLATION SHALL BE ONE POINT FOR LESS SERIOUS VIOLATIONS TO FOUR POINTS FOR MORE SERIOUS VIOLATIONS, AND PROVIDING THAT ONLY ONE VIOLATION ARISING FROM ONE OCCASION OF ARREST OR CITATION SHALL BE COUNTED IN DETERMINING THE VIOLATION POINT COUNT, AND CHANGING THE AUTHORIZATION HERETOFORE GRANTED THE COMMISSIONER TO ESTABLISH A UNIFORM SYSTEM OF DEMERIT POINTS TO AN AUTHORIZATION TO ESTABLISH A VIOLATION POINT COUNT SYSTEM, AND DELETING THE DEFINITION OF THE TERM “TRAFFIC VIOLATION”, AND FURTHER DELETING THE PROVISIONS APPERTAINING TO THE UNIFORM SYSTEM OF DEMERIT POINTS, AND REPEALING THE FOOTNOTE TO SECTION 49-330, IDAHO CODE, WHICH WAS A BILL PERTAINING TO THE SAME SUBJECT MATTER THAT SAID SECTION 40-330, IDAHO CODE, PERTAINS TO, BOTH OF WHICH WERE ENACTED BY THE THIRTY-SEVENTH SESSION OF THE IDAHO LEGISLATURE.

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

SECTION 1. That Section 49-330, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

49-330. AUTHORITY OF DEPARTMENT TO SUSPEND OR REVOKE LICENSE.—(a) The department is hereby authorized to suspend the license of an operator or chauffeur without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

1. Has committed an offense for which mandatory revocation of license is required upon conviction;

2. Has been convicted in any court in this state of an offense against a municipal ordinance which would have been grounds for suspension or revocation of license had the charge been prosecuted under a state law;

3. 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;

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 (6) 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 (1) year;

8. Has a driving record which shows a violation point count of 12 or more points in any consecutive twelve-month period.

(b) The term "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.

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 of 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.

(c) The commissioner of law enforcement is hereby authorized and directed to establish a uniform system of point system 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.

(d) Upon suspending the license of any person as hereinbefore in this section authorized the department shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practical within not to exceed 20 days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license.

SECTION 2. That the footnote to Section 49-330, Idaho
Code, which was enacted as Chapter 265, Idaho Session Laws (1963), be, and the same is hereby repealed.

Approved March 8, 1965.

CHAPTER 98
(S. B. No. 111)

AN ACT

APPROPRIATING MONEY FROM THE FISH AND GAME FUND TO PAY THE CLAIM OF HILLCREST AIRCRAFT CO., INC., FOR DAMAGE TO ITS BELL HELICOPTER WHILE UNDER CONTRACT TO THE FISH AND GAME DEPARTMENT OF THIS STATE; EXCEPTING THIS ACT FROM THE PROVISIONS OF THE STANDARD APPROPRIATIONS ACT OF 1945, AND FROM THE PROVISIONS OF SECTION 67-3509, IDAHO CODE, AND FROM 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 Fish and Game Fund of the State of Idaho the sum of $3,130.62 to be paid to Hillcrest Aircraft Co., Inc., for the purpose of reimbursing Hillcrest Aircraft Co., Inc., for damages to its Bell helicopter caused by the actions of an employee of the Fish and Game Department while said helicopter was engaged in operations under contracts of hire to the Fish and Game Department.

SECTION 2. The appropriation herein made is expressly exempted from the provisions of the Standard Appropriations Act of 1945, of the State of Idaho, and from the provisions of Section 67-3509, Idaho Code, and from the provisions of Sections 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 8, 1965.
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CHAPTER 99
(S. B. No. 114)

AN ACT
AMENDING CHAPTER 8, TITLE 19, IDAHO CODE, BY ADDING A NEW SECTION DESIGNATED AS SECTION 19-803A, PROVIDING A METHOD FOR APPOINTMENT OF COUNSEL AT PRELIMINARY HEARINGS AND REQUIRING PAYMENT OF APPOINTED COUNSEL; DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 8, Title 19, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 19-803, to be known and designated as Section 19-803A, and to read as follows:

19-803A. If the defendant appears without counsel for preliminary examination on a charge of a felony or indictable misdemeanor, and requests the aid of counsel and shows that he is without funds or resources with which to pay his own counsel, the magistrate shall satisfy himself that the defendant is without funds or resources with which to pay his own counsel and may call upon the prosecuting attorney for assistance. Upon being satisfied that the defendant is without funds or resources with which to pay his own counsel, the magistrate shall postpone the proceedings and notify the clerk of the district court of the county wherein the proceedings are pending. Upon being notified by the magistrate, the district court or any judge thereof shall cause competent counsel to be appointed to conduct the defense of the defendant.

The district court shall order the attorney compensated for his services, as in appointments made under the provisions of Idaho Code, Section 19-1513.

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 8, 1965.
CHAPTER 100
(S. B. No. 117)

AN ACT

AMENDING SECTION 30-501, IDAHO CODE, AS AMENDED, TO PROVIDE THAT IF, PURSUANT TO THE LAWS OF THE STATE IN WHICH A FOREIGN CORPORATION WAS ORGANIZED, ANY PAPERS, DOCUMENTS OR INSTRUMENTS HAVE BEEN FILED THEREIN TO RESTATE, SUPERSEDE, CONSOLIDATE OR REPLACE THE ARTICLES OF INCORPORATION OF SUCH CORPORATION, THEN COPIES THEREOF, CERTIFIED AS BY SAID SECTION PROVIDED FOR, MAY BE FILED FOR RECORD IN THIS STATE BY ANY SUCH CORPORATION DESIRING TO DO BUSINESS IN THIS STATE IN LIEU OF SUCH ARTICLES OF INCORPORATION.

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

SECTION 1. That Section 30-501, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

30-501. FILING OF EVIDENCE OF INCORPORATION—PREREQUISITE TO DOING BUSINESS.—Every corporation not created under the laws of this state or of the United States must, before doing business in this state, file for record with the secretary of state a copy of the articles of incorporation of said corporation, duly certified to by the secretary of state of the state in which said corporation was organized, or such other legal custodian of the corporation records of said state as is qualified under its laws to make such certified copy, and file for record a copy of such articles of incorporation, duly certified by the secretary of state of this state and bearing the endorsement of the fact and time of filing for record in his office, in the office of the county recorder of the county in which is designated its principal place of business in this state. The secretary of state shall not file the articles of incorporation of any such corporation whose corporate name does not conform to the requirements set forth for the names of domestic corporations in paragraph 2, 3 and 4 of section 30-107. The provisions of paragraph 5 of said section 30-107 shall also be applicable. The use of a name in violation of this section shall not affect the privileges accorded a foreign corporation complying with the provisions of this chapter but the courts of this state, having equity jurisdiction, may, upon the application of the state,
or of any person, unincorporated association, or corporation interested or affected, enjoin such corporation from doing business under a name used in violation of this section, although its articles of incorporation may have been filed by the secretary of state. *If pursuant to the laws of the state in which a corporation was organized any papers, documents or instruments have been filed therein to restate, supersede, consolidate or replace the articles of incorporation of such corporation, then copies thereof certified as hereinabove provided for may be filed for record as hereinabove required in lieu of the articles of incorporation of such corporation.*

Approved March 8, 1965.

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CHAPTER 101
(S. B. No. 118)

AN ACT

AMENDING TITLE 5, CHAPTER 2, IDAHO CODE, BY ADDING A NEW SECTION THERETO, FOLLOWING SECTION 5-240, IDAHO CODE, TO BE KNOWN AND DESIGNATED AS SECTION 5-241, PROVIDING THE TIMES WHEN STATUTES OF LIMITATIONS BEGIN TO RUN AS TO ACTIONS BROUGHT AGAINST ANY PERSON BY REASON OF HIS HAVING PERFORMED OR FURNISHED THE DESIGN, PLANNING, SUPERVISION OR CONSTRUCTION OF IMPROVEMENTS TO REAL PROPERTY.

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

**SECTION 1.** That Title 5, Chapter 2, Idaho Code, be, and the same is hereby amended by adding a new section thereto, following Section 5-240, to be known and designated as Section 5-241, and to read as follows:

5-241. ACCRUAL OF ACTIONS ARISING OUT OF THE DESIGN OR CONSTRUCTION OF IMPROVEMENT TO REAL PROPERTY.—Actions will be deemed to have accrued and the statute of limitations shall begin to run as to actions against any person by reason of his having performed or furnished the design, planning, supervision or construction of an improvement to real property, as follows:
(a) Tort actions, if not previously accrued, shall accrue and the applicable limitation statute shall begin to run six (6) years after the final completion of construction of such an improvement.

(b) Contract actions shall accrue and the applicable limitation statute shall begin to run at the time of final completion of construction of such an improvement.

The times fixed by these sections shall not be asserted by way of defense by any person in actual possession or control, as owner, tenant, or otherwise, of such an improvement at the time any deficiency in such an improvement constitutes the proximate cause of an injury or death for which it is proposed to bring an action.

Nothing in this section shall be construed as extending the period prescribed by the laws of this state for the bringing of any action.

As used in this section, the term "person" shall mean an individual, corporation, partnership, business trust, unincorporated organization, association, or joint stock company.

Approved March 8, 1965.

CHAPTER 102
(S. B. No. 139)

AN ACT

AMENDING SECTION 30-1411, IDAHO CODE, TO PROVIDE THAT THE CORPORATE NAME OF A PROFESSIONAL SERVICE CORPORATION DOES NOT HAVE TO INCLUDE THE NAME OF ANY STOCKHOLDER IF A CERTIFICATE OF ASSUMED NAME LISTING THE STOCKHOLDERS IS RECORDED WITH THE COUNTY RECORDER.

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

SECTION 1. That Section 30-1411, Idaho Code, be, and the same is hereby amended to read as follows:

30-1411. CORPORATE NAME.—The corporate name of a corporation organized under this act shall contain the last names of some or all of the shareholders, except that
an assumed corporate name may be adopted which does not include any of the names of the stockholders of the corporation if the corporation records a certificate with the county recorder of the county in which its principal office is located setting forth the assumed name and the names of each of its stockholders. The corporate name shall end with the word "chartered" or "professional association" or the abbreviation "P.A.", but 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.

Approved March 8, 1965.

CHAPTER 103
(S. B. No. 150)

AN ACT

PROVIDING FOR THE CREATION AND CONTINUANCE OF A DISPLAY OF PICTURES OF ALL GOVERNORS OF IDAHO FROM TERRITORIAL DAYS TO THE PRESENT; APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO TO ESTABLISH THE INITIAL DISPLAY, SUBJECT TO THE STANDARD APPROPRIATIONS ACT OF 1945; AND DECLARING AN EMERGENCY.

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

SECTION 1. A display of the separate pictures of each Governor of Idaho, from territorial days to the present, is hereby authorized. The location of the display shall be on the walls of the second floor hallway in the west end of the Statehouse.

SECTION 2. Each Governor shall henceforth keep this exhibit up to date by adding thereto his own photograph, of comparable size and quality, and the cost thereof shall be paid from his office budget.
SECTION 3. There is hereby appropriated out of the general fund of the State of Idaho, the following sum of money for the purpose specified and set forth in Section 1 of this act, pursuant to the provisions of Chapter 1, Title 65, Idaho Code, subject to the provisions of the Standard Appropriations Act of 1945.

To Amount
$500.00

SECTION 4. 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 8, 1965.

CHAPTER 104
(H. B. No. 42)

AN ACT

AMENDING CHAPTER 1 OF TITLE 55, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 55-101, TO BE KNOWN AND DESIGNATED AS SECTION 55-101A, DEFINING "LANDS"; BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 55-101A, TO BE KNOWN AND DESIGNATED AS SECTION 55-101B, DEFINING CONDOMINIUM.

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

SECTION 1. That Chapter 1, Title 55, Idaho Code, be, and the same is hereby amended by adding a new section thereto, following Section 55-101, to be known and designated as Section 55-101A and to read as follows:

55-101A. Lands are the material of the earth, whatever may be the ingredients of which it is composed, whether soil, rock or other substance, and include free or occupied space for an indefinite distance upwards as well as downwards, subject to limitations upon the use of airspace imposed and rights in the use of airspace granted, by law.

SECTION 2. That Chapter 1, Title 55, Idaho Code, be, and the same is hereby amended by adding a new section thereto, following Section 55-101 and Section 55-101A, to be
known and designated as Section 55-101B and to read as follows:

**55-101B.** A condominium is an estate consisting of (i) an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof, together with (ii) a separate interest in real property, in an interest or interests in real property, or in any combination thereof.

Approved March 8, 1965.

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**CHAPTER 105**
(H. B. No. 66)

**AN ACT**

AMENDING SECTION 41-1839, IDAHO CODE, RELATING TO ALLOWANCE OF ATTORNEY FEES IN SUITS AGAINST INSURERS BY REQUIRING SIXTY DAYS NOTICE TO SURETY INSURERS; PROVIDING FOR PAYMENT BY SURETY WITHOUT PREJUDICE TO INDEMNIFICATION RIGHTS; PROVIDING EXEMPTION ONLY TO FIDELITY INSURERS UNLESS LIABILITY OF THE PRINCIPAL BE ACKNOWLEDGED IN WRITING OR ESTABLISHED BY JUDGMENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 41-1839, Idaho Code, be, and the same is hereby amended to read as follows:

**41-1839. ALLOWANCE OF ATTORNEY FEES IN SUITS AGAINST INSURERS.**—(1) Any insurer issuing any policy, certificate or contract of insurance, surety, guaranty or indemnity of any kind or nature whatsoever, which shall fail for a period of thirty (30) days after proof of loss has been furnished as provided in such policy, certificate or contract, to pay to the person entitled thereto the amount justly due under such policy, certificate or contract, shall in any action thereafter brought against the insurer in any court in this state for recovery under the terms of the policy, certificate or contract, pay such further amount as the court shall adjudge reasonable as attorney's fees in such action.

(2) In any such action, if it is alleged that before the
commencement thereof, a tender of the full amount justly
due was made to the person entitled thereto, and such
amount is thereupon deposited in the court, and if the al­
legation is found to be true, or if it is determined in such
action that no amount is justly due, then no such attorney's
fees may be recovered.

(3) This section shall not apply as to actions under the
workmen's compensation law which are subject to section
72-611, Idaho Code. This section shall not apply to actions
against surety insurers by creditors of or claimants against
a principal and arising out of a surety or guaranty contract
issued by the insurer as to such principal, unless such cred­
itors or claimants shall have notified the surety of their
claim, in writing, at least sixty (60) days prior to such
action against the surety. The surety shall be authorized
to determine what portion or amount of such claim is justly
due the creditor or claimant and payment or tender of the
amount so determined by the surety shall not be deemed
a volunteer payment and shall not prejudice any right of
the surety to indemnification and/or subrogation so long
as such determination and payment by the surety be made
in good faith. Nor shall this section apply to actions against
fidelity insurers by claimants against a principal and aris­
ing out of a fidelity contract or policy issued by the insurer
as to such principal unless the liability of the principal has
been acknowledged by him in writing or otherwise estab­
lished by judgment of a court of competent jurisdiction.

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 ap­
proval.

Approved March 8, 1965.

CHAPTER 106
(H. B. No. 163)

AN ACT
DECLARING THE PURPOSE OF THIS ACT; ESTABLISHING THE
IDAHO PEA AND LENTIL COMMISSION; PROVIDING DEF-
INITIONS TO BE USED IN THE ACT; PROVIDING FOR
THE GROWER MEMBERSHIP OF SAID COMMISSION; PROV
VIDING FOR THE DEALERS AND PROCESSORS MEMBERSHIP
OF SAID COMMISSION; SPECIFYING THE NUMBER
OF MEMBERS, QUALIFICATIONS, TERM OF OFFICE, MAN
NER OF APPOINTMENT OF MEMBERS OF SAID COMMISSION;
PROVIDING FOR COMPENSATION OF MEMBERS OF SAID COMMISSION;
PROVIDING FOR THE ELECTION OF A CHAIRMAN OF THE COMMISSION AND AUTHORIZING HIM TO EMPLOY AN ADMINISTRATOR;
PROVIDING FOR THE ORGANIZATION, PROCEDURES, MEETINGS AND DUTIES AND POWERS OF SAID COMMISSION;
PROVIDING FOR THE ACCEPTANCE OF FUNDS OF SAID COMMISSION;
PROVIDING FOR BONDS FOR THE ADMINISTRATOR, EMPLOYEES OR AGENTS OF THE COMMISSION;
PROVIDING THAT THE COMMISSION MAY ESTABLISH AN OFFICE WITHIN THE STATE OF IDAHO;
PROVIDING THAT THE STATE SHALL NOT BE LIABLE FOR THE ACTS OR OMISSIONS OF THE COMMISSION, ITS MEMBERS, OFFICERS, AGENTS, OR EMPLOYEES;
PROVIDING FOR THE LEVY OF A TAX ON SPECIFIED LENTILS AND PEAS, FOR THE TIME OF PAYMENT, COLLECTION PROCEDURES, AND PRIORITY OF LIENS IN CONNECTION THEREWITH, AND FOR LIMITED WAIVERS OF THE RESPONSIBILITIES FOR SAID TAX BY THE COMMODITY CREDIT CORPORATION;
PROVIDING FOR THE DELIVERY OF INVOICES TO THE GROWERS BY THE BUYERS OF LENTILS OR PEAS;
PROVIDING PENALTIES FOR VIOLATION OF 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. It is to the interest of all the people that the abundant natural resources of Idaho be protected, fully developed and uniformly distributed. Among the agricultura...
SECTION 2. There is hereby created and established the “Idaho Pea and Lentil Commission” to be composed of seven (7) members. Five (5) of the members shall be growers and two (2) of the members shall be processors or dealers. The Commissioner of Agriculture or his duly authorized representative, and the Dean of the College of Agriculture, University of Idaho, or his duly authorized representative, shall be ex officio members without vote of the Commission.

SECTION 3. As used in the Act, unless the context requires otherwise:

(1) The term “Peas and Lentils” means dry peas or lentils grown in the State of Idaho except wrinkled varieties of peas grown for seed.

(2) “Commercial Channels” means the sale of peas or lentils for use as food, feed, seed, or any industrial or chemurgic use, when sold to any commercial buyer, user, dealer, processor, cooperative, or to any person, public or private, who resells any peas or lentil product produced from peas or lentils.

(3) “Commission” means the Idaho Pea and Lentil Commission.

(4) “First Purchaser” means any person, group, association, partnership, or corporation that buys peas or lentils from the grower in the first instance, or any lien holder, public or private, including the Commodity Credit Corporation, who may possess peas or lentils from the grower under any lien.

(5) “Grower” means any landowner personally engaged in growing peas or lentils, a tenant of the landowner personally engaged in growing peas or lentils, or both the owner and the tenant jointly, and includes a person, partnership, association, corporation, cooperative, trust, sharecropper or any and all other business units, devices and arrangements, who has grown or marketed peas or lentils in either of the preceding two (2) years.

(6) “Sale” includes any pledge, mortgage, trade, or contract device, or delivery of peas or lentils for sale or payment after harvest to any person, public or private.

(7) “Deliver” means placing of peas or lentils into the primary channels of trade.

(8) “Dealer” means any person, group, association, part-
nership or corporation which acts as principal or agent or otherwise in selling, marketing, warehousing, or distributing dry peas or lentils not produced by such person, group, association, partnership or corporation.

9) "Processor" means any person, group, association, partnership or corporation which acts as principal or agent or otherwise in processing dry peas or lentils not produced by such person, group, association, partnership or corporation.

SECTION 4. Grower members of the Commission shall be selected because of their ability and disposition to serve the state's interest and for knowledge of the state's natural resources. Members shall be citizens over twenty-five (25) years of age, residents of the state who have been actually engaged in growing peas or lentils in this state for at least three of the previous five (5) years, and who derive a substantial portion of their income from growing peas or lentils in the State of Idaho.

SECTION 5. Dealer and processor members of the Commission shall be residents of the State of Idaho and be selected because of their ability and disposition to serve the state's interest and for knowledge of the state's natural resources. They shall be practical dealers or processors of dry peas or lentils and shall be citizens over twenty-five (25) years of age and who have been, either individually or as officers or employees of a corporation, firm, partnership, association, or other business having a place of business within the State of Idaho and actually engaged in the processing, selling, marketing or distributing of dry peas or lentils within the State of Idaho for a period of five (5) years and has during that period derived a substantial portion of its income therefrom.

SECTION 6. (1) The grower and dealer or processor members of the Commission shall be selected as follows:

(a) Grower, dealer and processor shall nominate from among themselves, by petition, at least two names for each position to be filled on the Commission.

(b) In the case of grower members, petitions shall be signed by not less than twenty-five qualified growers. The nominations made shall be, as near as practicable, representative of lentils, smooth green, and yellows, and Austrian winter peas. No more than three grower members shall be appointed from one political party.
(c) Petitions for dealer or processor members shall be signed by not less than eight qualified processors or dealers.

(d) (1) The Governor shall appoint seven persons to the Commission based upon the nominee petitions. Two shall be dealers or processors and five shall be growers.

The first members of the Commission shall draw lots to determine their respective terms of office. Two of the original members shall serve for one year; two of the original members shall serve for two years; and three of the original members shall serve for three years. The term of office of members of the Commission thereafter shall be three years, commencing on July 1.

Provided, however, that both dealer members of the Commission terms of office shall not expire in the same year.

(2) Members of the Commission may not serve more than two terms, nor may they hold or file for any elective political office while a member of the Commission.

(3) In the event there are vacancies in the Commission, it shall be the duty of the Idaho Pea and Lentil Growers Association to submit to the Governor at least two (2) qualified names for each vacancy supported by the proper nominating petitions. The Governor shall make the appointment or appointments to fill each vacancy.

SECTION 7. Members of the Commission shall receive a salary of $15.00 per day for each day they are actually and necessarily engaged in the transaction of business of the Commission, together with the same subsistence and travel expense allowed by law to state employees.

SECTION 8. The Commission shall elect a Chairman and shall employ such administration as is necessary, including, but not limited to full time or part time Administrator.

SECTION 9. The Commission shall meet at least once every three (3) months regularly and at such other times as called by the Chairman. The Chairman may call special meetings of the Commission at any time or place after having given five (5) days written notice except by unanimous consent of all members of the Commission. A majority of the Commission members shall constitute a quorum for all business.

SECTION 10. (1) Consistent with the general purposes of this chapter, the Commission shall establish the policies to be followed in the accomplishments of such purposes.
(2) In the administration of this act, the Commission shall have the following duties, authorities and powers:

(a) To conduct a campaign of research, education and publicity.

(b) To find new markets for pea and lentil products.

(c) To give, publicize and promulgate reliable information showing the value of peas and lentils for any purpose for which they are found useful and profitable.

(d) To make public and encourage the widespread national and international use of the special kinds of pea and lentil products produced from all varieties of peas and lentils grown in Idaho.

(e) To investigate and participate in studies of the problems peculiar to the producers of peas and lentils in Idaho.

(f) To take such action as the Commission deems necessary or advisable in order to stabilize and protect the pea and lentil industry of the state.

(g) To sue and be sued.

(h) To enter into such contracts as may be necessary or advisable.

(i) To appoint and employ all necessary officers, agents and other personnel, including experts in agriculture and the publicizing of the products thereof, and to prescribe their duties and fix their compensation.

(j) To make use of such advertising means and methods as the Commission deems advisable and to enter into contracts and agreements for research and advertising within and without the state.

(k) To cooperate with any local, state or national organization or agency, whether voluntary or created by the law of any state or by national law, engaged in work or activities similar to the work and activities of the Commission, and to enter into contracts and agreements with such organizations or agencies for carrying on a joint campaign of research, education and publicity and reciprocal enforcement.
(l) To lease, purchase or own the real or personal
property deemed necessary in the administra-
tion of this act.

(m) To prosecute in the name of the State of Idaho
any suit or action for collection of the tax or
assessment provided for in this act.

(n) To adopt, rescind, modify and amend all nec-
essary and proper orders, resolutions and reg-
ulations for the procedure and exercise of its
powers and the performance of its duties.

(o) To incur indebtedness and repay the same, and
carry on all business activities.

(p) To keep books and records and accounts of
all its doings, which books, records and ac-
counts shall be open to the inspection and audit
by the State Auditor and public at all times.
Make a full and complete report available to
all Idaho pea and lentil producers annually, and
once every five (5) years, commencing May 1,
1970, poll each grower as to the advisability of
continuing the Commission. If a majority of the
growers representative of a majority of the
pounds produced request a repeal of this act,
the Commission shall at the next session of the
legislature request a repeal.

SECTION 11. The Commission may accept grants, dona-
tions and gifts of funds from any source for expenditure
for any purpose consistent with this act which may be
specified as a condition of any grant, donation or gift. All
funds received under the provisions of this act shall be
paid to the Idaho Pea and Lentil Commission and shall be
deposited into the “Idaho Pea and Lentil Commission Fund”
which is hereby created in the office of the State Treasurer,
State of Idaho, such monies to be kept in said “Idaho Pea
and Lentil Commission Fund” and are hereby appropriated
and made available for defraying the expenses of the Com-
mission in carrying out the provision of this act.

SECTION 12. The Commission may require the admini-
strator, or any agent or employee appointed by the Commis-
sion, to give a bond payable to the State of Idaho in the
amount and with the security and containing the terms and
conditions the Commission prescribes. The cost of the bond
is an administrative expense under this act.
SECTION 13. For the convenience of the majority of those most likely to be affected in the administration of this act, the Commission may establish and maintain an office for the administrator within the State of Idaho.

SECTION 14. The State of Idaho is not liable for the acts or omissions of the Commission or any member thereof or any officer, agent or employee thereof.

SECTION 15. (1) From and after the first day of June, 1965, there is hereby levied and imposed a tax of 4¢ per cwt. on lentils, 3¢ per cwt. on dry green and yellow and other smooth varieties of peas, 2¢ per cwt. on Austrian Winter varieties of peas and 2¢ per cwt. on smooth green and yellow seed peas harvested after July 1, 1965, dockage free weight, grown in the State of Idaho and sold or contracted through commercial channels, and each and every crop grown thereafter, which tax shall be due on or before the time when such peas and lentils are first sold or contracted in the commercial channels and shall be paid at such time or times as the Commission may, by rule or regulation prescribe.

(2) The tax shall be levied and assessed to the grower at the time of delivery for sale and shall be deducted by the first purchaser from the price paid to the grower at the time of sale or in case of a lienholder who may possess such peas or lentils under his lien, the tax shall be deducted by the lienholder from the proceeds of the claim secured by such lien at the time the peas or lentils are pledged or mortgaged. The tax shall be deducted as provided in this section whether the peas or lentils are stored in this or any other state. The Commission may, however, permit any federal corporation, such as the Commodity Credit Corporation, to waive its responsibility for the collection of the tax, provided the amount of the tax is $1.00 or less.

(3) The tax shall be levied on peas and lentils grown and delivered on seed or grower contracts. The tax shall be levied and assessed to the grower at the time of settlement and shall be deducted by the seed company, corporation, cooperative, partnership, or person from the price paid to the grower at the time of settlement for fulfillment of conditions set forth in grower contracts.

(4) The tax shall not be levied on peas and lentils retained and used by the grower for his own seed and feed.

(5) The tax constitutes a lien prior to all other liens and
encumbrances upon such peas or lentils except liens which are declared prior by operation of a statute of this state.

SECTION 16. (1) The purchaser, at the time of settlement, shall make and deliver a copy of each settlement voucher for each purchase to the grower.

(2) The reports to the Commission shall be on forms and in such numbers as prescribed and supplied by the Commission and shall show at least:

   (a) The name or names and address or addresses of the grower and seller.

   (b) The name and address of purchaser.

   (c) The number of pounds of peas and lentils sold, varieties of peas and/or lentils and the rate of tax.

   (d) The report shall be legibly written and shall have no corrections or erasures on the face thereof.

(3) Unlawful or willful alteration of an invoice shall constitute a misdemeanor.

SECTION 17. (1) The tax imposed in this act shall be paid by the first purchaser to the Commission. The Commission shall receipt the purchaser thereof and promptly turn the monies over to the State Treasurer, who shall deposit them in the general fund of the state to the credit of a special account to be known as the “Idaho Pea and Lentil Commission Fund” which fund is hereby created in the office of the State Treasurer of the State of Idaho. The Commission may adopt, rescind, modify and amend regulations not inconsistent with this act, related to the payment and collection of the tax provided for in the act.

(2) All monies received under the provision of this act shall be paid to the Idaho Pea and Lentil Commission to be deposited into the “Idaho Pea and Lentil Commission Fund” and are hereby appropriated and made available for defraying the expenses or repaying indebtedness of the Commission in carrying out the provisions of this act.

(3) All salaries, costs and expenses incurred by the Commission in performing its duties and the exercise of its powers under this act shall be paid out of such “Idaho Pea and Lentil Commission Fund” in the following manner: Vouchers, therefor, shall be submitted by the Commission
to the State Auditor and upon approval by the State Board of Examiners, the State Auditor shall draw his warrant upon the "Idaho Pea and Lentil Commission Fund" in payment therefor.

SECTION 18. Any person who shall violate or aid in the violation of any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine of not more than $300.00 or imprisonment not to exceed 90 days, or both. Fines collected for violation of this act shall be paid into the "Idaho Pea and Lentil Commission Fund."

SECTION 19. 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 persons, 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 20. 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 8, 1965.

CHAPTER 107
(S. B. No. 68)

AN ACT
DEFINING CONTRACTORS AND PROVIDING FOR THE LICENSING OF PRIVATE CONTRACTORS; CREATING THE IDAHO PRIVATE CONTRACTORS BOARD TO CONSIST OF FIVE MEMBERS AND PROVIDING FOR THE APPOINTMENT OF SAID BOARD; DEFINING THE POWERS AND DUTIES OF SAID BOARD AND FIXING COMPENSATION THEREFOR; PROVIDING FOR HEARINGS BEFORE SAID BOARD AND APPEALS THEREFROM; PRESCRIBING QUALIFICATIONS FOR LICENSES AND THE FEES THEREFOR; PROVIDING FOR THE SUSPENSION AND THE CANCELLATION OF SUCH LICENSES AND THE GROUNDS THEREFOR; CREATING THE IDAHO PRIVATE CONTRACTORS BOARD
FUND AND PROVIDING FOR PAYMENTS THEREFROM; EXEMPTING FROM THE PROVISIONS OF THIS ACT CERTAIN PERSONS; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ACT; AND PROVIDING SEPARABILITY.

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

SECTION 1. DECLARATION OF POLICY.—The construction industry is vital to the economy of the state. It is in the public interest to prescribe reasonable qualifications for persons engaging in this industry, to provide for the licensing of such persons and the cancellation or revocation of such license for cause and to impose reasonable safeguards in the public interest.

SECTION 2. DEFINITIONS.—Unless the context herein indicates a different meaning:

(a) "Person" as used in this act shall be construed to mean and include an individual, co-partnership, firm, association, corporation, or other organization, or any combination thereof.

(b) "Board" means the board created by this act and designated as "Idaho Private Contractors Board".

(c) "Fund" means the fund created by this act and designated as "Idaho Private Contractors Board Fund."

(d) "Contractor" shall mean any person who, in any capacity other than the employee of another for wages, undertakes to, or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid for, or does by himself or by and through others construct, alter, repair, add to, improve, move, wreck, or demolish any structure, building, highway, road, railroad, excavation, project, development, or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith or a unit or segment thereof for a fixed fee, charge or compensation. "Contractor" also means a subcontractor or specialty contractor, or any person who rents or leases equipment with operator to others.

SECTION 3. EXEMPTIONS.—This act shall not apply to:

(a) Any construction work for the United States government, the state of Idaho, an incorporated city, town, village, county, irrigation district, reclamation district, other municipal or political corporation or subdivision of the
state of Idaho, or to construction work financed in whole or in part by the United States government and performed within the limits or boundaries of any Federal site or reservation.

(b) Officers of a court when they are acting within the scope of their official duties.

(c) Construction work for or by public utilities within the state of Idaho which are under the jurisdiction of the Idaho Public Utilities Commission.

(d) An owner of property building, remodeling or improving buildings or structures for the occupancy of such owner or owners.

(e) Owners of farm property building, remodeling or improving structures for farm use or occupancy.

(f) The sale or installation of any finished products, materials or articles of merchandise, which are not actually fabricated into and do not become a permanent fixed part of the structure.

(g) The alteration, improvement or repair of personal property.

(h) A licensed architect or a licensed or registered professional engineer acting in his professional capacity.

SECTION 4. UNLAWFUL TO ENGAGE IN CONTRACTING WITHOUT LICENSE.—It shall be unlawful for any person covered by this act to engage in the business of contracting, including the submission of any bid, or to act in the capacity of a contractor as herein defined within this state without first obtaining and having a license therefor; provided that this Section 4 shall take effect one hundred twenty (120) days from the effective date of this act.

SECTION 5. IDAHO PRIVATE CONTRACTORS BOARD CREATED—APPOINTMENT—QUALIFICATION—TERMS—COMPENSATION.—There is hereby created the Idaho Private Contractors Board to consist of five (5) members to be appointed by the Governor of the State of Idaho. The members of the first board shall be named by the Governor within thirty (30) days after the effective date of this act. The members of each succeeding board shall be named by the Governor. Each member of the board shall be a contractor as defined herein actively engaged in the contracting business and shall have been so en-
gaged for a period of not less than five (5) years preceding the date of his appointment. No member, except the members of the first board appointed and those appointed to fill vacancies on said first board, shall be eligible for appointment who does not at the date of his appointment hold an unexpired contractor's license. Each member of the board shall have been a citizen and a resident of the state of Idaho for at least three (3) years next preceding his appointment. The board shall be known as "Idaho Private Contractors Board". The terms of the members of the first board appointed shall be as follows: one shall be appointed to hold office from the date of appointment to July 1, 1966, two shall be appointed to hold office from the date of appointment to July 1, 1967, and two shall be appointed to hold office from the date of appointment to July 1, 1968. At the expiration of a term as set forth above succeeding appointments shall be for a term of three (3) years and each board member shall hold office until his successor is appointed and qualified. Each member of the board shall receive a certificate of appointment from the Governor and before entering upon the discharge of his duties of his office shall take the constitutional oath of office. Each member of the board shall receive compensation of $15.00 per day and be reimbursed for his traveling and other expenses actually and necessarily incurred while in the performance of his official duties hereunder, such per diem and expenses to be allowed and paid from the "Idaho Private Contractors Board Fund" as herein provided.

SECTION 6. PRINCIPAL PLACE OF BUSINESS—ORGANIZATION—MEETING—OFFICERS.—The principal place of business of the board shall be in Boise, Idaho. The board shall, within thirty (30) days after its appointment by the Governor, meet at Boise, Idaho, at a time and place to be designated by the Governor and organize by electing a chairman and a vice-chairman, each to serve for one (1) year.

SECTION 7. MEETINGS—QUORUM.—The board shall hold such meetings as may be necessary for the purpose of transacting its business, but not less than four (4) regular meetings each year, one the second Monday of each of the months of January, April, July and October, for the purpose of transacting such business as may properly come before it. At the April meeting each year the board shall elect officers. Special or regular monthly meetings of the board shall be held at such time as the board may provide in its by-laws. Three (3) members of the board shall constitute
a quorum. Two (2) members of the board may call a special meeting at any time. Notice of each meeting of the board and of the time and place thereof shall be given each member as provided in its by-laws.

SECTION 8. OFFICE—REPORTS.—The board shall maintain an office in which there shall be at all times open to public inspection a complete record of applications, licenses issued, licenses renewed, and all revocations, cancellations and suspensions of licenses. Thirty (30) days prior to a meeting of a regular session of the Idaho Legislature the board shall submit to the Governor a full and complete report of its action during the preceding biennium including a complete statement of receipts and expenditures by the board during such period.

SECTION 9. POWERS AND DUTIES OF BOARD.—The board shall be vested with the functions and duties relating to the administration of this act and powers and authorities incident thereto and in addition shall have the following powers:

(a) Said board may organize itself and adopt reasonable by-laws and regulations consistent with this act, and supplement and amend the same.

(b) The board may employ a secretary and such other assistance as it deems necessary and fix their compensation.

(c) If and when money shall become available from the operation of this act and payment made for licenses the board shall have power to pay therefrom the expenses of the operation of this act including the maintenance of any office, the salary and reasonable expenses of a secretary of the board who shall be named by the board, the compensation and reasonable expenses of any other employee or employees of the board, and compensation and reasonable expenses of members of the board incidental to their duties hereunder and other reasonable and necessary expenses arising from the operation and enforcement of this act.

(d) The board shall adopt a seal for its own use which shall have imprinted thereon the words “Idaho Private Contractors Board” which seal shall be in the care and custody of the secretary of the board.

(e) The board may adopt reasonable rules and regulations necessary to its operation.

(f) The board shall have power to adopt reasonable rules
and regulations for the licensing of contractors and for the investigation of complaints against contractors, for hearing on complaints, for suspension or revocation of licenses and to make and enter its orders in connection therewith. When any complaint against a contractor is based upon claimed defective workmanship the latest code of the International Conference of Building Officials shall be a guide in the determination of the issues involved.

(g) The board shall have power to grant licenses to contractors who are subject to this act and the power to deny, suspend, and revoke such licenses upon the grounds stated in Section 14 of this act and to exercise any and all necessary powers incident thereto.

(h) Whenever funds are available for such purpose the board may publish and disseminate to licensees, public officials and other persons interested in and related to the construction industry, such information with respect to the administration and enforcement of this act as deemed necessary in the public interest and may support and engage in studies or research projects which may reasonably support or improve the construction industry within the state of Idaho; also the board may purchase and own equipment and property reasonably necessary to carry out its duties and functions.

(i) In any investigation, proceeding, or hearing which the board is empowered to institute or conduct, the chairman of the board, or secretary of the board, shall have power to administer oaths, certify to official acts of the board, and issue subpoenas for the attendance of witnesses and the production of books, papers and records, in like manner and to the same extent as a district court of the state of Idaho may do, and obtain and have the aid of any district court of the state of Idaho in the enforcement of such powers, if necessary. Process issued by the board shall extend to all parts of the state.

SECTION 10. EXAMINATION, QUALIFICATIONS AND LICENSING OF CONTRACTORS.—After the effective date of this act it shall be unlawful for any person to act in the capacity of a contractor, as herein defined, or to submit a bid for contract work within this state without first obtaining from the board a license therefor. To obtain a license an applicant shall submit to the board an application in writing containing the statement that the applicant desires the issuance of a license under the provisions of this act. Said application shall be made on a form prescribed
by the board and in accordance with its rules and regulations and shall be accompanied by the license fee required. If the application is for other than a renewal of a license there must be attached to the application a bank reference and two (2) individual references by persons engaged in a lawful business who have known applicant for at least three (3) years prior to the date of such written reference, who have no personal interest in the operations or control of the applicant and who are not relatives of applicant, or of any officer or director of a corporate applicant, such references to pertain to the character and financial responsibility of applicant.

In addition to such other reasonable qualifications as may be fixed by the board in its by-laws an applicant must have the following qualifications:

(a) Applicant must be of good reputation.

(b) Applicant has not been convicted of a felony; provided that the board may in its discretion waive this disqualification.

(c) Applicant has not been refused a contractor's license in Idaho or in any other state, and has not had a contractor's license issued in Idaho or in any other state, revoked or suspended for a cause which would preclude the granting of the license applied for hereunder.

No license may be issued to a person, as defined herein, if such person is disqualified from obtaining such license under any law of the state of Idaho. No license may be issued to a corporation unless such corporation is qualified to do business in the state of Idaho.

Section 11. Licensing of Persons Now Engaged in Contracting.—A person or party who shall be engaged in the contracting business at the date this act becomes effective shall be entitled to a license upon the payment by such person or party of the license fee set by this act and the filing of bond or deposit of cash as required in section 12 of this act, if application for such license is made to the board within ninety (90) days after the effective date of this act and the license fee is paid therefor.

Section 12. Bond for Compliance.—No new license, as distinguished from renewal of an existing license, shall be issued by the board unless the applicant for such new license shall file, or have on file with the board, a bond
issued by a surety company qualified to engage in business in Idaho in the principal amount of $1,000 running to the state of Idaho and conditioned upon applicant's compliance with all provisions of this act; or in lieu thereof applicant may deposit with the board cash in the amount of $1,000. Any person damaged because of a violation of this act by a contractor who has posted such bond, or made such deposit, may bring an action in a court of competent jurisdiction within the state of Idaho on the bond of such contractor, or against the cash deposit if made, for the damages he has suffered because of such violation. All like claims which may be filed within thirty (30) days after the first such action is filed and thereafter diligently prosecuted to final judgment, shall share pro rata in the proceeds of such bond, or cash if deposited, if the bond, or cash deposit is not sufficient to pay all of such judgments in full. The total liability under such bond, or cash deposit, shall be $1,000.

The partial payment of any such claim shall not be considered as full payment and such claimant may bring a separate action against such contractor for any remaining unpaid balance thereof.

Failure of an applicant for license herein to file such required bond, or cash deposit, shall constitute ground for denying the application for license. The bond or cash deposit shall remain in full force and remain deposited with the board during the first year's operation of said licensee as a licensed contractor hereunder and shall be kept in effect thereafter unless released by order of the board.

SECTION 13. LICENSE FEES—GRANTING OF LICENSES—RENEWAL OF LICENSES.—Each applicant for a contractor's license shall pay a license fee of $40.00; provided, however, the following applicants shall pay a license fee of $5.00:

(a) An applicant holding a valid electric contractor's certificate issued under the provisions of Chapter 10, Title 54, Idaho Code.

(b) Applicant holding a valid plumbing contractor's certificate issued under the provisions of Chapter 27, Title 39, Idaho Code.

(c) Applicant holding a valid public works contractor's license issued under the provisions of Chapter 19, Title 54, Idaho Code.
(d) Any individual applicant who, having been a bona fide resident of the state of Idaho for a period of six (6) months or more immediately preceding the filing herein required and who certifies in writing to the board that his estimate of his gross contract income during the licensing period for which application is made will not exceed $1,200.00, shall be exempt from the licensing and bond provisions of this act. However, in the event that said applicant's gross contract income during such period exceeds $1,200.00, the licensing and bond provisions of this act will apply to such applicant under such regulations as may be prescribed by the board.

Following receipt of the application and license fee as required by the board and after such investigation as may be required by direction of the board the secretary shall, within twenty (20) days after the application is received, notify the applicant of approval or rejection of the application. If the application is approved, and if the $1,000 bond, or the $1,000 cash deposit, hereinabove required, has been furnished by the applicant in the case of a new application, the board shall issue a license to the applicant permitting him to engage in business as a contractor under the terms of this act. Provided, that the board may in its discretion grant a license at any time after the application is filed within such twenty (20) days period; and provided further that any applicant holding a valid contractor's license issued by any other state may engage in construction work within Idaho until the application for license made by such person is passed upon by the board.

Application for renewal of a current license prior to the expiration date thereof shall authorize licensee to operate as a contractor until he is notified by the board that this application for renewal is denied. Each license granted by the board shall be in effect for one (1) year expiring, however, on the following June 30th. Application for renewal of licenses shall be filed with the board not later than June 30th of each year. After a license has been suspended for failure to renew for a period of one (1) or more fiscal years a new application for license must be made and a new license issued in accordance with the provisions of this act.

**SECTION 14. REFUSAL OF LICENSE—SUSPENSION OR REVOCATION OF LICENSE.**—The board may refuse a license to an applicant who does not have the qualifications prescribed in this act and may refuse a license
for failure of an applicant to comply with the provisions of this act, or with the regulations of the board. The board may suspend or revoke an issued license or refuse the renewal of a license upon any of the following grounds:

(a) Violation of this act by the licensee;

(b) Judgment of a court of competent jurisdiction in this state or any other state, which has become final, adjudging and decreeing that such licensee has been guilty of act harmful or detrimental to the safety or protection of the public in the procurement, or in the performance of construction work, as such work is defined in this act, or adjudging and decreeing such licensee to be guilty of fraud, deceit or dishonesty in connection therewith;

(c) Judgment of a court of competent jurisdiction, in this or any other state, which has become final, adjudging or decreeing that such licensee has failed to comply with or complete construction as herein defined for which such licensee has contracted, unless such licensee had been released therefrom by agreement of the other contracting party or parties;

(d) Judgment of a court of competent jurisdiction, in this or any other state, which has become final, adjudging or decreeing that such licensee had misused or misappropriated funds of another;

(e) Judgment of a court of competent jurisdiction, in this or any other state, which has become final, adjudging or decreeing that such licensee had illegally or wrongfully, or in violation of a construction contract, allowed a lien or liens to be filed against the property upon which such work was being done by suppliers or laborers of such licensee and failure of the licensee to effect the release of such lien or liens within sixty (60) days after the same had been filed;

(f) The filing of a voluntary petition in bankruptcy or receivership by licensee;

(g) Licensee being convicted of a felony and said conviction having become final; provided that the board may waive such ground.

In any case of refusal by the board to issue or renew or in case of suspension or revocation of a license by the board, the affected licensee shall have the opportunity of a hearing
before the board at which time he may be represented by counsel of his own choosing.

**SECTION 15. HEARING—PROCEDURE—APPEALS.**

—Any hearing before the board involving the denial of license, refusal to renew a license, suspension or revocation of a license shall be public if request is made therefor by the affected applicant or licensee. Process and procedure under this act shall be as summary and simple as reasonably may be and in accordance with the rules of equity. Hearing shall be held at a point within the county wherein such applicant, or licensee resides and twenty (20) days written notice of any such hearing shall be given the affected applicant or licensee in the manner set forth in the by-laws or regulations of the board. Upon request of any party, a stenographic report of the testimony at any hearing shall be taken at the cost of such party. Witnesses subpoenaed by the board shall be allowed such fees and travel expenses as are allowed in civil actions in a district court to be paid by the party in whose interest such witnesses are subpoenaed. The board shall subpoena witnesses requested by applicant or licensee. Fee shall be paid for serving process of the board in such amount as may be allowed by the board but not to exceed the fees allowed by law for service of similar process issued by a district court of the state of Idaho. Applicant or licensee shall have the right to cross-examine any opposing witness. After any such hearing is concluded and the matter submitted to the board, the board shall, within twenty (20) days after submission, render its decision in writing and immediately furnish a copy thereof to the applicant or licensee, or to his attorney. Such notice may be personally delivered or delivered by mail. The applicant or licensee, as the case may be, shall have the right to appeal such decision to the district court of the judicial district of the state of Idaho in which such hearing was held by serving a written notice thereof on the secretary of the board, by delivering a copy thereof to the secretary, within twenty (20) days after entry of the decision of the board. Thereupon, within thirty (30) days after receipt of such notice of appeal, the board shall prepare, certify and file with the clerk of said district court a true copy of the decision appealed from and all documents and exhibits filed or introduced in connection therewith, or true copies thereof certified by the secretary, and shall also deliver a copy thereof to the appellant together with a copy of the transcript of evidence, if such be made. The person appealing from the decision of the board, at the time of serv-
ing notice of appeal on the secretary, shall pay to him the sum of twenty cents for each one hundred words of the transcript of the records and proceedings, certified by the secretary to the district court. The matter upon appeal shall be heard de novo by said district court without a jury and shall be heard on questions of both law and fact. The district court shall have power to either modify, affirm, or reverse the action of the board, and upon the entry of the judgment of the said district court a certified copy thereof shall be forthwith filed with the board and its decision shall be modified to conform to the judgment of the court. Appeals may be taken from the judgment of said district court to the Idaho Supreme Court by either party in the manner and within the time provided in the Idaho Rules of Civil Procedure. On any appeal to the district court by a licensee the court may, in its discretion, upon the filing of a proper bond by the licensee in an amount of $1,000, guaranteeing the compliance by the licensee with the conditions imposed upon him in the decision of the board, if any, permit the licensee to continue to engage in his business as a contractor pending entry of judgment by the district court and if any appeal is taken from the decision of the district court, if such bond has previously been filed, may continue to engage in his business as a contractor pending final judgment of the Idaho Supreme Court.

SECTION 16. COURT SUSPENSIONS OR REVOCATIONS—INJUNCTION.—Any license issued by the board in this act provided may also be suspended or revoked by action of any district court of the state of Idaho in any action involving the performance by licensee of his legal obligations as a contractor and any district court may, upon petition by the board, restrain any contractor, as defined in this act, from entering into or executing any construction contract within the state if such contractor is not licensed as herein provided.

SECTION 17. ENFORCEMENT OF CONTRACT—COLLECTION OF COMPENSATION.—A contractor subject to the provisions of this act, who does not hold a valid license hereunder, shall not bring an action in any court in the state of Idaho, or in a Federal court for the district of Idaho, to collect any compensation which may be owing him for construction work performed within the state of Idaho.

SECTION 18. IDAHO PRIVATE CONTRACTORS BOARD FUND.—The Idaho State treasurer shall be cus-
todian of a fund, which is hereby created, to be known as "Idaho Private Contractors Board Fund" into which shall be paid and deposited all funds accrued or received under any and all provisions of this act. All monies from whatever source accruing to or received by said fund are hereby appropriated for the payment of the costs and expenses of the administration and enforcement of this act as herein provided and the same shall be paid out by the state treasurer only upon state vouchers prepared and approved by the Idaho Private Contractors Board certified to by the chairman of the board and approved by the state board of examiners.

SECTION 19. TITLE.—This act shall be known as "Idaho Private Contractors License Act".

SECTION 20. PENALTIES.—Any person, firm, co-partnership, corporation, association or other organization, engaging in the business of a contractor as herein defined, without a license as herein provided, or violating any other provision of this act, shall upon conviction thereof, be punished by a fine not less than $50.00 and not to exceed $300.00, or imprisonment in the county jail for a period not to exceed six (6) months, or both fine and imprisonment in the discretion of the court. The same penalty shall apply upon conviction of a co-partner, or any managing or directing officer of a corporation or other organization knowingly consenting to, participating in or aiding or abetting any such violation.

SECTION 21. SEPARABILITY.—If any portion of this act shall be declared to be invalid or unconstitutional, it shall not invalidate the other provisions thereof.

Approved March 8, 1965.

CHAPTER 108  
(S. B. No. 130)  
AN ACT  
AMENDING SECTION 67-4402, IDAHO CODE, TO PROVIDE THAT THE MEMBERS OF THE LAVA HOT SPRINGS FOUNDATION MAY CONTRACT WITH FEDERAL, STATE AND LOCAL GOVERNMENTAL AGENCIES FOR FLOOD CONTROL PROJECTS, MULTIPLE USE WATER RESOURCE DEVELO-
OPMENT AND ANY OTHER PROJECTS CONDUCIVE TO THE ATTAINMENT OF THE PURPOSES OF THE FOUNDATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-4402, Idaho Code, be, and the same is hereby amended to read as follows:

67-4402. POWERS AND DUTIES OF FOUNDATION—ANNUAL MEETING.—The said foundation is hereby authorized and it is made its duty to take charge of all personal property and the lands and property of the state of Idaho situated within and near the village of Lava Hot Springs and hereinafter more fully described, to have a general supervision and control of all buildings, improvements, and property appertaining thereto. Said foundation shall have the authority to lease any real or personal property not used or needed by the foundation, to an individual or company, subject to approval by the board of examiners of the state of Idaho, for a period not exceeding ninety-nine years, as the purposes of the corporation or individual may require, subject to such limitations as may be prescribed by law; to enter into contracts with federal, state, and local governmental agencies for flood control projects and measures, for multiple use water resource development, and for any other project or measure incidental or conducive to the attainment of the purposes of the foundation; and, in general, to exercise such powers as are incidental or conducive to the attainment of the purposes of the foundation. The said members of the said foundation shall meet annually on the 4th Monday of January in each year and, in addition thereto, at such other times as the said members may prescribe. Any lease or leases made pursuant to the provisions of this section shall be exempt from the limitations as to term of lease set forth in section 58-307, Idaho Code.

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

Approved March 8, 1965.
CHAPTER 109
(S. B. No. 122)

AN ACT

AMENDING SECTION 14-326, IDAHO CODE, RELATING TO RESTRICTIONS ON THE AMOUNT OF TESTAMENTARY BEQUESTS OR DEVISES TO CHARITABLE USES BY ELIMINATING SUCH RESTRICTIONS IN ANY CASE WHERE PROPERTY HAVING AN AGGREGATE APPRAISED VALUE OF $100,000, OR MORE, SHALL BE DISTRIBUTABLE TO ANY LINEAL DESCENDANT OR DESCENDANTS OF A TESTATOR PURSUANT TO A SPECIFIC OR RESIDUARY DEVISE OR BEQUEST, AND IN ANY CASE WHERE AS THE RESULT OF MAKING ANY REQUIRED PRO RATA DEDUCTION FROM CHARITABLE DEVISES OR BEQUESTS PROPERTY HAVING AN AGGREGATE APPRAISED VALUE OF $100,000 SHALL THEREBY BECOME DISTRIBUTABLE TO A RESIDUARY LEGATEE OR DEVISEE, NEXT OF KIN OR HEIRS, ACCORDING TO LAW; AND, IN SUCH CASES, PERMITTING CHARITABLE DEVISES OR BEQUESTS TO BE MADE IN ANY AMOUNT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 14-326, Idaho Code, be, and the same is hereby amended to read as follows:

14-326. DEVISE TO CHARITABLE USES.—(a) No estate, real or personal, shall be bequeathed or devised to any charitable or benevolent society or corporation, or to any person or persons in trust for charitable uses, except the same be done by will duly executed at least thirty days before the decease of the testator; and if so made at least thirty days prior to such death such devise or legacy, and each of them, shall be valid; provided, that, except as hereinafter provided for, no such devises or bequests shall collectively exceed one-third of the estate of the testator leaving lineal descendants, and in such case, subject to the limitation hereinafter provided for, a pro rata deduction from such devises or bequests shall be made so as to reduce the aggregate thereof to one-third of such estate; and all dispositions of property made contrary hereto shall be void, except as hereinafter otherwise provided, and go to the residuary legatee or devisee, next of kin, or heirs, according to law.

(b) In any case where property, wherever situated, hav-
ing an aggregate appraised value of $100,000.00, or more, shall be distributable to any lineal descendant or descendants of a testator pursuant to any specific or residuary devise or bequest to any such descendant or descendants, then bequests or devises, in any amount, made by such testator to any charitable or benevolent society or corporation, or to any person or persons in trust for charitable uses contained in a will executed at least thirty days before his death shall be valid without regard to the one-third limitation herein otherwise imposed.

(c) And in any case where as the result of making any pro rata deduction from such devises or bequests as herein required property, wherever situated, having an aggregate appraised value of $100,000.00 shall thereby become distributable to a residuary legatee or devisee, next of kin, or heirs, according to law, no further deduction shall be required and the remainder of such devises or bequests to any charitable or benevolent society or corporation or to any person or persons in trust for charitable uses, in any amount, shall be valid without regard to the one-third limitation herein otherwise imposed.

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 8, 1965.

CHAPTER 110
(S. B. No. 132)

AN ACT
AMENDING SECTION 28-122, IDAHO CODE, RELATING TO INDEBTEDNESS OF CEMETERY MAINTENANCE DISTRICTS BY ADDING NEW MATERIAL TO PROVIDE FOR INCURRING INDEBTEDNESS FOR THE PURCHASE OF BURIAL GROUND FOR A TERM OF NOT TO EXCEED FIVE YEARS.

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

SECTION 1. That Section 28-122, Idaho Code, be, and the same is hereby amended to read as follows:

28-122. INDEBTEDNESS PROHIBITED — EXCEP-
TION.—The cemetery maintenance board or other officers of the district, shall have no power to incur any debt or liabil­ity whatever, either by issuing bonds or otherwise, in excess of the express provisions of this chapter; and any debt or liability incurred in excess of such provisions shall be and remain absolutely void; provided, that for the pur­pose of organization or for any of the purposes of this chapter, the cemetery maintenance board may before mak­ing the tax levy in the first year after the organization, incur an indebtedness not exceeding in the aggregate a sum equal to five cents on each $100.00 in assessed value of taxable property within the district. Provided, further, the board of any district shall have authority to incur in­debtedness for the sole purpose of purchasing burial ground, which indebtedness shall not exceed a term of five years.

Approved March 8, 1965.

CHAPTER 111
(S. B. No. 140)

AN ACT

AMENDING SECTION 34-1601, IDAHO CODE, RELATING TO THE TIME FOR HOLDING SPECIAL ELECTIONS.

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

SECTION 1. That Section 34-1601, Idaho Code, be, and the same is hereby amended to read as follows:

34-1601. CONDUCT OF SPECIAL ELECTIONS.—Special elections shall be conducted and the results thereof canvassed and certified in all respects, as near as practi­cable, in like manner as general elections, except as other­wise provided; but special elections shall not be held, un­less when required by public good, and in no case within ninety (90) days next preceding a general election of the unit of government holding such special election.

Approved March 8, 1965.
AN ACT

PERMITTING COUNTIES, CITIES, VILLAGES, AND OTHER MUNICIPAL CORPORATIONS OF THE STATE OF IDAHO TO ENTER INTO, AMEND, AND TERMINATE AGREEMENTS BETWEEN OR AMONG THEMSELVES, FOR THE PERFORMANCE AND FINANCING OF THEIR RESPECTIVE FUNCTIONS, POWERS, AND DUTIES AND PROVIDING THAT NO SUCH AGREEMENT SHALL BE VALID UNLESS APPROVED BY A TWO-THIRDS VOTE OF THE GOVERNING BODY OF EACH RESPECTIVE PARTICIPATING PARTY; AND PROVIDING THAT NO IMPROVEMENT PROVIDED BY SUCH AGREEMENTS SHALL DUPLICATE THE EXISTING FACILITIES OF ANY UTILITY.

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

SECTION 1. In addition to any other general or special powers vested in counties, cities, villages, and other municipal corporations of the State of Idaho, including but not being limited to, school districts, highway districts, fire districts, irrigation districts, drainage districts, sewer districts, and airports for the performance of their respective functions, powers, or duties on an individual, cooperative, joint or contract basis, the said units of government, municipal corporations, or districts shall have the power to enter into, amend, and terminate agreements for the performance, and financing jointly between or among themselves, of their respective functions, powers, and duties; provided that no improvements provided for by such agreements shall duplicate the existing facilities of any utility.

SECTION 2. No agreement entered into pursuant to this act shall be valid unless and until each participating unit of government, municipal corporation, or district shall have the approval thereof by a two-thirds vote of its governing body.

Approved March 11, 1965.
C. 113 '65

IDAHO SESSION LAWS

CHAPTER 113
(H. B. No. 144)

AN ACT

AMENDING SECTION 9-202, IDAHO CODE, RELATING TO DISQUALIFICATION OF WITNESSES BY PROVIDING THAT IN ACTIONS AGAINST AN EXECUTOR OR ADMINISTRATOR UPON A CLAIM OR DEMAND AGAINST THE ESTATE OF A DECEASED PERSON, PARTIES MAY NOT TESTIFY AS TO ANY COMMUNICATION, OR AGREEMENT, NOT IN WRITING, OCCURRING BEFORE THE DEATH OF SUCH DECEASED PERSON; RESTRICTING APPLICATION TO CLAIMS OR ACTIONS ARISING AFTER THE EFFECTIVE DATE HEREOF; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 9-202, Idaho Code, be, and the same is hereby amended to read as follows:

9-202. WHO MAY NOT TESTIFY.—The following persons cannot be witnesses:

1. Those who are of unsound mind at the time of their production for examination.

2. Children under ten years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly.

3. Parties or assignors of parties to an action or proceeding, or persons in whose behalf an action or proceeding is prosecuted against an executor or administrator, upon a claim or demand against the estate of a deceased person, as to any matter-of-fact communication or agreement, not in writing, occurring before the death of such deceased person.

SECTION 2. The amendment incorporated herein shall be applicable only to those claims or demands against the estate of a deceased person arising subsequent to the effective date of this act.

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

Approved March 11, 1965.
CHAPTER 114
(S. B. No. 147)

AN ACT

AMENDING SECTION 19-4803, IDAHO CODE, BY AUTHORIZING THE SUPERINTENDENT OF THE IDAHO STATE POLICE TO DISCHARGE, DEMOTE OR TEMPORARILY Suspend ANY EMPLOYEE FOR REASONABLE CAUSE WITHOUT A HEARING; AND PROVIDING THAT SUCH EMPLOYEE MAY THEREAFTER REQUEST AND BE GRANTED A HEARING AS PROVIDED BY SECTION 19-4805, IDAHO CODE, TO DETERMINE WHETHER THE ACTION OF THE SUPERINTENDENT WAS JUSTIFIED.

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

SECTION 1. That Section 19-4803, Idaho Code, be, and the same is hereby amended to read as follows:

19-4803. DUTIES OF SUPERINTENDENT.—The superintendent, with the approval of the board of examiners and within the limits of any appropriation made available for such purposes, shall for such Idaho state police:

a. establish such ranks, grades and positions as shall appear advisable and designate the authority and responsibility in each such rank, grade and position;

b. for each such rank, grade and position set standards and qualifications and fix prerequisites of training, education and experience, prescribe the salaries to be paid and allowances to be granted, including uniform allowances, travel and subsistence allowances and allowances for removal of personal effects upon change of station pursuant to official orders from one post of duty to another;

c. appoint such personnel to such rank, grade and position as are deemed by him to be necessary for the efficient operation and administration of the Idaho state police and devise and administer examinations designed to test applicants for the position therein, and only those applicants shall be appointed or promoted, who best meet the prescribed standards and prerequisites; provided, however, that all employees shall be selected in the manner provided for by section 19-4805, as amended by this act, and shall be probationers and on probation for a period of one year from date of appointment;
d. formulate and place in effect such rules for the Idaho state police as from time to time appear to him advisable;

e. discharge, demote or temporarily suspend after hearing, for reasonable cause, any employee of the Idaho state police without a hearing; provided however, that such employee may request a hearing, as provided in section 19-4805, Idaho Code, to determine whether such action of the superintendent was justified under the circumstances shown to exist; any employee in such Idaho state police;

f. prescribe by official order the uniform and equipment of the employees in such Idaho state police;

g. charge against each employee the value of any property of the state lost or destroyed through the carelessness or neglect of such employee;

h. station employees in such localities as he shall deem advisable for the enforcement of the laws of the state;

i. have purchased, or otherwise acquired, by the purchasing agent of the state, motor equipment and all other equipment and commodities deemed by him essential for efficient performance of the duties of the Idaho state police and purchase and install approved mechanical devices and equipment for the rapid transmission and broadcasting of information relative to crime, apprehension of criminals and the administration of the business of the Idaho state police;

j. establish and maintain information, data, and fingerprint records for the identification of criminals as hereinafter provided, procure and maintain equipment therefor;

k. the superintendent shall cause a copy of the official order prescribing the uniform of the Idaho state police issued by him pursuant to subsection f. of this section, as amended, together with a facsimile of such uniform and equipment, to be filed with the secretary of state. Any person who shall impersonate or hold himself out as a member of the Idaho state police without being a member of said Idaho state police or who shall without authority wear as clothing the prescribed uniform of the Idaho state police or any part thereof shall be guilty of a misdemeanor and shall be fined not more than $1,000 or imprisoned for not more than one (1) year, or by both such fine and imprisonment.
1. (1) Upon the effective date of this act the superintendent, with the approval of the board of examiners shall enter into a contract with an insurance company licensed to do business in Idaho to purchase group insurance on the lives of all eligible members of the Idaho state police.

(2) There shall be issued to every eligible member of the Idaho state police and pursuant to the contract provided for in subsection (1) thereof, a term group life insurance certificate in the face amount of $10,000 on the life of such members. Said insurance certificate shall set forth the name or names of such beneficiary or beneficiaries as the insured may name or designate.

(3) Any eligible person entering the employ of the Idaho state police as an active police officer after the effective date of this act shall be insured as other members of said Idaho state police immediately upon taking the oath of office.

(4) Every member of the Idaho state police, upon termination of active duty or permanent release, may surrender said certificate to the head of the department, or, at his option, may convert the insurance in accordance with the provisions of the contract, and no further premiums shall be paid on said policy by the state of Idaho.

(5) The superintendent is hereby directed to hereafter include in the biennial budget of the Idaho state police an amount sufficient to pay the annual premiums accruing on policies of insurance purchased under the provisions of this act.

(6) The premiums on the insurance herein provided for are to be paid one-half by the employee and one-half by the state. The superintendent is hereby authorized to make a monthly deduction on the payroll of the amount due from each employee under this act and to remit the same, with the state's contribution, to the insurance company holding the contract for the insurance.

(7) Participation in and recovery on the group life insurance policy hereinbefore provided shall act to prevent recovery by any member of the Idaho state police of any and all claims against the state of Idaho other than claims coming under the jurisdiction of the industrial accident board. No provisions of title 41, Idaho Code, shall be construed to prohibit the execution of a contract to that effect.

Approved March 11, 1965.
CHAPTER 115  
(S. B. No. 136)  

AN ACT  
AMENDING SECTION 34-203, IDAHO CODE, RELATING TO ELECTION OF GOVERNOR, TO DELETE A PROVISION REPEALED BY CONSTITUTIONAL AMENDMENT.  

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

SECTION 1. That Section 34-203, Idaho Code, be, and the same is hereby amended to read as follows:  

34-203. STATE OFFICERS.—At the general election, in the year 1946, and every fourth year thereafter, there shall be elected the following state officers, to-wit: One governor, one lieutenant governor, one secretary of state, one state treasurer, one state auditor, one superintendent of public instruction, and one attorney-general. From and after the election of 1946, the governor shall not succeed himself in office but shall be eligible to hold such office after a lapse of one full term. In each representative and senatorial district of the state such representatives and senators as they may be severally entitled to, shall be elected in the year 1946 and every alternate year thereafter.  

Approved March 11, 1965.  

CHAPTER 116  
(S. B. No. 128)  

AN ACT  
AMENDING SECTION 72-1835, IDAHO CODE, AS AMENDED, DELETING REFERENCE TO DEFERRED ANNUITY AND LONG-TERM DISABILITY CONTRACTS; PROVIDING FOR RETIREMENT BENEFITS TO EMPLOYMENT SECURITY AGENCY PERSONNEL BY PROVIDING FOR FUTURE SERVICE ACCRUALS TO APPOINTEES OF THE GOVERNOR; PROVIDING FOR INVESTMENT OF INTEREST AND DIVIDENDS FOR PURCHASE OF ADDITIONAL EMPLOYEE BENEFITS; INCLUDING AS CREDITED SERVICE THE TIME DURING WHICH EMPLOYEES OF THE EMPLOYMENT SECURITY AGENCY ARE DIRECTED TO WORK IN RELATED BUT NON-EMPLOYMENT SECURITY AGENCY PROGRAMS;
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 72-1335, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1335. PERSONNEL.—(a) Subject to other provisions of this act, the director is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, employees, and other persons as may be necessary in the performance of his duties under this act. The director may delegate to any such person such power and authority as he deems reasonable and proper for the effective administration of this act, and may in his discretion bond any person handling moneys or signing checks hereunder, such bond to be paid for out of the employment security administration fund.

(b) (1) Subject only to the provisions of this act and such additional provisions consistent therewith as the director shall by regulations prescribe, the director is authorized and directed to establish a group pension plan providing retirement, disability, and death benefits for employees of the employment security agency through the means of deferred annuity and long-term disability group contracts negotiated with an insurer, licensed and qualified to do business under the laws of the state of Idaho, on a competitive basis.

(2) Employees covered by the plan shall include all employees (other than temporary and hourly-rated employees) who are in employee status with the employment security agency on or after the effective date of the plan.

(3) Credited service shall mean all service by employees in the employ of the employment security agency (exclusive of leaves without pay other than military leave) as follows:

(ai) Past service rendered prior to the effective date of the plan by employees; for this purpose prior service shall include service in any of the predecessor, component organizations thereof, as determined appropriate by the director on the effective date, and shall also include leave-of-absence for military service occurring within a period
of otherwise continuous service in any such predecessor organizations.

(bii) Future service rendered on and after said effective date, except that future service accruals, other than for appointees of the governor, shall terminate at the end of the month within which an employee reaches the age of 65.

(iii) An employee of the agency placed on loan or special duty with other governmental units may be deemed to be in credited service when the costs of continuing credited service are made reimbursable in accordance with agreement approved by the director.

(4) For each year of credited service each employee covered under the plan shall receive a monthly pension commencing upon retirement at or after age 65 and continuing until death, of not less than:

<table>
<thead>
<tr>
<th>Pension as % of Earnings</th>
<th>Monthly Earnings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1%</td>
<td>First $350.00</td>
</tr>
<tr>
<td>2%</td>
<td>Over 350.00</td>
</tr>
</tbody>
</table>

except that with respect to credited service before the effective date of the plan such monthly pension shall be computed at the monthly rate of earnings in effect for the employee as of the effective date of the plan. Appropriate schedules and conditions for early retirement and contingency annuity option shall be included in the insurance contract. Notwithstanding any other provisions of this section to the contrary, the executive director is authorized and directed to negotiate with the insurer to invest any interest, dividends, earnings, or other monies accruing to the funds financing the employees' retirement program with the insurer to purchase additional retirement benefits. The purchase of said additional benefits shall be contingent upon actuarial appraisals of the plan and shall be based on sound actuarial principles. Total retirement benefits to be provided under the program shall meet the requirements of the Internal Revenue Service for integration purposes.

(5) An employee who becomes totally disabled after having completed at least ten years of service will, upon submission of medical evidence satisfactory to the insuring company, be eligible for a disability annuity which, together with any other form of disability pay, will not exceed on a salary bracket basis approximately one-third of
his average salary for the two-year period immediately preceding the commencement of his disability. Such disability annuity shall be payable, after a 26-week elimination period, until death, recovery, or attainment of age 65 (at age 65 the employee becomes entitled to his normal retirement pension which has accumulated for service prior to his disablement.)

(6) The cost of past service, future service and disability pensions shall be calculated according to sound actuarial principles. Cost of the plan, including funding of past service pensions which shall be funded over a period of time consistent with good insurance practices, shall be paid from the employment security administration fund established by section 72-1347 of this act, except that each. Payments each year from said fund toward the purchase of future service pensions for employees shall not be less than the aggregate amount contributed during the year by employees. Each employee covered under the plan shall by payroll deduction contribute toward the cost of future service pensions at not less than the following rates:

<table>
<thead>
<tr>
<th>Rate of Monthly Contribution</th>
<th>Monthly Earnings</th>
</tr>
</thead>
<tbody>
<tr>
<td>3%</td>
<td>First $350.00</td>
</tr>
<tr>
<td>6%</td>
<td>Over 350.00</td>
</tr>
</tbody>
</table>

(7) Upon termination of service, an employee shall receive the refund of his contributions plus interest. A vested employee, as provided in the insurance contract, who leaves his contributions in the plan will remain entitled to the pension purchased by the employer contributions on his behalf, and all other privileges under the plan.

(8) If an employee dies more than ten years before his normal retirement date, all of his contributions plus interest will be returned to a previously-named beneficiary. The following provisions of this subsection shall be subject to a contingency annuity option. If an employee dies on or after the date ten years prior to his normal retirement date, it will be assumed that he retired on the first day of the month following his date of death, and his beneficiary shall receive, beginning on the assumed retirement date, 120 monthly pension payments. The amount of monthly pension payable will be based on the credit accrued to that time and the employee's assumed earlier retirement age. If death occurs after retirement but before 120 monthly pension payments have been made, the monthly pension
will be continued to his beneficiary until a total of 120 monthly payments have been made.

(9) The plan shall become effective on a date agreed upon by the director and the insurer subject to other applicable provisions of the Employment Security Law and the approval of the bureau of employment security, U.S. Department of Labor.

Approved March 11, 1965.

CHAPTER 117
(S. B. No. 40)

AN ACT

AMENDING SECTION 26-2104, IDAHO CODE, BY GRANTING CREDIT UNIONS POWER TO MAKE LOANS TO OTHER CREDIT UNIONS; AMENDING SECTION 26-2105, IDAHO CODE, PERTAINING TO CREDIT UNION MEMBERSHIP, BY PROVIDING FOR PERPETUATION OF MEMBERSHIP UPON LEAVING EMPLOYMENT AND TERMINATION OF MEMBERSHIP BY DEATH; AMENDING SECTION 26-2106, IDAHO CODE, AS AMENDED, RELATING TO AUDITS OF CREDIT UNIONS AND PROVIDING FOR AUDITS OF CREDIT UNIONS WITH ASSETS LESS THAN $25,000.00; AMENDING SECTION 26-2109, IDAHO CODE, BY PROVIDING FOR A MEMBERSHIP OFFICER AND PROVIDING FOR INTEREST REFUNDS; AMENDING SECTION 26-2110, IDAHO CODE, BY EMPOWERING THE CREDIT COMMITTEE TO APPOINT A LOAN OFFICER WITH AUTHORITY TO MAKE LOANS UP TO THE UNSECURED LIMIT BUT NOT EXCEEDING UNPLEDGED SHARES; AMENDING SECTION 26-2111(b), IDAHO CODE, BY PROVIDING THAT COPIES OF THE ANNUAL AUDIT AND REPORT BE SUBMITTED TO THE DIRECTORS AND THE COMMISSIONER OF FINANCE, AND REQUIRING VERIFICATION OF ACCOUNTS ANNUALLY; AMENDING SECTION 26-2117, IDAHO CODE, BY PROVIDING THAT COMMISSIONER OF FINANCE MAY REQUIRE ADDITIONAL RESERVES, AND OTHERWISE REGULATING RESERVES FOR DELINQUENT LOANS; AMENDING SECTION 26-2118, IDAHO CODE, AS AMENDED, BY PROVIDING FOR PAYMENT OF PROPORTIONATE DIVIDENDS EARNED; AMENDING SECTION 26-2120, IDAHO CODE, BY ADDING A NEW SECTION PERTAINING TO CONVERSION OF STATE
CHARTERED CREDIT UNIONS TO FEDERAL CHARTERED CREDIT UNIONS, AND FEDERAL CHARTERED CREDIT UNIONS TO STATE CHARTERED CREDIT UNIONS; BY ADDING A NEW SECTION DESIGNATED AS 26-2123, IDAHO CODE, TO PERMIT THE MERGER OF EXISTING STATE CHARTERED CREDIT UNIONS AND PROVIDING FOR THE PROCEDURES TO BE FOLLOWED THEREIN.

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

SECTION 1. That Section 26-2104, Idaho Code, be, and the same is hereby amended to read as follows:

26-2104. POWERS.—A credit union shall have the following powers:

a. To receive the savings of its members either as payment on shares or as deposits (including the right to conduct Christmas Clubs, Vacation Clubs and other such thrift organizations within the membership).

b. To make loans to members for provident or productive purposes.

c. To make loans to a co-operative society or other organization having membership in the credit union or to other credit unions.

d. To deposit in state and national banks and, to an extent which shall not exceed twenty-five per cent of its capital, invest in the paid up shares of building and loan associations and of other credit unions.

e. To invest in any investment legal for savings banks or trust funds in the state.

f. To borrow money as hereinafter indicated.

SECTION 2. That Section 26-2105, Idaho Code, be, and the same is hereby amended to read as follows:

26-2105. MEMBERSHIP.—Credit union membership shall consist of the incorporators and such other persons as may be elected to membership and subscribe to at least one share, pay the initial instalment thereon and the entrance fee. Organizations (incorporated or otherwise) composed for the most part of the same general group as the credit union membership may be members. Credit union organization shall be limited to groups (of both large and small membership) having a common bond of occupation, or association or to groups within a well-defined neighborhood, community or rural district. Subject to the conditions here-
in contained a member who ceases to be within the field of membership of his credit union may retain his membership therein but may not borrow therefrom in excess of his share holdings. The share account of a deceased member, other than one held in joint tenancy with another member, may be continued until the close of the dividend period in which his death occurs, and shall be transferred to an account payable unless the account is withdrawn within thirty (30) days after the close of such dividend period.

SECTION 3. That Section 26-2106, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

26-2106. SUPERVISION AND REPORTS—EXAMINATION OR AUDIT—EXAMINATION FEES—REVERSION OF CERTIFICATE FOR VIOLATION OF ACT.
—Credit unions shall be under the supervision of the commissioner of finance. They shall report to him at least annually on or before the first day of March on blanks supplied by the said commissioner of finance for the purpose. Additional reports may be required. Credit unions shall be examined at least annually by the said commissioner of finance except that, if a credit union has assets of less than $25,000, he may accept the audit of a practicing public accountant in place of such examination. The commissioner of finance shall fix a scale of examination fees to be paid by state credit unions, giving due consideration to the time and expense incident to such examinations, and to the ability of state credit unions to pay such fees, such fees to be fixed at a minimum charge of $5.00 and not to exceed a charge of $50.00 per examiner day, plus three cents per $100.00 of assets up to and including $500,000, plus one cent per $100.00 of assets over $500,000 but not in excess of $1,000,000, plus one-half cent per $100.00 of assets over $1,000,000, which fees shall be assessed against and paid by each state credit union promptly after the completion of such examination. Examination fees collected under the provisions of this section shall be deposited in the banking and investment company administration fund, and shall be available for the purposes specified in section 26-2101. For failure to file reports when due, unless excused for cause, the credit union shall pay to the treasurer of the state $5.00 for each day of its delinquency. If the said commissioner of finance determines that the credit union is violating the provisions of this act, or is insolvent the said commissioner of finance may serve notice on the credit union of his intention to revoke the certificate of approval.
If, for a period of fifteen days after said notice, said violation continues, the said commissioner of finance may revoke said certificate and take possession of the business and property of said credit union and maintain possession until such time as he shall permit it to continue business or its affairs are finally liquidated. He may take similar action if said report remains in arrears for more than fifteen days.

SECTION 4. That Section 26-2109, Idaho Code, be, and the same is hereby amended to read as follows:

26-2109. DIRECTORS AND OFFICERS.—At their first meeting the directors shall elect from their own number a president, vice-president, treasurer and clerk, of whom the last two named may be the same individual. It shall be the duty of the directors to have general management of the affairs of the credit union, particularly:

a. To act on applications for membership, and to appoint a membership officer to act on applications for membership and report monthly to the board of directors.

b. To determine interest rates on loans and on deposits, and to establish interest refunds, and to authorize an interest refund to members of record at the close of any dividend period in proportion to the interest paid by them during that dividend period.

c. To fix the amount of the surety bond which shall be required of all officers and employees handling money.

d. To declare dividends, and to transmit to the members recommended amendments to the by-laws.

e. To fill vacancies in the board and in the credit committee until successors are chosen and qualify.

f. To determine the maximum individual share holdings and the maximum individual loan which can be made with and without security.

g. To have charge of investments other than loans to members.

The duties of the officers shall be as determined in the by-laws, except that the treasurer shall be the general manager. No member of the board or of either committee shall, as such, be compensated.
SECTION 5. That Section 26-2110, Idaho Code, be, and the same is hereby amended to read as follows:

26-2110. CREDIT COMMITTEE.—The credit committee shall have the general supervision of all loans to members. Applications for loans shall be on a form, prepared by the credit committee, and all applications shall set forth the purpose for which the loan is desired, the security, if any, offered, and such other data as may be required. Within the meaning of this section an assignment of shares or deposits or the endorsement of a note may be deemed security. At least a majority of the members of the credit committee shall pass on all loans and approval must be unanimous. No loan shall be made unless it is approved by a majority of the entire committee and by all members of the committee who are present at the meeting at which the application is considered; provided, however, that the credit committee may appoint one or more loan officers, and delegate to him or them the power to approve loans up to the unsecured limit allowed by the credit union bylaws, but in no case to exceed $750.00 unless such excess is fully secured by unpledged shares. The loan shall be approved or not approved by him within five (5) days of the date of the filing the application therefor. All loans not approved by a loan officer shall be acted upon by the credit committee. No individual shall have authority to disburse funds from the credit union for any loan which has been approved by him in the capacity as a loan officer. The credit committee shall meet as often as may be necessary after due notice to each member.

SECTION 6. That Section 26-2111, Idaho Code, be, and the same is hereby amended to read as follows:

26-2111. SUPERVISORY COMMITTEE.—The supervisory committee shall:

a. Make or cause to be made an examination of the affairs of the credit union at least quarterly, including an audit of its books, and submit the same to the board of directors, and, in the event said committee feels such action to be necessary, it shall call the members together thereafter and submit to them its report.

b. Make or cause to be made an annual audit and report and submit the same at the annual meeting of the members.

c. By unanimous vote, if it deem such action to be necessary to the proper conduct of the credit union, suspend any
officer, director or member of committee and call the members together to act on such suspension. The members at said meeting may sustain such suspension and remove such officer permanently or may reinstate said officer.

By majority vote the supervisory committee may call a special meeting of the members to consider any matter submitted to it by said committee. The said committee shall fill vacancies in its own membership.

d. Make or cause to be made a verification of all accounts of the members with the records of the Credit Union Treasurer annually.

SECTION 7. That Section 26-2117, Idaho Code, be, and the same is hereby amended to read as follows:

26-2117. RESERVES.—All entrance fees, fines (which may be provided by the by-laws for failure to make repayments on loans and payments on shares when due), and each year, before the declaration of a dividend, twenty percent of the net earnings, shall be set aside as a reserve fund which shall be kept liquid and intact and not loaned out to members, and shall belong to the corporation to be used as a reserve against bad loans and not be distributed except in case of liquidation. The Regular Reserve of each credit union shall be supplemented by a special reserve to be known as the Special Reserve for Delinquent Loans, which shall be equal to the excess of the sum of ten percent (10%) of the unpaid balances of loans delinquent more than two months and less than six months, plus twenty-five per cent (25%) of the unpaid balances of loans delinquent from six (6) months to less than twelve (12) months, and plus eighty per cent (80%) of the unpaid balances of loans delinquent twelve (12) months or more over the balance in the Regular Reserve. In the event it is necessary to supplement the Regular Reserve by a Special Reserve for Delinquent Loans, the transfer to the Special Reserve for Delinquent Loans shall be made as of December 31 of each year, and as of June 30 of each year if dividends are to be paid semiannually, from Undivided Earnings before any distribution of dividends. The maintenance of a Special Reserve for Delinquent Loans shall not eliminate the necessity for transferring net earnings as of the end of each dividend period to the regular Reserve as required herein. In the event the required transfer exceeds the balance of Undivided Earnings, only the balance of Undivided Earnings shall be transferred to the Special Reserve for Delinquent Loans.
When, as of the end of any dividend period, the amount in the Special Reserve for Delinquent Loans exceeds the amount required by the regulations in this part, the board of directors of the credit union may authorize the transfer of the excess to Undivided Earnings.

Upon written application by the board of directors of a credit union, the Commissioner of Finance of the State of Idaho may waive, in whole or in part, the requirement for the maintenance of the Special Reserve for Delinquent Loans contained herein.

SECTION 8. That Section 26-2118, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

26-2118. DIVIDENDS.—The board of directors may, at the end of any dividend period duly established, but not more often than semi-annually, declare a dividend from net earnings, which dividend shall be paid on all shares outstanding at the end of the 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. Such dividends shall be paid on all paid-up shares outstanding at the end of the period for which the dividend is declared. Shares which become fully paid up during such dividend period and are outstanding at the close of the period shall be entitled to a proportional part of such dividend. Dividend credit for a month may be accrued on shares which are or become fully paid up during the first ten (10) days of that month.

SECTION 9. That Section 26-2120, Idaho Code, be, and the same is hereby amended to read as follows:

26-2120. DISSOLUTION.—The process of voluntary dissolution shall be as follows:

a. At a meeting called for the purpose (notice of which purpose must be contained in the call) four-fifths of the entire membership of the credit union may vote to dissolve the credit union.

b. Thereupon they file with the said commissioner of finance a statement of their consent to dissolution, attested by a majority of the officers and including the names and addresses of the officers and directors.

c. The commissioner of finance determines whether or
not the credit union is solvent. If such is the fact, he issues in duplicate a certificate to the effect that this section has been complied with.

d. The certificate is filed with the county clerk of the county in which the credit union is located, whereupon the credit union is dissolved and shall cease to carry on business except for the purpose of liquidation.

e. The credit union shall continue in existence for the purpose of discharging its debts, collecting and distributing its assets and doing all other acts required in order to wind up its business, and may sue and be sued for the purpose of enforcing such debts and obligations until its affairs are fully adjusted and wound up, for three years.

f. A state chartered credit union may be converted into a federal credit union by complying with the following requirements: (1) The proposition for such conversion shall first be approved and a date set for a vote thereof by the members (either at a meeting to be held on such date or by a written ballot to be filed on or before such date), by a majority of the board of directors of the state chartered credit union. Written notice of the proposition and of the date set for the vote shall then be delivered in person to each member, or mailed to each member at the address for such member appearing on the records of the credit union not more than thirty (30) nor less than seven (7) days prior to such date. Approval of the proposition for conversion shall be by the affirmative vote of the majority of the members in person or in writing; (2) A statement of the results of the vote verified by the affidavits of the president or vice-president and the secretary shall be filed with the commissioner of finance within ten (10) days after the vote is taken; (3) Promptly after the vote is taken and in no event later than ninety (90) days thereafter if the proposition for conversion is approved by such vote the credit union shall take such action as may be necessary under the federal law to make it a federal credit union, and within ten (10) days after the receipt of the federal charter, notice shall be filed with the commissioner of finance that the charter has been issued; (4) Upon ceasing to be a state chartered credit union such credit union shall no longer be subject to any of the provisions of this Act.

A federal chartered credit union organized under the Federal Credit Union Act may be converted to a state chartered credit union by the following procedure: complying
with all state requirements requisite to enabling it to meet proof of solvency and organization as required by this Act.

When the commissioner of finance has been satisfied that all requirements of this Act have been complied with he shall approve the organizational certificate as a state chartered credit union as required by Section 26-2101 of this Act.

SECTION 10. That Title 26, Chapter 21, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 26-2122, to be known and designated as Section 26-2123, Idaho Code, and to read as follows:

26-2123. MERGERS—CERTIFICATES REQUIRED.
—Any credit union may, with the approval of the commissioner of finance, merge with another credit union under the existing charter of such other credit union. The merger may be based upon any plan agreed to by the majority of the board of directors of each credit union joining in the merger, and approved by the affirmative vote of at least two-thirds of the members of each such credit union at meetings of the members called for such purpose. Any member not present at the meeting may, within the next twenty (20) days, vote by signing a statement on a form prescribed by the board of directors and such vote shall have as full force and effect as if cast at the meeting. If any such member does not vote within the twenty (20) day period he shall be deemed to be in favor of the merger. After such agreement by the directors and approved by the members of each credit union, the president and secretary of each credit union shall execute a certificate of merger which shall set forth at least all of the following:

1. The time and place of the meeting of the board of directors at which the plan was agreed upon.

2. The vote in favor of adoption of the plan.

3. A copy of the resolution or other action by which the plan was agreed upon.

4. The time and place of the meeting of the members at which the plan agreed upon was approved.

5. The vote by which the plan was approved by the members.

Such certificates and a copy of the plan of the merger shall be forwarded to the commissioner and if approved a
copy of the certificate shall be filed with the county clerk of the county in which each credit union participating in the merger has its principal place of business, and then filed with the commissioner of finance, whereupon the charter of the merged credit union as a legal entity separate from the surviving credit union shall terminate.

Upon any such merger so effected, all property, property rights, and interests of the merged credit union, shall vest in the surviving credit union without deed, endorsement or other instrument of transfer, and all debts, obligations and liabilities of the merged credit union shall be deemed to have been assumed by the surviving credit union under whose charter the merger was effected.

This section shall be construed, when possible, to permit a credit union chartered under the Federal Credit Union Act to merge with one chartered under this Act, or to permit one chartered under this Act to merge with one chartered under the Federal Credit Union Act.

Approved March 11, 1965.

CHAPTER 118
(H. B. No. 23)

AN ACT
AMENDING SECTION 72-306, IDAHO CODE, AS AMENDED, RELATING TO THE AMOUNT OF DEATH BENEFITS PAYABLE UNDER WORKMEN'S COMPENSATION LAW; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. That Section 72-306, Idaho Code, be, and the same is hereby, amended to read as follows:

72-306. SUNDARY PROVISIONS AS TO DEATH BENEFITS.—(a) Amount of Death Benefits. In computing death benefits the total weekly compensation shall be subject to a maximum of $20.00-$25.00 per week and a minimum of $12.00-$15.00 per week, excepting, however, that in the case of a dependent spouse the total weekly compensation shall be subject to a maximum of $25.00-$30.00 per week and in the case of a dependent spouse and dependent child or children, to a maximum of $30.00-$40.00 per week,
and to a minimum, in either instance of $15.00 - $20.00 per week. In computing benefits payable on account of any accidental personal injury resulting in death all benefits payable by reason thereof shall be subject to a maximum of $12,000.00 - $16,000.00.

(b) Erroneous Payments in Good Faith. Payment of death benefits by an employer in good faith to a dependent subsequent in right to another or other dependents shall protect and discharge the employer unless and until such dependent or dependents prior in right shall have given him notice of his or their claim.

(c) Doubtful Rights Subject to Board’s Decision. In case the employer is in doubt as to the respective rights of rival claimants he may apply to the board to decide between them.

(d) Period of Disability Deductible from Period of Death Benefits. In case death occurs after a period of disability, either total or partial, the period of disability shall be deducted from the total periods of compensation respectively stated in section 72-303.

(e) Insane Person’s Compensation Payable to Guardian. The compensation of a person who is insane shall be paid to his or her guardian.

SECTION 2. This Act shall take effect and be in force on and after July 1, 1965.

Approved March 13, 1965.

CHAPTER 119
(H. B. No. 70, As Amended)

AN ACT
AMENDING SECTION 31-1420, PROVIDING THAT THE BOARD OF COMMISSIONERS OF FIRE PROTECTION DISTRICTS HAVING A POPULATION IN EXCESS OF 2500 MAY LEVY A TAX UPON THE TAXABLE PROPERTY WITHIN THE DISTRICT NOT EXCEEDING TWELVE (12) MILLS UPON THE DOLLAR OF ASSESSED VALUATION.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 31-1420, Idaho Code, be, and the same is hereby amended to read as follows:

31-1420. Each year, immediately prior to the annual county levy of taxes, the board of commissioners of each fire protection district, organized and existing under this act, may levy a tax upon all the taxable property within the boundaries of such district sufficient to defray the cost of equipping and maintaining the district, not exceeding eight (8) mills on the dollar of assessed valuation, provided, districts having a population in excess of two thousand five hundred (2500) may levy a total tax of twelve (12) mills on the dollar of assessed valuation, to be used for the purposes of this act and for no other purpose. The levy shall be made in mills on the dollar, by resolution entered upon the minutes of the board of commissioners of the fire protection district, and it shall be the duty of the secretary of the district, immediately after entry of the resolution in the minutes, to transmit to the county auditor, county assessor and state board of equalization certified copies of the resolution providing for such levy as provided by section 63-916. Said taxes shall be collected as provided by section 63-918. Provided, however, that it shall be discretionary with such boards to levy said tax uniformly within said district upon the land or the improvements, or the taxable personal property, or upon some or all of said categories.

Approved March 13, 1965.

CHAPTER 120
(H. B. No. 98)

AN ACT

REPEALING SECTION 63-2601, IDAHO CODE, RELATING TO THE DEFINITION OF AN EXPRESS COMPANY; REPEALING SECTION 63-2602, IDAHO CODE, RELATING TO PAYING A LICENSE TAX ON EXPRESS COMPANIES TO STATE TREASURY; REPEALING SECTION 63-2603, IDAHO CODE, RELATING TO EXPRESS COMPANIES MAKING AN ANNUAL STATEMENT; REPEALING SECTION 63-2604, IDAHO CODE, RELATING TO THE CONTENTS OF THE ANNUAL STATEMENT; REPEALING SECTION 63-2605, IDAHO CODE, RELATING TO THE PENALTY FOR FAILURE TO PAY TAX OR MAKE STATEMENT; AND REPEALING SECTION 63-
2606, IDAHO CODE, RELATING TO THE PENALTY FOR FAILURE OF EXPRESS COMPANY OFFICERS TO MAKE STATEMENT.

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

SECTION 1. That Sections 63-2601, 63-2602, 63-2603, 63-2604, 63-2605, and 63-2606, Idaho Code, be, and the same hereby are repealed.

Approved March 13, 1965.

CHAPTER 121
(H. B. No. 134)

AN ACT

REPEALING SECTION 33-1104, IDAHO CODE, LIMITING BONDED DEBT OF SCHOOL DISTRICTS TO SIX PERCENT (6%) AND TEN PERCENT (10%) AFTER JUNE 30, 1965.

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

SECTION 1. That Section 33-1104, Idaho Code, be, and the same hereby is, repealed.

Approved March 13, 1965.

CHAPTER 122
(H. B. No. 172)

AN ACT

AMENDING SECTION 63-903, IDAHO CODE, RELATING TO ANNUAL TAX LEVY FOR COUNTY CURRENT EXPENSES FUND BY PROVIDING FOR A LEVY OF NOT MORE THAN 90 CENTS ON EACH $100 OF ASSESSED VALUATION OR A LEVY IN MILLS SUFFICIENT TO RAISE $115,000, WHICHEVER IS GREATER, IN COUNTIES WHERE THE ASSESSED VALUATION EXCEEDS $6,500,000 AND FOR A LEVY OF NOT MORE THAN $1.50 ON EACH $100 OF ASSESSED VALUATION IN COUNTIES WHERE THE ASSESSED VALUATION IS LESS THAN $6,500,000.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 63-903, Idaho Code, be, and the same is hereby amended to read as follows:

63-903. CURRENT EXPENSE FUND—ANNUAL TAX LEVY.—The board of county commissioners of each county in this state may levy annually upon all taxable property of said county, a tax for general county purposes, to be collected and paid into the county treasury and apportioned to the county current expense fund, which levy shall not exceed seventy-five ninety cents on each $100.00 of the assessed valuation of said property, or a levy in mills sufficient to raise $95,000—$115,000, whichever is greater in the counties where the assessed valuation is $6,500,000 or over, and one dollar twenty-five fifty cents on each $100.00 of the assessed valuation of said property where the assessed valuation is less than $6,500,000 for the year in which such levy is made.

Approved March 13, 1965.

CHAPTER 123
(H. B. No. 184)

AN ACT

CODE, BY INCLUDING FACILITIES FOR THE MENTALLY RETARDED AND COMMUNITY MENTAL HEALTH CENTERS IN ADMINISTRATOR'S BI-ANNUAL REPORT; PROVIDING THE ADMINISTRATOR WITH AUTHORITY TO DO ALL OTHER THINGS ON BEHALF OF THE STATE NECESSARY TO OBTAIN FULL BENEFITS UNDER THE FEDERAL ACT AS NOW AND HEREAFTER AMENDED; AMENDING SECTION 39-1405, IDAHO CODE, BY DELETING THOSE PROVISIONS REFERRING TO SENATE BILL NO. 55 OF THE 29th SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO; PROVIDING FOR THE CREATION OF A COUNCIL FOR CONSTRUCTION OF FACILITIES FOR THE MENTALLY RETARDED, A COUNCIL FOR CONSTRUCTION OF COMMUNITY MENTAL HEALTH CENTERS AND A COUNCIL FOR THE HOSPITAL CONSTRUCTION, ALL TO BE APPOINTED BY THE GOVERNOR AND ENUMERATING THEIR TERMS OF OFFICE, NUMBER, MEMBERSHIP REQUIREMENTS, AND PROVIDING FOR EXPENSES AND PROVIDING THAT THE ADMINISTRATOR SHALL SERVE AS NON-VOTING CHAIRMAN OF ALL ADVISORY COUNCILS; AMENDING SECTION 39-1406, IDAHO CODE, PROVIDING FOR THE INCLUSION OF FACILITIES FOR THE MENTALLY RETARDED IN COMMUNITY MENTAL HEALTH CENTERS IN THE SCOPE OF SURVEY AND PLANNING ACTIVITIES OF THE ADMINISTRATOR; AMENDING SECTION 39-1407, IDAHO CODE, PROVIDING FOR FACILITIES WHICH WILL PROVIDE ADEQUATE SERVICES FOR THE MENTALLY RETARDED AND ADEQUATE MENTAL HEALTH SERVICES AND THE DISTRIBUTION OF SERVICES FOR THE MENTALLY RETARDED AND COMMUNITY MENTAL HEALTH CENTERS TO BE REASONABLY ACCESSIBLE TO ALL PERSONS; AMENDING SECTION 39-1408, IDAHO CODE, PROVIDING THAT THE ADMINISTRATOR MAY RECEIVE FEDERAL FUNDS FOR ANY ACTIVITIES PROVIDED IN THE ACT AND THE DEPOSIT OF SUCH MONEYS IN FUNDS CREATED; ALLOWING FOR EXPENDITURE IN CARRYING OUT THE ACTIVITIES AUTHORIZED BY THIS ACT AND THE DISPOSAL OF UNEXPENDED FUNDS PURSUANT TO THE FEDERAL ACT; AMENDING SECTION 39-1409, IDAHO CODE, PROVIDING THAT THE ADMINISTRATOR SHALL PREPARE AND SUBMIT TO THE SECRETARY PLANS WHICH INCLUDE THE PROGRAMS FOR CONSTRUCTION OF FACILITIES DEVELOPED UNDER THE PROVISIONS OF THIS ACT; PROVIDING FOR THE ESTABLISHMENT OF ADMINISTRATION AND OPERATION OF SUCH CONSTRUCTION ACTIVITIES; REQUIRING THAT THE ADMINISTRATOR REVIEW THE STATE PLAN FROM
TIME TO TIME AND SUBMIT TO THE SECRETARY MODIFICATIONS WHICH HE CONSIDERS NECESSARY; AMENDING SECTION 39-1410, IDAHO CODE, PROVIDING FOR THE INCLUSION OF FACILITIES FOR THE MENTALLY RETARDED AND COMMUNITY MENTAL HEALTH CENTERS UNDER THE MAINTENANCE AND OPERATION STANDARDS; AMENDING SECTION 39-1412, IDAHO CODE, PROVIDING APPLICATIONS FOR CONSTRUCTION TO INCLUDE MENTAL RETARDATION FACILITIES OR COMMUNITY MENTAL HEALTH CENTERS CONSTRUCTION PROJECTS; AMENDING SECTION 39-1415, IDAHO CODE, PROVIDING FOR THE CREATION OF THREE TRUST FUNDS PERPETUALLY APPROPRIATED FOR CONSTRUCTION PROJECTS UNDER THIS ACT APPROVED BY THE SURGEON GENERAL OR SECRETARY; PROVIDING THAT SUCH FUNDS BE USED SOLELY FOR THE PAYMENT DUE APPLICANT FOR WORK PERFORMED OR PURCHASES MADE IN CARRYING OUT APPROVED PROJECTS; ENTITLING THE THREE TRUST FUNDS, THE HOSPITAL CONSTRUCTION FUND, THE MENTAL RETARDATION FACILITIES CONSTRUCTION FUND OR THE COMMUNITY MENTAL HEALTH CENTER CONSTRUCTION FUND; AMENDING SECTION 39-1416, IDAHO CODE, AUTHORIZING THE RECEIPT OF MONEY AND EXPENDITURE OF FUNDS FOR PROJECTS AUTHORIZED BY THIS ACT AND THE FEDERAL ACT; PROVIDING FOR JOINT PARTICIPATION BETWEEN POLITICAL SUBDIVISIONS FOR MENTAL RETARDATION FACILITIES AND COMMUNITY MENTAL HEALTH CENTERS AND SERVICES FOR THE MENTALLY RETARDED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-1401, Idaho Code, be, and the same is hereby amended to read as follows:

39-1401. SHORT TITLE.—This act may be cited as the "Hospital Survey and Health Facilities Construction Act."

SECTION 2. That Section 39-1402, Idaho Code, be, and the same is hereby amended to read as follows:

39-1402. DEFINITIONS.—As used in this act:

(a) “Administrator” means the administrator of health of the state board of health;

(b) “The Federal Act” shall mean, when applicable, either (1) Public Law 725 of the 79th Congress, approved August 13, 1946, entitled the Hospital Survey and
Construction Act, and amendments thereto or (2) Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, Public Law 88-164, and amendments thereto;

(c) "The surgeon general" means the surgeon general of the public health service of the United States;

(d) "Hospital" means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than 24 hours in any week of two or more non-related individuals suffering from illness, disease, injury, deformity, or requiring care because of old age, or a place devoted primarily to providing for not less than 24 hours in any week of obstetrical or other medical or nursing care for two or more non-related individuals. The term hospital includes public health centers in general, tuberculosis, mental, chronic disease and other types of hospitals, and related facilities, such as laboratories, outpatient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals;

(e) "Public health center" means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers;

(f) "Nonprofit hospital" means any hospital owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

(g) "The secretary" means the Secretary of Health, Education and Welfare of the United States, or his delegate to administer the federal act;

(h) "Facility for the mentally retarded" means a facility specially designed for the diagnosis, treatment, education, training, or custodial care of the mentally retarded, including facilities for training specialists and sheltered workshops for the mentally retarded, but only if such workshops are part of facilities which provide or will provide comprehensive services for the mentally retarded;

(i) "Community mental health center" means a facility providing services for the prevention or diagnosis of mental illness, or care and treatment of mentally ill patients, or rehabilitation of such persons, which services are provided
principally for persons residing in a particular community or communities in or near which the facility is situated;

(j) "Nonprofit facility for the mentally retarded" and "nonprofit community mental health center" mean, respectively, a facility for the mentally retarded, and a community mental health center which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

SECTION 3. That Section 39-1403, Idaho Code, be, and the same is hereby amended to read as follows:

39-1403. ADMINISTRATION—DIVISION OF HOSPITAL HEALTH FACILITIES SURVEY AND CONSTRUCTION.—There is hereby established in the state board of health a division of hospital health facilities survey and construction which shall be administered by a full-time salaried director under the supervision and direction of the administrator. The state board of health, through such division, shall constitute the sole agency of the state for the purpose of (1) making an inventory of existing hospitals, facilities for the mentally retarded, and community mental health centers, surveying the need for construction of hospitals, facilities for the mentally retarded and community mental health centers, and developing a program of hospital construction as provided in this act, and (2) developing and administering a state plan for the construction of public and other nonprofit hospitals, facilities for the mentally retarded and community mental health centers as provided in this act.

SECTION 4. That Section 39-1404, Idaho Code, be, and the same is hereby amended to read as follows:

39-1404. GENERAL POWERS AND DUTIES.—In carrying out the purposes of the act, the administrator is authorized and directed:

(a) To require such reports, inspections and investigations and prescribe such regulations as he deems necessary;

(b) To provide such methods of administration, appoint a director and other personnel of the division on a merit basis and take such other action as may be necessary to comply with the requirements of the federal act and the regulations thereunder;
(c) To procure in his discretion the temporary or intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part-time or fee-for-service basis and do not involve the performance of administrative duties;

(d) To the extent that he considers desirable to effectuate the purposes of this act, to enter into agreements for the utilization of the facilities and services of other departments, agencies, and institutions, public or private;

(e) To accept on behalf of the state and to deposit with the state treasury any grant, gift or contribution made to assist in meeting the cost of carrying out the purposes of this act as herein provided;

(f) To make a bi-annual report to the legislature on activities and expenditures pursuant to this act, including recommendations for such additional legislation as the administrator considers appropriate to furnish adequate hospital, clinic, facilities for the mentally retarded, and community mental health centers, and similar facilities to the people of this state;

(g) To do all other things on behalf of the state necessary to obtain full benefits under the federal act as now and hereafter amended.

SECTION 5. That Section 39-1405, Idaho Code, be, and the same is hereby amended to read as follows:

39-1405. ADVISORY HOSPITAL COUNCIL. The advisory hospital council created by Senate Bill No. 66 of the 29th Session of the legislature of the State of Idaho (chapter 13 of this title) shall advise and consult with the state board of health in carrying out the administration of this act.

The governor shall appoint the following advisory councils to advise and consult with the agency charged with the carrying out of the administration of this act. The administrator of health shall serve as the non-voting chairman of all advisory councils.

Members of the councils hereinafter created shall hold office for a term of six (6) 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, at least one-third \((1/3)\) thereof at the end of the second year, at least one-third \((1/3)\) thereof at the end of the fourth year, and at least one-third \((1/3)\) thereof at the end of the sixth year after the date of appointment. Council members while serving on the business of the councils shall receive compensation at the rate of $10.00 per day and shall also be entitled to receive actual and necessary transportation expenses. The councils shall meet as frequently as the chairman deems necessary, but not less than once each year. Upon request by a majority of the members of a specific council, it shall be the duty of the chairman to call a meeting of that council.

1. The council for construction of facilities for the mentally retarded shall consist of nine members and shall include representatives of non-government organizations or groups, and of state agencies, concerned with the planning, operation, or utilization of facilities for the mentally retarded, and of non-government organizations or groups concerned with education, employment, rehabilitation, welfare and health and including representatives of consumers of the services provided by such facilities.

2. The council for construction for community mental health centers shall consist of nine members and shall include representatives of non-government organizations or groups, and of state agencies, concerned with planning, operation or utilization of community mental health centers or other mental health facilities, including representatives of consumers of the services provided by such centers and facilities who are familiar with the need for such services.

3. The council for hospital construction shall consist of ten members and shall include representatives of non-governmental organizations or groups, and of public agencies, concerned with the operation, construction, or utilization of hospital or other facilities for diagnosis, prevention, or treatment of illness or disease, or for rehabilitation services, and an equal number of representatives of consumers familiar with the need for the services provided by such facilities.

SECTION 6. That Section 39-1406, Idaho Code, be, and the same is hereby amended to read as follows:

39-1406. SURVEY AND PLANNING ACTIVITIES.—The Administrator is authorized and directed to make an
inventory of existing hospitals, including public, nonprofit and proprietary hospitals, facilities for the mentally retarded and community mental health centers, to survey the need for construction of hospitals, facilities for the mentally retarded and community mental health centers, and, on the basis of such inventory and survey, to develop a program for the construction of such public and other nonprofit hospitals, facilities for the mentally retarded and community mental health centers as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital, facilities for the mentally retarded and community mental health centers, clinic and similar services to all the people of the state.

SECTION 7. That Section 39-1407, Idaho Code, be, and the same is hereby amended to read as follows:

39-1407. CONSTRUCTION PROGRAM.—The construction program shall provide, in accordance with regulations prescribed under the federal act, for adequate hospital facilities and for facilities which will provide adequate services for the mentally retarded and adequate community mental health services for the people residing in this state and insofar as possible shall provide for their distribution throughout the state in such manner as to make all types of hospital service and services for the mentally retarded and community mental health centers reasonably accessible to all persons in the state.

SECTION 8. That Section 39-1408, Idaho Code, be, and the same is hereby amended to read as follows:

39-1408. APPLICATION FOR FEDERAL FUNDS FOR SURVEY AND PLANNING—EXPENDITURE.—The administrator is authorized to make application to the surgeon general for and receive federal funds to assist in carrying out the survey and planning activities herein provided. Such funds shall be delivered to the state treasurer and by him deposited in the hospital construction funds hereinafter created. Such funds are hereby appropriated to the state board of health for expenditure for carrying out the survey and planning activities authorized by this act. Any such funds received and not expended for such purposes shall be repaid to the treasury of the United States. disposed of pursuant to the federal act.

SECTION 9. That Section 39-1409, Idaho Code, be, and the same is hereby amended to read as follows:
39-1409. STATE PLAN.—(1) The administrator shall prepare and submit to the surgeon general a state plan which shall include the hospital construction program developed under this act and which shall provide for the establishment, administration, and operation of hospital construction activities in accordance with the requirements of the federal act and regulations thereunder. The administrator shall, prior to the submission of such plan to the surgeon general, give publicity to a general description of all the provisions proposed to be included therein and cause a public hearing to be held at which all persons or organizations with a legitimate interest in such plan may be given an opportunity to express their views. After approval of the plan by the surgeon general, the administrator shall publish a general description of the provisions thereof in such newspapers as will give circulation in each county in the state and shall make the plan, or a copy thereof, available upon request to all interested persons or organizations. The administrator shall from time to time review the hospital construction program and submit to the surgeon general any modifications thereof which he may find necessary and may submit to the surgeon general such modifications of the state plan, not inconsistent with the requirements of the federal act, as he may deem advisable.

(2) The administrator shall prepare and submit to the secretary plans which shall include the programs for construction of facilities developed under the provisions of this act and which shall provide for the establishment, administration and operation of such construction activities in accordance with the requirements of the federal act and regulations thereunder. The administrator shall from time to time, but not less often than annually, review the state plans and submit to the secretary any modifications thereof which he considers necessary and may submit to the secretary such modifications of the state plan, not inconsistent with the requirements of the federal act, as he may deem advisable.

SECTION 10. That Section 39-1410, Idaho Code, be, and the same is hereby amended to read as follows:

39-1410. MINIMUM STANDARDS FOR HOSPITAL MAINTENANCE AND OPERATION.—The administrator shall by regulation prescribe minimum standards for the maintenance and operation of hospitals, facilities for the mentally retarded and community mental health centers which receive federal aid for construction under the state plan.
SECTION 11. That Section 39-1412, Idaho Code, be, and the same is hereby amended to read as follows:

39-1412. CONSTRUCTION PROJECTS—APPLICATIONS.—Applications for hospital construction, mental retardation facilities or community mental health centers construction projects for which federal funds are requested shall be submitted to the administrator and may be submitted by the state or any political subdivision thereof or by any public or non-profit agency authorized to construct and operate a hospital, mental retardation facility or community mental health center. Each application for a construction project shall conform to federal and state requirements.

SECTION 12. That Section 39-1415, Idaho Code, be, and the same is hereby amended to read as follows:

39-1415. HOSPITAL CONSTRUCTION FUND.—There is hereby created three trust funds in the state treasury, separate and apart from all public moneys and funds of this state, and all moneys deposited therein are perpetually appropriated for construction projects under this act. All federal funds received from the federal government for a construction project approved by the surgeon general or secretary shall be delivered to the state treasurer and by him deposited in one of the following appropriate funds; the hospital construction fund, the mental retardation facility construction fund, or the community mental health centers construction fund. Such funds shall be used solely for payments due applicants for work performed, or purchases made, in carrying out approved projects. The state board of health shall make requisition to the state auditor, upon vouchers showing the board’s approval, of such disbursements and upon presentation thereof to the state auditor shall issue warrants on the state treasury against the hospital construction fund, or the mental retardation facilities construction fund or the community mental health centers construction fund, payable to the persons named by the board in the amounts allowed by it, as indicated upon the vouchers. Such warrants shall be delivered by the state auditor to the state board of health for distribution.

SECTION 13. That Section 39-1416, Idaho Code, be, and the same is hereby amended to read as follows:

39-1416. FEDERAL, STATE AND OTHER MONEYS—JOINT MUNICIPAL OR COUNTY HOSPITALS.—Every county and municipality is authorized to accept, re-
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cieve, receipt for, disburse, and expend federal and state moneys and all other moneys, public or private, made available by grant, loan, gift or devise for public health purposes, including the construction, alteration, equipping, operation and maintenance of hospitals, projects authorized by this act and the federal act, subject only to the terms of such grant.

Any two or more municipalities and/or counties may join together for the owning, construction, alteration, repair, equipping, operation and/or maintenance of a hospital, mental retardation facility, and a community mental health center which may be located within or without any such municipality or county, and the funds therefor shall be contributed by each such municipality and/or county as the participating municipalities and counties may mutually agree.

Any municipality or county may enter into a contract or other arrangement with any other municipality or county to obtain hospital, clinic, services for the mentally retarded, or similar services, and pay for the same out of municipal or county funds.

SECTION 14. 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, 1965.

CHAPTER 124
(H. B. No. 185)

AN ACT

AMENDING SECTION 33-3704, IDAHO CODE, TO ELIMINATE THE PROVISION DECLARING DINING HALL FUNDS TO BE PUBLIC MONEYS; REPEALING SECTION 33-3705, IDAHO CODE, WHICH PROVIDES THAT ACCUMULATED DINING HALL FUNDS ARE TO BE REMITTED TO THE STATE; REPEALING SECTION 33-3706, IDAHO CODE, WHICH PROVIDES FOR PERMANENT REVOLVING FUNDS IN STATED AMOUNTS FOR THE OPERATION OF DINING HALLS AT CERTAIN STATE INSTITUTIONS; AMENDING SECTION 33-3707, IDAHO CODE, PROVIDING THAT REASONABLE
RESERVES FOR THE OPERATION OF DINING HALLS ARE TO BE DETERMINED BY THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-3708, IDAHO CODE, BY ELIMINATING THE PROVISION WHICH REQUIRES DINING HALLS TO BE OPERATED ON A NONPROFIT BASIS; AND REPEALING SECTION 33-3709, IDAHO CODE, WHICH REQUIRES EXCESS FUNDS OF PERMANENT REVOLVING FUNDS OF DINING HALLS TO BE REMITTED TO THE GENERAL FUND OF THE STATE.

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

SECTION 1. That Section 33-3704, Idaho Code, be, and the same is hereby amended to read as follows:

33-3704. Whereas heretofore and under the supervision of the state board of education in its capacity as board of trustees of the several state educational institutions, there have been established and are now in operation dining halls, and no clear legislative direction as to disposition to be made of accumulations in dining hall funds exists, now therefore, it is hereby declared that the operation of dining halls at educational institutions under the supervision of, and where deemed necessary by the state board of education, is a public purpose and a necessary incident to the proper government of such educational institutions; and the funds accumulated in the hands of such institutions by reason of such operations are declared public moneys, of the state.

SECTION 2. That Section 33-3705, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 33-3706, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 33-3707, Idaho Code, be, and the same is hereby amended to read as follows:

33-3707. 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 any net profits over and above the amount of said permanent revolving fund herein appropriated may be disbursed 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. Provided further that a reasonable reserve to be determined by the
state board of education, acting as board of trustees, is hereby created for replacement of dining hall equipment.

SECTION 5. That Section 33-3708, Idaho Code, be, and the same is hereby amended to read as follows:

33-3708. Such dining halls shall never be operated for any commercial purpose, but shall be used for the benefit of such educational institutions, their faculties, students and officers as nearly as may be, in the sound discretion of the state board of education, upon a nonprofit basis, with the object of making available wholesome food at the most reasonable cost to the students, officers and faculties.

SECTION 6. That Section 33-3709, Idaho Code, be, and the same is hereby repealed.

Approved March 13, 1965.

CHAPTER 125
(H. B. No. 193)

AN ACT

AMENDING SECTION 61-211, IDAHO CODE, AS AMENDED, TO PROVIDE THAT ANY INVESTIGATION, INQUIRY OR HEARING WHICH THE PUBLIC UTILITIES COMMISSION HAS THE POWER TO UNDERTAKE OR HOLD, MAY BE UNDERTAKEN OR HELD BY A HEARING EXAMINER; TO PROVIDE THAT THE COMMISSION MAY DESIGNATE THE HEARING EXAMINER TO ACT AS ATTORNEY FOR THE COMMISSION IN HEARINGS UNDER SECTION 61-204, IDAHO CODE, AS AMENDED.

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

SECTION 1. That Section 61-211, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

61-211. QUORUM—SINGLE COMMISSIONER OR HEARING EXAMINER MAY HOLD INVESTIGATION. —A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission. No single vacancy in the commission shall impair the right of the remaining commissioners to exercise
all the powers of the commission. The act of the majority of the commissioners when in session as a board shall be deemed to be the act of the commission; but any investigation, inquiry or hearing which the commission has power to undertake or hold may be undertaken or held by or before any commissioner or hearing examiner designated for that purpose by the commission, and every finding, order or decision made by a commissioner or hearing examiner so designated, pursuant to such investigation, inquiry or hearing, when approved and confirmed by the commission and ordered filed in its office, shall be and be deemed to be the finding, order or decision of the commission. The commission may designate the hearing examiner to represent the commission in actions and proceedings in lieu of an attorney appointed by the Attorney General under Section 61-204, Idaho Code, as amended, in which event the Attorney General will appoint only an attorney to represent the people of the State of Idaho.

Approved March 13, 1965.

CHAPTER 126
(H. B. No. 238)

AN ACT
AMENDING SECTION 37-1709, IDAHO CODE, BY PROVIDING THAT CHAPTER 17 SHALL NOT APPLY TO ANY PERSON BUTCHERING HIS OWN ANIMALS ON HIS OWN PROPERTY AND FOR HIS OWN PERSONAL USE; AMENDING SECTION 37-1819, IDAHO CODE, BY PROVIDING THAT A PERSON WHO HAS HIS OWN ANIMALS BUTCHERED FOR HIS OWN CONSUMPTION WILL NOT BE SUBJECT TO CHAPTER 18 OF TITLE 37, IDAHO CODE.

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

SECTION 1. That Section 37-1709, Idaho Code, be, and the same is hereby amended to read as follows:

37-1709. The provisions of this act shall not apply to:

1. Any person, firm, corporation or association who sells or offers for sale or otherwise deals in only such by-products of meat animals as pickled, cured, dried, or smoked meats, nor any person who kills beef or veal in good faith.
2. Any owner of a meat animal who butchers said animal or has it butchered on his own premises or legally occupied land for his own consumption or for the consumption and use of his immediate family, friends, or his employees or who after slaughtering said animal, transports the carcass thereof on the public highways of the state of Idaho or has it transported to a locker plant for further processing, cutting or wrapping, for his own consumption or for the consumption and use of his immediate family, friends, or his employees provided that in the event any persons, firms, corporations or associations slaughter any animal for a private person or his family's personal use said slaughter must be on the premises of the owner of the animal.

SECTION 2. That Section 37-1819, Idaho Code, be, and the same is hereby amended to read as follows:

37-1819. This act shall not apply to any owner of a meat animal who butchers said animal or has it butchered on his own premises or legally occupied land for his own consumption or for the consumption and use of his immediate family, friends, or his employees or who after slaughtering said animal, transports the carcass thereof on the public highways of the state of Idaho to a locker plant for further processing, cutting or wrapping, for his own consumption or for the consumption and use of his immediate family, friends, or his employees provided that in the event any persons, firms, corporations or associations slaughter any animal for a private person or his family's personal use said slaughter must be on the premises of the owner of the animal. None of the provisions of this act shall apply to or affect any packing plant or other establishment at which inspection of meat, meat by-products, and meat food products is maintained by either the United States department of agriculture or the Idaho department of agriculture.

Approved March 13, 1965.
CHAPTER 127  
(H. B. No. 289)

AN ACT

AMENDING SECTION 31-3009, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF DEPUTY CONSTABLES BY COUNTY COMMISSIONERS; AND TO PRESCRIBE THE DUTIES AND POWERS OF SUCH DEPUTY CONSTABLES.

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

SECTION 1. That Section 31-3009, Idaho Code, be, and the same is hereby amended to read as follows:

31-3009. No constable of any county of this state can appoint or deputize any person to perform any of the duties of his office except in cases of riots or making arrests; provided, however, the county commissioners may appoint deputy constables on either a full time or part time basis to assist the constable elected pursuant to Section 34-207. Such deputy constables shall be under the supervision of the constable and have the same powers and duties as the constable unless limited by the county commissioners at the time of appointment.

Approved March 13, 1965.

CHAPTER 128  
(H. B. No. 299)

AN ACT

AMENDING SECTION 54-407, IDAHO CODE, RELATING TO THE COMPENSATION OF THE MEMBERS OF THE STATE ATHLETIC COMMISSION BY RAISING THE PER DIEM PAY FROM TEN DOLLARS ($10.00) TO TWENTY-FIVE DOLLARS ($25.00).

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

SECTION 1. That Section 54-407, Idaho Code, be, and the same is hereby amended to read as follows:

54-407. The members of the commission shall receive actual and necessary traveling expenses incurred in the discharge of their official duties, and ten twenty-five dollars
per diem when in actual pursuit of duty, which shall be paid out of the funds created by the fees received under the provisions of this chapter not otherwise appropriated, on the certificate of the chairman of the commission. Such certificates shall be presented to the state auditor, who shall thereupon draw upon the state treasurer for the amount thereof.

Approved March 13, 1965.

CHAPTER 129
(S. B. No. 138)

AN ACT
AMENDING CHAPTER 11, TITLE 54, IDAHO CODE, AS AMENDED, BY ADDING THERETO TWO NEW SECTIONS FOLLOWING SECTION 54-1121, IDAHO CODE, TO BE KNOWN AS 54-1122, IDAHO CODE, AND 54-1123, IDAHO CODE, PERMITTING THE COMMISSIONER OF FINANCE OF THE STATE OF IDAHO TO MAKE EXAMINATIONS OF ACCOUNTS, RECORDS, DOCUMENTS AND TRANSACTIONS OF DEPOSITORS OF PRE-NEED FUNERAL AGREEMENTS; PROVIDING FOR PAYMENT OF THE SAME, AND REQUIRING DEPOSITORS TO FILE ANNUAL REPORTS WITH THE COMMISSIONER REVEALING DETAILS OF SUCH AGREEMENTS; AND DECLARING ANY WILLFUL OBSTRUCTION OF THE COMMISSIONER OR HIS EXAMINER OR FAILURE TO FILE SUCH REPORTS SHALL BE A MISDEMEANOR.

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

SECTION 1. That Chapter 11, Title 54, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto, following Section 54-1121, Idaho Code, to be known and designated as Section 54-1122, Idaho Code, to read as follows:

54-1122. For the purpose of ascertaining compliance with law, the commissioner of finance of the state of Idaho or his accredited examiners may, as often as he deems reasonably necessary, examine the accounts, records, documents and transactions of a depositor as that term is defined in Section 54-1118, Idaho Code, pertaining to or affecting agreements within the purview of Section 54-1117, Idaho Code, as amended. The commissioner shall determine the reasonable cost of such examination which shall be paid by
the depositor being examined. Each such depositor is here­by required to file not less than annually with the said com­missioner of finance a certified audit report revealing the number of such agreements executed by him during the pre­ceding year, the total value of said agreements, the amount of money collected and paid in trust pursuant to said agree­ments and the name of the trustee.

SECTION 2. That Chapter 11, Title 54, Idaho Code, as amended, be, and the same is hereby amended by adding a new section thereto, following Section 54-1122, Idaho Code, to be known and designated as Section 54-1123, Idaho Code, to read as follows:

54-1123. Any individual who willfully obstructs the commissioner or his examiners in the conduct of any ex­amination authorized by this chapter or fails to file a report required thereby shall be guilty of a misdemeanor.

Approved March 13, 1965.

CHAPTER 130
(S. B. No. 131)

AN ACT

AMENDING CHAPTER 15, TITLE 54, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 54-1521, PROHIBITING THE REFERRAL OF PA­TRONS BY THOSE ENGAGED IN THE BUSINESS OF MANU­FACTURING, SELLING OR DISPENSING OPHTHALMIC MATERIALS, TO ANY SPECIFIC PHYSICIAN OR OPTOMET­RIST FOR EXAMINATION, TREATMENT OR PRESCRIB­ING OF OPHTHALMIC MATERIALS; PROVIDING DEFINI­TIONS; PROVIDING THAT VIOLATION HEREOF SHALL BE A MISDEMEANOR; AND DECLARING AN EMERGENCY.

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 54-1520, to be known and designated as Section 54-1521, to read as follows:

54-1521. REFERRALS BY OPTICAL FIRMS PRO­HIBITED.
(a) It shall be unlawful for any person engaged in the business of manufacturing, selling or dispensing any ophthalmic materials, in any manner to influence or attempt to influence any patron in the choice of an optometrist or physician for the purpose of examining, treating, dispensing or prescribing any ophthalmic materials for such patron, and it shall be unlawful for any such person in any manner to suggest or imply to any such patron that such patron consult with or be examined or treated by or procure a prescription for ophthalmic materials from any specific optometrist or physician, or one or more of several specific optometrists or physicians; provided, that any such person may show or supply to any such patron a typed or printed list containing the names and addresses of all physicians in the community covered by such list who specialize in whole or in part in the care of the eyes and containing also the names and addresses of all optometrists in such community; provided, however, that such list shall not be prepared or marked so as to draw unnecessary attention to one or more of the names thereon; and provided, further, that such list shall segregate and designate separately those practitioners licensed in this state to practice medicine and surgery and those licensed therein to practice optometry. The word “person”, as used in this section, shall include any person, firm, corporation or association, and any employee or agent of any of the foregoing. The word “patron”, as used in this section, shall include prospective as well as actual patrons or customers, and shall include also those acting for or on behalf of any such patron or prospective patron. The words “ophthalmic materials”, as used in this section, shall include spectacles, eyeglasses, lenses, prisms, contact lenses, frames and mountings, and any other optical appliances or devices for visual correction.

(b) Any violation of this section shall be a misdemeanor.

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, 1965.
AN ACT

AMENDING SECTION 40-133, IDAHO CODE, RELATING TO THE POWERS AND DUTIES OF THE COUNTY COMMISSIONERS AS TO COUNTY ROAD SYSTEMS; PROVIDING THAT THE COUNTY COMMISSIONERS MAY DIRECTLY ENTER INTO AGREEMENTS WITH THE UNITED STATES GOVERNMENT OR ANY OF ITS AGENCIES, DEPARTMENT BUREAUS, BOARDS OR GOVERNMENT CORPORATIONS AS TO CONSTRUCTION, MAINTENANCE AND RECONSTRUCTION OF THE HIGHWAY OR ROAD SYSTEMS OF THE COUNTIES AND UNITED STATES NOTWITHSTANDING THE PROVISIONS OF SECTION 40-2402 AND 40-2403, IDAHO CODE.

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

SECTION 1. That Section 40-133, Idaho Code, be, and the same is hereby amended to read as follows:

40-133. DUTIES AND POWERS OF BOARD OF COUNTY COMMISSIONERS. — The board of county commissioners shall:

(a) Exercise general supervision over all highways in the county road system, including their location, design, construction, reconstruction, repair, and maintenance, and shall develop general policies regarding road matters, but such policies shall be carried out by the county road superintendent.

(b) Have authority to make agreements with any incorporated village or city, other county, or the state, or the United States, its agencies, departments, bureaus, boards or any government owned corporation notwithstanding the provisions of Sections 40-2402 and 40-2403, Idaho Code, for the construction, reconstruction, and maintenance, of its own road system by the other jurisdictions or for the construction, reconstruction, and maintenance of the highway systems of the other jurisdictions by its own road organization; but the county shall compensate or be compensated for the fair cost of any such work, except as otherwise specifically provided in this act.

(c) Contract, agree for, purchase, or otherwise acquire, the right-of-way over private property for the use of county
roads and for this purpose may institute proceedings under the Code of Civil Procedure.

(d) Have authority to abandon any road and remove it from the county highway system, when such action is determined by the board of county commissioners to be in the public interest.

(e) Designate county roads and highways, or parts thereof, as controlled-access facilities and regulate, restrict or prohibit access to such highways so as best to serve the traffic for which such facility is intended.

(f) Exercise such other powers as are now or hereafter may be prescribed by law.

Approved March 13, 1965.

CHAPTER 132
(H. B. No. 158)

AN ACT

AMENDING SECTION 59-1019, IDAHO CODE, BY PERMITTING THE GOVERNOR TO EXECUTE CERTAIN ENUMERATED DOCUMENTS WITH A FACSIMILE SIGNATURE UPON FILING HIS MANUAL SIGNATURE WITH THE SECRETARY OF STATE; DECLARING AN EMERGENCY.

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

SECTION 1. That Section 59-1019, Idaho Code, be, and the same is hereby amended to read as follows:

59-1019. FACSIMILE SIGNATURE.—(1) Any authorized officer, after filing with the secretary of state his manual signature certified by him under oath, may execute or cause to be executed with a facsimile signature in lieu of his manual signature:

(a) Any public security provided that at least one signature required or permitted to be placed thereon shall be manually subscribed, and

(b) Any instrument of payment.

Upon compliance with this act by the authorized officer, his facsimile signature has the same legal effect as his manual signature.
(2) The governor, after filing with the secretary of state his manual signature certified by him under oath, may execute or cause to be executed with a facsimile signature in lieu of his manual signature:

(a) All instruments, documents, and papers requiring his signature which originate with the state board of land commissioners or department of public lands, except deeds of the public lands of the state; and

(b) All instruments, documents and papers acted upon by the state board of examiners; and

(c) All instruments, documents and papers relating to appointment and commissioning of notaries public.

Upon compliance with this act by the governor, his facsimile signature has the same legal effect as his manual signature.

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, 1965.

CHAPTER 133
(H. B. No. 75)

AN ACT

AMENDING SECTION 32-408, IDAHO CODE, BY INCREASING THE FEE FOR A MARRIAGE LICENSE FROM THREE DOLLARS ($3.00) TO FOUR DOLLARS AND SEVENTY-FIVE CENTS ($4.75).

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

SECTION 1. That Section 32-408, Idaho Code, be, and the same is hereby amended to read as follows:

32-408. The recorder of each county of this state shall be entitled to a fee of three dollars ($3.00) and seventy-five cents ($0.75) for each license issued, which fee he shall demand and receive from the person applying for the same, and he may refuse to issue any such license until such fee is paid to him. Said fee shall include the payment for the service of taking affidavit, filing affidavit and recording the li-
cense upon its return from the minister or officer solemnizing the marriage for which it was issued.

Approved March 13, 1965.

CHAPTER 134
(H. B. No. 63)

AN ACT

AMENDING SECTION 27-1909, IDAHO CODE, RELATING TO THE SIX PER CENT MAXIMUM DISCOUNT OR INTEREST RATE CHARGEABLE ON INSTALLMENT LOAN CONTRACTS, PAYABLE IN TWO OR MORE MONTHLY INSTALLMENTS, BY INCREASING THE PRINCIPAL SUM OF THE LOANS TO WHICH SAID DISCOUNT RATE IS APPLICABLE FROM ONE THOUSAND DOLLARS ($1,000.00) TO TWO THOUSAND DOLLARS ($2,000.00); AMENDING SECTION 27-1910, IDAHO CODE, BY INCREASING FROM ONE THOUSAND DOLLARS ($1,000.00) TO TWO THOUSAND DOLLARS ($2,000.00) THE MAXIMUM AMOUNT OF INSTALLMENT LOANS UPON WHICH A LATE CHARGE, OF FOUR PER CENT (4%), ON INSTALLMENT PAYMENTS SIXTEEN DAYS OR MORE PAST DUE MAY BE COLLECTED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 27-1909, Idaho Code, be, and the same is hereby amended to read as follows:

27-1909. MAXIMUM DISCOUNT OR INTEREST RATE CHARGEABLE ON MONTHLY INSTALLMENT LOAN CONTRACTS.—Notwithstanding the provisions of section 27-1905, Idaho Code, the parties to an installment loan contract may agree on an interest rate as provided in said section 27-1905, or, in lieu of such interest rate, they may agree in writing to add to or deduct in advance from the entire initial principal amount of money due or to become due on any monthly installment loan contract other than a contract secured by real property, in an amount not to exceed one thousand dollars ($1,000.00) to two thousand dollars ($2,000.00), which shall be repayable in two or more monthly installments, a discount interest charge thereon shall be not in excess of six per cent (6%) discount
per annum. All charges on such installment loan contracts repayable in monthly installments where the principal amount of money due is in excess of one thousand dollars ($1,000.00) two thousand ($2,000.00) and on all loans of one thousand dollars ($1,000.00) two thousand dollars ($2,000.00) or less repayable other than in monthly installments shall be subject to the may be discounted by the lender at a rate not to exceed the maximum simple interest rate set forth in section 27-1905, Idaho Code.

SECTION 2. That Section 27-1910, Idaho Code, be, and the same is hereby amended to read as follows:

27-1910. LATE CHARGE ON OVERDUE MONTHLY INSTALLMENTS—INTEREST CHARGE ON FINAL JUDGMENT.—In the event that a monthly installment, on any installment loan contract in the principal amount of one thousand dollars ($1,000.00) two thousand dollars ($2,000.00) or less, becomes sixteen (16) days or more past due, the holder may collect a late charge in the amount of four per cent (4%) of the monthly installment, provided that each such late charge may not exceed the sum of four dollars ($4.00) for each past due installment. Any final judgment rendered on an installment loan contract shall bear interest at the legal rate of interest on judgments until fully satisfied.

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 13, 1965.

CHAPTER 135
(H. B. No. 53)

AN ACT

AMENDING SECTION 31-808, IDAHO CODE, RELATING TO SALE OR DISPOSITION OF COUNTY PROPERTY BY PROVIDING THAT THE BOARD OF COUNTY COMMISSIONERS MAY CONVEY ANY REAL PROPERTY OWNED BY THE COUNTY, HOWEVER ACQUIRED, OR ANY INTEREST IN SUCH PROPERTY, WITH OR WITHOUT COMPENSATION, TO ANY SCHOOL DISTRICT ORGANIZED AND EXISTING,
PARTIALLY OR WHOLLY, WITHIN THE COUNTY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-808, Idaho Code, be, and the same is hereby amended to read as follows:

31-808. To sell or offer for sale at public auction at the courthouse door, after thirty days’ previous notice given by publication in a newspaper of the county any property, real or personal, belonging to the county, not necessary for its use, except that such personal property not exceeding $50.00 in value may be sold at private sale without advertisement and such sale of real property may be made by the board of county commissioners, either for cash or upon such terms as the board of county commissioners may determine, and the same must be sold to the highest bidder. The notice required to be published in a newspaper by the foregoing sentence shall, in the case of a sale of realty contain an accurate description of the realty by legal description and, if the realty be located within a city or village, description by street address, and if the realty be located outside the limits of a city or village then such notice shall state the distance and direction of the location of such realty from the nearest city or village. The proceeds from such sales shall be paid into the county treasury for the use of the county, unless such property has been acquired by tax deed, in which event the proceeds from such sale shall be prorated to the taxing district in which the property is situated in proportion of each tax for the year of delinquency upon which the tax deed was issued to the county. If such property is sold on terms the board of county commissioners may contract for the sale of the same for a period of years not exceeding ten years, with an annual rate of interest on all deferred payments not to exceed six per cent per annum. The title to all property sold on contract shall be retained in the name of the county until full payment has been made by the purchaser. Any property sold by the board of county commissioners under the provisions of this section, either for cash or on contract, shall be assessed by the county assessor in the same manner and upon the same basis of valuation as though the purchaser held the record title to the property so sold. The board of county commissioners shall have authority to cancel any contract of sale if the purchaser shall fail to comply with any of the terms of such contract, and retain all payments paid thereon. The board of county com-
missioners may by agreement with the purchaser modify or extend any of the terms of any contracts of sale, but the total period of years shall not exceed ten years. Any such sale made by the board of county commissioners of property acquired through tax deed shall, subject to the provisions of this section, vest in the purchaser all of the right, title and interest of the county in the property so sold, including all delinquent taxes which have become a lien on the property since the date of the tax sale certificate upon which any tax deed has been issued, and such board shall have discretionary authority to reject or accept any bid which may be made for a less amount than the total amount of all delinquent taxes, penalties, and interest which may have accrued against any property so offered for sale, including the amount specified in the tax deed to the county. It shall be the duty of the board of county commissioners in advertising any property for sale, under this act, which has been acquired by tax deed to insert either before or after each description of real estate offered for sale the name of the taxpayer as it appears in the delinquent tax certificate upon which the tax deed held by the county was issued. Whenever a sale or transfer of any real estate acquired by tax deed has been under the provisions of this section, the bidder for any such real estate, whether bidding for himself or for another, must include or add to such bid the additional sum of one dollar, which sum shall be a fee for recording the deed conveying such real estate to the purchaser. No deed for any such real estate sold under the provisions of this section shall be delivered to a purchaser or his representative until such deed has been recorded in the county making the sale.

Provided, that any title to real property heretofore and/or hereafter acquired by any county under a tax deed, which in the judgment of the board of county commissioners is suitable for the production of trees and/or as a watershed, may be granted and conveyed by deed, to the United States of America by the county tax collector upon the order of the board of county commissioners. The said board of county commissioners shall appraise and determine the value of such real property immediately prior to the execution of the deed conveying the same to the United States of America. And the board of county commissioners shall accept from the United States of America for and on behalf of the county, as full compensation for each tract and parcel of such real property conveyed, title to stumpage having an approximate value equal to the appraised value
of the real property described in the deed or conveyance. All stumpage acquired by the county under the provisions of this paragraph shall be sold by the board of county commissioners for a price which shall not be less than its approximate value at the time it was received by the county from the United States of America, and the proceeds of such sale of such stumpage shall be deposited in the county treasury for the use of the county. The execution by the county tax collector of the deed of conveyance to the United States of America conveying any tract or parcel of such real property shall operate to discharge and cancel all levies and/or liens for taxes and special assessments made or created for the benefit of the state, county, school district or any taxing unit or district, and to cancel all titles or claims of title, including claims for redemption, to such real property, asserted or existing at the time of such execution. No public notice of the intention to convey title to any of the real property defined by this paragraph shall be necessary.

Provided further, that the board of county commissioners may, in their discretion, whenever they shall determine it is desirable and for the general welfare and benefit of the people of the county, grant and convey by deed to the United States of America or any agency thereof title in fee simple, or any other interest in and to any real estate owned by the county, whether acquired by tax deed or otherwise, which may be required by the United States or such agency for electric transmission or distribution lines or facilities connected therewith. Before making any such conveyance, the board of county commissioners shall enter a resolution declaring the intention of such board to make a conveyance of real property under authority of this act, and shall cause notice thereof to be published for at least two weekly issues of the official newspaper of said county before final action shall be taken, specifying the time and place where objections to such action may be filed and the time when such objections will be considered, provided, that if no newspaper is published in said county, such notice may be given by posting such notice in three public places in the county, one of which shall be at the county courthouse, in the place provided for posting similar notices, for a period of at least ten days immediately preceding the time fixed for hearing of objections. If no objections are filed or objections are overruled, the board may then convey the real property proposed in said resolution to be conveyed,
as herein authorized: such conveyance may be for such consideration as may be determined by said board.

Provided further that when any city or village desires to acquire lands, for the purpose of constructing and maintaining an aviation field, airport, hangars and other air navigation facilities thereon, as provided in chapter 4, title 21, and the title to all or any portion of the lands so desired for such purpose not exceeding in area 1280 acres, is vested in any county under tax deed, said land so owned by the county, may be sold and conveyed to any such city or village for such purposes by the county owning the same at a price to be fixed by resolution of the board of county commissioners. No public notice of the intention of the county to sell and convey title to any city or village for such purposes shall be necessary.

Provided further, that the board of county commissioners may, in their discretion, without previous notice by advertisement or otherwise, grant to the state of Idaho, with or without compensation, for state highway purposes; or may convey, with or without consideration, to any Junior College District, organized within the county under the provisions of sections 33-2101—33-2118, any real property owned by the county, not necessary for the use of the county, whether acquired by tax deed or otherwise.

Provided further, that the board of county commissioners may, in their discretion and without previous notice by advertisement or otherwise, grant, with or without compensation, to any school district located partially or wholly within the county and created, existing or established pursuant to Chapter 3 of Title 33, Idaho Code, as amended, any real property, or interest in real property, owned by the county but not necessary for the use of the county, whether acquired by tax deed or otherwise.

The execution and delivery by the county of the deed conveying such property, right of way, or other interest in such property to the United States of America or any agency thereof, the state, city, or village, school district, or Junior College District for such purposes, which shall be specified in the deed, shall operate to discharge and cancel all levies, liens, taxes and special assessments made or created for the benefit of the state, county, school district and all other taxing units and to cancel all titles or claims of title including claims of redemption to such real property asserted or existing at the time of such conveyance.
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, 1965.

CHAPTER 136
(H. B. No. 86, As Amended in the Senate)

AN ACT
REPEALING SECTION 49-1101, IDAHO CODE, RELATING TO THE DEFINITION AND PUNISHMENT OF NEGLIGENT HOMICIDE IN THE OPERATION OF A VEHICLE; AMENDING SECTION 18-4006, IDAHO CODE, RELATING TO THE DEFINITIONS OF VOLUNTARY AND INVOLUNTARY MANSLAUGHTER, BY DEFINING THE DIFFERENT TYPES OF INVOLUNTARY MANSLAUGHTER IN THE OPERATION OF A MOTOR VEHICLE; AMENDING SECTION 18-4007, IDAHO CODE, RELATING TO THE PUNISHMENT FOR MANSLAUGHTER, BY PRESCRIBING THE PUNISHMENT FOR EACH TYPE OF INVOLUNTARY MANSLAUGHTER IN THE OPERATION OF A MOTOR VEHICLE AS DEFINED IN SECTION 18-4006 AS AMENDED BY THIS ACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-1101, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 18-4006, Idaho Code, be, and the same is hereby amended to read as follows:

18-4006. Manslaughter is the unlawful killing of a human being, without malice. It is of two kinds:

1. Voluntary—upon a sudden quarrel or heat of passion.

2. Involuntary—in the perpetration of or attempt to perpetrate any unlawful act, other than arson, rape, robbery, kidnapping, burglary, or mayhem; or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection; or in the operation of a motor vehicle in a reckless, careless or negligent manner which produces death; or in the opera-
tion of any firearm or deadly weapon in a reckless, careless or negligent manner which produces death; or in the operation of a motor vehicle:

(a) In the commission of an unlawful act, not amounting to a felony, with gross negligence; or,

(b) In the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence; or,

(c) In the commission of an unlawful act, not amounting to a felony, without gross negligence; or,

(d) In the commission of a lawful act which might produce death, in an unlawful manner, but without gross negligence.

Provided, this provision relating to operation of a motor vehicle shall not be construed as making any homicide in the driving of a vehicle punishable as involuntary manslaughter which is not a proximate result of the commission of an unlawful act, not amounting to a felony, or of the commission of a lawful act which might produce death in an unlawful manner.

SECTION 3. That Section 18-4007, Idaho Code, be, and the same is hereby amended to read as follows:

18-4007. Manslaughter is punishable as follows:

1. Voluntary—by imprisonment in the state prison not exceeding ten years or by a fine of not more than $2,000.00, or by both such fine and imprisonment.

2. Involuntary—by a fine of not more than $1,000.00, or by imprisonment in the state prison not exceeding ten years, or by both such fine and imprisonment, except that a violation of subsection 2 of Section 18-4006, Idaho Code, relating to the operation of a motor vehicle is punishable as follows:

(a) In the case of a violation of subdivision (a) or (b) of said subsection 2 of Section 18-4006, the punishment shall be either by imprisonment in the county jail for not more than one year or in the state prison for not more than five years or by a fine of not more than $1,000.00 or by both such fine and either of said imprisonments, and in such cases the jury may recommend by their verdict that the punishment shall be by imprisonment in the county jail.
(b) In the case of violation of subdivision (c) or (d) of said subsection 2 of Section 18-4006, the punishment shall be by imprisonment in the county jail for not more than one year or by a fine of not more than $500.00 or by both such fine and imprisonment.

In cases where, as authorized in this section, the jury recommends by their verdict that the punishment shall be by imprisonment in the county jail, the Court shall not have authority to sentence the defendant to imprisonment in the state prison, but may nevertheless place the defendant on probation as provided in this code.

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 13, 1965.

CHAPTER 137
(H. B. No. 67, As Amended in the Senate)

AN ACT
AMENDING SECTION 5-327, IDAHO CODE, RELATING TO SURVIVAL OF ACTIONS UPON DEATH OF THE WRONGDOER, BY CLARIFYING ITS INTENT AND PURPOSE TO APPLY TO EACH PERSON INJURED OR KILLED AND TO REQUIRE EVIDENCE OTHER THAN THAT OF THE INJURED PERSON TO BE CORROBORATING NOT EXCLUSIVE; PROVIDING THAT THE LIMITATION ON RECOVERY AGAINST THE ESTATE OR PERSONAL REPRESENTATIVE OF THE WRONGDOER SHALL BE APPLICABLE ONLY IN ABSENCE OF LIABILITY INSURANCE COVERAGE; PROVIDING THAT THE EXISTENCE OF INSURANCE SHALL NOT BE RAISED IN THE TRIAL OF ANY ACTION AND FOLLOWING VERDICT THE COURT SHALL REDUCE THE AMOUNTS OF ANY AWARDS TO THE LIMITS APPLICABLE; RESTRICTING APPLICATION TO CAUSES OF ACTION ARISING AFTER THE EFFECTIVE DATE HEREOF; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 5-327, Idaho Code, be, and the same is hereby amended to read as follows:
5-327. PERSONAL INJURIES—DEATH OF WRONGDOER—SURVIVAL OF ACTION—LIMITATIONS ON RECOVERY.—Causes of action arising out of injury to the person, or death, caused by the wrongful act or negligence of another, shall not abate upon the death of the wrongdoer, and each injured person or the personal representative of each one meeting death as above stated, shall have a cause of action against the personal representative of the wrongdoer; provided, however, that the injured person shall not recover judgment except upon some competent, satisfactory evidence other than corroborating the testimony of said injured person regarding negligence and proximate cause; and provided further, that in the absence of any applicable liability insurance covering the wrongful acts of the deceased wrongdoer, the damage recoverable from his personal representative under the provisions of this act shall not exceed $10,000 for each person injured or killed. No attempt shall be made in the trial of any action brought against the personal representative of the deceased wrongdoer to suggest the existence of any insurance which covers in whole or in part any judgment or award which may be rendered in favor of a plaintiff and if no insurance coverage be existing or if the verdict exceeds the limit of applicable insurance, the court shall reduce the amount of said judgment accordingly.

SECTION 2. The amendments incorporated herein shall be applicable only to causes of action accruing subsequent to the effective date of this act.

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

Approved March 13, 1965.

CHAPTER 138
(S. B. No. 190)

AN ACT

AMENDING SECTION 25-1722, IDAHO CODE, RELATING TO LIVESTOCK MARKETS; BY ADDING NEW MATERIAL PROVIDING AN EXEMPTION FROM THE "IDAHO PUBLIC LIVESTOCK MARKET DEVELOPMENT ACT", AS TO CERTAIN
IDAHO AUCTION MARKETS SELLING NOT MORE THAN TWENTY ANIMALS A WEEK OR EIGHTY ANIMALS PER MONTH.

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, to be known and designated subsection (f), and to read as follows:

25-1722. EXEMPTIONS.—This act shall not be construed to include as a public livestock market:

(a) Any place or operation where Future Farmers or 4-H groups, or private fairs conduct sales of livestock.

(b) Any place or operation conducted for a dispersal sale of the livestock of a farmer, dairymen, livestock breeder or feeder who is discontinuing said business and no other livestock is sold or offered for sale.

(c) Any place or operation where a breeder or an association of breeders of livestock assemble and offer for sale and sell under their own management any livestock when such breeders shall assume all responsibility of such sale and the title of livestock sold. This shall apply to all pure-bred 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.

(f) Any Idaho auction market operated by an Idaho licensed auctioneer selling not more than twenty animals a week or more than eighty animals a month, provided such an auction market is bonded under the provisions of the Federal Packers and Stockyards Act, 1921, as amended.

Approved March 13, 1965.
CHAPTER 139
(S. B. No. 199)

AN ACT


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

SECTION 1. There is hereby appropriated out of the 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, 1965, and ending June 30, 1967; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  Appropriations:
STATE BOARD OF HIGHWAY DIRECTORS:
For:  Salaries and Wages ...................... $ 20,220,846
Travel Expense .......................... 248,000
Other Current Expense ................. 8,725,000
Capital Outlay ......................... 72,553,000
Refunds of Erroneous Rec. ........... 200,000
Total ..................................... $101,946,846

From:  Highway Fund ......................... $ 38,887,846
Federal Funds ......................... 61,134,000
Counties & Highway Districts ....... 1,925,000
Total ..................................... $101,946,846

Approved March 13, 1965.
ENACTING AND RE-ENACTING SECTION 3, CHAPTER 63, PAGE 122, 1955 IDAHO SESSION LAWS AMENDING SECTION 21, CHAPTER 152, PAGE 364, 1947 IDAHO SESSION LAWS RELATING TO WATER AND SEWER DISTRICTS TO PERMIT THE AMORTIZATION OF BONDS ISSUED BY SUCH DISTRICTS UP TO THIRTY YEARS FROM DATE OF ISSUE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 3, Chapter 63, Page 122, 1955 Idaho Session Laws, amending or purportedly amending Section 42-3221, Idaho Code, Section 21, Chapter 152, Page 364, 1947 Idaho Session Laws, be enacted and re-enacted to read as follows:

42-3221. ISSUANCE OF NEGOTIABLE COUPON BONDS—FORM AND TERMS.—To carry out the purposes of this act, and to pay the necessary and ordinary expenses of the district, the board is hereby authorized to issue negotiable coupon bonds of the district. Bonds shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually, and shall be due and payable serially, either annually or semi-annually, commencing not later than three years and extending not more than thirty years from date. The form and terms of said bonds, including provisions for their payment and redemption, shall be determined by the board. If the board so determines, such bonds may be redeemable prior to maturity upon payment of a premium, not exceeding three per centum of the principal thereof. Said bonds shall be executed in the name of and on behalf of the district and signed by the chairman of the board with the seal of the district affixed thereto and attested by the secretary of the board. Said bonds shall be in such denominations as the board shall determine and the bonds and coupons thereto attached shall be payable to bearer. Interest coupons shall bear the original or facsimile signature of the chairman of the board.

SECTION 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, 1965.
CHAPTER 141
(S. B. No. 97)

AN ACT

AMENDING TITLE 70, CHAPTER 1, IDAHO CODE, RELATING TO PORT DISTRICTS, BY ADDING A NEW SECTION THERE-TO FOLLOWING SECTION 70-119, TO BE KNOWN AND DES-
IGNATED AS SECTION 70-119A TO PROVIDE THAT ANY PORT COMMISSION PROPOSING TO LEASE TO A NON-
EXEMPT TAXPAYER, ANY FACILITY OWNED BY THE PORT WHICH WOULD BE SUBJECT TO AD VALOREM TAXES IF NOT OWNED BY THE PORT, SHALL CAUSE SUCH FACILITY TO BE VALUED BY THE ASSESSOR OF THE COUNTY WHEREIN IT IS SITUATE IN THE SAME MANNER AS THOUGH IT WERE BEING VALUED FOR THE PURPOSE OF THE ASSESSMENT OF AD VALOREM TAXES BY THE COUNTY; AND PROVIDING THAT SUCH VALUA-
TION SHALL BE CERTIFIED BY THE ASSESSOR TO THE PORT COMMISSION, WHICH SHALL DETERMINE THE AD VALOREM TAXES WHICH WOULD HAVE BEEN PAYABLE UPON SUCH VALUATION IN THE NEXT PRECEDING TAX YEAR; AND PROVIDING THAT SUCH SUM BE DESIGN-
NATED FOR THE PURPOSES OF THIS ACT AS THE "LIEU TAX"; AND PROVIDING THAT THE PORT COMMISSION SHALL ADD TO ANY PAYMENTS TO BE MADE BY ANY LESSEE UNDER SUCH LEASE THE AMOUNT OF THE LIEU TAX AND REQUIRE THE SAME TO BE PAID ANNUALLY BY THE LESSEE TO THE PORT COMMISSION TO BE FORTHWITH REMITTED BY IT TO THE TAX COLLECTOR OF SUCH COUNTY, WHO SHALL DISBURSE SUCH PRO-
CEEDS TO ALL TAXING BODIES AND/OR AGENCIES RECEIVING GENERAL AD VALOREM TAX PROCEEDS IN ANY SUCH YEAR, ON A PRO RATA BASIS; AND PROVIDING THAT UPON ANY EXTENSION OF SUCH LEASE BY VIR-
TUE OF AN OPTION CONTAINED THEREIN OR OTHER-
WISE, OR UPON THE RE-LEASING OF ANY SUCH FA-
CILITY, SUCH FACILITY SHALL AGAIN BE VALUED BY SUCH ASSESSOR AND A NEW LIEU TAX FIGURE DE-
TERMINED, AND THAT ANY SUCH EXTENSION OR RE-
LEASING SHALL, IN THE SAME MANNER, BE SUBJECT TO THE PAYMENT OF SUCH NEW LIEU TAX FIGURE BY THE LESSEE; AND PROVIDING THAT THE FAILURE OF THE LESSEE TO PAY SUCH LIEU TAX BY THE TWEN-
TIETH OF DECEMBER IN EACH YEAR SHALL CONSTITU-
TUTE A BREACH OF ANY SUCH LEASE; AND PROVIDING THAT THE PORT SHALL NOT BE LIABLE FOR THE PAY-
MENT OF ANY SUCH SUMS IF NOT MADE BY ITS LESSEE, BUT SHALL TAKE EVERY REASONABLE EFFORT TO COLLECT THE SAME; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 1, Title 70, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 70-119, to be known and designated as Section 70-119A, and to read as follows:

70-119A. PORT FACILITIES—PAYMENT BY LESSEES IN LIEU OF TAXES—PROCEDURE.—If a port commission shall propose to lease any facility owned by the port which would be subject to ad valorem taxes of this state if owned by a non-exempt taxpayer, to any legal entity which is not entitled to such tax exemption under the laws of this state, it shall first cause such facility to be valued by the assessor of the county in which the facility is situate. Such assessor shall value such facility in the same manner as though it were being valued for the purpose of the assessment of ad valorem taxes by the county.

The assessor shall certify to the commission the amount of such valuation. The tax collector of such county shall at the request of the commission certify the amount of ad valorem taxes which would have been paid by a non-exempt taxpayer upon such valuation in the next proceeding tax year (which sum is herein referred to as the “lieu tax”).

Such commission shall add to any payments to be made by any lessee under such lease, the amount of the lieu tax, to be paid annually to the port in addition to all other sums due under such lease. The amount of such lieu tax payment shall remain the same during the original term of such lease.

The proceeds of such lieu tax payment shall be remitted by the commission, forthwith upon its receipt, to the county tax collector, who shall disburse such proceeds to all taxing bodies and/or agencies receiving general ad valorem tax proceeds in any such year, on a pro rata basis.

Upon any extension of such lease, whether by reason of an option contained in such original lease or otherwise, and upon any re-leasing of such facility, the facility shall be again valued and certified by such assessor and the new valuation and lieu tax payment determined by the commission in the same manner, and any such extension or re-
leasing shall be subject to the annual payment by the lessee of the new lieu tax figure.

All such leases shall be so written that failure of the lessee to pay all such lieu tax monies prior to the twentieth day of December in each year of such lease shall constitute a breach thereof.

The port shall not be liable for the payment of any such sums if not made by its lessees, but it shall make every reasonable effort to collect the same.

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, 1965.

CHAPTER 142
(S. B. No. 35, As Amended in the House of Representatives)

AN ACT

AMENDING SECTION 58-314, IDAHO CODE, RELATING TO THE SALE AND CONVEYANCE OF STATE LANDS TO PROVIDE THAT DEED TO THE SAME SHALL BE SUBJECT TO REASONABLE EASEMENTS FOR ROADS USED BY THE PUBLIC, UNLESS THE COUNTY COMMISSIONERS RELEASE SUCH EASEMENTS AND THE DEED EXPRESSLY CONVEYS SAID EASEMENTS.

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

SECTION 1. That Section 58-314, Idaho Code, as amended by Chapter 262, 1949 Session Laws, be, and the same is hereby amended to read as follows:

58-314. PLACE AND TERMS OF SALE—CASH SALES—NOXIOUS WEED DISTRICTS.—All sales of state lands shall be held at the state capitol unless otherwise directed by the state board of land commissioners. Any such sale held away from the state capitol shall take place at the county seat of the county or one of the counties in which such lands are situated unless otherwise directed by the board.

Terms of payment shall be as follows: Timber lands and
lands chiefly valuable for timber, cash on day of sale, or on installments as provided in section 58-411; lands acquired by sheriff’s deed or deed taken in satisfaction of mortgage securing loan of state funds, cash on the day of sale or on such other terms and conditions as the state board of land commissioners may direct; on all other lands, except those mentioned in section 58-315, ten per cent of the purchase-money on the day of sale and the balance in forty annual payments with interest at the rate of four per cent per annum on all deferred payments; except that where the purchase price is less than $100.00 it shall be paid in full on the day of sale and provided further that if the purchase price is less than $400.00, 10% of the purchase money shall be paid on day of sale and the balance in annual payments, the number of installments to be determined by the state land board. The purchaser shall always have the right to make full payment with accrued interest at any time. Interest on deferred payments shall be payable annually in advance on January first, and interest for the first year to January first next succeeding shall be paid at the time of purchase.

When the conditions hereinafter prescribed have been complied with, the state board shall make and deliver to the purchaser a certificate of purchase containing the name of the purchaser, a description of the land, the sum paid, the amount remaining due, and the date at which each of the deferred payments falls due and the amount thereof, and the amount and date of the several payments of interest to be made thereon. Such certificate shall be signed by the governor and countersigned by the land commissioner and a record of the same kept by him in a suitable book. When, in the judgment of the board, a bond by a purchaser of state lands is necessary, the state board shall require such purchaser to give a bond upon such conditions as the said board may determine.

Whenever a purchaser of state lands shall have complied with all of the conditions of the sale, paid all purchase-money with the lawful interest thereon, and shall furnish the state land commissioner with satisfactory proof of payment of taxes levied and assessed against his equity in said lands for the current year, or with satisfactory proof that such taxes are otherwise secured, he shall receive a deed for the land purchased. Such deed shall be signed by the governor, and countersigned by the secretary of state and by the land commissioner and attested with the great seal of the state and the seal of the state board of
land commissioners, and said deed shall operate to convey to the purchaser a good and sufficient title in fee simple:

provided that the conveyance by said deed shall be subject to reasonable easements for all roads used by the public which exist at the time of sale, unless the county commissioners of the county in which such roads are situated approve the release of such easements and the deed expressly conveys said easements.

Provided, that the state land board may, in its judgment and on the application of the purchaser, extend the time of payment on all state lands purchased prior to the time this section takes effect in such manner as to distribute the remaining payments over a period which, when added to the period which shall have elapsed since the purchase was made, shall not exceed forty years in all.

Interest on all deferred payments to be at the rate of four per cent per annum except as provided in section 58-315. All payments shall be made to the state land commissioner.

The rate of interest now accruing or to accrue hereafter, and of interest now delinquent, on deferred or delinquent payments due or to become due hereafter, on all sales of state lands heretofore made, certificates of which are now outstanding, shall be, and it is hereby, reduced to four per centum per annum, except as otherwise provided in section 58-315. The state land commissioner is hereby authorized and directed to accept interest payments at the rate herein fixed, on all outstanding certificates of land sales.

On state lands hereafter sold under contract of sale in noxious weed control districts, or which may become a part of a noxious weed control district, it shall be the duty of the contract purchaser if the lands are, or may become, infested with noxious weeds to join such a district and pay for the eradication and/or control of noxious weeds on these lands. If within ninety (90) days after receiving a notice by registered mail from the state land department that the lands are infested with noxious weeds, he does not join such a weed control program the land commissioner may request the treatment of such lands by those in charge of the weed control district. When the cost of such treatment has been determined, the supervisor of the weed control district shall send a bill to the purchaser for such eradication of noxious weeds, and if the amount of said bill be not paid within ninety (90) days the state board of land commissioners may declare the contract of sale forfeited and
cancel the same, and if the contract is cancelled said bill for noxious weed eradication and/or control shall be paid from the state noxious weed control fund appropriated for the treatment of noxious weeds upon state lands.

Approved March 13, 1965.

CHAPTER 143
(H. B. No. 281)

AN ACT

AMENDING SECTION 1-804, IDAHO CODE, DEFINING BOUNDARIES OF THE THIRD JUDICIAL DISTRICT TO ELIMINATE OWYHEE COUNTY FROM THE DISTRICT AND ADD VALLEY COUNTY TO THE DISTRICT; AND AMENDING SECTION 1-808, IDAHO CODE, DEFINING THE BOUNDARIES OF THE SEVENTH JUDICIAL DISTRICT TO ELIMINATE VALLEY COUNTY FROM THE DISTRICT AND ADD OWYHEE COUNTY TO THE DISTRICT.

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

SECTION 1. That Section 1-804, Idaho Code, be, and the same is hereby amended to read as follows:

1-804. The third district comprises the counties of Ada, Boise, Elmore and Valley.

SECTION 2. That Section 1-808, Idaho Code, be, and the same is hereby amended to read as follows:

1-808. The seventh district comprises the counties of Adams, Canyon, Gem, Payette, Valley, Owyhee and Washington.

Approved March 17, 1965.

CHAPTER 144
(H. B. No. 188)

AN ACT

AMENDING SECTION 40-2709 TO REMOVE ALL EXISTING AMBIGUITIES OF SAID SECTION AND TO CLARIFY THE
AUTHORITY AND PROCEDURES FOR TAX LEVIES BY THE COMMISSIONERS OF COUNTY HIGHWAY SYSTEMS, THE COMMISSIONERS OF COUNTY-WIDE HIGHWAY DISTRICTS, AND THE COMMISSIONERS OF HIGHWAY OR GOOD ROADS DISTRICTS FOR PURPOSES OF CONSTRUCTION AND MAINTENANCE OF ROADS AND BRIDGES UNDER THEIR RESPECTIVE JURISDICTIONS; TO PROVIDE THAT SUCH COMMISSIONERS SHALL BE AUTHORIZED AND EMPOWERED TO MAKE THE FOLLOWING TAX LEVY IN THEIR RESPECTIVE JURISDICTIONS: (1) ONE DOLLAR ($1.00) OF EACH ONE HUNDRED DOLLARS ($100) OF ASSESSED VALUATION FOR CONSTRUCTION AND MAINTENANCE OF ROADS AND BRIDGES, FIFTY PER CENT (50%) OF WHICH TAX SHALL BE APPORTIONED TO ANY INCORPORATED CITY, TOWN OR VILLAGE WITHIN WHOSE BOUNDARY LIES ANY PROPERTY UPON WHICH A TAX IS LEVIED, (2) A SPECIAL LEVY OF THIRTY CENTS (30¢) ON EACH ONE HUNDRED DOLLARS ($100) OF ASSESSED VALUATION FOR THE SPECIFIC PURPOSE OF MATCHING STATE AND FEDERAL SECONDARY ROAD FUNDS, (3) AN ADDITIONAL SPECIAL LEVY OF TWELVE CENTS (12¢) ON EACH ONE HUNDRED DOLLARS ($100) OF ASSESSED VALUATION FOR THE SPECIFIC PURPOSE OF CONSTRUCTION AND MAINTENANCE OF BRIDGES ONLY; TO PROVIDE FOR THE METHOD OF LEVY AND COLLECTION OF SUCH TAXES; TO PROVIDE FOR A MAXIMUM LEVY FOR ALL SUCH PURPOSES OF ONE DOLLAR AND FORTY-TWO CENTS ($1.42) ON EACH ONE HUNDRED DOLLARS ($100) OF ASSESSED VALUATION; AND REPEALING SECTION 63-905, IDAHO CODE.

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

SECTION 1. That Section 40-2709, Idaho Code, be, and the same is hereby repealed, and in lieu thereof the following section is to be inserted and known and designated as Section 40-2709, Idaho Code, which section shall read as follows:

40-2709. AUTHORITY AND PROCEDURE FOR TAX LEVIES.—The county commissioners of a county highway system, the commissioners of a county-wide highway district, and the commissioners of highway districts or good roads districts are hereby empowered and authorized, for the purpose of construction and maintenance of roads and bridges under their respective jurisdictions, to make the following highway tax levies as applied to the assessed valuation of their districts:
1. One dollar ($1.00) on each one hundred dollars ($100) of assessed valuation for construction and maintenance of roads and bridges; provided that if such levy is made upon property within the limits of any incorporated city, town or village, fifty per cent (50%) thereof shall be apportioned to such incorporated city, town or village.

2. A special levy of thirty cents (30¢) on each one hundred dollars ($100) of assessed valuation, said levy to be for the specific purpose of matching state and federal road funds. No part of this levy shall be apportioned to any incorporated city, town or village.

3. An additional special levy of twelve cents (12¢) on each one hundred dollars ($100) of assessed valuation, said levy to be for the specific purpose of construction and maintenance of bridges only, no part of which shall be apportioned to any incorporated city, town or village.

The tax levies authorized by this section shall be certified to the county auditor of the county in which such levies are made and at the same time that other tax levies are certified for other county purposes and shall 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 treasury and apportioned to the districts or taxing units in the amount that their respective levies produced, exclusive of ordinary collection fees to the county and the proper apportionment to the incorporated cities, towns and villages.

The total levies for construction and maintenance of roads and bridges, secondary road matching funds and construction and maintenance of bridges only, shall not exceed one dollar and forty-two cents ($1.42) on each one hundred dollars ($100) of such assessed valuation.

SECTION 2. That Section 63-905, Idaho Code, be, and the same is hereby repealed.

Approved March 17, 1965.
CHAPTER 145
(H. B. No. 99)

AN ACT

PROVIDING FOR THE LICENSING OF COMMERCIAL DRIVER TRAINING SCHOOLS AND INSTRUCTORS UNDER REGULATIONS ADOPTED BY THE COMMISSIONER OF LAW ENFORCEMENT; AND PROVIDING PENALTIES FOR VIOLATION OF THE ACT.

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

SECTION 1. DEFINITIONS.—(A) “Commercial driver training school” or “school” means a business enterprise conducted by an individual, association, partnership, or corporation, for the education and training of persons, either practically or theoretically, or both, to operate or drive motor vehicles, and charging a consideration or tuition for such services.

(B) “Instructor” means any person, whether acting for himself as operator of a commercial driver training school or for such a school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of, persons learning to operate or drive motor vehicles.

SECTION 2. (A) The Commissioner of Law Enforcement, shall adopt and prescribe such regulations concerning the administration and enforcement of this act as are necessary to protect the public. The Commissioner shall inspect the school facilities and equipment of applicants and licensees and examine applicants for instructor's licenses.

(B) The Commissioner shall administer and enforce this act and shall formulate and promulgate the regulations for its administration and enforcement.

SECTION 3. No commercial driver training school shall be established nor shall any existing school continue to operate on or after July 1, 1965, unless such school shall apply for and obtain from the Commissioner of Law Enforcement a license in the manner and form prescribed by the Commissioner.

The application for license shall include a statement of the location of the school, the equipment, courses of instruction, instructors, previous records of the school and instructors, financial statements, schedule of fees and charges, character and reputation of the operators, insur-
ance and such other matters as the Commissioner may prescribe for the protection of the public.

SECTION 4. No person shall act as an instructor on or after July 1, 1965, unless such person applies for and obtains from the Commissioner of Law Enforcement a license in the manner and form prescribed by the Commissioner.

The regulations shall state the requirements for an instructor's license, including requirements concerning moral character, physical condition, knowledge of the courses of instruction, motor vehicle laws and safety principles, previous personal and employment records, and such other matters as the Commissioner may prescribe for the protection of the public.

SECTION 5. All licenses shall expire on the last day of the calendar year and may be renewed upon application to the Commissioner of Law Enforcement as prescribed by his regulations. Each application for an original or renewal school license shall be accompanied by a fee of twenty-five dollars ($25.00), and each application for an original or renewal instructor's license shall be accompanied by a fee of five dollars ($5.00). Such fees shall be payable to the treasurer of the state and credited to the department of traffic safety. No license fees shall be refunded in the event any license is rejected, suspended, or revoked.

SECTION 6. The Commissioner of Law Enforcement may refuse to issue, or may suspend or revoke a license in any case where he finds the applicant or licensee has violated any of the provisions of this act or the regulations adopted by the Commissioner. A suspended or revoked license shall be returned to the Commissioner by the licensee.

SECTION 7. Sections 1-6 inclusive, of this act do not apply to any person giving driver training lessons without charge, to employers maintaining driver training schools without charge for their employees only, nor to schools or classes conducted by colleges, universities and high schools for regularly enrolled full time students as a part of a normal program for such institutions.

SECTION 8. Whoever violates sections 1-7 inclusive, of this act, shall be fined not more than one hundred dollars ($100.00) or imprisoned not more than thirty (30) days, or both.

Approved March 18, 1965.
CHAPTER 146
(H. B. No. 164)

AN ACT

AMENDING SECTION 22-901, IDAHO CODE, BY PROVIDING THAT WHEN POTATOES ARE OFFERED FOR SHIPMENT WITHIN THE STATE FOR PROCESSING PURPOSES THE PROVISIONS OF THE ACT RELATING TO GRADES AND GRADING SHALL NOT APPLY; BY DELETING "IDAHO APPROVED" AS A SEED STOCK; PROVIDING THAT POTATOES NOT MEETING CERTAIN STANDARDS SHALL NOT BE MARKETED, EXCEPT AS PROVIDED IN THIS SECTION; AMENDING SECTION 22-907, IDAHO CODE, BY ADDING PLASTIC TO THE MEANING OF THE TERM "CONTAINERS"; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 22-901, Idaho Code, be, and the same is hereby amended to read as follows:

22-901. When potatoes are marketed or offered for shipment, within the state of Idaho, for packing, repacking or processing purposes, or when potatoes are offered for sale by the grower direct to the consumer in lots of less than one carload within the state or when "Idaho Certified" or "Idaho Approved" seed stock, as defined by the Idaho state seed certification officials are offered for sale, the provisions of this act prescribing grades and requiring grading shall not apply; but in all other cases when potatoes are packed for sale, offered for sale, or sold within the state of Idaho, or offered for shipment within or outside the state of Idaho, such potatoes shall be graded either as "Idaho Deluxe," "Idaho Standard," or "Idaho Utility;" provided, however, that all potatoes marketed within the state of Idaho or outside the state of Idaho may conform to grades promulgated by an act of Congress or promulgated by authority of the secretary of agriculture of the United States, if the shipper or grower so desires. It is further provided that all potatoes not meeting the requirements of grade hereinafter provided for and hereinafter set out shall be declared to be detrimental to the potato industry of the state of Idaho and shall not be marketed, except as provided in this section, within the state of Idaho. All potatoes conforming to the grades hereinafter set out shall be packed in containers or bags in conformity with the following prescribed rules.
SECTION 2. That Section 22-907, Idaho Code, be, and the same is hereby amended to read as follows:

22-907. The term "containers" means cloth, plastic, paper, or fibre sacks (such as are customarily used in the shipment of potatoes), cartons, barrels, boxes, crates, ham­pers, or baskets. Cloth or fibre sacks in which potatoes not exempt under the provisions of this act are packed for shipment, shall be new or recleaned, bright, undamaged sacks. Provided, however, that on and after September 1, 1949, no container known as a mugged bag can be used on any grade or grades of potatoes as defined in this act. The term "mugged bag" means any bag, after such bag has been filled and the top thereof closed or secured, which is not fully closed at the top and which leaves the mouth thereof partially open so that the lips of the bag are not drawn closely together.

The term "undamaged" means that sacks have unbroken hems and may have not more than two holes of not more than one inch in diameter.

SECTION 3. This act shall be in full force and effect on and after July 1, 1965.

Approved March 17, 1965.

CHAPTER 147
(H. B. No. 197)

AN ACT

AMENDING SECTION 21-404, IDAHO CODE, BY REMOVING AN APPARENT CONFLICT THEREIN WITH SECTION 50-131, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 21-404, Idaho Code, be, and the same is hereby amended to read as follows:

21-404. Tax levy authorized.—Any county or municipality may levy on all of the taxable property of said county or said municipality, for the purpose of building and maintaining an airport either within or without the bound­aries of such county or municipality, a tax not to exceed the sum of two mills, on all taxable property within such
county or such municipality, provided, however, that this section does not constitute a limitation upon the powers of cities of the first class as provided in Idaho Code, Section 50-131.

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 17, 1965.

CHAPTER 148
(H. B. No. 109, As Amended)

AN ACT
AMENDING SECTION 33-1217, IDAHO CODE, INCREASING FROM THIRTY-TWO, TO NINETY, DAYS THE NUMBER OF DAYS OF SICK LEAVE WHICH MAY BE ACCUMULATED; AND SECURING ACCUMULATED SICK LEAVE RIGHTS TO TEACHERS WHO CONTINUE IN SERVICE IN NEW DISTRICTS FORMED BY THE DIVISION OR CONSOLIDATION OF DISTRICTS; AND SETTING THE EFFECTIVE DATE HEREOF.

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

SECTION 1. That Section 33-1217, Idaho Code, be, and the same is hereby amended to read as follows:

33-1217. ACCUMULATION OF UNUSED SICK LEAVE—SICK LEAVE WHEN DISTRICTS DIVIDE OR CONSOLIDATE.—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 (32) ninety (90) days accumulation of leave. Termination of employment in any district shall terminate sick leave rights, both current and accumulated. Whenever new school districts are formed by the consolidation or by the division of existing districts, the accumulated sick leave of any teachers who continue in service in the new districts created by such consolidation or division shall have such accumulated sick leave secured for, and credited to, them in such newly created districts.
SECTION 2. EFFECTIVE DATE.—This act shall be in full force and effect on and after the first day of July, 1965.

Approved March 17, 1965.

CHAPTER 149
(H. B. No. 182)

AN ACT

AMENDING SECTION 44-104, IDAHO CODE, SO AS TO PERMIT THE COMMISSIONER OF LABOR TO ENFORCE THROUGH THE COURTS OF THIS STATE VIOLATIONS OF SAFETY ORDERS OR RECOMMENDATIONS; AMENDING CHAPTER 1 OF TITLE 44, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 44-104, TO BE KNOWN AND DESIGNATED AS SECTION 44-104A, BY PROVIDING A PENALTY FOR VIOLATIONS OF SECTION 44-104.

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

SECTION 1. That Section 44-104, Idaho Code, be, and the same is hereby amended to read as follows:

44-104. DUTIES OF COMMISSIONER—INSPECTIONS NOTICE—HEARING BY INDUSTRIAL ACCIDENT BOARD.—The commissioner or his deputy shall have authority to enter places of employment covered by this act at reasonable times, and inspect safety and sanitary conditions, except in those cases where such authority is now vested in the state mining inspector, and whenever there is found to exist any violation of any law of this state relating to safety and/or sanitary conditions or practices, or that the place of business and/or equipment is not constructed and maintained in conformity with reasonable standards of safety, the commissioner shall notify the owner or lessee of the premises or the proprietor or operator of the business there carried on of the unsafe conditions and shall make recommendations for the correction of such unsafe conditions. Upon receiving such notice and recommendation from the commissioner, the owner or lessee of the premises or the proprietor or operator shall immediately comply with such recommendations or he shall notify the commissioner that he claims he is not violating any law of this state relating to safety or sanitary conditions or any unsafe practices. Whenever the owner or lessee of the prem-
ises or proprietor or operator of the business refuses or
fails to comply with the recommendations of the commis-
ioner, the commissioner shall request the industrial acci-
dent board to hold a hearing. Upon receiving such request
from the commissioner, the board shall forthwith designate
a time and place for hearing, as provided in Section 72-602,
request the Industrial Accident Board for a hearing on a
form prescribed by the Board. Upon receiving such appli-
cation, the Board shall set the matter for hearing in accord-
ance with the Board's procedure and as provided by Section
72-603 of the Idaho Code.

SECTION 2. That Chapter 1, Title 44, Idaho Code, be,
and the same is hereby amended by adding a new section
thereto following Section 44-104, to be known and desig-
nated as Section 44-104A, and to read as follows:

44-104A. PENALTY FOR VIOLATIONS.—Every em-
ployer, employee or other person who, either individually
or acting as an officer, agent or employee of a corporation
or other person, who shall fail or refuse to comply with
such order or recommendations or fails to request the In-
dustrial Accident Board for a hearing as provided in Sec-
tion 44-104 within three days from the date of receiving
such written recommendations or order may be enjoined
by the district court in and for the county in which such
employer carries on any part of his trade or occupation
from carrying on such trade or occupation while such
failure continues. All proceedings in the courts under this
section shall be brought by the Commissioner of Labor in
the name of the State of Idaho.

Approved March 17, 1965.

CHAPTER 150
(H. B. No. 118)

AN ACT

AMENDING SECTION 37-1011, IDAHO CODE, BY ADDING
THERETO TO THE DEFINITION OF THE TERM "PER-
SONS", THE TERMS BODIES POLITIC AND BODIES COR-
PORATE.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 37-1011, Idaho Code, be, and the same is hereby amended to read as follows:

37-1011. DEFINITIONS.—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, bodies politic and bodies corporate.

(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.

Approved March 17, 1965.

CHAPTER 151
(H. B. No. 77)

AN ACT

AMENDING SECTION 18-5811, IDAHO CODE, TO PROVIDE THAT THE PUBLIC SHALL TAKE SPECIFIC SAFETY PRECAUTIONS WHEN APPROACHING A BLIND PERSON USING A GUIDE DOG; AMENDING SECTION 18-5812, IDAHO CODE, TO PROVIDE THAT IT IS A MISDEMEANOR FOR A PERSON TO FAIL TO TAKE THE REQUIRED SAFETY PRECAUTIONS WHEN APPROACHING A BLIND PERSON USING A GUIDE DOG; AMENDING CHAPTER 58 OF TITLE 18, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 18-5812, TO BE KNOWN AND DESIGNATED AS SECTION 18-5812A, PROVIDING THAT BLIND PERSONS ACCOMPANYED BY GUIDE DOGS SHALL NOT BE DENIED ADMITTANCE TO ANY PUBLIC PLACE OR ON PUBLIC TRANSPORTATION FACILITIES BY REASON OF BEING
ACCOMPANIED BY A GUIDE DOG AND SHALL NOT BE REQUIRED TO PAY ADDITIONAL CHARGES BUT THAT SUCH BLIND PERSON SHALL BE LIABLE FOR ANY DAMAGE CAUSED BY THE GUIDE DOG; AND PROVIDING THAT ANY PERSON VIOLATING SECTION 18-5812A SHALL BE GUILTY OF A MISDEMEANOR.

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

SECTION 1. That Section 18-5811, Idaho Code, be, and the same is hereby amended to read as follows:

18-5811. Any pedestrian who is not wholly or partially blind, or any driver of a vehicle who approaches or comes in contact with a person wholly or partially blind, carrying a cane or walking stick white in color, or white tipped with red, or using a guide dog, shall immediately come to a full stop and take such precautions before proceeding as may be necessary to avoid accident or injury to the person wholly or partially blind.

SECTION 2. That Section 18-5812, Idaho Code, be, and the same is hereby amended to read as follows:

18-5812. Any person other than a person wholly or partially blind who shall carry a cane or walking stick such as is described in this act, contrary to the provisions of this act, or who shall fail to heed the approach of a person using a guide dog or carrying such a cane as is described by this act, or who shall fail to come to a stop when approaching or coming in contact with a person so carrying such a cane or walking stick or using a guide dog, or who shall fail to take a precaution against accidents or injury to such person after coming to a stop, as provided for herein is guilty of a misdemeanor.

SECTION 3. That Chapter 58 of Title 18, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 18-5812, to be known and designated as Section 18-5812A, and to read as follows:

18-5812A. BLIND PERSONS MAY BE ACCOMPANIED BY GUIDE DOGS—PENALTY FOR VIOLATION. —(1) A blind person shall not be denied the use of any common carrier or public transportation facility or admittance to any hotel, motel, cafe, elevator or any other public place within the State of Idaho by reason of his being accompanied by a guide dog specially trained for such purpose. A blind person shall be entitled to have a guide dog with him in such places and while using such facilities
without being required to pay any additional charges for his guide dog, but shall be liable for any damage caused by such guide dog.

(2) Any person, firm, association or corporation violating the provisions of this section shall be guilty of a misdemeanor.

Approved March 17, 1965.

CHAPTER 152
(S. B. No. 145)

AN ACT

AMENDING SECTION 72-1207, IDAHO CODE, TO PROVIDE THAT, EXCEPT FOR SILICOSIS CASES, THE LAST EMPLOYER OF AN EMPLOYEE SHALL BE LIABLE FOR OCCUPATIONAL DISEASE COMPENSATION AND THAT THE MAXIMUM COMPENSATION FOR OCCUPATIONAL DISEASE, INCLUDING SILICOSIS, SHALL BE AS PROVIDED IN THE WORKMEN'S COMPENSATION LAW; AMENDING SECTION 72-1208, IDAHO CODE, TO PROVIDE THAT THIS SECTION IS SUBJECT TO THE PROVISIONS OF SECTION 72-1220, IDAHO CODE; AMENDING SECTION 72-1209, IDAHO CODE, TO PROVIDE THAT, EXCEPT IN SILICOSIS CASES, UNLESS DISABILITY OR DEATH RESULTS WITHIN ONE YEAR AFTER THE LAST EXPOSURE, SUCH DISABILITY WILL BE PRESUMED NOT TO HAVE BEEN CAUSED BY THE EXPOSURE; AMENDING SECTION 72-1216, IDAHO CODE, TO PROVIDE IN CASE OF SILICOSIS THAT "DISABLEMENT" MEANS THE EVENT OF AN EMPLOYEE'S BECOMING WHOLLY OR PARTIALLY INCAPACITATED BECAUSE OF SUCH DISEASE FROM PERFORMING WORK; AMENDING SECTION 72-1217, IDAHO CODE, TO PROVIDE THAT FULL COMPENSATION SHALL BE PAYABLE IN CASES OF SILICOSIS WHEN THERE HAS BEEN AN EXPOSURE TO SILICA DUST FOR TWO YEARS WITHIN THE STATE, OR WHEN THERE HAS BEEN NO EXPOSURE EXCEPT IN THE STATE, AND PRO-RATING LIABILITY FOR AN EXPOSURE OF LESS THAN TWO YEARS WITHIN THE STATE WHEN THERE HAS BEEN AN EXPOSURE OUTSIDE OF THE STATE; AMENDING CHAPTER 12, TITLE 72, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AS SECTION 72-1217A, IDAHO CODE, TO PROVIDE THAT LIA-
IBILITY FOR SILICOSIS SHALL BE PRO-RATED AFTER TWO YEARS; REPEALING SECTIONS 72-1218, 72-1219, 72-1221, 72-1222, 72-1223, AND 72-1224 OF THE IDAHO CODE; AMENDING SECTION 72-1228, IDAHO CODE, AS AMENDED, TO PROVIDE THAT THE REQUIREMENT OF NOTICE OF CONTRACTION OF DISEASE AND CLAIM FOR COMPENSATION APPLIES TO CASES OF SILICOSIS; AMENDING SECTION 72-1230, IDAHO CODE, TO PROVIDE THAT THE TIME LIMIT IN SILICOSIS CASES FOR MODIFICATION OF AWARDS OF COMPENSATION SHALL BE FIVE YEARS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 72-1207, Idaho Code, be, and the same is hereby amended to read as follows:

72-1207. LAST EMPLOYER LIABLE—AMOUNT OF COMPENSATION.—Except for silicosis cases, where compensation is payable for an occupational disease, the employer in whose employment the employee was last injuriously exposed to the hazards of such disease shall be liable therefor; the amount of the compensation shall be based upon the average weekly wages (as defined in the Workmen's Compensation Law) of the employee when last so exposed under such employer; and the notice of disability and claim for compensation shall be given and made to such employer; provided, however, that the maximum compensation to be allowed for disability, or death, or both, on account of any occupational disease, other than silicosis, shall be $5,000.00, until a transitory period of six years from the date when this chapter becomes effective shall have expired, and thereafter the total aggregate of such compensation and benefits shall be as provided in the Workmen's Compensation Law; provided further that in case of silicosis the only employer liable shall be the last employer in whose employment the employee was last injuriously exposed to the hazards of the disease during a period of sixty days or more after the effective date of this chapter.

SECTION 2. That Section 72-1208, Idaho Code, be, and the same is hereby amended to read as follows:

72-1208. AGGRAVATION—PROPORTIONAL COMPENSATION.—Except as provided in Section 72-1220, where an occupational disease is aggravated by any other disease or infirmity, not itself compensable, or where disability or death from any other cause, not itself com-
pensable, is aggravated, prolonged, accelerated, or in any wise contributed to by an occupational disease, the compensation payable shall be reduced and limited to such proportion only of the compensation that would be payable if the occupational disease were the sole cause of the disability or death as such occupational disease, as a causative factor, bears to all the causes of such disability or death, such reduction in compensation to be effected by reducing the number of weekly or monthly payments or the amount of such payments, as under the circumstances of the particular case may be for the best interest of all the parties.

SECTION 3. That Section 72-1209, Idaho Code, be, and the same is hereby amended to read as follows:

72-1209. LIMITATIONS.—An employer shall not be liable for any compensation for an occupational disease unless such disease shall be due to the nature of an employment in which the hazards of such disease actually exist, are characteristic of, and peculiar to the trade, occupation, process, or employment, and is actually incurred in his employment and, except in silicosis cases, unless disablement or death results within two years in case of silicosis, or one year in case of any other occupational disease, after the last injurious exposure to such disease in such employment, or, in case of death, unless death follows continuous disability from such disease, commencing within the period above limited, for which compensation has been paid or awarded or claim made as provided in this chapter, and results within two years after such last exposure.

An employer shall not be liable for any compensation for a non-acute occupational disease unless such claimant was exposed to the hazard of such disease for a period of sixty days for the same employer.

SECTION 4. That Section 72-1216, Idaho Code, be, and the same is hereby amended to read as follows:

72-1216. DEFINITION OF DISABILITY IN SILICOSIS CASES.—In case of silicosis, "disablement" means the event of the first an employee's becoming actually wholly or partially incapacitated, because of such disease, from performing any work in any remunerative employment; and "disability" means the state of being so incapacitated.

SECTION 5. That Section 72-1217, Idaho Code, be, and the same is hereby amended to read as follows:

72-1217. PERIOD OF EXPOSURE IN SILICOSIS
CASES. — No claim for disability or death from silicosis shall be maintained or prosecuted otherwise than under the provisions of this chapter, or come within the provisions of this chapter, unless during the ten years immediately preceding the date of disablement the employee has been exposed to the inhalation of silica dust over a period of not less than five years, the last two years of which shall have been in this state, under a contract of employment existing in this state, provided however, an employee shall not be entitled to full compensation for silicosis unless he shall have been injuriously exposed to the inhalation of silica dust over a period of not less than two years within this state, unless such employee has not been exposed to the inhalation of silica dust except in this state. Provided that if the employee shall have been employed by the same employer during the whole of such five two-year period, his right to compensation against from such employer shall not be affected by the fact that he had been employed during any part of such period outside of this state.

In the event of an exposure of less than two years within this state, compensation shall be pro-rated in proportion to the relation to which the period of exposure in the state bears to two years, unless the employee shall not have been exposed to the inhalation of silica dust except in this state, in which event he shall be entitled to full compensation.

SECTION 6. That Chapter 12, Title 72, Idaho Code, be, and the same is hereby amended by inserting therein, immediately following Section 72-1217, Idaho Code, a new section to be known and designated as Section 72-1217A, Idaho Code, to read as follows:

72-1217A. LIABILITY FOR COMPENSATION IN SILICOSIS CASES. — When two years have elapsed after this amendatory act becomes effective, the liability for compensation in silicosis cases shall then be pro-rated among or between those employers within the state in whose employ the affected employee was injuriously exposed to the inhalation of silica not less than sixty days subsequent to the effective date of this amendatory act, according to the respective time the employee was in the employ of each. Provided, that no employer shall be liable for compensation unless the employee was in the employ of such employer during the twelve-year period immediately prior to the employee's disablement. Provided, further, that when the hazards of the exposure are greater in one employment than in another the board shall take such fact into consider-
ation and assess a relatively greater portion of the compensation against the employer in whose employment the hazards were greater.

SECTION 7. That Section 72-1218, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Section 72-1219, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Section 72-1221, Idaho Code, be, and the same is hereby repealed.

SECTION 10. That Section 72-1222, Idaho Code, be, and the same is hereby repealed.

SECTION 11. That Section 72-1223, Idaho Code, be, and the same is hereby repealed.

SECTION 12. That Section 72-1224, Idaho Code, be, and the same is hereby repealed.

SECTION 13. That Section 72-1228, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1228. NOTICE OF CONTRACTION OF DISEASE AND CLAIM FOR COMPENSATION.—Unless written notice of the manifestation of an occupational disease shall be given by the workmen to the employer within 60 days after the first manifestation thereof, and, except in the case of silicosis, within five months after the employment has ceased in which it is claimed the disease was contracted, and, in case of death, unless written notice of such death shall be given within 90 days after the occurrence, and, unless claim for disability, or death, shall be made within one year after the disablement, or death, respectively, all rights to compensation for disability, or death, from an occupational disease shall be forever barred, provided that when disablement or death is the result of silicosis or exposure to radioactive properties or substances or source of the ionizing radiation in any occupation involving direct contact therewith, handling thereof or exposure thereto, written notice may be given anytime and a claim filed within one year after the date upon which the employee first suffered incapacity, disability or death from such exposure and knew or in the exercise of reasonable diligence should have known that the occupational disease was caused by his present or prior employment.
Where compensation payments have been made and discontinued and further compensation is claimed, the claim for such further compensation shall be made within one year after the last payment.

SECTION 14. That Section 72-1230, Idaho Code, be, and the same is hereby amended to read as follows:

72-1230. MODIFICATION OF AWARD.—An award or denial of award of compensation for an occupational disease may be reviewed and compensation increased, reduced, or terminated where previously awarded, or awarded where previously denied, only upon proof of fraud or of change in conditions, and then only upon application by a party in interest made not later than one year after the denial of award or, where compensation has been awarded, after the award of the date when the last payment was made under the award, except in case of silicosis where such time limit shall be two five years.

SECTION 15. This act shall take effect and be in force on and after July 15, 1965.

Approved March 17, 1965.

CHAPTER 153
(S. B. No. 103, As Amended in the House of Representatives)

AN ACT

RELATING TO DRIVER TRAINING COURSES; AMENDING SECTION 33-1703, IDAHO CODE, REGARDING ELIGIBLE PUPILS BY DELETING SCHOOL PUPIL QUALIFICATIONS AND PROVIDING THAT DRIVER TRAINING COURSES BE OPEN TO RESIDENTS OF THE STATE, OF THE AGES OF FOURTEEN (14) THROUGH EIGHTEEN (18) YEARS; AMENDING SECTION 33-1705, IDAHO CODE, REGARDING COOPERATION OF SCHOOL DISTRICTS, DELETING THE WORD "PUPILS" AND INSERTING THE WORD "RESIDENTS", TO PROVIDE THAT SCHOOL DISTRICTS MAY ACCEPT RESIDENTS LIVING IN NEIGHBORING SCHOOL DISTRICTS FOR DRIVER TRAINING COURSE ENROLLMENT.

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

SECTION 1. That Section 33-1703, Idaho Code, be, and the same is hereby amended to read as follows:
33-1703. ELIGIBLE PUPILS—TIME COURSES OFFERED.—Reimbursable programs shall be open only to pupils to all residents of the state, of the ages fourteen (14) through eighteen (18) years whether or not they are enrolled in a public, private or parochial school. Residents living within any school district operating, or participating in the operation of, an authorized driver training program, shall enroll, when possible, in the training program offered in the school district of residence.

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 residents not then attending public schools.

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

SECTION 2. That Section 33-1705, Idaho Code, be, and the same is hereby amended to read as follows:

33-1705. TWO OR MORE DISTRICTS COOPERATING.—Two (2) or more school districts may, by written agreement, offer a driver training program jointly. In such case the plan shall be submitted by one (1) 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 residents in neighboring school districts.

Approved March 17, 1965.
CHAPTER 154
(S. B. No. 70)

AN ACT

DECLARING POLICY WITH RESPECT TO, AND DEFINING, UNLAWFUL EMPLOYMENT PRACTICES; PROVIDING PROCEDURES FOR THE ENFORCEMENT OF THIS ACT, FOR MAKING COMPLAINTS CONCERNING VIOLATIONS THEREOF, FOR APPEALS FROM DETERMINATIONS WITH RESPECT THERETO AND PENALTIES THEREFOR; AND AUTHORIZING THE COMMISSIONER OF LABOR TO MAKE RULES AND REGULATIONS TO EFFECTUATE THE PROVISIONS OF THIS ACT.

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

SECTION 1. The opportunity for an individual to employment for which he is qualified without discrimination because of age is hereby recognized as and declared to be a civil right which shall be enforceable as set forth in this act.

SECTION 2. It shall be an unlawful employment practice, except where based upon a bona fide occupational qualification, or retirement or pension plan, or upon applicable security regulations established by the United States or the state of Idaho, and except where the employee is 60 years of age or older, for any employer because of the age of any individual to refuse to hire or employ, or to bar or to discharge from employment such individual, or to otherwise discriminate against such individual with respect to compensation, hire, tenure, terms, conditions or privileges of employment, if the individual is the best able and most competent to perform the services required.

SECTION 3. Any individual claiming to be aggrieved by an alleged unlawful employment practice may make, sign and file with the commissioner of labor of the state of Idaho, hereinafter referred to as the commissioner, a verified complaint, in writing, which shall state the name and address of the person, employer, labor organization or employment agency alleged to have committed such an unlawful employment practice, and which shall set forth the particulars thereof and contain such other information as may be required by the commissioner. The commissioner upon his own initiative may, in like manner, make, sign and file such complaint.
Any employer whose employee, or some of them, hinder or threaten to hinder compliance with the provisions of this act may file with the commissioner a verified complaint, asking for assistance by conciliation or other remedial action and, during such period of conciliation or other remedial action, no hearings, orders or other actions shall be taken by the commissioner against such employer.

The commissioner shall provide for appropriate hearings on complaints made pursuant to this act, upon due notice, and shall make such orders as he deems appropriate to enforce the provisions of this act.

Section 4. The commissioner may make such rules or regulations as he deems appropriate to effectuate the provisions of, and to establish the procedures for hearings held pursuant to this act.

Section 5. The complainant or the commissioner may secure enforcement of the order of the commissioner or other appropriate relief in the District Court of the county where the employer resides or has his principal place of business. Such proceeding shall be initiated by the filing of a complaint in such court, together with a transcript of the record of the hearing before the commissioner, if any, and issuance and service upon the employer of a summons and a copy of said complaint as in proceedings in civil actions. The court shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter, upon the trial of the action, or, at his discretion, upon the pleadings, testimony and proceedings set forth in such transcript, an order or decree enforcing, modifying and enforcing as so modified, or setting aside, in whole or in part, the order of the commissioner. An appeal may be taken from any order of the District Court as in other civil actions.

Section 6. Any person who shall wilfully resist, prevent, impede or interfere with the commissioner or his agents in the performance of duties pursuant to this act, or shall wilfully violate an order of the commissioner, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), or to undergo imprisonment not exceeding thirty (30) days, or both, in the discretion of the court, but procedure for the review of an order shall not be deemed to be such wilful conduct.

Approved March 17, 1965.
AMENDING SECTION 59-1319, IDAHO CODE, RELATING TO THE AMOUNT OF PRIOR SERVICE RETIREMENT ALLOWANCE TO WHICH MEMBERS OF THE PUBLIC EMPLOYEE RETIREMENT SYSTEM ARE ENTITLED; PROVIDING THAT NO PRIOR SERVICE ALLOWANCE SHALL EXCEED THE SUM OF $500.00 PER MONTH.

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

SECTION 1. That Section 59-1319, Idaho Code, be, and the same is hereby amended to read as follows:

59-1319. COMPUTATION OF SERVICE RETIREMENT ALLOWANCES.—(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 retirement 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, provided, however, that no prior service allowance shall exceed the sum of $500.00 per month.

(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, provided, however, that no prior service allowance shall exceed the sum of $500.00 per month.

(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 (1/3) 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 sections 59-1303—59-1305 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 ($\frac{1}{3}$) 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 sections 59-1303, 59-1305 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 ($\frac{1}{3}$) of the aggregate, without interest, of the member’s contributions made in accordance with sections 59-1303, 59-1304.

Approved March 17, 1965.

CHAPTER 156
(S. B. No. 106)

AN ACT
AMENDING CHAPTER 15, TITLE 54, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 54-1512A, RELATING TO FRAUD, FALSE, DECEITFUL, OR MISLEADING CLAIMS OR STATEMENTS CON-
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IDAHO SESSION LAWS 303

CERNING OPTOMETRICAL SERVICES OR OPHTHALMIC MATERIALS OR DEVICES; DEFINING TERMS; EXEMPTING CERTAIN ACTS; DECLARING A VIOLATION HEREOF TO BE A MISDEMEANOR; AND DECLARING AN EMERGENCY.

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 54-1512, to be known and designated as Section 54-1512 A to read as follows:

54-1512A. SOLICITING SALE OF OPHTHALMIC MATERIALS OR SERVICES UNLAWFUL.—(a) Ophthalmic Materials and Services Defined. For the purposes of this section ophthalmic materials are defined to include spectacles, eyeglasses, lenses, prisms, contact lenses, frames and mountings, and any other optical appliances or devices for visual correction; and ophthalmic services are defined to include eye examinations and visual care services.

(b) It shall be unlawful for any person, firm or corporation, engaged in the practice of optometry or who sell eyeglasses or spectacles in a store, shop, or other permanently established place of business on prescription from persons authorized under the laws of this state to practice either optometry or medicine or surgery in this state, to publish or circulate, directly or indirectly, any fraudulent, false, deceitful, or misleading claims or statements relating to optometric services or ophthalmic materials or devices.

(c) The advertising of a grade or quality of an ophthalmic material higher than that actually provided to the purchaser of such material without the knowledge of the purchaser of such substitution or the advertising of a price other than that actually available to the purchaser for such material so advertised shall be deemed a violation of this act.

(d) Nothing in this section shall prevent ethical education publicity by legally qualified health groups or the customary ethical use of professional cards or notices. Nothing in this section shall prohibit the sale of ready-to-wear glasses equipped with convex spherical lenses or sunglasses or ski glasses equipped with plano lenses or industrial glasses or goggles or water goggles with plano lenses used for industrial, recreational or agricultural eye protection.
when sold as merchandise at any established places of business and where the selection of the glasses is at the discretion of the purchaser.

(e) Penalty. Any violation of this section shall be a misdemeanor.

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 17, 1965.

CHAPTER 157
(S. B. No. 84)

AN ACT
AMENDING CHAPTER 9 OF TITLE 49 OF THE IDAHO CODE BY ADDING A NEW SECTION FOLLOWING SECTION 49-915 TO BE DESIGNATED AS SECTION 49-916, TO PROVIDE FOR AUTHORITY OF THE IDAHO BOARD OF HIGHWAY DIRECTORS TO AUTHORIZE MOVEMENT ON HIGHWAYS UNDER ITS JURISDICTION OF VEHICLES OR COMBINATIONS OF VEHICLES IN EXCESS OF PRESENT SIZE AND WEIGHT LIMITS IF FEDERAL LAW PERMITS, AND PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS COVERING SUCH EXCESS LIMITS OR THE ISSUANCE OF PERMITS; AMENDING CHAPTER 9 OF TITLE 49 OF THE IDAHO CODE BY ADDING A NEW SECTION FOLLOWING SECTION 49-916 TO BE DESIGNATED AS SECTION 49-917, TO PROVIDE PENALTIES FOR EXCEEDING ANY WEIGHT OR SIZE REGULATIONS ADOPTED OR PERMITS ISSUED; AMENDING CHAPTER 1 OF TITLE 49 OF THE IDAHO CODE BY ADDING A NEW SECTION FOLLOWING SECTION 49-127 TO BE DESIGNATED AS SECTION 49-127A, TO PROVIDE ADDITIONAL USE FEES WHEN EXCESS WEIGHTS ARE PERMITTED, AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 9, Title 49, Idaho Code, be, and the same is hereby amended by adding a new section there-
to following Section 49-915, to be known and designated as Section 49-916, and to read as follows:

49-916. EXCEPTION TO WEIGHT AND SIZE LIMITATIONS.—

1. If federal law permits various states, including the state of Idaho, to establish size and weight limits in excess of those prescribed by Section 49-901, Idaho Code, and Section 49-913, Idaho Code, the Idaho Board of Highway Directors, as provided in subsection 2 of this section, may authorize the movement on highways under its jurisdiction of vehicles, motor vehicles, trailers and/or semi-trailers, or combinations thereof, of a size or weight in excess of the limits prescribed in Section 49-901, Idaho Code, and Section 49-913, Idaho Code, but within the limits necessary to qualify for federal-aid highway funds.

2. The authority granted the Idaho Board of Highway Directors by this section shall be exercised by adoption of rules or regulations pursuant to Section 40-120 (13), Idaho Code, or by issuance of permits pursuant to Section 49-905, Idaho Code, except that the maximum size and weight limits authorized by this section apply.

SECTION 2. That Chapter 9, Title 49, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 49-916, to be known and designated as Section 49-917, and to read as follows:

49-917. PENALTIES.—The penalties provided in Section 49-909, Idaho Code, apply to violations of any size or any weight provisions, of any permit issued or rule or regulation adopted pursuant to Section 49-916, Idaho Code.

SECTION 3. That Chapter 1, Title 49, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 49-127, to be known and designated as Section 49-127A, and to read as follows:

49-127A. ADDITIONAL USE FEES.—If any motor vehicle, trailer or semi-trailer, or combinations thereof, is authorized under the provisions of Section 49-916, Idaho Code, to move on the highways of the state, and such vehicle exceeds the maximum gross weight of 80,000 pounds, then and in that event there shall be paid for such vehicle, in addition to the fees required by Section 49-127, Idaho Code, for vehicles of a maximum gross weight of 80,000 pounds, an additional use fee of 1.75 mills per mile for each 2,000 pounds or fraction thereof of such permitted excess
weight for vehicles classified under Schedule A of Section 49-127, Idaho Code, and .35 mills per mile for each 2,000 pounds or fraction thereof of such permitted excess weight for vehicles classified under Schedule B of Section 49-127, Idaho Code.

SECTION 4. This act shall be in full force and effect on and after July 1, 1965.

Approved March 19, 1965.

CHAPTER 158
(H. B. No. 110)

AN ACT
AMENDING SECTION 33-511, IDAHO CODE, RELATING TO MAINTENANCE OF SCHOOLS, BY PROVIDING THAT THE ELECTION TO DISCONTINUE AN ATTENDANCE UNIT SHALL BE HELD WITHIN THE SCHOOL DISTRICT, AND BY PROVIDING THAT ONLY QUALIFIED ELECTORS RESIDING WITHIN THE SCHOOL DISTRICT MAY VOTE IN THE ELECTION.

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

SECTION 1. That Section 33-511, Idaho Code, be, and the same is hereby amended to read as follows:

33-511. 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 (1) elementary school, and each other school district shall maintain at least one (1) elementary school and one (1) 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 38-401, 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 (5) 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 school district on the question of discontin­uance of that school, the board of trustees shall forthwith order an election to be held within fourteen (14) 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 (1) 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 school 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 school district may vote on the question of discon­tinuing the school.

The election shall be held within the area of the former school 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 (2/3) of the qualified electors, hereinabove defined and voting in the election, shall vote against dis­continuing that school, then said school shall not be discon-
continued; and no proposal to discontinue the same school shall be made by the board of trustees of the district within nine (9) months after the date of the election.

Approved March 18, 1965.

CHAPTER 159
(H. B. No. 176)

AN ACT

PROVIDING THAT BOARDS OF COUNTY COMMISSIONERS MAY PASS ORDINANCES, RULES AND REGULATIONS TO CARRY INTO EFFECT AND DISCHARGE THEIR POWERS AND DUTIES; DEFINING THE ADDITIONAL PURPOSES FOR WHICH ORDINANCES, RULES AND REGULATIONS MAY BE ENACTED; AUTHORIZING PENALTIES AND PRESCRIBING LIMITS OF PUNISHMENT FOR VIOLATION OF SUCH ORDINANCES, RULES OR REGULATIONS; PRESCRIBING THE FORM, MANNER OF ENACTMENT, PUBLICATION OR POSTING REQUIREMENTS AND EFFECTIVE DATES OF SUCH ORDINANCES; AUTHORIZING COUNTIES TO MAKE RULES AND REGULATIONS FOR ENACTING ORDINANCES; AND PROVIDING THE MANNER OF PROVING COUNTY ORDINANCES IN COURTS.

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

SECTION 1. The board of county commissioners may pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein, and may enforce obedience to such ordinances with such fines or penalties as the board may deem proper; provided, that the punishment of any offense shall be by fine of not more than three hundred dollars ($300.00) or by imprisonment not to exceed six months, or by both such fine and imprisonment.

SECTION 2. The style of all ordinances shall be: "Be it ordained by the board of county commissioners of __________ county, Idaho"; and all ordinances of a general nature
shall, before they take effect and within one month after they are passed, be published in at least one issue of a newspaper published in the county, but if no paper be published in the county, then in some paper having general circulation therein; provided, however, that in cases of riot, infectious or contagious diseases, or other impending danger requiring its immediate operation, such ordinances shall take effect upon the proclamation of the board of county commissioners, posted in at least five public places in the county; provided further that whenever a revision or codification of ordinances is made and the revised or codified ordinances are published by authority of the board of county commissioners in book or pamphlet form no further publication thereof shall be deemed necessary, provided that when codes establishing rules and regulations for the construction, alteration or repair of buildings, the installation of plumbing, the installation of electric wiring, sanitary regulations or health measures, or other related or similar work, have been regularly adopted as a code by such board, they shall take effect without publication or posting thereof if reference be made to such code in a regularly adopted and published ordinance without including in such regularly adopted and published ordinance more than a particular reference to such code, provided, however, that not less than three copies of such code duly certified by the clerk of the board of county commissioners shall have been filed for use and examination by the public in the office of the clerk of the board of county commissioners prior to the adoption of said ordinance by the clerk of the board of county commissioners, and thereafter kept on file in such office.

SECTION 3. All ordinances shall be passed pursuant to such rules and regulations not inconsistent with the general laws relating thereto as the board of county commissioners may provide; and all such ordinances may be proved by the certificate of the clerk under the seal of the board of county commissioners, and when printed or published in book or pamphlet form by authority of the board of county commissioners, shall be read and received in evidence in all courts and places without further proof.

Approved March 18, 1965.
AMENDING SECTION 30-114, IDAHO CODE, TO ENLARGE CORPORATE AUTHORITY TO PURCHASE, GUARANTY, TAKE, RECEIVE, SUBSCRIBE FOR, OR OTHERWISE ACQUIRE, OWN, HOLD, VOTE, USE, EMPLOY, SELL, MORTGAGE, LEND, PLEDGE, OR OTHERWISE DISPOSE OF, USE AND DEAL, IN AND WITH, SHARES OR OTHER INTERESTS IN, OR OBLIGATIONS OF OTHER DOMESTIC OR FOREIGN CORPORATION, ASSOCIATIONS, PARTNERSHIPS OR INDIVIDUALS, OR DIRECT OR INDIRECT OBLIGATIONS OF THE UNITED STATES OR OF ANY OTHER GOVERNMENT, STATE, TERRITORIAL, GOVERNMENTAL DISTRICT OR MUNICIPALITY OR OF ANY INSTRUMENTALITY THEREOF; AND TO BE A PROMOTER, PARTNER, MEMBER, ASSOCIATE OR MANAGER OF ANY OTHER BUSINESS ENTERPRISES OR VENTURES, OR TO BE THE INCORPORATOR OF OTHER CORPORATIONS OF ANY TYPE OR KIND.

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

SECTION 1. That Section 30-114, Idaho Code, be and the same is hereby amended to read as follows:

30-114. CORPORATE CAPACITY AND CORPORATE AUTHORITY.—1. A corporation which has been formed under this act, or a corporation which existed at the time this act took effect and of a class which might be formed under this act, shall have the capacity to act possessed by natural persons, but such a corporation shall have authority to perform only such acts as are necessary or proper to accomplish its purposes and which are not repugnant to law;

2. Without limiting or enlarging the grant of authority contained in subdivision 1 of this section, it is hereby provided that such corporation shall have authority:

a. To have succession by its corporate name for the time stated in its articles of incorporation, and when no period is limited, perpetually;

b. To sue and be sued, appear, complain and defend in any court of law or equity, or before any board, commission or tribunal;

c. To have and use a corporate seal which may be altered at pleasure;
d. To receive, acquire, hold, purchase, dispose of, convey, mortgage and/or lease, real and personal property; to dispose of, sell, lease, assign, transfer, mortgage and/or convey any rights, privileges, franchises, real or personal property of the corporation, other than its franchise of being a corporation, and to acquire, purchase, guaranty, hold, mortgage, own, vote, sell, pledge and/or otherwise dispose of and deal in shares, bonds, securities and debentures and other evidences of indebtedness of other corporations, domestic or foreign; and to purchase, guaranty, take, receive, subscribe for or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of other domestic or foreign corporation, associations, partnerships or individuals, or direct or indirect obligations of the United States, or of any other governmental, state, territory, governmental district or municipality or of any instrumentality thereof;

e. To appoint such officers, employees and agents as the business of the corporation may require and to allow them compensation;

f. To make by-laws not inconsistent with any existing law for the management of its business and property, the regulation and conduct of its affairs, and the certification and transfer of its stock, and optionally to provide penalties for the breach thereof not exceeding twenty dollars for any one offense;

g. To issue shares and admit shareholders, and to sell their shares for the payment of assessments or installments;

h. To wind up and dissolve itself, or to be wound up and dissolved in the manner hereinafter provided.

i. To enter into contracts or obligations of any type or kind essential, necessary or proper to the transaction of its ordinary affairs, or for the purposes of the corporation;

j. To conduct business in this state, other states, District of Columbia, territories and colonies of the United States and in foreign countries, and to have one or more offices and places of business out of this state, and to acquire, receive, hold, purchase, lease, mortgage, dispose of and/or convey real and personal property situate out of this state, pro-
vided such powers are included within the objects set forth in its articles of incorporation;

k. To do all acts permitted by this act, and all such other acts as are necessary and expedient to accomplish its stated purposes.

l. To be a promoter, partner, member, associate or manager of other business enterprises or ventures, or to the extent permitted in any other jurisdiction to be an incorporator of other corporations of any type or kind.

Approved March 18, 1965.

CHAPTER 161
(H. B. No. 142, As Amended)

AN ACT

AMENDING SECTION 50-905, IDAHO CODE, RELATING TO JOINT SERVICE FUNCTIONS OF COUNTIES AND MUNICIPALITIES BY ENLARGING THE DEFINITION OF THE TERM "SERVICE FUNCTIONS" TO INCLUDE THE ACQUISITION AND DEVELOPMENT OF FACILITIES TO COVER SERVICE FUNCTIONS WHICH MAY HEREAFTER BE AUTHORIZED BY LAW; AND TO SPECIFY THE FOLLOWING ADDITIONAL FUNCTIONS; POLICE PROTECTION AND GENERAL LAW ENFORCEMENT, FLOOD CONTROL, URBAN REDEVELOPMENT, PUBLIC PARKS AND RECREATION, AND ROADS, STREETS AND HIGHWAYS; AMENDING SECTION 50-909, IDAHO CODE, BY REVISING THE HEADING OF SAID SECTION AND ENLARGING THE SCOPE OF SAID STATUTE TO INCLUDE AUTHORITY FOR THE COUNTIES AND MUNICIPALITIES OF IDAHO TO ENTER INTO JOINT SERVICE FUNCTION RELATIONSHIPS AS DEFINED IN SECTION 50-905 (a), IDAHO CODE, WITH THE STATE OF IDAHO, THE UNITED STATES, OR AGENCIES THEREOF; AND PROHIBITING THE DUPLICATION OF EXISTING FACILITIES OF ANY UTILITY.

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

SECTION 1. That Section 50-905, Idaho Code, be, and the same is hereby amended to read as follows:

50-905. DEFINITIONS.—Where used herein, the fol-
following words shall be deemed to have the following meaning:

(a) “Service functions” shall be deemed to mean the acquisition, construction, development, operation and maintenance of the necessary facilities and staff relating to the following functions now or hereafter authorized or which may hereafter be authorized by law to be performed by any municipality or county, including, but not limited to, the following: Inspection and enforcement of sanitation and health regulations, sewage disposal, police protection and general law enforcement, fire protection, flood control, library service, planning and zoning, urban redevelopment, public parks and recreation, regulation of garbage and trash collection and disposal, roads, streets and highways, airport facilities, and jails and detention homes.

(b) “Municipalities” shall include all incorporated municipalities.

SECTION 2. That Section 50-909, Idaho Code, be, and the same is hereby amended to read as follows:

50-909. URBAN PLANNING AND REDEVELOPMENT PROJECTS CONTRACTS WITH STATE OR UNITED STATES AUTHORITY FOR JOINT SERVICE FUNCTIONS OF COUNTIES AND MUNICIPALITIES WITH STATE OF IDAHO, THE UNITED STATES OR AGENCIES THEREOF. Cities of the first and second class, charter cities and villages, Counties and municipalities, as defined in Section 50-905 (b), Idaho Code, of the state of Idaho are hereby authorized to enter into contracts and agreements, and to perform the same, jointly with the state of Idaho, or the United States, or agencies thereof, for the purpose of carrying into effect urban planning and re-development projects, the service functions as defined in Section 50-905 (a), Idaho Code; provided, however, that no such contract or agreement shall authorize the construction of facilities which shall duplicate existing facilities of any utility.

Approved March 18, 1965.
CHAPTER 162
(H. B. No. 168)

AN ACT

DEMERIT SCORES, PLAN REVIEWS FOR FUTURE CONSTRUCTION, AND ISSUANCE OF NOTICES.

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

SECTION 1. That Section 39-1603, Idaho Code be, and the same hereby is, amended to read as follows:

39-1603. APPROVAL BY DEPARTMENT.—No person, firm or corporation shall conduct, operate or carry on an eating place, as defined in this chapter, unless such place is approved by the department of health. Such approval shall be obtained in the following manner: Before any eating place shall be open for business, or where an eating place is presently operating but has not been inspected within one year as hereinafter provided, fifteen days written notice requesting an inspection shall be given to the department of health at its office in Boise, Idaho. Upon receipt of said department shall cause an inspection to be made of the eating place to determine compliance with this Act, the applicable provisions of Title 39, and the rules and regulations issued thereunder, and shall issue to said eating place a certificate of sanitary compliance, if said eating place receives a rating of 80 points or better on said inspection, which certificate shall at all times be displayed and posted in said eating place. The rating shall be based on numerical values of items of sanitation in accordance with the latest edition of the U.S. Public Health Service Sanitation Rating of Eating and Drinking Establishments form and recommended Ordinance and Code Regulating Eating and Drinking Establishments. Any eating place receiving a rating of less than 80 points shall be given 30 days within which to comply on a reinspection for obtaining said certificate. Any eating place failing to obtain a rating of 80 points after such 30 days, or incur a second consecutive violation of one of the various provisions of the inspection, as provided under statute or regulation made thereunder, shall have any outstanding certificate of sanitary compliance revoked, or such certificate shall not be issued. Such written notice shall include: The applicant's full name and post-office address and whether such applicant is an individual, firm, or corporation, and, if a partnership, the names of the partners together with their addresses shall be included the location and type of the proposed food-service establishment (eating place), and the signature of the applicant or applicants. If the application is for a temporary food-service establishment, it shall also include the inclusive dates of the proposed operation. Upon
receipt of such an application, the department of health shall make an inspection of the food-service establishment to determine compliance with the provisions of this section. When inspection reveals that the applicable requirements of this section have been met, a permit shall be issued to the applicant by the department of health. The issuance, suspension, reinstatement, and revocation of permits; the provisions for hearings; inspection procedures; records; demerit values; demerit scores; plan review for future construction, and issuance of notices will be in accordance with the latest edition of the United States Public Health Service recommended Food Service Sanitation Ordinance and Code. Any person, firm, or corporation aggrieved by a ruling of an inspector shall have the right to appeal within 10 days to the administrator of health by filing therewith written objections to the ruling and the administrator shall upon notice hold due hearing and sustain said ruling or order the issuance of the said certificate. Any party aggrieved by the ruling of the administrator may appeal the same to the district court of the state of Idaho in the county in which he is a resident within 30 days of the administrator's final determination for trial de novo.

Approved March 18, 1965.

CHAPTER 163
(H. B. No. 199, As Amended, As Amended)

AN ACT
AMENDING SECTION 37-810, IDAHO CODE, TO PROVIDE THAT COTTAGE CHEESE CONTAINING LESS THAN FOUR PER CENT (4%) BUTTERFAT MAY BE MANUFACTURED, DISTRIBUTED AND SOLD WITHIN THE STATE OF IDAHO IF IT IS CLEARLY LABELED TO INDICATE THE LOW BUTTERFAT CONTENT.

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

SECTION 1. That Section 37-810, Idaho Code, be, and the same is hereby amended to read as follows:

37-810. This act shall be administered by the department of agriculture and the state board of health of the state of Idaho. It shall be the duty of the department of agriculture of the state of Idaho to publish in pamphlet
form the regulations heretofore referred to in this act, and to make said regulations now in effect and hereafter adopted immediately available to all interested parties in pamphlet form. The definition and grade standards now established and as established hereafter by the said United States department of health, education and welfare and the United States department of agriculture shall be effective in the state of Idaho from and after the date on which they are published in said pamphlet form by the department of agriculture of the state of Idaho; provided that nothing in this chapter shall prohibit the manufacture, distribution or sale within the state of Idaho of cottage cheese containing less than four per cent (4%) butterfat, providing all other standards prescribed by law have been met and that the container be clearly labeled to indicate the low butterfat content as prescribed by regulations of the department of agriculture of the state of Idaho.

Approved March 18, 1965.

CHAPTER 164
(H. B. No. 192)

AN ACT

AMENDING SECTION 67-2919, IDAHO CODE, BY INCREASING FROM $10.00 TO $11.00 THE ANNUAL RENEWAL FEE FOR THE FOLLOWING OCCUPATIONAL LICENSEES, ARCHITECTS, CHIROPODISTS, CHIROPRACTORS, DENTISTS, EMBALMERS, FUNERAL DIRECTORS, OPTOMETRISTS, OSTEOPATHS, AND VETERINARIANS, AND FROM $5.00 TO $6.00 THE ANNUAL RENEWAL FEE FOR BARBERS, AND FROM $3.00 TO $4.00 THE ANNUAL RENEWAL FEE FOR COSMETICIANS; AND AMENDING SECTION 54-518, IDAHO CODE, BY INCREASING FROM $5.00 TO $6.00 THE CERTIFICATE FEE FOR APPLICANTS FOR BARBER LICENSES, APPRENTICE BARBER LICENSES, BARBER SHOP LICENSES, AND LICENSES FOR TEACHERS OF BARBERING; AND AMENDING SECTION 54-607, IDAHO CODE, BY INCREASING THE ANNUAL RENEWAL LICENSE FEE FOR CHIROPODISTS FROM $10.00 TO $11.00; AND AMENDING SECTION 54-818, IDAHO CODE, BY INCREASING FROM $3.00 TO $4.00 THE ANNUAL RENEWAL LICENSE FEE FOR COSMETOLOGICAL ESTABLISHMENTS, MANAGING COSMETOLOGISTS, MANICURISTS AND COSMETOLOGISTS;
AND AMENDING SECTION 54-920, IDAHO CODE, BY INCREASING THE ANNUAL RENEWAL FEE FOR LICENSED DENTISTS AND DENTAL HYGIENISTS FROM $5.00 TO $11.00; AND AMENDING SECTION 54-1108, IDAHO CODE, BY INCREASING FROM $10.00 TO $11.00 THE LICENSE FEE FOR APPRENTICE EMBALMERS; AND AMENDING SECTION 54-1510, IDAHO CODE, BY INCREASING THE ANNUAL RENEWAL FEE FOR LICENSED OPTOMETRISTS FROM $10.00 TO $11.00; AND AMENDING SECTION 54-2111, IDAHO CODE, BY INCREASING THE ANNUAL RENEWAL FEE FOR LICENSED VETERINARIANS FROM $2.00 TO $11.00; AND AMENDING SECTION 54-2315, IDAHO CODE, BY INCREASING THE ANNUAL RENEWAL FEE FOR LICENSED OPTOMETRISTS FROM $10.00 TO $11.00; AND AMENDING SECTION 54-2402, IDAHO CODE, BY INCREASING THE ANNUAL RENEWAL FEE FOR LICENSED SANITARIANS FROM $10.00 TO $11.00.

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

SECTION 1. That Section 67-2919, Idaho Code, be, and the same is hereby amended to read as follows:

67-2919. RENEWAL OF LICENSES—FEE.—The licentiate shall pay to the department of law enforcement annually a renewal fee of not less than two dollars, provided, however, that in the following licensed occupations, the fee for renewal of a license shall be:

1. For certified public accountants, a fee of ten dollars ($10.00) per annum;

2. For architects, a fee of eleven dollars ($11.00) per annum;

3. For chiropodists, a fee of eleven dollars ($11.00) per annum;

4. For chiropractors, a fee of eleven dollars ($11.00) per annum;

5. For dentists, a fee of eleven dollars ($11.00) per annum;

6. For embalmers, a fee of eleven dollars ($11.00) per annum;

7. For funeral directors, a fee of eleven dollars ($11.00) per annum;
8. For optometrists, a fee of ten dollars ($10.00) eleven dollars ($11.00) per annum;

9. For osteopaths, a fee of ten dollars ($10.00) eleven dollars ($11.00) per annum;

10. For veterinarians, a fee of ten dollars ($10.00) eleven dollars ($11.00) per annum;

11. For barbers, a fee of five dollars ($5.00) six dollars ($6.00) per annum;

12. For cosmeticians, a fee of three dollars ($3.00) four dollars ($4.00) per annum;

SECTION 2. 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 (6) 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. $6.00.

The fee is 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. $6.00, the certificate fee.

The fee 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 $6.00.
$6.00; 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 $6.00.

The department shall, when necessary, examine the applicant to determine his preliminary education, upon the payment of $5.00.

SECTION 3. That Section 54-607, Idaho Code, be, and the same is hereby amended to read as follows:

54-607. LICENSES — ISSUANCE — RENEWALS — DISPLAY.—If the applicant shall pass a satisfactory examination, and shall show that he is a person of good moral character and he possesses the qualifications required by this chapter to entitle him to a license as a chiropodist, he shall be entitled to a license authorizing him to practice chiropody within the state of Idaho. Said successful applicant shall be issued his license by the commissioner of law enforcement upon his certification by the board.

All licenses to practice chiropody shall expire on the 30th day of June of each year; all licensed chiropodists, within the meaning of this chapter, are entitled to and shall renew their licenses on or before the 1st day of July of each year; and shall make application to the commissioner of law enforcement therefor, accompanied by an annual renewal license fee of $10.00. Payment of fees herein provided are a condition precedent to the performance of any acts by the commissioner of law enforcement.

Every person to whom a license is granted shall have such license displayed continuously in a conspicuous part of his office wherein his practice of chiropody is conducted.

The department of law enforcement and the board shall keep on file a register of all applicants for license, rejected applicants, and licensees.

SECTION 4. That Section 54-818, Idaho Code, be, and the same is hereby amended to read as follows:

54-818. FEES.—The various fees to be paid by applicants for original registrations, original licenses, annual renewals, certificates issued upon reciprocity, and examinations as required under this chapter shall be as follows:
(a) Original registrations, licenses, and annual renewals thereof:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cosmetological establishment, original registration</td>
<td>$3.00</td>
</tr>
<tr>
<td>Cosmetological establishment, annual renewals</td>
<td>$4.00</td>
</tr>
<tr>
<td>Domestic School of Cosmetology, original registration</td>
<td>$100.00</td>
</tr>
<tr>
<td>Domestic School of Cosmetology, annual renewals</td>
<td>$25.00</td>
</tr>
<tr>
<td>Foreign School of Cosmetology, original and annual renewal</td>
<td>$5.00</td>
</tr>
<tr>
<td>Managing Cosmetologist, original license</td>
<td>$3.00</td>
</tr>
<tr>
<td>Managing Cosmetologist, annual renewals</td>
<td>$4.00</td>
</tr>
<tr>
<td>Manicurists, original license</td>
<td>$5.00</td>
</tr>
<tr>
<td>Manicurists, annual renewals</td>
<td>$4.00</td>
</tr>
<tr>
<td>Apprentice, original license (no renewal fees required)</td>
<td>$5.00</td>
</tr>
<tr>
<td>Student certificate (no renewal fees required)</td>
<td>$5.00</td>
</tr>
<tr>
<td>Cosmetologist, original license</td>
<td>$3.00</td>
</tr>
<tr>
<td>Cosmetologist, annual renewals</td>
<td>$4.00</td>
</tr>
<tr>
<td>Instructor, original license</td>
<td>$5.00</td>
</tr>
<tr>
<td>Instructor, annual renewals</td>
<td>$4.00</td>
</tr>
<tr>
<td>Reciprocity certificate</td>
<td>$25.00</td>
</tr>
<tr>
<td>Interim certificate when reciprocity denied, also constitutes examination</td>
<td>$10.00</td>
</tr>
<tr>
<td>Temporary license to practice, demonstrate and teach</td>
<td>$1.00</td>
</tr>
</tbody>
</table>

No fees shall be required for the registration of a student instructor.

(b) Examination:

<table>
<thead>
<tr>
<th>Role</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>As a cosmetologist</td>
<td>$10.00</td>
</tr>
<tr>
<td>As a manicurist</td>
<td>$5.00</td>
</tr>
</tbody>
</table>

Fees shall not be pro-rated or returnable.

All certificates expire June 30.

SECTION 5. That Section 54-920, Idaho Code, be, and the same is hereby amended to read as follows:

54-920. ANNUAL LICENSES—CANCELLATION OF QUALIFICATION FOR FAILURE TO PAY.—Every person who shall hereafter qualify to practice dentistry or dental hygiene shall pay the annual license fee for the license year in which he shall so qualify. Every person who
shall have qualified to practice dentistry or dental hygiene shall pay to the department on or before July 1st in each year an annual license fee of five dollars $11.00 for the license year beginning on such July 1st and ending June 30th of the following calendar year. The department shall issue to the payee, if its records show his qualifications not suspended or revoked, an annual license for the practice of dentistry or dental hygiene, as the case may be, during such license year; Provided, however, that if the payee shall have failed, after qualifying for practice, to pay the annual license fee for one or more prior license years, he shall be required also to pay such unpaid fees; and Provided, further, that if any person qualified as aforesaid shall fail to pay annual license fees for five consecutive license years, his qualifications to practice shall be cancelled by the department, and such fact recorded in the department.

SECTION 6. That Section 54-1108, Idaho Code, be, and the same is hereby amended to read as follows:

54-1108. APPRENTICES DEFINED—QUALIFICATIONS—REQUIREMENT OF LICENSE.—Every person not a licensed embalmer, who practices embalming under the direct and immediate personal supervision of a licensed embalmer shall be known as an apprentice embalmer. After July 1, 1937, no person shall practice as an apprentice embalmer, without first obtaining from the department of law enforcement a license authorizing him to practice as an apprentice embalmer.

Every person applying for license as an apprentice embalmer shall make application therefor, on forms furnished by the department, and shall furnish such information and supply such proofs and references as may be required by the department and pay a license fee of $10.00-$11.00. A person to be entitled to a license as apprentice embalmer shall be eighteen years of age and shall meet the requirements of paragraphs (b) and (c) of section 54-1510, Idaho Code.

SECTION 7. That Section 54-1510, Idaho Code, be, and the same is hereby amended to read as follows:

54-1510. FEES.—Each applicant shall remit a fee of twenty-five dollars with each application. Upon application for reexamination after failure in a former examination, each applicant shall remit a fee of ten dollars. The request of each applicant for each renewal license shall be accom-
panied by a fee of one dollar $11.00. The payment of fees herein provided is a condition precedent to the performance of any act by the department.

SECTION 8. That Section 54-2111, Idaho Code, be, and the same is hereby amended to read as follows:

54-2111. FEES.—Each applicant shall remit a fee of twenty-five dollars with his application. Upon application for reexamination, after failure in an examination, each applicant shall remit a fee of ten dollars. The request of each applicant for renewal of his license, except for forfeiture, shall be accompanied by a fee of two dollars $11.00. The payment of fees herein provided is a condition precedent to the performance of any acts by the department.

SECTION 9. That Section 54-2315, Idaho Code, be, and the same is hereby amended to read as follows:

54-2315. ADMINISTRATION BY DEPARTMENT OF LAW ENFORCEMENT—FEE FOR RENEWAL OF LICENSE.—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 $11.00 per annum.

SECTION 10. That Section 54-2402, Idaho Code, be, and the same is hereby amended to read as follows:

54-2402. DEPARTMENT OF LAW ENFORCEMENT TO ISSUE CERTIFICATES OF REGISTRATION.—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 (1) 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 $11.00 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.

Approved March 18, 1965.
CHAPTER 165
(H. B. No. 255)

AN ACT

AMENDING SECTION 59-1310, IDAHO CODE, TO PROVIDE THAT CERTAIN MEMBERS OF THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO ARE ELIGIBLE FOR VESTED RETIREMENT REGARDLESS OF LENGTH AND TYPE OF SERVICE; AMENDING SECTION 59-1314, IDAHO CODE, TO PROVIDE THAT CERTAIN MEMBERS OF THE SYSTEM DO NOT AUTOMATICALLY RECEIVE A SEPARATION BENEFIT FIVE YEARS AFTER BECOMING AN INACTIVE MEMBER; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 59-1310, Idaho Code, be, and the same is hereby amended to read as follows:

59-1310. CONDITIONS OF ELIGIBILITY FOR RETIREMENT.—(1) An active member who is not a police officer or fireman is eligible for service retirement if he has attained age sixty-five (65) with at least five (5) years of credited service including six (6) 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 (60) with at least five (5) years of credited service including six (6) months of membership service.

(2) An active member who is not eligible for service retirement is eligible for disability retirement if he becomes disabled after at least ten (10) years of credited service including six (6) months of membership service.

(3) An active member who is not eligible for either service retirement or disability retirement is eligible for early retirement if he has at least five (5) years of credited service including six (6) months of membership service and is within ten (10) years of being eligible for service retirement.

(4) An inactive member is eligible for vested retirement if he has at least ten (10) years of membership service and is within ten (10) years of the date he would have been eligible for service retirement had he remained an active member, except that an inactive member, who at the time of his separation from service held an office to which he had
been elected by popular vote or having a term fixed by the Constitution, statute or charter or was appointed to such office by an elected official or was the head or director of a department, division, agency, statutory section or bureau of the state, is eligible for vested retirement regardless of length and type of service, unless covered by a merit system for employees of the state of Idaho.

(5) An inactive member who is not eligible for 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 section 59-1317, is eligible for the death benefit, if any, upon the member's death.

SECTION 2. That Section 59-1314, Idaho Code, be, and the same is hereby amended to read as follows:

59-1314. SEPARATION BENEFITS.—The separation benefit, if any, shall become payable upon the written request of an inactive member or, if the inactive member has less than ten (10) years of membership service and has not previously so requested, and is not a person who at the time of his separation from service held an office to which he had been elected by popular vote or having a term fixed by the Constitution, statute or charter or was appointed to such office by an elected official or was the head or director of a department, division, agency or statutory section or bureau of the state, shall be payable automatically five (5) years after the person becomes an inactive member.

SECTION 3. The provisions of Chapter 13, Title 59, Idaho Code, as herein amended, shall be severable and if any phrase, clause or sentence of any provision of said chapter, as herein amended, is declared to be unconstitutional or the applicability thereof to any state, agency, person or circumstance is held invalid, the constitutionality of this chapter, as herein amended, 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 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 18, 1965.
AN ACT

AMENDING CHAPTER 20 OF TITLE 50, IDAHO CODE, BY ADDING THERETO SECTIONS 50-2011, 50-2012, and 50-2013: PROVIDING FOR THE CLASSIFICATION AND RETENTION OF MUNICIPAL RECORDS, PROCEEDINGS AND DOCUMENTS, AS PERMANENT, SEMI-PERMANENT AND TEMPORARY; BY AUTHORIZING THE MANNER OF COPYING RECORDS AND DOCUMENTS AND THE REPLACEMENT AND CERTIFICATION OF ORIGINALS PREVIOUSLY FILED FOR RECORD BY OFFICERS OF THE MUNICIPALITY BY PHOTOSTATIC, PHOTOGRAPHIC, MICROPHOTOGRAPHIC, MICROFILM OR OTHER MECHANICAL PROCESS; BY AUTHORIZING THE ORIGINAL RECORDS TO BE DISPOSED OF BY ORDER OF THE GOVERNING BODY, BUT REQUIRING PRIOR WRITTEN NOTICE AND DELIVERY OF THE ORIGINALS TO THE IDAHO STATE HISTORICAL SOCIETY; DECLARING THE EFFECT, USE AND ADMISSIBILITY AS EVIDENCE IN ANY COURT OR PROCEEDING; OF SUCH COPIES OF RECORDS, REPRODUCTIONS, REPLACEMENTS AND TRANSCRIPTS OR CERTIFIED COPIES THEREOF.

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

SECTION 1. That Chapter 20, Title 50, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 50-2010, to be known and designated as Section 50-2011, and to read as follows:

50-2011. CLASSIFICATION AND RETENTION OF MUNICIPAL RECORDS, PROCEEDINGS AND DOCUMENTS.—For the purpose, and within the meaning of this act, the following classifications shall obtain:

(a) “Permanent Records” shall consist of, but not be limited to the following: Proceedings of the governing body; ordinances; resolutions; minutes or resolutions of any legislative body or any municipal board or commission; building plans and specifications; bond register; warrant register; budget record; general ledger; cash books and records affecting the title to real property or liens thereon; municipal cemetery records; and all other documents or records as may be deemed of permanent nature by the governing body. Permanent records shall be retained for not less than ten (10) years, after which the same shall be sub-
ject to destruction in such manner as is deemed appropriate by the governing body.

(b) "Semi-permanent records" shall consist of, but not be limited to the following: Claims; contracts; warrants; duplicate warrants; license applications; building applications; departmental reports; purchase orders; vouchers; duplicate receipts; municipal bonds and coupons; registration and other election records; and utility and other financial records. Semi-permanent records shall be kept for five (5) years after date of issuance or completion of the matter contained within the record, with final disposition thereafter being subject to decision of the governing body.

(c) "Temporary records" shall consist of, but not be limited to the following: Correspondence not related to (sub-sections) (a) and (b) of this section; cash receipts subject to audit; and such other records as may be deemed temporary by the governing body. Temporary records may only be destroyed by order of the governing body after a regular audit, and such disposition shall be by burning under the direction and supervision of the municipal clerk.

SECTION 2. That Chapter 20, Title 50, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 50-2011, to be known and designated as Section 50-2012, and to read as follows:

50-2012. MANNER OF COPYING RECORDS, DOCUMENTS—DISPOSITION OF ORIGINALS.—(A) Whenever any officer of a city or village is required or authorized by law to record, copy, file, recopy or replace any document, plat, paper, written instrument, or book, on file or on record in his office, he may do so by photostatic, photographic, microphotographic, microfilm or other mechanical process which produces a clear, accurate and permanent copy or reproduction of the original document, plat, paper, written instrument, or record in accordance with standards not less than those now approved for permanent records by the National Bureau of Standards.

(B) Whenever any record or document is copied or reproduced by microfilm or other mechanical process as hereinafter provided, it shall be made in duplicate, and the custodian thereof shall place one copy in a fireproof vault or fireproof storage place, and shall retain the other copy in his office with suitable equipment for displaying such record by projection to not less than original size or for preparing, for persons entitled thereto, copies of the record or document.
(C) Any such document, plat, paper, written instrument or book reproduced as provided in Section 50-2012 of this act, the original of which is not less than ten (10) years old, can be disposed of only upon order of the governing body and the reproductions substituted therefor as public records; provided, however, that written notice be given on "permanent records" to the Idaho State Historical Society sixty (60) days prior to the destruction of any such original, and; provided further, that "permanent records" deemed no longer of value shall be delivered to the Idaho State Historical Society, which agency shall make final disposition.

SECTION 3. That Chapter 20, Title 50, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 50-2012, to be known and designated as Section 50-2013, and to read as follows:

50-2013. ADMISSIBILITY OF COPIES AS EVIDENCE.—The photostatic, microphotographic or microfilmed copy of any record destroyed or disposed of as hereinafter authorized, or a certified copy thereof, shall be admissible in evidence in any court or proceeding, and shall have the same force and effect as though the original record had been produced and proved. It shall be the duty of the custodian of such records to prepare enlarged typed or photographic copies of said records whenever such reproduction is required by law.

Approved March 18, 1965.

CHAPTER 167
(H. B. No. 122)

AN ACT

AMENDING SECTION 1-1202, IDAHO CODE, RELATING TO THE JURISDICTION OF PROBATE COURTS, BY INCREASING THE JURISDICTION IN CIVIL CAUSES FROM FIVE HUNDRED DOLLARS ($500.00) TO SEVEN HUNDRED FIFTY DOLLARS ($750.00) EXCLUSIVE OF INTEREST.

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

SECTION 1. That Section 1-1202, Idaho Code, be, and the same is hereby amended to read as follows:

1-1202. The probate court has jurisdiction:
1. To open and receive proof of last wills and testaments and to admit them to proof.

2. To grant letters testamentary of administration and guardianship, and to revoke the same.

3. To appoint appraisers of estates of deceased persons.

4. To compel executors, administrators and guardians to render accounts.

5. To order the sale of property of estates, or belonging to minors.

6. To order the payment of debts due from estates.

7. To order and regulate all distributions of property or estates of deceased persons.

8. To compel the attendance of witnesses and the production of title deeds, papers and other property of an estate or of a minor.

9. To make such orders as may be necessary to the exercise of the powers conferred upon it.

In addition to their probate jurisdiction to hear and determine all civil causes wherein the damage or debt claimed does not exceed the sum of $500-$750, exclusive of interest, and concurrent jurisdiction with justices of the peace in criminal cases.

Approved March 18, 1965.

CHAPTER 168

(H. B. No. 257)

AN ACT

AMENDING CHAPTER 43 OF TITLE 36, IDAHO CODE, BY AMENDING SECTION 36-4302 RELATING TO THE PROTECTION OF FISH, GAME BIRDS AND GAME ANIMALS IN THE MYRTLE CREEK GAME PRESERVE BY AUTHORIZING THE IDAHO FISH AND GAME COMMISSION TO OPEN CERTAIN LANDS AND WATERS TO THE TAKING OF FISH AND WILDLIFE AND/OR TO ERADICATE FISH IN CERTAIN WATERS THEREOF AFTER RECEIVING CONCURRENT WRITTEN APPROVAL FROM THE IDAHO DEPARTMENT OF HEALTH AND THE BONNERS FERRY VILLAGE BOARD OF
TRUSTEES; BY AMENDING SECTION 36-4303 RELATING TO UNLAWFUL POSSESSION BY ANY PERSON OF PROTECTED WILDLIFE WHILE UPON SAID MYRTLE CREEK GAME PRESERVE BY MAKING SUCH POSSESSION SUBJECT TO THE PROVISIONS OF SECTION 36-4302, AS AMENDED.

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

SECTION 1. That Section 36-4302, Idaho Code, be, and the same is hereby amended to read as follows:

36-4302. It shall be unlawful for any person or persons at any time to fish, or to hunt, trap, kill, capture or chase any game birds or game animal or animals, of whatsoever kind of description, within the boundaries of the aforesaid mentioned Myrtle Creek game preserve. Provided that the Idaho fish and game commission may, after receiving concurrent written approval from the Idaho department of health and the Bonners Ferry Village board of trustees, open certain waters and lands lying within the Myrtle Creek game preserve to hunting, fishing or trapping during prescribed seasons. Provided further that any fish eradication treatment of waters in the Myrtle Creek game preserve by the Idaho fish and game department shall be undertaken only with the concurrent written permission of the Idaho department of health and Bonners Ferry Village board of trustees and under the direct supervision of the Idaho department of health.

SECTION 2. That Section 36-4303, Idaho Code, be, and the same is hereby amended to read as follows:

36-4303. Except as provided otherwise by Section 36-4302, as amended, it shall be unlawful for any person or persons to have in his or their possession at any time, upon the aforesaid Myrtle Creek game preserve, any fish, or any of the birds or animals, dead or alive, which are protected by this act, while upon said Myrtle Creek game preserve.

Approved March 18, 1965.

CHAPTER 169
(H. B. No. 175)

AN ACT
AMENDING SECTION 25-2801, IDAHO CODE, AS AMENDED, RE-
LATING TO THE COUNTY DOG LICENSE TAX, TO PROVIDE THAT SUCH LICENSE TAX SHALL BE REQUIRED ONLY WITHIN THOSE AREAS OF THE COUNTY AS ARE DESIGNATED BY ITS BOARD OF COMMISSIONERS.

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

SECTION 1. That Section 25-2801, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

25-2801. COUNTY DOG LICENSE TAX.—The Board of county commissioners of any county, at any meeting in any year, shall make an order requiring all owners of dogs over six months old, within said county, other than those belonging to residents of a municipality within said county, certain areas to be designated by the board as requiring dog control and lying outside the corporate limits of municipalities which have enacted and are enforcing a dog license law, to pay an annual license of not more than two dollars for each male dog and each female that has been spayed, and not more than three dollars for each female dog that has not been spayed, the said tax to be paid not later than sixty days from date of said meeting at which order is voted: provided, that where an owner keeps dogs for breeding or commercial purposes, he shall be entitled to a kennel license covering fifteen dogs for five dollars. Said order shall be in force and effect for one year from its date and thereafter until rescinded by order of the board; and notice of such order shall be published in some newspaper of general circulation within the county in the two successive issues of said paper immediately following the meeting at which such action is taken by the board of county commissioners.

Approved March 18, 1965.

CHAPTER 170
(H. B. No. 107)

AN ACT
AMENDING TITLE 72, CHAPTER 13, IDAHO CODE, TO CLARIFY AND ELIMINATE AMBIGUITIES AND CONFLICTS IN, AND REORGANIZE AND REVISE CERTAIN PROVISIONS OF THE LAWS OF THE STATE OF IDAHO RELATING TO UNEM-
PLOMENT BENEFITS BY: AMENDING SECTION 72-1313, IDAHO CODE, AS AMENDED, FURTHER DEFINING COMPUTATION DATE; AMENDING SECTION 72-1327, IDAHO CODE, AS AMENDED, DELETING THE REFERENCE TO ALASKA AND HAWAII; AMENDING SECTION 72-1329, IDAHO CODE, AS AMENDED, FIXING MAXIMUM EARNINGS DURING WAITING PERIOD WEEK; AMENDING SECTION 72-1341, IDAHO CODE, AS AMENDED, REQUIRING THAT THE DIRECTOR SHALL CO-OPERATE WITH THE UNITED STATES DEPARTMENT OF LABOR THROUGH THE SECRETARY OF LABOR, DELETING THE REFERENCE TO SECTION 1601 FEDERAL UNEMPLOYMENT TAX ACT AND SUBSTITUTING THEREFOR REFERENCE TO CHAPTER 23 OF THE FEDERAL INTERNAL REVENUE CODE OF 1954, AS AMENDED; PROVIDING FOR PARTICIPATION IN RELATED LAWS; AMENDING SECTION 72-1366, IDAHO CODE, AS AMENDED, PROVIDING AS A PERSONAL ELIGIBILITY CONDITION OF A BENEFIT CLAIMANT THAT HE MEET THE MINIMUM WAGE REQUIREMENT OF SECTION 72-1367, IDAHO CODE, REQUIRING THAT A BENEFIT CLAIMANT SHALL BE INELIGIBLE FOR BENEFITS IF SHE LEFT HER EMPLOYMENT FOR DOMESTIC REASONS AND REQUIRING ADDITIONAL EARNINGS TO RE-ESTABLISH HER ELIGIBILITY, REQUIRING THAT A BENEFIT CLAIMANT BE DISQUALIFIED FOR BENEFITS FOR TWELVE WEEKS PRIOR TO THE EXPECTED BIRTH OF HER CHILD AND REQUIRING ADDITIONAL EARNINGS TO RE-ESTABLISH HER ELIGIBILITY, PROVIDING DISQUALIFICATION OF A BENEFIT CLAIMANT IF HIS UNEMPLOYMENT IS DUE TO A LABOR DISPUTE, AND PROVIDING AN EFFECTIVE DATE.

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 date which is the end of the benefit year preceding the commencement of the calendar year for which a covered employer's contribution rate is effective except that the charging of benefits to a covered employer's account shall be made in accordance with the formula as provided in section 72-1351 (b). Whenever the terms "fiscal years ending on the computation date," "fiscal years immediately preceding the computation date," or "fiscal years ending on such date" are used in the employ-
ment Security Law, they shall refer to the fiscal years ending on June 30, if it is the computation date, or the last June 30 which precedes the computation date, if June 30 is not the computation date.

SECTION 2. That Section 72-1327, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1327. STATE.—The term “state” includes, in addition to the states of the United States of America, Alaska, Hawaii, and the District of Columbia, and the Dominion of Canada.

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 (1) 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 one and one-half times his weekly benefit amount.

SECTION 4. That Section 72-1341, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1341. FEDERAL-STATE COOPERATION.—(a) In the administration of this act, the director shall cooperate to the fullest extent, consistent with the provisions of this act, with the Social Security Administration, created by the Act of Congress, entitled the Social Security Act, as amended. United States Department of Labor through
the Secretary of Labor, and is authorized and directed to take such action through the adoption of appropriate rules, regulations, administrative methods and standards, as may be necessary to secure to this State and its citizens all advantages available under the provisions of such Act—the Social Security Act, under the provisions of section 1601 of the Federal Unemployment Tax Act, Chapter 23 of the Federal Internal Revenue Code of 1954, as amended, and under the provisions of any acts now or in the future enacted by Congress involving federal-state cooperation in related laws. The director shall comply with the regulations of the Social Security Administration United States Department of Labor relating to the receipt or expenditure by this state of moneys granted under any of such acts and shall make such reports, in such form and containing such information as the Social Security Administration United States Department of Labor may from time to time require, and shall comply with such provisions as the Social Security Administration United States Department of Labor may from time to time find necessary to assure the correctness and verification of such reports. The director may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment compensation or insurance law.

(b) The director is authorized to make such investigations, secure and transmit such information, make available such services and facilities and exercise such of the other powers provided herein with respect to the administration of this act as he deems necessary or appropriate to facilitate the administration of any state or federal unemployment compensation or public employment service law and in like manner, to accept and utilize information, services and facilities made available to the state by the agency charged with the administration of any such other unemployment compensation insurance or public employment service law.

SECTION 5. 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) Any individual who has drawn 75 per cent (75%) 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 (8) 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 eligibility 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 (6) twelve weeks prior to the expected date of such individual's giving birth to a child and within the six (6) weeks after the date thereof; and

(2) During pregnancy if the individual voluntarily left her last work in her customary occupation because of pregnancy. The ineligibility under (1) or (2) herein shall continue until she has received wages in the amount of eight (8) times her weekly benefit amount following birth of the child, provided that she may requalify within six weeks after the birth of her child, if conditions have changed whereby she has become the main support of herself or her immediate family.

(e) During the whole of any week with respect to which
he claims benefits or credit to his waiting period he was able to work, available for suitable work, and seeking work; Provided, that no claimant shall be considered ineligible in any week of unemployment for failure to comply with the provisions of this subsection if such failure is due to an illness or disability which occurs after he has filed a claim and registered for work and no suitable work has been available for him after the beginning of such illness or disability.

(f) His unemployment is not due to the fact that he left his employment voluntarily without good cause, or that he was discharged for misconduct in connection with his employment.

(g) He has not been found to be indebted to the employment security fund pursuant to the provisions of sections 72-1349 or 72-1368 (m).

(h) His unemployment is not due to his failure without good cause to apply for available suitable work as directed by a representative of the director or to accept suitable work then 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 labor dispute, there were members employed at the premises at which the stoppage labor dispute occurs, any of whom are participating in or directly interested in the dispute.

(k) A benefit claimant shall not be entitled to benefits for any week with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation or insurance law of another state or of the United States; provided, that if the appropriate agency of such other state or of the United States shall finally determine that he is not entitled to such unemployment compensation or insurance benefits, he shall not by the provisions of this subsection be denied benefits. For purposes of this section, a law of the United States providing any payments of any type and in any amounts for periods of unemployment due to involuntary unemployment shall be considered an unemployment compensation law of the United States.

(l) A benefit claimant shall not be entitled to benefits if he has willfully made a false statement or representation or willfully failed to report a material fact to obtain said benefits under the provisions of this act.

(m) A benefit claimant shall not be entitled to benefits if his principal occupation is self-employment.

(n) A benefit claimant who has been found ineligible for benefits under the provisions of subsections (c), (f) or subsection (h) of this section may re-establish his eligibility by having obtained bona fide work and received wages therefor in an amount of at least eight times his weekly benefit amount.

SECTION 6. EFFECTIVE DATE. This amendatory act shall take effect and be in force on and after July 4, 1965.

Approved March 18, 1965.
CHAPTER 171
(H. B. No. 90)

AN ACT

AMENDING SECTION 69-206, IDAHO CODE, BY DELETING REFERENCE TO AN ANNUAL LICENSE FOR OPERATING A WAREHOUSE; AMENDING SECTION 69-207, IDAHO CODE, BY DELETING THE PROVISION FOR AN ANNUAL LICENSING PERIOD FOR WAREHOUSES; AND PERMITTING THE DEPARTMENT OF AGRICULTURE TO DETERMINE THE LICENSING PERIOD BY REGULATION.

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

SECTION 1. That Section 69-206, Idaho Code, be, and the same is hereby amended to read as follows:

69-206. The department of agriculture is authorized, upon application to it, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this chapter and such rules and regulations as may be made hereunder; provided, that each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that each person, firm, corporation or association of persons making application for an annual license, as a condition precedent to operating a warehouse in this state, shall, at the time of making such application, file and maintain satisfactory evidence with the commissioner of agriculture of the existence of an effective policy of insurance issued by an insurance company authorized to do business in this state, insuring all agricultural commodities that may be stored or accepted for storage on the premises for which such license is sought for the full market value of such agricultural commodities against loss by fire, internal explosion, lightning or tornado, and to comply with and abide by all the terms of this chapter and the rules and regulations prescribed hereunder.

SECTION 2. That Section 69-207, Idaho Code, be, and the same is hereby amended to read as follows:

69-207. Each license issued under section 69-206 and section 69-215 shall be issued for a period to be prescribed by regulation by the department of agriculture not exceeding one year, except for the transition period hereby created, the period of time from July 1, 1961, to August 31, 1962.
All licenses thereafter shall terminate on August 31 following their issuance.

Approved March 18, 1965.

CHAPTER 172
(H. B. No. 194)

AN ACT

AMENDING SECTION 54-815, IDAHO CODE, BY CHANGING THE RENEWAL DATE OF COSMETOLOGY LICENSES AND CERTIFICATES OF REGISTRATION FROM JUNE 30, TO DECEMBER 31, AND PROVIDING THAT THE FEE FOR SUCH LICENSES AND CERTIFICATES OF REGISTRATION WHICH ARE RENEWED ON OR BEFORE JUNE 30, 1965, SHALL BE ONE AND ONE HALF TIMES THE ORDINARY FEE REQUIRED, THEREBY PROVIDING THAT SUCH LICENSES AND CERTIFICATES OF REGISTRATION SHALL BE VALID UNTIL DECEMBER 31, 1966; AND REQUIRING AN ANNUAL RENEWAL THEREOF, AT THE PRESCRIBED FEE, ON OR BEFORE DECEMBER 31, OF EACH SUCCEEDING YEAR.

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

SECTION 1. That Section 54-815, Idaho Code, be, and the same is hereby amended to read as follows:

54-815. RENEWAL OF LICENSES.—Upon the renewal date of June 30, 1965, every license or certificate of registration required by this chapter must be renewed annually on or before June 30, for a period of 18 months, thereby making such renewed license or certificate of registration valid until December 31, 1966. A fee of one and one half times the ordinary renewal fee shall be charged for such 18 month renewal. Commencing with the year 1966, every license or certificate of registration required by this chapter must be renewed annually, at the prescribed annual fee, on or before December 31. An expired license or certificate may be reinstated within five years of the date of expiration upon payment of the reinstatement fees and the furnishing of said person's qualifications to resume practice. The reinstatement fee shall be the sum of the accumulated annual renewal fees for the lapsed period, plus the current renewal fee and a ten dollar ($10) penalty.

Approved March 18, 1965.
CHAPTER 173
(H. B. No. 183)

AN ACT

AND SAFEKEEPING OF THE TAXES; PROVIDING THAT ALL TAXES LEVIED SHALL BECOME A LIEN UPON THE PROPERTY ASSESSED; PROVIDING WHEN TAXES SHALL BECOME DUE AND DELINQUENT AND PROVIDING THAT THE OTHER PROVISIONS OF THE IDAHO CODE SHALL BE APPLICABLE TO THE LEVY AND COLLECTION OF THESE TAXES; PROVIDING THAT THE TREASURER SHALL RETAIN CUSTODY OF THE TAXES, AND WITHDRAW THE SAME BY WARRANTS OR ORDERS OF A DISTRICT OFFICER; PROVIDING THAT THE SECRETARY SHALL COUNTERSIGN ALL DRAFTS AND WARRANTS, PROVIDING THE CIRCUMSTANCES UNDER WHICH WARRANTS MAY BE DRAWN AND ISSUED IN ANTICIPATION OF UNCOLLECTED REVENUES; PROVIDING FOR THE PROCEDURE IN THE CASE WHERE A WARRANT IS NOT HONORED; PROVIDING FOR THE MAINTENANCE OF A "HOSPITAL DISTRICT WARRANT BULLETIN BOARD"; PROVIDING FOR THE PROCEDURE TO BE FOLLOWED BY THE TREASURER IN PAYING WARRANTS; PROVIDING FOR INTEREST ON WARRANTS NOT PAID WHEN DUE; PROVIDING THAT THE TREASURER MUST INDICATE THE AMOUNT OF INTEREST PAID; PROVIDING THAT DISTRICTS SHALL HAVE THE POWER TO ISSUE AND SELL TAX ANTICIPATION NOTES OR BONDS; REPEALING CHAPTER 121, SESSION LAWS OF 1953, CHAPTER 184, SESSION LAWS OF 1955, CHAPTER 70, SESSION LAWS OF 1959, CHAPTER 59, SESSION LAWS OF 1961, AND ALL ACTS IN CONFLICT WITH THIS ACT; PROVIDING FOR A SEPARABILITY; PROVIDING THAT ALL HOSPITAL DISTRICTS HERETOFORE FORMED SHALL NOT BE AFFECTED BY REPEALED LAWS; AND DECLARING AN EMERGENCY.

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

SECTION 1. The betterment and protection of the public health and care of the sick and afflicted are hereby declared to be the established and permanent policy of the State of Idaho, the duty is hereby imposed upon the hospital boards provided for by this Act of acquiring, constructing, improving and maintaining public hospitals within their districts for the necessary care and treatment of persons requiring hospital services.

SECTION 2. A "hospital district" is one to furnish general hospital services to the general public and all other such services as may be necessary for the care of the injured, maimed, sick, disabled or convalescent patients.

The word "board" as used in this act shall mean the
board of trustees of the district. A "qualified elector" of a district within the meaning of and entitled to vote under this act, is a person qualified to vote at general elections in this state, and who has been a bona fide resident of the district for at least thirty (30) days prior to any election in the district. A "taxpayer" within the meaning of and as used in this act is a person or the husband or wife of a person whose name appears on the tax rolls of the county and is there assessed with unexempted real or personal property owned and subject to taxation within the boundaries of the district.

Whenever the term publication is used in this act and no manner specified therefor, it shall be taken to mean once a week for three consecutive weeks in at least one newspaper of general circulation in the district. It shall not be necessary that publication be made on the same day of the week in each of the three weeks, but not less than fourteen (14) days (excluding the first day of publication), shall intervene between the first publication and the last publication, and publication shall be complete on the day of the last publication.

SECTION 3. The organization of a hospital district shall be initiated by a petition filed with the board of county commissioners of the county of which the said district is situated. Said petition shall be signed by not less than ten (10) per cent of the qualified electors and taxpayers of the proposed district. The equalized county assessment list last preceding the presentation of the petition for the organization of the hospital district shall be sufficient evidence of the title for the purpose of this act, but other evidence may be received.

The petition shall set forth:

(1) The name of the proposed district consisting of a chosen name preceding the words "hospital district".

(2) A general statement of the purpose of the formation of said district.

(3) A general description of the boundaries of the district or territory to be included therein with such certainty to enable a property owner to determine whether or not his property is within the district.

(4) A map showing the general boundaries of such district in relation to outstanding natural monuments and terrain features.
(5) A prayer for the organization of the district.

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 petitions filed prior to the hearing on the first petition filed shall be considered by the board the same as though filed with the first petition placed on file.

Provided, however, that no such district shall be organized unless it shall appear that the boundaries of said district are wholly within the limits of a single county and that there shall be no unnatural extension of the boundaries of said district.

The petition together with all maps and other papers filed therewith shall at all proper hours be open to public inspection in the office of the clerk of the board of county commissioners between the date of their said filing and the date of an election to be held as hereinafter provided.

SECTION 4. A hospital district as provided in Section 3 may be organized where it appears that said district will be within the boundaries of one or more counties, where all the other requirements provided in Section 3 have been met, and the county commissioners of each county in which such district will be formed shall affirmatively find that the public welfare of that portion of the county will be served by the inclusion thereof in such joint county district, that such district is not an unnatural extension of a service district for hospital services, and that the petition for such district has been signed by not less than 10% of the qualified electors and taxpayers of that portion of the proposed district lying within the county.

SECTION 5. When such petition is presented to the Board of County Commissioners and filed in the office of the clerk of such Board, the said Board shall set a time for a hearing upon such petition which shall not be less than four nor more than six weeks from the date of the presentation and filing of such petition. A notice of time of such hearing shall be published by said Board once each week for three successive weeks previous to the time set for such hearing in a newspaper published within the county in which said district is situated. Said notice shall state that a hospital district is proposed to be organized giving the proposed boundaries thereof and that any taxpayer within the proposed boundaries of such proposed district may on the date fixed for such hearing appear and offer any objection
to the organization of such district, the proposed boundaries thereof or the including or excluding of any real property, therein or therefrom. After hearing and considering any and all objections, if any such be interposed, the County Commissioners shall thereupon make an order, either denying such petition or granting the same, with or without modification, and shall accordingly fix the boundaries of such proposed district in any order granting such petition. The boundaries so fixed shall be the boundaries of said district after its organization be completed as provided in this act, and a map showing the boundaries of such proposed district, as finally fixed and determined by the Board of County Commissioners, shall be prepared and filed in the office of the Clerk of said Board. Any person aggrieved by said order, or any taxpayer within said proposed district may take an appeal from said order establishing the boundaries of said district, in the manner provided by Sections 31-1509, 31-1510, 31-1511, and 31-1512, Idaho Code, on questions of both law and fact.

SECTION 6. Such petition may be filed with the clerk of the Board of County Commissioners at any time, and on such filing and after the County Commissioners have made an order finally fixing and determining the boundaries of the proposed district, and have made and entered an order calling an election to be held in said district not less than thirty (30) days nor more than ninety (90) days after said hearing, said clerk shall cause to be published a notice of an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act. Provided, however, if an appeal is taken from such order establishing the boundaries, such election shall not be held in less than thirty days, and no more than ninety days, after the determination of such appeal. Such notice shall plainly and clearly designate the boundaries in or the boundaries of said districts, and shall state the name of the proposed districts as designated in the petition.

Such notice shall be published once in each week for three successive publications prior to such election in a newspaper published within the county as aforesaid. At such election the voters shall vote for or against the organization of the district. No person shall be entitled to vote at any election held under the provisions of this act unless he or she shall possess all the qualifications required of electors under the general laws of the state and be a resident of the proposed district.
SECTION 7. Such election shall be held and conducted as nearly as practicable, in accordance with the general elections laws of the state, except that there shall be no special registration for such election, but for the purposes of determining the qualifications of electors the judges of the election shall be permitted to use the last official registry list of electors residing in the district, and each person applying to vote whose name does not appear on the official registry lists, before being permitted to vote, shall take an oath that he is a qualified elector and resides within the district.

The Board of County Commissioners shall establish as many election precincts within such proposed district as may be necessary, and define the boundaries thereof, which said precincts may thereafter be changed by the hospital board of such district in case such district be organized. Said Board of County Commissioners shall also appoint three judges of election one of whom shall act as clerk for each such election precinct who shall perform the same duties as judges of election under the general laws of the state, and the result of such election shall be certified, canvassed and declared by the Board of County Commissioners. The reasonable compensation of said judges and clerks of election, and the expenses of publication of notices, printing of ballots and furnishing of supplies for the election shall be paid by the petitioners, and to this end the Board of County Commissioners are empowered to require the deposit of all estimated costs in advance of such election.

SECTION 8. Immediately after any election for voting upon the organization of a hospital district, the judges of said election shall certify the official results of said election to the Clerk of said Board of Commissioners. The said Board of Commissioners shall, at its next regular meeting, proceed to canvass the votes cast at such election, and if upon such canvass it shall appear that one-half or more of the votes cast at such election are "................................. hospital district, No.", then a record of that fact shall be duly entered upon the minutes of said board, and all proceedings in regard to the organization of said district shall be void. If it shall appear, upon such canvass, that more than one-half of the votes cast at such election are "................................. hospital district, Yes.", the said board shall by order entered on its minutes, declare such territory duly organized as a hospital district under the name designated in the petition.
If an order be entered establishing the district, such order shall be deemed final and no appeal or writ of error shall lie therefrom, and the entry of such order shall finally and exclusively establish the regular organization of the said district against all persons, except the State of Idaho in an action in the nature of a writ of quo warranto commenced by the Attorney General within thirty (30) days after the date of said order declaring such district organized, as herein provided, and not otherwise. The organization of said district shall not be directly or collaterally questioned in any suit, action or proceeding except as herein expressly authorized.

Said Board shall cause one copy of such order duly certified to be immediately filed for record in the office of the county recorder in the county in which such district is situated and shall transmit to the Governor one certified copy thereof.

From and after the date of such filing of said order of the Board of County Commissioners, declaring such territory duly organized as a hospital district, the organization of such district shall be completed, and thereupon the district shall be a governmental subdivision of the State of Idaho and a body corporate with all the powers of a public or quasi-municipal corporation.

SECTION 9. The board of trustees of such hospital district shall consist of seven residents of the district who shall be elected or appointed as herein provided. Immediately following the establishment of a hospital district, the commissioners in the county in which the same is established shall appoint the seven members of the first board, three members to act until the first biennial election, two until the second biennial election, and two until the third biennial election, all of whom shall serve until the election and qualification of their successors.

No person shall be qualified to serve as a trustee of a district organized under the provisions of this act unless he or she shall be a resident of the hospital district and a qualified elector of the State of Idaho, and provided further that no person holding a license from the State of Idaho, to practice medicine or surgery or any other of the healing arts shall be eligible to an appointment or to qualify as a trustee of a hospital district created under or by virtue of this law.

SECTION 10. Whenever a district has been declared duly
organized the members of the board shall qualify by filing
with the clerk of the Board of County Commissioners their
oaths of office, and corporate surety bonds at the expense
of the district in an amount not to exceed One Thousand
($1,000.00) Dollars each, the form thereof to be fixed and
approved by the Board of County Commissioners condi-
tioned for the faithful performance of their duties as trus-
tees.

SECTION 11. After taking oath and filing bonds, the
board shall choose one of its members as chairman of the
board and president of the district, and shall elect a sec-
retary and treasurer of the board and of the district who
may or may not be members of the board. The secretary
and treasurer may be one person. Such board shall adopt a
seal and the secretary shall keep in a well bound book a
record of all its proceedings, minutes of all meetings, cer-
tificates, contracts, bonds given by employees and all cor-
porate acts which shall be open to inspection by all owners
of real property in the district as well as to all other inter-
ested parties.

The treasurer shall keep strict and accurate accounts of
all moneys received by and disbursed for and on behalf of
the district in permanent records. He shall file with the
board of trustees of the district, at the expense of the dis-
trict, a corporate fidelity bond in an amount to be fixed by
the board of trustees, in any case not less than Ten Thou-
sand ($10,000.00) Dollars, conditioned on the faithful per-
formance of the duties of his office.

Each member of the board shall receive as compensation
for his services, a sum not in excess of Sixty ($60.00) Dol-
lars per annum, payable monthly, and in addition, shall re-
ceive the amount of his actual and necessary expenses in-
curred in the performance of his official duties as authorized
by the Board of Trustees. No member of the Board shall
receive any compensation as an employee of the district or
otherwise, other than that herein provided, and no mem-
ber of the Board shall be interested in any contract or
transaction with the district except in his official repre-
sentative capacity.

It shall be the duty of the Board of Trustees to cause an
audit to be made of all financial affairs of the district dur-
ing each year ending November 30, which audit shall be
made during the last month of each calendar year. A fi-
nancial statement shall be certified by the person making
such audit, which shall be published in the newspaper of general circulation in the district in one issue during the first week of January following the audit; such audit shall be made by registered accountant or certified public accountant, who is not otherwise employed by the district.

The court having jurisdiction of the district shall have the power to remove directors for cause shown on petition, notice and hearing.

SECTION 12. The Board shall meet regularly once each month at a time and place to be designated by the Board. Special meetings may be held as often as the needs of the district require on notice to each member of the Board. Four members of the Board shall constitute a quorum at any meeting. Any vacancy on the Board shall be filled by the remaining members or member of the Board, the appointee to act until the next biennial election, when the vacancy shall be filled by election. If the Board shall fail, neglect or refuse to fill any vacancy within thirty days after the same occurs, the Board of County Commissioners of the County in which said district is situated shall fill such vacancy.

SECTION 13. On the second Tuesday of February in the second calendar year after the organization of any district, and on the second Tuesday of February every second year thereafter, an election shall be held which shall be known as the biennial election of the district.

At the first biennial election in any district hereafter organized and each sixth year thereafter there shall be elected by the qualified electors of the district three members of the Board to serve for a term of six years; at the second biennial election and each sixth year thereafter there shall be elected two members of the Board to serve for a term of six years; and at the third biennial election and each sixth year thereafter there shall be elected two members of the board to serve for terms of six years.

Not less than 30 days nor more than 60 days before any such election, nominations may be filed with the secretary of the Board, and if a nominee does not withdraw his name before the first publication of the notice of election, his name shall be placed on the ballot. The Board shall provide for holding such elections and shall appoint judges to conduct it; the secretary of the district shall give notice of election
by publication and shall arrange such other details in connection therewith as the Board may direct. The returns of the election shall be certified to and shall be canvassed and declared by the Board. The candidate or candidates according to the number of directors to be elected, receiving the most votes shall be elected. Any new member of the Board shall qualify in the same manner as members of the first Board qualify.

SECTION 14. For and on behalf of the district the Board shall have the following powers:

a. To have and use a corporate seal.

b. To have perpetual existence.

c. To sue and be sued and be a party to suits, actions and proceedings.

d. To purchase, acquire, dispose of and encumber real and personal property and hold lands, buildings, and all types of property, make such contracts and purchases, acquire and hold such personal property as may be necessary or convenient for its purposes, provided, however, that before any real property of such district may be sold, notice thereof must be given by publication in a legal newspaper of general circulation in the county where such district is situated for three consecutive weekly issues.

e. In addition to the other means providing revenue for such districts as herein provided, the Board shall have the power and authority to levy and collect ad valorem taxes on and against all taxable property within the district, as hereinafter provided.

f. To borrow money and incur indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds in accordance with the provisions of this Act.

g. To refund any bonded indebtedness of the district without an election, provided, however, that the obligations of the district shall not be increased by any refund of bonded indebtedness. Otherwise the terms and conditions of refunding bonds shall be substantially the same as those of an original issue of bonds.

h. To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements therein or therefor.
i. To hire and retain agents, employees, engineers and attorneys.

j. To have and exercise the power of eminent domain in manner provided by law for the condemnation of private property for public use; to take any property necessary to the exercise of the powers herein granted.

k. To adopt and amend by-laws not in conflict with the Constitution and laws of the State for carrying on business, objects and affairs of the Board and of the district.

l. To have and exercise all rights and powers necessary or incidental to, or implied from the specific powers granted herein, including the charging of reasonable rates for services rendered to patients of said hospital. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this Act.

SECTION 15. On or before the first Monday in July of each year the county assessor shall deliver to the secretary of each hospital district within the County, a statement showing the aggregate valuation of all the taxable property in such district, and thereafter the district board shall levy the taxes herein provided for.

SECTION 16. To levy and collect taxes, as herein provided, the Board shall, in each year, determine the amount of money necessary to be raised by taxation, taking into consideration other sources of revenue of the district, and shall fix a rate of levy, which when levied upon every dollar of assessed valuation of taxable property within the district, and with other revenues, will raise the amount required by the district annually to supply funds to pay for expenses of organization, purchase of necessary equipment, operation, maintenance and upkeep of the works and equipment of the district, provided, however, that said levy shall not exceed three mills on a dollar on all taxable property within the district for the purposes hereinbefore set forth, and provided further, that no levy shall be made in excess of two mills on the dollar for the purposes set forth in this section, unless the Board of Trustees of the district shall grant a public hearing, after notice of the time, place and purpose of said hearing has been published in a newspaper of general circulation in the district.

SECTION 17. If it becomes necessary and expedient so to do, it shall be lawful for the Board to levy additional
taxes and collect revenue for the purpose of creating a re-
serve sinking fund for the purpose of accumulating moneys
with which to add new buildings or necessary equipment,
and to provide extensions of and betterments to the im-
provements of the district, and for such purposes may levy
an additional tax not to exceed one mill on the dollar on all
taxable property in the district.

SECTION 18. In addition to the taxes hereinbefore pro-
vided for, the said Board shall have the authority to levy
and collect taxes as herein provided in each year sufficient
to promptly pay in full, when due, all interest on the prin-
cipal of bond and other obligations of the district authorized
as provided by Sections 21 and 22 of this Act.

SECTION 19. The Board in certifying annual levies as
herein provided, shall take into account maturing indeb-
edness for the ensuing year as provided in its contracts,
maturing bonds, and interest on bonds and deficiencies and
defaults of prior years, and shall make ample provision for
the payment thereof.

SECTION 20. The Board shall, on or before the first
day of September of each year, certify to the Board of
Commissioners the rate so fixed with corrections that at the
time and in the manner required by law for levying taxes
for county purposes such Board of County Commissioners
shall levy such taxes upon the assessed valuation of all tax-
able property within the district, in addition to such other
taxes as may be levied by such Board of County Commiss-
ioners at the rate so fixed and determined. It shall be the
duty of the body having authority to levy taxes within each
County to levy the taxes provided in this Act, and it shall
be the duty of all officials charged with the duty of col-
lecting taxes to collect such taxes at the time and in the
manner and form and with like interest and penalties as
other taxes are collected, and when collected, to pay the
same to the district ordering its levy and collection, and the
payment of such collection shall be made monthly to the
treasurer of the district and paid into the depository there-
of, to the credit of the district.

SECTION 21. To carry out the purposes of this Act and
to pay the necessary expenses of the district, the Board is
hereby authorized to issue negotiable coupon bonds of the
district. Bonds shall bear interest at a rate not exceeding
six per centum per annum, payable semi-annually, and shall
be due and payable serially either annually or semi-annually,
commencing not later than three years and extending not
more than twenty years from date. The form and terms of said bonds, including provisions for their payment and redemption, shall be determined by the Board. If the Board so determines, such bonds may be redeemable prior to maturity, upon payment of a premium not exceeding three percent of the net principal thereof. Said bonds shall be executed in the name of, and on behalf of, the district and signed by the chairman of the Board with the seal of the district affixed thereto, and attested by the secretary of the Board. Said bonds shall be in such denominations as the Board shall determine, and the bonds and coupons thereto attached shall be payable to bearer. Interest coupons shall bear the original or facsimile signature of the chairman of the Board. In all other respects, said bonds shall be issued, sold and paid in accordance with the provisions of the Municipal Bond Law of the State of Idaho.

SECTION 22. Whenever the Board of the hospital district shall by resolution, determine that the interest of said district and the public interest or necessity demand, the acquisition, construction, installation, or completion of any works or other improvements of facilities or the construction, installation and maintenance of a hospital, hospital grounds, nurses' quarters and equipment, or for the enlargement, improvement and acquisition of existing hospital, hospital grounds, nurses' quarters and equipment, or the making of any contract with the United States or other persons or corporations, public or private, municipalities or governmental subdivisions to carry out the objects or purposes of said district requiring the creation of an indebtedness of $5,000.00 or more, and in any event when the indebtedness will exceed the income and revenue provided for the year, the Board shall order the submission of the proposition of issuing such obligations or bonds or creating other indebtedness to the qualified electors who are taxpayers of the district at an election held for that purpose. The declaration of public interest or necessity, herein required, and the provision for the holding of such election may be included within one and the same resolution, which resolution, in addition to such declaration of public interest or necessity shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the works or improvements, as the case may be, the amount of principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on such indebtedness. Such resolutions shall also fix the date upon which such election shall be held, and the
manner of holding the same, and the method of voting for or against the incurring of the proposed indebtedness; such resolution shall also fix the compensation to be paid the officers of the election and shall designate the polling place or places and shall appoint for each polling place, from the qualified electors who are taxpayers of the district, the officers of such election, consisting of three judges, one of whom shall act as the clerk, provided, however, that no district shall issue or have outstanding its coupon bonds in excess of ten (10%) percent of the assessed valuation of the real estate and personal property within the said district, according to the assessment of the year preceding any such issuance of such evidence of indebtedness for any or all of the propositions specified in this election, provided, however, that such bonds shall not be issued, nor shall any indebtedness be incurred, at any time that there shall be a bond issue outstanding and unpaid for the construction, acquisition or maintenance of a County Hospital in the County in which such district is organized.

SECTION 23. When such election is ordered to be held, the Board shall cause printed or written notices of the intention to hold such an election to be posted at two or more conspicuous places in each precinct within the district, and shall also cause a printed notice of the intention to hold such an election to be published in one or more newspapers within the district, if a newspaper is published therein. Said notices shall recite the action of the Board in deciding to bond the district, the purpose thereof and the amount of the bonds supposed to be issued, the estimated costs of the works or improvements as the case may be, the amount of principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on such indebtedness, and shall also specify the date of the election, the time during which the polls shall be open, which shall not be less than six hours. Notices shall also name the place holding the election. Notices shall be posted, or posted and published as the case may be, at least twenty days before such an election.

SECTION 24. The election board or boards shall conduct the election in a manner prescribed by law for the holding of general elections and shall take their returns to the secretary of the district at any regular or special meeting of the Board held within five days following the date of such election. The returns thereof shall be canvassed and the results thereof shall be declared.
SECTION 25. In the event that it shall appear from said returns that two-thirds (2/3) of the qualified electors who are taxpayers of the district voting at such election shall have voted in favor of such proposition or any proposition submitted hereunder at such election, the district shall thereupon be authorized to incur such indebtedness or obligations, enter into such contract or issue and sell bonds of the district, as the case may be, all for the purpose or purposes, and object or objects provided for in the propositions submitted hereunder and in the resolution therefor and in the amount so provided at a rate of interest not exceeding the rate of interest recited in such resolution. The submission of the proposition of incurring such obligation or bonded or other indebtedness at such an election shall not prevent or prohibit submission of the same, or other propositions, at subsequent election or elections called for such purpose at any time.

SECTION 26. All county officers entrusted with the assessment, collection, paying over or custody of taxes of any hospital district within the county, and their sureties, shall be liable upon their official bonds for the faithful performance of their duties in the assessment, collection and safe keeping of such hospital district taxes.

SECTION 27. All taxes levied by hospital districts, shall become a lien upon the property so assessed from the date of such assessment, and shall be due and payable at the time state and county taxes are due and payable and in all respects are to be collected in the same way, except that the assessor must keep a separate list or assessment roll therefor.

SECTION 28. All hospital district taxes levied and assessed under the provisions of this Act shall become due and delinquent and shall attach to and become a lien on the real property assessed at the same time as state and county taxes. All the provisions of the Idaho Code governing and assessing and collecting state and county taxes are hereby made applicable to the assessment and collection of said hospital district taxes wherever the same are not inconsistent with the provisions of this Act.

SECTION 29. It is hereby made the duty of the treasurer of the hospital district to keep account with such district, to place to the credit of such district all moneys received by him from the collector of taxes, or from any other officer charged with the collection of taxes as the proceeds of taxes levied by the hospital board or from any other sources
and of all other moneys belonging to such district and to pay over all moneys belonging to the district by legally drawn warrants or orders of the district officer entitled to draw the same.

SECTION 30. The secretary shall countersign all drafts and warrants on the district treasury, and no payment of district funds shall be made except on draft or warrant countersigned by him. He shall not countersign any such draft or warrant until he has found that payment has been legally authorized; that the money therefore has been duly appropriated and that such appropriation has not been exhausted.

Such warrants shall be drawn by, and countersigned upon the order of the president of the hospital board, or, in his absence, the other member of the board; but no drafts or warrants shall be drawn, except upon the appropriation of the board, nor in excess of the moneys actually in the district treasury; except that warrants may be issued in anticipation of the collection of taxes, but not in excess of seventy-five (75%) percent of the amount of the levy therefore, nor shall any warrants be issued nor indebtedness incurred in anticipation of such levy.

When a warrant is presented for payment, if there is money in the treasury for the purpose, the treasurer must pay the same and write on the face thereof, “Paid”, the date of payment and sign his name thereto.

SECTION 31. When any warrant is presented to the district treasurer for payment, and the same is not paid for want of funds, the treasurer must endorse on the back of said warrant, “not paid for want of funds,” and shall write thereon the day of presentation and sign his name thereto, and warrants so endorsed by the treasurer shall draw interest at the rate of five (5%) percent per annum from the date of endorsement until paid.

SECTION 32. The district treasurer shall provide himself, at the expense of the district, with a bulletin board, across the top of which shall be printed or inscribed the words “................................. Hospital District Warrant Bulletin.” It shall be the duty of the treasurer to keep such bulletin board conspicuously, securely and permanently in place in his office, and thereupon to place in a manner which will insure continuous notice of not less than sixty (60) days, all notices issued by him, whether written or printed,
calling for the presentation of district warrants for payment.

**SECTION 33.** Whenever there is an amount to the credit of the district fund, as shown by the books of the treasurer, sufficient to pay the warrant or warrants next entitled to payment therefrom, the treasurer shall immediately place in his office, as provided in the preceding section, a notice that such warrant or warrants will be paid on presentation, stating therein the number and series of any such warrants; and the treasurer shall thereupon send, by mail, to the record holder of such warrant, in case such holder shall have left with the treasurer his address for that purpose, notice that such warrant will be paid on presentation.

**SECTION 34.** Interest on any warrant shall cease on the expiration of thirty (30) days from the time of posting of the notice provided for in the last preceding section; and for all sums which may be paid by the treasurer, as interest on any warrant or warrants, after the expiration of thirty (30) days from the earliest date at which there were sufficient funds with which to have called and paid the same, such treasurer and his sureties shall be liable upon his official bond.

**SECTION 35.** When the treasurer pays any warrant on which any interest is due, he must note on the warrant the amount of interest paid thereon and enter on his account the amount of such interest distinct from the principal.

**SECTION 36.** Hospital districts created and existing under this chapter shall have the further power to issue and sell tax anticipation notes or bonds in the manner, and for the purposes and to the extent authorized by Chapter 31 of Title 63 of Idaho Code.

**SECTION 37.** Chapter 121, Session Laws of 1953, Chapter 184, Session Laws of 1955, Chapter 70, Session Laws of 1959, and Chapter 59, Session Laws of 1961, and all acts or parts of acts in conflict with this act are repealed.

**SECTION 38.** If it should be judicially determined that any part of this act is invalid or unenforceable, such determination shall not affect the remaining parts, it being the intention to make this act and all of its parts severable.

**SECTION 39.** An emergency existing therefore, which emergency is hereby declared to exist, this act shall be in full force and effect immediately upon its passage and approval.
SECTION 40. All hospital districts heretofore formed under the provisions of the statutes repealed by this Act and proceedings of whatsoever nature taken by such hospital districts thereunder shall not be affected by such repeals. Proceedings hereinafter initiated by such existing hospital districts shall be in compliance with the terms of the Act.

Approved March 18, 1965.

CHAPTER 174
(S. B. No. 201)

AN ACT

PROVIDING THAT THE SALE OF LUMBER OR LUMBER PRODUCTS IMPORTED INTO THE STATE OF IDAHO FROM ANY FOREIGN COUNTRY IS UNLAWFUL UNLESS SAID LUMBER OR LUMBER PRODUCTS ARE LABELED TO SHOW THE COUNTRY OF ORIGIN; PROVIDING A PENALTY FOR VIOLATIONS THEREOF; AND DECLARING AN EMERGENCY.

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

SECTION 1. SALE OF LUMBER OR LUMBER PRODUCTS PRODUCED OUTSIDE OF THE STATE OF IDAHO.—It shall be unlawful for any individual or corporation to sell or offer for sale or dispose of, in any manner, any lumber or lumber products which have been imported into the State of Idaho from any foreign country without the same being plainly labeled in such a manner as to show the country from which said product came or in which they were produced.

SECTION 2. PENALTY.—Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than fifty dollars nor more than one hundred dollars.

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

Approved March 18, 1965.
AN ACT

AMENDING SECTION 36-102, IDAHO CODE, RELATING TO THE IDAHO FISH AND GAME COMMISSION; BY INCREASING THE COMPENSATION RECEIVED DAILY BY EACH MEMBER WHILE ATTENDING OFFICIAL MEETINGS FROM TEN DOLLARS ($10.00) TO TWENTY-FIVE ($25.00) AND INCREASING THE MAXIMUM COMPENSATION TO BE RECEIVED ANNUALLY FROM THREE HUNDRED ($300.00) TO ONE THOUSAND DOLLARS ($1,000.00).

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

SECTION 1. That Section 36-102, Idaho Code, be, and the same is hereby amended to read as follows:

36-102. ABOLITION OF FISH AND GAME COMMISSION—CREATION OF IDAHO FISH AND GAME COMMISSION.—(a) The fish and game commission of the state of Idaho is hereby abolished and there is hereby created in its place the Idaho fish and game commission. The fish and game department of the state of Idaho is hereby placed under the supervision, management and control of the Idaho fish and game commission, hereinafter referred to as the commission, or as said commission. The terms of office of all members of the fish and game commission of the state of Idaho, hereby abolished, are hereby terminated, and the governor is hereby authorized and directed to appoint members of the Idaho fish and game commission, as herein provided for, subject to removal by the governor, at his pleasure. Provided further, that said members so appointed shall act and assume full powers and duties, as herein provided for, upon appointment but such appointments to be subject to confirmation by the senate at its next session.

(b) Membership—Appointment—Qualifications. The commission shall consist of five members, to be appointed by the governor of the state of Idaho, who shall hold office during the pleasure of the governor and who shall be subject to removal by him, and upon removal of any member of said commission, the governor shall appoint a member to fill the vacancy for the unexpired term, but subject to removal as herein provided for. The selection and appointment of said members shall be made solely upon consideration of the welfare and best interests of the fish and game department, and no person shall be appointed a member of
said commission unless he shall be well informed upon, and interested in, the subject of wildlife conservation and restoration, or who shall hold any other elective or appointive office, state, county or municipal, or any office in any political party organization, and not more than three of the members of said commission shall at any time belong to the same political party. Each of the members of said commission shall be a citizen of the United States, and of the state of Idaho, and a bona fide resident of the district from which he is appointed as hereinafter set forth.

(c) Creation of Districts—Residence of Members—Terms of Office. For the purpose of this act, the state of Idaho is divided into five districts, numbered from one (1) to five (5) respectively.

District No. 1 shall consist of the counties of Boundary, Bonner, Kootenai, Shoshone, and Benewah;

District No. 2 shall consist of the counties of Latah, Clearwater, Nez Perce, Lewis and Idaho;

District No. 3 shall consist of the counties of Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada, Elmore and Owyhee;

District No. 4 shall consist of the counties of Camas, Gooding, Jerome, Twin Falls, Cassia, Blaine, Lincoln, Minidoka, Lemhi, Custer and Butte;

District No. 5 shall consist of the counties of Clark, Fremont, Jefferson, Madison, Teton, Bingham, Bonneville, Power, Bannock, Caribou, Oneida, Franklin and Bear Lake.

Each of the said above enumerated districts shall, at all times, be represented by one member of said commission, appointed from said district and the governor's appointment of said commissioners shall be made as follows: one commissioner from District No. 1, one commissioner from District No. 2, one commissioner from District No. 3, one commissioner from District No. 4, and one commissioner from District No. 5. The governor shall appoint the members of said commission within thirty days after the passage and approval of this act.

The members of said commission to be appointed from District No. 1 shall be appointed for a term of two years; the members appointed from District No. 2 and District No. 3 shall be appointed for the term of four years; the members appointed from District No. 4 and District No.
5 shall be appointed for the term of six years; and there­
after as the term of each commissioner expires his successor
shall be appointed from the same district for a term of six
years; provided, that in the case of the death of any com­
missioner, or his removal from the district from which
he was appointed, or his resignation, or his removal from
office as hereinbefore provided, the governor shall appoint
a successor from the same district for the unexpired term,
which successor shall possess the qualifications hereinabove
specified.

(d) Oath of Office—Bond. Each commissioner shall, be­
fore entering upon his official duties, take and subscribe to
the official oath, in writing, as provided by section 59-401,
to which said official oath there shall be added a declaration
as to the name of the political party to which such commis­
sioner belongs; and shall execute and file with the secretary
of state, running to the state of Idaho, a bond in the penal
sum of one thousand dollars ($1,000.00) with sureties to
be approved by the state treasurer, conditioned for the
faithful performance of his duties, and that he will account
for and pay over to the fish and game fund of the state of
Idaho all moneys which shall be received by him in his offi­
cial capacity. The premium on such bond shall be paid out
of the fish and game fund.

(e) Compensation and Reimbursement for Expenses.
Each member of the commission shall receive ten dollars
($10.00) twenty-five dollars ($25.00) for each day while
attending official meetings of the commission called as pro­
vided herein, or while on official business authorized by said
commission. Each commissioner shall be entitled to reim­
bursements for actual and necessary transportation ex­
penses in the discharge of his official duties authorized by the
said commission, all of said compensation and expenses
to be paid from the fish and game fund, but no member of
said commission shall receive as salary more than three
hundred dollars ($300). one thousand dollars ($1,000)
in any one year.

(f) Quorum. A majority of the commissioners shall
constitute a quorum for the transaction of any business, for
the performance of any duty, or for the exercise of any
power.

(g) Office and Supplies. The commission shall have
its principal office in the city of Boise. The commission is
authorized to purchase all supplies, equipment, printed forms, and notices, and to issue such publications as it may deem necessary to carry out the purpose of sections 36-102—36-106, 36-108—36-111.

Approved March 18, 1965.

CHAPTER 176
(S. B. No. 173)

AN ACT

AMENDING SECTION 23-1031, IDAHO CODE, WHICH RELATES TO THE EXTENSION OF CREDIT BY ANY BREWER, WHOLESALER OR DEALER LICENSED IN THE STATE OF IDAHO AND ENGAGED IN THE SALE OF BEER FOR RESALE BY ADDING THAT THE ACCEPTANCE OF A FIRST PARTY CHECK BY A BREWER, WHOLESALER OR DEALER ENGAGED IN THE SALE OF BEER FOR RESALE SHALL NOT BE DEEMED AN EXTENSION OR ACCEPTANCE OF CREDIT UNDER SECTION 23-1031, IDAHO CODE.

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

SECTION 1. That Section 23-1031, Idaho Code, be, and the same is hereby amended to read as follows:

23-1031. EXTENSION OF CREDIT.—No sale or delivery of beer shall be made to any licensed retailer, except for cash paid at the time of or prior to delivery thereof, and in no event shall any brewer, wholesaler or dealer licensed in the state and engaged in the sale of beer for resale extend any credit on account of such beer to a licensed retailer, nor shall any licensed retailer accept or receive delivery of such beer except when payment therefor is made in cash at the time of or prior to delivery thereof. The acceptance of a first party check from a licensed retailer by a brewer, wholesaler or dealer licensed in the state and engaged in the sale of beer for resale shall not be deemed an extension or acceptance of credit hereunder. Any extension or acceptance of credit in violation hereof shall constitute the giving and receiving of aid or assistance to or by a licensed retailer prohibited by the provisions of section 23-1033.

Approved March 18, 1965.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 28, Title 39, Idaho Code, be, and the same is hereby amended by adding two new sections thereto following Section 39-2809, to be known and designated as Sections 39-2810 and 39-2811, to read as follows:

39-2810. WITHDRAWAL.—Any portion of a mosquito abatement district which will not be reasonably benefited by remaining within such district may be withdrawn as in this section provided. Upon receiving a petition signed by fifty (50) or more landowners within the portion desired to be withdrawn from any mosquito abatement district, or by a majority of such landowners, if there are less than one hundred (100) landowners within the portion sought to be withdrawn, requesting the withdrawal of such portion from the district on the ground that such portion will not be reasonably benefited by remaining in said district, the board of county commissioners shall fix a time for hearing on such petition and for hearing protests to the continuance of the remaining territory as a mosquito abatement district. The hearing shall not be less than ten (10) days nor more than thirty (30) days after the receipt thereof. The board shall, at least one (1) week prior to the time so fixed, publish notice of such hearing by one publication in a newspaper of general circulation in the district, which the board deems most likely to give notice to the inhabitants thereof, of the proposed withdrawal.

39-2811. HEARING OF PETITION FOR WITHDRAWAL.—Any person interested may appear at the hearing and object to the withdrawal of the portion from the district, or may object to the continuance of the re-
maining territory as a mosquito abatement district. The board of county commissioners shall consider all objections and shall pass upon the same, and if it finds that portion of the district sought to be withdrawn will not be reasonably benefited by remaining within the district, and the territory not sought to be withdrawn will be reasonably benefited by continuing as a mosquito abatement district, it shall grant the petition and enter an order thereon upon its records. In the event the board finds the district will not be reasonably benefited by continuing as a mosquito abatement district, it shall enter an order upon its records completely dissolving and terminating the previously existing mosquito abatement district. Upon the withdrawal of any territory from a mosquito abatement district, as in this section provided, all property acquired for the district shall remain vested in the county and be used for the purposes of the district. Upon complete dissolution of a mosquito abatement district as herein provided, all property acquired for the district shall remain vested in the county and be used for any general purpose of the county.

Approved March 18, 1965.

CHAPTER 178
(S. B. No. 135, As Amended)

AN ACT
AMENDING SECTION 58-313, IDAHO CODE, TO PROVIDE THAT THE LESSEE OF GRAZING LAND LEASED FROM THE STATE OF IDAHO SHALL HAVE THE RIGHT TO REMAIN IN POSSESSION OF SUCH LAND UNDER HIS LEASE FOR A CERTAIN PERIOD AFTER SALE OF THE LAND TO ANOTHER AND SHALL CONTINUE TO MAKE RENTAL PAYMENTS TO THE STATE LAND COMMISSIONER DURING SUCH PERIOD; DECLARING AN EMERGENCY.

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

SECTION 1. That Section 58-313, Idaho Code, be, and the same is hereby amended to read as follows:

58-313. SALE OF STATE LAND.—The state board of land commissioners may at any time direct the sale of any state lands, in such parcels as they shall deem for the best interests of the state. All sales of state lands shall be ad-
advertised in four consecutive issues of some weekly newspaper in the county in which the land is situated, if there be such paper, if not, then in some newspaper published in an adjoining county, and in such other paper or papers as the board may direct. The advertisement shall state the time, place and terms of sale, a description of the land and value of the improvements, if any, thereon, and the minimum price per acre of each parcel as fixed by the board, below which no bid shall be received: provided, that sales of state lands shall only be made to citizens of the United States and to those who shall have declared their intentions to become such. If the required sum be not paid forthwith by the highest bidder any lands upon which such payment shall not be made may be immediately reoffered at public sale as before. If any land be sold on which surface improvements have been made by a lessee, or by a former purchaser whose certificate of purchase has for any reason been cancelled, said improvements shall be appraised under the direction of the state board of land commissioners. When lands on which improvements have been made, as above, are sold, the purchaser, if other than the owner or former owner of said improvements, shall pay the appraised value of said improvements to the owner thereof, or to the former purchaser who placed the same thereon, taking a receipt therefor, and shall deposit such receipt with the state board of land commissioners before he shall be entitled to a certificate of purchase or patent of said land: Provided, the lessee or former owner is not indebted to the state for delinquent rentals or installment payments on said land. If he is indebted to the state, the value of the improvements shall be credited on his indebtedness and the surplus, if any, be paid to him. All such receipts shall be filed and preserved in the office of said board: provided, that no school lands shall be sold for less than its (their) appraised value nor for less than ten dollars per acre: provided, further, that in the case of the sale of land leased as grazing land and which is too rough, rocky or steep to be reclassified as farming land, the lessee, if he is not the successful bidder shall be entitled to continue in possession under the lease for a period of two years from the first day of December next occurring after the date of sale at public auction of said land or until expiration of the lease, whichever period shall be shorter. During such period the lessee shall continue to make rental payments to the state land commissioner and the purchaser of the land shall have no interest in or right to receive rental payments. However, no lessee of state lands shall have any right to remain in
possession under his lease upon the sale of such state lands for home or cabin site purposes, as provided by the regulations of the state board of land commissioners.

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

Approved March 18, 1965.

CHAPTER 179
(S. B. No. 127)

AN ACT

AMENDING TITLE 36, CHAPTER 54, RELATING TO OUTFITTERS AND GUIDES, BY AMENDING SECTION 36-5405, IDAHO CODE, TO ADD TWO MEMBERS TO THE BOARD; AMENDING SECTION 36-5406, IDAHO CODE, BY ADDING A FISH AND GAME COMMISSIONER AS A PERMANENT MEMBER TO THE BOARD; BY PROVIDING FOR THE APPOINTMENT OF ONE MEMBER FROM THE PUBLIC; BY PROVIDING THAT THE BOARD SHALL MEET AT LEAST FOUR TIMES A YEAR, TWO OF WHICH MUST BE HELD IN BOISE, IDAHO; BY PROVIDING THAT THE PERMANENT MEMBER SHALL RECEIVE THE SALARY AND EXPENSES FROM THE IDAHO FISH AND GAME COMMISSION AS PROVIDED FOR IN CHAPTER 1, TITLE 36; AND BY CONFIRMING THE PRESENT MEMBERS OF THE BOARD IN OFFICE FOR THE REMAINDER OF THEIR RESPECTIVE TERMS; AND BY DECLARING AN EMERGENCY.

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

SECTION 1. That Section 36-5405, Idaho Code, be, and the same is hereby amended to read as follows:

36-5405. CREATION OF IDAHO OUTFITTER'S AND GUIDE'S BOARD.—There is hereby created the Idaho outfitter's and guide's board, herein referred to as "the board," consisting of three members appointed by the governor, as provided in section 36-5406.

SECTION 2. That Section 36-5406, Idaho Code, be, and the same is hereby amended to read as follows:

36-5406. APPOINTMENT AND QUALIFICATION OF
MEMBERS—ORGANIZATION OF BOARD.—One member of the Idaho fish and game commission, selected by that body, shall be a permanent member of the board. One member shall be selected from the public. All three members of the board shall be qualified and licensed outfitters and guides who have not had less than five years’ experience in the business of outfitting and guiding in the state of Idaho. Each appointment shall be for the term of three years and each board member shall hold office for a term of three years, except the members of the first board, one of whom shall be appointed for one year, one for two years, and one for three years. Upon the death, resignation or removal of any but the permanent member of the board the governor shall appoint a member to fill out the unexpired term. Immediately upon the creation of a vacancy in the board one of the positions held by an outfitter or guide, either through expiration of term, through death, resignation or removal, the Idaho Outfitter’s and Guide’s Association shall submit to the governor the names of two qualified men for each such vacancy created, and the appointment to fill such vacancy shall be made by the governor from the names submitted within thirty days after the receipt by the governor of the names submitted. Appointments to fill any vacancy other than that created by the expiration of a term shall be made for the unexpired term. A majority of said board shall constitute a quorum. The board shall meet at least four times a year, on or before the first day of March thereof and at least two meetings shall be held in Boise, Idaho. No compensation shall be paid board members for their duties as such, excepting but they shall be compensated for their actual and necessary expenses while engaged in the business of the board, except for the permanent member who shall receive the compensation and expenses provided for in Chapter 1, Title 36, which shall be paid by the Idaho fish and game commission; provided, that for the purposes of this act, the limitation upon salary in Section 36-102(b), Idaho Code, shall not apply.

The present members of the Idaho outfitter’s and guide’s board heretofore appointed by the governor are hereby confirmed in office for the remainder of their respective terms in which they are now serving.

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 18, 1965.
CHAPTER 180
(S. B. No. 65, As Amended)

AN ACT

AMENDING TITLE 36, CHAPTER 54, IDAHO CODE, WHICH RELATES TO LICENSING AND REGULATION OF OUTFITTERS AND GUIDES IN IDAHO, BY AMENDING SECTION 36-5401 TO BROADEN THE STATEMENT OF PURPOSE; AMENDING SECTION 36-5402, BY EXPANDING THE DEFINITION OF OUTFITTER, BY EXPANDING THE DEFINITION OF OUTFITTERS AND GUIDES TO INCLUDE BOATING ON THE HAZARDOUS RIVERS OF IDAHO, BY DEFINING RESIDENT AND NON-RESIDENT, BY DEFINING LICENSE YEAR, BY DEFINING BIG GAME HUNTING AREA, AND BY DEFINING THE HAZARDOUS RIVERS OF IDAHO; AMENDING SECTION 36-5407, POWERS AND DUTIES OF THE BOARD, BY ADDING THERETO A PROVISION THAT THE BOARD MAY MAKE RULES AND REGULATIONS IN THE POLICE POWER OF THE STATE AND FOR THE CONSERVATION OF FISH AND GAME, AND BY GIVING THE BOARD THE POWER TO COOPERATE WITH THE FEDERAL GOVERNMENT IN MATTERS CONCERNING OUTFITTERS AND GUIDES; AMENDING SECTION 36-5408 BY RENUMBERING AND ADDING A NEW SUBSECTION THERETO WHICH PROVIDES THAT LICENSE APPLICATIONS SHALL INCLUDE A DESCRIPTION OF THE APPLICANTS' BIG GAME HUNTING AREA AND THE NAME OF THE OUTFITTER BY WHOM A GUIDE APPLICANT IS EMPLOYED, A SIGNED STATEMENT BY AN IDAHO FISH AND GAME DEPARTMENT CONSERVATION OFFICER SHOWING NO CONVICTION OR FORFEITURE OF BOND UPON FISH AND GAME LAW VIOLATIONS BY THE APPLICANT, AND BY PROVIDING THAT LICENSE FEES SHALL NOT BE REFUNDED, EXCEPT WHERE A RENEWAL APPLICATION IS DENIED, IN ORDER THAT THE FEES MAY BE USED FOR INVESTIGATION OF APPLICANTS, ENFORCEMENT OF THE ACT AND ADMINISTRATIVE COSTS OF THE BOARD, BY PROVIDING FOR AN INCREASE IN LICENSE FEES AND BY PROVIDING THAT FINAL DECISION BY THE BOARD UPON RENEWAL APPLICATIONS SHALL NOT BE LATER THAN THIRTY DAYS AND UPON NEW APPLICATIONS NOT LATER THAN NINETY DAYS; AMENDING SECTION 36-5409 BY RENUMBERING THE SUBSECTIONS THEREOF, BY PROVIDING THAT IF THE REASONS FOR DENIAL OF A LICENSE ARE CORRECTED THE LICENSE SHALL BE ISSUED, BY DELETING DEFINITION OF THE LICENSE YEAR, BY DE-
LETING PROVISIONS RELATING TO 1964 LICENSE FEES, BY DELETING PROVISIONS FOR LIMITING THE AREA IN WHICH LICENSEE MAY OPERATE, AND BY ADDING A NEW SUBSECTION ENTITLED (b) WHICH PROVIDES THAT THE LICENSE SHALL SPECIFY THE TERRITORIAL SCOPE OF BIG GAME OUTFITTING OPERATIONS, BY ALLOWING THE BOARD IN APPROVING OR LICENSING SUCH ACTIVITY TO CONSIDER THE LENGTH OF TIME AN OUTFITTER HAS OPERATED IN THAT TERRITORY, THE OUTFITTER'S QUALIFICATIONS, HIS SAFETY RECORD AND THE ACCESSIBILITY, TERRAIN AND WEATHER CONDITIONS IN THE AREA, BY ADDING A NEW SUBSECTION THERETO ENTITLED (c) WHICH PROVIDES FOR LICENSE APPLICATIONS BY BOAT OR FLOAT BOAT OUTFITTERS AND GUIDES, BY ADDING A NEW SUBSECTION THERETO ENTITLED (d) WHICH PROVIDES THAT NO LICENSE SHALL BE ISSUED UNTIL A MAJORITY OF THE BOARD REPORTS THEREON; BY ADDING A NEW SECTION THERETO ENTITLED 36-5409A PROVIDING FOR OPERATIONS OF LICENSEE, BY REQUIRING POSSESSION OF A VALID LICENSE AS A PREREQUISITE TO ACTING AS AN OUTFITTER OR GUIDE, PROVIDING THAT ONLY ONE PERSON MAY ACT AS A GUIDE UNDER ONE LICENSE AND LIMITING THE BIG GAME OPERATIONS OF LICENSEES TO THE AREA SET FORTH BY THE LICENSE, BY PROVIDING ADJUSTMENT OF BIG GAME HUNTING AREAS BY THE BOARD, AND REQUIRING THE BOARD TO ADOPT RULES AND REGULATIONS; AMENDING SECTION 36-5410 BY EXEMPTING GUIDE APPLICANTS FROM LATE FILING FEE; AMENDING SECTION 36-5411 TO PROVIDE FOR PAYMENT OF COMPENSATION AND EXPENSES OF THE EXECUTIVE SECRETARY AND OTHER EMPLOYEES; AMENDING SECTION 36-5413 BY DELETING MORAL TURPITUTE, BY PROVIDING THAT CONVICTION OF VIOLATION OF FOREST SERVICE REGULATIONS IN REGARD TO OUTFITTING AND GUIDING SHALL BE A GROUND FOR REVOCATION OR SUSPENSION OF LICENSE; BY DELETING SUBSECTION 6 THEREOF, BY ADDING TO SUBSECTION 7 A FURTHER DEFINITION OF THE TERM CONVICTED, BY PROVIDING THAT A SUBSTANTIAL BREACH OF CONTRACT SHALL BE GROUNDS FOR REVOCATION OR SUSPENSION OF LICENSE, BY PROVIDING THAT THE WILLFUL OPERATION IN ANOTHER BIG GAME HUNTING AREA MAY BE GROUNDS FOR REVOCATION OR SUSPENSION OF LICENSE, BY PROVIDING THAT THE KNOWING AND REPEATED EMPLOYMENT OF AN UNLICENSED GUIDE SHALL BE GROUNDS FOR REVOCATION OR SUSPENSION OF LI-
CENSE; AND BY AMENDING SECTION 36-5415 BY PROVIDING FOR APPEALS FROM ANY DECISION OR ORDER OF THE BOARD AND FOR SERVICE OF PROCESS UPON THE EXECUTIVE SECRETARY OF THE BOARD; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 36-5401, Idaho Code, be, and the same hereby is amended to read as follows:

36-5401. DECLARATION OF POLICY.—The natural resources of the state of Idaho are an invaluable asset to every community in which they abound. Every year, in rapidly increasing numbers, the inhabitants of the state of Idaho and non-residents are enjoying the recreational value of Idaho's mountains, rivers and streams, many of which are far remote and removed from ordinary auto travel. The tourist trade is of vital importance to the state of Idaho, and the recreational value of these natural resources is such that the number of persons who are each year participating in their enjoyment is steadily increasing. The intent of this legislation is to promote and encourage residents and non-residents alike to participate in their enjoyment and to safeguard the health, safety and welfare of all such persons, and, to that end, to regulate the activities of persons who undertake for hire to provide equipment or personal services to such persons the enjoyment and use of the mountains, rivers and streams of Idaho, and the fish and game therein, and to that end to regulate and license those persons who undertake for compensation to provide equipment or personal services to such persons, for the explicit purpose of safeguarding the health, safety, welfare and freedom from injury or danger of such persons, in the exercise of the police power of this state. It is not the intent of this legislation to interfere in any way with the business of livestock operations, nor to prevent the owner of pack animals from using same to accommodate friends where no consideration is involved for the use thereof, nor is it the intent of this legislation to interfere in any way with the right of the general public to enjoy the recreational value of Idaho's mountains, rivers and streams when the services of commercial outfitters and guides are not utilized, nor to interfere with the right of the United States to manage the public lands under its control.

SECTION 2. That Section 36-5402, Idaho Code, be, and the same hereby is amended to read as follows:
36-5402. DEFINITIONS. — (1) "Person" — includes any individual, firm, co-partnership, corporation or other organization or any combination thereof.

(2) "Outfitter"—is any person, who, in any manner, advertises or holds himself out to the public as an outfitter or guide, and maintains or leases outfitter's or guide's equipment or accommodations, including boats or other floating craft, when used on the hazardous rivers of Idaho, as defined in subsection (9) below, excepting such as may be reasonable or necessary for the purpose of conducting or operating his personal business or occupation.

(3) "Guide"—is any natural person, who, for compensation or other gain, or promise thereof, furnishes personal services in assisting or guiding any person to locate, hunt, trap, capture, take photographs by either still or moving pictures, or kill any game animal or game bird, or to catch any fish in the state of Idaho.

The term "guide" shall also include the furnishing of personal services in power boating, float boating or rafting on the hazardous rivers of Idaho as defined in subsection (9) below.

(4) "Board"—means the Idaho Outfitter's and Guide's Board.

(5) "Resident"—means a person who has resided in the state of Idaho for a period of six months next preceding the time of application for license.

(6) "Non-resident"—means any person not included in subsection (5) above.

(7) "License year"—means, commencing with July 1, 1965, the period from July 1 of each year to June 30 of the next year.

(8) "Big Game Hunting Area"—means Department of Fish and Game game management unit or units, or portions thereof.

(9) "Hazardous Rivers of Idaho"—means the Salmon River, the Snake River from Hell's Canyon to the mouth of the Salmon River, and the Clearwater River, and tributaries of these.

SECTION 3. That Section 36-5407, Idaho Code, be, and the same hereby is amended to read as follows:
36-5407. POWERS AND DUTIES OF BOARD.—The board shall have the following duties and powers:

(1) To conduct examinations to ascertain the qualifications of applicants for outfitter's or guide's licenses, and to issue such licenses to qualified applicants.

(2) To prescribe and establish rules of procedure and regulations to carry into effect the provisions of this act, including but not limited to regulations prescribing all requisite qualifications of training, experience, knowledge of rules and regulations of governmental bodies, condition and type of gear and equipment, examinations to be given applicants, whether oral, written or demonstrative, or a combination thereof.

(3) To conduct hearings and proceedings to suspend or revoke licenses of outfitters and/or guides, and to suspend or revoke said licenses for due cause in the manner hereinafter provided.

(4) No license shall be issued by the board until a majority thereof has reported favorably thereon. The board is expressly vested with the power and the authority to make and enforce any and all reasonable rules and regulations which shall by it be deemed necessary for administering and enforcing, and which are not in conflict with the provisions of this act, for the express purpose of safeguarding the health, safety, welfare and freedom from injury or danger of those persons utilizing the services of outfitters and guides, and for the conservation of wildlife and range resources.

(5) The board shall have the power to cooperate with the federal government through its appropriate agency or instrumentality in matters of mutual concern regarding the business of outfitting and guiding in Idaho.

SECTION 5. That Section 36-5408, Idaho Code, be, and the same hereby is amended to read as follows:

36-5408. APPLICATION FOR LICENSE—CONTENTS—FEE—QUALIFICATIONS—TERM—BOND. —(a) 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 (18) 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.
(b) 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, and the experience of applicant in such business.

(c) The application shall include, but is not limited to:

(1) A worded description of the applicant's big game hunting boundaries, if an outfitter applicant, or the endorsement of the outfitter by whom the guide is employed, if a guide applicant;

(2) A statement by the appropriate Idaho Fish and Game Department district or regional conservation officer indicating whether or not the applicant has been convicted of, or forfeited bond upon, a violation of the fish and game laws of the state of Idaho in the twelve month period next preceding the application date.

(d) 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.

(e) 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, except where a renewal application is denied, in order that such fee may be used in investigation of the applicant, for enforcement of this act, and for the administrative costs of the board.

(2) A bond to the state of Idaho for the benefit of person or persons employing the licenses 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 board.

(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 for outfitters and $100.00 for guides; provided, however, that if such nonresident resides in a state requiring citizens of the state of Idaho to pay in excess of $100.00, said amounts for similar license, the fee for such nonresident outfitter or guide shall be the same amount as such higher fee charged in the state where such nonresident resides.

(f) The board, in its discretion, may make such additional investigation and inquiry, relative to the applicant and an applicant's qualifications as it shall deem advisable, provided that final decision of the board upon any renewal application shall not be later than thirty (30) days from date of receipt of the complete application for license, and upon a new application not later than ninety days from date of receipt of the complete application for license. A licensee in good standing shall be entitled to a new license for the ensuing license year upon complying with subdivisions (1), (2), and (3), all provisions of this section.

SECTION 6. That Section 36-5409, Idaho Code, be, and the same hereby is amended to read as follows:

36-5409. FORM AND TERM OF LICENSE—NOTICE OF DENIAL.—(a) Upon filing the application and payment of the license fee, the board, if all conditions of this section have been met, shall issue the license. Said license shall be in the form prescribed by the board, and shall be valid for the 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 such reasons are corrected, to the satisfaction of the board, 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 January 1, 1964, and shall end June 30,
Provided: That for the 1964 licensing year the license fees shall be one and one half (1 1/2) times the annual license fees as set forth in section 36-5409, 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.

(b) If the license application is for big game hunting outfitting or guiding, the license shall specify in terms of a game management unit or units, or portions thereof, the exact territorial scope of each outfitter's big game operations. In so approving and/or licensing such activity, the board may consider the following factors, among others:

(1) The length of time in which the outfitter has operated in that area;

(2) The extent to which the outfitter is qualified by reason of experience, equipment or resources to operate in that area;

(3) The outfitter's previous safety record;

(4) The accessibility of the area, the particular terrain, and the weather conditions normal to that area during the big game hunting season.

(c) If the outfitter applies for license to conduct boat or float boat operations, then the board may require the applicant to submit a separate application form, to be furnished by the board. The board may also require that boat guides submit an additional form, and both boat outfitters and boat guides applications may require such information as the board may deem reasonably necessary to carry out the intent of this act.

(d) No license shall be issued by the board until a majority thereof has reported favorably thereon.

SECTION 7. That Chapter 36, Title 54, Idaho Code, be, and the same is hereby amended by adding thereto a new section immediately following Section 36-5409, to be known and designated as Section 36-5409A to read as follows:

36-5409A. OPERATIONS OF LICENSEES—ADJUSTMENT OF AREA—RULES AND REGULATIONS.—(a)

(1) Possession of a valid license issued by the board shall be a prerequisite to acting as an outfitter or guide.
(2) No more than one person may operate as an outfitter or guide under one license.

(3) The big game hunting area as set forth on the license shall be the limit of such operations for each licensee, subject to subsection (b) below.

(b) The board may adjust the territorial scope of operations of any licensed outfitter or guide for reasons of game harvest, where territorial conflict exists between the big game operations of outfitters and guides, or for the safety of persons utilizing the services of outfitters and guides.

(c) The board shall adopt rules and regulations to carry out the provisions of this section.

SECTION 8. That Section 36-5410, Idaho Code, be, and the same hereby is 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, except in the case of guide applicants.

(b) A reexamination fee of $10.00 for each reexamination.

SECTION 9. That Section 36-5411, Idaho Code, be, and the same hereby is amended to read as follows:

36-5411. DISPOSITION OF FUNDS.—All fees collected by the board under the provisions of this act shall be apportioned as follows:

(a) From all fees collected by the board there shall be deposited to the credit of the general fund of the state of Idaho a sum equal to ten percent thereof.

(b) The balance of said fees, and all other fees collected by the board, shall be deposited by it in an account designated as the “Idaho outfitter’s and guide’s license fund,” which fund is hereby created. All funds in said Idaho outfitter’s and guide’s license fund shall be deposited in a
banking institution authorized to do business in the state, and a member of the federal depositary system. All funds so deposited in said Idaho outfitter's and guide's license fund are hereby appropriated for the purpose of carrying out the provisions of this act. All expenditures of said fund by the board under the provisions of this act shall be paid out by check co-signed by any two members of the board for the purpose of carrying out the objects of this act, and in the exercise of the powers herein granted the board shall have the power to make orders concerning the disbursement of the money of said Idaho outfitter's and guide's license fund, including the payment of compensation and expenses of its members, executive secretary, clerks, and other employees and for the payment of printing, and moneys in the said fund may be expended by the board for the promotion and improvement of the profession of outfitters and guides, and advertising of the state of Idaho.

SECTION 10. That Section 36-5413, Idaho Code, be, and the same hereby is amended to read as follows:

36-5413. REVOCATION OR SUSPENSION OF LICENSE—GROUNDS.—Every license shall, by virtue of this act, be subject to suspension or revocation by the board in the manner hereinafter set forth:

1. For fraud or deception in procuring a license;
2. For fraudulent, untruthful or misleading advertising;
3. For conviction for any felony involving moral turpitude;
4. For failure to comply with United States forest service regulations conv aiming of violation of regulations of the United States forest service in regard to the business of outfitting and guiding;
5. For immoral, unethical or dishonorable conduct in the licensee's relation to his guest or patron;
6. For conviction of any violation of the fish and game laws of the state. For the purposes of this Chapter, the term “conviction” shall mean a final conviction. Also for the purposes of this Chapter, a forfeiture of bail or collateral deposited to secure a defendant's appearance shall be equivalent to a conviction;
§ 7. For failure in performance of his contract, a substantial breach of any contract with any person utilizing his services;

8. For willful operation by an outfitter or guide in a big game hunting area other than that for which he is licensed;

9. For the knowing and repeated employment of an unlicensed guide by an outfitter.

SECTION 11. That Section 36-5415, Idaho Code, be, and the same hereby is amended to read as follows:

36-5415. REVIEW OF ACTION OF BOARD.—Any person who feels aggrieved by any action of the board in denying the issuance of, suspending or revoking his license as an outfitter or guide, or by any other order or decision of the board, may appeal therefrom to the district court of the state of Idaho for the respective district in which such person resides within sixty days of the entry of the order taking such action, which appeal shall be perfected by filing with the clerk of said court a petition briefly setting forth the action complained of and wherein the petitioner has been deprived of any legal rights. Summons and copy of the complaint shall be served on the board, or on the executive secretary thereof, or any member thereof, and all proceedings shall conform to the code of civil procedure of the state of Idaho. Upon such appeal the action shall be by trial de novo and, upon demand in writing, either party shall be entitled to trial by jury. The court may sustain or reverse the action of the board, or may direct the board to take such other and further action as to the court may seem just and proper in the premises.

A revoked or suspended license may be reissued and reinstated at the discretion of the board.

SECTION 12. 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, 1965.
CHAPTER 181
(S. B. No. 213)

AN ACT
AMENDING SECTION 1-1102, IDAHO CODE, RELATING TO SALARY OF COURT REPORTERS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 1-1102, Idaho Code, be, and the same is hereby amended to read as follows:

1-1102. OATH, BOND, SALARY AND EXPENSES.—Said reporter shall take the oath required to be taken by the judicial officers; give a bond to be approved by the judge of the district court, in the sum of $5,000.00, conditioned for the faithful performance of his duties, which bond shall be filed in the office of the secretary of state; hold his office during the pleasure of said judge, and shall receive a salary of $7,800.00 per annum, to be paid monthly. There shall be paid in addition to said salary, to each of the court reporters of the district courts, out of the state treasury, for each term of district court held by the judge thereof, for the trial and disposition of causes and the transaction of business under the laws of the state, in other counties than that in which said court reporter resides, his actual and necessary expenses for traveling and attending each term: provided, however, that no stenographic reporter shall be paid his salary, or any portion thereof, unless he shall have first taken and subscribed an oath that he has prepared the transcript of the testimony on appeal either in a civil or criminal action, or specified portion thereof, in the order in which the copy of the order directing him to prepare the same has been served upon him: provided, however, that the estimated cost of transcribing such transcript shall have been paid to such reporter at the time of the service of the copy of the order upon him.

SECTION 2. This act shall be effective on and after the first day of July, 1965.

Approved March 18, 1965.
CHAPTER 182
(S. B. No. 119, As Amended in the House of Representatives)

AN ACT
AMENDING SECTION 33-3002, IDAHO CODE, RELATING TO PURPOSES OF IDAHO STATE UNIVERSITY, BY ADDING NEW MATERIAL PROVIDING FOR THE OFFERING AND GIVING OF INSTRUCTION IN THE FIELDS OF GENERAL ENGINEERING EMPHASIZING NUCLEAR SCIENCE, BUT NOT IN MECHANICAL, ELECTRICAL, CHEMICAL OR CIVIL ENGINEERING.

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

SECTION 1. That Section 33-3002, Idaho Code, be, and the same is hereby amended to read as follows:

33-3002. PURPOSES OF IDAHO STATE UNIVERSITY.—The Idaho State University shall offer and give instruction to male and female students in four (4) year college courses in science, arts and literature, and general engineering with emphasis on nuclear science, but not in mechanical, electrical, chemical or civil engineering, 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.

Approved March 18, 1965.
CHAPTER 183
(H. B. No. 159)

AN ACT

RELATING TO AND PROVIDING FOR CREATION OF COMMUNITY MENTAL HEALTH CENTERS; DECLARATION OF LEGISLATIVE POLICY; DEFINING TERMS USED IN THE ACT; AUTHORIZING THE ESTABLISHMENT AND OPERATION OF COMMUNITY MENTAL HEALTH CENTERS; AUTHORIZING GOVERNING BODIES OF ANY COUNTY, CITY OR PUBLIC HEALTH DISTRICT BY AGREEMENT WITH GOVERNING BODIES OF OTHER CITIES AND COUNTIES TO ESTABLISH A JOINT COMMUNITY MENTAL HEALTH CENTER; PROVIDING FOR EACH COMMUNITY MENTAL HEALTH CENTER TO HAVE ADVISORY BOARD, FOR THE COMPOSITION OF THE BOARD AND SELECTION OF ITS MEMBERS; PROVIDING THAT STAFF MEMBERS OF COMMUNITY MENTAL HEALTH CENTER ARE EX-OFFICIO MEMBERS OF THE ADVISORY BOARD; PROVIDING TERM OF OFFICE OF MEMBERS OF THE ADVISORY BOARD, FOR FILLING OF VACANCIES, AND THAT BOARD MEMBERS SERVE WITHOUT COMPENSATION; PRESCRIBING THE DUTIES OF THE ADVISORY BOARD; PROVIDING THAT EACH COMMUNITY MENTAL HEALTH CENTER SHALL BE ADMINISTERED BY A DIRECTOR APPOINTED BY GOVERNING BODY OR BODIES; PRESCRIBING DUTIES OF DIRECTOR OF COMMUNITY MENTAL HEALTH CENTER; PROVIDING THAT IN AGREEMENT FOR ESTABLISHMENT OF JOINT COMMUNITY MENTAL HEALTH CENTER THAT PARTICIPANTS SHALL PAY SHARE OF COST, THAT PARTICIPANTS MAY OPERATE JOINTLY, AND THAT A PARTICIPATING CITY, COUNTY OR PUBLIC HEALTH DISTRICT MAY FURNISH SERVICES UNDER CONTRACT FOR OTHER PARTICIPATING ENTITIES; AUTHORIZING COMMUNITY MENTAL HEALTH CENTER TO CONTRACT FOR SERVICES AND FACILITIES WITH ANY HOSPITAL, CLINIC, LABORATORY OR SIMILAR INSTITUTION; AUTHORIZING COMMUNITY MENTAL HEALTH CENTER BY CONTRACT TO FURNISH SERVICES TO ANY OTHER CITY, COUNTY OR PUBLIC HEALTH DISTRICT; PROVIDING THAT STATE BOARD OF HEALTH SHALL FURNISH FUNDS SUBJECT TO APPROPRIATION THEREFOR TO ASSIST IN OPERATION AND MAINTENANCE OF COMMUNITY MENTAL HEALTH CENTERS AND STATING REQUIREMENTS FOR ELIGIBILITY OF FUNDS FROM STATE BOARD OF HEALTH; REQUIRING ANY ENTITY OR ENTITIES OPER-
ATING A JOINT COMMUNITY MENTAL HEALTH CENTER TO SUBMIT PLAN OF PROPOSED EXPENDITURES TO STATE BOARD OF HEALTH ANNUALLY; PROVIDING THAT ENTITIES OPERATING COMMUNITY MENTAL HEALTH CENTERS ARE ELIGIBLE FOR FUNDS FROM THE STATE BOARD OF HEALTH WHETHER CENTER OPERATED DIRECTLY, JOINTLY OR SEVERALLY, OR PROVIDED THROUGH CONTRACT; PROVIDING FUNDS TO BE FURNISHED BY STATE BOARD OF HEALTH ARE SUBJECT TO APPROPRIATION THEREFOR, AND AMOUNT FURNISHED TO EACH COMMUNITY MENTAL HEALTH CENTER SHALL NOT EXCEED 50% OF COST OF OPERATION; PRESCRIBING THE EXPENDITURES FOR WHICH STATE BOARD OF HEALTH MAY FURNISH FUNDS; PROVIDING THAT OPERATING COSTS OF EACH COMMUNITY MENTAL HEALTH CENTER BE PAID THROUGH FISCAL OFFICE OF STATE BOARD OF HEALTH AND AUTHORIZING AGREEMENTS BETWEEN STATE BOARD OF HEALTH AND GOVERNING BODIES FOR FINANCING OF CENTERS; AUTHORIZING DIRECTOR OF DIVISION OF MENTAL HEALTH, STATE BOARD OF HEALTH, TO PRESCRIBE UNIFORM STANDARDS FOR OPERATION OF COMMUNITY MENTAL HEALTH CENTERS; REQUIRING FEE SCHEDULES OF EACH COMMUNITY MENTAL HEALTH CENTER TO BE APPROVED BY THE DIRECTOR, DIVISION OF MENTAL HEALTH, STATE BOARD OF HEALTH, AND THAT A COMMUNITY MENTAL HEALTH CENTER CANNOT REFUSE SERVICE TO ANY PERSON BECAUSE OF INABILITY TO PAY OR BECAUSE OF RACE, COLOR OR RELIGION; PROVIDING FOR SHORT TITLE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. It is the policy of this state to encourage the development of preventive and treatment services for mental illness, and it is recognized that the incidence of mental illness is becoming greater and that increasing numbers of persons are in need of care and treatment. The human suffering and social and economic loss caused by this costly infirmity are a matter of grave concern. This Act is designed to promote good mental health, to provide early diagnostic and treatment services, and to aid in the prevention of serious mental illness by the creation and maintenance by our communities of community mental health centers. The development and operation of community mental health centers shall be under the administrative supervision of the state board of health.
SECTION 2. As used in this Act:

(a) "City" means any city of the first and second class and any incorporated village.

(b) "Governing body" means the council of cities of the first and second class, the board of trustees of a village, the board of county commissioners of a county, and the district board of health.

(c) "Director of the mental health division" means the director of the division of mental health of the state board of health.

SECTION 3. Any city of 50,000 persons or more, any county of 50,000 persons or more, any combination of city or county of 50,000 persons or more, any combination of counties aggregating 50,000 persons or more, and any combination of cities and counties comprising a public health district, may by ordinance or resolution, establish and operate a community mental health center.

SECTION 4. The governing body of any county, city, or public health district may by agreement with the governing body or bodies of any other city or county, or cities or counties, establish a joint community mental health center.

SECTION 5. Each community mental health center shall have an advisory board of nine members who shall be appointed by the city council in the case of a city of the first or second class, or by the board of trustees in case of a village, or by the board of county commissioners in the case of a county, or by the district board of health in case of a public health district, and when any combination of political subdivisions establishes a community mental health center, the chief executive officer of each participating entity shall appoint two members to a selecting committee, which shall select the members of the board. One member of the advisory board shall be either the local public health district officer, the county physician, or a physician in private practice. All other members of the board shall be residents within the area served by the community mental health center and will be representative of all segments of the community.

SECTION 6. All full-time or part-time staff members of the community mental health center shall be ex-officio members of the advisory board. The director of the community mental health center shall act as ex-officio secretary of the advisory board.
SECTION 7. The term of each member of the advisory board shall be four years; provided, however, that of the members first appointed, three shall be appointed for a term of two years, three for a term of three years, and three for a term of four years. Vacancies shall be filled for the unexpired term in the same manner as original appointments. Board members shall serve without compensation but may be reimbursed for actual and necessary expenses incurred in the performance of official duties which shall be paid from the operating budget of the community mental health center.

SECTION 8. The duties of the advisory board are to:

(a) Determine the need for community mental health services;

(b) Assist in the formulation of the operating policy of the community mental health center;

(c) Assist in the securing of financing for the operation of the community mental health center from local, state, and federal financial resources;

(d) Interpret to the community the services provided by the community mental health center and to be responsible to the demands by the community for services of the community mental health center;

(e) Act in an advisory capacity to the director of the mental health center.

SECTION 9. Each community mental health center shall be administered by a director to be appointed by the governing body or bodies. This appointment shall be in accordance with the regulations of the Idaho State Merit System Council and subject to the approval of the director of the mental health division. He shall be a person knowledgeable in the field of mental illness and shall meet the standards of training and experience prescribed by the director of the mental health division. The director need not be a resident of the area served by the community mental health center and may be employed on a full-time or part-time basis.

SECTION 10. The director of the community mental health center shall:

(a) Serve as its administrative officer, supervise its operation, and employ subject to the regulations of the Idaho State Merit System Council all of its staff members;
(b) Recommend to the advisory board and the governing body the provisions of services and establishment of facilities, including contracts therefor, and other matters necessary or desirable to accomplish the objective of the community mental health center;

(c) Encourage the development and expansion of preventive, rehabilitation and treatment programs in the field of mental illness;

(d) Submit an annual report to the governing body or bodies reporting all activities, an accounting of expenditures, and a forecast of anticipated needs for the ensuing year;

(e) Submit such reports as shall be required by the director of the mental health division or the state board of health.

SECTION 11. Any agreement between two or more cities or counties or a public health district for the establishment of a joint community mental health center shall provide that each participant to the agreement shall bear a share of the cost of the establishment and operation of the joint community mental health center. The agreement may also provide for the joint provision or operation of services and facilities or for the provision or operation of services and facilities by one participating city, county, or public health district under contract for the other participating entities. Provision should be made for allocation of members of the advisory board between or among the participating entities.

SECTION 12. A community mental health center may contract for services and facilities with any hospital, clinic, laboratory, or other similar institution. Such contract may be entered into notwithstanding that the director, or any member of the staff of the community mental health center, is a member of the medical or consultant staff of the hospital, clinic, laboratory or institution.

SECTION 13. Subject to the approval of the director of the mental health division, any established community mental health center may by contract furnish mental health services to any other city, county, or public health district.

SECTION 14. The state board of health shall furnish funds, subject to appropriation therefor, to assist the cities, counties, and public health districts in the operation and maintenance of a community mental health center in con-
formance with its regulations. The furnishing of funds by the state board of health shall be made to cities, counties, or public health districts with an established community mental health center providing any or all of the following facilities and services:

(a) Outpatient services including evaluation and treatment of children and adults;

(b) Psychiatric rehabilitative services for children and adults with provision for care of ex-patients discharged from other mental health facilities;

(c) Consultation services to public and private schools, health and welfare agencies, courts, and other agencies and groups approved by the director of the mental health division;

(d) Informational services to the general public aimed at the early detection and prevention of mental illness;

(e) Research activities related to the prevention and treatment of mental illness;

(f) In-service training activities provided by the staff of the community mental health center to other agencies and in-service training activities for the staff of the community mental health center;

(g) "Contracted services" not provided by the community mental health center itself but which are essential to treatment or prevention of mental illness.

**SECTION 15.** To be eligible for funds from the state board of health, a city, county, public health district, or the entities operating a joint community mental health center shall first submit to the board of health annually a plan of proposed expenditures. It shall review the plan to determine compliance with this Act and the regulations promulgated thereunder and fix the amount to be paid by the state. Existing services may qualify under this Act for funds upon determination by the local governing body that such services shall be subject to the provisions of this Act.

**SECTION 16.** Expenditures incurred in accordance with the regulations of the state board of health for the items specified in Section 14 shall be eligible for funds from the state board of health whether incurred by direct or joint operation of such facilities and services, by provision therefore through contract, or by other arrangement pursuant to the provisions of this Act. The state board of health may
make investigations and audits of such expenditures as it may deem necessary.

SECTION 17. The funds to be furnished by the state board of health to each city, county, and public health district for the operation and maintenance of a community mental health center are subject to appropriation therefor, and the amount furnished to each community mental health center shall not exceed 50 per cent of the cost of operation and maintenance.

SECTION 18. Expenditures for which the state board of health may furnish funds include salaries of qualified and necessary personnel; approved facilities and services provided through contract; operation, maintenance and service costs; costs incurred in connection with attendance at meetings of and participation in projects and other activities under the auspices of the director of the mental health division, and such other expenditures as may be approved by him pursuant to Section 14. Expenditures for capital additions or improvements cannot be included. Funds will not be provided upon expenditures for services furnished to patients who are financially able to pay for private care, and for purposes of determining cost of operation there shall be deducted from the cost of services any fees received from patients.

SECTION 19. Operating costs of each community mental health center shall be paid through the fiscal office of the state board of health. By agreement between the state board of health and the governing body or bodies providing for the financing of each center, arrangement will be made for the governing body or bodies to remit its share of the funds to the fiscal office of the state board of health and for the adoption of a budget specifying the financial responsibility of each.

SECTION 20. The director of the mental health division shall prescribe uniform standards for the operation of a community mental health center to provide consistently effective services in each of the community mental health centers.

SECTION 21. Fee schedules of charges made by a community mental health center of persons availing themselves of its services must be approved by the director of the mental health division. A community mental health center shall not refuse services to any person because of his inability to pay therefor or because of his race, color, or religion.
SECTION 22. This Act may be cited as the Community Mental Health Center Act.

SECTION 23. 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 24. This Act shall be in full force and effect on and after July 1, 1965.

Approved March 22, 1965.

CHAPTER 184
(S. B. No. 162)

AN ACT
CREATING THE IDAHO COMMISSION ON ALCOHOLISM; PROVIDING FOR THE SHORT TITLE OF THIS ACT; DEFINING TERMS AS USED IN THIS ACT; CREATING A COMMISSION ON ALCOHOLISM WITHIN THE DEPARTMENT OF HEALTH AND PROVIDING FOR THE APPOINTMENT OF COMMISSION MEMBERS AND THEIR QUALIFICATIONS; PROVIDING FOR EXPENSES AND PROVIDING FOR COMPENSATION IN CONNECTION WITH THE WORK OF THE COMMISSION; PROVIDING FOR THE ELECTION OF OFFICERS OF THE COMMISSION; PROVIDING FOR THE EMPLOYMENT OF AN EXECUTIVE DIRECTOR AND OTHER EMPLOYEES; PRESCRIBING THE DUTIES AND POWERS OF THE COMMISSION; PROVIDING FOR GIFTS TO FUNDS OF THE COMMISSION; PROVIDING FOR REPORTS TO THE GOVERNOR AND THE STATE LEGISLATURE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. This act shall be known and may be cited as the "Idaho Commission on Alcoholism Act (1965)."

SECTION 2. The following words shall have the following meanings:
“Person” means any person, corporation, firm or partnership.

“Commission” means the Idaho Commission on Alcoholism created under this act.

“Board” means the State Board of Health and any division thereof designated by the State Board of Health.

“Alcoholic”, as used in this act, means any person who habitually uses alcoholic beverages to such an extent that he endangers the health, morals, safety or welfare of himself, or any other persons or groups of persons.

SECTION 3. There is hereby created in the State Department of Health a commission on alcoholism. The commission shall consist of nine members, residents of Idaho, to be appointed by the governor after recommendations as follows:

(1) The administrator of health or someone within his department designated by him;

(2) One member recommended by the State Board of Education;

(3) One member representing the labor unions to be designated by the governor;

(4) One doctor of medicine, licensed to practice in the state of Idaho; recommended by the Idaho State Medical Association;

(5) Five members appointed by the governor and recommended by the Idaho Foundation on Alcoholism.

The secretary of the commission shall be an ex-officio member without vote and shall be selected from the staff of the Idaho Department of Health.

On or before July 1, 1965, and thereafter as required, at least one month prior to the expiration of the term of the member appointed, each organization or group shall submit to the governor a list of at least two recommended nominees for membership on the commission, from which list the governor shall appoint one.

If any organization or group does not submit a list of recommended nominees at any time required by this act, the governor may appoint a member of his choice.

SECTION 4. Of the nine members first to be appointed,
two shall be appointed for a term of one (1) year; two for terms of two (2) years; two for terms of three (3) years, and three for terms of four (4) years beginning on July 1, 1965. Thereafter, all appointments shall be made for terms of four (4) years beginning on July 1st. All appointed members shall serve after the expiration of their terms until their respective successors are appointed and shall qualify, and any vacancy occurring in the appointed membership of the commission, by expiration of term or otherwise, shall be filled in the same manner as the original appointment for the unexpired term only, notwithstanding that the previous incumbent may have been held over and continued in office as aforesaid. The governor may remove any appointed member of the commission for cause.

SECTION 5. All members of the commission shall serve without compensation but shall be reimbursed for expenses incurred in attending meetings of the commission and in the performance of any duties as members thereof.

SECTION 6. The commission shall elect annually a chairman and vice-chairman from its own membership, and five members of the commission shall constitute a quorum to transact its business. The commission may designate the executive director of the commission, appointed as hereinafter provided.

SECTION 7. The commission shall have power to employ such employees as it may deem necessary.

SECTION 8. The commission shall study the problems of alcoholism, including methods and facilities available for the care, custody, detention, treatment, employment and rehabilitation of persons addicted to the intemperate use of spirituous or intoxicating liquors. The commission shall promote meetings for the discussion of problems confronting clinics and agencies engaged in the treatment and rehabilitation of alcoholics and shall disseminate information on the subject of alcoholism for the assistance and guidance of residents and courts of the state. The commission shall suggest reasonable regulations respecting the care, treatment and discipline of patients and persons committed to state institutions by reason of alcoholism being a primary or contributory factor of the cause for such commitment.

SECTION 9. The commission with the approval of the State Board of Examiners, is authorized to accept in the name of the state such funds, appropriations, bequests or devises, which may be used for printing and disseminating
information and knowledge concerning the disease recognized as "alcoholism" and for the care, custody and treatment of persons who voluntarily seek the assistance of said commission or such other purposes as the commission shall deem appropriate. Per diem expenses of members of the commission, while in session, shall be paid from such commission fund; provided, however, that nothing in this act shall preclude the inclusion of commission per diem expenses in the general fund budget requests and appropriations of and for the board of health.

SECTION 10. The commission may accept or refuse on behalf of and in the name of the state, any gift of any valuable thing, however the gift be created, for any purpose connected with the work of the commission. Any such property, so given, shall be received and held by the treasurer of the state and shall become part of the commission fund, but the commission, with the approval of the State Board of Examiners, shall have the power to direct the disposition of any property so donated to it, for any purpose consistent with the terms and conditions under which such gift was created.

SECTION 11. The board at all times shall have the power and authority to cooperate with the commission in conducting and supervising research programs for the purpose of determining the causes and effects of alcoholism; in conducting and supervising statewide programs of alcoholism education. After the commission has made an extensive and comprehensive study of the problem of alcoholism and adopted a program relating to control and prevention, the board may establish a division on alcoholism to be headed by an executive director, appointed by the administrator of health with the approval of the commission, whose duties shall be to supervise the business and financial affairs of the commission, and to cooperate with courts, hospitals and clinics, social agencies, educational and research organizations, public health and police authorities and members of the general public in carrying into effect the provisions of this act.

SECTION 12. On or before December first in each year, the commission shall render a report to the governor and the state legislature of its activities, including recommendations for improvements therein, by legislation or otherwise.

SECTION 13. The powers, duties and functions vested in the State Board of Health under the provisions of this act shall not be construed to affect in any manner the powers,
duties, and functions vested in the State Board of Health, under any other provisions of law.

SECTION 14. If any provisions of this act, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION 15. This act shall be in full force and effect from and after July 1, 1965.


CHAPTER 185
(S. B. No. 222)

AN ACT


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

SECTION 1. There is hereby appropriated out of the 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, 1965, and ending June 30, 1967; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:

FISH AND GAME COMMISSION:

For:

<table>
<thead>
<tr>
<th>Description</th>
<th>Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
<td>$3,836,617</td>
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<tr>
<td>Travel Expense</td>
<td>230,029</td>
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<tr>
<td>Other Current Expense</td>
<td>2,691,500</td>
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<td>Capital Outlay</td>
<td>2,200,901</td>
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<tr>
<td>Refunds</td>
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</table>
CHAPTER 186
(S. B. No. 220)

AN ACT

RELATING TO THE FISCAL AFFAIRS OF MUTUAL NON­
PROFIT IRRIGATION COMPANIES; PROVIDING THAT
FUNDED AMOUNTS RECEIVED BY SUCH COMPANIES TO
MEET FUTURE INCREASED MAINTENANCE AND OPER­
ATING EXPENSES SHALL CONSTITUTE A PERMANENT
TRUST FUND AND BE INVESTED UNDER THE STAND­
ARDS PRESCRIBED BY THE PRUDENT MAN INVESTMENT
ACT; AND PROVIDING THAT OTHER FUNDS ACCUMU­
LATED BY SUCH COMPANIES AS RESERVES FOR EMER­
GENCY, CONTINGENT OR NON-RECURRING EXPENSES,
AS WELL AS SURPLUS HELD FOR CURRENT EXPENSES,
MAY BE INVESTED UNDER STANDARDS SPECIFIED IN
THE PRUDENT MAN INVESTMENT ACT.

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

SECTION 1. When any corporation organized for the
operation, control or management of an irrigation project
or canal system, or for the purpose of furnishing water to
its shareholders and not for profit or hire, shall receive
through condemnation proceedings, or by contract made
under threat of such proceedings, any funded amount to
meet increased maintenance and operation expenses in
future years as opposed to funds received as compensation
for expenses incurred or to be incurred for the reconstruc­
tion or relocation of irrigation works, such funded amount
shall constitute a permanent trust fund in the treasury of
such company, and as such it shall be kept separate and
apart from other funds of the company and such funded
amount shall be invested by the board of directors of such
company under the standards specified in the Prudent Man Investment Act as set forth in Chapter 5, Title 68, Idaho Code.

SECTION 2. When any corporation organized for the operation, control or management of an irrigation project or canal system, or for the purpose of furnishing water to its shareholders and not for profit or hire, shall have accumulated, out of assessment funds or otherwise, reasonable reserves for emergency, contingent or non-recurring expenses and charges, the funds held in such reserves may be invested by the board of directors of such company under the standards specified in the Prudent Man Investment Act as set forth in Chapter 5, Title 68, Idaho Code.


CHAPTER 187
(S. B. No. 204)

AN ACT


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

SECTION 1. There is hereby appropriated out of the 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 agencies herein named for the period commencing July 1, 1965, and ending June 30, 1967; subject to the provisions of the Standard Appropriations Act of 1945.
To Whom Appropriated:  

DISTRICT COURTS:
Salaries and Wages .................................. $985,200
Travel ...................................................... .
Other Current Expense ........................... 57,000

Total .................................................... $1,087,200
From the General Fund ......................... $1,087,200

LAW LIBRARY:
Salaries and Wages .................................. $27,000
Other Current Expense ........................... 13,351
Capital Outlay ........................................... .

Total .................................................... $76,451
From the General Fund ......................... $76,451

SUPREME COURT:
Salaries and Wages .................................. $325,786
Travel Expense ....................................... 13,000
Other Current Expense ........................... 34,605
Capital Outlay ........................................... .

Total .................................................... $382,691
From the General Fund ......................... $382,691


CHAPTER 188
(S. B. No. 200)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO THE STATE BOARD OF CORRECTION FOR PENITENTIARY ADMINISTRATION AND FOR PROBATION AND PAROLE FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE, AND CAPITAL OUTLAY FOR THE PERIOD COMMENCING JULY 1, 1965, AND ENDING

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, 1965, and ending June 30, 1967; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:

STATE BOARD OF CORRECTION FOR PENITENTIARY ADMINISTRATION:

For:
- Salaries and Wages $985,632
- Travel Expense 12,000
- Other Current Expense 869,254
- Capital Outlay 75,000

Total $1,941,886

From:
- General Fund $1,736,886
- Receipts to Appropriation 60,000
- Endowment Income 145,000

Total $1,941,886

STATE BOARD OF CORRECTION FOR PROBATION AND PAROLE:

For:
- Salaries and Wages $195,668
- Travel Expense 52,000
- Other Current Expense 56,567
- Capital Outlay 7,000

Total $311,235

From:
- General Fund $311,235

CHAPTER 189
(S. B. No. 153, As Amended in the House of Representatives)

AN ACT
AMENDING SECTION 34-1105, IDAHO CODE, PROVIDING FOR FILING OF ABSENTEE BALLOTS.

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

**SECTION 1.** That Section 34-1105, Idaho Code, be, and the same is hereby amended to read as follows:

34-1105. RETURN OF BALLOT.—On marking such ballot or ballots such absent or disabled or blind elector shall refold same as theretofore folded and shall inclose the same in said official envelope and seal said envelope securely and mail by registered or certified mail or deliver it in person to the officer who issued same at least one (1) day before the date of such election; provided, that an absentee ballot must be received by the issuing officer by 12:00 o'clock noon on the day of the election before such ballot may be counted. Said ballot or ballots shall be so marked, folded and sealed by said voter in private and secretly. Provided, that whenever the disability or blindness makes it necessary that the voter shall be assisted in marking his ballot, such voter may have the assistance of any person of his choice in marking his ballot.


CHAPTER 190
(S. B. No. 74, As Amended in the House of Representatives)

AN ACT
AMENDING SECTION 50-4610, IDAHO CODE, RELATING TO VACATION OF PLATS AND TOWNSITES BY ADDING NEW MATERIAL PROVIDING THAT ACTIONS BROUGHT TO ESTABLISH ADVERSE RIGHTS OR INTERESTS IN AFFECTED PROPERTY OR TO DETERMINE THE INVALIDITY OF ACTION BY WHICH ANY LOT, TRACT, MUNICIPAL STREET OR ALLEY, ROAD, HIGHWAY, COMMON, PLAT, OR ANY PART THEREOF, HAS BEEN VACATED, MUST BE BROUGHT WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ACT OR WITHIN SIX MONTHS AFTER A CERTIFIED
COPY OF THE ORDINANCE, RESOLUTION OR ORDER OF VACATION HAS BEEN FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY IN WHICH THE AFFECTED PROPERTY IS LOCATED, PROVIDING THAT PERSONS OBJECTING THERETO MAY BRING ACTIONS, PROVIDING FOR THE INDEXING AND RECORDING IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY IN WHICH THE AFFECTED PROPERTY LIES OF CERTIFIED COPIES OF ORDINANCES, RESOLUTIONS AND ORDERS BY WHICH ANY PLAT OR PART THEREOF, INCLUDING SUCH PROPERTY, IS VACATED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 50-4610, Idaho Code, be, and the same is hereby amended to read as follows:

50-4610. PRIOR VACATIONS. Where any action brought to establish adverse rights or interests in the affected property or to determine the invalidity of any action by which any lot, tract, street, alley, road, highway, common, plat, or any part thereof, has been heretofore vacated, and the same appears in the records of the county where such property is located, any village, town or city or any person, firm or corporation having any objection to any such vacation or the validity thereof must bring an appropriate action to establish their interest or rights and determine the invalidity of any such vacation within six (6) months after the effective date of this act or be forever barred must be brought within six months after the effective date of this act or within six months after a certified copy of the ordinance, resolution or order of vacation has been filed for record in the office of the county recorder of the county in which the affected property is located. Any person, firm or corporation having any objection thereto may bring such action.

Upon payment of the appropriate fee therefor, the county recorder of each county shall index and record in the same manner as other instruments affecting the title to real property, a certified copy of each ordinance, resolution or order by which any lot, tract, municipal street or alley, road, highway, common, plat, or any part thereof, has been vacated. Such certification shall be by the officer having custody of the original document and shall certify that the copy is a full, true and correct copy of the original.

SECTION 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.


CHAPTER 191
(S. B. No. 25)

AN ACT

AMENDING SECTION 42-3209, IDAHO CODE, RELATING TO THE ORGANIZATION OF THE BOARD OF DIRECTORS OF A WATER AND/OR SEWER DISTRICT ORGANIZED PURSUANT TO THE PROVISIONS OF CHAPTER 32, TITLE 42, IDAHO CODE, AND RELATING TO THE ACCOUNTS OF TREASURER, COMPENSATION OF MEMBERS, ANNUAL AUDIT AND REMOVAL OF DIRECTORS; TO INCREASE THE COMPENSATION PAID TO A MEMBER OF THE BOARD OF DIRECTORS FOR HIS SERVICES TO A SUM NOT IN EXCESS OF TEN DOLLARS ($10.00) PER MEETING, PAYABLE MONTHLY.

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

SECTION 1. That Section 42-3209, Idaho Code, be, and the same is hereby amended to read as follows:

42-3209. ORGANIZATION OF BOARD—ACCOUNTS OF TREASURER—COMPENSATION OF MEMBERS—ANNUAL AUDIT—REMOVAL OF DIRECTORS.—After taking oath and filing bonds, the board shall choose one of its members as chairman of the board and president of the district, and shall elect a secretary and a treasurer of the board and of the district, who may or may not be members of the board. The secretary and the treasurer may be one person. Such board shall adopt a seal and the secretary shall keep, in a well-bound book, a record of all its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees and all corporate acts which shall be open to inspection of all owners of real property in the district, as well as to all other interested parties.

The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district, in permanent records. He shall file with the
clerk of the court, at the expense of the district, a corporate fidelity bond in an amount not less than $5,000.00, conditioned on the faithful performance of the duties of his office.

Each member of the board shall receive as compensation for his service a sum not in excess of sixty dollars ($60.00) per annum, ten dollars ($10.00) per meeting, payable monthly. No member of the board shall receive any compensation as an employee of the district or otherwise, other than that herein provided, and no member of the board shall be interested in any contract or transaction with the district except in his official representative capacity.

It shall be the duty of the board of directors to cause an audit to be made of all financial affairs of the district during each year ending November 30th, which audit shall be made during the last month of each calendar year. A financial statement shall be certified by the person making such audit, which shall be published in a newspaper of general circulation in the district, in one issue during the first week of January following the audit. Such audit shall be made by a registered accountant or certified public accountant, who is not otherwise employed by the district.

The court having jurisdiction of the district shall have the power to remove directors for cause shown, on petition, notice and hearing.

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


CHAPTER 192
(S. B. No. 24)

AN ACT
AMENDING CERTAIN SECTIONS OF CHAPTER 29, TITLE 50, IDAHO CODE, RELATING TO LOCAL IMPROVEMENT DISTRICTS TO PERMIT APPLICATION THEREOF TO WATER/OR SEWER DISTRICTS ORGANIZED PURSUANT TO CHAPTER 32, TITLE 42, IDAHO CODE, AS WELL AS COUN-
Section 1. That Section 50-2901, Idaho Code, be, and the same is hereby amended to read as follows:

50-2901. SHORT TITLE—SCOPE AND APPLICATION.—This chapter shall be known and cited as the "Local Improvement District Code" and shall apply to all counties having a population of over 25,000 people as shown by the last official census, water and/or sewer districts organized pursuant to the provisions of Chapter 32, Title 42, Idaho Code, cities of the first class, cities of the second class, villages and to cities working under a special charter which have by such charter, accepted the provisions of this chapter, and to all cities, villages and like municipalities which may be hereafter created or authorized by the legislature.
SECTION 2. That Section 50-2902, Idaho Code, be, and the same is hereby amended to read as follows:

50-2902. DEFINITIONS.—Whenever in this chapter the word “city” or the word “municipality” is used such word or words shall be construed to mean and include counties, water and/or sewer districts organized pursuant to the provisions of Chapter 32, Title 42, Idaho Code, 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, village, or water and/or sewer district.

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, board of directors of water and/or sewer districts, 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, and water and/or sewer district officers in regard to water and/or sewer district 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 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 3. That Section 50-2905, Idaho Code, be, and the same is hereby amended to read as follows:

50-2905. BASIS OF ASSESSMENTS.—Whenever any improvement authorized to be made by any municipality by the terms of this chapter or any law of this state, is ordered, the city council, may provide that such portion of the cost and expenses thereof as in their judgment may be fair and equitable in consideration of the benefits accruing to the general public by reason of such improvement may be expended from the general funds of the city, or may order that the whole or any part of the costs and expenses of such improvement shall be assessed upon the abutting, adjoining, contiguous and adjacent lots and lands and upon lots and lands benefited and included in the improvement district formed, each lot and parcel of land being separately assessed for the debt thereof in proportion to the number of square feet of such lands and lots abutting, adjoining, contiguous and adjacent thereto or included in the improvement district to the distance back from such street, if platted in blocks to the center of the block, if platted in lots to the center of the lots, and if not platted to the distance of one hundred twenty-five feet, and in proportion to the benefits derived to such property by said improvements, sufficient to cover the total cost and expense of the work to the center of the street. The cost and expenses to be assessed as herein provided for shall include the contract price of the improvement, engineering and clerical service, advertising, cost of inspection, cost of collecting assessments, and interest upon warrants if issued, and for legal services
for preparing proceedings and advising in regard thereto. Lands and property of public utilities shall not be consid­ered as lands or property benefited by any county local im­provement district or water and/or sewer district local im­provement district and unless any such public utility within the boundaries of a county local improvement district or water and/or sewer district local improvement district consents in writing, filed with the board of county commis­sioners, or board of directors of the water and/or sewer district, before the board of county commissioners or board of directors of the water and/or sewer district adopts the resolution provided for in section 50-2910, the lands and property of any such public utility shall not be subject to assessment for the payment of any of the cost or expense of such improvement.

SECTION 4. That Section 50-2925, Idaho Code, be, and the same is hereby amended to read as follows:

50-2925. INSTALMENT IMPROVEMENT BONDS.—Whenever the city council of any municipality shall, under the authority of this chapter or any law of this state, cause any street in such municipality, to be improved, or any improvement to be made authorized by this chapter, or any law of this state, and shall create a local improvement dis­trict and assess the cost and expenses of such improvement against the property within such district as provided in this chapter, such city council may, in its discretion, pro­vide for the payment of the cost and expenses thereof by instalments, instead of collecting the entire assessment therefor at one time, such instalments to be payable as nearly as may be in ten equal annual payments, and for such instalments shall issue, in the name of the munici­pality, improvement bonds of such improvement district, which shall include all the property included within such district liable to assessment for such local improvement, one-tenth in amount of which bonds as nearly as may be, shall be by their terms made payable each year from and after the date of such bonds and shall bear interest not exceeding the rate of seven per cent per annum, the rate of interest, however, within said limit in each instance to be determined by the city council. Such bonds shall be in the form hereinafter provided, and shall not be issued in excess of the contract price and the expenses of such im­provement to be made, and shall be of such denominations as the city council shall deem proper not exceeding $500.00: provided, however, that only bond No. 1 of any issue shall be of a denomination other than a multiple of $100.00. Pro-
vided further that in lieu of bonds, registered warrants of the district, county and water and/or sewer district 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 (8) 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 installments, 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.

SECTION 5. That Section 50-2927, Idaho Code, be, and the same is hereby amended to read as follows:

50-2927. FORM OF BONDS.—Any bonds issued under the provisions of this chapter shall be in such form as may be provided by the city council except as in this chapter otherwise provided, but shall be serial in form and as nearly as may be with equal annual maturities, the first installment to mature within one year from date, and the last installment is not more than ten years from date, and numbered from one upward consecutively. Interest on all such bonds shall be payable either annually or semiannually as may be determined by the city council, and each bond and coupon shall be signed by the mayor of the city or the chairman of the board of county commissioners or by the chairman of the board of directors of a water and/or sewer district or trustees of a village and countersigned by the city treasurer, and attested by the clerk of such municipality; provided, however, that such coupons may, in lieu of being signed have printed thereon the facsimile of the signature of said officers, and each bond shall have the seal of such municipality affixed thereto, and shall refer to the improvement district for the payment of which the same shall be issued. Each bond shall provide that the principal sum therein named and the interest thereon shall be payable out of the local improvement fund created for the pay-
ment of the cost and expenses of such improvement and not otherwise.

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.


CHAPTER 193
(H. B. No. 220)

AN ACT
RELATING TO TAXATION BY PROHIBITING THE LEVY OF A STATE AD VALOREM TAX IN ANY PERIOD DURING WHICH A SALES TAX IS IN FORCE IN THIS STATE.

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

SECTION 1. From and after January 1, 1965 and in any period during which a sales tax is in force in this state, there shall be no levy of the general state ad valorem tax permitted by Article VII, Section 9 of the Constitution of the State of Idaho.

Approved March 24, 1965.

CHAPTER 194
(H. B. No. 221)

AN ACT
AMENDING SECTION 33-1326, IDAHO CODE, PROVIDING FOR COUNTY CONTRIBUTIONS TO THE SERVICE ANNUITY ACCUMULATION FUND BY PROVIDING THAT THE TAX LEVIES THEREIN REQUIRED SHALL NOT BE MADE SO LONG AS THE IDAHO SALES TAX ACT REMAINS IN FORCE AND EFFECT; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 33-1326, Idaho Code, be, and the same is hereby amended to read as follows:

33-1326. 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 (0.10%) 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; provided, however, after December 31, 1964, the levy herein provided shall not be made so long as the Idaho Sales Tax Act remains in force and effect.

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. 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 24, 1965.
CHAPTER 195
(H. B. No. 222)

AN ACT

PROVIDING REVENUE FOR THE STATE OF IDAHO; SETTING FORTH DEFINITIONS OF AND LIMITATIONS ON WORDS USED; INCLUDING RENTAL OF TANGIBLE PERSONAL PROPERTY WITHIN THE DEFINITION OF RETAIL SALE; INCLUDING WITHIN THE DEFINITION OF SALE CERTAIN TRANSACTIONS NOT INVOLVING THE TRANSFER OF TITLE TO OR POSSESSION OF TANGIBLE PERSONAL PROPERTY; SETTING FORTH ITEMS INCLUDED IN AND EXCLUDED FROM "SALES PRICE", IMPOSING A LIMITATION ON THE DEFINITION OF SALES PRICE OF A NEW MOBILE HOME; IMPOSING A TAX ON RETAIL SALES OF TANGIBLE PERSONAL PROPERTY, PROVIDING FOR COLLECTION THEREOF AND FOR THE MANNER OF IMPOSING THE SAME; SETTING FORTH THE REQUIREMENT OF A PERMIT TO DO RETAIL BUSINESS, THE MAKING OF APPLICATION THEREFOR, THE ISSUANCE OF PERMITS, THE PROCEDURE PRESCRIBED FOR REVOCATION OR SUSPENSION THEREOF, THE PENALTY FOR OPERATION WITHOUT PERMIT; SETTING UP RULES OF EVIDENCE FOR ESTABLISHING LIABILITY FOR THE TAX; IMPOSING A TAX ON STORAGE AND USE OF TANGIBLE PERSONAL PROPERTY AND SETTING FORTH THE MANNER OF COLLECTING THE SAME; CREATING PRESUMPTIONS; PROVIDING FOR OBTAINING AND USING A CERTIFICATE THAT PURCHASE WAS FOR PURPOSE OF RESALE; PROVIDING PENALTIES, PROVIDING A RECIPROCAL CREDIT; PROVIDING VARIOUS EXEMPTIONS FROM SALES AND USE TAX INCLUDING SALES CONSTITUTIONALLY EXEMPT, CERTAIN SALES TO RESIDENT CONTRACTORS, PURCHASES SUBJECT TO THE MOTOR FUELS TAX, SALES OF MATERIAL, EQUIPMENT AND MACHINERY USED OR CONSUMED IN THE PRODUCTION PROCESS, SALES OF CONTAINERS, FUELS, PROPERTY USED TO PERFORM CERTAIN CONTRACTS, CERTAIN RELIGIOUS LITERATURE, CERTAIN LUNCHES BY SCHOOLS AND CHURCHES, OF LIQUOR BY THE STATE LIQUOR DISPENSARY, OCCASIONAL SALES, CERTAIN SALES THROUGH VENDING MACHINES, SALES FOR DELIVERY OUTSIDE THE STATE, AND CERTAIN SALES FOR USE OUTSIDE THE STATE; PROVIDING FOR EXEMPTION CERTIFICATES AND PENALTIES; PROVIDING FOR PAYMENT OF TAX AND FOR THE MAKING OF RETURNS WITH REGARD THERETO
AND RESPONSIBILITY FOR PAYMENT; PROVIDING FOR EXTENSIONS AND INTEREST; REQUIRING PROOF OF PAYMENT OF TAX UPON REGISTRATION OR LICENSING OF MOTOR VEHICLES AND TRAILERS; PERMITTING ADOPTION OF RULES AND REGULATIONS BY THE TAX COLLECTOR, THE EMPLOYMENT OF QUALIFIED PERSONNEL, THE KEEPING OF RECORDS BY RETAILERS AND TAXABLE PERSONS, THE EXAMINATION OF BOOKS AND RECORDS, THE FILING OF REPORTS ALL TO AID IN THE ADMINISTRATION OF THIS ACT; PROVIDING FOR GIVING AND APPLICATION OF SECURITY FOR TAX; PROVIDING FOR REFUNDS AND INTEREST; PROVIDING FOR LIMITATIONS ON ACTIONS BY AND AGAINST THE TAX COLLECTOR; IMPOSING RESPONSIBILITY FOR PAYMENT OF CORPORATE TAX LIABILITY UPON CERTAIN CORPORATE OFFICERS; PROVIDING FOR LIABILITY OF VENDEES; PROVIDING FOR DEFICIENCY DETERMINATIONS, JEOPARDY DETERMINATIONS AND REDETERMINATIONS; PROVIDING FOR APPEALS; PROVIDING INTEREST ON DEFICIENCIES; PROVIDING FOR ADDITIONS AND PENALTIES FROM THE IDAHO INCOME TAX ACT AND COLLECTION AND ENFORCEMENT PROCEDURES OF THE IDAHO INCOME TAX ACT TO BE APPLIED TO AND BECOME A PART OF THIS ACT; PROVIDING FOR ACTIONS AGAINST THE STATE; ESTABLISHING A SALES TAX FUND AND PROVIDING FOR DISTRIBUTION THEREFROM TO THE SERVICE ANNUITY ACCUMULATION FUND, THE PERMANENT BUILDING FUND AND THE SOCIAL SECURITY TRUST FUND ON A CONTINUING BASIS; PROVIDING FOR APPROPRIATIONS FROM THE SALES TAX FUND TO THE TAX COLLECTOR; PROVIDING FOR A REFUND FUND; PROVIDING FOR PAYMENTS INTO THE GENERAL FUND; AMENDING THE IDAHO INCOME TAX ACT BY CHANGING THE RATES OF TAX THEREIN IMPOSED ON INDIVIDUALS, ESTATES, TRUSTS AND CORPORATE INCOME AND FRANCHISES AND DISALLOWING THE DEDUCTION FOR FEDERAL INCOME TAX BY CORPORATIONS; PROVIDING A CREDIT AGAINST INCOME TAX; PROVIDING FOR SEPARABILITY, DECLARING AN EMERGENCY AND PROVIDING FOR EFFECTIVE DATES.

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

SECTION 1. This act is known and may be cited as "The Idaho Sales Tax Act."

SECTION 2. DEFINITIONS.—When used in this act,
the terms defined in the following Sections 3 to 18, inclusive, shall have the meanings respectively ascribed to them.

SECTION 3. FARMING.—The terms "farm" and "farming" refer to and mean the business of operating for gain or profit a ranch or farm and include stock, dairy, poultry, fish, fur, fruit and truck farms, ranches, ranges and orchards.

SECTION 4. IN THIS STATE-IN THE STATE.—The terms "In this state" or "in the state" mean within the exterior limits of the State of Idaho and include all territory within these limits owned by or ceded to the United States of America.

SECTION 5. INCLUDES AND INCLUDING.—The terms "includes" and "including" when used in this act shall not be deemed to exclude other things otherwise within the meaning of the term defined.

SECTION 6. NEW MOBILE HOME.—The term "new mobile home" means a vehicle, thirty (30) feet or more in length, excluding the draw bar or tongue thereof, without motive power, designed to constitute a complete home which is sold for the first time at retail. Such term includes all fixtures, appliances, and attachments incorporated in such vehicle and which have become a component part thereof at the time of the original retail sale thereof.

SECTION 7. PERSON.—The term "person" includes any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, cooperative, assignee, or any other group or combination acting as a unit.

SECTION 8. PURCHASE.—The term "Purchase" means any transfer, rental, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration. A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price is a purchase. A transfer for a consideration of any publication or of tangible personal property which has been produced, fabricated, or printed to the special order of the customer is also a purchase.

SECTION 9. RETAIL SALE—SALE AT RETAIL.—The terms "retail sale" or "sale at retail" mean a sale of tangible personal property for any purpose other than re-
sale in the regular course of business or the rental of tangible personal property in the regular course of business.

(a) All persons engaged in constructing, altering, repairing or improving real estate are consumers of the material used by them; all sales of tangible personal property to such persons are taxable whether or not such persons intend resale of the improved property.

(b) The delivery in this state of tangible personal property by an owner or former owner thereof or by a factor, or agent of such owner, former owner or factor, if the delivery is to a consumer or person for redelivery to a consumer, pursuant to a retail sale made by a retailer not engaged in business in this state, is a retail sale in this state by the person making the delivery. He shall include the retail selling price of the property in his total sales subject to tax under this act.

SECTION 10. RETAILER.—The term “Retailer” includes:

(a) Every seller who makes any retail sale or sales of tangible personal property and every person engaged in the business of making retail sales at auction of tangible personal property owned by the person or others.

(b) Every person engaged in the business of making sales for storage, use, or other consumption or in the business of making sales at auction of tangible personal property owned by the person or others for storage, use, or other consumption.

(c) Every person making more than two retail sales of tangible personal property during any twelve-month period, including sales made in the capacity of assignee for the benefit of creditors, or receiver or trustee in bankruptcy, or every person making fewer sales who holds himself out as engaging in the business of selling such tangible personal property at retail.

(d) When the Tax Collector determines that it is necessary for the efficient administration of this act to regard any salesmen, representatives, peddlers, or canvassers as agents of the dealers, distributors, supervisors, or employers under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors, or employers, the Tax Collector may so regard them and
may regard the dealers, distributors, supervisors, or em-
ployers as retailers for the purpose of this act.

(e) Persons conducting both contracting and retailing
activities. Such persons must keep separate accounts for
the retail portion of their business and pay tax in the
usual fashion on this portion.

SECTION 11. RETAILER ENGAGED IN BUSINESS
IN THIS STATE.—“Retailer engaged in business in this
state” means and includes any of the following:

(a) Any retailer maintaining, occupying, or using, per-
manently or temporarily, directly or indirectly, or through
a subsidiary or agent, by whatever name called, an office,
place of distribution, sales or sample room or place, ware-
house or storage place or other place of business.

(b) Any retailer having any representative, agent, sales-
man, canvasser or solicitor operating in this state under
the authority of the retailer or its subsidiary for the pur-
pose of selling, delivering, or the taking of orders for any
tangible personal property.

(c) A retailer selling through independent contractors
who solicit business in the state for the firm under contract.

(d) A retailer who regularly solicits business in the
state by direct mail, or by radio, television, newspaper or
other advertising media within the state.

SECTION 12. SALE.—The term “Sale” means and in-
cudes any transfer of title, exchange or barter, conditional
or otherwise, in any manner or by any means whatsoever,
of tangible personal property for a consideration and shall
include any transfer of possession through incorporation
or any other artifice found by the tax collector to be in
lieu of, or equivalent to, a transfer of title, an exchange or
barter. “Sale” shall also include:

(a) Producing, fabricating, processing, printing, or im-
printing of tangible personal property for a consideration
for consumers who furnish either directly or indirectly the
materials used in the producing, fabricating, processing,
printing, or imprinting.

(b) Furnishing, preparing, or serving for a considera-
tion food, meals, or drinks.

(c) A transaction whereby the possession of property
is transferred but the seller retains the title as security for the payment of the price.

(d) A transfer for a consideration of the title or possession of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

(e) Admission charges.

(f) Receipts from the use of or the privilege of using tangible personal property or other facilities for recreational purposes.

(g) Providing hotel, motel, tourist home or trailer court accommodations and services, except where residence is maintained continuously under the terms of a lease or similar agreement for a period in excess of thirty (30) days.

(h) Receipts from the lease or rental of tangible personal property.

SECTION 13. SALES PRICE.—(a) The term "Sales Price" means the total amount for which tangible personal property, including services agreed to be rendered as a part of the sale, is sold, rented or leased, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

1. The cost of the property sold. However, in accordance with such rules and regulations as the Tax Collector may prescribe, a deduction may be taken if the retailer has purchased property for some purpose other than resale or rental, has reimbursed his vendor for tax which the vendor is required to pay to the state or has paid the use tax with respect to the property, and has resold or rented the property prior to making any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.

2. The cost of materials used, labor or service cost, losses, or any other expense.

3. The cost of transportation of the property prior to its sale.

(b) The term "Sales Price" does not include any of the following:
1. Cash discounts allowed and taken on sales.

2. Any sums allowed on merchandise accepted in part payment of other merchandise.

3. The amount charged for property returned by customers when the amount charged therefor is refunded either in cash or credit; but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

4. The amount charged for labor or services rendered in installing or applying the property sold, provided that said amount is stated separately and such separate statement is not used as a means of avoiding imposition of this tax upon the actual sales price of the tangible personal property.

5. The amount of any tax (not including, however, any manufacturers’ or importers’ excise tax) imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.

6. The amount charged for finance charges, carrying charges, services charges, time-price differential, or interest on deferred payment sales, provided such charges are not used as a means of avoiding imposition of this tax upon the actual sales price of the tangible personal property.

7. Charges for transportation of tangible personal property after sale.

(c) The sales price of a “new mobile home” as defined in this act shall be limited to and include only forty percentum (40%) of the sales price as otherwise defined herein.

SECTION 14. SELLER.—The term “Seller” means every person making sales at retail or retail sales to a buyer or consumer, whether as agent, broker or principal.

SECTION 15. STORAGE—USE.—(a) The term “Storage” includes any keeping or retention in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property purchased from a retailer.

(b) The term “Use” includes the exercise of any right or power over tangible personal property incident to the ownership of that property, except that it does not include the sale of that property in the regular course of business.
"Storage" and "Use" do not include the keeping, retaining, or exercising of any right or power over tangible personal property for the purpose of subsequently transporting it outside the state for use thereafter solely outside the state, or for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside the state, and thereafter used solely outside the state.

SECTION 16. TANGIBLE PERSONAL PROPERTY.—The term "Tangible Personal Property" means personal property which may be seen, weighed, measured, felt or touched, or which is in any other manner perceptible to the senses.

SECTION 17. TAX COLLECTOR.—The term "Tax Collector" means the Tax Collector of the State of Idaho.

SECTION 18. TAXPAYER.—The term "Taxpayer" means any person subject to or liable for any taxes imposed by this act.

SECTION 19. IMPOSITION AND RATE OF THE SALES TAX.—An excise tax is hereby imposed upon each sale at retail at the rate of three percentum (3%) of the sales price of all property subject to taxation under this act and such amount shall be computed monthly on all sales at retail within the preceding month.

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

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

(c) When the sale involves a fraction of a dollar, the retailer may collect from the consumer the tax hereby imposed on that portion of the sales price by adding the tax to the sales price upon the following schedule:

<table>
<thead>
<tr>
<th>Fraction of a Dollar</th>
<th>Tax Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>$.01 to $.13</td>
<td>0</td>
</tr>
<tr>
<td>.14 to .42</td>
<td>$.01</td>
</tr>
<tr>
<td>.43 to .72</td>
<td>$.02</td>
</tr>
<tr>
<td>.73 to .99</td>
<td>$.03</td>
</tr>
</tbody>
</table>

(Each whole dollar $.03)

The retailer shall calculate the tax upon the entire amount of the purchases of the consumer made at a particular time.
and not separately upon each item purchased. The retailer may retain any amount collected under the bracket system prescribed which is in excess of the amount of tax for which he is liable to the state during the period as compensation for the work of collecting the tax.

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

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

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

SECTION 20. PERMITS — ISSUANCE — REVOCA-TION—RESALE CERTIFICATES—PENALTIES.—(a) Every person desiring to engage in or conduct business as a seller within this state shall file with the Tax Collector an application for a permit for each place of business. Every application for a permit shall be made upon a form prescribed by the Tax Collector and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place or places of business, and such other information as the Tax Collector may require. The application shall be signed by the owner if he is a natural person; in the case of an association or partnership, by a member or partner; in the case of a corporation, by an executive officer or other person authorized by the corporation to sign the application. Initial permits shall be issued without charge.

(b) After compliance by the applicant with the requirements set out above and in Section 25 of this act, the Tax Collector shall grant and issue to each applicant a separate permit for each place of business within the state. A permit shall not be assignable, and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall
at all times be conspicuously displayed at the place for which issued.

(c) A seller whose permit has been previously suspended or revoked shall pay the Tax Collector a fee of ten dollars ($10.00) for the renewal or issuance of a permit in the event of a first revocation and twenty-five ($25.00) for renewal after each successive revocation.

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

(e) A person who engages in business as a seller in this state without a permit or permits, or after a permit has been suspended, and each officer of any corporation which so engages in business is guilty of a misdemeanor punishable by a fine not in excess of one hundred dollars ($100.00), and each day shall constitute a separate offense.

(f) For the purpose of the proper administration of this act and to prevent evasion of the sales tax, it shall be presumed that all sales are subject to the tax until the contrary is established. The burden of proving that a sale of tangible personal property is not a sale at retail is upon the person who makes the sale unless he takes from the purchaser a certificate to the effect that the property is purchased for resale.

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

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

(g) If a purchaser who gives a certificate makes any use of the property other than retention, demonstration, or display while holding it for sale or rent in the regular course of business, the use shall be taxable to the purchaser as of the time the property is first used by him, and the sales price of the property to him shall be deemed the measure of the tax. Only when there is unsatisfied use tax liability on this basis shall the seller be liable for sales tax with respect to the sale of the property to the purchaser. If the sole use of the property other than retention, demonstration, or display in the regular course of business is the rental of the property while holding it for sale, the purchaser may elect to include in his sales at retail the total amount of the rental charged rather than the sales price of the property to him.

(h) Any person who gives a resale certificate for property which he knows at the time of purchase is not to be resold or rented by him in the regular course of business for the purpose of evading payment to the seller of the amount of the tax applicable to the transaction is guilty of a misdemeanor and punishable by a fine not exceeding $1,000.00, or by imprisonment for a period not in excess of one (1) year, or by both such fine and imprisonment.

(i) If a purchaser gives a certificate with respect to the purchase of fungible goods and thereafter commingles these goods with other fungible goods not so purchased but with such similarity that the identity of the constituent goods in the commingled mass cannot be determined, sales from the mass of commingled goods shall be deemed to be sales of the goods so purchased until a quantity of commingled goods equal to the quantity of purchased goods so commingled has been sold.

SECTION 21. IMPOSITION AND RATE OF THE USE TAX.—An excise tax is hereby imposed on the storage,
use, or other consumption in this state of tangible personal property acquired on or after July 1, 1965, for storage, use, or other consumption in this state at the rate of three per centum (3%) of the value of the property, and a recent sales price shall be presumptive evidence of the value of the property.

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

(b) Every retailer engaged in business in this state, and making sales of tangible personal property for the storage, use, or other consumption in this state, not exempted under Section 22 of this act, shall, at the time of making the sales or, if storage, use or other consumption of the tangible personal property is not then taxable hereunder, at the time the storage, use or other consumption becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the Tax Collector.

(c) None of this section, Section 21, shall apply when the retailer pays sales tax on the transaction and collects reimbursement for such sales tax from the customer.

(d) The tax required to be collected by the retailer constitutes a debt owed by the retailer to this state.

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

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

The certificate relieves the person selling the property from the burden of proof only if taken in good faith from a person who is engaged in the business of selling or renting tangible personal property and who holds the permit provided for by Section 20 of this act and who, at the time of purchasing the tangible personal property, intends to sell or rent it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

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

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

(h) If a purchaser gives a certificate with respect to the purchase of fungible goods and thereafter commingles these goods with other fungible goods not so purchased but of such similarity that the identity of the constituent goods in the commingled mass cannot be determined, sales from the mass of commingled goods shall be deemed to be sales of the goods so purchased until a quantity of commingled goods equal to the quantity of purchased goods so commingled has been sold.

(i) Any person violating any provisions of this section is guilty of a misdemeanor and punishable by a fine not in excess of one hundred ($100.00), and each violation shall constitute a separate offense.

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

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

(l) When the tangible personal property subject to use tax has been subjected to a general retail sales or use tax by another state of the United States at a rate equal to or greater than the rate of the Idaho tax, and evidence can be given of such payment, the property will not be subject to Idaho use tax, if such other state grants a similar privilege to Idaho purchases. If the rate paid the other state was less, the property will be subject to use tax to the extent that the Idaho rate exceeds the rate of the other state.

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

SECTION 22. EXEMPTIONS.—There are exempted from the taxes imposed by this act the following:

(a) The sale at retail, storage, use, or other consumption of tangible personal property which this state is prohibited from taxing under the Constitution of the United States.

(b) The sale of tangible personal property to resident
contractors for subsequent incorporation into real property outside this state in the performance of a contract to improve the out-of-state realty unless this provision would result in subjection of said property to a use or similar excise tax in another state.

(c) Purchases which are subject to the Motor Fuels Tax imposed by Title 49, Chapter 12, Idaho Code, as amended, provided that the use of any such fuel upon which a refund of the Motor Fuels Tax has been obtained shall be subject to the taxes imposed by this act.

(d) Receipts from the sale, storage, use or other consumption in this state of tangible personal property which will enter into and become an ingredient or component part of tangible personal property manufactured, processed, mined, produced or fabricated for ultimate sale at retail within or without this state, and tangible personal property primarily and directly used or consumed in or during such manufacturing, processing, mining, farming, or fabricating operation, provided that the use or consumption of such tangible personal property is necessary or essential to the performance of such operation. Chemicals, catalysts, and other materials which are used for the purpose of producing or inducing a chemical or physical change or for removing impurities or otherwise placing a product in a more marketable condition are included within this exemption, as are other articles of tangible personal property used in the actual manufacturing, processing, mining, farming or fabricating operations. This exemption does not include machinery, equipment, materials and supplies used in a manner that is incidental to the manufacturing, processing, mining, farming or fabricating operation such as maintenance and janitorial equipment and supplies, and hand tools with a unit purchase price not in excess of $100.00; nor does it include tangible personal property used in any activities other than the actual manufacturing, processing, mining, farming or fabricating operation such as office equipment and supplies, equipment and supplies used in selling or distributing activities, in research, or in transportation activities; nor shall this exemption include motor vehicles required to be licensed by the laws of this state, without regard to the use to which such motor vehicles are put.

(e) The sale or purchase of containers in the following categories:

1. Nonreturnable containers when sold without the con-
tents to persons who place the contents in the container and sell the contents together with the container.

2. Containers when sold with the contents if the sales price of the contents is not required to be included in the measure of the taxes imposed by this act.

3. Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for filling.

(f) The sale or purchase of gas, electricity, and water when delivered to consumers.

(g) The sale or purchase of any matter used to produce heat by burning, including wood, coal, petroleum and gas.

(h) The sale or purchase of tangible personal property used for the performance of a contract on public works executed prior to the passage and approval of this act.

(i) The sale or purchase of tangible personal property used for the performance of a written contract entered into prior to the passage and approval of this act, but such exemption shall extend only until July 1, 1967.

(j) The sale or purchase, or the storage, use or other consumption of religious literature, pamphlets, periodicals, tracts and books published and sold by a bona fide church or religious denomination, no part of the net earnings of which inures to the benefit of any private individual or shareholder.

(k) The sale of meals by public or private schools under the Federal School Lunch Program and the sale of meals by a church to its members at a church function.

(l) Occasional sales by persons who are excluded from the definition of "retailer" by the provisions of Section 10 (c) of this act.

(m) The sale of articles through a coin-operated vending machine for a total consideration of ten cents ($0.10) or less.

(n) Sales of liquor by the State Liquor Dispensary.

(o) The sale or purchase of tangible personal property shipped by the seller via the purchasing carrier under a bill of lading whether the freight is paid in advance, or the shipment is made freight charges collect, to a point outside this state if the property is actually transported to
the out-of-state destination for use by the carrier in the
count of its business as a common carrier.

(p) The sale or purchase of tangible personal property
which is shipped to a point outside this state for use out-
side this state pursuant to a contract of sale by delivery
by the vendor to such point by means of (1) facilities op-
erated by the vendor, (2) delivery by the vendor to a car-
rrier for shipment to a consignee at such point, or (3) de-
ivery by the vendor to a customs broker or forwarding
agent for shipment outside this state.

(q) Sales of motor vehicles and trailers for use outside
of this state, even though delivery be made within this
state, but only when (1) the vehicles or trailers will be
taken from the point of delivery in this state directly to a
point outside this state under the authority of a one-
transit permit issued by the Commissioner of Law En-
forcement pursuant to the provisions of Section 49-120,
Idaho Code, and (2) said motor vehicles and trailers will
be registered and licensed immediately under the laws of
another state, will not be used in this state more than three
months, and will not be required to be registered and li-
censed under the laws of this state, provided, however,
that no such exemption shall be allowed if the effect of such
exemption is to immediately expose said tangible personal
property to a use or similar tax in the state to which such
property is to be taken.

(r) To prevent evasion of the sales and use tax, it shall
be presumed that all articles are subject to the taxes im-
posed by this act and the retailer shall have the burden
of establishing the facts giving rise to such exemption by
clear and convincing evidence unless the purchaser delivers
to the retailer an exemption certificate in such form as the
Tax Collector may prescribe, signed by the purchaser and
setting forth the reason for the claimed exemption.

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

Section 23. Returns and Payments.—The tax-
es imposed by this act are due and payable to the Tax Col-
lector monthly on or before the fifteenth day of the suc-
ceeding month; provided, however, that the first payment
under this act shall be due on or before the fifteenth day of October 1965, for the period from the first day of imposition of tax under this act to and including September 30, 1965. Thereafter all payments shall be made monthly. The monthly payment shall be based on an estimate of taxable sales and will be subject to adjustment on the quarterly return.

(a) All monies collected or received by the Tax Collector from the taxes, penalties, interest and fees imposed by this act shall be deposited with the State Treasurer to be credited by him to the Sales Tax Fund created by this act.

(b) On or before the fifteenth day of the month following each quarterly period of three months, with the first return due on or before the fifteenth day of October, 1965, a return for the preceding quarterly period shall be filed with the Tax Collector in such form as the Tax Collector may prescribe.

(c) For the purpose of the sales tax, a return shall be filed by every seller. For the purposes of the use tax, a return shall be filed by every retailer engaged in business in this state and by every person purchasing tangible personal property, the storage, use, or other consumption of which is subject to the use tax, who has not paid the use tax due to a retailer required to collect the tax. Returns shall be signed by the person required to file the return or by his duly authorized agent.

(d) For the purposes of the sales tax, the return shall show the total sales at retail subject to tax under this act during the preceding reporting period. For the purposes of the use tax, in case of a return filed by a retailer, the return shall show the total sales price of the property sold by him, the storage, use, or consumption of which property became subject to the use tax during the preceding reporting period; in the case of a return filed by a purchaser, the return shall show the total sales price of the property purchased by him, the storage, use, or consumption of which became subject to the use tax during the preceding reporting period.

(e) The return shall show the amount of the taxes for the period covered by the return and such other information as the Tax Collector deems necessary for the proper administration of this act.

(f) The person required to file the return shall mail or
deliver the return together with a remittance of the remaining balance of any tax due to the office of the Tax Collector for the preceding quarter over and above the amounts previously paid.

(g) The Tax Collector, if he deems it necessary in order to insure payment to or facilitate the collection by the state of taxes, may require returns for periods other than calendar quarters or for other than quarterly periods.

(h) For the purposes of the sales tax, gross amounts from rentals or leases of tangible personal property which may be subject to tax under this act shall be reported and the tax paid in accordance with such rules and regulations as the Tax Collector may prescribe.

(i) The Tax Collector for good cause may extend, for not to exceed one month, the time for making any return or paying any amount required to be paid under this act.

(j) Any person to whom an extension is granted and who pays the tax within the period for which the extension is granted shall pay, in addition to the tax, interest at the rate of six per centum (6%) per annum from the date on which the tax would have been due without the extension until the day of payment.

(k) Upon the transfer of ownership of a motor vehicle subject to sales or use tax, a certificate of title will be issued to the new owner only upon presentation of evidence of payment of sales or use tax on the transaction.

(l) The owner of a truck, trailer or motor vehicle required to be licensed by the laws of this state shall, upon demand, furnish to the officer issuing such license satisfactory evidence that any sales or use tax to which such truck, trailer or motor vehicle is subject has been paid to this state before any such license shall be issued.

SECTION 24. ADMINISTRATION.—(a) The Tax Collector shall enforce the provisions of this act and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this act. The Tax Collector may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

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

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

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

(e) Retailers whose pertinent records are kept outside of the state must bring the records to Idaho for examination by the Tax Collector upon request of the latter, or, by agreement with the Tax Collector, pay the travel expenses of an auditor to visit the place where the records are kept.

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

SECTION 25. SECURITY FOR TAX.—The Tax Collector, whenever he deems it necessary to insure compliance with this act, may require any person subject to this act to place with him such security as he may determine. The amount of the necessary security shall be fixed by the Tax Collector but, except as provided hereafter, shall not be greater than three (3) times the estimated average monthly amount payable by such persons pursuant to this act or ten
thousand dollars ($10,000.00), whichever amount is the lesser. In the case of persons habitually delinquent in their obligations under this act, the amount of the security shall not be greater than five (5) times the estimated average monthly amount payable by such persons pursuant to this act or ten thousand dollars ($10,000.00), whichever is the lesser. The amount of the security may be increased or decreased by the Tax Collector at any time, subject to the limitations above set forth.

The Tax Collector may sell the security at public auction or, in the case of security in the form of bearer bonds issued by the United States or the State of Idaho which have a prevailing market price, at a private sale at a price not lower than the prevailing market price if it becomes necessary to make such sale in order to recover any tax, interest or penalties due on any amount required to be collected. Notice of the sale must be given to the person who deposited the security at least ten (10) days before the sale; such notice may be given personally or by mail addressed to the person at the address furnished to the Tax Collector and as it appears in the records of the Tax Collector. Upon such sale, any surplus above the amounts due shall be returned to the person who placed the security.

SECTION 26. REFUNDS, LIMITATIONS, INTEREST. — (a) If the Tax Collector determines that any amount due under this act has been paid more than once or has been erroneously or illegally collected or computed, the Tax Collector shall set forth that fact in his records and the excess amount paid or collected may be credited on any amount then due and payable to the Tax Collector from that person and any balance refunded to the person by whom it was paid or to his successors, administrators or executors; the Tax Collector is authorized and the State Tax Commission authorized to order the Tax Collector in proper cases to credit or refund such amounts whether or not such payments have been paid under protest and certify such refund to the State Board of Examiners.

(b) No such credit or refund shall be allowed or made after three years from the time the payment was made, unless before the expiration of such period a claim therefore is filed by the taxpayer.

(c) Interest shall be allowed on the amount of such credits or refunds at the rate of six percentum (6%) per annum from the date such tax was paid.
SECTION 27. RESPONSIBILITY FOR TAXES—CORPORATIONS.—Any corporate officer or employee with the duty or, in the case of a corporate officer, who should have the duty to pay taxes due under this act shall be personally liable for the payment of taxes or penalties imposed by this act in the event of wilful failure on his part to make such payment.

SECTION 28. SUCCESSOR'S LIABILITY.—(a) If any vendor liable for any amount under this act sells out his business or stock of goods, the vendee shall make inquiry of the State Tax Collector and withhold from the purchase price any amount of tax that may be due under this act until such time as the vendor produces a receipt stating that no amount is due.

(b) If the purchaser of a business or stock of goods fails to withhold from the purchase price as above required, he becomes personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price valued in money.

(c) The Tax Collector shall, as soon as practicable after receiving written inquiry as to the amount due and no later than thirty (30) days after receipt of the inquiry or, if necessary, thirty (30) days from the date the vendor's records are made available for audit, but in any event no later than sixty (60) days after receiving the inquiry, issue a statement to the purchaser setting forth the amount of tax due by the vendor, if any. Failure of the Tax Collector to issue such statement will release the purchaser from any obligation to withhold from the purchase price as above required.

SECTION 29. DEFICIENCY DETERMINATIONS.—(a) If the Tax Collector is not satisfied with the return or returns of the tax, because of errors or omissions discovered in audits or in any other way, he may compute and determine the amount which is due upon the basis of facts contained in the return or returns or upon the basis of any information within his possession or that may come into his possession and assert a deficiency. One or more deficiency determinations may be made of the amount due for one or for more than one period. In making such determination, the Tax Collector may offset overpayments against amounts due.

(b) If any person fails to make a return, the Tax Collector shall make an estimate of the amount of sales or use
subject to tax by this act, and shall in this manner determine the amount of tax due from such person. The estimate shall be made for the period or periods in respect to which the person failed to make a return and shall be based upon any information which is in the Tax Collector's possession or may come into his possession.

(c) The Tax Collector shall give written notice of his determination and the amount of the deficiency, including any interest and penalties, to the person from whom such deficiency amount is due. Such notice may be given personally or by mail addressed to the person at the address furnished to the Tax Collector and as it appears upon the records of the Tax Collector.

SECTION 30. JEOPARDY DETERMINATIONS. — If the Tax Collector believes that the collection of any tax or any amount of tax required to be collected and paid to the state or of any determination will be jeopardized by delay, he shall thereupon make a determination of the tax or amount of tax required to be collected, noting that fact upon the determination. The amount determined shall be immediately due and payable.

If the amount specified in the determination is not paid within ten (10) days after service of notice thereof upon the person against whom the determination is made, the amount becomes final at the expiration of the ten (10) days, unless a petition for redetermination is filed within the ten (10) days. The person must, in the event of a jeopardy determination, file and deposit together with his petition for redetermination such security as the Tax Collector may deem necessary to insure compliance with this act. This security may, if necessary, be sold by the Tax Collector in the manner provided by Section 25 of this act.

SECTION 31. REDETERMINATION.—(a) Any person against whom a deficiency determination is made under Section 29 of this act, or any person directly interested, may petition for a redetermination within thirty (30) days after service upon the person of notice thereof. If a petition for redetermination is not filed within the thirty (30) day period, the determination becomes final at the expiration of the period.

(b) If a petition for redetermination is filed within the thirty (30) day period, the Tax Collector shall reconsider the determination and, if the person has so requested in his petition, shall grant the person an oral hearing and shall
give him ten (10) days notice of the time and place of the hearing personally or by mail as provided in Section 29. The Tax Collector may continue the hearing from time to time as may be necessary.

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

(d) The order or decision of the Tax Collector upon a petition for redetermination becomes final sixty (60) days after service upon the petitioner of notice thereof.

SECTION 32. APPEALS—INTEREST ON DEFICIENCIES.—(a) When a determination becomes final or a redetermination is made, the Tax Collector shall give notice to the taxpayer against whom the determination or redetermination is made. Within sixty (60) days of the date upon which such notice is mailed or served, the taxpayer may, at his option, file a protest with the State Tax Commission or may file a complaint with the District Court in accordance with the provisions of Section 63-3049, Idaho Code, for a review of the Tax Collector's determination or redetermination. No assessment of a deficiency in respect to the tax imposed by this act, no application of any security pursuant to the provisions of Section 25, and no distraint or proceedings in court for its collection shall be made, begun or prosecuted until such notice has been mailed to the taxpayer, nor until the expiration of such sixty (60) day period, nor, if a protest has been filed, until the decision of the State Tax Commission becomes final.

(b) If the taxpayer does not file a protest with the State Tax Commission or an action in the District Court within the time prescribed in the first subsection of this section, the deficiency shall be assessed and shall become due and payable upon notice and demand from the Tax Collector.

(c) Interest upon any deficiency shall be assessed at the same time as the deficiency and shall be due and payable upon notice and demand from the Tax Collector and shall be collected as a part of the tax at the rate of six per centum (6%) per annum from the date prescribed for the payment of the tax.

SECTION 33. PERIOD OF LIMITATION UPON ASSESSMENT AND COLLECTION.—(a) The amount of taxes imposed by this act shall be assessed within three (3)
years of the time the return upon which the taxes asserted to be due was or should have been filed, and no proceeding in court for the collection of such taxes shall be begun after the expiration of such period; provided, however, if an assessment has been made within the prescribed time, such tax may be collected by levy or by a proceeding in court within a period of six years after assessment of the tax and provided, further, that this shall not be in derogation of any of the remedies elsewhere provided.

(b) In the case of taxes due during the lifetime of a decedent, the tax shall be assessed, and any proceeding for the collection of such tax shall be begun, within six months after written request therefor (filed after the return is made) by the executor, administrator, or other fiduciary representing the estate of such decedent.

SECTION 34. ADDITIONS AND PENALTIES.—The additions, penalties and requirements provided by the Idaho Income Tax Act, Sections 63-3046, 63-3075, 63-3076 and 63-3077, Idaho Code, shall apply in the same manner and to the same extent to this act as to the Idaho Income Tax Act and shall cover acts, omissions, and delinquencies under this act similar to acts, omissions and delinquencies under the Idaho Income Tax Act and such additions, penalties and requirements shall, for this purpose, be described as and be for acts, omissions, delinquencies and requirements under the Idaho Sales Tax Act.

SECTION 35. COLLECTION AND ENFORCEMENT.—The collection and enforcement procedures provided by the Idaho Income Tax Act, Sections 63-3038, 63-3039, 63-3039A, 63-3040, 63-3042, 63-3043, 63-3044, 63-3047, 63-3048, 63-3050 through 63-3064, 63-3065A and 63-3071, Idaho Code, shall apply and be available to the Tax Collector for enforcement of the provisions of this act and collection of any amounts due under this act, and said sections shall, for this purpose, be considered part of this act and wherever liens or any other proceedings are defined as Income Tax Liens or proceedings, they shall, when applied in enforcement or collection under this act, be described as Sales and Use Tax Liens and proceedings.

SECTION 36. FALSE RETURN OR FAILURE TO FILE RETURN.—In the case of a false or fraudulent return with intent to evade tax, or of a failure to file a return, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at
any time within three years after the date of the discovery of the facts constituting the fraud.

SECTION 37. ACTIONS AGAINST STATE OF IDAHO.—The Tax Collector may be made a party defendant in an action at law or in equity by any person aggrieved by the unlawful seizure or sale of his property, or in any suit for refund or to recover an overpayment, but only the State of Idaho shall be responsible for any final judgment secured against the Tax Collector, and said judgment shall be paid or satisfied out of the Sales Tax Refund Fund created by Section 38 (h) of this act.

SECTION 38. SALES TAX FUND—CREATION—SALES TAX REFUND FUND—APPROPRIATIONS.—
(a) There is hereby created in the office of the State Treasurer and subject to his control and custody a fund to be known and designated as the "Sales Tax Fund".

(b) All monies collected under this act shall be paid by the Tax Collector into the Sales Tax Fund.

(c) There is hereby appropriated to the Tax Collector of the State of Idaho from said fund the amount of one million dollars ($1,000,000.00) for the biennium 1965-1967 for the purpose of administering this act. Any funds so provided and not used for the administration of this act shall, at the conclusion of each fiscal year, be paid into the Sales Tax Fund.

(d) An amount equal to the sum that would be raised by applying a one-mill levy against the sum of the equalized assessed value of all taxable property in the state and the total assessments on subsequent personal property rolls for the year next preceding as certified by the State Tax Commission is hereby appropriated and shall be paid annually to the Service Annuity Accumulation Fund of the Teachers' Retirement System, provided by Section 33-1323, Idaho Code.

(e) One million dollars ($1,000,000.) per biennium is hereby continuously appropriated and set aside and shall be paid from the Sales Tax Fund to the Permanent Building Fund, provided by Section 57-1108, Idaho Code.

(f) An amount equal to the sum required to be certified by the State Auditor to the State Tax Commission pursuant to Section 59-1115, Idaho Code, in each biennium is hereby continuously appropriated and set aside and shall be paid
from the Sales Tax Fund to the Social Security Trust Fund established by Section 59-1106, Idaho Code.

(g) The payments required by subsection (d) of this section shall be made periodically but not less frequently than semi-annually. The payments required by subsections (c), (e), and (f) of this section shall be made periodically but no less frequently than quarterly.

(h) An amount equal to five per centum (5%) of the amount deposited in the Sales Tax Fund, but not in excess of two hundred and fifty thousand dollars ($250,000.), shall be retained in this fund as a "Sales Tax Refund Fund" for the purpose of repaying overpayments made under this act and for the purpose of paying any other erroneous receipt illegally assessed or collected, penalties collected without authority and taxes and other amounts unjustly assessed, collected, or which are excessive in amount, and there is hereby appropriated from this fund so much thereof as may be necessary for the payment of the refunds herein provided for.

(i) Any monies remaining in the Sales Tax Fund over and above those necessary to meet and reserve for payments under subsections (c), (d), (e), (f) and (h) of this section shall be paid periodically, but no less frequently than quarterly, to the general fund.

(j) The appropriations herein provided shall not be subject to the provisions of the "Standard Appropriations Act of 1945".

SECTION 39. 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.—CREDITS AGAINST INCOME TAX.—A tax is hereby imposed for each taxable year commencing on and after January 1, 1965, upon every resident individual, trust or estate which shall be measured by his or its taxable income, and upon that part of the taxable income of any non-resident individual, trust or estate derived from sources within the state of Idaho as set forth in section 63-3027 hereof, as amended, 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 3.42.5 per centum;
(b) On the second $1,000 of such taxable income or any part thereof, at the rate of 5.0 per centum;

(c) On the third $1,000 of such taxable income or any part thereof, at the rate of 6.0 per centum;

(d) In the fourth $1,000 of such taxable income or any part thereof, at the rate of 7.0 per centum;

(e) On the fifth $1,000 of such taxable income, or any part thereof, at the rate of 8.0 per centum;

(f) On any taxable income in excess of $5,000, at the rate of 9.0 per centum;

(g) In case a joint return is filed by husband and wife pursuant to the provisions of section 63-3031, the tax imposed by this section shall be twice the tax which would be imposed on one-half ($1,000) of the aggregate taxable income.

A credit shall be allowed to persons other than corporations against taxes due under the Idaho Income Tax Act for taxable years beginning on and after January 1, 1965. This credit shall be in the amount of ten dollars ($10.00) for each personal exemption for which a deduction is permitted by Section 151 of the Internal Revenue Code, as that section appeared on December 31, 1964, if such deduction is claimed on the taxpayer's Idaho Income Tax return. No credit may be claimed for an exemption which represents a person who has himself filed an Idaho Income Tax return claiming a deduction for his own personal exemption, and in no event shall more than one taxpayer be allowed a credit for the same exemption.

SECTION 40. That Section 63-3025, Idaho Code, be, and the same is hereby amended to read as follows:

63-3025. TAX ON CORPORATE FRANCHISE:—DISALLOWANCE OF FEDERAL INCOME TAX DEDUCTION. A tax is hereby imposed on any corporation for each taxable year commencing on and after January 1, 1965, 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. For taxable years commencing on and after January 1, 1965, a tax shall be imposed upon any corporation for the privilege of exercising its corporate
franchise within this state during such taxable year, which tax shall be measured by its taxable income derived from sources within this state but without the deduction for federal income tax paid or accrued previously permitted by Idaho Code Section 63-3022 (c), and such tax shall be computed at the rate of 6%.

SECTION 41. That Section 63-3025A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3025A. TAX ON CORPORATE INCOME—DISALLOWANCE OF FEDERAL INCOME TAX DEDUCTION.—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. For taxable years commencing on and after January 1, 1965, a tax is hereby imposed on the taxable income of any corporation derived from sources within this state but without the deduction for federal income tax paid or accrued previously permitted by Section 63-3022 (c), Idaho Code, and such tax shall be computed at the rate of 6% ; 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 42. 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 43. EMERGENCY.—An emergency exists in this state making essential immediate implementation of this major revenue measure in order to make the necessary preparations that will permit imposition and collection of the Sales and Use Taxes herein provided to commence on July 1, 1965. The Legislature of the State of Idaho hereby declares that this emergency exists and, because of this emergency, this act shall be in force and effect immediately upon its passage and approval except that, because of the need for administrative preparation and organization, the sales and use taxes herein provided shall not be imposed, collected or paid until on and after July 1, 1965, and Sections 19 and 21 of this Act shall become operable and effec-
tive on and after that date and this act shall be in full force and effect on and after July 1, 1965. During the period between the date upon which this act is approved and July 1, 1965, the Tax Collector is hereby directed forthwith to do all things and take all steps necessary to begin collection of the Sales and Use taxes herein imposed on July 1, 1965. Because of the emergency herein declared, those provisions of this act amending the Idaho Income Tax Act, Sections 39, 40 and 41, shall take effect and be in force retroactively for taxable years beginning on and after January 1, 1965.

Approved March 24, 1965.

CHAPTER 196
(H. B. No. 223)

AN ACT

AMENDING SECTION 59-1115, IDAHO CODE, WHICH REQUIRES A COUNTY LEVY FOR THE PURPOSE OF PAYING THE EMPLOYER'S SHARE OF FEDERAL SOCIAL SECURITY TAXES FOR TEACHERS BY PROVIDING THAT THIS TAX SHALL NOT BE LEVIED DURING SUCH TIME AS A SALES TAX IS IN FORCE IN THIS STATE.

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

SECTION 1. That Section 59-1115, Idaho Code, be, and the same is hereby amended to read as follows:

59-1115. EMPLOYER'S PORTION OF SOCIAL SECURITY FOR TEACHERS—COMPUTATION—LEVY BY COUNTY—TRANSMITTING PROCEEDS.—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 (15) 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.

After December 31, 1964, the levy herein provided shall not be made so long as the Idaho Sales Tax Act remains in force and effect.

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 24, 1965.
CHAPTER 197
(H. B. No. 224, As Amended)

AN ACT

AMENDING SECTION 23-404, IDAHO CODE, BY PROVIDING THAT THAT PART OF THE FORTY-TWO AND ONE-HALF PERCENT OF LIQUOR FUND WHICH IS NOW DISTRIBUTED TO THE GENERAL FUND SHALL BE DISTRIBUTED TO INCORPORATED AND SPECIALLY CHARTERED CITIES AND VILLAGES AND THE COUNTIES; AND CHANGING THE TIME FOR DISTRIBUTION OF MONEYS OF THE LIQUOR FUND.

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

SECTION 1. That Section 23-404, Idaho Code, be, and the same is hereby amended to read as follows:

23-404. DISTRIBUTION OF SURPLUS OF LIQUOR FUND.—Whenever, at the end of each quarter of the fiscal year, the moneys belonging to the liquor fund shall exceed the amounts provided for retention by the foregoing section, such excess shall be distributed as follows: Forty-two and one-half percent of such excess to the general fund of the state; Seven and one-half percent to incorporated and specially chartered cities and villages of the state in the same proportion as the population of said cities and villages bears to the total population of all incorporated and specially chartered cities and villages of the state as shown by the last federal census; fifty percent of the various counties of the state in the same proportion as the population of the state as shown by the last federal census; provided, however, that fifty percent of all the money apportioned to any county embracing all or any part of a junior college district, shall be distributed and paid to the treasurer of such junior college district, as provided by section 28-2112; provided, however, that the forty-two and one-half percent allocated in this section to the general fund of the state shall be reduced by $800,000 in the fiscal period beginning July 1, 1965, and in each fiscal period thereafter, and the said $800,000 of the excess in the liquor fund shall be deposited to the credit of the permanent building fund at such times as the superintendent shall determine. Fifty (50%) percent to the various counties of the state in the same proportion as the population of said counties bears to the total population of the state as shown by the last federal census, provided, however, that fifty (50) percent of all the money
apportioned to any county embracing all or any part of a junior college district shall be distributed and paid to the treasurer of such junior college district, as provided by Section 33-2113, Idaho Code, as amended; seven and one-half (7 1/2) per cent to incorporated and specially chartered cities and villages of the state in the same proportion as the population of said cities and villages bears to the total population of all incorporated and specially chartered cities and villages of the state as shown by the last federal census; eight hundred thousand dollars ($800,000.) of the remaining amount in the liquor fund shall be deposited to the credit of the permanent building fund at such time as the superintendent shall determine; two million dollars ($2,000,000.00) of the remaining amount in the liquor fund shall be distributed to the incorporated and specially chartered cities and villages of the state in the proportion and manner above provided and at such time as the superintendent shall determine; the remainder of the State liquor fund shall be distributed one-forty-fourth to each of the several counties of the state and shall be paid directly to such counties at such times as the superintendent shall determine, and this one-forty-fourth shall be kept by the counties in the county current expense fund without being subjected to further division or the re-distribution required by Section 23-405, Idaho Code, as amended.

SECTION 2. This amendatory act shall take effect on July 1, 1965.

Approved March 24, 1965.

CHAPTER 198
(H. B. No. 225)

AN ACT
AMENDING SECTION 63-902, IDAHO CODE, TO PERMIT COUNTIES TO TRANSFER FUNDS FROM THE STATE FUND TO THE CURRENT EXPENSE FUND UNDER CERTAIN CONDITIONS.

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

SECTION 1. That Section 63-902, Idaho Code, be, and the same is hereby amended to read as follows:
63-902. COUNTY LIABILITY FOR STATE TAXES.—Each county in this state is liable to the state for the full amount of all state taxes apportioned to such county by the state tax commission, and such taxes must be paid to the state in full, without deductions, before the second Monday in July in the succeeding year. All state taxes must be collected and paid into the county treasury and apportioned to the state fund. If, on account of uncollected taxes, there is not sufficient money in the county treasury to the credit of the state fund to pay such state taxes in full within the time prescribed by this act when such taxes must be paid, the same must be paid within the time prescribed therefor out of any county money in the hands of the county treasurer, and when so paid shall be charged to the state fund, but no transfer of money from any county fund to the state fund shall be made upon the books of the county auditor to county treasurer on account of any such temporary deficiency in the state fund.

If there is a surplus in the state fund over and above any amounts due or to be paid to the state, such excess may be transferred from the state fund to the current expense fund.

Approved March 24, 1965.

CHAPTER 199
(H. B. No. 322)

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 Commerce and Development, the following sum of money, in
addition to the money appropriated by Senate Bill No. 230, or so much thereof as may be necessary, for the purpose of initiating and conducting a program of industrial development for the State of Idaho for the period commencing July 1, 1965 and ending June 30, 1967; and subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriation:
DEPARTMENT OF COMMERCE AND DEVELOPMENT FOR A PROGRAM OF INDUSTRIAL DEVELOPMENT
For: Lump Sum ............................................ $60,000
From the General Fund ........................................ $60,000

Approved March 26, 1965.

CHAPTER 200
(H. B. No. 302)

AN ACT
AMENDING HOUSE BILL NUMBER 222 OF THE THIRTY-EIGHTH REGULAR SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, THE IDAHO SALES TAX, BY AMENDING SECTION 22 OF SAID BILL TO RESTATE EXEMPTIONS FOR MOTOR FUELS, MOTOR VEHICLES SOLD FOR USE OUTSIDE THE STATE, PROPERTY USED IN THE PRODUCTION OF TANGIBLE PERSONAL PROPERTY.

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

SECTION 1. That Section 22 of House Bill 222 of this Thirty-Eighth Session of the Legislature of the State of Idaho, be, and the same is hereby amended to read as follows:

SECTION 22. EXEMPTIONS.—There are exempted from the taxes imposed by this act the following:

(a) The sale at retail, storage, use, or other consumption of tangible personal property which this state is prohibited from taxing under the Constitution of the United States.

(b) The sale of tangible personal property to resident contractors for subsequent incorporation into real property
outside this state in the performance of a contract to improve the out-of-state realty unless this provision would result in subjection of said property to a use or similar excise tax in another state.

(c) Purchases which are subject to the Motor Fuels Tax imposed by Title 49, Chapter 12, Idaho Code, as amended, provided that the use of any such fuel upon which a refund of the Motor Fuels Tax has been obtained shall be subject to the taxes imposed by this act, and motor fuels subject to tax under Table "B" of Section 49-127 (d) (6) (2), Idaho Code.

(d) Receipts from the sale, storage, use or other consumption in this state of tangible personal property which will enter into and become an ingredient or component part of tangible personal property manufactured, processed, mined, produced or fabricated for ultimate sale at retail within or without this state, and tangible personal property primarily and directly used or consumed in or during such manufacturing, processing, mining, farming, or fabricating operation, provided that the use or consumption of such tangible personal property is necessary or essential to the performance of such operation. Chemicals, catalysts, and other materials which are used for the purpose of producing or inducing a chemical or physical change or for removing impurities or otherwise placing a product in a more marketable condition are included within this exemption, as are other articles of tangible personal property used in the actual manufacturing, processing, mining, farming or fabricating operations. This exemption does not include machinery, equipment, materials and supplies used in a manner that is incidental to the manufacturing, processing, mining, farming or fabricating operation such as maintenance and janitorial equipment and supplies, and hand tools with a unit purchase price not in excess of $100.00; nor does it include tangible personal property used in any activities other than the actual manufacturing, processing, mining, farming or fabricating operation such as office equipment and supplies, equipment and supplies used in selling or distributing activities, in research, or in transportation activities; nor shall this exemption include motor vehicles required to be licensed by the laws of this state, without regard to the use to which such motor vehicles are put; nor shall this exemption include tangible personal property used or consumed in processing, producing or fabricating tangible personal property exempted from this act by subsections (f), (g), (i), and (n) of this section.
(e) The sale or purchase of containers in the following categories:

1. Nonreturnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container.

2. Containers when sold with the contents if the sales price of the contents is not required to be included in the measure of the taxes imposed by this act.

3. Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for filling.

(f) The sale or purchase of gas, electricity, and water when delivered to consumers.

(g) The sale or purchase of any matter used to produce heat by burning, including wood, coal, petroleum and gas.

(h) The sale or purchase of tangible personal property used for the performance of a contract on public works executed prior to the passage and approval of this act.

(i) The sale or purchase of tangible personal property used for the performance of a written contract entered into prior to the passage and approval of this act, but such exemption shall extend only until July 1, 1967.

(j) The sale or purchase, or the storage, use or other consumption of religious literature, pamphlets, periodicals, tracts and books published and sold by a bona fide church or religious denomination, no part of the net earnings of which inures to the benefit of any private individual or shareholder.

(k) The sale of meals by public or private schools under the Federal School Lunch Program and the sale of meals by a church to its members at a church function.

(l) Occasional sales by persons who are excluded from the definition of "retailer" by the provisions of Section 10 (c) of this act.

(m) The sale of articles through a coin-operated vending machine for a total consideration of ten cents ($0.10) or less, and individual transactions involving a total sales price of less than thirteen cents ($0.13).

(n) Sales of liquor by the State Liquor Dispensary.
(o) The sale or purchase of tangible personal property shipped by the seller via the purchasing carrier under a bill of lading whether the freight is paid in advance, or the shipment is made freight charges collect, to a point outside this state if the property is actually transported to the out-of-state destination for use by the carrier in the conduct of its business as a common carrier.

(p) The sale or purchase of tangible personal property which is shipped to a point outside this state for use outside this state pursuant to a contract of sale by delivery by the vendor to such point by means of (1) facilities operated by the vendor, (2) delivery by the vendor to a carrier for shipment to a consignee at such point, or (3) delivery by the vendor to a customs broker or forwarding agent for shipment outside this state.

(q) Sales of motor vehicles and trailers for use outside of this state, even though delivery be made within this state, but only when (1) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one transit permit issued by the Commissioner of Law Enforcement pursuant to the provisions of Section 49-129, Idaho Code, and (2) said motor vehicles and trailers will be registered and licensed immediately under the laws of another state, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state, provided, however, that no such exemption shall be allowed if the effect of such exemption is to immediately expose said tangible personal property to a use or similar tax in the state to which such property is to be taken.

(r) To prevent evasion of the sales and use tax, it shall be presumed that all articles are subject to the taxes imposed by this act and the retailer shall have the burden of establishing the facts giving rise to such exemption by clear and convincing evidence unless the purchaser delivers to the retailer an exemption certificate in such form as the Tax Collector may prescribe, signed by the purchaser and setting forth the reason for the claimed exemption.

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

Approved March 26, 1965.
AN ACT


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

SECTION 1. That Section 54-604, Idaho Code, be, and the same is hereby amended to read as follows:

54-604. ESTABLISHMENT OF STATE BOARD OF CHIROPODY.—There is hereby established a state board of chiropody to be composed of five members to be appointed by the governor in the manner hereinafter set forth. Four of said members shall be chiropodists, duly licensed under the laws of the state of Idaho, and who shall have been continuously engaged in the practice of chiropody for a period of not less than five years prior to his appointment. The fifth member of the board shall be a physician and surgeon, duly licensed by the state board of medicine, and who has practiced the profession of medicine and surgery for a period of not less than five years prior to his appointment. With reference to the first board, the four chiropodists shall be appointed for terms of one, two, three and four years respectively. The physician and surgeon board member shall be appointed for a term of three years. Thereafter, all appointments to the board shall be made for terms of four years. Vacancies upon the board, occurring for any reason, shall be filled by the governor. The governor in making appointments shall give consideration to but shall not be bound by the recommendations received from the Idaho Association of Chiropodists.

Within thirty days from the appointment of the board by the governor, the board shall organize itself, select a chairman, a vice-chairman and secretary. The chairman and the secretary shall be chiropodists. The board shall meet regularly on the second Tuesday of July of each year.
for the purpose of conducting examinations and transacting any other business which may lawfully come before it. The board may meet in special session at the call of the chairman, or at the call of not less than two-thirds of the membership of the board. The members of the board shall each be allowed his actual expenses incurred in attending meetings of the board, and per diem of $10.00-$15.00 per day for each day of actual service.

Examinations of applicants may be conducted by an examining board, to be comprised of two chiropodist members of the board and the physician and surgeon board member.

A majority of the board shall constitute a quorum.

SECTION 2. That Section 54-703, Idaho Code, be, and the same is hereby amended to read as follows:

54-703. DEPARTMENT OF LAW ENFORCEMENT—BOARD OF CHIROPRACTIC EXAMINERS—POWERS AND DUTIES.—The department of law enforcement (hereinafter referred to as the department) shall have the following powers:

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

2. To prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to practice chiropractic.

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

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

5. To conduct hearings on proceedings to revoke licenses, or persons practicing chiropractic and to revoke such licenses.
6. To formulate rules and regulations when required in any act to be administered.

Except as to the licensing of persons authorized to continue the practice of chiropractic without examination under the provisions of section 54-708, none of the above enumerated functions and duties shall be exercised by the department except upon the action and report in writing of the board of examiners or a majority thereof. The board shall meet regularly on the second Tuesday of January and July of each year for the purpose of conducting examinations and transacting any other business that may legally come before it, and may meet in special session upon the order in writing of the commissioner of law enforcement. The members of the board shall each be allowed his actual expenses incurred in attending the meetings and a per diem of ten dollars $15.00 per day for each day of actual service.

Whenever the commissioner is satisfied that substantial justice has not been done either in an examination or in the revocation of a license, to practice chiropractic he may order reexamination or rehearings by the same or other examiners.

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

SECTION 3. That Section 54-832, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

54-832. COMPENSATION AND EXPENSES OF BOARD MEMBERS.—Each member of the board shall receive as compensation for his services the sum of ten dollars ($10). $15.00 for each day actually spent in the discharge of the official duties or work of the board, including time spent in necessary travel; and, in addition thereto, board members shall be reimbursed within legal limitations for all actual travel, clerical, and incidental expense necessarily incurred in carrying out the provisions of this act.

SECTION 4. That Section 54-1102, Idaho Code, be, and the same is hereby amended to read as follows:

54-1102. BOARD OF EMBALMING DIRECTORS—QUALIFICATIONS—COMPENSATION—APPOINTMENT—TERM—DUTIES.—None of the functions or duties delegated to the department of law enforcement by the
provisions of this chapter or by section 67-2902, pertinent to this act except the issuance of apprentice licenses, shall be exercised by the department except upon the action and report in writing of a board of embalming examiners. Such board of embalming examiners shall consist of three persons, each of whom shall have been a licensed practicing embalmer in the state of Idaho and a resident of this state for a period of at least five years next before his appointment, during which time he shall have engaged in the lawful practice of embalming as defined in this chapter. No person shall be eligible for such duties who is in any way connected with, or directly or indirectly interested in any embalming college or who is in the embalming supply business. Such persons shall each be allowed ten dollars $15.00 per day, together with their actual expenses incurred during the time necessarily devoted to the performance of their duties.

The commissioner shall appoint the members of the board of embalming examiners from a list of embalmers duly qualified as heretofore prescribed, of triple the number of persons to be appointed, who shall be proposed and submitted to him by the Idaho Funeral Service Association, or any other statewide organization or association of licensed embalmers and funeral directors whose membership is composed of a majority of all licensed embalmers and funeral directors of the state.

The term of the members of the first board shall be as follows: One whose term of office shall expire on May 1, 1938; one whose term shall expire on May 1, 1939, and one whose term shall expire on May 1, 1940. All members appointed after the first board shall serve for a term of three years and until their successors shall have been appointed and qualified. In case of a vacancy occurring in said board by reason of death of any member, resignation, or his incapacity, neglect or refusal to act, or in any other way, the commissioner shall, from a list of duly qualified embalmers as heretofore prescribed, of triple the number of vacancies to be filled, who are proposed and submitted to him as hereinbefore provided, appoint a successor or successors of said member or members, who shall hold office for the remainder of the unexpired term or terms of said member or members. Any member of said board, who wilfully fails to properly discharge his duties may be removed by the department.

The action or report in writing of a majority of the mem-
bers of the board shall be sufficient authority upon which the commissioner of law enforcement may act, and a majority of the members of said board shall at all times constitute a quorum, but a less number may adjourn from time to time.

All licenses for the practice of embalming and funeral direction shall be issued by the department of law enforcement in the name of such department, with the seal thereof attached.

SECTION 5. That Section 54-1503, Idaho Code, be, and the same is hereby amended to read as follows:

54-1503. DEPARTMENT OF LAW ENFORCEMENT—POWERS AND DUTIES—DESIGNATION OF PERSONS TO REPORT TO DEPARTMENT.—The department of law enforcement (hereinafter referred to as the department) shall have the following powers:

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

2. To prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to practice optometry.

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

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

5. To conduct hearings on proceedings to revoke licenses of persons practicing optometry and to revoke such licenses.

6. To formulate rules and regulations when required in this chapter to be administered.

7. To make and promulgate rules and regulations pre-
scribing a code of ethics and standards of professional con­
duct in practice, for the purpose of regulating and govern­
ing the practice of optometry by registered optometrists
within the state of Idaho.

All of said rules and regulations shall be in conformity
with the provisions of this chapter.

Except as herein provided, none of the functions and
duties of the departemnt enumerated in this chapter shall
be exercised by the department except upon the action and
report in writing of persons designated from time to time
by the commissioner of law enforcement to take such ac­
tion, and to make such report as follows: Three persons,
each of whom shall be a practicing optometrist, duly li­
censed in this state. No person shall be eligible for such
duties who is in any way connected with, or directly or
indirectly interested in, any optometrist college, or the
optometry department of any institution of learning. Such
persons shall be allowed their actual expenses incurred in
the performance of their duties and a per diem allowance
each of ten dollars $15.00 for each day of actual service.

The action or report in writing of a majority of the per­
sons designated for the optometrists shall be sufficient au­
thority upon which the commissioner of law enforcement
may act.

In making the designation of persons to act for the op­
tometrists, the commissioner shall give due consideration
to recommendations by members of the optometrist pro­
fession and by organizations therein.

SECTION 6. That Section 54-2103, Idaho Code, as
amended, be, and the same is hereby amended to read as
follows:

54-2103. DEPARTMENT OF LAW ENFORCEMENT
—POWERS AND DUTIES—STATE BOARD OF VETER­
INARY MEDICAL EXAMINERS—COMPOSITION—RE­
PORTS.—The department of law enforcement (hereinafter
referred to as the department) shall have the following
powers:

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

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

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

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

5. To conduct hearings on proceedings to revoke licenses of persons practicing veterinary medicine and to revoke such licenses.

6. To formulate rules and regulations when required in this chapter to be administered; all of said rules and regulations to be in conformity with the provisions of this chapter.

Except as herein provided, none of the functions and duties of the department enumerated in this chapter shall be exercised by the department except upon the action and report in writing of a state board of veterinary medical examiners to be appointed as follows: The state board of veterinary medical examiners, hereinafter referred to as the “board”, shall consist of five members, with four members to be appointed by the governor, and with the director of the bureau of animal industry of the state of Idaho as the remaining member. The governor shall appoint the four appointive members of the board, with one member for a term of one year, one member for a term of two years, one member for a term of three years, and one member for a term of four years. Thereafter, upon the expiration of the term of any of the appointive members of the board, the governor shall appoint a qualified person for a term of four years. Any vacancies on the board shall be filled by the governor by appointment of a qualified person for the unexpired term.

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

Whenever the term of an appointive member of the board expires or becomes vacant for any cause, the Idaho State Veterinary Medical Association shall nominate at least two qualified persons for each vacancy and shall forthwith forward such nominations to the governor, who shall make his appointment from those nominated. Each nominee shall be a graduate of a recognized veterinary college or university, a bona fide resident of the state of Idaho licensed to practice in the state of Idaho for at least five years immediately preceding his nomination or appointment. Such persons shall be allowed their actual expenses incurred in the performance of their duties and a per diem allowance each of ten dollars $15.00 for each day of actual service.

The action or report in writing of a majority of the state board of veterinary medical examiners shall be sufficient authority upon which the commissioner of law enforcement may act.

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

SEC. 7. That Section 54-2304, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

54-2304. ESTABLISHMENT OF BOARD OF PSYCHOLOGIST EXAMINERS.—There is hereby created an Idaho state board of psychologist examiners as follows:

(a) Said board shall consist of three (3) members who are citizens of the United States, residents of the state of Idaho, and appointed by the governor within thirty (30) days after July 1, 1963, to serve the following terms: one (1) member for a term ending July 30, 1964; one (1) member for term ending June 30, 1965; one (1) 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 (5) years and who have held a doctoral degree in psychology
or closely related field from an accredited school for a period of three (3) years.

(c) When the term of each member of the board ends, the governor shall appoint his successor for a term of three (3) 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 (1) member who is engaged primarily in rendering services in psychology and at least one (1) member who is engaged primarily in teaching, training, or research in psychology.

(e) No board member shall serve more than two (2) consecutive terms.

(f) Each board member shall receive actual necessary traveling and subsistence expenses incidental to board meetings and a per diem allowance of $15.00 for each day actually engaged in board meetings.

(g) The board shall within sixty (60) 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 8. That Section 54-2405, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

54-2405. STATE BOARD OF SANITARIAN EXAMINERS—POWERS—PROCEDURES TO BE FOLLOWED—FUNCTIONS—PAYMENT OF EXPENSES OF BOARD MEMBERS.—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 (2) 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 (2) 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 (2) 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-$15.00 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.

Approved March 26, 1965.

CHAPTER 202
(H. B. No. 79)

AN ACT
AMENDING SECTION 44-1006, IDAHO CODE, WHICH RELATES TO PREVAILING WAGE RATES TO BE PAID FOR CONTRACTS, CONSTRUCTION, REPAIR AND MAINTENANCE WORK BY THE STATE OF IDAHO AND/OR COUNTY, CITY, SCHOOL DISTRICT OR OTHER POLITICAL SUBDIVISIONS OF THE STATE BY ADDING FRINGE BENEFITS TO THE PREVAILING WAGE RATES TO BE DETERMINED BY THE COMMISSIONER OF LABOR UNDER SECTION 44-1006, IDAHO CODE.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 44-1006, Idaho Code, be, and the same is hereby amended to read as follows:

44-1006. DETERMINING PREVAILING WAGES AS PAID IN COUNTY SEAT OF COUNTY IN WHICH WORK IS BEING PERFORMED.—The advertised specifications for every contract let by the state of Idaho and/or any county, city, school district, or other political subdivision of the state for construction, repair and maintenance work on public buildings or public works projects, which involves the employment of mechanics and/or laborers, shall contain a provision stating the minimum wage rates and fringe benefits to be paid various classes of laborers and mechanics in the performance of the contract. It shall be the responsibility of the state commissioner of labor to determine the prevailing wage rates and fringe benefits in accordance with rates compiled by and on file with the Davis-Bacon Section of the United States Department of Labor.

By the following procedure:

(a) In all counties in which wage rates and fringe benefits have been compiled by the United States Department of Labor in accordance with the Davis-Bacon Act, such rates and fringe benefits shall be deemed to be the prevailing rates in the county seat of the county in which the work is to be performed.

(b) In all other instances the state commissioner of labor shall make a determination after an actual survey of wages and fringe benefits being paid at or near the site of the work. Such determination shall be deemed to be the prevailing rates in the county seat of the county in which the work is to be performed.

Approved March 26, 1965.

CHAPTER 203
(H. B. No. 72)

AN ACT
AMENDING SECTIONS 72-1351, 72-1353, 72-1357, 72-1358, 72-1359, 72-1361, AND 72-1368, IDAHO CODE, AS AMENDED, PRO-
VIDING A UNIFORM APPEALS PROCEDURE FROM ADMINISTRATIVE DETERMINATIONS OF EMPLOYMENT TAX LIABILITY, AND CLARIFYING THE APPLICABILITY OF STATUTORY PENALTIES.

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

SECTION 1. 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 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 contributions 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 (4) 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 (2) fiscal years or more (but not to exceed four (4) fiscal years) immediately preceding the computation date. The computation of such "experience factor" shall be to six (6) 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 (4) 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 (4) 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 (4) fiscal years were in excess of con-
tributions 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 (4) 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 (4) 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) Schedules shall be prepared listing all eligible employers in inverse numerical order of their experience factors, and all deficit employers in numerical order of their deficit experience factors. There shall be listed on such schedules for each 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) 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 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 (1/2) of an employer's taxable payroll, such employer shall be assigned the lower of the two (2) rates designated for the two (2) 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 (1/2) of an 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 (1) or more employers on the schedules
have experience factors identical to that of the last em­
ployer 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) If, as of the computation date, the ratio of the un­
cumbered balance available in the employment security
fund for the payment of benefits to the total payroll as re­
ported for the fiscal year ending on such date is less than
4.75 per centum but is not less than 4.25 per centum, con­
tribution 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 un­
cumbered balance available in the employment security
fund for the payment of benefits to the total payroll as re­
ported 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 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 un­
cumbered balance available in the employment security
fund for the payment of benefits to the total payroll as re­
ported for the fiscal year ending on such date is less than
5.75 per centum but is not less than 5.25 per centum, con­
tribution rates for eligible and deficit employers shall be
reduced by subtracting .4 per centum from each contribu­
tion 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 un­
cumbered balance available in the employment security
fund for the payment of benefits to the total payroll as re­
ported for the fiscal year ending on such date is less than
5.25 per centum but is not less than 4.75 per centum, con­
tribution rates for eligible and deficit employers shall be re­
duced .2 per centum from each contribution rate listed in the
following tables.

(iv) If, as of the computation date, the ratio of the un­
encumbered 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 4.25 per centum but is not less than 3.75 per centum, contribution rates 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 of all employers 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 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></td>
<td><strong>EQUAL TO OR</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>MORE THAN</strong></td>
<td><strong>LESS THAN</strong></td>
</tr>
<tr>
<td></td>
<td>(% of Total Taxable Payroll)</td>
<td>(% of Total Taxable Payroll)</td>
</tr>
<tr>
<td>1</td>
<td>--</td>
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</tr>
<tr>
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<td>10</td>
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</tbody>
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TABLE FOR DEFICIT ACCOUNTS

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<th>Rate Class</th>
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<th>Contribution Rate</th>
</tr>
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<tr>
<td></td>
<td><strong>EQUAL TO OR</strong></td>
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<td><strong>MORE THAN</strong></td>
<td><strong>LESS THAN</strong></td>
</tr>
<tr>
<td></td>
<td>(% of Total Taxable Payroll)</td>
<td>(% of Total Taxable Payroll)</td>
</tr>
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<td>662/3</td>
<td>831/3</td>
</tr>
<tr>
<td>6</td>
<td>831/3</td>
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</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 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 claims 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 em-
ployer, 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 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.

(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 (4) 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 (10) days after notice to supply the re-
quired 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 predecessor'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 (14) days after delivery or mailing of the notice thereof to his last known address, the employer files an application for reconsideration 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 (30) fourteen (14) 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 (30) 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. Proceedings on the appeal shall be had in accordance with the provisions of section 72-1361 of this act.
SECTION 2. That Section 72-1353, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1353. ADMINISTRATIVE DETERMINATIONS OF COVERAGE.—The director may, upon his own motion or upon application of any employer, and after notice and opportunity for hearing, make findings of fact and on the basis thereof, a determination with respect to whether such employer is a covered employer and whether services performed for or in connection with the business of such employer constitutes covered employment. An appeal from any such determination may be taken to the board within 14 days after the mailing of notice of such findings and determination to the employer, or, in the absence of mailing, within 14 days after the delivery of such notice. Proceedings in such appeals shall be had in the same manner as in claims for review of decisions of an appeals examiner, as provided by this act. A determination of the director, in the absence of an appeal therefrom, and a decision of the board upon appeal, together with the record of the proceedings under this section, shall be admissible in any subsequent proceedings under this act, and, if supported by substantial evidence and in the absence of fraud, shall be conclusive, except as to errors of law, upon any employer who was a party to the proceedings under this section. A determination shall become final unless, within fourteen days after notice, an appeal is filed with the employment security agency setting forth the grounds for such appeal. Proceedings on appeal shall be had in accordance with the provisions of Section 72-1361 of this act.

SECTION 3. That Section 72-1357, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1357. ADJUSTMENTS AND REFUNDS.—(a) If any person shall make application for a refund or credit of any amount paid as contributions or penalties under this act the director shall, upon determining that such amount or any portion thereof was erroneously collected, either allow credit therefor, without interest, in connection with subsequent contribution payments, or shall refund from the appropriate fund, without interest, the amount erroneously paid.

(b) No refund or credit shall be allowed with respect to a payment as contributions or penalties unless an ap-
Application therefor shall be made on or before whichever of the following dates shall be later:

(1) One year from the date on which such payment was made; or

(2) Three years from the last day of the calendar quarter with respect to which such payment was made. For a like cause and within the same period a refund may be so made, or credit allowed, on the initiative of the director. Nothing in this act, or any part thereof, shall be construed to authorize any refund or credit of moneys due and payable under the law and regulations in effect at the time such moneys were paid.

(c) In the event that any application for refund or credit is rejected in whole or in part, a written notice of rejection shall be forwarded to the applicant. Within 14 days after the mailing of such notice to the applicant's last known address, or in the absence of such mailing, within 14 days after delivery thereof, the applicant may appeal to the director for a hearing with regard to the rejection, setting forth the grounds for such appeal. Upon feeling aggrieved by the decision of the director upon such hearing, the applicant may, within 14 days after the mailing of such decision to his last known address, or in the absence of such mailing, within 14 days after the delivery thereof, appeal to the board, setting forth the grounds for such appeal. Proceedings on the appeal to the board shall be had in accordance with the provisions of section 72-1361.

SECTION 4. That Section 72-1358, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1358. DETERMINATION OF AMOUNTS DUE UPON FAILURE TO REPORT.—If any covered employer fails to file a report when due under this act, or if such report when filed is incorrect or insufficient, the director or his authorized representative may determine the amount of wages paid for covered employment during the period or periods with respect to which the reports were or should have been made and the amount of contributions due from such employer on the basis of such information as he may be able to obtain, the amount of such contributions to be computed according to the rates prescribed in this act and subject to penalties as provided by section 72-1354 of this act. The director shall then given written notice of such determination to such employer. Such determination
shall be deemed correct unless such employer shall, within 14 days after the mailing of such notice to the employer's last known address, or, in the absence of such mailing, within 14 days after delivery thereof, apply to the director for a review of such determination, or unless the director or his authorized representative on his own motion shall review the same. After notice and opportunity for hearing on review has been afforded such employer the amount of contributions due shall be determined and shall be subject to penalties as provided by section 72-1354. Within 14 days after the mailing of such determination upon review, or in the absence of such mailing, within 14 days after the delivery thereof, the employer may appeal to the board setting forth grounds for such appeal. In such cases, however, the right of appeal to the board shall be conditioned upon the payment of contributions and penalties declared to be due or upon giving any appropriate security to the director for the payment thereof. Proceedings on such appeals shall be had in accordance with the provisions of section 72-1361.

SECTION 5. That Section 72-1359, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1359. JEOPARDY ASSESSMENTS.—If the director determines that the collection of any contribution or penalty due from any covered employer under the provisions of this act will be jeopardized by delay, he may, whether or not the time prescribed by this act or any regulations issued pursuant thereto for making reports and paying such contributions has expired, determine upon the best information obtainable the amount of wages paid by such employer for covered employment and in accordance with the contribution rates prescribed in this act, compute and declare the amount of contributions due and immediately payable, and shall give written notice of such declaration to such employer. Within 14 days after the mailing of such declaration to the last known address of such employer or in the absence of such mailing, within 14 days after delivery thereof, the employer may appeal to the board setting forth grounds for such appeal. In such cases, however, the right of appeal to the board shall be conditioned upon the payment of contributions and penalties declared to be due or upon giving any appropriate security to the director for the payment thereof. Proceedings on such appeals shall be had in accordance with the provisions of section 72-1361.

SECTION 6. That Section 72-1361, Idaho Code, as amended, be, and the same is hereby amended to read as follows:
72-1361. APPEALS TO THE EMPLOYMENT SECURITY AGENCY AND TO THE BOARD.—Upon appeal from a denial of a claim for refund or credit, determination of amount due upon failure to report, determination of rate of contribution, determination of coverage, or jeopardy determination as provided by this act, the board shall, after affording the appellant and the director a reasonable opportunity for a fair hearing, make findings of fact and conclusions of law and on the basis thereof affirm, modify, or reverse the action of the director. The interested employer shall have opportunity for a fair hearing. The conduct of such hearings and appeal procedures shall be governed by the provisions of section 72-1368 (f), (g), (h) and (i) of this act.

SECTION 7. That Section 72-1368, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-1368. CLAIMS FOR BENEFITS AND APPELLATE PROCEDURE.—(a) Claims for benefits shall be made in accordance with such rules and regulations as the director may prescribe.

(b) Each employer shall post and maintain in places readily accessible to individuals performing services for him printed statements concerning benefit rights, claims for benefits and such other matters relating to the administration of this act as the director may by regulation prescribe. Each employer shall supply to such individuals copies of such printed statements or other materials relating to claims for benefits when and as the director may by regulation prescribe. Such printed statements and other materials shall be supplied by the director to each covered employer without cost to the covered employer.

(c) A representative of the employment security agency, appointed by the director and hereinafter referred to as a claims examiner, shall examine promptly a claim filed pursuant to subsection (a) above and, on the basis of the facts found by him, shall determine whether or not the claimant is eligible for benefits and, if eligible, date of commencement of his benefit year, the weekly benefit amount payable, the total benefit amount payable, his base period wages, and his base period covered employers. In the event of a denial or a finding by the claims examiner that a claimant is ineligible for benefits, the determination shall include the reasons for the ineligibility. The determination shall become final unless, within fourteen days after the notice, as pro-
vided in subsection (e) following, a request for redetermination is filed with the employment security agency.

(d) A request for redetermination may be filed by any interested party and shall be filed in accordance with such rules and regulations as may be prescribed by the director. A redetermination upon such request shall be promptly made by a claims examiner and, on the basis of facts found by him, shall include a statement as to whether or not the determination is affirmed, reversed or modified, and if modified, to what extent, as well as a statement showing the reasoning upon which the redetermination is based if adverse to the claimant requesting it; or, upon such request and before notices of the redetermination have been served, the director may, on his own motion, transfer the request for redetermination directly to an appeals examiner in which event such request shall be deemed to constitute an appeal, as of the date of the request, from the determination. A redetermination shall become final unless, within fourteen days after notice, as provided in sub-section (e) following, an appeal is filed by an interested party with the employment security agency in accordance with such rules and regulations as may be prescribed by the director. The director may make special redetermination whenever he finds that an error in computation or identity has occurred in connection with a determination, or that additional wages of the claimant pertinent to such determination have become available or have been newly discovered, or that benefits have been allowed or denied or the amount of benefits fixed on the basis of nondisclosure or misrepresentation of fact. Such special redetermination must be made within one year from the date of the original determination, except that a special redetermination involving a finding that benefits have been allowed or denied or the amount of benefits fixed on the basis of nondisclosures or misrepresentations of fact may be made within two years from the date of the original determination. Subject to the same limitations and for the same reasons, the director may make a special redetermination in any case in which the final decision has been rendered by an appeals examiner, the board, or a court and may apply to the appeal tribunal which rendered such final decision to issue a revised decision. In the event that an appeal involving an original determination is pending as of the date a special redetermination is issued, such appeal, unless withdrawn, shall be treated as an appeal from such special redetermination.

(e) All interested parties as defined in section 72-1323,
shall be entitled to prompt service of notice of determinations and redeterminations. The claimant shall be served with notice of all determinations and redeterminations, but in the event that a claimant files more than one claim arising out of the same unemployment, the last employer need not be served with notice of more than the initial determination and redetermination unless he specifically requests service of additional notices. For purposes of this section, a notice shall be deemed served if delivered to the person being served or if mailed to his last known address; service by mail shall be deemed complete on the date of mailing.

(f) To hear and decide appeals from determinations and redeterminations the director shall appoint one or more appeals examiners. Unless the appeal is withdrawn, the appeals examiner, after affording the interested parties reasonable opportunity for a fair hearing, shall affirm, modify, set aside or reverse the determination or redetermination involved and shall notify the interested parties of his decision by serving notice in the same manner as provided in subsection (e) above. Such decision shall set forth the findings of fact upon which the decision is based together with a statement showing how the appeals examiner applied the Employment Security Law to such findings of fact in order to reach his conclusion. The appeals examiner may, either upon application for re-hearing by an interested party or on his own motion, proceed to rehear, affirm, modify, set aside or reverse any prior decision on the basis of the evidence previously submitted in such case or on the basis of additional evidence; Provided, That such application or motion be made within ten days after the date of service of such decision. A full and complete record shall be kept of all proceedings in connection with an appealed claim. All testimony at any hearing before an appeals examiner shall be recorded but need not be transcribed unless a claim for review of the appeals examiner's decision is filed with the board. Witnesses subpoenaed by the appeals examiner shall be allowed fees at a rate prescribed in the regulations of the director. Such fees shall be deemed a part of the expenses of administering this act. If any interested party to a hearing formally requests the appeals examiner to issue a subpoena for a witness whose evidence is deemed necessary, the appeals examiner shall promptly issue the subpoena, unless such request is determined to be unreasonable. Unless an interested party shall within fourteen days after service of the decision of the appeals examiner file with the
board a claim for review or unless an application or motion is made for a rehearing of such decision, the decision of the appeals examiner shall become final.

(g) The board shall hear and decide all claims for review filed by any interested party in connection with a benefit claim in accordance with its own rules of procedure not in conflict herewith. The record of the proceedings before the appeals examiner shall become part of the record of the proceedings on a claim for review before the board with respect to the evidence admitted into testimony received before the appeals examiner, but the board is not precluded from hearing the same witnesses as appeared before the appeals examiner nor any additional witnesses nor is the board precluded in any way from receiving any additional evidence. In order to have it become a part of the record before the board, in no event shall any party be required, in the course of a hearing before the board, to introduce and have admitted any documentary evidence which was previously admitted into the record by the appeals examiner. After affording a fair and impartial hearing to the parties involved in a claim for review, the board shall affirm, reverse, modify, set aside or revise the decision of the appeals examiner or may refer the matter back to the appeals examiner for further findings of fact. The board shall file its decision and shall promptly serve notice of its decision to all the interested parties. No party shall as a matter of right be entitled to a second hearing before the board upon any question of fact.

(h) No person acting on behalf of the director or any member of the board shall participate in any case in which he has a direct or indirect personal interest.

(i) A decision of the board, in the absence of fraud, shall be final and conclusive unless within thirty days after a copy of the decision has been served on the parties, one of the parties appeals to the Supreme Court. In such appeal the jurisdiction of the court shall be limited to a review of questions of law. All appeals of matters arising under this act shall by the court be disposed of before any civil causes or action are considered. The mode of taking appeals from the decisions of the board shall be in the manner prescribed by section 43-1409, Idaho Code Annotated, as amended, necessary changes and substitutions being made therein, except that no transcript fee shall be charged to or collected from the appealing party.
(j) Benefits shall be promptly paid in accordance with a determination or redetermination except that such benefits need not be paid prior to the expiration of the period for appeal if the record with respect to the claim indicates that ineligibility has been alleged or may exist. If pursuant to a determination or redetermination benefits are payable in any amount as to which there is no dispute, such amount of benefits shall be promptly paid regardless of any redetermination or appeal. If a determination or redetermination allowing benefits is affirmed in any amount by an appeals examiner, or is so affirmed by the board, or if a decision of the appeals examiner allowing benefits is affirmed in any amount by the board, such benefits shall be promptly paid regardless of any claim for review or further appeal, and no injunction, supersedeas, stay, or other writ or process suspending the payment of such benefits shall be issued by the board or any court, but if such decision is finally reversed benefits shall not be paid for any subsequent weeks of unemployment involved in such reversal.

(k) Any right, fact, or matter in issue, directly based upon or necessarily involved in a determination, redetermination, decision of the appeals examiner or decision of the board which has become final, shall be conclusive for all the purposes of this act as between the interested parties who had notice of such determination, redetermination or decision. Subject to appeal proceedings and judicial review by the Supreme Court as set forth in this section, any determination, redetermination or decision as to rights to benefits shall be conclusive for all purposes of this act and shall not be subject to collateral attack irrespective of notice.

(l) Any person who, by reason of non-disclosure or misrepresentation by him or by another of a material fact (irrespective of whether such non-disclosure or misrepresentation was fraudulent), has received any sum as benefits under this act to which he was not entitled shall, at the discretion of the director, be liable to repay such sum to the director for the employment security fund, or, if the existence of such non-disclosure or misrepresentation has been found by a court of competent jurisdiction or in connection with a redetermination or appeal pursuant to this section, shall be liable to have such sums deducted from any future benefits payable to him under this act. In any case in which, under this sub-section, a claimant is liable to repay to the director any sum for the employment security fund, such sum shall be collectible without interest by civil action in the name of the state of Idaho.

Approved March 26, 1965.
CHAPTER 204
(H. B. No. 334)

AN ACT


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

SECTION 1. There is hereby appropriated out of the Motor Vehicle Fund of the State of Idaho, the following sum of money, or so much thereof as may be necessary, for the purpose of issuing driver's licenses with colored photographs by the agency herein named, for the period commencing July 1, 1965 and ending June 30, 1967; the balance of the appropriation not used during said period shall be deposited in the Motor Vehicle Fund for the following biennium; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriation:
COMMISSIONER OF LAW ENFORCEMENT FOR ISSUING DRIVER'S LICENSES WITH COLORED PHOTOGRAPHS
Lump Sum .................................................$337,500
From the Motor Vehicle Fund ...............................$337,500

Approved March 26, 1965.

CHAPTER 205
(H. B. No. 318)

AN ACT

APPROPRIATING ADDITIONAL MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO TO THE COMMISSIONER

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, in addition to the money appropriated by Senate Bill No. 185, 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, 1965 and ending June 30, 1967:

To Whom Appropriated:        Appropriation:
COMMISSIONER OF AGRICULTURE   FOR MEAT INSPECTION:
   For:  Lump Sum .........................  $160,000

From the General Fund ......................  $160,000

SECTION 2. This act is subject to the provisions of the Standard Appropriations Act of 1945.

Approved March 26, 1965.

CHAPTER 206
(H. 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, Receipts to Appropriation, and 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 agencies herein named, for the period commencing July 1, 1965, and ending June 30, 1967; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
GROUND WATER ADMINISTRATION:
For:
Approved a lump sum of .................................. $ 95,000.00
From the General Fund ........................................ 66,500.00
From the Ground Water Administration Fund ................... 28,500.00
Total ......................................................... $ 95,000.00

RECLAMATION ADMINISTRATION:
For:
Salaries and Wages ........................................... $199,780.00
Travel Expense ................................................. 19,000.00
Other Current Expense ....................................... 57,640.00
Capital Outlay .................................................. 11,250.00
Total .......................................................... $287,670.00
From the General Fund ........................................... $287,670.00

RECLAMATION COOPERATIVE PROGRAMS:
For:
Salaries and Wages ............................................ $  
Travel Expense .................................................. 4,000.00
Other Current Expense ....................................... 361,000.00
Total .......................................................... $365,000.00
From the General Fund ........................................... $335,000.00
Receipts to Appropriation .................................... $ 30,000.00
Total .......................................................... $365,000.00

Approved March 26, 1965.
AN ACT

APPROPRIATING $1,500,000, OR SO MUCH THEREOF AS MAY BE NECESSARY, OUT OF THE GENERAL FUND OF THE STATE OF IDAHO, TO THE STATE SOCIAL SECURITY TRUST FUND FOR THE SOLE PURPOSE OF PAYING THE STATE'S PARTICIPATION IN OLD AGE AND SURVIVOR'S INSURANCE PROGRAM UNDER PUBLIC LAW 734, 81ST CONGRESS, AND AMENDMENTS THERETO, FOR ALL COVERED EMPLOYEES OF THE STATE WHOSE SALARIES AND WAGES ARE TO BE PAID FROM EITHER THE GENERAL FUND OR THE SEVERAL ENDOVENTMENT EARNING FUNDS OF THE SEVERAL INSTITUTIONS, FOR THE PERIOD BEGINNING JULY 1, 1965, AND ENDING JUNE 30, 1967, IN ACCORDANCE WITH CHAPTER 11, TITLE 59, IDAHO CODE, AS AMENDED.

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 $1,500,000, 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, 1965 and ending June 30, 1967, in accordance with Chapter 11, Title 59, Idaho Code, as amended. The moneys hereinafter 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 26, 1965.
AN ACT

AMENDING SECTION 39-218, IDAHO CODE, BY PROVIDING THAT UPON GOOD CAUSE SHOWN AND AFFIDAVIT BY THE ADOPTIVE PARENTS INDICATING THAT A DILIGENT SEARCH HAD BEEN MADE BUT NO CERTIFICATE OF BIRTH FOR THE ADOPTIVE CHILD CAN BE LOCATED, THE PROBATE JUDGE MAY ORDER THE ADOPTIVE CHILD EXAMINED AT THE EXPENSE OF THE ADOPTIVE PARENTS BY A DOCTOR OF MEDICINE, AND THAT SUCH EXAMINATION WILL BE CONDUCTED PURSUANT TO THE RULES AND REGULATIONS PROMULGATED BY THE STATE BOARD OF HEALTH FOR THE PURPOSE OF DETERMINING THOSE MATTERS REQUIRED FOR THE ISSUANCE OF AN ORIGINAL BIRTH CERTIFICATE, AND PROVIDING FURTHER THAT THE COURT MAY ORDER THE BUREAU OF VITAL STATISTICS TO ISSUE AN ORIGINAL BIRTH CERTIFICATE FOR THE ADOPTIVE CHILD BASED UPON THE FACTS DETERMINED BY THE EXAMINATION AND INCLUDE IT IN THE COURT’S ORDER.

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

SECTION 1. That Section 39-218, Idaho Code, be, and the same is hereby amended to read as follows:

39-218. Whenever a final decree of adoption, issued by an Idaho court, declares a person born in Idaho to be adopted by someone other than his or her natural parents, a certified copy of the decree shall, within fifteen days after becoming final, be recorded by the clerk of the court with the bureau of vital statistics in the state board of health. If a court of some other state issued such decree of adoption of a person actually born in Idaho, the certified copy may be similarly filed by the person involved or by his or her adoptive parents. Failure to file certified copies of said decrees within said period of time, however, shall not bar issuance of a new birth certificate as hereinafter provided. This copy of said decree shall be filed with and remain a part of the records of the bureau of vital statistics.

Upon receipt by the bureau of vital statistics of such certified copy of the decree of adoption, a new certificate of birth shall be issued (but only in cases where such person already has his or her birth recorded with the bureau of vital statistics) bearing among other things the name of
the person adopted, as shown in the decree of adoption, provided that the adopting parents or the child adopted supply information concerning themselves on a form provided for that purpose by the bureau of vital statistics as may be necessary to complete the new birth certificate. No such birth certificate shall have reference to the adoption of said person. Such birth certificate shall supplant and constitute a replacement of any birth certificate previously issued for said person and shall be the only birth certificate open to public inspection.

Provided, however, upon good cause shown and the affidavit of the adoptive parents that a diligent search has been made, but no certificate of birth for the adoptive child can be located, the probate judge may order the adoptive child examined, at the expense of the adoptive parents, by a doctor of medicine licensed by the State of Idaho. The examination will be conducted pursuant to rules and regulations promulgated by the State Board of Health for the purpose of determining those matters required for the issuance of an original birth certificate. Upon the examination of the doctor made pursuant to the rules and regulations of the State Board of Health, the court may order the Bureau of Vital Statistics to issue an original birth certificate for the adoptive child based upon those facts determined by the examination and included in the court's order.

In respect to form and nature of contents, such a new birth certificate shall be identical with a birth certificate issued to natural parents for the birth of a child, except that the adoptive parents shall be shown as parents and the adopted person shall have the name assigned by the decree of adoption. In a case where a single person adopts another person, any new birth certificate shall designate the adopting parent as such.

All records and information specified in this section other than a new birth certificate issued hereunder, and all records, files and information of any court in this state relating to adoption proceedings, shall not be open to inspection except upon the order of a court of record of this state; provided, however, that the provisions of section 16-1609, to the contrary notwithstanding, any probate court, or the judge thereof, may furnish a certified copy of a decree of adoption to any duly authorized agency of the United States or the state of Idaho without procuring any prior court order therefor.

Approved March 26, 1965.
AN ACT

AMENDING SECTION 50-201, IDAHO CODE, TO CLARIFY THE LANGUAGE THEREOF WITH RESPECT TO PROCEDURES FOR ABOLISHING A MUNICIPAL CIVIL SERVICE COMMISSION; AMENDING SECTION 50-202, IDAHO CODE, BY PROVIDING THAT THE APPOINTING POWER, INSTEAD OF DEPARTMENT HEADS, SHALL APPOINT FROM THE CLASSIFIED CIVIL SERVICE LIST ALL EMPLOYEES WITHIN THE CLASSIFIED CIVIL SERVICE; AMENDING SECTION 50-205, IDAHO CODE, BY PROVIDING THAT MUNICIPALITIES HAVING A CIVIL SERVICE COMMISSION SHALL PROVIDE BY ORDINANCE, WHAT DEPARTMENTS AND EMPLOYEES SHALL BE INCLUDED WITHIN THE CLASSIFIED CIVIL SERVICE; AMENDING SECTION 50-207, IDAHO CODE, BY ELIMINATING CERTAIN STATUTORY QUALIFICATIONS FOR CIVIL SERVICE POSITIONS AND REQUIRING THE GOVERNING BODY OF EACH CITY TO PROVIDE A JOB DESCRIPTION FOR EACH CIVIL SERVICE POSITION AND TO DETERMINE AND ESTABLISH THE STANDARDS AND QUALIFICATIONS THEREFOR; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 50-201, Idaho Code, be and the same is hereby 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 (1) 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 (1) member shall in a like manner be appointed for a term of six (6) 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 (3) 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 (1) 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 (1) member shall in a like manner be appointed for a term of six (6) 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 (3) years immediately preceding such appointment, and an elector of the county wherein he resides. Two (2) 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.

SECTION 2. That Section 50-202, Idaho Code, be and the same is hereby amended to read as follows:

50-202. CLASSIFIED CIVIL SERVICE LIST.—The heads of all city departments shall, by and with the consent of the city council, and subject to the rules and regulations of the civil service commission, appoint from the classified civil service list furnished by the civil service commission, the chiefs and all subordinate officers, employees, and agents in their respective departments, within the classified civil service, and in like manner fill all vacancies in the same.

SECTION 3. That Section 50-205, Idaho Code, be and the same is hereby amended to read as follows:

50-205. ALL DEPARTMENTS GOVERNED BY CIVIL SERVICE.—The classified civil service shall consist of all places of employment now existing or hereafter created in or under any department of each city affected by this chapter, legislative body of each municipality having a civil service commission shall, by ordinance, provide which department and what employees shall be included within the classified civil service and be governed by the provisions of this chapter. No appointment to any of the places of employment in any department covered by such municipal ordinance shall be made except under and according to law and the rules and regulations of the civil service commission.

SECTION 4. That Section 50-207, Idaho Code, be and the same is hereby amended to read as follows:

50-207. EXAMINATIONS—QUALIFICATIONS OF APPLICANTS—CAUSES FOR REMOVAL, DISCHARGE OR SUSPENSION OF INCUMBENTS.—All applicants for places of employment in the classified civil service including chiefs of departments shall be subject to examination, which shall be public, competitive and free, and shall be held at such times and places as the civil service commission shall from time to time determine, provided that all present incumbents shall be subject to the provisions of section 50-211.
Such examinations shall be for the purpose of determining the qualifications of applicants for positions and shall be practical and shall fairly test the fitness in every respect of the persons examined to discharge the duties of the position to which they seek to be appointed, and shall include tests of physical qualifications and health. An applicant for a position of any kind under civil service must be a citizen of the United States of America and an elector of any county in which he resides, and resident of such city for at least one year, and must be able to read and write the English language. An applicant for a position of any kind under the civil service must be not less than 21 years of age nor over 45 years of age at the time of application, in good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable.

The governing body of each city having created a civil service commission under the provisions of this chapter shall provide a job description for each civil service position of the city and shall determine and establish the standards and qualifications therefor to be met by each applicant before appointment.

All applicants hereafter appointed, and all incumbents shall hold an office, place, position or employment under the provisions of this act only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, reduced in rank, or deprived of vacation privileges, or other special privileges for any of the following reasons, subject to the determination of the facts in each case by the commission:

(a) Incompetency, inefficiency or inattention to or dereliction of duty;

(b) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself; or any willful violation of the provisions of this act or the rules and regulations to be adopted hereunder;

(c) Mental or physical unfitness for the position which the employee holds;

(d) Dishonest, disgraceful, immoral or prejudicial conduct;
(e) Drunkenness or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the functions and duties of any position under civil service;

(f) Conviction of a felony, or a misdemeanor, involving moral turpitude;

(g) Any other act or failure to act which in the judgment of the civil service commissioners is sufficient to show the offenders to be an unsuitable and unfit person to be employed in the public service.

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 26, 1965.

CHAPTER 210
(H. B. No. 161)

AN ACT

AMENDING SECTION 37-1928, IDAHO CODE, TO PROVIDE THAT THE COMMISSIONER OF AGRICULTURE SHALL ESTABLISH A MEAT INSPECTION DIVISION OF THE DEPARTMENT OF AGRICULTURE FOR INSPECTION SERVICES TO BE PROVIDED TO ANY QUALIFIED SLAUGHTERHOUSE, MEAT PACKING PLANT, OR SIMILAR ESTABLISHMENT IN IDAHO, AND PROVIDING THAT THE RESPONSIBILITY FOR SUCH SERVICE SHALL NOT BE DELEGATED TO ANY OTHER BUREAU OR DIVISION OF THE DEPARTMENT OF AGRICULTURE.

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

Section 1. That Section 37-1928, Idaho Code, be, and the same is hereby amended to read as follows:

37-1928. Meat inspection service—Applications—Licenses. The commissioner of agriculture is hereby authorized to establish and operate, under his direction and control, a state meat inspection
service, division of the department of agriculture, and to which shall provide such service to any qualified slaughterhouse, meat packing plant or similar establishment in Idaho applying to the commissioner of agriculture for such inspection.

The responsibility for such inspection service shall not be delegated to any other bureau or division of the department of agriculture, but the commissioner is hereby empowered and authorized to employ an inspection force for the purpose of carrying out the provisions of this act. Each operator of an establishment in this state slaughtering meat animals or preparing or processing meat products for human consumption in any form at said establishment shall apply to the Idaho department of agriculture for state meat inspection in that establishment. An application shall be made on a form furnished by the department, and shall set forth such pertinent information as the department may require. Any owner, or person, firm, corporation, or association engaged in the business of slaughtering meat animals within the state of Idaho shall first secure a license from the Idaho department of agriculture to operate a slaughterhouse. The license fee for a slaughterhouse shall be $25.00 for a calendar year or fraction thereof.

Approved March 26, 1965.

CHAPTER 211
(H. B. No. 139, As Amended)

AN ACT
AMENDING SECTION 23-934, IDAHO CODE, TO PROVIDE THAT IT SHALL BE LAWFUL TO SERVE LIQUOR BY THE DRINK IN UNLICENSED ROOMS AS PROVIDED UNDER A LIQUOR CATERING PERMIT; AMENDING CHAPTER 9 OF TITLE 23, IDAHO CODE, BY ADDING THERETO THREE NEW SECTIONS FOLLOWING SECTION 23-934, TO BE KNOWN AND DESIGNATED AS SECTIONS 23-934A, 23-934B and 23-934C; PROVIDING FOR A LIQUOR CATERING PERMIT TO ALLOW LIQUOR BY THE DRINK TO BE SERVED AND SOLD AT A PRIVATE PARTY OR CONVENTION; PROVIDING FOR THE PROCEDURE FOR THE APPLICATION FOR AN ISSUANCE OF A LIQUOR CATERING PERMIT; PROVIDING FOR AN APPLICATION FEE FOR A LIQUOR CATERING PERMIT; AND PROVIDING ALL PROVISIONS OF CHAPTER 9 OF
TITLE 23, IDAHO CODE, SHALL APPLY TO THE EXERCISE OF LIQUOR CATERING PERMITS, INCLUDING PENALTIES FOR VIOLATIONS, EXCEPT AS PROVIDED BY REGULATIONS PRESCRIBED BY THE COMMISSIONER OF LAW ENFORCEMENT.

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

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

23-934. It shall be unlawful for any person to keep or maintain any rooms or premises in which liquor is received or kept, whether owned by such person or by another, or to which liquor is brought, for consumption on the premises by members of the public or of any club, incorporated or unincorporated, or a corporation or association, unless such person and the premises are licensed under this act, except as provided under a liquor catering permit.

SECTION 2. That Chapter 9 of Title 23, Idaho Code, be, and the same is hereby amended by adding three new sections thereto, following Section 23-934, to be known and designated as Sections 23-934A, 23-934B and 23-934C, and to read as follows:

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

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

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

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

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

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

The application shall be verified by the applicant and filed with the appropriate governing body not more than four months nor less than twenty days before the effective date of the permit. A filing fee in the amount of twenty dollars for each day the permit is to be effective shall be paid to the treasury of the governing body which shall not be refunded in any event.

23-934B. Upon the filing of an application for a liquor catering permit, the city council, board of trustees, or county commissioners receiving the application shall within seven days, upon the advice and recommendation of the chief of police or sheriff, approve or disapprove the application and indicate the determination on the face of the application by endorsement signed by clerk of the city or county. Copies of the application with signed endorsements thereon shall be mailed or delivered immediately to the chief of police or sheriff, the commissioner of law enforcement and the applicant, and a signed copy retained by the clerk. An application approved in this manner shall constitute a permit unless disapproved by the commissioner of law enforcement by notice served upon the applicant not later than fifteen days after the date of filing of the application.

23-934C. All of the regulatory and penal provisions of Chapter 9 of Title 23, Idaho Code, shall apply to the exercise of liquor catering permits, including the penalties for violations thereof, except such provisions declared to be inapplicable to liquor catering permits by regulations prescribed by the commissioner of law enforcement; provided, however, the commissioner shall have no power to declare inapplicable any of the provisions of section 23-927, Idaho Code.

Approved March 26, 1965.

CHAPTER 212
(H. B. No. 156)

AN ACT

AMENDING SECTION 39-301, IDAHO CODE, PROVIDING FOR THE APPOINTMENT TO MEMBERSHIP ON THE COUNTY
BOARD OF HEALTH OF TWO CITIZENS NOT MEMBERS OF THE COUNTY BOARD OF COMMISSIONERS; PROVIDING THAT THE MANDATORY PROVISIONS OF THIS SECTION CONCERNING THE ESTABLISHMENT OF THE COUNTY BOARD OF HEALTH AND THE COUNTY HEALTH OFFICER AND THE COUNTY PHYSICIAN SHALL NOT APPLY IF A PUBLIC HEALTH DISTRICT IS ESTABLISHED PURSUANT TO CHAPTER 4 OF TITLE 39, IDAHO CODE, AMENDING SECTION 39-302, IDAHO CODE, PROVIDING THAT ANY PERSON, ASSOCIATION, CORPORATION OR THE OFFICERS THEREOF WHO VIOLATE ANY PROVISION OF THIS ACT OR THE RULES AND REGULATIONS PROMULGATED THEREUNDER SHALL UPON CONVICTION BE FINED NOT TO EXCEED $50.00, BE IMPRISONED NOT TO EXCEED 60 DAYS OR BE BOTH FINED AND IMPRISONED; PROVIDING THAT SUCH VIOLATION IS A CONTINUING OFFENSE; PROVIDING FOR LIABILITY OF THE VIOLATOR TO THE COUNTY BOARD OF HEALTH FOR ANY EXPENSES INCURRED IN ENFORCING THIS ACT OR REMOVING OR TERMINATING ANY NUISANCE, SOURCE OF FILTH, CAUSE OF SICKNESS OR HEALTH HAZARD; AND PROVIDING THAT CONVICTION UNDER THE PENALTY PROVISIONS OF THIS ACT OR THE RULES AND REGULATIONS PROMULGATED THEREUNDER SHALL NOT RELIEVE ANY PERSON FROM ANY CIVIL ACTION OR DAMAGES THAT MAY EXIST FOR INJURIES RESULTING FROM VIOLATION OF THE PUBLIC HEALTH LAWS OR RULES AND REGULATIONS PROMULGATED BY THE COUNTY BOARD OF HEALTH.

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

SECTION 1. That Section 39-301, Idaho Code, be, and the same is hereby amended to read as follows:

39-301. CONSTITUTION AND OFFICERS.—The board of county commissioners must, biennially at their regular meeting in January appoint a licensed physician residing in the county, who shall be known as the county physician, and also appoint a county health officer.

The board of county commissioners of each and every county in this state shall appoint a county board of health whose jurisdiction shall be coextensive with the boundaries of said county. The membership members of the county board of health shall consist of the county health officer and two citizens, residents of the county, each of whom but not members of the county board of commissioners. The
two citizen members of the county board of health shall be appointed by the county board of commissioners.

The functions of the county board of commissioners, acting as the county board of health, are hereby transferred to the county board of health herein appointed. The appointments to the county board of health shall be made at the regular meeting in January and of the first of members appointed, the county health officer shall be appointed for a term of two years, one citizen for a term of two years and one citizen for a term of four years. On succeeding appointments the county health officer's appointment shall be for a term of two years and the citizen member for a term of four years. The only member of the county board of health who shall receive compensation is the county health officer. This compensation shall be fixed by the board of county commissioners and shall be paid in the same manner as all other county expenses. The health officer, appointed by the board of county commissioners to serve on the county board of health, shall be a legally qualified physician and may or may not also act as county physician. The duly appointed county board of health shall elect one of the citizen members as chairman and the county health officer shall act as secretary of the board.

The county board of health is to exercise all authority in connection with matters of public health which may be vested in them by state law, or which may have heretofore been vested in the board of county commissioners as the county board of public health.

Any vacancy in the county board of health must be filled by appointment by the board of county commissioners, at their next meeting following said vacancy.

The county board of health shall be empowered to make its own local rules and regulations, which shall not be inconsistent with law nor with the rules and regulations of the state board of health and must make and establish for the county of any district or place therein, such sanitary rules and regulations as they may deem necessary and proper to prevent the outbreak and spread of dangerous, contagious and infectious disease, which rules and regulations shall take effect from and after their approval by the state board of health.

When any locality is in need of a health officer, the county board of health may appoint, by and with the consent of the majority of the board of county commissioners, a local
legally qualified physician to act as deputy health officer, and the expenses incurred in the appointment of such deputy health officer to be approved by the board of county commissioners and paid in the same manner as all other county expenses.

The mandatory provision of this chapter concerning the establishment of the county board of health and the appointment of the county health officer and county physician shall not apply if a public health district, as provided by Chapter 4 of Title 39, Idaho Code, is established.

SECTION 2. That Section 39-302, Idaho Code, be, and the same is hereby amended to read as follows:

39-302. MEETINGS AND POWERS OF BOARDS.—The local board of health of each county shall meet quarterly in the months of January, April, July, and October, and may hold such additional meetings as they may deem necessary, and may adopt all needful rules and regulations for the government of their respective bodies, subject to the provisions of this chapter. They shall regulate all fees and charges in connection with their own regulations; they shall cooperate with the state board of health and report quarterly to said board such facts in reference to the general public health conditions of their respective counties or such facts as they may deem important and necessary, or as may be required by the state board of health.

Any person, association, or corporation or the officers thereof, who shall violate any provision of this act or rules or regulations promulgated under the act, upon conviction, shall be fined not to exceed Fifty ($50.00) Dollars or be imprisoned for not to exceed sixty days, or be both fined and imprisoned, and every day that such conduct as is in violation of this section is carried on shall constitute a separate offense and in addition to such fine and imprisonment shall be liable for any expense incurred by the county board of health in enforcing this act or in removing or terminating any nuisance, source of filth, cause of sickness or health hazard. Conviction under the penalty provisions of this act or any other health law shall not relieve any person from any civil action and damages that may exist for an injury resulting from any violation of the public health laws or rules and regulations promulgated by the county board of health.

Approved March 26, 1965.
AN ACT
AMENDING SECTION 18-4604, IDAHO CODE, AS AMENDED, TO PROVIDE THAT GRAND LARCENY IS COMMITTED WHEN THE PROPERTY TAKEN IS OF A VALUE EXCEEDING $150.00.

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

SECTION 1. That Section 18-4604, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

18-4604. GRAND LARCENY DEFINED.—Grand larceny is larceny committed in either of the following cases:

1. When the property taken is of a value exceeding sixty-one hundred fifty dollars.

2. When the property is taken from the person of another.

3. When the property taken is a horse, mare, gelding, cow, steer, bull, calf, mule, jack, goat, jenny, sheep or hog, or a fox of any breed or a cross thereof, when in captivity and owned or held for the purpose of breeding or of fur production, or in the case of cattle, sheep, or hogs, the butchering and taking the meat products thereof.

Approved March 26, 1965.

CHAPTER 214
(H. B. No. 106)

AN ACT
AMENDING SECTION 72-1316, IDAHO CODE, AS AMENDED, BY DELETING THE REFERENCE THEREIN TO SECTION 1600 OF THE FEDERAL INTERNAL REVENUE CODE AND INSERTING THEREFOR REFERENCE TO CHAPTER 23 OF THE FEDERAL INTERNAL REVENUE CODE OF 1954, AS AMENDED; DEFINING COVERED EMPLOYMENT AND EXCEPTIONS THERETO BY ADDING THE ADDITIONAL REQUIREMENT THAT THE WORKER BE FREE FROM CON-
TROL OR DIRECTION IN THE PERFORMANCE OF HIS WORK; AMENDING SECTION 2 OF CHAPTER 316, SESSION LAWS OF 1963, BY EXCEPTING FROM THE DEFINITION OF COVERED EMPLOYMENT A WORKER WHO IS FREE FROM CONTROL AND DIRECTION AND WHO IS ENGAGED IN AN INDEPENDENTLY ESTABLISHED TRADE, OCCUPATION, PROFESSION OR BUSINESS.

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

SECTION 1. 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 (21) 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, subtitle C of the Federal Internal Revenue Code of 1954;

(6) Service performed in the employ of: (A) any public institution or instrumentality which 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, not 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 (18) 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 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 Chapter 23 of the Federal Internal Revenue Code of 1954, 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 in an independently established trade, business, or profession in which the individual is customarily engaged for remuneration shall, for the purposes of the Employment Security Law, be covered employment unless it is shown: (1) that the worker is free from control or direction in the performance of his work under his contract of service, and (2) that the worker is engaged in an independently established trade, occupation, profession, or business.

(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 2. That Section 2 of Chapter 316, Idaho Session Laws of 1963, be, and the same is hereby amended 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 sub-divisions; and any service performed in the employ of any instrumentality of one or more other states or political sub-divisions 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 cruel-
ty 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 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. For remuneration shall, for the purposes of the Employment Security Law, be covered employment unless it is shown: (1) that the worker is free from control or direction in the performance of his work under his contract of service, and (2) that the worker is engaged in an independently established trade, occupation, profession, or business.

(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.

Approved March 26, 1965.
CHAPTER 215
(H. B. No. 250)

AN ACT

AMENDING SECTION 61-642, IDAHO CODE, TO CHANGE THE TIME WITHIN WHICH COMPLAINTS MAY BE FILED WITH THE PUBLIC UTILITIES COMMISSION FOR CERTAIN OVERCHARGES FROM TWO YEARS TO THREE YEARS.

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

SECTION 1. That Section 61-642, Idaho Code, be, and the same is hereby amended to read as follows:

61-642. If the public utility does not comply with the order for the payment or reparation within the time specified in such order, suit may be instituted in any court of competent jurisdiction to recover the same. All complaints concerning excessive or discriminatory charges shall be filed with the commission within three years from the time the cause of action accrues, and the petition for the enforcement of the order shall be filed in the court within one year from the date of the order of the commission. The remedy in this section provided shall be cumulative and in addition to any other remedy or remedies in this act provided in case of failure of a public utility to obey an order or decision of the commission.

Approved March 26, 1965.

CHAPTER 216
(H. B. No. 290, As Amended)

AN ACT

AMENDING SECTION 41-902, IDAHO CODE, RELATING TO THE DEFINITION OF AGENT BY CLARIFYING SUCH DEFINITION TO INCLUDE A PARTNERSHIP, ASSOCIATION OR CORPORATION, AND PROVIDING THAT PERSONS ARE NOT REQUIRED TO BE LICENSED IN CERTAIN SITUATIONS; AMENDING CHAPTER 9, TITLE 41, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 41-902, IDAHO CODE, AS AMENDED, TO BE KNOWN AND DESIGNATED AS SECTION 41-902A, IDAHO CODE, TO PROVIDE FOR THE LICENSING OF A NATURAL PERSON,
PARTNERSHIP, ASSOCIATION OR CORPORATION, AND TO PROVIDE THAT ANY PARTNERSHIP, ASSOCIATION OR CORPORATION APPLYING FOR A LICENSE MUST NAME CERTAIN PERSONS OF SUCH GROUP WHO ARE AUTHORIZED TO ACT AS AGENTS THEREUNDER, AND TO PROVIDE THAT NO LICENSE BE ISSUED UNTIL THE PERSONS NAMED IN THE APPLICATION ARE LICENSED AS INDIVIDUALS; REPEALING SECTION 41-910, IDAHO CODE, RELATING TO THE PROHIBITION OF ARTIFICIAL ENTITIES OBTAINING A LICENSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 41-902, Idaho Code, be, and the same is hereby amended to read as follows:

41-902. “AGENT” DEFINED.—An “agent” is a natural person, partnership, association or corporation appointed by an insurer to solicit and negotiate insurance contracts on its behalf, and if authorized to do so by the insurer, to effectuate, issue and countersign such contracts. A person who secures and forwards information for the purposes of group insurance coverages or for enrolling individuals under group insurance coverages, or issuing certificates thereunder, where no commission is paid for such services, is not an agent and is not required to be licensed under the provisions of this chapter.

SECTION 2. That Chapter 9, Title 41, Idaho Code, be, and the same is hereby amended by adding a new section thereto, following Section 41-902, Idaho Code, as amended, to be known and designated as Section 41-902A, and to read as follows:

41-902A. LICENSING OF AGENTS.—Any natural person, partnership, association or corporation may be licensed as an insurance agent upon compliance with the requirements of law; but the articles of partnership, association or incorporation shall authorize the applicant specifically to engage in such business.

The application for a license by, and the license issued to, a partnership, association or corporation shall name all members of such group, the persons, officers, directors or stockholders thereof who are authorized to act as an agent or agents thereunder, and no such license shall be issued unless and until the persons named in the application as
being so authorized are licensed as individuals as provided in this chapter.

SECTION 3. That Section 41-910, Idaho Code, be, and the same is hereby repealed.

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

Approved March 26, 1965.

CHAPTER 217
(H. B. No. 216, As Amended)

AN ACT

AMENDING SECTION 33-806, IDAHO CODE, TO PROVIDE THAT WHEN A SCHOOL DISTRICT HAVING AN ASSESSED VALUATION OF LESS THAN TWENTY-FIVE HUNDRED DOLLARS ($2,500) PER CHILD IN AVERAGE DAILY ATTENDANCE REQUESTS A SCHOOL SPECIAL ASSISTANCE LEVY, SUCH LEVY WHEN MADE BY THE COUNTY COMMISSIONERS SHALL BE A COUNTY-WIDE LEVY; TO PROVIDE FOR THE APPORTIONMENT OF TAX PROCEEDS AMONG PETITIONING DISTRICTS; TO PROVIDE FOR A SCHOOL SPECIAL ASSISTANCE LEVY BY ANY SCHOOL DISTRICT WHOLLY SITUATED IN ANY COUNTY IN WHICH AN ELEMENTARY SCHOOL DISTRICT IS WHOLLY SITUATE; AND TO PROVIDE FOR THE APPORTIONMENT OF THE PROCEEDS THEREOF.

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

SECTION 1. That Section 33-806, Idaho Code, be, and the same is hereby amended to read as follows:

33-806. (a) The board of trustees of any school district which qualifies hereunder under the provisions of this paragraph (a) of this section may certify to request the board of county commissioners of any county in which such district lies (a) to make a county school special assistance levy, not to exceed three (3) mills on the taxable property in the 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 in the maximum amount authorized by law for maintaining and operating the school or schools of the district for the next ensuing year. The proceeds of such levy shall be apportioned to the petitioning district or districts, and, if there be more than one, among all petitioning districts in the ratio that the average daily attendance of each for the next preceding year bears to the aggregate average daily attendance of all petitioning districts for the said next preceding year.

(b) In any county in which there is one or more elementary school districts wholly situate, the trustees of any school district, regardless of class of district, having made and certified a maintenance and operation levy of not less than twenty-eight (28) mills, and also wholly situate in that county, may, not later than the first day of July in any year request the board of county commissioners to make a county school special assistance levy. Upon receipt of such request or requests, the board of county commissioners may fix a levy of not to exceed three mills on the taxable property within the county. The proceeds of such levy shall be apportioned to the petitioning district, or if there be more than one, among all petitioning districts in the ratio that the average daily attendance of each for the next preceding year bears to the aggregate average daily attendance of all petitioning districts for the next preceding year.

Approved March 26, 1965.

CHAPTER 218
(H. B. No. 251)

AN ACT

AMENDING SECTION 49-756, IDAHO CODE, DEALING WITH ILLEGALLY STOPPED VEHICLES TO ADD A PROVISION FOR THE REMOVAL OF SUCH VEHICLES FROM THE RIGHT-OF-WAY; PROVIDING FOR NOTICE TO THE OWNER OF A VEHICLE REMOVED UNDER THE PROVISION OF THIS SECTION; AND PROVIDING FOR A LIEN FOR REMOVAL AND STORAGE OF SUCH VEHICLES.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-756, Idaho Code, be, and the same is hereby amended to read as follows:

49-756. (a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this article, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

(b) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

(c) Whenever any vehicle shall be left unattended for more than twenty-four (24) hours on any portion of a highway right-of-way, outside of an incorporated city or village, any sheriff, deputy sheriff or Idaho state police officer may provide for the removal of such vehicle to the nearest available garage or other place of safety.

(d) Upon removal of a vehicle from a highway right-of-way under subsections (b) or (c) of this section, the officer causing the vehicle to be removed shall immediately notify the commissioner of law enforcement of the removal, who shall send a notice by certified mail to every owner and lienholder listed on the certificate of title on file with the department of law enforcement. If there is no certificate of title on file in the department, then the notice shall be sent to the apparent owner as determined by the registration certificate or other identification found in the vehicle, but if no identification of the owner can be found in the vehicle, no notice need be given. The notice shall include:

1. The make, year, model, color and license plate number of the vehicle.
2. The approximate place where the vehicle was found.
3. The place to which the vehicle was removed.
4. A statement that the vehicle can be sold for removal and storage charges if not claimed within thirty (30) days from date of mailing of the notice.

(e) Any person, firm or corporation who shall remove,
store or keep any such vehicle at the request of any such officer shall have a lien on such vehicle for the reasonable value of such services. Such lien shall be superior and prior to any mortgage or title retaining contract on such vehicle, and if such charges are not paid within thirty (30) days after mailing of the notice required by subsection (d) of this section, or after thirty (30) days from the date of removal if no notice is required under subsection (d), the person, firm or corporation performing the same may proceed to sell the property at public auction by giving ten (10) days public notice of the sale by advertising in some newspaper published in the county where such property is situated, or if there be no newspaper published in the county then by posting notices of the sale in three (3) of the most public places in the county, for ten (10) days previous to such sale. The proceeds of the sale must be applied to the discharge of the lien and costs. The remainder, if any, must be paid over to the owner of the vehicle.

Approved March 26, 1965.

CHAPTER 219
(H. B. No. 162, As Amended)

AN ACT
AMENDING SECTION 37-1935, IDAHO CODE, TO PROVIDE THAT THE STATE OF IDAHO SHALL NOT CHARGE FEES FOR THE INSPECTION OF CARCASSES OF ANIMALS AS PROVIDED IN CHAPTER 19 OF TITLE 37, IDAHO CODE, DURING NORMAL HOURS OF WORK AS DESIGNATED BY THE COMMISSIONER OF AGRICULTURE; AND PROVIDING THAT ANY PERSON, FIRM, CORPORATION OR ASSOCIATION REQUESTING SUCH INSPECTION SERVICE AT TIMES OTHER THAN REGULAR DESIGNATED WORKING HOURS SHALL BE ASSESSED A FEE THEREFOR; AND PROVIDING THE METHOD FOR COLLECTION OF SUCH FEES AND THE METHOD AND MANNER FOR PAYMENT FOR MEAT INSPECTORS EMPLOYED BY THE COMMISSIONER OF AGRICULTURE.

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

SECTION 1. That Section 37-1935, Idaho Code, be, and the same is hereby amended to read as follows:
37-1935. Fees.—No fee shall be charged by the state of Idaho to any person, firm, corporation or association having carcasses of animals inspected as in this act provided, shall compensate the state for the expense of carrying out such inspection. For this purpose the department may collect a reasonable fee to be fixed by the department not exceeding the actual cost to the state, or the following sums, whichever shall be higher:

- For cattle ........................................... $ .50 per head
- For calves ......................................... .25 per head
- For sheep .......................................... .25 per head
- For lambs .......................................... .25 per head
- For goats .......................................... .25 per head
- For swine, hogs or pigs ......................... .25 per head

Said fees shall be collected by the meat inspector at the time of inspection and delivered to the commissioner of agriculture and deposited by him in the state treasury in the meat inspection fund. All wages and expenses of the meat inspectors appointed under the provisions of this act shall be paid out of either the meat inspection fund, the general fund, or any other moneys to be made available for this purpose. This act to become effective July 1, 1961.

In the event any person, firm, corporation or association having carcasses of animals inspected as provided herein should require the services of an official inspector on any Saturday, Sunday or holiday or for more than eight hours on any other day Monday through Friday inclusive, the hours so worked by said inspector shall be considered as overtime pay hours. If such inspection service is provided during normal working hours as designated by the commissioner of agriculture; provided, however, if any person, firm, corporation or association requests or requires such inspection service at any other time or times the commissioner shall assess such person, firm, corporation or association such fees as he deems necessary to defray any additional costs or expense incurred by the meat inspection division of the department of agriculture in providing such services. The commissioner of agriculture of the state of Idaho shall be authorized to determine said hourly overtime pay rates and said rates shall be charged to the party requesting such inspection as a part of the actual cost to the state of Idaho for such inspection service. The commissioner of agriculture is further authorized to pay said official inspector said overtime pay rate in addition to his usual salary. Such fees shall be collected by the meat inspector at
the time of inspection and delivered to the commissioner of agriculture and deposited by him in the state treasury in the meat inspection fund. All wages and expenses of the meat inspectors appointed under the provisions of this act shall be paid out of either the meat inspection fund, the general fund, or any other moneys to be made available for this purpose.

Approved March 26, 1965.

CHAPTER 220
(H. B. No. 268)

AN ACT

AMENDING TITLE 39, CHAPTER 25, IDAHO CODE, REQUIRING THE PROVISIONS AND DISPLAY OF INFORMATION RELATING TO MAXIMUM CAPACITY ON CERTAIN VESSELS AND FOR RELATED PURPOSES BY ADDING NEW SECTIONS THERETO, FOLLOWING SECTION 39-2538, TO BE KNOWN AND DESIGNATED AS SECTIONS 39-2539, 39-2540, 39-2541, 39-2542, 39-2543, 39-2544, 39-2545, 39-2546, 39-2547 AND 39-2548; REQUIRING MANUFACTURERS OF ALL VESSELS NOT EXCEEDING TWENTY-SIX FEET IN LENGTH TO AFFIX PERMANENTLY THERETO A CAPACITY PLATE; AND REQUIRING THE CAPACITY PLATE TO BEAR CERTAIN PERMANENT AND CLEARLY VISIBLE INFORMATION RELATING TO THE VARIOUS CAPACITIES OF SUCH VESSEL; AND AUTHORIZING THE DEPARTMENT OF LAW ENFORCEMENT TO DETERMINE THE INFORMATION REQUIRED TO BE SHOWN ON SUCH CAPACITY PLATES; AND AUTHORIZING SUCH CAPACITY PLATES TO BE AFFIXED TO ANY VESSELS NOT BEARING SUCH PLATES BY PERSONS OTHER THAN THE MANUFACTURER OF SUCH VESSEL; AND REQUIRING THAT THE MANUFACTURER OF SUCH VESSEL EMPLOY A METHOD AND FORMULA OF MAXIMUM WEIGHT CAPACITY APPEARING ON SUCH CAPACITY PLATE SO THAT SUCH INFORMATION WILL NOT CONSTITUTE A NEGLIGENT OR DELIBERATE MISREPRESENTATION; AND PERMITTING THE DEPARTMENT OF LAW ENFORCEMENT TO AUTHORIZE ALTERNATIVE COMPLIANCE WITH THE REQUIREMENT OF AFFIXING CAPACITY PLATES TO SUCH VESSEL UPON A PROPER SHOWING OF IMPRACTICABILITY OF AFFIXING SUCH CAPACITY PLATES AS REQUIRED HEREUNDER;
AND PROVIDING AN EXCEPTION FOR VESSELS OF SUCH UNCONVENTIONAL DESIGN OR CONSTRUCTION THAT THE INFORMATION REQUIRED ON SUCH CAPACITY PLATES WOULD NOT ASSIST IN PROMOTING SAFETY; AND AUTHORIZING THE DEPARTMENT OF LAW ENFORCEMENT TO PROMULGATE RULES TO EFFECTUATE THE PURPOSES OF THIS ACT AND PROVIDING THAT THIS ACT SHALL APPLY TO VESSELS MANUFACTURED AFTER JANUARY 1, 1966; AND PROVIDING A PENALTY.

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 39-2538 to be known and designated as Sections 39-2539, 39-2540, 39-2541, 39-2542, 39-2543, 39-2544, 39-2545, 39-2546, 39-2547 and 39-2548, to read as follows:

39-2539. Every vessel less than twenty-six feet in length designed to carry two or more persons and to be propelled by machinery as its principal source of power or designed to be propelled by oars shall, if manufactured or offered for sale in this state, have affixed permanently thereto by the manufacturer a capacity plate as required by this Act. As used in this Act, "manufacture" means to construct or assemble a vessel or alter a vessel in such manner as to change its weight capacity.

39-2540. A capacity plate shall bear the following information permanently marked thereon in such manner as to be clearly visible and legible from the position designed or normally intended to be occupied by the operator of the vessel when under way:

(1) For all vessels designed for or represented by the manufacturer as being suitable for use with outboard motor:

(a) The total weight of persons, motor, gear and other articles placed aboard which the vessel is capable of carrying with safety under normal conditions.

(b) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall such presumed weight per person be less than 150 pounds.
(c) Clear notice that the information appearing on the capacity plate is applicable under normal conditions and that the weight of the outboard motor and associated equipment is considered to be part of total weight capacity.

(d) The maximum horsepower of the motor the vessel is designed or intended to accommodate.

(2) For all other vessels to which this Act applies:

(a) The total weight of persons, gear and other articles placed aboard which the vessel is capable of carrying with safety under normal conditions.

(b) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall such presumed weight per person be less than 150 pounds.

(c) Clear notice that the information appearing on the capacity plate is applicable under normal conditions.

39-2541. The information relating to maximum capacity required to appear on capacity plates by Section 39-2540 of this Act shall be determined in accordance with such methods and formulas as shall be prescribed by rule or regulation adopted by the department of law enforcement. In prescribing such methods and formulas, the department of law enforcement shall be guided by and give due regard to the necessity for uniformity in methods and formulas lawful for use in determining small vessel capacity in the several states and to any methods and formulas which may be recognized or recommended by the United States Coast Guard, or any agency successor thereto.

39-2542. Any vessel to which this Act applies not having a capacity plate, meeting the requirements of law, affixed thereto by the manufacturer thereof may have such affixed by any other person in accordance with such rules and regulations as the department of law enforcement may prescribe, and may thereafter be offered for sale in this state, but no action taken pursuant to this section, or in the manner described herein, shall relieve any manufacturer from liability for failure to comply with the requirements of this Act.

39-2543. The information appearing on a capacity plate
shall be deemed to warrant that the manufacturer, or the person affixing the capacity plate as permitted by Section 39-2542 of this Act, as the case may be, has correctly and faithfully employed a method and formula for the calculation of maximum weight capacity prescribed by the department of law enforcement and that the information appearing on the capacity plate with respect to maximum weight capacity and recommended number of persons is the result of the application of such method and formula, and with respect to information concerning horsepower limitations that such information is not a deliberate or negligent misrepresentation.

39-2544. If any vessel required by this Act to have a capacity plate affixed thereto is of such design or construction as to make it impracticable or undesirable to affix such plate, the manufacturer, or other person having the responsibility for affixing the plate, may represent such impracticability or undesirability to the department of law enforcement in writing. Upon determination by the department of law enforcement that such representation has merit and that a proper and effective substitute for the capacity plate which will serve the same purpose is feasible, the department of law enforcement may authorize such alternative compliance and such alternative compliance shall thereafter be deemed compliance with the capacity plate requirements of this Act.

39-2545. The department of law enforcement may by rules or regulations exempt from the requirements of this Act vessels which it finds to be of such unconventional design or construction that the information required on capacity plates would not assist in promoting safety or is not reasonably obtainable.

39-2546. The department of law enforcement is authorized to issue and amend rules and regulations to carry out the purposes of this Act.

39-2547. This Act shall apply to vessels manufactured after January 1, 1966.

39-2548. Any person who violates the provisions of this Act or rules and regulations issued thereunder shall be deemed guilty of a misdemeanor. Failure to affix a proper capacity plate shall constitute a separate violation for each vessel with respect to which such failure occurs.

Approved March 26, 1965.
CHAPTER 221
(H. B. No. 317)

AN ACT

AMENDING SECTION 49-217, IDAHO CODE, BY PROVIDING THAT NON-RESIDENT OWNERS OF PLEASURE BOATS MAY OBTAIN, WITHOUT CHARGE, ONE FIFTEEN (15) DAY PERMIT EACH CALENDAR YEAR IF SUCH BOAT IS LICENSED BY THE STATE IN WHICH THE OWNER RESIDES.

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

SECTION 1. That Section 49-217, Idaho Code, be, and the same is hereby amended to read as follows:

49-217. Every owner of a pleasure boat intended to be operated by inboard or outboard motor power upon the navigable waters in the state of Idaho, shall, each year before the same is so operated, apply to and obtain from the assessor of the county in which said boat is to be operated, or from the assessor of the county in which the owner resides, or, if the owner be a non-resident of the state of Idaho, from the assessor of any county in the state of Idaho, an annual license therefor, as in this act provided, which license shall cover the boat and motor described in the application for license; provided, however, an owner who is a non-resident of the state of Idaho and has a current license for such boat and motor issued by his resident state, shall be entitled, without charge, to one boat permit in each calendar year effective for any fifteen (15) consecutive days and shall not be required to have an annual license during the effective period of such permit.

Approved March 26, 1965.

CHAPTER 222
(H. B. No. 335, As Amended in the Senate)

AN ACT

APPROPRIATING ADDITIONAL MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO TO THE STATE BOARD OF HEALTH FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EX-

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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, in addition to the sums appropriated by House Bill No. 295, 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 purposes of implementing added and increased responsibilities given to the Department of Health by House Bill No. 235 and Senate Bill No. 162 of the Thirty-eighth Session of the Legislature of the State of Idaho, for beginning a small cystic fibrosis program within the Crippled Children’s Service and for increased emphasis on public swimming pool sanitation, for the period commencing July 1, 1965 and ending June 30, 1967; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE BOARD OF HEALTH
FOR IMPLEMENTING HOUSE BILL NO. 235
Lump Sum .................................................. $14,000
FOR IMPLEMENTING SENATE BILL NO. 162
Lump Sum .................................................. 35,000
FOR IMPLEMENTING A CYSTIC FIBROSIS PROGRAM IN CRIPPLED CHILDREN’S SERVICE
Lump Sum .................................................. 19,000

Total .................................................. $68,000
From the General Fund .................................. $68,000

Approved March 26, 1965.

CHAPTER 223
(H. B. No. 235, As Amended)

AN ACT
REQUIRING TESTS FOR PHENYLKETONURIA, AND OTHER
PREVENTABLE DISEASES DESIGNATED BY THE STATE BOARD OF HEALTH, TO BE ADMINISTERED TO ALL NEWBORN INFANTS AND THE RESULTS REPORTED AS PRESCRIBED BY THE STATE BOARD OF HEALTH; DEFINING THE DUTIES OF THE STATE BOARD OF HEALTH; PROVIDING THAT ANY PERSON VIOLATING THE ACT OR RULES OF THE STATE BOARD OF HEALTH SHALL BE GUILTY OF A MISDEMEANOR; AND PROVIDING THAT THE ACT SHALL NOT APPLY TO A CHILD WHOSE PARENT OR GUARDIAN OBJECTS TO SUCH TESTS ON THE BASIS THAT IT CONFLICTS WITH THE TENETS OR PRACTICES OF HIS RELIGION.

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

SECTION 1. It shall be the duty of the administrative officer or other person in charge of each hospital or other institution caring for newborn infants and the person responsible for the registration of the birth of such infant under Section 39-256, to cause to have administered to every newborn infant in its or his care a test for phenylketonuria and such other tests for preventable diseases as prescribed by the state board of health. The person administering such tests shall make such reports of the results thereof as required by the state board of health.

SECTION 2. It shall be the duty of the state board of health:

1. To enforce the provisions of this act.

2. To prescribe what tests shall be made for preventable diseases in addition to the test for phenylketonuria.

3. To make and publish rules prescribing the time and manner of administering tests required by this act.

4. To furnish copies of this act and the rules promulgated hereunder to physicians, hospitals or other institutions or persons required by this act to have tests administered to newborn infants.

5. To maintain a record of all infants found to have phenylketonuria or other preventable diseases and to supervise local health agencies in the treatment and cure of such infants.

6. To disseminate information and advice to the public concerning the dangers and effects of phenylketonuria and other preventable diseases and their detection and treatment.
SECTION 3. Any person who violates the provisions of this act or rules promulgated by the state board of health thereunder, shall be guilty of a misdemeanor.

SECTION 4. The provisions of this act shall not apply to any child whose parent or guardian objects thereto on the grounds that it conflicts with the tenets or practices of a recognized church or religious denomination of which said parent or guardian is an adherent or member.

Approved March 26, 1965.

CHAPTER 224
(S. B. No. 196)

AN ACT

AUTHORIZING SCHOOL DISTRICTS TO ISSUE REFUNDING BONDS IN ADVANCE OF PRIOR REDEMPTION DATE OF ALL OUTSTANDING BONDS OF ANY ISSUE, OR ISSUES, WHEN NET INTEREST COST OF REFUNDING BONDS IS LESS THAN NET INTEREST COST OF BONDS TO BE REFUNDED AND DEFINING "NET INTEREST COST"; PROVIDING FORM AND PLAN OF REFUNDING BONDS; PROVIDING CONTENTS OF RESOLUTION OF BOARD OF TRUSTEES; AND THAT RESOLUTION SHALL NOT BE AMENDED OR REPEALED; PROVIDING FOR ESCROW OF PROCEEDS OF REFUNDING BONDS AND LIMITATION THEREON; AND DECLARING AN EMERGENCY.

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

SECTION 1. ADVANCE REFUNDING BONDS.—Whenever any school district has outstanding bonds which may be called and redeemed prior to their maturities, the board of trustees of any such district may issue refunding bonds in advance of the date of calling and redeeming such outstanding bonds for the purpose of redeeming the same, without submitting the question of issuing refunding bonds to the electors of the district, when the net interest cost of the refunding bonds shall not exceed the net interest cost of the bonds to be refunded.

"Net interest cost" of a proposed issue of refunding bonds is defined as the total amount of interest to accrue on said refunding bonds from their date to their respective matur-
ities, plus the total amount of premiums payable to the holders of said outstanding bonds as a condition to their redemption, less the amount of any premium above their par value at which said refunding bonds are being or have been sold. "Net interest cost" of an outstanding issue, or issues, to be refunded is defined as the total amount of interest which would accrue on said outstanding bonds from the date of the proposed refunding bonds to the respective maturity dates of said outstanding bonds to be refunded. In all cases the net interest cost shall be computed without regard to any option of redemption prior to the designated maturities.

Two or more issues of outstanding bonds may be refunded by a single issue of refunding bonds only if the taxable property, upon which taxes are levied to pay the interest and principal payments of the outstanding bonds, is identical as to each issue proposed to be refunded by a single issue of refunding bonds.

Refunding bonds shall be issued in a total amount equal to, or less than, the total amount of the outstanding bonds to be refunded, provided, that all of the outstanding bonds of any issue, or issues, are or will thereby be refunded.

Section 2. Application of Other Statutes. — The plan, form and amortization of refunding bonds shall be as prescribed by Section 33-1107, except that they shall be denominated refunding bonds and shall show thereon the issue, or issues, being refunded, and except that the first amortized principal payment shall mature and be payable not more than five (5) years from and after the date of said refunding bonds. The provisions of Sections 33-1108, 33-1109, 33-1110, 33-1111, 33-1115, 33-1117, 33-1118 and 33-1120 shall be applicable to refunding bonds.

Section 3. Authorization. — Refunding bonds shall be authorized by a resolution of the board of trustees fixing the date, denominations, rate of interest, the maturity dates, the last of which shall not be more than fifteen years from the date of said refunding bonds, and place or places of payment, within or without the state of Idaho. The resolution shall also provide for an annual levy, upon all the property which could be levied upon to retire the outstanding bonds to be refunded, of a tax sufficient to pay the interest and principal payments according to the plan of amortization, and shall further provide for notice, or notices, of redemption of the outstanding bonds at the time and in the manner and form prescribed by law.
SECTION 4. RESOLUTION NOT TO BE AMENDED OR REPEALED.—After refunding bonds are issued pursuant to this act, the resolution prescribed herein shall not be amended or repealed until the refunding bonds so authorized shall have been fully paid.

SECTION 5. APPLICATION OF BOND PROCEEDS—LIMITATIONS.—(1) The proceeds derived from the issuance of any refunding bonds under the provisions of this act shall either be immediately applied to the payment, redemption or retirement of the bonds to be refunded and the cost and expense incident to such procedures, or shall immediately be placed in escrow to be applied to the payment of said bonds upon their presentation and the costs and expenses incident to such proceedings and for no other purpose or purposes whatsoever until the bonds being refunded have been paid in full and discharged, and all accrued interest thereon has also been paid in full, upon which occurrences the escrow shall terminate, and any funds remaining therein shall be returned to the district.

(2) Any escrowed proceeds, pending such use, may be invested or, if necessary, reinvested only in direct obligations of the United States of America, maturing at such times as to insure the prompt payment of the bonds refunded under the provisions of this act, and the interest accruing thereon.

(3) Such escrowed proceeds and investments, together with any interest to be derived from such investments shall be in an amount which at all times shall be sufficient to pay the bonds refunded as they are called for redemption and payment on prior redemption dates, as to principal, interest, any prior redemption premium due, and any charges of the escrow agent payable therefrom.

(4) Proceeds from the sale of refunding bonds shall be escrowed, and escrow agreement entered into, only with a commercial bank having full trust powers located within the state of Idaho and which is a member of the federal reserve system and of the federal deposit insurance corporation.

(5) The issuance of refunding bonds by any school district for the purposes and in the manner authorized by this act shall not be interpreted or deemed to be the creation of an indebtedness; and the proceeds as are or shall be escrowed at any time shall not be included in determining the limitation of bonded debt of the school district.
(6) No bonds may be refunded under the provisions of this act unless said bonds are callable for redemption prior to their maturity under their terms within ten (10) years from the date of issuance of the refunding bonds, and provisions shall be made for paying, or redeeming, and discharging all of the bonds refunded within said period.

SECTION 6. DECLARING AN EMERGENCY.—An emergency existing therefor, which emergency is hereby declared to exist, this act shall be and become effective upon its passage and approval.

Approved March 26, 1965.

CHAPTER 225
(S. B. No. 209)

AN ACT
RELATING TO CONDOMINIUMS AND DECLARING THE PUBLIC POLICY WITH RESPECT THERETO AND PROVIDING AN ADDITIONAL MEANS FOR THE CREATION OF CONDOMINIUM ESTATES IN PROPERTY; DECLARING THAT SAID ESTATES ARE LAWFUL AND CONSISTENT WITH THE PUBLIC POLICY OF THE STATE OF IDAHO; DEFINING CERTAIN TERMS USED THEREIN; DETAILING THE APPLICATION THEREOF; PROVIDING THE MANNER IN WHICH CONDOMINIUMS WITHIN AND SUBJECT TO ITS PROVISIONS SHALL BE CREATED, AND PERMISSIVE AND REQUISITE DOCUMENTS, PLATS AND INSTRUMENTS WHICH MUST OR MAY BE RECORDED AND THE VARIOUS PERMITTED AND REQUIRED CONTENTS THEREOF, AND PROVIDING FOR THE TRANSFER, CONVEYANCE, ENCUMBRANCE, HYPOTHECATION OR OTHER DISPOSITION OF SUCH CONDOMINIUMS; SPECIFYING THE INCIDENTS OF A CONDOMINIUM GRANT; ESTABLISHING CONDITIONS UNDER WHICH A PROJECT OR CONDOMINIUM MAY BE PARTITIONED; PROVIDING FOR THE USE OF DOMESTIC CORPORATIONS TO MANAGE OR ADMINISTER A CONDOMINIUM PROJECT, ESTABLISHING REQUIREMENTS RESPECTING CORPORATIONS SO UTILIZED AND PROVIDING FOR BY-LAWS FOR PROJECTS NOT SO UTILIZING SUCH CORPORATIONS; PROVIDING FOR THE RECORDATION OF DOCUMENTS AND INSTRUMENTS PERTINENT TO CONDOMINIUM PROJECTS AND
ALLOWING AMENDMENTS THEREOF; PROVIDING FOR REMOVAL OF A PROJECT FROM ITS PROVISIONS; PROVIDING FOR A PERSON TO RECEIVE SERVICE OF PROCESS IN LITIGATION RELATING TO COMMON AREAS OF THE PROJECT AND FOR MAINTAINING ACTIONS BY OR AMONGST OWNERS WITHIN A PROJECT; REQUIRING SEPARATE TAX AND ASSESSMENT TREATMENT OF EACH CONDOMINIUM AND CONDOMINIUM OWNER WITHIN ANY GROUP OF CONDOMINIUMS, AND SPECIFYING THE INCIDENTS OF TAX DEEDS OF CONDOMINIUMS; FIXING THE LIMITS OF LIABILITY OF CONDOMINIUM OWNERS AS RESPECTS LIABILITIES ARISING OUT OF COMMON AREAS OR THEIR OPERATION AND ALLOWING SEPARATE SETTLEMENTS THEREOF; PROVIDING CONDOMINIUM RESTRICTIONS ARE ENFORCEABLE BY AND AMONGST OWNERS AND BY WHOM ACTIONS PERTAINING THERE-TO MAY BE MAINTAINED; ALLOWING FOR THE INSURING OF UNITS, COMMON AREAS AND THE PROJECT; PROVIDING FOR FINANCING THE OPERATION OF THE PROJECT, FOR COMMON EXPENSE AND ITS COLLECTION FROM OWNERS AND FOR A LIEN AND FORECLOSURE AND PRIORITIES OF LIEN IN CASES OF FAILURE TO PAY SHARES OF SUCH EXPENSE OF COMMON LOSSES; DESCRIBING THE APPLICATION OF MECHANICS' AND MATERIALMEN'S LIENS AND LIMITING THE APPLICATION THEREOF WITHIN A CONDOMINIUM PROJECT; PROVIDING FOR A MANAGEMENT BODY TO ADMINISTER THE PROJECT AND ALLOWING IT TO HOLD PROPERTY; PROVIDING THE CONSTRUCTION TO BE GIVEN DEEDS, DOCUMENTS AND INSTRUMENTS PERTINENT TO CONDOMINIUMS; RESPECTING THE EXEMPTION OF CONDOMINIUM PROJECTS AND RELATED TRANSFERS, ENTITIES, ACTS AND DOCUMENTS FROM THE RULE AGAINST UNREASONABLE RESTRAINTS ON THE ALIENATION OF REAL PROPERTY AND FROM THE PROVISIONS OF TITLE 26, CHAPTER 18, IDAHO CODE; PROVIDING FOR THE APPLICATION OF ZONING, PLANNING AND RELATED LAWS AND ORDINANCES TO CONDOMINIUM PROJECTS; AND PROVIDING A SEVERABILITY CLAUSE AND A SHORT TITLE THEREFOR.

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

SECTION 1. This Act shall be known and may be cited as the “Condominium Property Act.”

SECTION 2. Whereas, the availability of more adequate financing for construction, land development and improve-
ment, and business expansion is beneficial and advantageous to the development of the State of Idaho and in the public interest, and, whereas, the condominium estate is a concept of holding property, which concept should be clarified in the State of Idaho to permit and facilitate the construction and development of condominiums and condominium projects, together with the financing of the same;

Now, therefore, the condominium estate in property is hereby declared to be a lawful estate in property and consistent with the public policy of the State of Idaho.

SECTION 3. As used in this Act unless the context otherwise requires:

(a) "Condominium" means an estate in property as defined in Section 55-l01B, Idaho Code, as amended.

(b) "Project" means the entirety of the property divided or to be divided into condominiums.

(c) "Property" means the land described in the declaration recorded pursuant to Section 5 (a) of this Act, together with every building, improvement or structure thereon, and every easement or right appurtenant thereto, and all personal property intended for use in connection therewith or for the use, benefit or enjoyment of the condominium owners.

(d) "Unit" means the separate interest in a condominium.

(e) "Common area" means the entire project excepting all units.

(f) "Management body" means any person or persons managing a project, and includes the condominium owners acting themselves, a corporation or association of which the owners are members or stockholders, a board of governors or directors elected by the owners, or a management agent selected by the owners, by the corporation or association, or by the board, or named in the declaration.

(g) "Limited common areas" mean those common areas and facilities designated in the declaration for use of a certain condominium owner or owners to the exclusion, limitation or restriction of others.

(h) "Person" means any individual or any corporation, joint venture, limited partnership, partnership, firm, association, trustee or other similar entity or organization.

SECTION 4. The requirements of this Act shall apply to
condominiums only (a) if there shall be recorded in the county in which such condominiums are located or to be located a declaration, as provided in this Act, together with a plat or plats, and (b) if said documents, or either of them, contain an expression of intent to create a project which is subject to the provisions of this Act, and (c) if at least one of such documents contains:

(i) a plat or survey map of the surface of the ground included within the project,

(ii) diagramatic floor plans of the building or buildings built or to be built thereon in sufficient detail to identify each unit, its relative location and approximate dimensions, showing elevations where multi-level or multi-story structures are diagramed, and

(iii) A certificate consenting to the recordation of such documents pursuant to this Act, executed and acknowledged by the record owner and the holder of any recorded security interest in such property. A condominium project is created if there has been substantial compliance in good faith with the provisions of this Section.

The declaration and the plat or plats may, prior to the first sale of a condominium, be amended or revoked by a subsequently recorded instrument executed and acknowledged by the then record owner and the then holder of any recorded security interest in such property. Until such recordation of such a revocation, the provisions of this Act shall continue to apply to such property. The term "record owner" as used in this Section means the owner or owners of the property; or, in the case of property held under a recorded lease, the lessee; or, in the case of property held under a recorded sublease of such a lease, the sublessee; or, in the case of property held under a recorded assignment of such a lease or such a sublease, the assignee, but does not include holders or owners of unrecorded interests, or mineral interests, of easements or of rights of way.

SECTION 5. (1) The declaration shall contain the following:

(a) A legal description of the surface of the ground within the project.

(b) A legal description of each unit in the project,
which description may consist of the identifying number, symbol or name of such unit as shown on the plat.

(c) The percentage of ownership interest in the common area which is to be allocated to each unit for purposes of tax assessment under Section 14 of this Act and for purposes of liability as provided by Section 15 of this Act. Such percentage shall be fixed by taking as a basis the value of each unit in relation to the value of the property as a whole. For said purposes, the percentage so fixed shall be conclusive, subject only to clear and convincing proof of bad faith at the time of and in the making of such allocation or the last prior amendment thereof.

(2) The declaration may but need not also contain any of the following:

(a) A description of the buildings in the project, stating the number of stories and basements, the number of units and the principal materials of which they are or are to be constructed.

(b) A statement of the location of each unit, its approximate area, number of rooms, and immediate common area to which it has access, and any other data for its proper identification.

(c) A description of the common areas and facilities.

(d) A description of any limited common areas and facilities, if any, stating to which units their use is reserved or the terms of applicable restrictions or limitations.

(e) The value of the property and of each unit.

(f) A statement of the purposes for which the building and each of the units are intended and restricted as to use.

(g) Provisions as to the percentage of votes by the condominium owners which shall be determinative of whether to rebuild, repair, restore, or sell the property in the event of damage, taking, or destruction of all or part of the property.

(h) Any or all of the provisions hereinafter referred to in Section 7 of this Act as proper provisions of by-laws.

(i) Provisions for the management of the project by any management body or bodies; for the voting majorities, quorums, notices, meeting dates, and other rules governing such body or bodies; and for recordation, from time to time, as provided for in the declaration, of certificates
of identity of the persons then composing such management body or bodies, which certificates shall be conclusive evi­
dence of the facts recited therein in favor of any person relying thereon in good faith.

(j) As to any management body:

(1) For the powers thereof, including power to enforce the provisions of the declaration;

(2) For maintenance by it of fire, casualty, liability, workmen’s compensation and other insurance and for bond­
ing of the members of any management body;

(3) For provision by it of and payment by it for mainten­
tance, utility, gardening and other services; for employ­
ment of personnel necessary for operation of the project, and legal and accounting services;

(4) For purchase by it of materials, supplies and the like and for maintenance and repair of the project;

(5) For payment by it of taxes and special assessments which would be a lien upon the entire project or common areas, and for discharge by it of any lien or encumbrance levies against the entire project or common areas;

(6) For payment by it for reconstruction of any portion or portions of the project damaged, taken or destroyed;

(7) For delegation by it of its powers;

(8) For entry by it or its agents into any unit when nec­
ecessary in connection with any maintenance or construction for which the management body is responsible;

(9) For an irrevocable power of attorney to the manage­ment body to sell and convey the entire project for the benefit of all of the owners thereof when partition of the project may be had under Section 11 which power shall: (i) be binding upon all of the owners, whether they ex­pressly assume the obligations of the declaration or not; (ii) if so provided in the declaration, be exercisable by less than all (but not less than fifty percent) of the voting power of the owners in the project; (iii) be exercisable only after recordation of a certificate by those who have the right to exercise such power of attorney that such power of at­torney is properly exercisable under the declaration, which certificate shall be conclusive evidence of the facts recited therein in favor of any person relying thereon in good faith.
(k) Provisions for amendments of such declaration or the by-laws, if any, which amendments, if made upon the vote or consent of more than fifty percent of the voting power of the owners in the project, shall be binding upon every owner and every condominium whether the burdens thereon are increased or decreased thereby, and whether or not the owner of each and every condominium consents thereto.

(l) Provisions for independent audit of the accounts of any management body.

(m) (1) Provisions for assessments to meet authorized expenditures of any management body, and for a method for notice and levy thereof, each condominium to be assessed separately for its share of such expenses in proportion (unless otherwise provided) to its owner's fractional interest in the common areas;

(2) For the subordination of the liens securing such assessments to other liens either generally or specifically described.

(n) Provisions for the conditions upon which partition of the project may be had pursuant to this Act. Such right to partition may be conditioned upon failure of the condominium owners to elect to rebuild within a certain period, specified inadequacy of insurance proceeds, specified damage to the building, a decision of an arbitrator, or upon any other condition.

(o) Provisions for restrictions upon the severability of the component interests in the property which comprise a condominium. Such restrictions shall not be deemed conditions repugnant to the interest created nor unlawful restraints on alienation.

(p) Such document, agreement or writing pertinent to the project or its financing as may be attached to, incorporated in or made an exhibit to the declaration and/or any by-laws.

(q) Such other provisions not inconsistent with this Act as the owner or owners may deem desirable in order to promote, facilitate or preserve the property or the project or the use, development or administration thereof.

(3) Subpart (2) of this Section shall not be construed as a limitation upon permissible contents and provisions of a declaration.
SECTION 6. Except when a domestic corporation has been formed and is designated in the declaration to serve as a management body and to administer the project, the administration of every project shall be governed by by-laws, which may either be embodied in the declaration or in a separate instrument which shall be recorded with the declaration. When a domestic corporation is so formed and designated the owner or owners shall append to and record with the declaration a certified copy of its articles of incorporation from which it must appear (a) that the purpose for which such corporation was formed and its powers are consistent with the provisions of this Act and (b) that the members or stockholders of the corporation must be and remain owners of condominiums within the said project and include all owners of condominiums within the project. When a corporate organization is so utilized, the administration of the project need not be governed by by-law provisions hereinafter set forth but shall be subject to the law of corporations. No modification or amendment of the declaration, of such articles or of recorded by-laws shall be effective until the same is recorded in the county where the original document was first recorded.

SECTION 7. The by-laws referred to in Section 6 of this Act, when required, shall provide for at least the following:

(a) The election from among the unit owners of a board of managers, the number of persons constituting such board, and that the terms of at least one-third of the members of the board shall expire annually; the powers and duties of the board; the compensation, if any, of the members of the board; the method of removal from office of members of the board; and whether or not the board may engage the services of a manager or managing agent.

(b) Method of calling meetings of the unit owners; what percentage of the unit owners, if other than a majority, shall constitute a quorum.

(c) Election of a president from among the board of managers, who shall preside over the meetings of the board of managers and of the unit owners.

(d) Election of a secretary, who shall keep the minutes of all meetings of the board of managers and of the unit owners and who shall, in general, perform all the duties incident to the office of secretary.

(e) Election of a treasurer, who shall keep the financial records and books of account.
(f) Maintenance, repair and replacement of the common elements and payments therefor, including the method of approving payment vouchers.

(g) Method of estimating the amount of the annual budget, and the manner of assessing and collecting from the unit owners their respective shares of such estimated expenses, and of any other expenses lawfully agreed upon.

(h) That upon 10 days notice to the manager or board of managers and payment of a reasonable fee, any unit owner shall be furnished a statement of his account setting forth the amount of any unpaid assessments or other charges due and owing from such owner.

(i) Designation and removal of personnel necessary for the maintenance, repair and replacement of the common elements.

(j) Such restrictions on and requirements respecting the use and maintenance of the units and the use of the common elements, not set forth in the declaration, as are designed to prevent unreasonable interference with the use of their respective units and of the common elements by the several unit owners.

(k) Method of adopting and of amending administrative rules and regulations governing the operation and use of the common elements.

(l) The percentage of votes required to modify or amend the by-laws, but each one of the particulars set forth in this section shall always be embodied in the by-laws.

SECTION 8. The declaration, plat or plats, deeds, by-laws, administrative provisions, articles of incorporation as provided in Section 6 of this Act, any instrument by which the provisions of this Act may be waived, and every instrument affecting the project or any condominium, and any amendment or amendments to such documents, shall be entitled to be recorded by the county recorder in the county or counties where the project is located, and such official shall accept the same for recordation when requested to do so.

SECTION 9. Unless otherwise expressly provided in the declaration, deeds, plat or plats, the incidents of a condominium grant are as follows:

(a) The physical boundaries of the unit are the interior surfaces of the perimeter walls, floors, ceilings, windows
and doors thereof, and the unit includes both the portions of the building so described and the airspace so encompassed. The following are not part of the unit: bearing walls, columns, floors, roofs, foundations, elevator equipment and shafts, central heating, central refrigeration and central air-conditioning equipment, reservoirs, tanks, pumps and other central services, pipes, ducts, flues, chutes, conduits, wires and other utility installations, wherever located, except the outlets thereof when located within the unit. In interpreting the declaration, plat or plats, and deeds, the existing physical boundaries of the unit as originally constructed or as reconstructed in lieu thereof shall be conclusively presumed to be its boundaries rather than the metes and bounds expressed or depicted in the declaration, plat or plats, or deed, regardless of settling or lateral movement of the building and regardless of minor variance between boundaries shown in the declaration, plat or plats, or deed, and the actual boundaries of units in the building.

(b) The common areas are owned by the owners of the condominiums as their interests appear and are set forth in the declaration pursuant to Section 5 (1) (c) of this Act.

(c) A nonexclusive right of ingress, egress and support through the common areas is appurtenant to each unit and the common areas are subject to such rights.

(d) Each condominium owner shall have the exclusive right to paint, repaint, tile, wax, paper or otherwise maintain, refinish, and decorate the inner surfaces of the walls, ceilings, floors, windows and doors bounding his own unit, and the interior thereof.

SECTION 10. Unless otherwise provided in the declaration, a project may be removed from the provisions of this Act by a vote or written consent of the condominium owners owning at least a two-thirds interest in the common areas as percentages of interest are allocated pursuant to Section 5 (1) (c) of this Act, and by filing for record in the county where the project is located a written instrument signed and acknowledged by such owners wherein it is stated that such described project is so withdrawn, provided, holders of all liens affecting any of the units or the common must consent or agree thereto in writing by recorded written instrument in which event their liens shall be deemed forthwith, and without change of seniority, transferred (a) to the former condominium owner's undivided interest in the property as hereinafter provided if such lien was upon a
condominium, and (b) upon the entire property if the lien was specifically upon the common areas or the project as a whole and not upon any particular condominium or condominiums; provided further, however, nothing herein contained shall be construed to restrict the right to limit, prohibit or make other provisions respecting withdrawal from this Act by provision in the declaration.

Upon such removal under this Section the property shall be deemed to be owned in common and each former condominium owner shall have exclusive right to the occupancy of what formerly was his unit. Removal of a project from the provisions of this Act shall in no way bar the subsequent resubmission of the property to the provisions of this Act.

SECTION 11. (a) Where two or more persons own condominiums in a project an action may be brought by one or more of such persons for the partition of the interests comprising the project, as if the owners of all of the condominiums in such project were tenants in common in the entire project in the proportion provided for in the declaration, deeds, or plat or plats entered into with respect to such project, or, in the absence of such provision, in the same proportion as their interests in the common areas of such project; provided, however, that a partition shall be made only upon the showing that:

(1) Three years after the damage to, or destruction or taking of, a material part of the project which renders the project unfit for the use to which it was put prior to such damage, destruction or taking, the project has not been rebuilt, repaired or replaced in a manner which substantially permits such use of the project, or

(2) Three-fourths or more of the project has been destroyed, taken, or substantially damaged, and that persons entitled to cast fifty per cent of the votes to determine whether or not the project shall be repaired, restored or replaced are opposed to such repair, restoration or replacement, or

(3) More than fifty years have elapsed since the first conveyance of a condominium in the project, and that the project is uneconomic or otherwise obsolete, and that persons entitled to cast fifty percent of the votes to determine whether or not the project shall be repaired, restored or replaced are opposed to such repair, restoration or replacement, or
(4) That conditions for such a partition provided for in the deed, declaration, plat or plats entered into with respect to such project have been met, whether such conditions be more or less restrictive than the conditions set forth in this Section.

(b) The entire project or a part thereof may be sold if it appears that a physical partition cannot be made without prejudice to the respective rights of the persons' interests therein.

(c) Nothing herein shall be deemed to prevent partition of a condominium as between two or more persons having interests therein.

SECTION 12. At the time the declaration is recorded one or more persons shall be designated to receive service of process in any action relating to the common areas and facilities. Such designation shall be filed with the county auditor in the county in which the project is located together with an acknowledgment in writing of acceptance of such designation by the person so designated. The person so designated shall be a resident of the State of Idaho, and service upon such person shall be the exclusive method of service in any action relating to the common areas and facilities. Upon termination of such person's capacity or authority to receive service, a new designation shall be made by the management body of the project, and such designation shall be filed with the county auditor in the county in which the project is located together with an acknowledgment in writing of acceptance of such designation by the person so designated. Upon failure to so designate a person to receive service of process and to file such designation and acceptance of such designation, service may be made upon the county auditor with like effect as though said service were made upon a person designated, and it shall be the duty of the county auditor to forward a copy of such summons served on him by registered mail to the management body of the project at the address or location last known, but no failure on the part of the county auditor to mail such copy of summons shall affect the validity of the service thereof.

SECTION 13. Without limiting the rights of any condominium owner, actions may be brought by the management body on behalf of two or more of the condominium owners with respect to any cause of action relating to the common areas or more than one unit.
SECTION 14. Notwithstanding any contrary or inconsistent provision of the Idaho Code or of this Act, property taxes, assessments, special assessments, and all special taxes or charges of the State of Idaho or of any political subdivision thereof, or other lawful taxing or assessing body, which are authorized by law to be assessed against or levied upon real or personal property shall be assessed against and levied upon each condominium and not upon the group of condominiums as a whole, and such tax, assessment or charge on each such condominium shall constitute a lien solely thereon.

A person acquiring or entitled to the issuance of a tax deed conveying the interest of any condominium owner, shall acquire only an interest subject to such provisions of this Act as may be applicable, and subject to all lawful terms, provisions, covenants, conditions, and limitations which may apply thereto and appear in any recorded declaration, plat, deed or by-laws then in force and affecting such interest.

SECTION 15. Each condominium owner's liability for claims, judgments or awards arising out of or in connection with the ownership, use, operation or management of the common areas, is limited to a proportionate sum which equals the amount of any such claim, judgment or award multiplied by the percentage interest in the common areas allocated to such ownership by the declaration as provided in Section 5 (1) (c) of this Act. In any suit to establish liability for claims, judgments or awards arising out of or in connection with the ownership, use, operation or management of the common areas there shall be introduced no evidence as to the percentage interest in the common area of any condominium owner until and unless such fact becomes material and liability is fixed by judgment or agreed upon in writing signed by all affected parties to the litigation and filed with the court. Any condominium owner may compromise or settle his portion of any such claim without prejudice to the remaining balance thereof and without the same constituting evidence or an admission for or against any such claimant.

The provisions of this Section shall not alter or affect the respective rights and obligations of condominium owners to or between one another to the extent that one or more may have any legal right arising from contract, statute, or the common law to be wholly or partially indemnified
by one or more other persons who are likewise owners of condominiums within the same said project.

SECTION 16. All condominium owners, tenants of such owners, employees of owners and tenants, or any other persons that may in any manner use property or any part thereof submitted to the provisions of this Act shall be subject to this Act and to the declaration and by-laws of the project adopted pursuant to the provisions of this Act.

All agreements, decisions and determinations lawfully made by the management body shall be deemed to be binding on all condominium owners and shall inure to the benefit of all such owners.

Each condominium owner and any group of owners shall have standing and authority, unless otherwise provided, to enforce the provisions of the declaration and any recorded by-laws of the project.

SECTION 17. The management body, if required by the declaration, by-laws or otherwise, or at the request of a mortgagee or a beneficiary of a deed of trust having a first mortgage or first deed of trust of record covering a unit or any part of the project, shall have the authority and an insurable interest to insure the project or any portion thereof against loss or damage by fire or other hazard or casualty. Such insurance coverage may be written in the name of the management body, as trustee for each of the condominium owners in the percentages established in the declaration or as otherwise provided in the declaration or provided by the management body, and premiums may be treated as common expenses. Provision for such insurance shall be without prejudice to the right of each condominium owner to insure his own unit for his own benefit. This provision shall not be construed to limit the power of such body to secure and maintain other insurance coverage or to treat the cost thereof as a common expense.

SECTION 18. An assessment upon any condominium made in accordance with the declaration, any recorded by-laws, or any duly promulgated project regulation, shall be a debt of the owner thereof at the time the assessment is made. The amount of any such assessment, together with those other charges thereon, such as interest, costs (including attorney's fees), and penalties, which may be provided for in the declaration, shall be and become a lien upon the condominium assessed when the management body causes to be recorded with the county recorder of the county in which
such condominium is located a notice of assessment, which shall state the amount of such assessment and such other charges thereon as may be authorized by the declaration, a description of the condominium against which the same has been assessed, and the name of the record owner thereof. Such notice shall be signed by an authorized representative of the management body or as otherwise provided in the declaration. Upon payment of said assessment and charges in connection with which such notice has been so recorded, or other satisfaction thereof, the management body shall cause to be recorded a further notice stating the satisfaction and the release of the lien thereof.

Such lien shall be prior to all other liens filed or recorded subsequent to the recordation of said notice of assessment except that the declaration may provide for the subordination thereof to other liens either generally or specifically described and except further that labor or materialmen's liens arising under the law of Idaho and timely and duly filed shall have priority if the date fixed by statute for such lien to arise is prior to recording as provided in this Section. Unless sooner satisfied and released or the enforcement thereof initiated as hereafter provided such lien shall expire and be of no further force or effect one year from the date of recordation of said notice of assessment; provided, however, that said one-year period may be extended by the management body for not to exceed one additional year by recording a written extension thereof.

Such lien may be enforced by sale by the management body, its attorney or other person authorized to make the sale, after failure of the owner to pay such an assessment in accordance with its terms, such sale to be conducted in the manner permitted by law for the exercise of powers of sale in deeds of trust or any other manner permitted by law. Unless otherwise provided in the declaration the management body shall have the power to purchase the condominium at foreclosure sale and to hold, lease, encumber and convey the same.

**SECTION 19.** No labor performed or services or materials furnished with the consent of or at the request of a condominium owner or his agent or his contractor or subcontractor shall be the basis for the filing of a lien against the condominium of any other condominium owner, or against any part thereof, or against any other property of any other condominium owner, unless such other owner has expressly consented to or requested the performance of
such labor or furnishing of such materials or services. Such express consent shall be deemed to have been given by the owner of any condominium in the case of emergency repairs thereto. Labor performed or services or materials furnished for the project, if duly authorized by the management body, shall be deemed to be performed or furnished with the express consent of each condominium owner. The owner of any condominium may remove his condominium from a lien against two or more condominiums or any part thereof by payment to the holder of the lien of the fraction of the total sum secured by such lien which is attributable to his condominium.

SECTION 20. Unless otherwise provided for in a declaration recorded pursuant to Section 5, a management body may acquire and hold, for the benefit of the condominium owners, tangible and intangible personal property and may dispose of the same by sale or otherwise; the beneficial interest in such personal property shall be owned by the condominium owners in the same proportion as their respective interests in the common areas, and shall not be transferable by such owners except with a transfer of a condominium. A transfer of a condominium shall transfer to the transferee ownership of the transferor's beneficial interest in such personal property.

SECTION 21. Any deed, declaration or plan for a condominium project shall be liberally construed to facilitate the operation of the project, and provisions thereof shall be presumed to be independent and severable.

SECTION 22. It is expressly provided that the rule of property known as the rule against perpetuities and the rule of property known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat any of the provisions of this Act or any condition, conveyance or inheritance consistent herewith.

SECTION 23. No city council, board of trustees, or other governing body of the county, town, village or city in which a project is created pursuant to this Act shall have the right to refuse acceptance or approval of nor may any county refuse for recordation a plat or plats prepared pursuant to this Act solely because a project is or condominiums are thereby created.

SECTION 24. Unless a contrary intent is clearly expressed in local zoning ordinances, such ordinances shall be construed to treat like structures, lots, or parcels in
like manner regardless of whether the ownership thereof is divided by sale of condominiums created in a project pursuant to this Act, rather than by the lease or other disposition of such structures, lots or parcels on any part or parts thereof.

SECTION 25. The provisions of Title 26, Chapter 18, Idaho Code, shall not apply to the creation, issuance, sale, offer for sale, solicitation of an offer to buy, conveyance, transfer, or other disposition, or encumbrance or other hypothecation, or management, of condominiums or projects created pursuant to this Act, or of evidences of membership in or ownership of or stock in any entity created solely to manage the affairs of a project, or to the negotiation or taking of subscriptions in respect of any of the foregoing.

SECTION 26. Every deed, contract of sale, lease, mortgage or other instrument may legally describe a condominium by its identifying number, symbol, name or other identification or designation as shown on the plat of record or as shown in the declaration, and every such description shall be deemed good and sufficient for all purposes.

SECTION 27. Except where inconsistent with the provisions or purposes of this Act, state and local laws relating to plats, recording, subdivisions or zoning shall apply to condominiums and to projects as herein defined.

SECTION 28. If any provision of this Act or any section, sentence, clause, phrase or word, or the application thereof in any circumstance, is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

Approved March 26, 1965.

CHAPTER 226
(S. B. No. 228)

AN ACT

AMENDING SECTION 33-1301, IDAHO CODE, TO INCREASE FROM THREE THOUSAND DOLLARS ($3,000) TO FORTY-EIGHT HUNDRED DOLLARS ($4,800) THE "EARNABLE COMPENSATION" WHICH IS THE BASIS FOR COMPUTING
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1301, Idaho Code, be, and the same is hereby amended to read as follows:

33-1301. 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 forty-eight hundred dollars ($4,800) in any year shall be considered as thirty thousand dollars ($30,000). Should compensation include maintenance, the board
of trustees shall determine the value of that part of
the compensation paid as maintenance. *From and
after June 30, 1967, “earnable compensation,” as
defined in this section, shall mean the full rate of
compensation that would be payable to a teacher if
he worked the full normal working time, and com­
pen­sion of more than three-thousand dollars
($3,000) in any year shall be considered as three­
thousand dollars ($3,000).*

17. “Average final compensation” shall mean the aver­
age annual earnable compensation of a teacher dur­
ing his last ten (10) years of creditable service, or if
less than ten (10) years, then his average annual
earnable compensation for his total service.

18. “Savings annuity” shall mean payments for life de­
rived from the accumulated contributions of a mem­
er.

19. “Service annuity” shall mean payments for life de­
rived from accumulated contributions from public
funds.

20. “Retirement allowance” shall mean the sum of the
savings annuity and the service annuity, or any op­
tional benefit payable in lieu thereof.

21. “Retirement” shall mean withdrawal from service
with a retirement allowance granted under the pro­
visions 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 an­
nuity, 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 mor­
tality tables as shall be adopted by the board of trus­
tees, and regular interest.
25. The masculine pronoun, whenever used, shall include the feminine.

SECTION 2. EFFECTIVE DATE.—The effective date of this act shall, for any member of the teachers' retirement system, be at the time of the first salary payment made for service rendered during the 1965-1966 school year.

Approved March 26, 1965.

CHAPTER 227
(S. B. No. 207)

AN ACT
AMENDING SECTION 54-1904, IDAHO CODE, TO CHANGE THE ORIGINAL FEE FOR A CLASS C LICENSE TO $20.00 AND THE RENEWAL FEE FOR A CLASS C LICENSE TO $10.00 FOR PUBLIC WORKS CONTRACTORS; AMENDING SECTION 54-1911, IDAHO CODE, TO DELETE OBSOLETE PROVISIONS CONCERNING APPLICATIONS FOR ORIGINAL PUBLIC WORKS CONTRACTOR'S LICENSES AND FEES FILED PRIOR TO JUNE 30, 1957; TO PROVIDE THAT APPLICATION FEES ARE FOR THE ADMINISTRATION OF THIS CHAPTER AND SHALL NOT BE REFUNDED TO APPLICANT; AMENDING SECTION 54-1912, IDAHO CODE, TO DELETE OBSOLETE PROVISIONS CONCERNING APPLICATIONS FOR RENEWAL LICENSES AND FEES FILED PRIOR TO JUNE 30, 1957, TO PROVIDE THAT FEES ACCOMPANYING RENEWAL APPLICATIONS ARE FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ACT AND SHALL NOT BE REFUNDED TO APPLICANT; AMENDING SECTION 54-1914, IDAHO CODE, TO EMPOWER THE BOARD TO RECLASSIFY OR RETYPE THE LICENSE OF A LICENSEE WHO IS GUILTY OF OR COMMITS ANY ACTS OR OMISSIONS ENUMERATED IN THE ACT; TO EMPOWER THE BOARD TO SUSPEND OR REVOKE, UPON DUE NOTICE AND HEARING, THE LICENSE OF A LICENSEE WHO FILES A VOLUNTARY PETITION IN BANKRUPTCY OR IS ADJUDGED A BANKRUPT; AMENDING CHAPTER 19 OF TITLE 54, IDAHO CODE, BY ADDING A NEW SECTION THERETO, FOLLOWING SECTION 54-1914 THEREOF, TO BE KNOWN AND DESIGNATED AS SECTION 54-1914A; TO PROVIDE THAT THE PUBLIC WORKS CONTRACTORS STATE LICENSE BOARD, UPON DUE NO-
TICE AND HEARING, MAY RECLASSIFY, RETYPE, TEMPORARILY SUSPEND OR REVOKE THE LICENSE OF A PUBLIC WORKS CONTRACTOR BECAUSE OF LACK OF FINANCIAL RESPONSIBILITY; AMENDING SECTION 54-1921, IDAHO CODE, TO PROVIDE THAT ANY MONEYS REMAINING IN THE PUBLIC WORKS CONTRACTORS LICENSE FUND ON THE LAST DAY OF EACH YEAR SHALL CONTINUE TO BE APPROPRIATED FOR THE PURPOSES OF THE ACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-1904, Idaho Code, be, and the same is hereby amended to read as follows:

54-1904. There shall be three classes of licenses issued under the provisions of this act which are hereby designated as Classes A, B, and C, the fees for which shall be as hereinafter specified and in lieu of all other license taxes. Each applicant for a license hereunder shall specify the class of license applied for in his application.

For the purpose of licensing public works contractors under this act the board may adopt rules and regulations necessary to determine the classification according to their responsibility, and the type and scope of the operations of a licensed contractor to those in which he is classified and qualified to engage as in this act provided.

Class "A" license. Any contractor whose qualifications, ability and responsibility to execute contracts for public works involving an estimated cost of more than $50,000, may, upon his application and the payment of a license fee of $100.00, be granted a Class "A" license and be so classified by the board in accordance with the provisions of this act. The holder of a Class "A" license shall be entitled to engage in the public works contracting business in the state as provided in said license. The renewal fee for a Class "A" license shall be $50.00.

Class "B" license. Any contractor whose qualifications, ability and responsibility to execute contracts for public works involving an estimated cost of not more than $50,000, may, upon his application and the payment of a license fee of $50.00, be granted a Class "B" license and be so classified by the board in accordance with the provisions of this act. The holder of a Class "B" license shall be entitled to engage in the public works contracting business in the state as provided in said license. The renewal fee for a Class "B" license shall be $25.00.
Class "C" license. Any contractor whose qualifications, ability and responsibility to execute contracts for public works involving an estimated cost of not more than $25,000, may, upon his application and the payment of a license fee of $10.00-$20.00, be granted a Class "C" license and be so classified by the board in accordance with the provisions of this act. The holder of a Class "C" license shall be entitled to engage in the public works contracting business in the state as provided in said license. The renewal fee for a Class "C" license shall be $5.00-$10.00.

Each license issued by the board shall clearly indicate the type and scope of work for which the licensee is qualified and licensed and the holder of the license shall be permitted to submit proposals for and perform only those types of work specified in each such license; provided, however, that the board may extend the permissible type or scope of work to be done under any license when it is determined by the board that the applicant meets all of the requirements of this act to qualify him to do such other work.

SECTION 2. That Section 54-1911, Idaho Code, be, and the same is hereby amended to read as follows:

54-1911. Applications for original licenses, together with the fees therefor, shall be filed with the board at least thirty days prior to consideration thereof by the board. After such examination and investigation as the board may require in accordance with the provisions of this act, if no valid reason exists for further investigation of applicant, the board shall at the next meeting fixed by it for the consideration of applications for original licenses, issue a license to applicant permitting him to engage in business as a contractor under the terms of this act for the balance of the year following the approval of the application. If the information brought to the attention of the board concerning the character and integrity of an applicant is such that it would appear proper to deny the application, the applicant shall be notified by registered mail or personal service, to show cause within such time, not less than (5) days, nor more than thirty (30) days, why the application should not be denied.

The board is authorized to waive the thirty (30) day filing period on an application for a license for a joint venture, where all of the joint venture parties have complied with and are licensed public works contractors under all the provisions of this act.
Applications for original licenses filed in accordance with the provisions of this act shall be considered by the board at the four regular meetings of the board provided for in this act and at such special or regular monthly meetings as the board may determine. Fees accompanying original applications under this section are for the administration and enforcement of the provisions of this chapter and shall not be refunded to the applicant. After this act takes effect applications for original licenses under this act, filed during the period January 1, 1956 to June 30, 1957 only, shall be for licenses expiring June 30, 1957. If the application is filed during the period January 1, 1956 to June 30, 1956, the application shall be accompanied by one and one-half times the annual license fee for the class of license applied for. If the application is filed during the period July 1, 1956 to June 30, 1957, the application shall be accompanied by the annual license fee for the class of license applied for.

SECTION 3. That Section 54-1912, Idaho Code, be, and the same is hereby amended to read as follows:

54-1912. Except as otherwise provided in this section, all licenses issued under the provisions of this act shall lapse and expire on the last day of the year, (as defined in this act), in which issued.

Application for renewal of a current license prior to expiration date thereof shall authorize operation as a contractor by such licensee until actual issuance of such renewal license for the ensuing year. Applicant for a renewal of a license issued under this act, shall not be required to take any other or further examination to obtain such renewal license, provided that at the time of such application his license has not been suspended or permitted to lapse for any cause for a period of one year or more. All applications for renewal of license shall be made on forms prescribed by the board and shall be accompanied by the annual renewal fee and a complete current financial statement on such forms and disclosing such information as shall be required by the board, duly certified as true by the applicant, and if a copartnership, by a member thereof, and if a corporation, by its executive or financial officer; such renewal application shall be filed prior to the first day of such renewal year, otherwise the expired license shall be renewable only on the payment of the fee for an original license. Fees accompanying renewal applications under this section are for the administration and enforcement
of the provisions of this chapter and shall not be refunded to the applicant. A contractor who holds a current unrevoked license at the time this act takes effect may apply for a license under this act to expire June 30, 1957, by filing an application for renewal of a license of a class provided by this act and payment of the renewal license fee, equal to one and one half times the annual renewal license fee for the class of license applied for.

The license issued under this act shall be signed both by the registrar and by the licensee, shall be nontransferable, and shall be displayed in the licensee’s main office or chief place of business, and satisfactory evidence of the possession thereof and of the current annual renewal thereof shall be exhibited by licensee upon demand.

A surviving member or members of a licensed copartnership by reason of death shall be entitled to continue in business under such license until the expiration date thereof, provided due application for permission is made to the board within thirty (30) days after death of the member, and the application is approved by the board in accordance with its rules and regulations.

All licensees shall report to the board all changes of personnel, name style or addresses recorded under this act within thirty (30) days after the changes are made.

SECTION 4. That Section 54-1914, Idaho Code, be, and the same is hereby amended to read as follows:

54-1914. The board may upon its own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any contractor within the state and may reclassify, retype, temporarily suspend or permanently revoke any license if the holder, while a licensee or applicant hereunder, is guilty of or commits any one or more of the following acts or omissions:

(a) Abandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor.

(b) Diversion of funds or property received under express agreement for prosecution or completion of a specific construction project or operation, or for a specified purpose in the prosecution or completion of any construction project or operation, and their application or use for any other construction project or operation, obligation or pur-
pose, with intent to defraud or deceive creditors or the owner.

(c) Wilful departure from or disregard of, plans or specifications in any material respect, and prejudicial to another, without consent of the owner or his duly authorized representative, and without the consent of the person entitled to have the particular construction project or operation completed in accordance with such plans and specifications.

(d) Wilful or deliberate disregard and violation of valid building laws of the state, or of any political subdivision thereof, or of the safety laws or labor laws or compensation insurance laws of the state.

(e) Misrepresentation of a material fact by an applicant in obtaining a license.

(f) Aiding or abetting an unlicensed person to evade the provisions of this act or knowingly combining or conspireing with an unlicensed person, or allowing one's license to be used by an unlicensed person, or acting as agent or partner or associate or otherwise, of an unlicensed person with the intent to evade the provisions of this act.

(g) Failure in any material respect to comply with the provisions of this act.

(h) Acting in the capacity of a contractor under any license issued hereunder except: (1) in the name of the licensee as set forth upon the license, or (2) in accordance with the personnel of the licensee as set forth in the application for such license, or as later changed as provided in this act.

(i) Knowingly entering into a contract with a contractor while such contractor is not licensed as provided in this act.

(j) Wilful failure or refusal without legal excuse on the part of a licensee as a contractor to prosecute a construction project or operation with reasonable diligence, causing material injury to another.

(k) Wilful or deliberate failure by any licensee, or agent or officer thereof, to pay any moneys when due, for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient funds therefor as payment for the particular construction work, project or operation
for which the services or materials were rendered or pur-
chased; or denial of any such amount due or the validity
of the claim thereof with intent to secure for himself, his
employer, or other person, any discount upon such indebted-
ness or with intent to hinder, delay or defraud the person
to whom such indebtedness is due.

(1) Filing of a voluntary petition in bankruptcy, or a
licensee being adjudicated a bankrupt.

SECTION 5. That Chapter 19 of Title 54, Idaho Code, be,
and the same is hereby amended by adding a new section
thereto, following Section 54-1914, to be shown and design-
nated as Section 54-1914A, and to read as follows:

54-1914A. If, at any time, the board has reasonable
cause to believe that a licensee's financial responsibility is
impaired, it shall, by registered mail, so notify the licensee,
stating the facts which indicate such lack of financial re-
sponsibility, the time and place of the meeting of the board
when the matter will be considered, and the action which
the board contemplates taking with respect to such licensee,
and request that the licensee either be present at said hear-
ing, or submit to the board on or prior to the date of hear-
ing, a verified written statement and any other documents
deemed pertinent, to show cause why his license should not
be reclassified, retyped, temporarily suspended or revoked
because of lack of financial responsibility.

Failure to either submit such a statement or appear at
the hearing shall be deemed to be an admission by licensee
of the lack of financial responsibility as charged, and a
stipulation that the board may take the action contemplated
as set forth in the aforesaid notice.

SECTION 6. That Section 54-1921, Idaho Code, be, and
the same is hereby amended to read as follows:

54-1921. The state treasurer shall be custodian of a
fund, which is hereby created, to be known as the "Public
Works Contractors License Fund," into which shall be
paid and deposited all funds accruing or received under any
and all provisions of this act. All moneys from whatever
source accruing to or received by said fund are hereby
appropriated for the payment of the cost and expense of
the administration and enforcement of this act, as herein
provided, and the same shall be paid out by the state treas-
urer only upon state vouchers prepared and approved by
the board, certified to by the president of the board, and
approved by the state board of examiners. Any moneys remaining in said fund on the last day of each year, as the term “year” is defined in this act, twenty five percent (25%) thereof shall thereupon be placed in and become a part of the state highway fund for apportionment thereof as provided by law and the remainder thereof shall continue to be appropriated for the purposes of this act.

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 26, 1965.

CHAPTER 228
(S. B. No. 192)

AN ACT
AMENDING SECTION 33-2001, IDAHO CODE, TO READ “EXCEPTIONAL” RATHER THAN “HANDICAPPED” CHILDREN, TO REMOVE MINIMUM AGE LIMITATION AND TO DELETE REPETITIVE MATERIAL; AMENDING SECTION 33-2002, IDAHO CODE, TO DEFINE “EXCEPTIONAL” CHILDREN AND TO ADD NEW DEFINITIONS; AMENDING TITLE 33, CHAPTER 20, IDAHO CODE, BY ADDING A NEW SECTION THERETO, DESIGNATED AS SECTION 33-2002A, SPECIFYING SERVICES WHICH MAY BE RENDERED TO EXCEPTIONAL CHILDREN; AMENDING TITLE 33, CHAPTER 20, IDAHO CODE, AMENDING SECTION 33-2003, IDAHO CODE, TO SET FORTH THE RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-2004, IDAHO CODE, TO PROVIDE FOR EDUCATION OF EXCEPTIONAL CHILDREN BY CORPORATIONS, TO DETERMINE THE RATE OF PAYMENT BY A SCHOOL DISTRICT WHEN ITS RESIDENT EXCEPTIONAL CHILDREN ARE EDUCATED IN ANOTHER SCHOOL DISTRICT OR BY ANOTHER CORPORATION OR INSTITUTION, REMOVING ANY REQUIREMENT THAT THE STATE BOARD OF EDUCATION SETTLE DISPUTED QUESTIONS BETWEEN SCHOOL TRUSTEES AND PARENTS AND DELETING REPETITIVE MATERIAL; AMENDING SECTION 33-2005, IDAHO CODE, BY DELETING THE PRESENT TEXT OF THE SECTION AND PROVIDING
FOR ORGANIZED SPECIAL CLASSES, FOR ITINERANT PERSONNEL SERVING EXCEPTIONAL CHILDREN, AND REIMBURSEMENT TO SCHOOL DISTRICTS OF A PERCENTAGE OF SALARIES OF SUCH ITINERANT PERSONNEL; AMENDING SECTION 33-2006, IDAHO CODE, TO RAISE AGE LIMIT OF PATIENTS IN MATERNITY HOMES TO TWENTY-ONE YEARS AND SPECIFY THOSE ELIGIBLE AS IN-PATIENTS; AND SETTING THE EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. That Section 33-2001, Idaho Code, be, and the same is hereby amended to read as follows:

33-2001. RESPONSIBILITY OF SCHOOL DISTRICTS FOR EDUCATION OF HANDICAPPED EXCEPTIONAL CHILDREN.—Each public school district is responsible for and shall provide for the education and training of handicapped school age exceptional pupils resident 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 (6) and to the age of twenty-one (21) years who are trainable mentally handicapped exceptional children as defined in this act and 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 exceptional children, qualifications of special teachers, and special personnel, 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.

SECTION 2. That Section 33-2002, Idaho Code, be, and the same is hereby amended to read as follows:

33-2002. HANDICAPPED EXCEPTIONAL CHILD DEFINED.—“Exceptional children” means those children whose handicaps, or whose capabilities, are so great as to require special education and special services in order to
develop to their fullest capacity. This definition includes but does not limit itself to those children who are physically handicapped, mentally retarded, emotionally disturbed, chronically ill or who have perceptual impairment, visual or auditory handicap or speech impairment as well as those children who are so academically talented that they need special educational programs to achieve their fullest potential.

The term “physically handicapped child” shall mean any educable minor between the ages of six (6) and twenty-one (21) 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 (6) and twenty-one (21) 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 (6) and twenty-one (21) 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.

SECTION 3. That Title 33, Chapter 20, Idaho Code, be, and the same is hereby amended by adding a new section thereto, following Section 33-2002, designated as Section 33-2002A, and to read as follows:

33-2002A. SPECIAL SERVICES TO BE PROVIDED. —Special services for exceptional children may include those services provided by special education teachers, as well as ancillary and itinerant personnel such as: visiting teachers, speech therapists, audiologists, school social workers, and psychologists. Supervisors of special education programs and directors of special education programs whose major responsibilities are in the supervision and administration of special education programs may be considered as providing services under this act.
"Ancillary personnel" are those persons who render special services to exceptional children in other than the regular or in addition to regular or special class instruction.

"Itinerant personnel" are those persons who render services to two or more schools, school districts, or locations, who are not assigned to an organized classroom, and who render services to exceptional children.

SECTION 4. That Section 33-2003, Idaho Code, be, and the same is hereby amended to read as follows:

33-2003. STATE BOARD OF EDUCATION TO SUPERVISE RESPONSIBILITIES OF STATE BOARD OF EDUCATION.—The state board of education shall:

1. Establish an administrative unit to administer the provisions of this act;

2. Establish programs, set standards, and employ such supervisory and clerical personnel as may be required to assist and direct school districts in educating and training exceptional children;

3. Establish a research program to evaluate on-going programs, assess the number and types of exceptional children, and make recommendations;

4. Formulate, and when necessary, revise regulations and standards for the determination of eligibility of children for special services, education and training. No child shall be enrolled or placed in any special education class nor shall any public funds be used for the education of such children except that a child be comprehensively evaluated in accordance with regulations and standards prescribed by the Department of Education and found to be eligible for special education programs supported by this act.

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 5. That Section 33-2004, Idaho Code, be, and the same is hereby amended to read as follows:

33-2004. CONTRACTING FOR EDUCATION BY ANOTHER SCHOOL DISTRICT OR, APPROVED REHABILITATION CENTER OR HOSPITAL, OR A CORPORATION.—The trustees of a school district may contract for the education of handicapped exceptional children by another school district or by any suitable private or public rehabilitation center or hospital, or corporation, approved by the state board of education and agree to pay therefor a sum not to exceed the local per student cost of current expenditures to the institution, corporation or district contracting to educate such students amounts computed as follows, for each such student: To another school district, the annual tuition rate of the district receiving such pupils, as shown by the tuition certificate last issued to the district under the provisions of Section 33-1405. To a rehabilitation center, hospital, or corporation, the amount computed immediately hereabove, but in this case for the sending district; and, in addition, the proceeds to the district as computed under the handicapped child factor of the sending district’s foundation program. 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 cooperative-ly 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.

When public school districts contract for the education of exceptional children residing within the several districts, one district shall be designated as the educating district for the purpose herein.
Should any corporation provide a program of education for exceptional children, contracts and payments as herein authorized may be made to such corporation upon approval of the state board of education.

When any rehabilitation center, hospital, or corporation shall have contracted for the education of any exceptional children as defined in this act all such children shall be enrolled in the district of their residence; and the institution, hospital or corporation shall, on June 30 of each year, certify to the home school district the daily record of attendance of each such pupil. The home district shall be qualified to compute the average daily attendance of such pupils, and, together with other average daily attendance of exceptional children being educated in the district, if any, certify the same to the state board of education in the following annual report of the district.

SECTION 6. That Section 33-2005, Idaho Code, be, and the same is hereby amended to read as follows:

33-2005. -EDUCATION OF CERTAIN HOMEBOUND CHILDREN-ITINERANT PERSONNEL-REIMBURSEMENT-ORGANIZED SPECIAL EDUCATION CLASSES. Any child under nineteen (19) 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. Special educational services may be rendered by any school district or school districts for enrolled exceptional children, through the employment of full-time or part-time ancillary or itinerant personnel in accordance with the regulations and standards prescribed by the Department of Education. Whenever a school district or school districts provide such services and employ such personnel in accordance with the Department of Education's standards each district or designated district shall include in its next following annual report a list of such personnel and the salaries paid; and the state board of education shall add eighty percent of the total thereof to the education foundation program of the district.

Whenever exceptional children as defined herein are grouped in a special education organized class they shall
qualify under the handicapped child factor of the education foundation program.

SECTION 7. That Section 33-2006, Idaho Code, be, and the same is hereby amended to read as follows:

33-2006. 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—(19)—twenty-one (21) years of age, who are in-patients of such maternity homes, and shall, upon satisfactory completion of required public school courses or correspondence courses from the University of Idaho or Idaho State College—University, issue credits or a diploma evidencing such achievement.

SECTION 8. EFFECTIVE DATE.—This act shall be in full force and effect on and after the first day of July, 1965.

Approved March 26, 1965.

CHAPTER 229
(H. B. No. 69, As Amended)

AN ACT

AMENDING CHAPTER 30 OF TITLE 63, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 63-3022, IDAHO CODE, TO BE KNOWN AND DESIGNATED AS SECTION 63-3022A, PROVIDING THAT CIVIL SERVICE ANNUITIES PAID TO RETIRED CIVIL SERVICE EMPLOYEES OF THE UNITED STATES ON AND AFTER JANUARY 1, 1965, UP TO THREE THOUSAND DOLLARS ($3,000.00) IN ANY TAX YEAR, SHALL NOT BE INCLUDED IN COMPUTATION OF TAXABLE INCOME; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 30 of Title 63, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 63-3022, Idaho Code, to be
known and designated as Section 63-3022A, and to read as follows:

63-3022A. The first three thousand dollars ($3,000.00) of an annuity paid by the United States of America during a tax year to a retired civil service employee on and after January 1, 1965, is hereby exempted from income taxation, and no such portion of such annuity paid shall be included in computing taxable income under Section 63-3022, 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 29, 1965.

CHAPTER 230
(H. B. No. 339)

AN ACT

appropriating moneys 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; appropriating moneys from the general fund to the public school income fund for the purpose of making funds available in the public school income fund for transfer to the teachers' retirement system as provided for in section 33-1331, Idaho Code; 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 $1,800,000 in addition to the funds appropriated by Senate Bill No. 178, 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>September 30, 1965</td>
<td>$225,000</td>
</tr>
<tr>
<td>December 31, 1965</td>
<td>225,000</td>
</tr>
<tr>
<td>March 31, 1966</td>
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<tr>
<td>July 10, 1966</td>
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<td>December 31, 1966</td>
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</tr>
<tr>
<td>March 31, 1967</td>
<td>243,000</td>
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</table>

$882,000

<table>
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<tbody>
<tr>
<td>September 30, 1966</td>
<td>225,000</td>
</tr>
<tr>
<td>December 31, 1966</td>
<td>225,000</td>
</tr>
<tr>
<td>March 31, 1967</td>
<td>243,000</td>
</tr>
</tbody>
</table>

$918,000

Total for the Biennium .... $1,800,000

SECTION 2. All moneys hereby appropriated in Section 1 of this act 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. There is hereby further appropriated out of the General Fund of the State of Idaho to the Public School Income Fund the sum of $200,000, or so much thereof as may be necessary, for the purpose of making funds available for transfer to the Teachers' Retirement System as provided for by Section 33-1331, Idaho Code.

SECTION 6. Transfer of the moneys hereby appropriated in Section 5 of this act shall be made upon request of the Board of Trustees of the Teachers’ Retirement System and upon order of the State Auditor, during the period commencing July 1, 1965 and ending June 30, 1967.
SECTION 7. This act is expressly exempt from the provisions of the Standard Appropriations Act of 1945.

Approved March 29, 1965.

CHAPTER 231
(H. B. No. 241, As Amended)

AN ACT
AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 33-1007, TO BE KNOWN AND DESIGNATED AS SECTION 33-1007A, BY PROVIDING THAT TWO OR MORE SECONDARY SCHOOL DISTRICTS WHICH OPERATE HIGH SCHOOLS AND WHICH ARE LESS THAN TEN MILES FROM EACH OTHER AND WHO RECEIVE SPARSITY CONSIDERATION OF 1.30 OR GREATER WILL RECEIVE A SPARSITY FACTOR AS THOUGH ONE SECONDARY UNIT, PROVIDING THAT THE DISTRICTS SUBJECT TO THIS REDUCTION MAY MAKE AN ADDITIONAL LEVY, PROVIDING THE METHOD OF CALCULATING THE REDUCTION IN STATE AND COUNTY SECONDARY FOUNDATION PROGRAM SUPPORT FOR DISTRICTS SUBJECT TO THE PROVISIONS OF THIS SECTION, PROVIDING THAT THE REDUCTION SHALL BE SUBTRACTED FROM THE ORIGINAL FLOOR; PROVIDING THAT THIS SECTION SHALL NOT APPLY TO A SECONDARY SEPARATE ATTENDANCE UNIT WHICH IS A PART OF A COUNTY CONSOLIDATED DISTRICT; AND PROVIDING THAT A CONSOLIDATED DISTRICT WITH APPROVAL OF THE STATE BOARD OF EDUCATION MAY RETAIN THE TOTAL SPARSITY FACTOR OF THE CONSOLIDATED DISTRICTS FOR TWO SCHOOL YEARS AFTER CONSOLIDATION.

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

SECTION 1. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 33-1007, to be known and designated as Section 33-1007A, and to read as follows:

33-1007A. For any school year after 1965-66, any combination of two or more contiguous high school operating school districts which individually receive a secondary grades sparsity factor consideration of 1.30 or greater and
whose secondary schools are located within ten miles or less of each other by all weather road, shall, for the purpose of Foundation Program calculation, be assigned that secondary sparsity factor consideration for which they would qualify if their secondary grades weighted average daily attendance were combined. If more than two districts would fall under the provisions of this section the groupings would be determined by the State Board of Education and the assignment then made of that reduced secondary sparsity according to the groupings so designated. The Board of Trustees in any district which receives this reduction in sparsity consideration is hereby authorized to levy, without election, that additional millage over and above 30 mills which is necessary to raise an equivalent amount of money that when added to the Foundation Program funds which they do receive from state and county sources will then equal the total amount which they would have received had this reduction in the secondary grade sparsity factor not been in effect.

In the event that a district or districts subject to the provisions of this section also receives Foundation Program money pursuant to the floor provisions of the distribution formula, then the provisions of this section shall govern and the reduction in state and county secondary foundation program support shall be calculated as follows:

The schools' foundation program shall be first calculated without reference to this section and without reference to the floor provisions. Then the provisions of this section shall be applied and the total reduction shall be calculated. This indicated reduction shall then be subtracted from the original floor for which the district qualified, and this adjusted floor shall then be the amount of state and county foundation money received by said district.

The provisions of this section shall not apply to any secondary separate attendance unit which is a part of a total county wide consolidated district.

In the event that two or more contiguous school districts voluntarily vote to consolidate they may, upon approval by the state board of education, be assigned the same total sparsity factors, both secondary and elementary, for which they qualified while they were separate districts. This assignment shall be made upon the basis of the evaluation by the state board of education of building programs, curriculum changes and transportation changes necessitated
by the consolidation. In no case shall the original sparsity factors be extended beyond two school years, after the effective date of the consolidation.

Approved March 29, 1965.

CHAPTER 232
(H. B. No. 228, As Amended in the Senate)

AN ACT

AMENDING CHAPTER 10 OF TITLE 33, IDAHO CODE, RELATING TO IDAHO PUBLIC SCHOOL FOUNDATION PROGRAM BY AMENDING SECTION 33-1001, IDAHO CODE, TO CLARIFY DEFINITION OF COMPUTING AVERAGE DAILY ATTENDANCE, PROVIDING DEFINITIONS OF ELEMENTARY GRADES, SECONDARY GRADES, REMOTE ELEMENTARY SCHOOLS, AND SEPARATE ATTENDANCE UNIT AMENDING SECTION 33-1002, IDAHO CODE, TO PROVIDE FOR ELEMENTARY GRADE SPARSITY FACTORS, A SECONDARY SCHOOL COST FACTOR, AMENDING METHOD OF COMPUTING WEIGHTED STATE AND DISTRICT AVERAGE DAILY ATTENDANCE, PROVIDING THAT EVERY SCHOOL DISTRICT LEVYING TWENTY-EIGHT MILLS ON ADJUSTED ASSESSED VALUATION OR ITS EQUIVALENT SHALL NOT RECEIVE LESS STATE AND COUNTY AID PER WEIGHTED AVERAGE DAILY ATTENDANCE THAN IT DID FOR THE PRECEDING SCHOOL YEAR, PROVIDING THAT A SCHOOL DISTRICT MUST LEVY TWENTY-EIGHT MILLS ON ACTUAL ASSESSED VALUATION OR ITS EQUIVALENT ON ADJUSTED ASSESSED VALUATION TO PARTICIPATE IN STATE AND COUNTY FOUNDATION PROGRAM: AMENDING SECTION 33-1003, IDAHO CODE, TO PROVIDE THAT REMOTE ELEMENTARY AND SPECIAL HARDSHIP ELEMENTARY SCHOOLS CAN PARTICIPATE IN STATE FOUNDATION PROGRAM AS SEPARATE SCHOOLS: AMENDING SECTION 33-1015, IDAHO CODE, TO PROVIDE THAT THE ASSESSMENT RATIO OF EACH COUNTY AS DETERMINED BY THE STATE TAX COMMISSION SHALL BE APPLIED TO THE ASSESSED VALUATION OF A SCHOOL DISTRICT'S PROPERTY IN EACH COUNTY IN COMPUTING MINIMUM REQUIREMENTS OF THE FOUNDATION PROGRAM TO BE SUPPLIED BY EACH SCHOOL DISTRICT; TRANSFERRING $1,000,000 FROM THE PUBLIC SCHOOL INCOME FUND, TO BE DISTRIBUTED TO SCHOOL DISTRICTS PURSUANT
TO THE PROVISIONS OF THIS ACT; PROVIDING FOR DISBURSEMENT OF THE TRANSFERRED SUM; TO PROVIDE FOR A SEVERABILITY CLAUSE, AND REPEALING ANY CONFLICTING LAWS AND PROVIDING FOR AN EFFECTIVE DATE OF THE FIRST DAY OF JULY, 1965.

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

SECTION 1. That Section 33-1001, Idaho Code, be, and the same is hereby amended to read as follows:

33-1001. 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 33-1002, together with the foundation transportation program described in section 33-1006.

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 "district" as used in this act shall mean any public school district organized under the laws of this state, including specially chartered school districts.

4. "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 year, but not including the days attendance of pupils for whom no Idaho school district is the home district, 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 the best twenty-eight (28) weeks having the highest 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.

5. "Elementary grades" or "elementary average daily attendance" as used in this act shall mean and apply to students enrolled in grades one (1) through six (6) inclusive, or any combination thereof.

6. "Secondary grades" or "secondary average daily attendance" as used in this act shall mean and apply to students enrolled in grades seven (7) through twelve (12) inclusive, or any combination thereof.

7. "Remote elementary school" as used in this act is one which measured from itself, traveling on an all-weather road, is situated more than ten (10) miles distance from both the nearest elementary school within the same school district and from the location of the office of the superintendent of schools of such district, or from the office of the chief administrative officer of such district if the district employs no superintendent of schools.

8. "Separate Attendance Unit" as used in this act shall mean any of the following: the average daily attendance of the district's elementary grades less the district's average daily attendance of handicapped elementary grade children and the average daily attendance of any pupils enrolled in a remote elementary school as defined in this act; the average daily attendance of the district's secondary grades less the district's average daily attendance of handicapped secondary grade children and the average daily attendance of any pupils enrolled in a secondary school qualifying for participation in the state and county foundation programs as a separate school under section 33-1003, Idaho Code; the average daily attendance of a remote elementary school; the average daily attendance of any secondary school qualifying for participation in the state and county foundation programs as a separate school under section 33-1003, Idaho Code; the average daily attendance of any elementary school classified as a remote elementary school by reason of special hardship as provided by paragraph b of section 33-1003, of this act.

SECTION 2. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. 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 (22) mills times the total state adjusted assessed valuation.

(2) Total Distribution Funds.—Add to the state equalization levy the eight (8) mill county levy and state appropriation including the moneys available from the public school income fund appropriation, together with all miscellaneous revenues and any balance or deficit in the county school found, to secure total distribution funds.

(3) Foundation Transportation Program.—Determine the foundation transportation program for the state as provided in section 33-1006 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></td>
<td>900 to 999</td>
<td>105%</td>
</tr>
<tr>
<td></td>
<td>800 to 899</td>
<td>110%</td>
</tr>
<tr>
<td></td>
<td>700 to 799</td>
<td>115%</td>
</tr>
<tr>
<td></td>
<td>600 to 699</td>
<td>120%</td>
</tr>
</tbody>
</table>

| SPARSITY FACTOR | 500 to 599                           | 125% |
|-----------------| 400 to 499                           | 120% |
|                 | 300 to 399                           | 135% |
|                 | 200 to 299                           | 140% |
|                 | 100 to 199                           | 145% |
|                 | 0 to 99                              | 150% |

(4) a. Weighted State Average Daily Attendance and Sparsity Factors.—The total weighted state average daily attendance
attendance shall be determined by using the tables set out hereafter called the Elementary Grades Sparsity Factor and the Secondary Grades Sparsity Factor, together when applicable, with the Handicapped Child Factor provided for in paragraph (4) b of this section, and the Secondary School Cost Factor provided for in paragraph (4) c of this section. The sum of all of the total weighted average daily attendance of all the school districts of the state as computed under the provisions of paragraph (6) b of this section shall be the total weighted state average daily attendance.

### ELEMENTARY GRADES SPARSITY FACTOR

<table>
<thead>
<tr>
<th>Average Daily Attendance</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>300 and over</td>
<td>1.00</td>
</tr>
<tr>
<td>200 to 299</td>
<td>1.10</td>
</tr>
<tr>
<td>150 to 199</td>
<td>1.15</td>
</tr>
<tr>
<td>100 to 149</td>
<td>1.20</td>
</tr>
<tr>
<td>50 to 99</td>
<td>1.25</td>
</tr>
<tr>
<td>20 to 49</td>
<td>1.25</td>
</tr>
<tr>
<td>5 to 19</td>
<td>1.25</td>
</tr>
</tbody>
</table>

To count as 25

### SECONDARY GRADES SPARSITY FACTOR

<table>
<thead>
<tr>
<th>Average Daily Attendance</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>750 and over</td>
<td>1.00</td>
</tr>
<tr>
<td>500 to 749</td>
<td>1.10</td>
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<tr>
<td>400 to 499</td>
<td>1.20</td>
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<td>300 to 399</td>
<td>1.25</td>
</tr>
<tr>
<td>200 to 299</td>
<td>1.40</td>
</tr>
<tr>
<td>100 to 199</td>
<td>1.50</td>
</tr>
<tr>
<td>0 to 99</td>
<td>1.7</td>
</tr>
</tbody>
</table>

In applying these tables to any given separate attendance unit as defined in this act, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit.

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 33-2001—33-2004. 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.

e. Classroom Cost Factor. The classroom cost factor shall be computed from the following table:
c. Secondary School Cost Factor.—In addition to the Secondary Grades Sparsity Factor provided in paragraph (4)a in this section, the actual unweighted average daily attendance of every separate attendance unit of secondary grade pupils shall be multiplied by a factor of .30 to be called the Secondary School Cost Factor.

(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 Tuesday of September 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 twenty-two (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
b. District Weighted Average Daily Attendance.—The weighted average daily attendance of each school district in the state shall be determined as follows:

(1) Multiply the actual unweighted average daily attendance of each elementary grade separate attendance unit of the district as defined in this act, excluding the average daily attendance of handicapped elementary grade pupils, by the appropriate elementary grades sparsity factor in paragraph (4) a, of this section; then add the products of the weighted average daily attendance of each such elementary grades separate attendance unit to obtain the district's total elementary grades weighted average daily attendance.

(2) Multiply the actual unweighted average daily attendance of each secondary grade separate attendance unit of the district as defined in this act, excluding the average daily attendance of handicapped secondary grade pupils, by the appropriate secondary grades sparsity factor in paragraph (4) a, of this section; then multiply the actual unweighted average daily attendance of each secondary grade's attendance unit by the secondary school cost factor as provided in paragraph (4) c; then add the products obtained by applying the secondary grades sparsity factor and the secondary school cost factor; this sum is the district's total secondary weighted average daily attendance.

(3) Multiply the combined total of the actual unweighted averaged daily attendance of all the elementary and secondary grades handicapped pupils of the district by the handicapped child factor provided in paragraph (4) b of this section, to obtain the total handicapped weighted average daily attendance of the district.

(4) The total weighted average daily attendance of the district shall be the sum of products of the district's total elementary weighted average daily attendance, sub-paragraph (1) herein, the total secondary weighted average daily attendance, sub-paragraph (2) herein, and the total handicapped child weighted average daily attendance, sub-paragraph (3) herein.

c. Total District Cost.—Multiply total district weighted average daily attendance by the state cost per student to secure total district education cost.
(7) a. Every school district which has levied taxes for the maintenance and operation of public schools for the 1963-64 and 1964-65 school years, 1964-1965 school year and any subsequent school year, of at least twenty-eight (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 twenty-eight (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 per pupil in average daily attendance as it did for the preceding year. In order to implement this provision, the district, in the event of a reduced average daily attendance, may multiply its average daily attendance of the current year by the preceding year’s state and county aid per pupil in average daily attendance.

b. Those districts which do not levy at least twenty-eight (28) mills for maintenance and operation 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 twenty-eight (28) mill levy against the adjusted assessed valuation of the district, on the actual assessed valuation for maintenance and operation of public schools in any school year, or a mill levy which produces revenue at least equal to that which would have accrued from a levy of twenty-eight (28) mills on the adjusted assessed valuation of the district, shall not participate in the state or county foundation program provided for by this chapter for any such school year.

c. Paragraph (7) a and paragraph (7) b herein are to be applied as provided for in paragraphs 6 and 7 of section 33-1009 of this chapter if the full amount of apportionments required by this act cannot be made in any one (1) school year because of lack of funds.

d. Paragraph (7)a and paragraph (7)b do not apply to the foundation transportation program.

SECTION 3. That Section 33-1003, Idaho Code, be, and the same hereby is, amended to read as follows:

33-1003. Application of foundation program to separate
schools in district. — Minimum number of pupils required. —
Any elementary school which is located more than ten (10) miles by all weather road from any other elementary school operated by the district. a. Remote Elementary School. — Any remote elementary school as defined in this act, 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.

b. Hardship Remote Elementary School. — Upon application of the board of trustees of a school district, the state board of education is empowered to determine that a given elementary school or elementary schools within such school district, not otherwise qualifying, are entitled to be counted as a remote elementary school as defined in section 33-1001 when, in the discretion of the state board of education, special conditions exist warranting the retention of such school as a separate attendance unit and such retention results in a substantial increase in cost per pupil in average daily attendance above the average cost per pupil in average daily attendance of the remainder of such district's elementary grade school pupils.

c. Remote Secondary School. — Any secondary school which is located more than fifteen (15) 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. Provided, however, that secondary schools which are within fifteen (15) miles of each other by all weather road, but which are each more than fifteen (15) miles by all weather road, from other secondary schools in the district, shall be considered as one attendance unit, and their average daily attendance combined and the appropriate secondary grades sparsity factor applied, as in this section provided.

d. Minimum Pupils Required. — Any elementary school having less than ten (10) pupils in average daily attendance shall not be allowed to participate in the state or county 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 (5) pupils during the preceding year.

SECTION 4. That Section 33-1015, Idaho Code, be, and the same is hereby amended to read as follows:
33-1015. Apportionment—Minimum levies defined.—For the purposes of equalizing the apportionments authorized in section 33-1009, 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 33-1009 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 assessed 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 two and one-fifth per cent (2 1/5%) of the adjusted assessed 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 applying the ratio for each county, as ascertained by the state tax commission to the assessed valuation of the school district's taxable property situated in each such county.

Section 5. There is hereby transferred from the public school income fund, the sum of $1,000,000, to be distributed to school districts pursuant to the formula established in the foregoing provisions of this act.

Section 6. In order to qualify for a share of the distribution of said transferred funds from the public school income fund, a school district must have an income per average daily attendance over the preceding year's state support for the average daily attendance of the district and such increase must be less than the average difference of all districts having an increase per average daily attendance over the preceding year's state support for the average daily attendance of those districts.

The share of distribution of funds under this act to such qualifying districts shall be based on the difference between the increase in state funds per average daily attendance in the district and the average increase in state funds per average daily attendance of all districts.
For the purposes of this act, the term "all districts" shall not include token districts.

Section 7. There shall also be distributed from the transferred sum, as provided in Section 5, above, to those districts which are guaranteed no less than they received the previous year (floor districts), ten dollars ($10.00) per average daily attendance per annum.

Section 8. The foundation program, for the purposes of this act, shall be computed by applying eight (8) mills to the adjusted assessed valuation of each participating school district and then subtracting this amount from the state and county school funds as defined in the foregoing provisions of this act.

Section 9. Severability.—If any provision of this act or the application thereof to any persons, 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 10. This act shall supersede all other acts or any portion thereof enacted by the 38th 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 11. Effective Date.—This act shall be and become effective on and after the 1st day of July, 1965.

Approved March 29, 1965.

CHAPTER 233
(H. B. No. 337)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE DEPARTMENT OF INSURANCE FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE, CAPITAL OUTLAY AND REFUNDS OF ERRONEOUS RECEIPTS; APPROPRIATING MONEYS FROM THE AERONAUTICS FUND TO THE DIRECTOR OF AERONAUTICS FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER
CURRENT EXPENSE AND CAPITAL OUTLAY; APPROPRIATING MONEYS FROM THE ATHLETIC FUND TO THE ATHLETIC COMMISSION FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE, CAPITAL OUTLAY AND REFUNDS OF ERRONEOUS RECEIPTS; APPROPRIATING MONEYS FROM THE BAR COMMISSION FUND TO THE BAR COMMISSION FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE, CAPITAL OUTLAY AND REFUNDS OF ERRONEOUS RECEIPTS; APPROPRIATING MONEYS FROM THE STATE BOARD OF ACCOUNTANCY FUND TO THE BOARD OF ACCOUNTANCY FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE AND REFUNDS OF ERRONEOUS RECEIPTS; APPROPRIATING MONEYS FROM THE PHARMACY FUND TO THE PHARMACY BOARD FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE, CAPITAL OUTLAY AND REFUNDS OF ERRONEOUS RECEIPTS; APPROPRIATING MONEYS FROM THE PROFESSIONAL ENGINEERS' FUND TO THE BOARD OF ENGINEERING EXAMINERS FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE, CAPITAL OUTLAY AND REFUNDS OF ERRONEOUS RECEIPTS; APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE DEPARTMENT OF LABOR FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE AND CAPITAL OUTLAY; APPROPRIATING MONEYS FROM THE ELECTRICAL BOARD ACCOUNT TO THE ELECTRICAL BOARD FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE, CAPITAL OUTLAY AND REFUNDS OF ERRONEOUS RECEIPTS; APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE DEPARTMENT OF FINANCE FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE AND CAPITAL OUTLAY; APPROPRIATING MONEYS FROM THE INDUSTRIAL ADMINISTRATION FUND AND RECEIPTS TO APPROPRIATIONS TO THE INDUSTRIAL ACCIDENT BOARD FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE AND CAPITAL OUTLAY; APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE INSPECTOR OF MINES FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE AND CAPITAL OUTLAY; APPROPRIATING MONEYS FROM THE
STATE LIQUOR FUND TO THE LIQUOR DISPENSARY FOR
THE PURPOSE OF PAYING SALARIES AND WAGES,
TRAVEL EXPENSE, OTHER CURRENT EXPENSE AND
CAPITAL OUTLAY; APPROPRIATING MONEYS FROM THE
NURSE REGISTRATION AND EDUCATIONAL FUND TO
THE NURSES REGISTRATION AND EDUCATION BOARD
FOR THE PURPOSE OF PAYING SALARIES AND WAGES,
TRAVEL EXPENSE, OTHER CURRENT EXPENSE, CAPITAL
OUTLAY AND REFUNDS OF ERRONEOUS RECEIPTS;
APPROPRIATING MONEYS FROM THE OCCUPATIONAL
LICENSE FUND TO THE OCCUPATIONAL LICENSE
BUREAU FOR THE PURPOSE OF PAYING SALARIES
AND WAGES, TRAVEL EXPENSE, OTHER CURRENT
EXPENSE, CAPITAL OUTLAY AND REFUNDS OF ERRONEOUS RECEIPTS; APPROPRIATING MONEYS FROM
THE PLUMBING BOARD FUND TO THE PLUMBING
BOARD FOR THE PURPOSE OF PAYING SALARIES
AND WAGES, TRAVEL EXPENSE, OTHER CURRENT
EXPENSE, CAPITAL OUTLAY, REFUNDS OF ERRONEOUS
RECEIPTS AND PAYMENT AS AGENT; APPROPRIATING
MONEYS FROM THE GENERAL FUND AND PUBLIC UTILITIES COMMISSION FUND TO THE PUBLIC UTILITIES COMMISSION FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE AND CAPITAL OUTLAY; APPROPRIATING MONEYS FROM THE PUBLIC WORKS CONTRACTOR LICENSE FUND TO THE PUBLIC WORKS CONTRACTORS LICENSE BOARD FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE, CAPITAL OUTLAY AND REFUNDS OF ERRONEOUS RECEIPTS; APPROPRIATING MONEYS FROM THE REAL ESTATE BROKERS' FUND TO THE REAL ESTATE BROKERS BOARD FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE, CAPITAL OUTLAY AND REFUNDS OF ERRONEOUS RECEIPTS; APPROPRIATING MONEYS FROM THE STATE INSURANCE FUND TO THE STATE INSURANCE FUND ADMINISTRATION FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE AND CAPITAL OUTLAY; APPROPRIATING MONEYS FROM THE BOARD OF MEDICINE FUND TO THE STATE BOARD OF MEDICINE FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE AND OTHER CURRENT EXPENSE; APPROPRIATING MONEYS FROM THE HORSE RACING ACT FUND TO THE HORSE RACING COMMITTEE FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE AND

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

SECTION 1. There is hereby appropriated out of the General Fund, Receipts to Appropriations, Aeronautics Fund, Athletic Fund, Bar Commission Fund, State Board of Accountancy Fund, Pharmacy Fund, Professional Engineers’ Fund, Electrical Board Account, Industrial Administration Fund, State Liquor Fund, Nurse Registration and Education Fund, Occupational License Fund, Plumbing Board Fund, Public Utilities Commission Fund, Public Works Contractor License Fund, Real Estate Brokers’ Fund, State Insurance Fund, Board of Medicine Fund and Horse Racing Act 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 of erroneous receipts and payments as agent, of the agencies hereinafter named, for the period commencing July 1, 1965, and ending June 30, 1967, subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:

<table>
<thead>
<tr>
<th>Department of Insurance</th>
<th>Appropriations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>For: Salaries and Wages</td>
<td>$113,520</td>
</tr>
<tr>
<td>Travel Expense</td>
<td>4,600</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>41,758</td>
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<td>Capital Outlay</td>
<td>2,000</td>
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<tr>
<td>Refunds of Erroneous Receipts</td>
<td>500</td>
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<tr>
<td>Total</td>
<td>$162,378</td>
</tr>
<tr>
<td>From the General Fund</td>
<td>$162,378</td>
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<table>
<thead>
<tr>
<th>Director of Aeronautics</th>
<th>Appropriations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>For: Salaries and Wages</td>
<td>$106,366</td>
</tr>
<tr>
<td>Travel Expense</td>
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<td>Other Current Expense</td>
<td>145,634</td>
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<td>Capital Outlay</td>
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<tr>
<td>Total</td>
<td>$280,000</td>
</tr>
<tr>
<td>From the Aeronautics Fund</td>
<td>$280,000</td>
</tr>
</tbody>
</table>
ATHLETIC COMMISSION:
For: Salaries and Wages .................. $ 2,000
    Travel Expense ....................... 500
    Other Current Expense ............... 550
    Capital Outlay ....................... 125
    Refunds of Erroneous Receipts ...... 25

    Total .................................. $ 3,200
    From the Athletic Fund ............. $ 3,200

BAR COMMISSION:
For: Salaries and Wages .................. $ 42,516
    Travel Expense ....................... 17,800
    Other Current Expense ............... 18,592
    Capital Outlay ....................... 1,092
    Refunds of Erroneous Receipts ......

    Total .................................. $ 80,000
    From the Bar Commission Fund ...... $ 80,000

BOARD OF ACCOUNTANCY:
For: Salaries and Wages .................. $ 10,600
    Travel Expense ....................... 3,750
    Other Current Expense ............... 13,880
    Refunds of Erroneous Receipts ...... 400

    Total .................................. $ 28,630
    From the State Board of Accountancy Fund $ 28,630

PHARMACY BOARD:
For: Salaries and Wages .................. $ 58,000
    Travel Expense ....................... 24,160
    Other Current Expense ............... 13,040
    Capital Outlay ....................... 1,000
    Refunds of Erroneous Receipts ...... 100

    Total .................................. $ 96,300
    From the Pharmacy Fund ............. $ 96,300

BOARD OF ENGINEERING EXAMINERS:
For: Salaries and Wages .................. $ 17,000
    Travel Expense ....................... 4,500
    Other Current Expense ............... 13,475
    Capital Outlay ....................... 1,400
    Refunds of Erroneous Receipts ...... 75

    Total .................................. $ 36,450
    From the Professional Engineers’ Fund $ 36,450
<table>
<thead>
<tr>
<th>Department</th>
<th>For:</th>
<th>Salaries and Wages</th>
<th>Travel Expense</th>
<th>Other Current Expense</th>
<th>Capital Outlay</th>
<th>Total</th>
<th>From the General Fund</th>
<th>From the Electrical Board Account</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DEPARTMENT OF LABOR:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$ 74,000</td>
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<td>$ 121,884</td>
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<td><strong>DEPARTMENT OF FINANCE:</strong></td>
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<td><strong>INDUSTRIAL ACCIDENT BOARD:</strong></td>
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<td></td>
<td>$ 191,772</td>
<td>$ 275,737</td>
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<tr>
<td><strong>INSPECTOR OF MINES:</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>$ 43,000</td>
<td>$ 64,183</td>
<td></td>
</tr>
</tbody>
</table>
### STATE LIQUOR DISPENSARY:

For:
- **Salaries and Wages**: $1,354,005
- **Travel Expense**: 12,000
- **Other Current Expense**: 576,897
- **Capital Outlay**: 40,000

**Total**: $1,982,902

From the State Liquor Fund: $1,982,902

### NURSES REGISTRATION AND EDUCATION BOARD:

For:
- **Salaries and Wages**: $40,620
- **Travel Expense**: 10,000
- **Other Current Expense**: 29,010
- **Capital Outlay**: 2,000
- **Refunds of Erroneous Receipts**: 250

**Total**: $81,880

From the Nurse Registration and Educational Fund: $81,880

### OCCUPATIONAL LICENSE BUREAU:

For:
- **Salaries and Wages**: $102,152
- **Travel Expense**: 60,500
- **Other Current Expense**: 51,320
- **Capital Outlay**: 3,828
- **Refunds of Erroneous Receipts**: 200

**Total**: $218,000

From the Occupational License Fund: $218,000

### PLUMBING BOARD:

For:
- **Salaries and Wages**: $103,460
- **Travel Expense**: 40,000
- **Other Current Expense**: 20,385
- **Capital Outlay**: 570
- **Refunds of Erroneous Receipts**: 300
- **Payment as Agent**: 2,000

**Total**: $166,715

From the Plumbing Board Fund: $166,715

### PUBLIC UTILITIES COMMISSION:

For:
- **Salaries and Wages**: $300,077
- **Travel Expense**: 40,600
- **Other Current Expense**: 130,000
- **Capital Outlay**: 2,800
Total ........................................$ 473,477
From the General Fund ................................ 94,695
Public Utilities Commission Fund......... 378,782

Total ........................................$ 473,477

PUBLIC WORKS CONTRACTORS LICENSE BOARD:
For: Salaries and Wages .........................$ 54,030
Travel Expense ................................ 1,950
Other Current Expense ....................... 25,950
Capital Outlay ................................ 0
Refunds of Erroneous Receipts .............. 0

Total ........................................$ 81,930
From the Public Works Contractor License Fund ........................................ $ 81,930

REAL ESTATE BROKERS BOARD:
For: Salaries and Wages .........................$ 67,150
Travel Expense ................................ 19,500
Other Current Expense ....................... 40,100
Capital Outlay ................................ 1,000
Refunds of Erroneous Receipts .............. 500

Total ........................................$ 128,250
From the Real Estate Brokers' Fund ........ $ 128,250

STATE INSURANCE FUND ADMINISTRATION:
For: Salaries and Wages .........................$ 350,000
Travel Expense ................................ 17,000
Other Current Expense ....................... 175,000
Capital Outlay ................................ 26,000

Total ........................................$ 568,000
From the State Insurance Fund ............. $ 568,000

STATE BOARD OF MEDICINE:
For: Salaries and Wages .........................$ 21,000
Travel Expense ................................ 6,800
Other Current Expense ....................... 5,000

Total ........................................$ 32,800
From the Board of Medicine Fund ........... $ 32,800

HORSE RACING COMMITTEE:
For: Salaries and Wages .........................$ 47,400
CHAPTER 234
(H. B. No. 336, As Amended)

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 April 1, 1965 and end-

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel Expense</td>
<td>22,850</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>13,367</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>5,167</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$88,784</td>
</tr>
<tr>
<td>From the Horse Racing Act Fund</td>
<td>$88,784</td>
</tr>
</tbody>
</table>

Approved March 29, 1965.
starting 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>TAX COLLECTOR:</td>
<td></td>
</tr>
<tr>
<td>For:</td>
<td></td>
</tr>
<tr>
<td>Salaries and Wages</td>
<td>$9,324</td>
</tr>
<tr>
<td>Travel Expense</td>
<td>$4,620</td>
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<td>Other Current Expense</td>
<td>$74,500</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$6,180</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$94,624</strong></td>
</tr>
<tr>
<td>From the General Fund</td>
<td><strong>$94,624</strong></td>
</tr>
</tbody>
</table>

SECTION 2. An emergency existing for Section 1 hereof, which emergency is hereby declared to exist, Section 1 of this act shall be in full force and effect on and after April 1, 1965.

SECTION 3. There is hereby appropriated out of the General Fund of the State of Idaho, Receipts to Appropriations, 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 agencies herein named, for the period commencing July 1, 1965 and ending June 30, 1967; 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>TAX COMMISSION:</td>
<td></td>
</tr>
<tr>
<td>For:</td>
<td></td>
</tr>
<tr>
<td>Salaries and Wages</td>
<td>$1,033,389</td>
</tr>
<tr>
<td>Travel Expense</td>
<td>$160,000</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>$550,200</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$47,604</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,791,193</strong></td>
</tr>
<tr>
<td>From the General Fund</td>
<td><strong>$1,790,193</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>To Whom Appropriated:</th>
<th>Appropriations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>TAX COMMISSION:</td>
<td></td>
</tr>
<tr>
<td>For:</td>
<td></td>
</tr>
<tr>
<td>Salaries and Wages</td>
<td>$297,300</td>
</tr>
<tr>
<td>Travel Expense</td>
<td>$63,600</td>
</tr>
<tr>
<td>Other Current Expense</td>
<td>$63,412</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$8,220</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$432,532</strong></td>
</tr>
<tr>
<td>From the General Fund</td>
<td><strong>$432,532</strong></td>
</tr>
</tbody>
</table>
SECTION 4. It is agreed and understood that the $94,624 as provided in Section 1 and $151,193 as provided in Section 3 and included in the total $1,791,193 of the tax collector's appropriation is advanced to the tax collector to set up and implement the collection of the Sales Tax. This amount $245,817 will be returned to the General Fund from the $1,000,000 provided to the tax collector for administration of the Sales Tax.

Approved March 29, 1965.

CHAPTER 235
(H. B. No. 329)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO THE PUBLIC UTILITIES COMMISSION FOR THE PURPOSE OF PAYING EXPENSES FOR THE PERIOD COMMENCING JULY 1, 1965 AND ENDING JUNE 30, 1967; SUBJECT TO THE PROVISIONS OF THE STANDARD APPROPRIATIONS ACT OF 1945; AND PROVIDING THAT THE ADDITIONAL APPROPRIATIONS MADE UNDER THIS ACT SHALL NOT BE CONSIDERED IN COMPUTING MATCHING FUNDS FROM THE PUBLIC UTILITIES COMMISSION FUND UNDER SECTION 61-1002, IDAHO CODE.

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, for the purpose of paying any expenses of the agency herein named, for the period commencing July 1, 1965, and ending June 30, 1967; subject to the provisions of the Standard Appropriations Act of 1945; this act is in addition to other appropriations made by the Thirty-Eighth Session of the Legislature of the State of Idaho, and the appropriation made herein shall not be considered in computing the matching funds to be paid out of the Public Utilities Commission Fund under Section 61-1002, Idaho Code:
CHAPTER 236  
(H. B. No. 326)  
AN ACT  

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

SECTION 1. There is hereby appropriated out of the 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, 1965, and ending June 30, 1967; 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:  
Appropriations:  
For:  
Total ........................................$10,749,685.00  
Less Other Income ...................... 1,614,300.00  
From the General Fund .................$ 9,135,385.00  
Approved March 29, 1965.
CHAPTER 237
(H. B. No. 316)

AN ACT

REPEALING HOUSE BILL NO. 55, ENACTED BY THE LEGISLATURE OF THE THIRTY-EIGHTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO; AMENDING SECTION 43-708, IDAHO CODE, RELATING TO THE COLLECTION OF PENALTIES AND INTEREST ON THE DELINQUENT ASSESSMENTS OF IRRIGATION DISTRICTS, BY PROVIDING THAT WHERE SUCH PENALTIES AND INTEREST DO NOT AGGREGATE THE SUM OF ONE DOLLAR ($1.00) ON ANY ONE ASSESSMENT NUMBER, THE TREASURER SHALL NOT BE REQUIRED TO COLLECT SUCH PENALTY AND INTEREST.

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

SECTION 1. That House Bill No. 55, enacted by the Legislature of the Thirty-eighth Session of the Legislature of State of Idaho, be, and the same is hereby repealed.

SECTION 2. That Section 43-708, Idaho Code, be, and the same is hereby amended to read as follows:

43-708. On or before the second Monday of January of each year succeeding the year in which the assessments are levied the treasurer shall carry out and enter all delinquent assessments, with the penalties thereon, on the assessment roll, which entry shall be considered to be dated as of the first day of January in such succeeding year, and shall have the force and effect of a sale to the treasurer of the district as grantee in trust for the district for all lands entered upon the assessment roll upon which one-half or more of the original amount of such assessments have not been paid before delinquency.

On or before the second Monday of July of such succeeding year the treasurer shall make delinquency entries as hereinbefore described for all lands entered on the assessment roll on which the remaining one-half of the original amount of such assessment has not been paid before delinquency, which entries shall also be considered to be dated as of January first of such year.

The penalties required to be added on delinquent assessments shall be two per cent of the amount remaining unpaid and the treasurer shall collect such delinquent assessments
with such penalty added, together with interest on the amount of such delinquent assessments at the rate of eight per cent per annum from said first day of January until redemption, provided that where such penalties and interest do not aggregate the sum of one dollar ($1.00) on any one assessment number, the treasurer shall not be required to collect such penalty and interest.

Provided, that if the first half of such taxes be not paid prior to the said twentieth day of December, the amount of such one-half, plus a penalty of two per cent thereof with interest on the total at the rate of eight per cent per annum from the date of delinquency may be paid at any time between the third Monday of January in the year succeeding the year in which such taxes are levied and the twentieth day of June next thereafter, and, in the event of such payment, the second one-half of such taxes may be paid thereafter, without penalty, at any time between the two dates last above-mentioned.

Approved March 29, 1965.

CHAPTER 238
(H. B. No. 313, As Amended)

AN ACT
AMENDING SECTION 33-2101, IDAHO CODE, TO CREATE SIX JUNIOR COLLEGE AREAS WITHIN THE STATE WITHIN WHICH JUNIOR COLLEGE DISTRICTS MAY BE ESTABLISHED, DEFINING BOUNDARIES OF THE AREAS, AMENDING SECTION 33-2103 TO REQUIRE AT LEAST FOUR SCHOOL DISTRICTS, OR PORTIONS THEREOF TO APPLY FOR THE FORMATION OF A JUNIOR COLLEGE DISTRICT AND SUCH DISTRICT TO HAVE A MINIMUM OF $20,000,000 ASSESSED VALUE, SUBJECT TO THE APPROVAL OF THE BOARD OF EDUCATION, AMENDING SECTION 33-2110, IDAHO CODE, TO DEFINE COST OF OPERATIONS FOR SETTING NONRESIDENT STUDENT TUITION, AMENDING CHAPTER 21 OF TITLE 33, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 33-2110, TO BE KNOWN AS SECTION 33-2110A, REQUIRING THE TUITION OF STUDENTS FROM OUTSIDE A JUNIOR COLLEGE DISTRICT TO BE PAID BY THE COUNTY OF THEIR RESIDENCE, DEFINING RESIDENCE, SETTING
THE MAXIMUM LIABILITY OF THE COUNTY FOR A STUDENT'S JUNIOR COLLEGE TUITION AT $225.00 PER SEMESTER FOR A TWO SEMESTER YEAR, AND REQUIRING THE STUDENT TO PAY THE RESIDENT TUITION AND FEES AND ANY EXCESS ABOVE SAID MAXIMUM LIABILITY, PROVIDING METHOD OF COLLECTION OF SAID TUITION BY A JUNIOR COLLEGE DISTRICT FROM A COUNTY, PROVIDING FUNDS TO THE COUNTY FOR PAYMENT OF TUITION BY ASSIGNMENT OF FIFTY PER CENT OF THE COUNTY'S LIQUOR MONIES TO A JUNIOR COLLEGE FUND, AND IF SUCH FUNDS ARE NOT SUFFICIENT, AUTHORIZING SAID COUNTY TO LEVY UP TO THREE MILLS ON THE TAXABLE PROPERTY IN THE COUNTY FOR SUCH NONRESIDENT JUNIOR COLLEGE TUITION, PROVIDING FOR SETTING A JUNIOR COLLEGE FUND BUDGET BY EACH COUNTY AND REFUNDING OF TAXES NOT NECESSARY THEREFOR, PROVIDING FOR A SAVINGS AND SEPARABILITY CLAUSE AND AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-2101, Idaho Code, be, and the same hereby is, amended to read as follows:

33-2101. JUNIOR COLLEGE DISTRICTS, APPROVALS, BOUNDARIES OF JUNIOR COLLEGE AREAS.—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 (12).

To provide for the orderly establishment and growth of junior colleges, a state wide system of six junior college areas is hereby created, as hereafter described. The State Board of Education shall only approve the existence of one centrally located district in any area until the enrollment of such junior college therein exceeds 1000 full time day students a year from within the area.

The boundaries of junior college areas hereby created may be changed by the State Board of Education upon 30 days notice to the boards of trustees of each school district in each of the junior college areas affected and upon public hearing. No change shall be made to place more than one existing junior college in an area. Notice of any boundary change shall forthwith be filed with the board of county commissioners of each county affected.
Area No. 1 shall comprise the territory of the counties of Benewah, Bonner, Boundary, Kootenai and Shoshone.

Area No. 2 shall comprise the territory of the counties of Clearwater, Idaho, Latah, Lewis and Nez Perce.

Area No. 3 shall comprise the territory of the counties of Ada, Adams, Boise, Canyon, Gem, Payette, Valley, Washington, that portion of Elmore County lying generally west of a line described as follows:

Beginning at the junction of the boundary line common to Blaine, Boise, Custer and Elmore counties, thence proceeding in a general southerly direction along the boundaries of Blaine and Elmore counties and Blaine and Camas counties to the northeast corner of Section 1, T. 1 S., R. 11 E., B. M.; thence west 3 miles to the northwest corner of Section 3, same township and range; thence south 4 miles to the southwest corner of Section 22, T. 1 S., R. 11 E., B. M.; thence west a distance of 15 miles more or less to the southwest corner of Section 19, T. 1 S., R. 9 E., B. M.; thence south 2 miles to the southwest corner of Section 31, T. 1 S., R. 9 E., B. M.; thence west a distance of one and three-fourths (1 3/4) miles more or less to a point where the south section line of Section 35, T. 1 S., R. 8 E., B. M., intersects Bennett Creek; thence in a southwesterly direction down said Bennett Creek approximately 8 miles more or less to the southwest corner of Section 27, T. 2 S., R. 8 E., B. M.; thence south along the section lines 5 miles to the southwest corner of Section 22, T. 3 S., R. 8 E., B. M.; thence west 3 miles to the northwest corner of Section 30, T. 3 S., R. 8 E., B. M.; thence south along the section lines a distance of 14 miles more or less to the Snake River which is also the boundary between Elmore and Owyhee counties;

and that portion of Owyhee County lying generally west of a line described as follows:

Beginning at the northwest corner of Section 33, T. 5 S., R. 7 E., B. M., which is on the boundary of Elmore and Owyhee counties, thence south along the section lines 7 miles more or less to the southwest corner of Section 33, T. 6 S., R. 7 E., B. M.; thence west to the northwest corner of Section 4, T. 7 S., R. 7 E., B. M.; thence south one and one-half (1 1/2) miles more or less to the southwest corner of Section 9, T. 7 S., R. 7 E., B. M.; thence east along the section lines 10 miles
more or less to the northeast corner of Section 13, T. 7 S., R. 8 E., B. M.; thence south 4 miles to the southeast corner of Section 36, T. 7 S., R. 8 E., B. M.; thence east twenty-one and one-half (21 1/2) miles more or less to the north-south center line of Section 3, T. 8 S., R. 12 E., B. M.; which is also the boundary line of Twin Falls and Owyhee counties; thence south along said boundary lines 36 miles to the township line between Townships 13 South and 14 South, R. 12 E., B. M.; thence west along said township line twenty-seven and one-half (27 1/2) miles more or less to the southwest corner of Section 31, T. 13 S., R. 8 E., B. M.; thence south along the section lines 17 miles more or less to the southwest corner of Section 30, T. 16 S., R. 8 E., B. M.; which is also the Nevada State Line.

Area No. 4 shall comprise the territory of the counties of Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls, and those portions of the counties of Elmore and Owyhee not included in the description of Area No. 3.

Area No. 5 shall comprise the territory of the counties of Bannock, Bear Lake, Caribou, Franklin, Oneida, Power, and that portion of Bingham County lying west of a line described as follows:

Beginning at the northeast corner of Section 1, T. 3 N., R. 33 E., B. M.; which is also a point common to Jefferson, Bonneville and Bingham counties; thence due south on the section line a distance of eighteen (18) miles to the southeast corner of Section 36, T. 1 N., R. 33 E., B. M.; thence east on the township line a distance of five and one-half (5 1/2) miles more or less to the north-south center line of Section 6, T. 1 S., R. 35 E., B. M.; thence south on the center section line a distance of six (6) miles more or less to a point where said center line intersects the east-west section line common to Section 6, T. 2 S., R. 35 E., B. M. and Section 31, T. 1 S., R. 35 E., B. M.; thence south along said section line a distance of five and one-half (5 1/2) miles more or less to the northeast corner of Section 1, T. 2 S., R. 35 E., B. M.; thence south one and one-half (1 1/2) miles to the southwest corner of the northwest quarter of Section 7, T. 2 S., R. 36 E., B. M.; thence east six (6) miles more or less to the Range line common to Ranges 36 and 37 E., B. M.; thence south on said Range line two and one-quarter (2 1/4) miles more or less to its point of intersection with the Blackfoot River; thence
following the Blackfoot River in a northeasterly and southeasterly direction to a point where said river intersects the township line common to Bingham and Caribou Counties.

Area No. 6 shall comprise the territory of the counties of Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, Teton, and that portion of Bingham County not included in the description of Area No. 5.

SECTION 2. That Section 33-2103, Idaho Code, be, and the same hereby is, amended to read as follows:

33-2103. 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 (1) or more school districts and the area or any part thereof, of one (1) or more counties having an aggregate enrollment in grades nine (9) through twelve (12) during the school year; next preceding the organization of such district, of not less than 2000 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 twenty million dollars ($20,000,000).

The State Board of Education in considering a petition filed pursuant to Section 33-2104 shall verify all the above requirements, as well as determine the number of the students expected to attend and the facilities available, or to be made available, for operation of the school.

SECTION 3. That Section 33-2110, Idaho Code, be, and the same hereby is, amended to read as follows:

33-2110. 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 $100.00 per annum; for all other students taking such courses the tuition shall be, as nearly as is practicable, the annual costs of instruction and administration, and like costs, all elements of providing such courses of instruction, including teaching, administration, maintenance, operation and depreciation of equipment and buildings, supplies and fuel, and other ordinary and necessary expenses of operation 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 moneys 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 moneys received from educational funds other than vocational moneys, as referred to in this chapter, from the state of Idaho. Receipt of moneys, 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 (6) 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 chapter 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 4. That Chapter 21 of Title 33, Idaho Code, be, and the same hereby is, amended by adding a new section thereto following Section 33-2110, as amended, to be known and designated as Section 33-2110A, to read as follows:

33-2110A. TUITON OF OUT OF DISTRICT IDAHO STUDENTS, COUNTY TAXES AND OTHER FINANCIAL SUPPORT.—Any student residing in the area of a
county outside of a junior college district or in a county without a junior college district, who has been a resident of the county and state for not less than six (6) months continuously prior to the date of his first enrollment in a junior college, which residence may not be acquired while attending and enrolled in a junior college or other public school above the twelfth grade, may enroll in a junior college in the junior college area in which he resides, or, if there is none in said area, any other junior college in the state, and the county of his residence shall pay that portion of his tuition as hereinafter set out. The tuition which shall be paid by the resident county shall be that portion of the tuition uniformly established by a junior college district for all out of district students, both in state as well as out of state, pursuant to Section 33-1110, Idaho Code, after deducting therefrom the amount of tuition paid by a resident student at such junior college; however, the liability of the resident county shall not exceed $225.00 each semester for a two-semester year for a full time student. The student shall pay the tuition and fees charged a student resident in the district, and the balance, if any, of the nonresident student tuition above the maximum liability of the county of his residence.

The nonresident tuition shall be established annually not later than August 1st and shall be forthwith filed with the State Board of Education, together with a statement supporting the computation thereof. Each junior college, by September 12 and February 15 of each year, shall bill the county of residence of each nonresident student enrolled at the commencement of each semester, and each Board of County Commissioners shall allow and order paid any such bill for tuition at the first regular meeting following receipt of said bill, but not exceeding forty-five (45) days after receipt. Upon failure of a county to pay such tuition, a junior college district may commence action in the District Court of the State of Idaho for said county to collect the same.

For the payment of tuition of nonresident students as herein provided, there shall be allocated in each county without a junior college district to a county junior college fund, and paid to the county treasurer to be held in such fund, fifty per centum (50%) of all moneys apportioned to the county (before the deduction of amounts, if any, allocated therefrom to cities and villages) out of liquor funds of the State of Idaho as set forth in Chapter 4, Title 23, Idaho Code, and said amount shall be deducted from the
amount that would otherwise be allocated to such county; provided, where an allocation in a county with an existing junior college is made pursuant to Section 33-2111, Idaho Code, the maximum liability of the county for tuition for out of district but in county students shall be reduced by proportioning the said liquor fund over all students of the county attending the junior college in the county; and if such liquor funds are not sufficient to pay said tuition, commencing for the calendar year 1966, the Board of County Commissioners shall levy upon the taxable property within each county without a junior college district, and, in a county with such a district, upon the taxable property within the county lying outside of the junior college district, a tax not to exceed thirty cents (30¢) on each One Hundred Dollars ($100.00) of assessed value, to be certified as set out in Section 33-2111, Idaho Code. The proceeds of such levy shall likewise be placed in the county junior college fund. Apportionment of liquor funds herein provided shall commence for the fiscal quarter ending September 30, 1965, and accruing during such quarter.

Based upon the enrollment established by the first semester’s tuition bills received by September 12th, the Board of County Commissioners shall establish immediately a total junior college annual tuition budget for two semesters which shall be equal to twice the amount of the tuition bills plus a contingency factor of ten per cent (10%). This budget shall be adjusted after February 15th based on any change of enrollment shown by the second semester tuition bills. If enrollment is from none to not more than four students, a minimum budget of five students at $450.00 each shall be established. In the event all tuition bills received have been paid, notwithstanding any other provision hereof, (a) any liquor funds received, which in the quarter when received to any extent are in excess of said budget, to the extent of such excess shall not be paid over to the county treasurer to be held in the junior college fund, and (b) any funds received from the levy on taxable property, which when received to any extent are in excess of said budget after the application of liquor funds thereto, to the extent of such excess shall not be paid over to the junior college fund. Said excess liquor funds shall be paid pursuant to law as if this section were not applicable thereto, and said excess tax funds shall be paid to the general fund of the county. In the event the total liquor fund payable hereunder to the county junior college fund together with the receipts from the levy on taxable property for each fiscal year are insufficient to pay tuition bills, which defi-
ciency is caused by a levy of less than the maximum allowed hereunder, or by enrollment in excess of the budget herein provided, the budget for each following year shall be increased to the maximum allowed by the maximum tax levy authorized herein to pay any deficiency at the earliest time. If said deficiency is due to the lack of funds in a fiscal year when the maximum levy authorized hereunder shall have been made, for next fiscal year thereafter the number of students from such county shall be limited by the Board of County Commissioners to the extent necessary to pay such deficiency not later than the end of the following year. Provided nevertheless, for the two semesters commencing September, 1965 the Board of County Commissioners shall limit the junior college budget and total students to estimated liquor funds available on quarterly disbursements through June 30, 1966. Any limitation of students authorized herein shall be accomplished (a) on the basis of student grades and financial need, and (b) by each junior college notifying the county of residence of each student's application and such county shall accept or reject the application at least five days prior to the tuition billing dates set out herein. A junior college shall nevertheless have a right to require any student residing outside the district to pay non-resident tuition if the county of his residence is more than six months in arrears of a total of twenty-five per cent of the total county tuition bill for one year, but such tuition shall be refunded to such students when paid by the county.

SECTION 5. SAVINGS CLAUSE AND SEPARABILITY.—This Act shall not impair or 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. It is hereby declared to be the controlling legislative intent that if any provisions of this Act, or any of the applications thereof, to any person or circumstances, is held invalid, the remainder of the Act and the application of such provisions to persons and circumstances other than those to which it is held invalid, shall not be affected thereby, to the end that the provisions of this Act are separable.

SECTION 6. EFFECTIVE DATE.—This Act shall be and become effective on and after the first day of July, 1965.

Approved March 29, 1965.
CHAPTER 239
(H. B. No. 309, As Amended in the Senate)

AN ACT

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

SECTION 1. There is hereby appropriated out of the General Fund, Driver Training Fund, Highway Fund, Liquor Law Enforcement Fund, Motor Vehicle Fund, and Waterways Improvement Fund of the State of Idaho, and various federal funds, 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 of erroneous receipts, payment as agent, and pest control appropriation, of the agencies hereinafter named, for the period commencing July 1, 1965, and ending June 30, 1967, 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>
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<tr>
<td>Salaries and Wages</td>
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<td>Travel Expense</td>
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<td>Other Current Expense</td>
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<td>Capital Outlay</td>
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<tr>
<td><strong>Total</strong></td>
<td>$1,095,095.00</td>
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<tr>
<td>From the General Fund</td>
<td>$ 693,767.00</td>
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<tr>
<td>From Federal Reimbursement</td>
<td>361,328.00</td>
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<tr>
<td>From Federal Grant</td>
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<td><strong>Total</strong></td>
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DISASTER RELIEF AND CIVIL DEFENSE:

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<tr>
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<th>Appropriations:</th>
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<tr>
<td>Salaries and Wages</td>
<td>$ 93,656.00</td>
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<tr>
<td>Travel Expense</td>
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<tr>
<td>Other Current Expense</td>
<td>24,450.00</td>
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<tr>
<td>Capital Outlay</td>
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<td><strong>Total</strong></td>
<td>$ 128,606.00</td>
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<tr>
<td>From the General Fund</td>
<td>$ 64,303.00</td>
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<tr>
<td>From Federal Funds</td>
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<tr>
<td><strong>Total</strong></td>
<td>$ 128,606.00</td>
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DRIVER TRAINING PROGRAM:

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<td>Salaries and Wages</td>
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<td>Other Current Expense</td>
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<tr>
<td>Capital Outlay</td>
<td>3,000.00</td>
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<tr>
<td>Payment as Agent</td>
<td>$1,000,000.00</td>
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Total ........................................... $1,072,306.00
From the Driver Training Fund ........... $1,072,306.00

GOVERNOR'S EMERGENCY FUND:
For:   Lump Sum Appropriation ........ $ 125,000.00
       Pest Control Appropriation .... 35,000.00

Total ........................................... $ 160,000.00
From the General Fund .................... $ 160,000.00

LAW ENFORCEMENT ADMINISTRATION:
For:   Salaries and Wages ............... $3,241,769.00
       Travel Expense ..................... 230,100.00
       Other Current Expense .......... 1,683,523.00
       Capital Outlay ................... 335,000.00
       Refunds of Erroneous Receipts.. 3,200.00

Total ........................................... $5,493,592.00
From the Motor Vehicle Fund ............ $1,487,000.00
From the Highway Fund ................... 4,006,592.00

Total ........................................... $5,493,592.00

LIQUOR LAW ENFORCEMENT:
For:   Salaries and Wages ............... $ 182,000.00
       Travel Expense ..................... 25,000.00
       Other Current Expense .......... 66,000.00
       Capital Outlay ................... 15,000.00
       Refunds of Erroneous Receipts.. 1,000.00

Total ........................................... $ 289,000.00
From the Liquor Law Enforcement Fund ...$ 289,000.00

MOTOR VEHICLE RECIPROCITY:
For:   Salaries and Wages ............... $ 7,600.00
       Travel Expense ..................... 2,500.00
       Other Current Expense .......... 750.00

Total ........................................... $ 10,850.00
From the Highway Fund ................... $ 10,850.00

WATERWAYS IMPROVEMENT:
For:   Other Current Expense .......... $ 10,600.00
       Capital Outlay ................... 349,400.00

Total ........................................... $ 360,000.00
From the Waterways Improvement Fund ...$ 360,000.00

Approved March 29, 1965.
CHAPTER 240
(H. B. No. 282)

AN ACT

AMENDING SECTION 49-312, IDAHO CODE, BY INCREASING THE FEE FOR OPERATOR'S LICENSES FROM $4.00 TO $6.00; INCREASING THE FEE FOR CHAUFFEUR'S LICENSES FROM $3.00 TO $8.00; AMENDING SECTION 49-322, IDAHO CODE, TO EXTEND THE PERIOD OF OPERATOR'S LICENSES FROM TWO (2) YEARS TO THREE (3) YEARS; TO EXTEND THE PERIOD OF CHAUFFEUR'S LICENSES FROM ONE (1) YEAR TO THREE (3) YEARS; TO INCREASE THE RENEWAL FEE FOR OPERATOR'S LICENSES FROM $4.00 TO $6.00; TO INCREASE THE RENEWAL FEE FOR CHAUFFEUR'S LICENSES FROM $3.00 TO $8.00; AMENDING SECTION 49-346, IDAHO CODE, RELATING TO THE DISBURSEMENT OF FEES FORWARDED TO THE DEPARTMENT OF LAW ENFORCEMENT, TO PROVIDE THAT $3.00 FOR EACH OPERATOR'S LICENSE, $2.00 FOR EACH INSTRUCTION PERMIT AND $3.00 FOR EACH CHAUFFEUR'S LICENSE ISSUED SHALL BE DEPOSITED TO THE DRIVER TRAINING FUND; AMENDING SECTION 49-349, IDAHO CODE, RELATING TO THE DISTRIBUTION OF LICENSE FEES, TO PROVIDE THAT $1.05 FROM EACH LICENSE FEE AND 25¢ FROM EACH DUPLICATE LICENSE FEE SHALL BE RETAINED BY THE COUNTY; AND PROVIDING THAT THE BALANCE THEREOF SHALL BE REMITTED TO THE DEPARTMENT OF LAW ENFORCEMENT.

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

SECTION 1. That Section 49-312, Idaho Code, be, and the same is hereby amended to read as follows:

49-312. (a) Every application for an instruction permit or for an operator's or chauffeur's license shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths, and officers and employees of the department and sheriffs and their deputies are hereby authorized to administer such oaths without charge. Every application for a permit or license shall be accompanied by the required fee, to-wit: Applications for instruction permit, $3.00; applications for operator's license, $4.00-$6.00; applications for chauffeur's license, $2.00-$8.00. Every applicant for an instruction permit or operator's license who is required to take or who elects to take a driver training course in a
public school in this state shall be required to pay an additional fee of $3.00.

(b) Every said application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal.

(c) Whenever application is received from a person previously licensed in another jurisdiction, the department shall request copy of operator's record from such other jurisdiction. When received, the operator's record shall become a part of the operator's record in this state with the same force and effect as though entered on the operator's record in this state in the original instance.

(d) Whenever the department receives request for an operator's record from another licensing jurisdiction, the record shall be forwarded without charge.

SECTION 2. That Section 49-322, Idaho Code, be, and the same is hereby amended to read as follows:

49-322. (a) The expiration date for each operator's license issued after the passage and approval of this act shall be the birthday of the operator in the second third year following the date of issuance of such license. The birthday of the operator as used herein shall be the birthday as indicated on his application for an operator's license. Every such license and all licenses heretofore issued which are valid on the effective date of this act shall be renewable on or before its expiration upon application and payment of the fee of $4.00 $6.00 and shall be renewed on application by the person to whom such license was issued upon such form as the department may require. The department may in its discretion require an examination of the applicant as upon an original application. To the extent as its facilities permit, the department shall, before issuing or renewing any license, check the record of the applicant for traffic violations and traffic accidents, and may withhold or refuse the issuance of a license to any applicant unless satisfied upon reasonable proof that such person can, and will operate a motor vehicle safely.
(b) Every chauffeur's license issued prior to the passage and approval of this act shall expire upon the next birthday of each licensee thereafter. The expiration date for each chauffeur's license issued after the passage and approval of this act shall be the birthday of the chauffeur in the next third year following the date of issuance of such license. The birthday of the chauffeur as used herein shall be the birthday as indicated on his application for a chauffeur's license. Every such chauffeur's license heretofore issued which is valid on the effective date of this act shall be renewable on or before its expiration date upon the application and payment of the fee of three dollars $8.00. The department may in its discretion limit an examination of an applicant for renewal of a chauffeur's license to an examination of physical condition only.

SECTION 3. That Section 49-346, Idaho Code, be, and the same is hereby amended to read as follows:

49-346. All fees paid to the department under this act shall be deposited by the department with the treasurer of the state of Idaho, and the same shall be placed in the motor vehicle fund, except that $2.00 $3.00 for each operator's license, $2.00 for each instruction permit and $1.00 $3.00 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 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.

SECTION 4. That Section 49-349, Idaho Code, be, and the same is hereby amended to read as follows:

49-349. All moneys or fees which shall be paid to or collected by the sheriff of any county of the state of Idaho for receiving applications for or renewals of motor vehicle operator's licenses and motor vehicle chauffeur's licenses shall, not later than the end of each and every month, be paid to the county treasurer wherein said fees were collected and the county treasurer shall deposit $1.05 from each of said fees and 25¢ from the fee charged for applications for duplicates of each license to the credit of the current expense fund and shall, at least monthly, remit the
remainder of all of said fees to the department of law enforcement of the state of Idaho.

Approved March 29, 1965.

CHAPTER 241
(H. B. No. 262, As Amended in the Senate)

AN ACT

PROVIDING IMMUNITY FROM CIVIL DAMAGES TO ANY PERSON OR GROUP OF PERSONS WHO, IN GOOD FAITH, ADMINISTER FIRST AID TO A PERSON INJURED IN AN ACCIDENT UNLESS TREATED IN A GROSSLY NEGligent MANNER, AND PROVIDING A LIMITATION UPON IMMUNITY.

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

SECTION 1. That no action shall lie or be maintained for civil damages in any court of this state against any person or persons, or group of persons, who in good faith, being at, or stopping at the scene of an accident, offers and administers first aid or medical attention to any person or persons injured in such accident unless it can be shown that the person or persons offering or administering first aid, is guilty of gross negligence in the care or treatment of said injured person or persons or has treated them in a grossly negligent manner. The immunity described herein shall cease upon delivery of the injured person to either a generally recognized hospital for treatment of ill or injured persons, or upon assumption of treatment in the office or facility of any person undertaking to treat said injured person or persons, or upon delivery of said injured person or persons into custody of an ambulance attendant.

Approved March 29, 1965.

CHAPTER 242
(H. B. No. 303, As Amended)

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, 1965; 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 $9,000.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Ada County.

2. An annual salary of $6,500.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Canyon County.

3. An annual salary of $6,499.85, together with actual and necessary expenses, shall be paid to each of the county commissioners of Bannock County.

4. An annual salary of $6,500.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Bonneville County and Nez Perce County.

5. An annual salary of $6,000.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Kootenai County.

6. An annual salary of $5,500.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Bonner County.

7. 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.

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 $2,600.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Idaho County.

11. An annual salary of $2,500.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Fremont County.

12. An annual salary of $2,300.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Madison County.

13. 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 and Washington County.

14. An annual salary of $2,000.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Franklin County, Gem County, and Jerome County.

15. 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, Cassia County, Clearwater County, and Payette County.

16. An annual salary of $1,700.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Bear Lake County and Lemhi 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 Adams County, Benewah County, Blaine County, Gooding County, Minidoka County, Owyhee County, and Valley County.

18. An annual salary of $1,200.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Lewis County, Oneida County, and Power County.

19. An annual salary of $1,050.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Butte County.

20. An annual salary of $1,000.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Boise County.
21. An annual salary of $925.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Custer County.

22. An annual salary of $900.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Clark County.

23. An annual salary of $840.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Camas County.

24. An annual salary of $800.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Teton County.

25. An annual salary of $750.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Lincoln County.

26. An annual salary of $7,200.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Shoshone County.

27. An annual salary of $2,400.00, together with actual and necessary expenses, shall be paid to each of the county commissioners of Jefferson County.

SECTION 3. The Board of County Commissioners of the several counties of the state of Idaho, at the first meeting after the passage and approval of this act, shall, without notice, adopt a resolution amending the budget of the offices of county commissioners in each of said counties to provide for the payment therein of the salary provided for in this act, and said resolution shall be lawful authorization for the payment of the salaries so fixed and provided by this act.

SECTION 4. The provisions of this act shall be effective retroactively on and after the second Monday of January, 1965.

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, 1965.
CHAPTER 243
(H. B. No. 253)

AN ACT

AMENDING SECTION 19-4514, IDAHO CODE, DEALING WITH PROCEEDINGS AGAINST FUGITIVES FROM JUSTICE, BY PROVIDING THAT A PERSON IN THIS STATE MAY BE ARRESTED BY AN OFFICER OR PRIVATE CITIZEN WITHOUT A WARRANT UPON REASONABLE INFORMATION THAT HE STANDS CHARGED IN THE COURTS OF ANOTHER STATE WITH A CRIME PUNISHABLE BY DEATH OR IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR, PROVIDING THAT THE FELONY LAWS OF THE STATE OF IDAHO SHALL APPLY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 19-4514, Idaho Code, be, and the same is hereby amended to read as follows:

19-4514. The arrest of a person may be lawfully made also by an officer or a private citizen without a warrant upon reasonable information that the accused stands charged with a crime punishable by death or life imprisonment for a term exceeding one year in the courts of another state; but when so arrested the accused must be taken before a judge or magistrate with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in the last section; and thereafter his answer shall be heard as if he had been arrested on a warrant. Provided, however, that arrest authorized in this section may be made only for a crime or offense which would be a felony under the laws of the State of Idaho, if the offense had been committed within 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, 1965.
AN ACT


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

SECTION 1. That Section 59-501, Idaho Code, be, and the same is hereby amended to read as follows:

59-501. The Governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney-general and superintendent of public instruction shall, during their continuance in office, and commencing on the first Monday in January 1967, receive for their services compensation as follows:

Governor, $16,000 $17,500 per annum;
Lieutenant Governor, $3,600 per annum;
Secretary of State, $18,000 $12,500 per annum;
State Auditor, $10,000 $12,500 per annum; said salary to be audited by the State Treasurer;
Attorney-General, $10,000 $12,500 per annum;
State Treasurer, $10,000 $12,500 per annum; and
State Superintendent of Public Instruction $10,000 $12,500 per annum.

Such compensation shall be paid monthly as due out of the state treasury, and shall be in full for all services by said officers respectively rendered in any official capacity or employment whatever during their respective terms of office; but no increase of compensation shall affect the salaries of such officers during their present terms of office; provided, however, that the actual and necessary expenses of the governor, lieutenant governor, secretary of state, attorney-general, state auditor, state treasurer, and superintendent of public instruction while traveling within the state, or between points within the state, in the per-
formance of official duties, shall be allowed and paid by the state; not however, exceeding such sum as shall be appropriated for such purpose.


No officer named in this section shall receive, for the performance of any official duty, any fee for his own use, but all fees fixed by law for the performance by either of them, of any official duty, shall be collected in advance and deposited with the state treasurer to the credit of the state.

Approved March 29, 1965.

CHAPTER 245
(H. B. No. 304, As Amended)

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, 1965; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-3113, Idaho Code, be, and the same is hereby repealed.

SECTION 2. The salaries of the prosecuting attorneys in the various counties shall be as set forth in the following paragraphs:

1. An annual salary of $12,000.00 shall be paid to the prosecuting attorney of Ada County.

2. An annual salary of $8,000.00 shall be paid to the prosecuting attorney of Bonneville County.
3. An annual salary of $7,500.00 shall be paid to the prosecuting attorney of Canyon County.

4. An annual salary of $7,000.00 shall be paid to the prosecuting attorney of Kootenai County.

5. An annual salary of $6,500.00 shall be paid to each of the prosecuting attorneys of Bannock County and Twin Falls County.

6. An annual salary of $6,240.00 shall be paid to the prosecuting attorney of Elmore County.

7. An annual salary of $6,000.00 shall be paid to the prosecuting attorney of Bingham County.

8. An annual salary of $5,500.00 shall be paid to the prosecuting attorney of Bonner County.

9. An annual salary of $5,000.00 shall be paid to the prosecuting attorney of Benewah County.

10. An annual salary of $4,700.00 shall be paid to the prosecuting attorney of Idaho County.

11. An annual salary of $4,500.00 shall be paid to each of the prosecuting attorneys of Clearwater County and Washington County.

12. An annual salary of $4,200.00 shall be paid to the prosecuting attorney of Latah County.

13. An annual salary of $4,000.00 shall be paid to each of the prosecuting attorneys of Cassia County, Fremont County, Jefferson County, Jerome County, Madison County and Payette County.

14. An annual salary of $3,900.00 shall be paid to the prosecuting attorney of Lewis County.

15. An annual salary of $3,850.00 shall be paid to the prosecuting attorney of Franklin County.

16. An annual salary of $3,800.00 shall be paid to each of the prosecuting attorneys of Boundary County and Owyhee County.

17. An annual salary of $3,750.00 shall be paid to each of the prosecuting attorneys of Gem County and Gooding County.

18. An annual salary of $3,600.00 shall be paid to each of the prosecuting attorneys of Butte County, Camas Coun-
ty, Caribou County, Lincoln County, Minidoka County and Valley County.

19. An annual salary of $3,200.00 shall be paid to the prosecuting attorney of Bear Lake County.

20. An annual salary of $3,000.00 shall be paid to each of the prosecuting attorneys of Blaine County, Lemhi County and Oneida County.

21. An annual salary of $2,800.00 shall be paid to the prosecuting attorney of Adams County.

22. An annual salary of $2,600.00 shall be paid to the prosecuting attorney of Teton County.

23. An annual salary of $2,500.00 shall be paid to the prosecuting attorney of Custer County.

24. An annual salary of $2,400.00 shall be paid to each of the prosecuting attorneys of Clark County and Power County.

25. An annual salary of $1,650.00 shall be paid to the prosecuting attorney of Boise County.

26. An annual salary of $7,200.00 shall be paid to the prosecuting attorney of Shoshone County.

27. An annual salary of $6,250.00 shall be paid to the prosecuting attorney of Nez Perce 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, 1965.

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 29, 1965.
CHAPTER 246
(H. B. No. 152, As Amended in the Senate)

AN ACT

TO PROVIDE FOR THE REHABILITATION, CLEARANCE AND REDEVELOPMENT OF DETERIORATED AND DETERIORATING AREAS IN MUNICIPALITIES AND COUNTIES IN THE STATE IN ACCORDANCE WITH URBAN RENEWAL PLANS APPROVED BY THE GOVERNING BODIES THEREOF; TO PROVIDE FOR URBAN RENEWAL AGENCIES TO EXERCISE POWERS HEREUNDER; TO DEFINE THE DUTIES, LIABILITIES, EXEMPTIONS AND POWERS OF SUCH AGENCIES IN UNDERTAKING SUCH ACTIVITIES, INCLUDING THE POWER TO ACQUIRE PROPERTY THROUGH THE EXERCISE OF THE POWER OF EMINENT DOMAIN OR OTHERWISE, TO DISPOSE OF PROPERTY SUBJECT TO ANY RESTRICTIONS DEEMED NECESSARY TO PREVENT THE DEVELOPMENT OR SPREAD OF FUTURE SLUMS OR BLIGHTED AREAS; TO ISSUE BONDS AND OTHER OBLIGATIONS AND GIVE SECURITY THEREFOR; TO ENTER INTO AGREEMENTS TO SECURE FEDERAL AID AND COMPLY WITH CONDITIONS IMPOSED IN CONNECTION THEREWITH; TO AUTHORIZE PUBLIC BODIES TO FURNISH FUNDS, SERVICES, FACILITIES AND PROPERTY IN AID OF URBAN RENEWAL PROJECTS AND RELATED ACTIVITIES HEREUNDER; TO AUTHORIZE CITIES AND TOWNS TO OBTAIN FUNDS THEREFOR BY THE ISSUANCE OF OBLIGATIONS, BY TAXATION OR OTHERWISE; AND TO PROVIDE THAT SECURITIES ISSUED, AND PROPERTIES WHILE HELD, BY A PUBLIC AGENCY HEREUNDER SHALL BE EXEMPT FROM TAXATION.

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 “Idaho Urban Renewal Law of 1965.”

SECTION 2. FINDINGS AND DECLARATIONS OF NECESSITY.—It is hereby found and declared that there exist in municipalities of the state deteriorated and deteriorating areas (as herein defined) which constitute a 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 increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous
municipal burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests the sound growth of municipalities, retards the provision of housing accommodations, aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of these conditions 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 revenue 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 certain of such areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this Act, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in this Act, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented; and that salvageable areas can be conserved and rehabilitated through appropriate public action as herein authorized, and the cooperation and voluntary action of the owners and tenants of property in such areas.

It is further found and declared that the powers conferred by this Act are for public uses and purposes for which public money may be expended as herein provided and the power of eminent domain and police power exercised; and that the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.

SECTION 3. ENCOURAGEMENT OF PRIVATE ENTERPRISE.—An urban renewal agency, to the greatest extent it determines to be feasible in carrying out the provisions of this Act, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of the urban renewal area by private enterprise. A municipality shall also give consideration to this objective in exercising its powers under this Act, including the formulation of a workable program, the approval of urban renewal plans, community-
wide plans or programs for urban renewal, and general neighborhood renewal plans (consistent with the general plan of the municipality), the exercise of its zoning powers, the enforcement of other laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, and the provision of necessary public improvements.

Section 4. Workable Program.—A municipality for the purposes of this Act may formulate for the municipality a workable program for utilizing appropriate private and public resources to eliminate, and prevent the development or spread of, slums and urban blight, to encourage needed urban rehabilitation, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for: the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning and occupancy controls and standards; the rehabilitation or conservation of slum and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds and other public improvements, by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and to cooperate with an urban renewal agency for the clearance and redevelopment of deteriorated or deteriorating areas or portions thereof.

Section 5. Finding of Necessity by Local Governing Body.—No urban renewal agency and no municipality shall exercise the authority hereafter conferred by this Act until after the local governing body shall have adopted a resolution finding that: (1) one or more deteriorated or deteriorating areas as defined in this Act exist in such municipality; (2) the rehabilitation, conservation, redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality; and (3) there is need for an urban renewal agency to function in the municipality.

Section 6. Urban Renewal Agency.—(a) There is hereby created in each municipality an independent public body corporate and politic to be known as the “Urban Renewal Agency” for the municipality: Provided, that such Agency shall not transact any business or exercise its
powers hereunder until or unless the local governing body
has made the findings prescribed in Section 5.

(b) Upon the local governing body making such findings
the Urban Renewal Agency is authorized to transact busi-
ness and exercise powers hereunder, and the Mayor, by and
with the advice and consent of the local governing body,
shall appoint a Board of Commissioners of the Urban Re-
newal Agency which shall consist of five commissioners.
The commissioners who are first appointed shall be design-
nated to serve for terms of one, two, three, four and five
years, respectively, from the date of appointment, but
thereafter commissioners shall be appointed as aforesaid
for a term of five years, except that all vacancies shall be
filled for the unexpired term.

(c) A commissioner shall receive no compensation for
his services but shall be entitled to the necessary expenses,
including traveling expenses, incurred in the discharge of
his duties. Each commissioner shall hold office until his
successor has been appointed and has qualified. A certificate
of the appointment or reappointment of any commissioner
shall be filed with the clerk of the municipality and such
certificate shall be conclusive evidence of the due and proper
appointment of such commissioner.

The powers of an Urban Renewal Agency shall be exer-
cised by the commissioners thereof. A majority of the com-
missioners shall constitute a quorum for the purpose of
conducting business and exercising the powers of the
Agency and for all other purposes. Action may be taken
by the Agency upon a vote of a majority of the commis-
sioners present, unless in any case the by-laws shall require
a larger number. Any persons may be appointed as com-
missioners if they reside within the area of operation of
the Agency (which shall be co-terminous with the area of
operation of the municipality) and are otherwise eligible
for such appointments under this Act.

The Mayor shall designate the first Chairman and Vice-
Chairman for a term of office of one year from among the
commissioners, thereafter the commissioners shall elect the
Chairman and Vice-Chairman for a term of one year from
among their members. An Agency may employ an execu-
tive director, technical experts and such other agents and
employees, permanent and temporary, as it may require,
and determine their qualifications, duties and compensation.
For such legal service as it may require, an Agency may em-
ploy or retain its own counsel and legal staff. An Agency
authorized to transact business and exercise powers under this Act shall file, with the local governing body, on or before March 31 of each year a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such calendar year. At the time of filing the report, the Agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality and that the report is available for inspection during business hours in the office of the city clerk or county recorder and in the office of the Agency.

(d) For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed only after a hearing and after he shall have been given a copy of the charges at least 10 days prior to such hearings and have had an opportunity to be heard in person or by counsel.

SECTION 7. POWERS.—Every Urban Renewal Agency shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including the following powers in addition to others herein granted:

(a) to undertake and carry out urban renewal projects and related activities within its area of operation; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this Act; and to disseminate slum clearance and urban renewal information;

(b) to provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with an urban renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of an urban renewal project and related activities, and to include in any contract let in connection with such a project and related activities, provisions to fulfill such of said conditions as it may deem reasonable and appropriate;

(c) within its area of operation, to enter into any build-
ing or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain, upon sufficient cause and after a hearing on the matter, an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain or otherwise, any real property (or personal property for its administrative purposes) together with any improvements thereon; to hold, improve, clear or prepare for redevelopment any such property; to mortgage, pledge, hypothecate or otherwise encumber or dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of this Act: Provided, however, that no statutory provision with respect to the acquisition, clearance or disposition of property by public bodies shall restrict a municipality or other public body exercising powers hereunder in the exercise of such functions with respect to an urban renewal project and related activities, unless the legislature shall specifically so state;

(d) with the approval of the local governing body, (1) prior to approval of an urban renewal plan, or approval of any modifications of the plan, to acquire real property in an urban renewal area, demolish and remove any structures on the property, and pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses; and (2) to assume the responsibility to bear any loss that may arise as the result of the exercise of authority under this subsection in the event that the real property is not made part of the urban renewal project;

(e) to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to redeem such bonds as have been issued pursuant to Section 12 of this Act at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be cancelled;

(f) to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state,
county, or other public body, or from any sources, public or private, for the purposes of this Act, and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the federal government for or with respect to an urban renewal project and related activities such conditions imposed pursuant to federal laws as the municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this Act;

(g) within its area of operation, to make or have made all surveys and plans necessary to the carrying out of the purposes of this Act and to contract with any person, public or private, in making and carrying out such plans and to adopt or approve, modify and amend such plans, which plans may include, but are not limited to: (1) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (2) plans for the enforcement of state and local laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements, and (3) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and developing and demonstrating new or improved means of providing housing for families and persons of low income and to apply for, accept and utilize grants of funds from the federal government for such purposes;

(h) to prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, non-profit organizations and others) displaced from an urban renewal area, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government; and

(i) to exercise all or any part or combination of powers herein granted.

SECTION 8. PREPARATION AND APPROVAL OF PLAN FOR URBAN RENEWAL PROJECT.—(a) An ur-
ban renewal project for an urban renewal area shall not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or a deteriorating area or a combination thereof and designated such area as appropriate for an urban renewal project.

(b) An Urban Renewal Agency may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to an urban renewal agency. Prior to its approval of an urban renewal project, the local governing body shall submit such plan to the planning commission of the municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban renewal plan to the local governing body within thirty days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission, or if no recommendations are received within said 30 days, then without such recommendations, the local governing body may proceed with the hearing on the proposed urban renewal project prescribed by subsection (c) hereof.

(c) The local governing body shall hold a public hearing on an urban renewal project, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration.

(d) Following such hearing, the local governing body may approve an urban renewal project and the plan therefor if it finds that (1) a feasible method exists for the location of families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan conforms to the general plan of the municipality as a whole; (3) the urban renewal plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the general vicinity of the site covered by the plan; and (4) the urban renewal plan will afford
maximum opportunity, consistent with the sound needs of
the municipality as a whole, for the rehabilitation or re-
development of the urban renewal area by private enter-
prise: Provided, that if the urban renewal area consists
of an area of open land to be acquired by the urban renewal
agency, such area shall not be so acquired unless (1) if it
is to be developed for residential uses, the local governing
body shall determine that a shortage of housing of sound
standards and design which is decent, safe and sanitary
exists in the municipality; that the need for housing accom-
modations has been or will be increased as a result of the
clearance of slums in other areas; that the conditions of
blight in the area and the shortage of decent, safe and san-
tary housing cause or contribute to an increase in and
spread of disease and crime and constitute a menace to the
public health, safety, morals, or welfare; and that the ac-
quisation of the area for residential uses is an integral part
of and essential to the program of the municipality, or (2)
if it is to be developed for nonresidential uses, the local
governing body shall determine that such nonresidential
uses are necessary and appropriate to facilitate the proper
growth and development of the community in accordance
with sound planning standards and local community ob-
jectives, which acquisition may require the exercise of
governmental action, as provided in this Act, because of
defective or unusual conditions of title, diversity of owner-
ship, tax delinquency, improper subdivisions, outmoded
street patterns, deterioration of site, economic disuse, un-
suitable topography or faulty lot layouts, the need for the
correlation of the area with other areas of a municipality
by streets and modern traffic requirements, or any combi-
nation of such factors or other conditions which retard
development of the area.

(e) An urban renewal plan may be modified at any time:
Provided that if modified after the lease or sale by the ur-
ban renewal agency of real property in the urban renewal
project area, such modification may be conditioned upon
such approval of the owner, lessee or successor in interest
as the urban renewal agency may deem advisable and in
any event shall be subject to such rights at law or in equity
as a lessee or purchaser, or his successor or successors in
interest, may be entitled to assert.

(f) Upon the approval by the local governing body of
an urban renewal plan or of any modification thereof, such
plan or modification shall be deemed to be in full force and
effect for the respective urban renewal area, and the urban
renewal agency may then cause such plan or modification to be carried out in accordance with its terms.

(g) Notwithstanding any other provisions of this Act, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the Governor of the state has certified the need for disaster assistance under Public Law 875, Eighty-first Congress, or other federal law, the local governing body may approve an urban renewal plan and an urban renewal project with respect to such area without regard to the provisions of subsection (d) of this section and the provisions of this section requiring a general plan for the municipality and a public hearing on the urban renewal project.

SECTION 9. NEIGHBORHOOD AND COMMUNITY-WIDE PLANS.—(a) An urban renewal agency or any public body authorized to perform planning work may prepare a general neighborhood renewal plan for urban renewal areas which may be of such scope that urban renewal activities may have to be carried out in stages over an estimated period of up to ten years. Such plan may include, but is not limited to, a preliminary plan which (1) outlines the urban renewal activities proposed for the area involved, (2) provides a framework for the preparation of urban renewal plans, and (3) indicates generally the land uses, population density, building coverage, prospective requirements for rehabilitation and improvement of property and portions of the area contemplated for clearance and redevelopment. A general neighborhood renewal plan shall, in the determination of the local governing body, conform to the general plan of the locality as a whole and the workable program of the municipality.

(b) A municipality or any public body authorized to perform planning work may prepare or complete a community-wide plan or program for urban renewal which shall conform to the general plan for the development of the municipality as a whole and may include, but is not limited to, identification of slum, blighted, deteriorated or deteriorating areas, measurement of blight, determination of resources needed and available to renew such areas, identification of potential project areas and types of action contemplated, and scheduling of urban renewal activities.

(c) Authority is hereby vested in every municipality to prepare, to adopt and to revise from time to time, a general
plan for the physical development of the municipality as a whole (giving due regard to the environs and metropolitan surroundings), to establish and maintain a planning commission for such purpose and related municipal planning activities, and to make available and to appropriate necessary funds therefor.

SECTION 10. ACQUISITION OF PROPERTY.—(a) An urban renewal agency shall have the right to acquire by negotiation or condemnation any interest in real property, including a fee simple title thereto, which it may deem necessary for or in connection with an urban renewal project and related activities under this Act. An urban renewal agency may exercise the power of eminent domain in the manner now or which may be hereafter provided by any other statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like manner: Provided, that no real property belonging to the United States, the state, or any political subdivision of the state, may be acquired without its consent.

(b) In any proceeding to fix or assess compensation for damages for the taking or damaging of property, or any interest therein, through the exercise of the power of eminent domain or condemnation, evidence or testimony bearing upon the following matters shall be admissible and shall be considered in fixing such compensation or damages, in addition to evidence or testimony otherwise admissible:

1. any use, condition, occupancy, or operation of such property, which is unlawful or violative of, or subject to elimination, abatement, prohibition, or correction under, any law or any ordinance or regulatory measure of the state, county, municipality, other political subdivision, or any agency thereof, in which such property is located, as being unsafe, substandard, insanitary or otherwise contrary to the public health, safety, or welfare;

2. the effect on the value of such property, of any such use, condition, occupancy, or operation, or of the elimination, abatement, prohibition, or correction of any such use, condition, occupancy, or operation.

(c) The foregoing testimony and evidence shall be admissible notwithstanding that no action has been taken by any public body or public officer toward the abatement, prohibition, elimination or correction of any such use, condition, occupancy, or operation. Testimony or evidence that
any public body or public officer charged with the duty or authority so to do has rendered, made or issued any judgment, decree, determination or order for the abatement, prohibition, elimination or correction of any such use, condition, occupancy, or operation shall be admissible and shall be prima facie evidence of the existence and character of such use, condition or operation.

SECTION 11. DISPOSAL OF PROPERTY IN URBAN RENEWAL AREA.—(a) An urban renewal agency may sell, lease, or otherwise transfer real property or any interest therein acquired by it for an urban renewal project, and may enter into contracts with respect thereto, in an urban renewal area for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this Act: Provided, that such sale, lease, other transfer, or retention, and any agreement relating thereto, may be made only after the approval of the urban renewal plan by the local governing body. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the urban renewal agency may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, an urban renewal agency shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the urban renewal agency retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The urban renewal agency in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the urban renewal agency until he has
completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by an urban renewal agency which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or such part or parts of such contract or plan as the urban renewal agency may determine) may be recorded in the land records of the county in such manner as to afford actual or constructive notice thereof.

(b) An urban renewal agency may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this subsection. An urban renewal agency may, by public notice by publication in a newspaper having a general circulation in the community (thirty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within 30 days after the date of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The urban renewal agency shall consider all such redevelopment of rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the agency in the urban renewal area. The urban renewal agency may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this Act. The agency may execute such contract in accordance with the provisions of subsection (a) and deliver deeds, leases and other instruments and take all steps necessary to effectuate such contract.

(c) An urban renewal agency may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal
project pending the disposition of the property as authorized in this Act, without regard to the provisions of subsection (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(d) Any real property acquired pursuant to Section 7 (d) may be disposed of without regard to other provisions of this section if the local governing body has consented to the disposal.

(e) Notwithstanding any other provisions of this Act, where the municipality is situated in an area designated as a redevelopment area under the Federal Area Redevelopment Act (Public Law 87-27), land in an urban renewal project area designated under the urban renewal plan for industrial or commercial uses may be disposed of to any public body or nonprofit corporation for subsequent disposition as promptly as practicable by the public body or corporation for redevelopment in accordance with the urban renewal plan, and only the purchaser from or lessee of the public body or corporation, and their assignees, shall be required to assume the obligation of beginning the building of improvements within a reasonable time. Any disposition of land to a public body or corporation under this subsection shall be made at its fair value for uses in accordance with the urban renewal plan.

SECTION 12. ISSUANCE OF BONDS.—(a) An urban renewal agency shall have power to issue bonds from time to time in its discretion to finance the undertaking of any urban renewal project under this Act, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the urban renewal agency derived from or held in connection with its undertaking and carrying out of urban renewal projects under this Act: Provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the federal government or other source, in aid of any urban renewal projects under this Act, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the urban renewal agency.
(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds. Bonds and other obligations of an urban renewal agency (and such bonds and obligations shall so state on their face) shall not be a debt of the municipality, the state or any political subdivision thereof, and neither the municipality, the state nor any political subdivision thereof shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds other than those of said urban renewal agency. Bonds issued under the provisions of this Act are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the urban renewal agency and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time, or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or ordinance, or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area of operation and in such other medium of publication as the agency may determine or may be exchanged for other bonds on the basis of par: Provided, that such bonds may be sold to the federal government at private sale at not less than par, and, in the event less than all of the authorized principal amount on such bonds is sold to the federal government, the balance may be sold at private sale at not less than par at an interest cost to the agency of not to exceed the interest cost to the agency of the portion of the bonds sold to the federal government.

(e) In case any of the officials of the urban renewal
agencies whose signatures appear on any bonds or coupons issued under this Act shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this Act shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this Act or the security therefor, any such bond reciting in substance that it has been issued by the agency in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this Act.

SECTION 13. BONDS AS LEGAL INVESTMENTS.—All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business, all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by an urban renewal agency pursuant to this Act: Provided that such bonds and other obligations shall be secured by an agreement between the issuer and the federal government in which the issuer agrees to borrow from the federal government and the federal government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, moneys in an amount which (together with any other moneys irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which moneys under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with
regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

SECTION 14. PROPERTY EXEMPT FROM TAXES AND FROM LEVY AND SALE BY VIRTUE OF AN EXECUTION.—(a) All property of an urban renewal agency, including funds, owned or held by it for the purposes of this Act shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall judgment against an agency be a charge or lien upon such property: Provided, however, that the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of and pledge or lien given pursuant to this Act by an agency on its rents, fees, grants or revenues from urban renewal projects.

(b) The property of an urban renewal agency, acquired or held for the purposes of this Act, is declared to be public property used for essential public and governmental purposes and such property shall be exempt from all taxes of the municipality, the county, the state or any political subdivision thereof: Provided, that such tax exemption shall terminate when the agency sells, leases or otherwise disposes of such property in an urban renewal area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

SECTION 15. COOPERATION BY PUBLIC BODIES.—(a) For the purpose of aiding in the planning, undertaking or carrying out of an urban renewal project and related activities authorized by this Act, any public body may, upon such terms, with or without consideration, as it may determine: (1) dedicate, sell, convey or lease any of its interest in any property or grant easements, licenses or other rights or privileges therein to an urban renewal agency; (2) incur the entire expense of any public improvements made by such public body in exercising the powers granted in this section; (3) do any and all things necessary to aid or cooperate in the planning or carrying out of an urban renewal plan and related activities; (4) grant or contribute funds to an urban renewal agency and borrow money and apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, county or other public body, or from any other source; (5) enter into agreements (which may extend over any period, notwithstanding any
provision or rule of law to the contrary) with the federal government, an urban renewal agency or other public body respecting action to be taken pursuant to any of the powers granted by this Act, including the furnishing of funds or other assistance in connection with an urban renewal project and related activities; and (6) cause public buildings and public facilities, including parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, sidewalks, ways or other places; plan or replan, zone or rezone any part of the public body or make exceptions from building regulations; and cause administrative and other services to be furnished to the urban renewal agency. If at any time title to or possession of any urban renewal project is held by any public body or governmental agency, other than the urban renewal agency, which is authorized by law to engage in the undertaking, carrying out, or administration of urban renewal projects and related activities (including any agency or instrumentality of the United States of America), the provisions of the agreements referred to in this section shall inure to the benefit of and may be enforced by such public body or governmental agency.

(b) Any sale, conveyance, lease or agreement provided for in this section may be made by a public body without appraisal, public notice, advertisement or public bidding.

(c) For the purpose of aiding in the planning, undertaking or carrying out of any urban renewal project and related activities of an urban renewal agency, a municipality may (in addition to its other powers and upon such terms, with or without consideration, as it may determine) do and perform any or all of the actions or things which, by the provisions of subsection (a) of this section, a public body is authorized to do or perform, including the furnishing of financial and other assistance: Provided, that nothing contained in this section shall be construed as authorizing a municipality to give credit or make loans to an urban renewal agency.

(d) For the purposes of this section, a municipality may (in addition to its other powers):

(1) Appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this Act, and levy taxes and assessments for curbs and gutters,
streets and sidewalks; zone or rezone any part of the municipality or make exceptions from building regulations; and enter into agreements with an urban renewal agency (which agreements may extend over any period, notwithstanding any provisions or rule of law to the contrary), respecting action to be taken by such municipality pursuant to any of the powers granted by this Act:

(2) close, vacate, plan or replan streets, roads, sidewalks, ways or other places; and plan or replan any part of the municipality;

(3) within its area of operation, organize, coordinate and direct the administration of the provisions of this Act as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved, and establish such new office or offices of the municipality or to reorganize existing offices in order to carry out such purpose most effectively; and

(4) assume the responsibility to bear any loss that may arise as the result of the exercise of authority by the urban renewal agency under subsection (d) of Section 7 in the event that the real property is not made a part of the urban renewal project.

(e) For the purposes of this section, or for the purpose of aiding in the planning, undertaking or carrying out of an urban renewal project and related activities of a municipality, such municipality may issue and sell its general obligation bonds. Any bonds issued by a municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by the applicable laws of this state for the issuance and authorization of general obligation bonds by such municipality. Nothing in this section shall limit or otherwise adversely affect any other section of this Act.

SECTION 16. TITLE OF PURCHASER.—Any instrument executed by an urban renewal agency and purporting to convey any right, title or interest in any property under this Act shall be conclusively presumed to have been executed in compliance with the provisions of this Act insofar as title or other interest of any bona fide purchasers, lessees or transferees of such property is concerned.

SECTION 17. INTERESTED PUBLIC OFFICIALS,
COMMISSIONERS OR EMPLOYEES.—No public official or employee of a municipality (or board or commission thereof), and no commissioner or employee of an urban renewal agency shall voluntarily acquire any personal interest, direct or indirect, in any urban renewal project, or in any property included or planned to be included in any urban renewal project in such municipality or in any contract or proposed contract in connection with such urban renewal project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the agency and such disclosure shall be entered upon the minutes of the agency. If any such official, commissioner or employee presently owns or controls, or owned or controlled within the preceding two years, any interest, direct or indirect, in any property which he knows is included or planned to be included in an urban renewal project, he shall immediately disclose this fact in writing to the agency, and such disclosure shall be entered upon the minutes of the agency, and any such official, commissioner or employee shall not participate in any action by the municipality (or board or commission thereof), or urban renewal agency affecting such property. No commissioner or other officer of any urban renewal agency, board or commission exercising powers pursuant to this Act shall hold any other public office under the municipality other than his commissionership or office with respect to such urban renewal agency. Any violation of the provisions of this section shall constitute misconduct in office.

SECTION 18. DEFINITIONS.—The following terms wherever used or referred to in this Act, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(a) “Agency” or “Urban Renewal Agency” shall mean a public agency created by Section 6 of this Act.

(b) “Municipality” shall mean any incorporated city or town, or county in the state.

(c) “Public body” shall mean the state or any municipality, township, village, board, commission, authority, district, or any other subdivision or public body of the state.

(d) “Local governing body” shall mean the Council or other legislative body charged with governing the municipality.

(e) “Mayor” shall mean the mayor of a municipality or
other officer or body having the duties customarily imposed upon the executive head of a municipality.

(f) "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(g) "Federal government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(h) "Deteriorated area" shall mean an area in which there is a predominance of buildings or improvements, whether residential or non-residential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and over crowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

(i) "Deteriorating area" shall mean an area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, sanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use: Provided, that if such deteriorating area consists of open land the conditions contained in the proviso in Section 8 (d) shall apply: And provided further, that any disaster area referred to in Section 8 (g) shall constitute a deteriorating area.

(j) "Urban Renewal Project" may include undertakings and activities of a municipality in an urban renewal area for the elimination of deteriorated or deteriorating areas and for the prevention of the development or spread of slums and blight, and may involve slum clearance and
redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include—

(1) acquisition of a deteriorated area or a deteriorating area or portion thereof;

(2) demolition and removal of buildings and improvements;

(3) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this Act in accordance with the urban renewal plan;

(4) disposition of any property acquired in the urban renewal area (including sale, initial leasing or retention by the agency itself) at its fair value for uses in accordance with the urban renewal plan;

(5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;

(6) acquisition of real property in the urban renewal area which, under the urban renewal plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property; and

(7) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities.

(k) "Urban renewal area" means a deteriorated area or a deteriorating area or a combination thereof which the local governing body designates as appropriate for an urban renewal project.

(l) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall conform to the general plan for the municipality as a whole except as provided in subsection 8 (g); and (2) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be
proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, and building requirements.

(m) "Related activities" shall mean (1) planning work for the preparation or completion of a community-wide plan or program pursuant to Section 9 of this Act, and (2) the functions related to the acquisition and disposal of real property pursuant to Section 7 (d) of this Act.

(n) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

(o) "Bonds" shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(p) "Obligee" shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the municipality property used in connection with urban renewal, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(q) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(r) "Area of operation" shall mean the area within the corporate limits of the municipality and the area within five miles of such limits, except that it shall not include any area which lies within the territorial boundaries of another incorporated city or town unless a resolution shall have been adopted by the governing body of such other city or town declaring a need therefor.

(s) "Board" or "Commission" shall mean a board, commission, department, division, office, body or other unit of the municipality.

(t) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regula-
tions, or to other activities concerning dwellings in the municipality.

SECTION 19. SEPARABILITY, ACT CONTROLLING. —Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Insofar as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling. The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law.

Approved March 29, 1965.

CHAPTER 247
(H. B. No. 214)

AN ACT

AMENDING CHAPTER 6 OF TITLE 34, IDAHO CODE, BY ADDING A NEW SECTION THERETO, FOLLOWING SECTION 34-624, TO BE KNOWN AND DESIGNATED AS SECTION 34-625, PROVIDING THAT VACANCIES IN THE POSITION OF PRECINCT COMMITTEEEMEN MAY BE FILLED BY THE COUNTY CENTRAL COMMITTEE, BUT THAT SUCH APPOINTMENT MUST BE MADE FROM QUALIFIED ELECTORS RESIDING WITHIN THE PRECINCT.

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

SECTION 1. That Chapter 6 of Title 34, Idaho Code, be, and the same is hereby amended by adding a new section thereto, following Section 34-624, to be known and designated as Section 34-625, and to read as follows:

34-625. A vacancy in the position of precinct committeeman may be filled by appointment by the county central committee of the party in which the vacancy exists, but such appointee must be a qualified elector who resides within the precinct to which he is appointed.

Approved March 29, 1965.
CHAPTER 248
(H. B. No. 319)

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, for the purpose of paying the necessary expenses of the operation and conduct of the Girl Scout Encampment at Farragut State Park in the summer of 1965, for the period commencing June 1, 1965 and ending December 31, 1965:

To Whom Appropriated: Appropriations:
PROJECT COORDINATOR
GIRL SCOUT ENCAMPMENT
OFFICE OF THE GOVERNOR
For: Lump Sum ........................................... $47,000

From the General Fund ..................................... $47,000

SECTION 2. This act is expressly exempt from the provisions of the Standard Appropriations Act of 1945.

SECTION 3. This Act shall be in full force and effect on and after the first day of June, 1965.

Approved March 29, 1965.
CHAPTER 249
(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, to the Board of Regents of the University of Idaho for the agencies named herein, 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, for the period commencing July 1, 1965 and ending June 30, 1967; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR AGRICULTURAL EXTENSION:
For: Total $3,001,866
    Less Other Income 1,218,866
    From the General Fund $1,783,000

TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR AGRICULTURAL RESEARCH:
For: Total $3,744,096
    Less Other Income 1,193,902
    From the General Fund $2,550,194
TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR GENERAL EXPENSE:
For: Total ...............................................$17,085,091
Less Other Income ................................. 2,360,010

From the General Fund ..............................$14,725,081

TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR PURE SEED:
For: Salaries and Wages ......................$ 45,216
Travel Expense ................................. 500
Other Current Expense ....................... 8,500
Capital Outlay ................................ 1,000

Total ..................................................$ 55,216
From the General Fund .........................$ 55,216

TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR SPECIAL RESEARCH:
For: Salaries and Wages ......................$ 96,000
Travel Expense ................................. 11,000
Other Current Expense ....................... 18,000
Capital Outlay ................................ 10,000

Total ..................................................$ 135,000
From the General Fund .........................$ 135,000

SECTION 2. There is hereby appropriated out of the General Fund of the State of Idaho, to the Bureau of Mines and Geology, 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, for the period commencing July 1, 1965 and ending June 30, 1967; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: ............................. Appropriations:
BUREAU OF MINES AND GEOLOGY: ..................$172,520
For: Salaries and Wages ......................$172,520
Travel Expense ................................. 15,100
Other Current Expense ....................... 25,345
Capital Outlay ................................ 9,150
CHAPTER 250
(H. B. No. 327)

AN ACT


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

SECTION 1. There is hereby appropriated out of the 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, 1965, and ending June 30, 1969; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: appropriations:
STATE BOARD OF EDUCATION FOR LEWIS-CLARK NORMAL SCHOOL:
For: Salaries and Wages $816,915.00
Travel Expense 7,500.00
Other Current Expense 223,919.00
Capital Outlay 50,000.00

Total $1,098,334.00
Less Other Income 222,950.00

From the General Fund $875,384.00

Approved March 29, 1965.
CHAPTER 251
(H. B. No. 252, As Amended in the Senate)

AN ACT
AMENDING SECTION 72-105A, IDAHO CODE, TO PROVIDE THAT THE EMPLOYMENT OF WORKING MEMBERS OF A PARTNERSHIP SHALL NOT BE COVERED UNDER THE WORKMEN'S COMPENSATION ACT UNLESS COVERAGE ELECTED PURSUANT TO SECTION 72-105B, IDAHO CODE.

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

SECTION 1. That Section 72-105A, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

72-105A. EMPLOYMENTS NOT COVERED.—None of the provisions of this act shall apply to the following employments, unless coverage thereof is elected as provided in section 72-105b:

1. Agricultural pursuits. Agricultural pursuits, as used herein, shall include the raising or harvesting of any agricultural or horticultural commodity including the raising, pelting, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife raised in captivity, on enclosed lands and public ranges.

2. Household domestic service.

3. Casual employment.

4. Employment by charitable organizations.

5. Employment of outworkers.

6. Employment of members of employer’s family dwelling in his household.

7. Employment of airmen or individuals, including the person in command and any pilot, mechanic or member of the crew, engaged in the navigation of aircraft while under way.

8. Employment which is not carried on by the employer for the sake of pecuniary gain.

9. Employment of a working member of a partnership.

Approved March 29, 1965.
C. 252 '65   IDAHO SESSION LAWS   629

CHAPTER 252
(H. B. No. 135)

AN ACT

AMENDING CHAPTER 25, OF TITLE 33, IDAHO CODE, RELATIVE TO STATE LIBRARY BOARD BY ADDING NEW SECTIONS THERETO FOLLOWING SECTION 33-2503, TO BE KNOWN AND DESIGNATED AS SECTIONS 33-2504, 33-2505, 33-2506, 33-2507, 33-2508, AND 33-2509; DEFINING POWERS AND DUTIES OF THE STATE LIBRARY BOARD, TO ACCEPT AND EXPEND GRANTS IN AID, TO ASSIST IN THE ESTABLISHMENT AND FINANCING OF REGIONAL PUBLIC LIBRARY SERVICE, TO CONTRACT FOR THE RENDERING OF LIBRARY SERVICES; ENACTING AN INTERSTATE LIBRARY COMPACT, STATING THE POLICY AND PURPOSE, DEFINING TERMS, PROVIDING FOR THE ESTABLISHMENT AND MAINTENANCE OF INTERSTATE LIBRARY DISTRICTS, AND SETTING FORTH THE POWERS OF SUCH DISTRICTS, PROVIDING FOR THE GOVERNING BOARD, PROVIDING FOR STATE LIBRARY AGENCY CO-OPERATION, PROVIDING FOR LIBRARY AGREEMENTS PURSUANT TO THE COMPACT, PROVIDING FOR REVIEW OF SUCH AGREEMENTS BY THE ATTORNEY GENERAL AND SUCH OTHER STATE OFFICER OR AGENCY AS MAY HAVE JURISDICTION, PROHIBITING THE IMPAIRMENT OF EXISTING LAWS AND AGREEMENTS, ALLOWING THE APPROPRIATION OF FUNDS TO AN INTERSTATE LIBRARY DISTRICT, INCLUDING STATE AND FEDERAL FUNDS, PROVIDING FOR THE DESIGNATION OF A COMPACT ADMINISTRATOR AND DEPUTIES, PROVIDING FOR ENTRY INTO FORCE AND WITHDRAWAL, PROVIDING FOR CONSTRUCTION AND SEVERABILITY, REQUIRING COMPLIANCE WITH APPLICABLE LAWS RELATING TO CAPITAL EXPENDITURES; NAMING THE IDAHO STATE LIBRARY BOARD AS THE STATE AGENCY REFERRED TO IN THE COMPACT; DESIGNATING THE STATE LIBRARIAN AS THE COMPACT ADMINISTRATOR, WITH DEPUTIES TO BE APPOINTED; AND PROVIDING FOR WITHDRAWAL NOTICES.

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

**SECTION 1.** That Chapter 25 of Title 33, Idaho Code, be, and the same is hereby, amended by adding new sections thereto following Section 33-2503, to be known and designated as Sections 33-2504, 33-2505, 33-2506, 33-2507, 33-2508, and 33-2509, to read as follows:
33-2504. POWERS AND DUTIES OF THE BOARD.—In addition to the powers hereinbefore set out, the Idaho State Library Board shall have the following powers:

1. To accept, receive, administer, and expend, in accordance with the terms thereof, any moneys, materials or other aid granted, appropriated, or made available to Idaho by the United States, or any of its agencies, or by any other source, public or private, for library purposes. The Board is authorized to file any accounts required with reference to receiving and administering all such moneys, materials and other aid.

2. To assist in the establishment and financing of a statewide program of regional public library service, which may be in cooperation with any taxing unit, or public or private agency.

3. To contract with other libraries or agencies, within or without the State of Idaho, to render library services to people of the State of Idaho. The State Library Board shall have authority to reasonably compensate such other library unit or agency for the cost of the services it renders under any such contract.

33-2505. COMPACT ENACTED.—The Interstate Library Compact is hereby enacted into law and entered into by this state with all states legally joining therein in the form substantially as follows:

INTERSTATE LIBRARY COMPACT
ARTICLE I. POLICY AND PURPOSE

Because the desire for the services provided by libraries transcends governmental boundaries and can most effectively be satisfied by giving such services to communities and people regardless of jurisdictional lines, it is the policy of the states party to this compact to cooperate and share their responsibilities; to authorize cooperation and sharing with respect to those types of library facilities and services which can be more economically or efficiently developed and maintained on a cooperative basis; and to authorize cooperation and sharing among localities, states and others in providing joint or cooperative library services in areas where the distribution of population or of existing and potential library resources make the provision of library service on an interstate basis the most effective way of providing adequate and efficient service.
ARTICLE II. DEFINITIONS

As used in this compact:

(a) "Public library agency" means any unit or agency of local or state government operating or having power to operate a library.

(b) "Private library agency" means any nongovernmental entity which operates or assumes a legal obligation to operate a library.

(c) "Library agreement" means a contract establishing an interstate library district pursuant to this compact or providing for the joint or cooperative furnishing of library services.

ARTICLE III. INTERSTATE LIBRARY DISTRICTS

(a) Any one or more public library agencies in a party state in cooperation with any public library agency or agencies in one or more other party states may establish and maintain an interstate library district. Subject to the provisions of this compact and any other laws of the party states which pursuant hereto remain applicable, such district may establish, maintain and operate some or all of the library facilities and services for the area concerned in accordance with the terms of a library agreement therefor. Any private library agency or agencies within an interstate library district may cooperate therewith, assume duties, responsibilities and obligations thereto, and receive benefits therefrom as provided in any library agreement to which such agency or agencies become party.

(b) Within an interstate library district, and as provided by a library agreement, the performance of library functions may be undertaken on a joint or cooperative basis or may be undertaken by means of one or more arrangements between or among public or private library agencies for the extension of library privileges to the use of facilities or services operated or rendered by one or more of the individual library agencies.

(c) If a library agreement provides for joint establishment, maintenance or operation of library facilities or services by an interstate library district, such district shall have power to do any one or more of the following in accordance with such library agreement:

1. Undertake, administer and participate in programs or arrangements for securing, lending or servicing books and
other publications, any other materials suitable to be kept or made available by libraries, library equipment or for the dissemination of information about libraries, the value and significance of particular items therein, and the use thereof.

2. Accept for any of the purposes under this compact any and all donations, and grants of money, equipment, supplies, materials, and services (conditional or otherwise), from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm or corporation, and receive, utilize and dispose of the same.

3. Operate mobile library units or equipment for the purpose of rendering bookmobile service within the district.

4. Employ professional, technical, clerical and other personnel, and fix terms of employment, compensation and other appropriate benefits; and where desirable, provide for the in-service training of such personnel.

5. Sue and be sued in any court of competent jurisdiction.

6. Acquire, hold, and dispose of any real or personal property or any interest or interests therein as may be appropriate to the rendering of library service.

7. Construct, maintain and operate a library, including any appropriate branches thereof.

8. Do such other things as may be incidental to or appropriate for the carrying out of any of the foregoing powers.

ARTICLE IV. INTERSTATE LIBRARY DISTRICTS, GOVERNING BOARD

(a) An interstate library district which establishes, maintains or operates any facilities or services in its own right shall have a governing board which shall direct the affairs of the district and act for it in all matters relating to its business. Each participating public library agency in the district shall be represented on the governing board which shall be organized and conduct its business in accordance with provision therefor in the library agreement. But in no event shall a governing board meet less often than twice a year.

(b) Any private library agency or agencies party to a library agreement establishing an interstate library district may be represented on or advise with the governing
board of the district in such manner as the library agreement may provide.

**ARTICLE V. STATE LIBRARY AGENCY COOPERATION**

Any two or more state library agencies of two or more of the party states may undertake and conduct joint or cooperative library programs, render joint or cooperative library services, and enter into and perform arrangements for the cooperative or joint acquisition, use, housing and disposition of items or collections of materials which, by reason of expense, rarity, specialized nature, or infrequency of demand therefor, would be appropriate for central collection and shared use. Any such programs, services or arrangements may include provision for the exercise on a cooperative or joint basis of any power exercisable by an interstate library district and an agreement embodying any such program, service or arrangement shall contain provisions covering the subjects detailed in Article VI, of this compact for interstate library agreements.

**ARTICLE VI. LIBRARY AGREEMENTS**

(a) In order to provide for any joint or cooperative undertaking pursuant to this compact, public and private library agencies may enter into library agreements. Any agreement executed pursuant to the provisions of this compact shall, as among the parties to the agreements:

1. Detail the specific nature of the services, programs, facilities, arrangements or properties to which it is applicable.

2. Provide for the allocation of costs, and other financial responsibilities.

3. Specify the respective rights, duties, obligations and liabilities of the parties.

4. Set forth the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of the agreement.

(b) No public or private library agency shall undertake to exercise itself, or jointly with any other library agency, by means of a library agreement any power prohibited to such agency by the constitution or statutes of its state.
(c) No library agreement shall become effective until filed with the compact administrator of each state involved, and approved in accordance with Article VII of this compact.

ARTICLE VII. APPROVAL OF LIBRARY AGREEMENTS

(a) Every library agreement made pursuant to this compact shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general of each state in which a public library agency party thereto is situated, who shall determine whether the agreement is in proper form and compatible with the laws of his state. The attorneys general shall approve any agreement submitted to them unless they shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public library agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within ninety days of its submission shall constitute approval thereof.

(b) In the event that a library agreement made pursuant to this compact shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction in the same manner and subject to the same requirements governing the action of the attorneys general pursuant to paragraph (a) of this article. This requirement of submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the attorneys general.

ARTICLE VIII. OTHER LAWS APPLICABLE

Nothing in this compact or in any library agreement shall be construed to supersede, alter or otherwise impair any obligation imposed on any library by otherwise applicable law, nor to authorize the transfer or disposition of any property held in trust by a library agency in a manner contrary to the terms of such trust.

ARTICLE IX. APPROPRIATIONS AND AID

(a) Any public library agency party to a library agree-
ment may appropriate funds to the interstate library dis­
trict established thereby in the same manner and to the
same extent as to a library wholly maintained by it and,
subject to the laws of the state in which such public li-
brary agency is situated, may pledge its credit in support
of an interstate library district established by the agree-
ment.

(b) Subject to the provisions of the library agreement
pursuant to which it functions and the laws of the states
in which such district is situated, an interstate library
district may claim and receive any state and federal aid
which may be available to library agencies.

ARTICLE X. COMPACT ADMINISTRATOR

Each state shall designate a compact administrator with
whom copies of all library agreements to which his state or
any public library agency thereof is party shall be filed.
The administrator shall have such other powers as may be
conferred upon him by the laws of his state and may con-
sult and cooperate with the compact administrators of other
party states and take such steps as may effectuate the pur-
poses of this compact. If the laws of a party state so pro-
vide, such state may designate one or more deputy compact
administrators in addition to its compact administrator.

ARTICLE XI. ENTRY INTO FORCE AND
WITHDRAWAL

(a) This compact shall enter into force and effect im-
mediately upon its enactment into law by any two states.
Thereafter, it shall enter into force and effect as to any
other state upon the enactment thereof by such state.

(b) This compact shall continue in force with respect
to a party state and remain binding upon such state until
six months after such state has given notice to each other
party state of the repeal thereof. Such withdrawal shall
not be construed to relieve any party to a library agree-
ment entered into pursuant to this compact from any ob-
ligation of that agreement prior to the end of its duration
as provided therein.

ARTICLE XII. CONSTRUCTION AND
SEVERABILITY

This compact shall be liberally construed so as to effec-
tuate 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.

33-2506. LIMITATION ON CAPITAL EXPENDITURES.—No taxing unit or public or private agency maintaining a library within this state shall be a party to a library agreement which provides for the construction or maintenance of a library pursuant to Article III, subdivision (c-7) of the compact, nor contribute to the capital financing thereof, except after compliance with any laws applicable to such taxing units or agencies relating to or governing capital outlays.

33-2507. DEFINITION. — As used in the compact, “state library agency”, with reference to this state, means the Idaho State Library Board.

33-2508. DESIGNATION OF ADMINISTRATOR.—The state librarian shall be the compact administrator pursuant to Article X of the compact. The State Library Board may appoint one or more deputy compact administrators pursuant to said Article. Every library agreement made pursuant to the compact shall, as a condition precedent to its entry into force, be submitted to the compact administrator for his recommendations and approval.

33-2509. WITHDRAWAL.—In the event of withdrawal from the compact the compact administrator shall send and receive any notices required by Article XI (b) of the compact.

Approved March 29, 1965.
C. 253 '65  IDAHO SESSION LAWS  687

CHAPTER 253
(H. B. No. 307)

AN ACT


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

SECTION 1. That Section 33-102, Idaho Code, be, and the same is hereby amended to read as follows:
33-102. The state board of education shall consist of
the state superintendent of public instruction and the exec­
utive director of the state board of education, ex officio, and
five (5) seven (7) members appointed by the governor,
each for a term of five (5) years, except that one of three
regular appointments in 1965 shall be for a term of four (4)
years. Annually on the first day of April March the gov­
ernor shall appoint one (1) members to fill the board posi­
tions for which the terms of office have expired. The gov­
ernor shall, by appointment, fill any vacancy on the board,
such appointment to be for the unexpired term of the re­
tiring member, and to be made within thirty (30) 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 peoule,
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 (3) 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. All appointments of members
to the state board of education made after the effective
date of this act must be confirmed by the Senate.

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

SECTION 2. That Chapter 1 of Title 33, Idaho Code, be,
and the same is hereby amended by adding a new section
thereto, following Section 33-102, to be known and desig­
nated as Section 33-102A, and to read as follows:

33-102A. The state board of education is hereby au­
thorized and directed to appoint an executive director who
shall serve at the pleasure of the board and shall receive
such salary as fixed by the board. The executive director
shall, under the direction of the state board of education,
supervise the administration of all state institutions having
instruction above the twelfth grade and shall also be an ex
officicio member of the board of regents of the University
of Idaho. The executive director shall have such other and
further duties and powers as prescribed by the said board
of regents and the state board of education.

SECTION 3. That Section 67-1504, Idaho Code, be, and
the same is hereby amended to read as follows:

67-1504. He shall be ex officio a member of the state
board of education and board of regents of the University of Idaho and an executive officer thereof. As such executive officer he shall enforce the rules and regulations concerning schools and institutions under the control of the board except institutions of higher education, and see that all matters requiring the decision of the board are promptly placed before them for decision, and shall faithfully execute the duties devolving upon said board through him as their executive officer concerning schools and institutions under the control of the board except institutions of higher education.

SECTION 4. 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, wages, travel expenses and other current expenses of the state board of education in all of its capacities dealing with higher education in the state, including its actions as the board of regents of the University of Idaho, for the period commencing July 1, 1965 and ending June 30, 1967; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
STATE BOARD OF EDUCATION
For: Board Honorariums $ 5,000.00
     Executive Director 30,000.00
     Secretary Salaries 20,000.00
     Travel Expenses 10,000.00
     Other Current Expenses 10,000.00

From the General Fund $75,000.00

Approved March 29, 1965.

CHAPTER 254
(H. B. No. 271)

AN ACT
AFFECTING REVENUE BY AMENDING SECTION 63-3027, IDAHO CODE, TO CHANGE THE METHOD OF ALLOCATING AND TAXING INCOME FROM MULTI-STATE BUSINESS OPERATIONS.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Section 63-3027, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

63-3027. COMPUTING TAXABLE INCOME OF NON-RESIDENT PERSONS AND ANY CORPORATIONS.—

(a) In computing the The Idaho taxable income of a non-resident person with business situs in this state or any corporation with a business situs in this state shall be computed and taxed in accordance with the rules set forth in this section: income realized from or derived from sources within this state includes:

(1) Interest on bonds, notes or other interest-bearing obligations of the state of Idaho, or any political subdivision thereof, or of residents of the state of Idaho, corporate or otherwise.

(2) Dividends received from a qualifying corporation as defined in subsection (g) of Section 63-3022, Idaho Code, as amended.

(3) Compensation for labor or personal services performed in the state. In the case of a non resident officer or director of a corporation more than fifty percent of the business of which is done in the state, the salary, fees or other compensation of such officer or director, paid to him by such corporation, shall be treated as income from sources within the state; and whether or not any personal services have been performed by such non resident officer or director in this state, he shall be deemed to have a business situs in this state; further, if such salary or fees be not reported on the return of such non resident, such corporation shall not deduct as part of its expenses for the taxable year any part of such salary or fees in computing its taxable income.

(4) Rentals or royalties from property located in the state or from any interest in such property, including rentals or royalties for the use of or for the privilege of using in the state of Idaho, patents, copyrights, secret processes, and formulas, good will, trademarks, trade brands, franchises, and other like property.

(5) Gains, profits and income from the sale of real property located in the state.

(6) Gains, profits and income derived from the purchase of personal property without the state and its sale within the state.
(7) Gains, profits, and income derived from any partnership having a business situs within the state.

Treatment of such items of income shall in all respects be made according to the provisions of the Internal Revenue Code and section 62-2022, Idaho Code, as amended.

(b) In computing taxable income, the items specified in subsection (a) as being income from sources within the state shall be modified only by deductions, subtractions or additions which are directly related or properly allocated thereto, and a ratable part of such other deductions, subtractions or additions which cannot be definitely or directly related to any such item of income, under regulations of general apportionment to be prescribed by the tax collector.

(c) In the case of items of income derived from sources partly within and partly without the state, including income from transportation or other services rendered partly within and partly without the state, or from the sale of personal property produced—(in whole or in part)—by the taxpayer without and sold within the state or from the purchase of personal property within the state and its sale without the state, the portion of taxable income may be determined by processes or formulas of general apportionment prescribed herein.

(d) Allocation. If the taxpayer’s total income is derived from sources both within and without the state of Idaho, and the part within is so separate and distinct from and unconnected with the part without that the taxable income within can be determined without regard to the part without, then the part without the state of Idaho shall not be considered in computing the tax imposed hereunder.

If the taxpayer’s total income is derived from sources both within and without the state, and the part within is so connected with the part without that the taxable income from the part within cannot be accurately determined independently from the part without, then the entire taxable income derived from sources both within and without the state of Idaho shall be determined as hereinbefore provided, and the taxable income from sources within the state shall be equal to that percentage of such entire taxable income as the average percentage as determined by adding the percentage of average real and tangible personal property within the state is to the average real and tangible personal property everywhere, to the percentage of total payroll of taxpayer within the state is to total payroll of taxpayer everywhere.
where, to the percentage of gross sales or revenue attributable to the state is to gross sales or revenue everywhere, all being divided by the number of factors used; this percentage of total taxable income equals taxable income within the state of Idaho, and subject to the Idaho tax, provided that whenever income of corporations from the conducting and carrying on of their trades or businesses is derived from sources outside of the state of Idaho, and such income is not returned for income tax purposes in the state of Idaho, no deductions allowable by the laws of this state, and arising or growing out of the earning or production of such income, may be taken by any such corporations in the ascertainment and computation of income for income tax purposes in the state of Idaho. In the determination of taxable income from sources within the state by the processes or formulas of general apportionment prescribed herein, the taxpayer's total net income from all sources must be used, without exclusion of any net income of divisional or departmental units or any activities thereof, regardless of situs, excepting the items realized from or derived from sources within this state described in paragraph (a) of this section to be treated as non-apportionable income.

(c) If the process or formula of general apportionment set out in subsection (d) hereof does not fairly or equitably determine taxable income from sources within the state, the taxpayer may request:

(1) The use of separate accounting for determining taxable income from sources within the state, including a reasonable allowance for indirect or overhead costs;

(2) The exclusion of one or more factors in any formula of general apportionment, and obtaining the fraction of apportionment by means of the total factors used;

(3) The inclusion of one or more additional factors to any formula of general apportionment which will more fairly or equitably determine the taxable income from sources within the state, and obtaining the fraction of apportionment by means of the total factors so used;

(4) The use of any other method that will fairly or equitably determine the taxable income from sources within the state.

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

(1) "Business income" means income arising from trans-
actions and activity in the regular course of the taxpayers' trade or business and includes income from the acquisition, management, or disposition of tangible and intangible property when such acquisition, management, or disposition constitute integral or necessary parts of the taxpayers' trade or business operations. Gains or losses and dividend and interest income from stock and securities of any foreign or domestic corporation in which the taxpayer owns or has the right to acquire, directly or indirectly, more than five percent (5%) of the voting stock shall be presumed to be income from intangible property, the acquisition, management, or disposition of which constitute an integral part of the taxpayers' trade or business; such presumption may only be overcome by clear and convincing evidence to the contrary.

(2) “Commercial domicile” means the principal place from which the trade or business of the taxpayer is directed or managed.

(3) “Compensation” means wages, salaries, commissions and any other form of remuneration paid to employees for personal services.

(4) “Non-business income” means all income other than business income.

(5) “Sales” means all gross receipts of the taxpayer not allocated under subsections d through h of this section.

(6) “State” means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.

(b) Any taxpayer having income from business activity which is taxable both within and without this state shall allocate and apportion such net income as provided in this section.

(c) For purposes of allocation and apportionment of income under this section, a taxpayer is taxable in another state if:

(1) In that state he is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax, or

(2) that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.
(d) Rents and royalties from real or tangible personal property, capital gains, interest, dividends, or patent or copyright royalties, to the extent that they constitute non-business income, shall be allocated as provided in subsection e through h of this section.

(e) (1) Net rents and royalties from real property located in this state are allocable to this state.

(2) Net rents and royalties from tangible personal property are allocable to this state:

(i) if and to the extent that the property is utilized in this state, or

(ii) in their entirety if the taxpayer's commercial domicile is in this state and the taxpayer is not organized under the laws of or taxable in the state in which the property is utilized.

(3) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

(f) (1) Capital gains and losses from sales of real property located in this state are allocable to this state.

(2) Capital gains and losses from sales of tangible personal property are allocable to this state if:

(i) the property had a situs in this state at the time of the sale, or

(ii) the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

(3) Capital gains and losses from sales of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state, unless such gains and losses constitute business income as defined in this section.
(g) Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this state unless such interest or dividends constitute business income as defined in this section.

(h) (1) Patent and copyright royalties are allocable to this state:

(i) if and to the extent that the patent or copyright is utilized by the payer in this state, or

(ii) if and to the extent that the patent or copyright is utilized by the payer in a state in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this state.

(2) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patent product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which the taxpayer's commercial domicile is located.

(i) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the taxpayer's commercial domicile is located.

(i) All business income shall be apportioned to this state by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three.

(j) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the tax period and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the tax period.

(k) Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any
annual rental rate received by the taxpayer from sub-rentals.

(l) The average value of property shall be determined by averaging the values at the beginning and ending of the tax period, but the Tax Collector may require the averaging of monthly values during the tax period if reasonably required to reflect properly the average value of the taxpayer's property.

(m) The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the tax period by the taxpayer for compensation, and the denominator of which is the total compensation paid everywhere during the tax period.

(n) Compensation is paid in this state if:

(1) the individual's service is performed entirely within the state; or

(2) the individual's service is performed both within and without the state, but the service performed without the state is incidental to the individual's service within the state; or

(3) some of the service is performed in the state and

   (i) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the state, or

   (ii) the base of operations or the place from which the 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.

(o) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period.

(p) Sales of tangible personal property are in this state if:

(1) the property is delivered or shipped to a purchaser, other than the United States government, within this state regardless of the f.o.b. point or other conditions of the sale, or

(2) the property is shipped from an office, store,
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warehouse, factory, or other place of storage in this state and

(i) the purchaser is the United States govern-

ment or

(ii) the taxpayer is not taxable in the state of
the purchaser.

(q) Sales, other than sales of tangible property, are in
this state, if:

(1) the income-producing activity is performed in
this state; or

(2) the income-producing activity is performed both
in and outside this state and a greater proportion of the
income-producing activity is performed in this state than
in any other state, based on costs of performance.

(r) If the allocation and apportionment provisions of
this section do not fairly represent the extent of the tax-
payer's business activity in this state, the taxpayer may
petition for or the Tax Collector may require, in respect to
all or any part of the taxpayer's business activity, if rea-
sonable:

(1) separate accounting, provided that only that por-
tion of general expenses clearly identifiable with Idaho busi-
ness operations shall be allowed as a deduction;

(2) the exclusion of any one or more of the factors;

(3) the inclusion of one or more additional factors
which will fairly represent the taxpayer's business activity
in this state; or

(4) the employment of any other method to effec-
tuate an equitable allocation and apportionment of the tax-
payer's income.

(f) (s) For purposes of this section a parent and sub-
sidiary corporation may, when necessary to accurately re-
fect income, be considered a single corporation solely for
the purpose of allocation of income realized from purchases
without and sales within this state or purchases within and
sales without this state.

(g) (t) In computing the taxable income of a part-year
or nonresident individual, trust or estate, the optional stand-
ard deduction as defined in section 141 of the Internal Rev-
enue Code, if applicable, the exemptions as defined in sec-
tion 151 of the Internal Revenue Code, and the Federal Income Tax deduction shall all be allowed in the proportion that the adjusted gross income of the taxpayer from Idaho sources bears to the total adjusted gross income from all sources before any deductions therefrom. The adjusted gross income, as used in this subsection, shall mean adjusted gross income as defined in section 62 of the Internal Revenue Code with adjustments for necessary additions and subtractions of income under this act.

SECTION 2. SEPARABILITY.—The provisions of this amendatory act are hereby declared to be separable and if any provisions of this act or the application of such provision is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

SECTION 3. EFFECTIVE DATE.—This act shall be effective for taxable years commencing on and after January 1, 1965.

Approved March 29, 1965.

CHAPTER 255
(H. B. No. 102, As Amended)

AN ACT

AMENDING SECTION 33-2702, IDAHO CODE, TO CHANGE THE DEFINITION OF A QUALIFIED ELECTOR IN A LIBRARY DISTRICT FOR ELECTIONS TO CREATE A LIBRARY DISTRICT AND FOR TRUSTEE ELECTIONS BY REMOVING THE REQUIREMENT THAT THE ELECTOR BE A TAXPAYER OR PROPERTY OWNER; AMENDING SECTION 33-2705, IDAHO CODE, TO REQUIRE THE BOARD OF COUNTY COMMISSIONERS TO CALL AN ELECTION WITHIN THIRTY (30) DAYS AFTER RECEIVING A PETITION FOR THE ESTABLISHMENT OF A LIBRARY DISTRICT AND TO SET THE ELECTION FOR NOT LATER THAN SIXTY (60) DAYS AFTER THE RECEIPT OF SUCH PETITION; AMENDING SECTION 33-2712, IDAHO CODE, TO AUTHORIZE LIBRARY DISTRICTS TO CONSTRUCT BUILDINGS; AMENDING SECTION 33-2719, IDAHO CODE, TO CHANGE THE DEFINITION OF AGENCIES WITH WHICH BOARDS OF TRUSTEES OF LIBRARY DISTRICTS MAY CONTRACT OR SELL LIBRARY SERVICES; AMENDING CHAPTER 27 OF TITLE 33, IDAHO CODE, BY ADDING TWO NEW SECTIONS THERE-
TO, FOLLOWING SECTION 33-2721, TO BE KNOWN AND DESIGNATED AS SECTIONS 33-2722 AND 33-2723, PROVIDING FOR ALTERNATIVE METHODS OF ESTABLISHING LIBRARY DISTRICTS BY PETITION OF FIFTY-ONE PER CENT (51%) OF THE RESIDENT ELECTORS WITHIN THE PROPOSED DISTRICT OR BY RESOLUTION OF THE COUNTY COMMISSIONERS; SETTING FORTH THE PROCEDURE OF ESTABLISHING LIBRARY DISTRICTS; PROVIDING FOR THE ISSUANCE OF BONDS BY A LIBRARY DISTRICT; SETTING FORTH THE PROCEDURE FOR HOLDING BOND ELECTIONS, ISSUING BONDS, AND REPAYING BONDS, BY ADOPTING THE PROCEDURE AND BOND ELECTOR REQUIREMENTS PRESCRIBED FOR SCHOOL DISTRICTS; AMENDING SECTION 33-2714, IDAHO CODE, TO PROVIDE THAT ALL TAX LEVIES OF LIBRARY DISTRICTS ARE LIENS UPON THE PROPERTY WITHIN THE DISTRICT; AUTHORIZE AND REQUIRE LIBRARY DISTRICTS TO MAKE TAX LEVIES SUFFICIENT TO PAY ALL BOND, BOND INTEREST AND JUDGMENT OBLIGATIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-2702, Idaho Code, be, and the same is hereby amended to read as follows:

33-2702. Any person voting, or offering to vote, at an election to create a library district, add territory thereto, or 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, and 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 2. That Section 33-2705, Idaho Code, be, and the same is hereby amended to read as follows:

33-3705. 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 within thirty (30) days enter an order that an election be called within the proposed library district for the purpose of voting on the creation of the district, and the date for this election
shall be not later than sixty (60) days after the receipt of said petition or petitions. 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 boards 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 3. That Section 33-2712, Idaho Code, be, and the same is hereby amended to read as follows:

33-2712. 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 and to construct buildings 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 4. That Section 33-2719, Idaho Code, be, and the same is hereby amended to read as follows:

33-2719. 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 any taxing unit, or public or private agency maintaining a library, providing that such city, village, school district or institution of higher education unit or agency 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 any taxing unit, or public or private agency 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 5. That Chapter 27 of Title 33, Idaho Code, be, and the same is hereby amended by adding two new sections thereto following Section 33-2721, to be known and designated as Section 33-2722 and Section 33-2723, and to read as follows:

33-2722. ALTERNATE METHODS OF ORGANIZING A LIBRARY DISTRICT.—In lieu of organizing a library district by election as hereinbefore authorized, a library district may be established, without an election, in any area of a county, excluding the area of any governmental unit maintaining a tax-supported public library, by resolution
of the board of county commissioners adopted by a majority affirmative vote of such board at a regular or special meeting; or the organization of a library district may be initiated upon a petition or petitions, signed by resident electors equal in number to fifty-one per cent (51%) of those voting in the last gubernatorial election in the area involved.

Each petition shall be verified by an elector, which verification shall state that the affiant knows that all of the parties whose names are signed to the petition are 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.

Each petition shall give the name of the proposed district and describe the boundaries thereof.

On the filing with the clerk of the board of county commissioners of the county in which the proposed district is located, of such petition or petitions requesting the creation of a library district, the board of county commissioners shall thereupon by resolution declare that a petition to create a library district has been filed with the board and shall direct the clerk to give notice by publication in a newspaper of general circulation printed within the county, once a week for not less than two weeks, to the effect that a hearing on the petition to create a library district within the stated boundaries will be held by the board of county commissioners on a date named in such notice. The date of the hearing shall be not less than three weeks, nor more than six weeks, from the date of the first publication of such notice.

The board shall meet on the day fixed, and canvass the petition or petitions for the purpose of determining if such petition or petitions have been signed by the required number of electors, at which time any elector residing within the area concerned may appear and object to the content of the petition or the genuineness of the signatures, or object on the ground that the required number of electors has not signed the petition, or may make any other objections as to the legality of the proceedings of the board.

After considering the petitions and hearing and considering the objections, if any, the board shall, if it deems the petitions in proper form and signed by the requisite number of electors, create a library district by an order duly spread upon its minutes.
Within five days from entry of the order creating a library district, the board of county commissioners shall appoint the members of the first board of trustees, who shall serve until the next annual election of trustees and until their successors are elected and qualified.

A library district established under this section shall in all succeeding matters function in accordance with provisions regarding the government of library districts as prescribed in this chapter.

33-2723. BOND ELECTION.—The purposes for which bonds may be issued shall be: To acquire, purchase, or improve a library site or sites; to build a library or libraries, or other building or buildings; to demolish or remove buildings; to add to, remodel or repair any existing buildings; to furnish and equip any building or buildings, including all facilities and appliances necessary to maintain and operate the buildings of the library; and to purchase motor vehicles for use as bookmobiles.

The library district may issue bonds in an amount not to exceed two per cent (2%) of the assessed valuation of property within the district, less any aggregate outstanding indebtedness.

The board of trustees of any library district, upon approval of a majority thereof, may call a bond election on 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 stated in the notice of election. The notice of bond election, the qualification of bond electors, the conduct of the election, the canvass of election and determination of the result of election, the issuance of bonds, the expenditure of bond proceeds and the repayment of the bonds shall all be determined and done in accordance with the laws of Idaho with respect to the authorization and issuance of bonds by school districts.

SECTION 6. That Section 33-2714, Idaho Code, be, and the same is hereby amended to read as follows:

33-2714. Any tax levied for library district purposes shall be a lien upon the property against which the tax is levied. The board of trustees shall determine and levy a tax in mills upon each dollar of assessed valuation of property within the district for the ensuing fiscal year as shall be required to satisfy all maturing bond, bond interest, and judgment obligations. For the maintenance and operation
of the library district, the board of trustees may also levy upon the taxable property within the district a tax not to exceed two mills. Said levies 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 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 29, 1965.

CHAPTER 256
(H. B. No. 61, As Amended, As Amended in the Senate)

AN ACT
AMENDING CHAPTER 23 OF TITLE 36, IDAHO CODE, BY AMENDING SECTION 36-2301 RELATING TO OFFICERS EMPOWERED TO ENFORCE FISH AND GAME LAWS BY DESIGNATING CONSERVATION OFFICERS AS PEACE OFFICERS FOR ENFORCEMENT OF PROVISIONS OF TITLE 36 AND OTHER LAWS BY LAW ENFORCEMENT AGENCIES EXPRESS REQUEST; BY PROVIDING FOR ISSUANCE OF A CITATION TO AN OFFENDER TO APPEAR AND ANSWER TO A CHARGE OF VIOLATING A PROVISION OF TITLE 36, IDAHO CODE; AND BY PROVIDING THAT IT SHALL BE A MISDEMEANOR FOR FAILURE OF THE OFFENDER TO APPEAR AS SPECIFIED IN THE CITATION AND FURTHER PROVIDING FOR THE ISSUANCE OF A WARRANT OF ARREST FOR SUCH FAILURE TO APPEAR; BY AMENDING SECTION 36-2305 RELATING TO THE SEIZURE OF MATERIALS, EQUIPMENT, APPLIANCES AND DEVICES AS EVIDENCE BY PROVIDING FOR SUCH SEIZURE TO BE MADE UPON THE ISSUANCE OF A CITATION TO APPEAR AND REQUIRING THAT A RECEIPT BE ISSUED FOR ALL LAWFUL ITEMS OF EQUIPMENT AND GEAR SO SEIZED AND HELD AS EVIDENCE.

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

SECTION 1. That Section 36-2301, Idaho Code, be, and the same is hereby amended to read as follows:

36-2301. The director of the fish and game department,
appointed under the provisions of this act. Title 36, Idaho Code, all fish and game department conservation officers, and all deputy game wardens and all sheriffs, deputy sheriffs, constables, marshals, police officers, water masters, ditch riders, state forest department officers, forest supervisors and forest rangers are authorized and it is hereby made their duty to arrest with or without warrant any person or persons found violating any of the provisions of the fish and game laws of the state when detected in the act of violating such law or laws or found with the fish, fur-bearing animals or game; wild fish, wild birds or wild animals unlawfully in their possession at the time of such arrest. All conservation officers and all other fish and game department classified civil service employees appointed by the director as conservation officers shall have the power of peace officers provided that their primary duty shall be the enforcement of the provisions of Title 36, Idaho Code, and the regulations pursuant thereto. Such conservation officers shall not act as peace officers in enforcing any other laws except at the express request of other law enforcement agencies for aid and assistance in enforcing such other laws. For purposes of this act, such a request from a law enforcement agency shall mean only a request for assistance as to a particular and singular violation or suspicion of violation of law, and shall not constitute a continuous request for assistance outside the purview of enforcement of Title 36, Idaho Code. However, such conservation officers shall at all times have the secondary duty and capacity to arrest persons having domestic animals in their unlawful possession.

All such arrests under Title 36, Idaho Code, may be effected by: (1) taking the offender into custody for immediate appearance before the nearest available magistrate having jurisdiction; or, (2) issuing a citation to the offender to appear before such magistrate. Said citation shall bear the date, time and place for his or her appearance before a magistrate; the name and address of the offender, the offense charged, the approximate location where and the approximate time when the offense was committed and other such essential and descriptive information related to the offense as prescribed by the Fish and Game Commission.

The citation shall be signed by the person notified to appear and he shall be given a copy thereof and thereupon may be released from custody. A citation shall be issued only by mutual agreement of the officer and the offender as evidenced by both their signatures on said citation. Failure
of the offender to appear at the time and place specified in the citation shall constitute a misdemeanor and shall be cause for issuance of a warrant for his or her arrest.

SECTION 2. That Section 36-2305, Idaho Code, be, and the same is hereby amended to read as follows:

36-2305. The director of the fish and game department, all conservation officers and all sheriffs, deputy sheriffs, constables, marshals, and police officers, state forest department officers, forest supervisors and forest rangers and all others empowered to enforce the laws of the State of Idaho are hereby authorized to and shall at any and all times seize and hold as evidence any and all powder, explosives, lime, poison, drugs, spears, traps, snares, guns, tackle, nets, seines or any other hunting, trapping or fishing appliances or apparatus, and other means and or devices for the unlawful taking or killing of fish or game of any kind or fur bearing animals found in the possession of any persons detected in unlawfully taking fish from any of the waters of the state or unlawfully killing or taking any kind of game, or fur bearing animal shall be seized by the officer making the arrest, used by any person arrested or cited for violation of any provision of Title 36, Idaho Code, now in force or hereafter enacted, provided, that all lawful traps, guns, tackle, nets and seines may be so taken from the possession of any person arrested for violation of this section, Title 36, Idaho Code, and held as evidence in any prosecution resulting from such arrest, shall but in no event shall such articles be subject to confiscation but the same shall be returned to the person from whom taken when no longer needed as evidence. Provided further that such seizures of evidence may also be made by the officer when the arrest is effected by issuance of a citation to appear as provided in Section 36-2301, Idaho Code, as amended. The officer shall issue a receipt for all items of equipment and gear seized as evidence under authority of this section.

Approved March 29, 1965.
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CHAPTER 257
(H. B. No. 180)

AN ACT

AMENDING SECTION 31-4006, IDAHO CODE, BY LOWERING THE BIDDER'S SECURITY FROM 10% TO 5%.

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

SECTION 1. That Section 31-4006, Idaho Code, be, and the same is hereby amended to read as follows:

31-4006. The security shall be in an amount equal to at least five per cent (10%) (5%) of the amount bid. A bid shall not be considered unless one (1) 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.

Approved March 29, 1965.

CHAPTER 258
(H. B. No. 131 As Amended)

AN ACT

AMENDING SECTION 37-2207, IDAHO CODE, TO INCREASE THE FEE FOR PERMITS ISSUED TO PHARMACIES FROM $35.00 TO $50.00; SETTING FEE FOR OTHER STORES STOCKING LESS THAN TEN DRUG ITEMS AT $4.00; SETTING FEE FOR OTHER STORES STOCKING MORE THAN TEN DRUG ITEMS BUT NOT MORE THAN FIFTY DRUG ITEMS AT $10.00; SETTING FEE FOR OTHER STORES STOCKING OVER FIFTY DRUG ITEMS AT $25.00; AND PROVIDING THAT DRUG ITEMS INCLUDE ALL ARTICLES DEFINED BY THE TERM "DRUG" IN SECTION 37-2202.

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

SECTION 1. That Section 37-2207, Idaho Code, be, and the same is hereby amended to read as follows:

37-2207. PERMITS — RENEWALS — FEES. — Applications for permits required under this act shall be made on a form to be provided and furnished by the board and shall be accompanied by the fee hereinafter required by this
section, which amount shall be paid as a fee for each annual renewal of such permit.

Separate application shall be made and separate permits issued for each separate place at which is carried on any of the operations for which a permit is required by this act.

For the issuing of permits required by this act, the fee for each permit issued to a pharmacy, drugstore, or apothecary shop shall be thirty-five ($35.00) to fifty dollars ($50.00) and for other stores, shops and places of business, the fee for each permit issued shall be four dollars ($4.00) for stores stocking less than ten drug items; ten dollars ($10.00) for stores stocking more than ten but not more than fifty drug items and twenty-five dollars ($25.00) for stores stocking over fifty drug items and the same fee shall be paid for the annual renewal of each permit. Drug items shall include all articles defined by the term “drug” in Section 37-2202, Idaho Code.

Permits issued under the provisions of this act shall be conspicuously posted in the place for which such permit was granted. Such permits shall not be transferable, and shall expire on the thirtieth day of June of each year.

Approved March 29, 1965.

CHAPTER 259
(H. B. No. 141)

AN ACT

AMENDING CHAPTER 9, TITLE 63, IDAHO CODE, BY CREATING TWO NEW SECTIONS TO BE KNOWN AS SECTIONS 63-908 AND 63-909, REPLACING IN THE IDAHO CODE THE SAME NUMBERED SECTIONS WHICH HAVE BEEN PREVIOUSLY REPEALED; PROVIDING THE POWER TO THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY TO ACQUIRE, MAINTAIN, AND OPERATE PUBLIC PARK AND PUBLIC RECREATIONAL FACILITIES, AND TO APPROPRIATE OTHERWISE UNAPPROPRIATED FUNDS FOR SUCH PURPOSES; PROVIDING FOR AN ANNUAL TAX LEVY NOT TO EXCEED FIVE CENTS (5¢) ON EACH ONE HUNDRED DOLLARS ($100) OF ASSESSED VALUATION; AND CREATING A “PARKS AND RECREATION FUND.”
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 9, Title 63, Idaho Code, be, and the same is hereby amended by adding a new section to be known and designated as Section 63-908, and to read as follows:

63-908. ACQUISITION OF PROPERTY FOR PARK OR RECREATIONAL PURPOSES—DEDICATION—EMINENT DOMAIN.—The board of county commissioners of each county in this state may purchase, lease, obtain by gift or accept by grant from private persons, corporations, the United States, the State of Idaho or other governmental agencies, real or personal property, within or without its territorial limits, and may hold, maintain, improve and operate the same for the use and purpose of a public park or public recreation, and it may dedicate property already owned by the county to a like purpose. This section shall not affect the right of a county to acquire property by proceedings in eminent domain.

SECTION 2. That Chapter 9, Title 63, Idaho Code, be, and the same is hereby amended by adding a new section to be known and designated as Section 63-909, and to read as follows:

63-909. ASSESSED COUNTY TAX LEVY—PARKS AND RECREATION FUND.—The board of county commissioners of each county in this state may levy annually upon all taxable property of its county, a tax for the acquisition, maintenance and operation of public parks or public recreational facilities, to be collected and paid into the county treasury and apportioned to a fund to be designated as the “Parks and Recreation Fund,” which is hereby created, and such board may appropriate otherwise unappropriated funds for such purposes. No levy made under this section shall exceed five cents (5¢) on each one hundred dollars ($100) of the assessed valuation of such property.

Approved March 29, 1965.
CHAPTER 260
(H. B. No. 179)

AN ACT
AMENDING SECTION 50-1926, IDAHO CODE, BY LOWERING THE BIDDER'S SECURITY FROM 10% TO 5%.

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

SECTION 1. That Section 50-1926, Idaho Code, be, and the same is hereby amended to read as follows:

50-1926. The security shall be in an amount equal to at least 5% of the amount bid. A bid shall not be considered unless one (1) 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.

Approved March 29, 1965.

CHAPTER 261
(H. B. No. 215, As Amended)

AN ACT
AMENDING SECTION 34-606, IDAHO CODE, RELATING TO DECLARATION OF CANDIDACY, BY PROVIDING THAT DECLARATIONS OF CANDIDACY FOR PRECINCT COMMITTEEMEN SHALL PROVIDE THAT THE CANDIDATE SHALL SWEAR OR AFFIRM THAT HE IS A QUALIFIED ELECTOR AND RESIDENT OF THE PRECINCT IN WHICH HE IS A CANDIDATE.

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

SECTION 1. That Section 34-606, Idaho Code, be, and the same is hereby amended to read as follows:

34-606. 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, prior to the nominating election to be held to nominate candidates for such office, in substantially the following form, to-wit:

Candidates for county or precinct office shall file a declaration 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 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) ........................................................................  
Subscribed and sworn to before me this .......... day of ................., 19.........

Notary Public

Provided, that a candidate for precinct committeeman shall include in his declaration a statement that he resides in the precinct for which he is a candidate.

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 following 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 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.

<table>
<thead>
<tr>
<th>Name of Petitioner</th>
<th>Post-office</th>
<th>Date of Signing</th>
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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 ..................) 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 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 .........., 19.........

Notary Public

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 (1) 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 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, constable, a county office or member of the state legislature, said petition or petitions must have affixed thereto not fewer than five (5) nor more than ten (10) 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, and constable must have affixed thereto not fewer than five (5) nor more than ten (10) names of voters residing within the precinct for which they are nominated. Each candidate for precinct committeeman, 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  )
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.

.................................................................
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 nonpolitical 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 supporting 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) ...................................................................

Approved March 29, 1965.

CHAPTER 262
(H. B. No. 297)

AN ACT

AMENDING SECTION 50-2116, IDAHO CODE, BY PROVIDING THAT AN INJURED POLICEMAN MAY USE HIS DISABILITY PERIOD IN COMPUTING RETIREMENT ELIGIBILITY, AND BY PROVIDING THE RATE OF RETIREMENT PAY.

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

SECTION 1. That Section 50-2116, Idaho Code, be, and the same is hereby amended to read as follows:

50-2116. No person shall be retired under this act, as provided in the above sections, unless the said party shall
comply with the qualifications set out and provided by this act.

(a) Any paid policeman incapacitated by injury or by illness as a result of the performance of his official duties as a paid member of a police department shall be retired so long as such disability shall continue in a degree which prevents efficient service, and during such disability shall be paid from the said fund disability benefit as follows:

(1) For disability attributable wholly to service as a paid policeman, a monthly sum equal to one-twenty-fourth of the amount of the annual salary attached to the rank which he held in the said police department of the city, or town, for a period of one year next preceding the date of such retirement;

(2) For disability attributable only in part to service as a paid policeman, a monthly disability benefit in an amount to be fixed by the board of police retirement fund commissioners, but commensurate with the extent or proportion such service-connected disability relates to such person's pre-existing injury or infirmity. The said board may increase or decrease such monthly benefits whenever the impairment in the person's earning capacity warrants an increase or decrease, but in no event shall a monthly benefit paid to such person exceed the benefit provided under subparagraph (1) above.

(3) Provided, however, that if any such paid policeman is entitled to receive compensation under the Workmen's Compensation Law of the state of Idaho as it now exists, or shall hereafter be amended, the amount payable under this act shall be reduced by the amount to which said paid policeman is entitled under the Workmen's Compensation Law.

(4) The board of police retirement fund commissioners shall require medical examinations of all applicants for retirement by reason of disability, and shall, at the discretion of said board, require periodic medical examinations of persons receiving a disability retirement allowance. The said board shall prescribe general rules for medical examinations required hereunder, and may provide for the discontinuance of any disability retirement allowance and forfeiture of all rights under this act for any person who refuses to submit to such an examination.
(5) The decision of the said board as to eligibility allowances or benefits shall be final.

(6) When a disability beneficiary is determined by the said board to be not incapacitated in a degree which prevents efficient service, his disability retirement allowance shall be cancelled forthwith. If thereafter such person be reinstated in the service of his department, he shall be credited with the number of years of continuous service with which he was credited at the time of his retirement for disability.

(7) Such a person, who for any reason is not reinstated in the service of his department, shall receive separation benefits according to his entitlement, as provided under section 50-2115, Idaho Code.

(b) In event a paid policeman is killed or sustains injury, from which death results, while in the performance of his duty, and leaves surviving him a widow, his widow shall, during the time she remains his widow and does not remarry, be paid from the said fund a yearly retirement sum, equal to one-half of the amount of the salary attached to the rank he held in the said police department of the city or town, for a period of one year next preceding the date of such time of injury or death, in event the widow of a policeman so killed, or whose death so results, shall remarry and there shall be, at the time of such remarriage, the minor child or minor children of deceased under the age of eighteen years, the payments aforesaid shall be paid to the widow, notwithstanding such remarriage but for the sole benefit of such minor child or children under and until reaching the age of eighteen years; provided, however, that any sums payable to any widow or minor child or children of any policeman under this act shall be reduced by any sum to which such widow or minor child or children may be entitled under the provisions of the Workmen’s Compensation Law of the state of Idaho.

(c) In event a paid policeman, retired on retirement pay shall die and leave surviving him a widow, who was his wife for over five years immediately prior to his death, but no minor children, she shall receive an amount equal to three-fourths of the retirement or benefit pay of her husband prior to his death, but only during her lifetime or until she remarries.

(d) In event a paid policeman, retired on retirement pay, shall die and leave surviving him a widow, who was his
wife for over five years immediately prior to his death, and his minor child or children, the widow shall be paid the retirement pay to which her deceased husband was eligible, and if she dies or remarries the full retirement pay shall be paid to the child or children until they reach the age of eighteen years, and to any child or children after the age of eighteen (18) years who are, or may become, mentally and/or physically incapacitated, rendering such child or children dependents.

(e) In event any paid policeman shall die within three months, from, and as a result of injuries received in performance of duty, and shall at the time of his death be unmarried but shall leave surviving him dependent natural father and mother, the retirement or benefit pay to which he would have been entitled thereunder shall be paid fifty percent to each of the surviving parents during the continuance of his or her natural life.

(f) The widow of any paid policeman, dying from causes disconnected with his official duties, but during the period of his service, shall be paid from the said fund the monthly sum of twenty-five dollars until her death or remarriage.

(g) In addition to the foregoing, the said fund shall pay, at the death of any paid policeman, from whatever cause, while employed in the service of the city or town police department, the sum of one hundred dollars, as funeral expenses, to the undertaker who buries him.

(h) Any policeman, or father, mother, widow, child or children of a policeman entitled to compensation under the Workmen’s Compensation Law, shall draw benefits under this act only to the extent that the benefits under this act exceed those to which he shall be entitled under the Workmen’s Compensation Law of the State of Idaho.

(i) When a policeman has been disabled and when the period of his disability combined with his prior service as a policeman makes him eligible for retirement under the provisions of this chapter, he may, upon application to the board, be retired at one-half the current rate of pay for the job classification, or its equivalent, which he held at the time of disability.

Approved March 29, 1965.
CHAPTER 263
(H. B. No. 234)

AN ACT
AMENDING SECTION 34-812, IDAHO CODE, BY PROVIDING THAT REGISTRARS AND THEIR DEPUTIES SHALL RECEIVE AS COMPENSATION NOT IN EXCESS OF 50 CENTS FOR EACH VOTER PERSONALLY REGISTERED BY THE REGISTRAR OR DEPUTIES.

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

SECTION 1. That Section 34-812, Idaho Code, be, and the same is hereby amended to read as follows:

34-812. Each registrar and deputy shall receive such compensation as shall be allowed him by the board of county commissioners, which in no case shall exceed twenty-five fifty cents ($25.50) for each voter registered personally by such registrar and deputy; and, the compensation herein provided for, shall be paid out of the current expense fund. Provided, that the county commissioners may allow to each of such registrars such additional sum, not exceeding twenty-five dollars ($25.00), as they shall fix, covering his services for both the primary and general elections.

Approved March 29, 1965.

CHAPTER 264
(H. B. No. 242, As Amended, As Amended in the Senate)

AN ACT
RELATING TO MOTOR CLUBS; DEFINING TERMS; PROVIDING FOR LICENSING AND REGULATION UNDER THE COMMISSIONER OF INSURANCE; REQUIRING SECURITY DEPOSIT AND CONDITIONS THEREOF; PROVIDING FOR ACTIONS ON BOND AND LIABILITY OF SECURITY DEPOSITS; PROVIDING FOR APPLICATIONS TO THE COMMISSIONER FOR CERTIFICATES OF AUTHORITY; PROVIDING FOR THE EFFECT AND TERM THEREOF; PROVIDING FOR REVOCATION, SUSPENSION OR REFUSAL TO RENEW SUCH CERTIFICATE; PROVIDING FOR SERVICE CONTRACTS, REQUIREMENTS, APPROVAL AND DISAPPROVAL THEREOF; PROVIDING FOR CONSTRUCTION AND VALIDITY OF
NON-COMPLYING FORMS; PROVIDING FOR LICENSING AND REGULATION OF MOTOR CLUB AGENTS; PROVIDING FOR SUSPENSION, REVOCATION OR REFUSAL OF AGENT'S LICENSE OR RENEWAL THEREOF; PROVIDING FOR HEARINGS AND APPEALS; REQUIRING ANNUAL STATEMENT AND REVIEW; SPECIFYING APPLICATION OF THE ACT; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR DEPOSIT OF MONEYS IN THE STATE TREASURY; FIXING A DATE OF COMPLIANCE FOR MOTOR CLUBS PRESENTLY OPERATING; PROVIDING EXEMPTIONS; AND PROVIDING FOR SEVERABILITY.

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

SECTION 1. DEFINITIONS.—As used in this act:

(1) “Motor Club service” shall consist of rendering, furnishing or procuring insurance service, towing service or emergency road service or reimbursement therefor, license service, theft service, bail bond service, discount service, map service, touring service, legal service on a reimbursement basis, or any one or more of such services to persons in connection with ownership, operation, use or maintenance of a motor vehicle by a person in consideration of such person being or becoming a member of an association or club rendering, procuring or furnishing such service, or being or becoming entitled to receive membership or other motor club service therefrom.

(2) “Club Agent” means a person who solicits the purchase of a service contract or membership.

(3) “Bail bond service” means the furnishing or procuring of a cash deposit or undertaking required by law in order that a person accused of violation of any motor vehicle law may enjoy personal freedom pending court appearance.

(4) “Discount service” means the obtaining through the auspices or assistance of the motor club of items incidental to motoring, touring, travel or things reasonably connected therewith, or any act resulting in giving special discounts, rebates or reductions to holders of memberships in motor clubs.

(5) “Towing service” means the drafting or moving of a motor vehicle from one place to another under power other than its own.

(6) “Theft service” means an act by a motor club for
the purpose of locating, identifying or recovering a stolen vehicle owned or controlled by the holder of a service contract with any such club or for the purpose of detecting or apprehending the person guilty of the theft.

(7) “Insurance service” means any act of procuring or assisting in procuring, with a service contract or as a result of membership in or affiliation with a motor club, a policy of insurance.

(8) “Legal service on a reimbursement basis” means paying fees of an attorney for his advice or services rendered to holders of service contracts.

(9) “Map service” means furnishing without cost, road maps, tour plans or tour guides to members of motor clubs.

(10) “License service” means the rendering of assistance by a motor club in obtaining:

(a) Registration of a motor vehicle with the state.
(b) Operator’s license.
(c) Chauffeur’s license.
(d) Transfer of legal or registered ownership upon the records of the department of motor vehicles of the state of Idaho.

(11) “Person” means a person, firm, partnership, company, association or corporation receiving motor club services or engaging in selling, furnishing or procuring, for consideration, motor club services, either as principal or agent.

(12) “Service contract” means an agreement or understanding whereby persons for a consideration promise to render, furnish or procure for other persons motor club service as defined in this section.

(13) “Touring service” means furnishing touring information without cost to holders of service contracts.

(14) “Emergency road service” means furnishing or reimbursing for the adjustment, repair, or replacement of equipment, tires or mechanical parts of a motor vehicle or other service to the same so as to permit it to be operated under its own power.

(15) “Motor Club” means a person engaged, either as principal or agent, in furnishing or procuring motor club
service to or for others, and as used herein the term motor club shall be synonymous with automobile club or automobile association.

(16) "Commissioner" means the Commissioner of Insurance for the state of Idaho.

(17) "Office" means a place of business in the State of Idaho operating, and open for business, a minimum of six hours per day and five days per week from which a motor club can and will furnish the services set forth in a service contract, which said office is operated by a motor club furnishing such service or any other duly authorized motor club through which such services are furnished on a reciprocal basis and which said office shall have a street number address and shall maintain a telephone.

SECTION 2. LICENSE AND REGULATION.—No person shall render or agree or offer to render motor club service in this state without first obtaining from the Commissioner a certificate of authority to do so and in applying for and acting under any such certificate of authority, such person shall be subject to all of the provisions of this chapter and such rules and regulations as the Commissioner may prescribe, and the Commissioner is hereby authorized to promulgate and prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this act.

SECTION 3. DEPOSIT AND MAINTENANCE OF SECURITY—AMOUNTS AND TYPES.—No certificate of authority to render motor club service in this state shall be granted to any person until such person shall have first deposited, and thereafter continuously maintained, with the Commissioner, security in one of the following forms:

(1) The sum of $25,000.00 in cash; or,

(2) Securities of a type approved by the Commissioner and qualified for legal investment by an authorized insurer and having a value of no less than $25,000.00. Unless otherwise specifically provided in this act, such deposit of securities shall be subject to the applicable provisions of Chapter 8 of Title 41, Idaho Code; or,

(3) Surety bond in the amount of $25,000.00 issued by a surety company admitted to do business in the state of Idaho.

(4) The securities or bond hereinabove provided for shall
be applicable to motor clubs issuing one year membership contracts. In event a motor club shall sell or issue a service contract for a period in excess of one year, the amount of basic security requirements above provided for shall be increased by fifty percent (50%) for each year covered by such service contract in excess of one year.

(5) Security posted with the Commissioner, as required herein, shall not be used by any motor club to fulfill the security requirements of any other State of the United States in which said motor club is authorized to do business.

SECTION 4. PURPOSE AND CONDITIONS OF SECURITIES.—Such securities shall:

(1) Be for the protection, use and benefit of any person whose application for membership in a motor club has been accepted by such club or its representatives.

(2) Be subject to the following conditions and, if a bond, shall be so expressly conditioned that:

(a) The club will faithfully furnish and render to such persons any and all of the motor club services sold or offered for sale to such person by the club.

(b) The club will pay any fines, fees or penalties imposed upon it pursuant to the provisions of this act.

SECTION 5. ACTIONS ON SURETY BONDS—LIABILITY OF SURETY.—If a surety bond is filed, any person defrauded or injured by any wrongful act, misrepresentation or failure on the part of the motor club with respect to the selling or rendering of any of its services may, after 30 days notice to the surety of his claim, bring direct suit on such bond in his own name, but the aggregate liability of the surety for all such suits shall, in no event, exceed the total sum of such bond, exclusive of the payment of costs or attorneys’ fees permitted by other provisions of law.

SECTION 6. DEPOSIT OF CASH OR SECURITIES—APPLICABLE CONDITIONS AND LIABILITY.—A deposit of cash or securities, in lieu of such bond, shall be subject to the conditions applying to the bond. If upon expiration of 30 days after the judgment shall become final the motor club has failed to satisfy in full any final judgment rendered against it by a court in this state and arising out of any fraud, wrongful act, misrepresentation or failure on the part of such club with respect to the selling or ren-
dering of any of its services to a member of the club, the judgment may be enforced by levy against such deposit. For the purposes of this provision, a judgment shall be deemed to have become final upon expiration of the period permitted by law for an appeal, or, if an appeal is taken, upon dismissal thereof or affirmance of the judgment and remittitur. So far as applicable, the satisfaction of any such judgment out of the deposit of cash or securities with the Commissioner shall be in accordance with the provisions of Section 41-810 (4) and (5), Idaho Code.

SECTION 7. APPLICATION FOR CERTIFICATE OF AUTHORITY — FILING REQUIREMENTS — APPLICATION FEE.—To apply for its original certificate of authority, a motor club shall:

(1) File with the Commissioner a formal verified application therefor in such form and detail as the Commissioner may reasonably require, executed by its president or other principal officer, showing:

(a) Its name, home office, location, organization date, state or country of its domicile;

(b) The nature and type of service it proposes to transact;

(c) Such additional information as the Commissioner may reasonably require.

(2) File with the Commissioner:

(a) A copy of its charter and amendments thereto, and, if a foreign company, the same shall be certified by the proper public officer of the state or country of domicile;

(b) A copy or facsimile of its insigna;

(c) A copy of its by-laws, if any, certified by its proper officer;

(d) A statement of its financial condition, management and affairs;

(e) A copy of each form of service agreement, contract, and service brochure it proposes to use in this state;

(f) If a foreign company, a certificate from the proper public official from its state or country of domicile showing that it is duly organized and is authorized to transact the type of motor club service which it proposes to be transacted in Idaho;
(g) A certificate issued by the Secretary of State showing that it has qualified to do business as a corporation in this state;

(h) Other documents or stipulations as the Commissioner may reasonably require to evidence compliance with the provisions of the laws of the state of Idaho.

(3) Pay to the Commissioner initial application, filing and appointment fees of $112.00.

(4) Appoint the Commissioner, upon such form as he may prescribe, its attorney to receive service of legal process. The provisions of Sections 41-333 and 41-334, Idaho Code, shall apply to such appointment and proceedings thereunder.

SECTION 8. NAME OF MOTOR CLUB.—The Commissioner shall reject the name or insignia of the motor club as submitted pursuant to this act when the proposed name or insignia is the same as or deceptively similar to that of any other motor club or other corporation lawfully doing business in this state.

SECTION 9. CERTIFICATE OF AUTHORITY—OWNERSHIP—TERM—EXPIRATION—REINSTATEMENT.—(1) A certificate of authority issued by the Commissioner to any motor club is evidence of its authority to transact in this state the business of motor club service.

(2) Although issued to the motor club, the certificate of authority is and shall at all times be and remain the property of the state of Idaho and upon any expiration, suspension or termination thereof, the motor club shall promptly redeliver the certificate of authority to the Commissioner.

(3) A certificate of authority shall continue in force so long as the motor club is entitled thereto under the provisions of this act and such rules and regulations prescribed by the Commissioner pursuant thereto and until suspended or revoked by the Commissioner or terminated at the request of the motor club; subject, however, to continuance of the certificate by the motor club each year by:

(a) Payment prior to March 1st of a continuation fee of $100.00; and

(b) Due filing by the motor club of its annual statement for the calendar year preceding as required by this act.
(4) If not so continued, its certificate of authority shall expire as of midnight on the 31st day of March next following such failure of the motor club to continue it in force or immediately upon failure to file annual statement within any extended time granted by the Commissioner as herein provided. The Commissioner shall promptly notify the motor club of the occurrence of any failure on its part which will or might result in the expiration of its certificate of authority.

(5) The Commissioner may, in his discretion, upon the motor club's request made within three months after expiration of certificate of authority, reinstate such certificate of authority, reinstate such certificate after the motor club has fully cured all of its failures which resulted in such expiration and upon payment by the motor club of a reinstatement fee of $50.00 in addition to a regular continuation fee. Otherwise, the motor club shall be granted another certificate of authority only after filing application therefor and meeting all other requirements as for an original certificate of authority.

SECTION 10. REVOCATION, SUSPENSION OR REFUSAL TO CONTINUE CERTIFICATE.—(1) The Commissioner may revoke, suspend or refuse to continue the certificate of authority of a motor club whenever, after a hearing and for cause shown, he determines that any of the following circumstances exist:

(a) The club has violated any provision of this chapter;

(b) It is found by the Commissioner to be in such financial condition that its further transaction of motor club service in this state would be hazardous to its members and the motor club service-buying public in this state, or that it is insolvent;

(c) It refuses to remove or discharge, or terminate its relationship with a director or officer who has been convicted of any crime involving fraud, dishonesty, or like moral turpitude;

(d) It customarily or in the regular course of business compels claimants under its service contracts either to accept less than the amount due them or fewer services, or to bring suit against it to secure full payment of the amount of all services due;

(e) It conducts its business outside this state in such
manner as unjustly to discriminate against or prejudice the interests of the people of this state;

(f) It is affiliated with and is under the same general management or interlocking directorate or ownership as another motor club which transacts business in this state which does not have a certificate of authority therefor;

(g) It exceeds the charter powers of its certificate of authority;

(h) It refuses to be examined, or if its directors, managing officers, employees or representatives refuse to submit to examination or to produce its accounts, records and files for examination by the Commissioner when required by him, or refuses to perform any legal obligation relative to the examination;

(i) It misrepresents or has misrepresented its business or services to the public or transacts its business fraudulently;

(j) It fails to file an annual statement or continue its certificate of authority in good standing;

(k) It has failed to pay any final judgment as hereinbefore defined, rendered against it in this state arising out of any fraud, wrongful act, misrepresentation or failure on its part with respect to the selling or rendering of any of its services.

(1) It fails to establish or maintain an office in this state.

(2) All suspensions or revocations of, or refusals to continue, a certificate of authority shall be by the Commissioner's order given to the motor club in accordance with Section 41-212, Idaho Code.

(3) Upon suspending or revoking or refusing to continue the certificate of authority of a motor club, the Commissioner shall forthwith give notice thereof to the motor club's agents in this state of record in the Department and shall likewise suspend or revoke the authority of such agents to represent the motor club so long as such suspension or revocation shall continue.

(4) In his discretion the Commissioner may likewise publish notice of such suspension, revocation or refusal in one or more newspapers of general circulation in this state.

 SECTION 11. SERVICE CONTRACTS — REQUIRE-
MENT—FILING AND APPROVAL.—Motor clubs shall be required to execute service contracts or agreements with their members. Such contracts or agreements or application form, where written application is required and is to be made a part of the agreement, or printed rider or endorsement form or form of renewal certificate, shall be filed with and approved by the Commissioner.

SECTION 12. SERVICE CONTRACTS — REQUIRED PROVISIONS AND STATEMENTS.—No motor club shall execute, issue or deliver a service contract or agreement in this state unless such contract or agreement contains the following:

(1) The names of the parties to the agreement.

(2) The exact location of the home office of the motor club and of its office in the state of Idaho, specifying city, street and telephone number.

(3) A provision that the contract may be cancelled at any time by either the club or the member by giving written notice thereof and that the member will, if the dues or membership fee has been paid thereon, be entitled to repayment of the unused portion of the consideration paid for such contract, calculated on a pro-rata basis over the period of the contract, without any deductions other than a reasonable minimum charge for the services entailed with relation to such cancellation.

(4) Provisions plainly specifying:

(a) The services which the motor club promises to render.

(b) That the holder will not be required to pay any sum in addition to the amounts specified in the contract or application therefor for any of the services thus specified.

(c) The territory wherein such services are to be rendered.

(d) The date when such services will commence and the period during which the contract is to continue in force.

(e) The exact amount to be paid by the member.

(5) A statement in not less than 14 point modern type at the head of said contract stating, "THIS IS NOT AN INSURANCE CONTRACT."

SECTION 13. GROUNDS FOR DISAPPROVAL.—The
Commissioner shall disapprove any form of contract or agreement, rider, endorsement or renewal, or withdraw any previous approval thereof, only on one or more of the following grounds:

(1) It is in any respect in violation of or does not comply with this act.

(2) It contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which deceptively affect the services to be rendered in the general coverage of the contract.

(3) It has any title, heading or other indication of its provisions which is misleading.

(4) It is printed or otherwise reproduced in such manner as to render any provision of the form substantially illegible.

(5) It contains any provision purporting to make any portion of the charter, by-laws or other constituent document of the motor club (other than a power of attorney or the member's application) a part of the contract unless such portion is set forth in full therein.

SECTION 14. VALIDITY AND CONSTRUCTION OF NONCOMPLYING FORMS.—(1) Any contract or agreement hereafter delivered or issued for delivery to any person in this state in violation of the requirements of this act, shall, nevertheless, be valid and binding on the motor club.

(2) Any contract or agreement, rider, endorsement or renewal hereafter issued and otherwise valid which contains any condition, omission or provision not in compliance with the requirements of this act shall be construed and applied in accordance with such conditions as would have applied had such contract or agreement, rider, endorsement or renewal, been in full compliance with this act.

SECTION 15. CLUB AGENT—LICENSE REQUIRED.—No person shall act as a club agent in this state without first procuring a license from the Commissioner.

SECTION 16. CLUB AGENT — APPLICATION FOR LICENSE.—(1) Application for a license as a club agent shall be made to the Commissioner upon forms to be prescribed and furnished by him. As a part of, or in connection with any application, the applicant shall furnish information concerning his identity, residence, personal history,
experience, business record, and such other pertinent facts which the Commissioner may reasonably require.

(2) Only individuals shall be licensed as club agents.

(3) Any person wilfully misrepresenting any fact required to be disclosed in any application shall be subject to the penalties provided in this act.

**SECTION 17. CLUB AGENT — QUALIFICATIONS FOR LICENSE.**—The Commissioner shall license as a motor club agent only an individual who has otherwise complied with the provisions of this act and who has furnished evidence satisfactory to the Commissioner that he:

(1) Is at least 21 years of age.

(2) Has been a bona fide resident of this state for at least 90 days or is a resident of a state which will permit residents of this state to act as club agents in such other state.

(3) Has not been convicted of a felony within 5 years preceding submission of the application.

(4) Has the endorsement of at least two reputable citizens of the community of his residence that he is a trustworthy person with a good reputation.

**SECTION 18. CLUB AGENT—FORM OF LICENSE.**—The Commissioner shall prescribe the form of the club agent’s license but it shall contain:

(1) The name of the licensee and his business address.

(2) The date of issuance and date of expiration.

(3) The name of the represented motor club.

**SECTION 19. CLUB AGENT — RENEWAL OF LICENSE—FEE.**—A club agent’s license shall be renewable on April 1st of each year. A fee of $5.00 shall be paid to the Commissioner for each original license issued and a fee of $2.00 shall be paid to the Commissioner for each renewal thereof.

**SECTION 20. CLUB AGENT — GROUNDS FOR SUSPENSION, REVOCATION OR REFUSAL OF LICENSE OR RENEWAL.**—The Commissioner may suspend, revoke or refuse to renew any club agent’s license for any of the following causes:
(1) If the licensee has obtained or attempted to obtain any license through misrepresentation or fraud.

(2) If the licensee has, within the last 5 years, misappropriated or converted to his own use or has illegally withheld moneys required to be held in a fiduciary capacity.

(3) If the licensee materially misrepresents the terms, benefits or privileges of any service contract or membership issued or to be issued by the motor club he represents.

(4) If, in the conduct of his affairs under the license, the licensee has shown himself to be incompetent, untrustworthy, or a source of injury and loss to the motor club service-buying public.

(5) If the licensee solicits or aids in the solicitation of a person to purchase a service contract or membership issued by a motor club not having a certificate of authority procured pursuant to this act and in good standing, excepting such motor clubs as may have until March 1, 1966 to comply herewith as hereinafter provided.

SECTION 21. CLUB AGENT — SURRENDER OF LICENSE.—The holder of any club agent's license which shall be revoked or suspended shall immediately surrender the license certificate to the Commissioner.

SECTION 22. CLUB AGENT — HEARING BEFORE REVOCATION OR SUSPENSION OR AFTER REFUSAL TO RENEW—EXCEPTION.—No club agent's license shall be suspended or revoked by the Commissioner without providing an opportunity to the licensee to be heard and the licensee may likewise request a hearing before the Commissioner in event the Commissioner refuses to renew his license provided, however, that upon conviction of a felony, a club agent's license shall be automatically forfeited and revoked without necessity of a hearing.

SECTION 23. HEARINGS AND APPEALS — APPLICABLE LAW.—The provisions of Sections 41-232—41-246, Idaho Code, shall apply in all matters pertaining to hearings and appeals under this act.

SECTION 24. ANNUAL STATEMENT.—Each authorized motor club shall annually, before the 1st day of March each year, or within any extension of time therefor not to exceed 60 days which the Commissioner for good cause may have granted, file with the Commissioner a true statement of its financial condition, transactions and affairs for the
calendar year preceding. The statement shall contain such information as may reasonably be required by the Commissioner and shall be verified by the oaths of at least two of the motor club’s principal officers.

SECTION 25. REVIEW OF ANNUAL STATEMENT—ADDITIONAL INFORMATION.—(1) As soon as reasonably possible after the motor club has filed its annual statement with him, the Commissioner shall review the same and require correction of such errors or omissions in the statement as appear from such review.

(2) In addition to information called for and furnished in connection with the annual statement, a motor club shall promptly furnish to the Commissioner such other and further information with respect to any of its transactions or affairs as the Commissioner may from time to time request in writing.

SECTION 26. APPLICATION OF ACT—EXEMPTION FROM INSURANCE CODE.—The provisions of this act shall apply exclusively to motor clubs. No other provision contained in Title 41, Idaho Code, generally known as the Insurance Code, and relating to insurers within the state of Idaho, shall apply to motor clubs except as expressly provided herein or therein and nothing contained in the provisions of this act shall be construed to authorize any motor club or any motor club agent to sell or solicit insurance without compliance with the Insurance Code or to act in any capacity other than a motor club or motor club agent.

SECTION 27. PENALTY FOR VIOLATIONS.—Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

SECTION 28. DEPOSIT OF MONEYS COLLECTED.—All moneys collected by the Commissioner under the provisions of this act shall be deposited in the state treasury as provided in Section 41-406, Idaho Code.

SECTION 29. COMPLIANCE BY EXISTING MOTOR CLUBS—AGENTS.—All motor clubs rendering or furnishing motor club service in this state immediately prior to the effective date of this act, under existing contracts and agreements, shall have to and including the 1st day of March, 1966 within which to comply with the provisions hereof, and persons likewise acting as club agents shall have to and including the 1st day of June, 1965 in which to obtain a license from the Commissioner in conformance with the provisions hereof. Provided, however, that motor clubs,
as defined in this act, which have been continuously operating in Idaho for ten consecutive years, are exempt from the provisions of this act.

**Section 30. Captions Not to Affect Meaning.**—The scope and meaning of any provision of this act shall not be limited or otherwise affected by the caption or heading of any chapter, section or provision.

**Section 31. Severability.** — If any provision of this act is held invalid, such invalidity shall not affect other provisions of the act which can be given effect without the invalid provision and to this end, the provisions of this act are declared to be severable.

Approved March 29, 1965.

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**CHAPTER 265**  
(H. B. No. 254)

**AN ACT**

Amending Section 59-1302, Idaho Code, to change the requirement for an employee to twenty hours worked per week; to provide that certain persons making contributions to United States Civil Service shall not be an employee; to provide that certain Civilian National Guard personnel paid from federal funds shall be employees of the State of Idaho; to provide for setting a date of establishment for said employees, and to permit banks and trust companies to act as funding agent; to classify employees of the Adjutant General and Military Department of the State as police officers; amending chapter 13 of title 59, Idaho Code, by adding a new section thereto, following section 59-1310, to be known and designated as section 59-1310a; to provide that certain members of the system on leave of absence on the date of establishment of the system become eligible for service or disability retirement without membership service and prescribing the conditions of eligibility; amending section 59-1327, Idaho Code, to permit the actuary to be an associate of the society of actuaries; amending sec-
TION 59-1328, IDAHO CODE, TO PERMIT FUNDING BY MEANS OF SELF-ADMINISTRATION PENSION TRUST FUND OR A GROUP ANNUITY CONTRACT, OR COMBINATION THEREOF; TO ELIMINATE THE QUALIFICATIONS OF THE FUNDING AGENT AND THE RESTRICTIONS ON INVESTMENTS BY THE FUNDING AGENT; TO PROVIDE THAT THE INVESTMENTS BY THE FUNDING AGENT SHALL BE GOVERNED BY THE PRUDENT MAN INVESTMENT ACT, SUBJECT TO THE CONTROL OF THE RETIREMENT BOARD; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 59-1302, Idaho Code, be, and the same is hereby amended to read as follows:

59-1302. DEFINITIONS.—(1) As used in this act, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context.

(2) “Active member” means any employee who has completed at least twelve (12) 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 (2) 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 (1) 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 (12) 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.

(10) "Death benefit" means the amount, if any, payable upon the death of a member.

(11) "Disability retirement allowance" means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible for disability retirement.

(12) "Disabled" shall have the meaning given in this subsection. A member shall be considered to be disabled if the board shall find, on the basis of medical evidence:

(a) that he is prevented from engaging in any occupation or employment for remuneration or profit as a result of bodily injury or disease, either occupational or non-occupational 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 (2) years.

(13) “Early retirement allowance” means the periodic payment becoming payable upon an active member’s ceasing to be an employee while eligible for early retirement.

(14) “Employee” means:

(a) Any person who normally works in excess of thirty-twenty (20) hours per week for an employer and who received salary for services rendered for such employer, and

(b) Any member of the state legislature, and

(c) Civilian employees of the Idaho National Guard employed through direct appointment or designation by the Governor or the Adjutant General and whose salaries are paid by the United States, provided that the United States furnishes the employer contributions required to be paid by Sections 59-1330 and 59-1332, Idaho Code. The date of establishment for said employees shall be set by the board but shall not be earlier than July 1, 1965 nor later than the date of commencement of contributions by the United States.

“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 made-work by a public employer in an employment or industries program maintained for the benefit of such persons; or

(d) Inmates of a state institution or persons enrolled full time in a state institution principally for pur-
poses of training, whether or not receiving com­pen­sation for services performed for the institution; or

(e) Persons making contributions to the United States Civil Service Commission under the United States Civil Service System Retirement Act except that those persons who receive separate remuneration for work currently performed for an employer and the United States Government may elect to be members of the retirement system in accordance with rules of the board.

(15) “Employer” means the state of Idaho or any politi­cal subdivision 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 any bank, trust com­pany, and any 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 sections 59-1303—59-1305.

(23) “Military service” shall mean service as a 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 discharge 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 (60) days after the person ceases to be an employee or ends more than sixty (60) 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 and all employees of the Adjutant General and Military Department of the State.

(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 (6) months or less.

(26) “Regular interest” means interest at the rate set from time to time by the board.

(27) “Retired member” means a former active member receiving a retirement allowance.

(28) “Retirement” means the acceptance of a retirement allowance under this act upon termination of employment.

(29) “Retirement board” or “board” means the board provided for in sections 59-1326—59-1329 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 (15) days or more during any calendar month shall be credited as one (1) month of service. Service of fourteen (14) days or less
during any calendar month shall not be credited. No more than one (1) month of service shall be credited for all service in any month.

(34) “Service retirement allowance” means the periodic payment becoming payable upon an active member’s ceasing to be an employee while eligible for service retirement.

(35) “State” means the state of Idaho.

(36) “Vested retirement allowance” means the periodic payment becoming payable upon an inactive member’s becoming eligible for vested retirement.

(37) The masculine pronoun, wherever used, shall include the feminine pronoun.

SECTION 2. That Title 59, Chapter 13, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 59-1310, Idaho Code, to be known as Section 59-1310 A, Idaho Code, to read as follows:

59-1310 A. An active member who was placed on leave of absence on or after March 29, 1963, and who had met the requirements for service or disability retirement on the date of commencement of leave of absence except for the requirement of six (6) months of membership service shall be eligible for service or disability retirement on January 1, 1966, by contributing to the board pursuant to its rules, but prior to January 1, 1966, an amount equal to the sum such person would have contributed during six (6) months of membership service computed on the basis of the salary such person received on the date of commencement of leave of absence. This contribution shall be in lieu of the requirement of six (6) months of membership service. The amount so contributed shall not be included in the computation of disability or service retirement allowance.

SECTION 3. That Section 59-1327, Idaho Code, be, and the same is, hereby amended to read as follows:

59-1327. Powers and duties of board.—(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 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 or Associate 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 (3) 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 4. That Section 59-1328, Idaho Code, be, and the same is, hereby amended to read as follows:

59-1328. Selection of funding agent—Investment of assets—Tax exemption.— (1) The board shall select the funding agent and establish a medium for funding, which may be a self-administration pension trust fund or a group annuity contract, or combination thereof. The contract shall authorize the funding agent to hold and invest moneys for the system and to provide the retirement benefits and death benefits for retired members granted by this act. The fund—
ing 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 ($1,500,000,000). At any time, the board, by vote of all five (5) 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 (\(\frac{1}{3}\)) 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 (\(\frac{1}{3}\)) of such portion at any time, no further money 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 (5) 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, in acquiring, investing, reinvesting, exchanging, retaining, selling and managing the moneys and properties of the system, shall be governed by the Prudent Man Investment Act, Idaho Code Sections 68-501 to 68-506, inclusive; provided, however, that the board is hereby authorized and empowered, in its sole discretion, to limit, control and designate the types, kinds and amounts of such investments. The funding agent will not be required to segregate moneys 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 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, 1965.
CHAPTER 266
(H. B. No. 315)

AN ACT

DECLARING THE PURPOSE OF THE ACT; DIRECTING THE LEGISLATIVE COUNCIL TO CARRY OUT A STUDY OF STATE GOVERNMENT ORGANIZATION; PROVIDING THAT ALL EXPENDITURES SHALL BE APPROVED AND PAID BY THE CHAIRMAN OF THE LEGISLATIVE COUNCIL; APPROPRIATING MONEYS FROM THE GENERAL FUND TO CARRY OUT THE PURPOSES OF THIS ACT; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. It is hereby declared to be the purpose of this act to increase the efficiency of state government through a study of administrative organization by the Legislative Council.

SECTION 2. For the purpose of carrying out the objectives of this act the Legislative Council is hereby directed to review the administrative organization of state government with a view towards:

(a) Recommending methods and procedures for reducing expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions;

(b) Eliminating duplication and overlapping of services, activities and functions;

(c) Consolidating services, activities, and functions of a similar nature;

(d) Abolishing services, activities, and functions not necessary to the efficient conduct of government;

(e) Eliminating nonessential services, functions, and activities which are competitive with private enterprise;

(f) Defining responsibilities of officials; and

(g) Relocating agencies in departments or other agencies.

SECTION 3. All expenditures incurred in the conduct of the studies directed by this act shall be approved by the chairman of the Legislative Council and shall be paid by
warrants drawn as provided by law from the appropriation hereinafter made.

SECTION 4. There is hereby appropriated out of the general fund the sum of $75,000.00, or so much thereof as shall be necessary to be expended by the legislative Council to carry out the purpose of this act, and all such payments shall be made upon claims to be audited, examined, and paid as provided by law.

SECTION 5. This act shall be in full force and effect from and after April 1, 1965.

Approved March 29, 1965.

CHAPTER 267
(H. B. No. 11)

AN ACT

STATING LEGISLATIVE OBSERVATIONS AND FINDINGS REGARDING LAWS GOVERNING COMMERCIAL TRANSACTIONS AND THAT THE UNIFORM COMMERCIAL CODE HAS BEEN ENACTED IN OTHER STATES TO ACHIEVE UNIFORMITY AND MODERNIZE LAWS APPLICABLE TO COMMERCIAL TRANSACTIONS; AUTHORIZING LEGISLATIVE COUNCIL TO CARRY OUT PURPOSES OF ACT; AUTHORIZING LEGISLATIVE COUNCIL TO EMPLOY PERSONS FROM OUTSIDE OF STATE OF IDAHO TO MAKE COMPLETE STUDY OF LAWS REGULATING COMMERCIAL TRANSACTIONS AND TO DETERMINE WHAT LAWS ARE TO BE REPEALED IF UNIFORM COMMERCIAL CODE IS ADOPTED AND TO PREPARE UNIFORM COMMERCIAL CODE FOR SUBMISSION AT NEXT LEGISLATIVE SESSION; MAKING AN APPROPRIATION; EXEMPTING APPROPRIATION FROM STANDARD APPROPRIATION ACT OF 1945 AND SECTION 67-3516, IDAHO CODE.

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

SECTION 1. The Legislature of the State of Idaho hereby observes that a number of the statutes governing commercial transactions, namely, the negotiable instruments law, uniform warehouse receipts act, uniform stock transfer act, and the uniform sales act, were drafted approximately 50 years ago. Subsequent to the drafting of these acts, other legislation has been enacted applicable to
commercial transactions such as bulk sales act, conditional sales act, an act providing for chattel mortgages, and an act providing for accounts receivable. All of this legislation was useful and needed, but business practices have changed and revolutionary changes in transportation and communication have occurred affecting all commercial transactions. Interstate commercial transactions have increased many-fold. Although all of these statutes were good acts, they have ceased to serve the needs of modern commerce and finance, and none of them were prepared in contemplation of the changes in transportation and communication.

The Legislature of the State of Idaho further finds that a new act has been drafted by the National Conference of Commissioners on Uniform State Laws, and known as the Uniform Commercial Code, to modernize the law regulating commercial transactions. The Uniform Commercial Code was drafted in the atmosphere of our modern facilities for communication and transportation and with the realization that business practices are changing with greater rapidity than before. It also has the objective of achieving uniformity among the several states in the laws regulating commercial transactions. Twenty-nine states and the District of Columbia, representing 72% of the population of the United States, have already enacted the Uniform Commercial Code, and it is the sense of the Legislature of the State of Idaho that the Uniform Commercial Code should be studied and the necessary steps should be taken for its enactment.

SECTION 2. The Legislative Council of the State of Idaho is hereby empowered, authorized and directed to exercise such authority as to it shall appear proper, necessary or desirable to carry out the purposes of this act. The Legislative Council as soon as practicable is hereby empowered and directed to negotiate with and by written contract employ a competent person or persons from outside of the State of Idaho to undertake and make a complete study of the laws of the State of Idaho regulating commercial transactions, to determine what laws need to be repealed if the Uniform Commercial Code is to be adopted, and to prepare the Uniform Commercial Code for introduction and submission to the next session of the Legislature of the State of Idaho.

SECTION 3. There is hereby appropriated out of the general fund the sum of $12,000.00, or so much thereof as shall be necessary to be expended by the Legislative Council to carry out the purpose of this act, and all such payments
shall be made upon claims to be audited, examined, and paid as provided by law.

SECTION 4. The appropriation herein made is expressly exempt from the provisions of the Standard Appropriation Act of 1945 and the provisions of Section 67-3516, Idaho Code.

Approved March 29, 1965.

CHAPTER 268
(H. B. No. 320)

AN ACT


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

SECTION 1. There is hereby appropriated out of and transferred from the General Fund and from the Highway Fund of the State of Idaho to the Legislative Council, for the biennium commencing July 1, 1965, and ending June 30, 1967, for the purpose of paying salaries and wages and other expense of the Legislative Council, and for the Western Interstate Committee on Highway Policy Problems for the purpose of paying travel expense and other current expense, the following sums of money or so much thereof as may be necessary; this act is expressly excepted from the provisions of Section 67-3508, Idaho Code, and the provisions of the Standard Appropriations Act of 1945:
To Whom Appropriated: Appropriations:

LEGISLATIVE COUNCIL:
For: Salaries and Wages, Other Expense ............................................. $60,000.00

Total ............................................. $60,000.00
From the General Fund ............................................. $60,000.00

LEGISLATIVE COUNCIL FOR THE WESTERN INTERSTATE COMMITTEE ON HIGHWAY POLICY PROBLEMS:
For: Travel Expense ............................................ $5,100.00
Other Current Expense ......................................... 400.00

Total ............................................. $5,500.00
From the Highway Fund ............................................. $5,500.00

Approved March 29, 1965.

CHAPTER 269
(H. B. No. 196)

AN ACT

RECOGNIZING THE NEED FOR THE REVISION AND RECODIFICATION OF TITLE 50, IDAHO CODE, PERTAINING TO MUNICIPAL CORPORATIONS; AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDERTAKE A COMPLETE STUDY OF TITLE 50, IDAHO CODE, IN ORDER TO ACCOMPLISH A REVISION AND RECODIFICATION THEREOF, INCLUDING THE PREPARATION OF NECESSARY LEGISLATIVE BILLS FOR INTRODUCTION AND SUBMISSION TO THE NEXT SESSION OF THE IDAHO LEGISLATURE; MAKING AN APPROPRIATION OF $10,000.00 FOR SUCH PURPOSE AND EXEMPTING THE APPROPRIATION FROM THE PROVISIONS OF THE STANDARD APPROPRIATION ACT OF 1945 AND SECTION 67-3516, IDAHO CODE.

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

SECTION 1. The Legislature of the State of Idaho hereby recognizes the need for the revision and recodification of Title 50, Idaho Code, containing 46 chapters and dealing with municipal corporations. Title 50 contains many obsolete and conflicting sections which makes uniform inter-
pretation by city and village attorneys nearly impossible. This confusion arises primarily from the fact that over a period of 70 years and 36 sessions of the Legislature, several hundred amendments have been made to this title and in many instances without adequate research and often times with respect to the same subject which has been covered elsewhere within the title. Examples of the outmoded statutes in this title include authority for municipalities to regulate opium traffic which authority was long ago taken over by the United States Government and authority to regulate hackney coaches, cabs, drays and wagons. The municipal election laws are in a very serious state of confusion as unnecessary conflicts in election procedures arise among villages, second class cities, first class cities, commission form of municipal government, and city manager form of government.

SECTION 2. The Legislative Council of the State of Idaho is hereby authorized and directed to undertake, make and complete a study of Title 50, Idaho Code, relating to municipal corporations for the purpose of determining what sections need to be repealed, revised, amended and added in order to accomplish a desirable revision and recodification of Title 50 including the preparation of necessary legislative bills for introduction and submission to the next session of the Legislature of the State of Idaho.

SECTION 3. There is hereby appropriated out of the general fund the sum of $10,000.00, or so much thereof as shall be necessary to be expended by the Legislative Council to carry out the purpose of this act, and all such payments shall be made upon claims to be audited, examined, and paid as provided by law.

SECTION 4. The appropriation herein made is expressly exempt from the provisions of the Standard Appropriation Act of 1945 and the provisions of Section 67-3516, Idaho Code.

Approved March 29, 1965.
AMENDING CHAPTER 11 OF TITLE 45, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 45-1103, TO BE KNOWN AND DESIGNATED AS SECTION 45-1103A, PROVIDING FOR THE FILING OF A COPY OF A CHATTEL MORTGAGE OR A MEMORANDUM THEREOF COVERING ALL CHATTEL MORTGAGES OF PERSONAL PROPERTY WHERE SUCH PERSONAL PROPERTY IS OR SHALL BE THEREAFTER ATTACHED TO REAL ESTATE SO AS TO BECOME A FIXTURE THERETO, AND MAKING SUCH MORTGAGE VOID IF NOT SO FILED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 11 of Title 45, Idaho Code, be, and the same is hereby, amended by adding a new section thereto following Section 45-1103, to be known and designated as Section 45-1103A, and to read as follows:

45-1103A. EFFECT OF FAILURE TO FILE FOR RECORD—WHERE MORTGAGE ON FIXTURES OF VALUE OVER $250.00 IS INVOLVED.—All chattel mortgages of personal property where property is or shall be thereafter attached to any real estate so as to become a fixture thereto, shall be void as to any purchaser or encumbrancer in good faith and for value of such real property unless an acknowledged true copy of the chattel mortgage containing, or with a notice endorsed thereon or attached thereto, and describing such real property by setting forth the lot, block or metes and bounds description of the premises, shall be filed as a chattel mortgage in the county recorder's office of the county wherein such property and real estate is situate. A memorandum of such chattel mortgage may be filed in place thereof if executed and acknowledged by the parties thereto, and the memorandum so filed shall have the same effect as the filing of the original. Such instrument so filed shall be notice to any purchaser or encumbrancer in good faith for value of such real property of the right, title, and interest in the mortgagee therein, and such property may be removed from said real estate by the mortgagee within the terms thereof. Provided, nevertheless, for the purposes of this section, furniture shall not be deemed a fixture, except furniture affixed to the real prop-
erty, and carpeting, furnaces and appliances in excess of $250.00 new value shall be fixtures.

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, 1965.

CHAPTER 271
(H. B. No. 259)

AN ACT

AMENDING TITLE 64, CHAPTER 8, IDAHO CODE, BY ADDING A NEW SECTION THERETO FOLLOWING SECTION 64-801, TO BE KNOWN AND DESIGNATED AS SECTION 64-801A, PROVIDING FOR THE FILING OF A CONDITIONAL SALE CONTRACT OR A MEMORANDUM THEREOF COVERING ALL CONDITIONAL SALES OR PERSONAL PROPERTY WHERE SUCH PROPERTY IS OR SHALL BE THEREAFTER ATTACHED TO REAL ESTATE SO AS TO BECOME A FIXTURE THERETO, AND MAKING SUCH CONTRACT VOID IF NOT SO FILED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 64, Chapter 8, Idaho Code, be, and the same is hereby, amended by adding a new section thereto following Section 64-801, to be known as Section 64-801A, to read as follows:

64-801A. EFFECT OF FAILURE TO FILE FOR RECORD—WHERE FIXTURES OF A VALUE OVER $250.00 ARE SOLD.—All contracts of conditional sales of personal property, where the property is or shall be thereafter so attached to any real estate as to become a fixture thereto, shall be void as to any purchaser or mortgagee in good faith for value of such real property unless an acknowledged true copy of the contract containing or with a notice endorsed thereon or attached thereto, describing such real property, by setting forth the lot, block, or metes and bounds description of the premises, shall be filed as a chattel mortgage in the county recorder's office of the county wherein such property and real estate is situate. A memorandum of such con-
tract may be filed in place thereof if executed and acknowledged by the parties thereto, and the memorandum shall be of the same effect as filing the original. Such instrument so filed shall be notice to any purchaser or encumbrancer in good faith for value of such real property of the right, title and interest of the vendor therein, and such property may be removed from said real estate by the vendor within the terms thereof. Provided, nevertheless, for the purpose of this section, furniture shall not be deemed a fixture except furniture affixed to the real property, and carpeting, furnaces and all appliances in excess of $250.00 new value shall be fixtures.

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, 1965.

CHAPTER 272
(H. B. No. 36 As Amended in the Senate)

AN ACT

AMENDING SECTION 33-312, IDAHO CODE, RELATING TO THE DIVISION OF SCHOOL DISTRICTS; PROVIDING THAT PROPOSED DIVISIONS SHALL BE APPROVED IF A MAJORITY OF THE QUALIFIED VOTERS, AND A MAJORITY OF THE QUALIFIED VOTERS RESIDING IN THE PORTION OF THE DISTRICT HAVING A MINORITY NUMBER OF VOTES, ARE IN FAVOR OF THE DIVISION; PROVIDING THAT THE PORTION OF THE DISTRICTS HAVING THE MINORITY NUMBER OF VOTES SHALL BE DETERMINED BY THE RELATIVE NUMBER OF PUPILS IN EACH PROPOSED NEW DISTRICT; PROVIDING THAT ALL SCHOOL DISTRICTS WHICH HAVE DIVIDED SINCE JUNE 30, 1963 ARE VALID; DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-312, Idaho Code, be, and the same hereby is, amended to read as follows:

33-312. DIVISION OF SCHOOL DISTRICT.—A school district may be divided so as to form not more than two (2)
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 (2) 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 (3) public places within the district, one (1) of which places shall be at or near the main door of the administrative offices of the school district, for not less than ten (10) 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 the election shall be published, the election shall be held and conducted, and the ballots shall be canvassed, according to the provisions of sections 33-401—33-406. The division shall be approved only if a majority of all votes cast at said special election by the school district electors residing within the entire existing school district and voting in the election 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 proposed new district having a minority
of the number of qualified voters, such portion to be determined by the relative number of pupils attending all schools within each of the proposed districts, are in favor of the division of the district, and upon such approval two (2) new school districts shall be thereby created. The organization and division of all school districts which have divided since June 30, 1963, are hereby validated.

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

Approved March 29, 1965.

CHAPTER 273
(S. B. No. 238)

AN ACT

RELATING TO ADMINISTRATIVE PROCEDURE FOR CERTAIN ADMINISTRATIVE AGENCIES OF THE STATE; DEFINING TERMS; PROVIDING FOR THE ADOPTION BY SUCH AGENCIES OF RULES OF PRACTICE AND PROCEDURE AND FOR AVAILABILITY FOR PUBLIC INSPECTION OF RULES AND ORDERS; PROVIDING FOR THE PROCEDURE FOR ADOPTION OF RULES; REQUIRING EACH AGENCY TO KEEP A PERMANENT REGISTER OF ITS RULES OPEN TO PUBLIC INSPECTION; PROVIDING FOR THE TIME OF TAKING EFFECT OF RULES; REQUIRING EACH AGENCY TO PUBLISH ITS RULES AND TO MAKE THEM AVAILABLE TO OFFICIALS OF THIS STATE, TO STATE, DISTRICT AND COUNTY LAW LIBRARIES, AND TO OTHERS AND REQUIRING LAW LIBRARIES TO KEEP AND MAINTAIN A COMPLETE SET OF RULES FOR USE AND INSPECTION BY THE PUBLIC; PROVIDING FOR PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF RULES; PROVIDING FOR DECLARATORY JUDGMENT BY DISTRICT COURT AS TO VALIDITY OR APPLICABILITY OF RULES; PROVIDING FOR DECLARATORY RULINGS BY AGENCIES;
Providing for notice, hearing, and records in contested cases; providing for rules of evidence, for cross-examination of witnesses, and for official notice in contested cases; providing for examination of evidence by agency; requiring decision or order by agency in contested case to be in writing or stated in the record and accompanied by findings of fact and conclusion of law and for notice of decision or order to parties; restricting ex parte consultations; providing procedure for grant, denial, or renewal of licenses; providing for judicial review by district court of final decision by agency in contested cases (except decision by industrial accident board and public utilities commission, when review shall be by supreme court) and procedure therefor; providing for review of final judgment of district court and of industrial accident board and public utilities commission by appeal to supreme court; declaring the provisions of this act to be severable, if any provision hereof is held unconstitutional; repealing all acts or parts of acts inconsistent herewith; and declaring an effective date.

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

Section 1. Definitions.—As used in this Act:

(1) "agency" means each state board, commission, department or officer authorized by law to make rules or to determine contested cases, except those in the legislative or judicial branch, the state militia and the State Board of Corrections;

(2) "contested case" means a proceeding, including but not restricted to ratemaking and licensing, in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing;

(3) "license" includes the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law, but it does not include a license required solely for revenue purposes;

(4) "licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license;
(5) "party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party;

(6) "person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency;

(7) "rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any agency. The term includes the amendment or repeal of a prior rule, but does not include (A) statements concerning only the internal management of any agency and not affecting private rights or procedures available to the public, or (B) declaratory rulings issued pursuant to Section 8, or (C) intra-agency memoranda.

SECTION 2. ADOPTION OF RULES — AVAILABILITY OF RULES AND ORDERS.—(a) In addition to other rule-making requirements imposed by law, each agency shall:

(1) adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the agency;

(2) make available for public inspection all rules and all other written statements of policy or interpretations formulated, adopted, or used by the agency in the discharge of its functions;

(3) make available for public inspection all final orders, decisions and opinions.

(b) No agency rule, order, or decision is valid or effective against any person or party, nor may it be invoked by the agency for any purpose, until it has been made available for public inspection as herein required. This provision is not applicable in favor of any person or party who has actual knowledge thereof.

SECTION 3. PROCEDURE FOR ADOPTION OF RULES.—(a) Prior to the adoption, amendment, or repeal of any rule, the agency shall:

(1) give at least 20 days' notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or a de-
scription of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may represent their views thereon. The notice shall be mailed to all persons who have made timely request in writing of the agency for advance notice of its rule-making proceedings and shall be published in some newspaper published in and having general circulation throughout the state;

(2) afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if requested in writing no later than five days before the date of the intended action by twenty-five persons, by a governmental subdivision or agency, or by an association having not less than 25 members. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested in writing to do so by an interested person either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

(b) If an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than 20 days' notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. The rule may be effective for a period of not longer than 120 days, but the adoption of an identical rule under subsections (a) (1) and (a) (2) of this section is not precluded.

(c) No rule hereafter adopted is valid unless adopted in substantial compliance with this section. A proceeding to contest any rule on the ground of non-compliance with the procedural requirements of this section must be commenced within 2 years from the effective date of the rule.

SECTION 4. FILING AND TAKING EFFECT OF RULES.—(a) Each agency shall file in its central office a certified copy of each rule adopted by it, including all rules existing on the effective date of this Act. Each agency shall keep a permanent register of its rules open to public inspection.
(b) Each rule hereafter adopted is effective 20 days after filing, except that:

(1) if a later date is required by statute or specified in the rule, the later date is the effective date;

(2) subject to applicable constitutional or statutory provisions, an emergency rule becomes effective immediately upon filing in its central office or at a stated date less than 20 days thereafter, if the agency finds that this effective date is necessary because of imminent peril to the public health, safety, or welfare. The agency's finding and a brief statement of the reasons therefor shall be filed with the rule. The agency shall take appropriate measures to make emergency rules known to the persons who may be affected by them.

SECTION 5. PUBLICATION OF RULES.—(a) Each agency shall compile, index and publish all effective rules adopted by such agency. Compilations shall be supplemented or revised as often as necessary and at least once every 2 years.

(b) Compilations shall be made available upon request to officials of this state and to the state, district, and county law libraries free of charge, and to other persons at prices fixed by each agency to cover mailing and publication cost.

(c) The law libraries above mentioned shall keep and maintain a complete and current set of compilations for use and inspection by the public. The person in charge of each library shall discharge this duty.

(d) Judicial notice shall be taken of rules filed and proposed as provided in this section.

(e) The word "publish" as used herein shall mean to bring before the public, to print or cause to be printed, to issue, to disseminate, to put into circulation, but shall not be construed to require publication in a newspaper.

SECTION 6. PETITION FOR ADOPTION OF RULES. —An interested person may petition an agency requesting the promulgation, amendment, or repeal of a rule. Each agency shall prescribe by rule the form for petitions and the procedure for their submission, consideration, and disposition. Within 30 days after submission of a petition, the agency either shall deny the petition in writing, stating its
reasons for the denials, or shall initiate rule-making proceedings in accordance with Section 3.

SECTION 7. DECLARATORY JUDGMENT ON VALIDITY OR APPLICABILITY OF RULES.—The validity or applicability of a rule may be determined in an action for declaratory judgment in the District Court of the county in which the petitioner's attorney resides, if it is alleged that the rule, or its threatened application interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. The agency shall be made a party to the action. A declaratory judgment may be rendered whether or not the plaintiff has requested the agency to pass upon the validity or applicability of the rule in question.

SECTION 8. DECLARATORY RULINGS BY AGENCIES.—Each agency shall provide by rule for the filing and prompt disposition of petitions for declaratory rulings as to the applicability of any statutory provision or of any rule or order of the agency. Rulings disposing of petitions have the same status as agency decisions or orders in contested cases.

SECTION 9. CONTESTED CASES—NOTICE—HEARING—RECORDS.—(a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.

(b) The notice shall include:

(1) a statement of the time, place, and nature of the hearing;

(2) a statement of the legal authority and jurisdiction under which the hearing is to be held;

(3) a reference to the particular sections of the statutes and rules involved;

(4) a short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

(c) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.
(d) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(e) The record in a contested case shall include:

(1) all pleadings, motion, intermediate rulings;
(2) evidence received or considered;
(3) a statement of matters officially noticed;
(4) questions and offers of proof, objections, and rulings thereon;
(5) proposed findings and exceptions;
(6) any decision, opinion, or report by the officer presiding at the hearing;
(7) all staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case.

(f) Any party may request in writing five days before any hearing in a contested case that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or any part thereof, transcribed at his own expense.

(g) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

Section 10. Rules of Evidence — Official Notice.—In contested cases:

(1) irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in non-jury civil cases in the District Courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not
be prejudiced substantially, any part of the evidence may be received in written form;

(2) documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original;

(3) a party may conduct cross-examinations required for a full and true disclosure of the facts;

(4) notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

SECTION 11. EXAMINATION OF EVIDENCE BY AGENCY.—When in a contested case a majority of the officials of the agency who are to render the final decision have not heard the case or read the record, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made until a proposal for decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral arguments to the officials who are to render the decision. The proposal for decision shall contain a statement of the reasons therefor and of each issue of fact or law necessary to the proposed decision, prepared by the person who conducted the hearing or one who has read the record. The parties by written stipulation may waive compliance with this section.

SECTION 12. DECISIONS AND ORDERS.—A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be notified either per-
personally or by mail of any decision or order. Upon request a copy of the decision or order shall be delivered or mailed forthwith to each party and to his attorney of record.

SECTION 13. EX PARTE CONSULTATIONS.—Unless required for the disposition of ex parte matters authorized by law, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a contested case shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor in connection with any issue of law, with any party or his representative, except upon notice and opportunity for all parties to participate. An agency member:

(1) may communicate with other members of the agency, and

(2) may have the aid and advice of one or more personal assistants.

SECTION 14. LICENSES.—(a) When the grant, denial, or renewal of a license is required to be preceded by notice and opportunity for hearing, the provisions of this Act concerning contested cases apply.

(b) When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

(c) No revocation, suspension, annulment, or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency gave notice by mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

SECTION 15. JUDICIAL REVIEW OF CONTESTED CASES.—(a) A person who has exhausted all administra-
tive remedies available within the agency and who is aggrieved by a final decision in a contested case of an agency other than the Industrial Accident Board or the Public Utilities Commission is entitled to judicial review under this Act. This section does not limit utilization of or the scope of judicial review available under other means of review, redress or relief provided by law. A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy.

(b) Except when otherwise provided by law, proceedings for review are instituted by filing a petition in the District Court of either the county in which the hearing was had or the county in which the final decision of the agency was made, within 30 days after the service of the final decision of the agency or, if a rehearing is requested within 30 days after the decision thereon.

(c) The filing of the petition does not itself stay enforcement of the agency decision. The agency may grant, or the reviewing court may order, a stay upon appropriate terms.

(d) Within 30 days after the service of the petition, or within further time allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require subsequent corrections to the record and may also require or permit additions to the record.

(e) If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the reviewing court.

(f) The review shall be conducted by the court without a jury and shall be confined to the record. In cases of alleged irregularities in procedure before the agency, not shown in
the record, proof thereon may be taken in the court. The court, upon request, shall hear oral argument and receive written briefs.

(g) The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

(1) in violation of constitutional or statutory provisions;
(2) in excess of the statutory authority of the agency;
(3) made upon unlawful procedure;
(4) affected by other error of law;
(5) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
(6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

SECTION 16. APPEALS.—An aggrieved party may obtain a review of any final judgment of the District Court or of the Industrial Accident Board or the Public Utilities Commission under this Act by appeal to the Supreme Court. The appeal shall be taken in the manner provided by law for appeals from the District Court in other civil cases and from the Industrial Accident Board and the Public Utilities Commission.

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 provision or application, and for this purpose the provisions of this Act are severable.

SECTION 18. REPEAL.—All acts or parts of acts which are inconsistent with the provisions of this Act are hereby repealed, but such repeal shall not affect proceedings pending at the time when this Act becomes effective.

SECTION 19. TIME OF TAKING EFFECT AND SCOPE OF APPLICATION.—This Act takes effect on January 1, 1966, and except as to proceedings then pending,
applies to all agencies and agency proceedings not expressly exempted.

Approved March 29, 1965.

CHAPTER 274
(S. B. No. 142)

AN ACT

PROVIDING FOR A COMPREHENSIVE STUDY OF THE COURT SYSTEM OF THE STATE BY THE LEGISLATIVE COUNCIL, WITH EMPHASIS ON THE PROBATE, JUSTICE AND MUNICIPAL COURTS; PROVIDING FOR THE APPOINTMENT OF A COMMITTEE BY THE LEGISLATIVE COUNCIL, AND FOR ASSISTANCE BY JUDGES AND ATTORNEYS; PROVIDING FOR PUBLIC HEARINGS; PROVIDING FOR REPORT AND RECOMMENDATIONS TO THE LEGISLATURE PRIOR TO NOVEMBER 1, 1966; PROVIDING AN APPROPRIATION OF $35,000.00, AND EXEMPTING THE SAME FROM THE STANDARD APPROPRIATIONS ACT OF 1945 AND SECTION 67-3516, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. The Legislature of the state of Idaho hereby observes that the lower court system of the state was established during the early years of statehood and remains substantially unchanged, in spite of revolutionary progress in the fields of transportation, communications and other technological factors which directly affect the courts and the administration of justice. It is further observed that the Thirty-Sixth Session of the Legislature in adopting H.J.R. 10, which was approved by the people in 1962, contemplated future legislation for the reform and improvement of the lower court system after suitable study. It is observed also that, although significant improvements may and should be made in the lower court system, no changes should be made until the facts are available with respect to present and projected caseloads; until various alternative plans for court reform have been studied, keeping in mind geography, population and other factors peculiar to this state; and until public hearings throughout the state have been held to determine the needs and desires of the people with respect to their courts. It is the purpose of this act to provide for a comprehensive study of the present lower court system of...
the state, and of the district courts and Supreme Court insofar as they may be affected hereby, and for the formulation of plans for the legislative reform thereof by the Thirty-Ninth Session of the Legislature.

SECTION 2. The legislative council of the state of Idaho is hereby empowered and directed to exercise such authority as to it shall appear necessary and appropriate to carry out the purposes of this act. The legislative council may appoint a committee of its members or of other members of the Legislature to carry out the purposes of this act, subject to the direction and control of the legislative council. The Supreme Court shall be requested to recommend one or more of its members and one or more district judges of the state of Idaho, to assist the legislative council, its committee and staff, in an advisory and ex-officio capacity. The board of commissioners of the Idaho State Bar shall recommend two or more members of the Idaho State Bar to assist the legislative council in a like ex-officio, advisory capacity.

SECTION 3. It shall be the duty of the legislative council to undertake and complete a comprehensive study of the probate courts, justice courts and municipal courts of the state, and to report and make specific comprehensive recommendations to the Legislature not later than November 1, 1966, for action by the Thirty-Ninth Session of the Legislature. Such study and report shall encompass but shall not be limited to the following:

A. Present and projected anticipated caseloads in such courts;
B. Present and anticipated expenses of the lower court system;
C. Costs of litigation including appeals;
D. Causes of and methods for alleviating delays in judicial proceedings;
E. Recommendation for improvement of court structure, procedures and administration;
F. Recommendation for changing criminal and civil jurisdiction of the courts, or for establishing such jurisdiction with respect to any revised lower court system which may be proposed;
G. Methods of selecting judges of courts inferior to the district court;
H. Districting of the state for purposes of establishing any revised lower court system;

I. Such other factors as may necessarily relate to the purposes of this act.

Insofar as the study of the lower court system and recommendations for improvement thereof may or should relate to or affect the district courts or the Supreme Court, in order to provide for a unified, properly administered court system, the legislative council may include such courts in its study, report and recommendations. The legislative council shall hold public hearings in connection with this study at such times and places throughout the state as to the council shall appear necessary or appropriate, provided that such hearings shall be held prior to formulation and submission of the council's final report and recommendations.

SECTION 4. Except as otherwise herein specifically provided, this act shall be subject to the provisions of Chapter 57, Session Laws of 1963 (Section 67-427 through 67-431, Idaho Code), relating to the legislative council.

SECTION 5. There is hereby appropriated out of the general fund the sum of $35,000.00, or so much thereof as shall be necessary, to be expended by the legislative council to carry out the purposes of this act, and all such payments shall be made upon claims to be audited, examined and paid as provided by law.

SECTION 6. The appropriation herein made is expressly exempted from the provisions of the Standard Appropriations Act of 1945 (Chapter 36, Title 67, Idaho Code), and the provisions of Section 67-3516, Idaho Code.

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 29, 1965.
CHAPTER 275
(S. B. No. 113, As Amended)

AN ACT

AMENDING CHAPTER 25, TITLE 36, IDAHO CODE, BY ADDING A NEW SECTION THERETO, TO BE KNOWN AND DESIGNATED AS SECTION 36-2503, IDAHO CODE, TO ENCOURAGE LANDOWNERS TO MAKE LAND AND WATER AREAS AVAILABLE TO THE PUBLIC FOR RECREATIONAL PURPOSES BY LIMITING LIABILITY IN CONNECTION THEREWITH; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Chapter 25 of Title 36, Idaho Code, be, and the same is hereby amended by adding a new section thereto, following Section 36-2502, Idaho Code, to be known and designated as Section 36-2503, Idaho Code, and to read as follows:

36-2503. 1. The purpose of this act is to encourage owners of land to make private land and water areas available to the public without charge for recreational purposes by limiting their liability toward persons entering thereon for such purposes.

2. As used in this act:

(a) “Land” means private land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the realty.

(b) “Owner” means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises.

(c) “Recreational purpose” includes, but is not limited to, any of the following, or any combination thereof: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites, when done without charge of the owner.

3. An owner of land owes no duty of care to keep the premises safe for entry or use by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes.
4. An owner of land who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes does not thereby:

(a) Extend any assurance that the premises are safe for any purpose.

(b) Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed.

(c) Assume responsibility for or incur liability for any injury to person or property caused by an act of omission of such persons.

5. Unless otherwise agreed in writing, the provisions of this act shall be deemed applicable to the duties and liability of an owner of land leased to the state or any subdivision thereof for recreational purposes.

6. Nothing in this act shall be construed to:

(a) Create a duty of care or ground of liability for injury to persons or property.

(b) Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this act to exercise care in his use of such land and in his activities thereon, or from legal consequences of failure to employ such care.

(c) Apply to any person or persons who for compensation permits the land to be used for recreational purposes.

7. Any person using the land of another for recreational purposes, with or without permission shall be liable for any damages to property, livestock or crops which he may incur while on said property.

SECTION 2. The provisions of this act are severable. If any section, subsection, sentence, clause or provision of this act is held invalid, the remainder of the act shall not be affected.

Approved March 29, 1965.
CHAPTER 276
(S. B. No. 263, As Amended in the House of Representatives)

AN ACT


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

SECTION 1. There is hereby appropriated from the Permanent Building Fund to the Permanent Building Fund Advisory Council and the Department of Public Works the sums of money set forth in 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, renovation or repair, of the
following buildings, installations, facilities or structures at the institutions and agencies named and listed in the following schedule. The Permanent Building Fund Council is hereby authorized and directed to anticipate revenues accruing to the Permanent Building Fund for the purpose of undertaking the construction, renovation, repair, and acquisitions herein authorized without delay, and to determine the priority of construction pursuant to which the work hereunder will be undertaken.

(a) IDAHO SCHOOL FOR THE DEAF AND BLIND, GOODING:

For:

- Recreation Add'n to gym
- Campus Lighting System
- Foyer for existing gymnasium
- Repair roof on gym, heating plant and girls’ dorm
- Plumbing and Heating systems in 3 buildings

Total: $102,000

(b) STATE YOUTH TRAINING CENTER, ST. ANTHONY:

For:

- Provide adequate housing for male population
- Attach SYTC sewer lines to city sewer
- Upgrade dairy to grade A

Total: $170,000

(c) IDAHO STATE UNIVERSITY, POCATELLO:

For:

- Completing and equipping new fine arts building
- College of Business Administration, and General Classrooms
- Trade & Technical Department construction or remodeling projects
- Utility Extension, site development, prop. purchases, etc.
- Renovate Science Hall (Baldwin)

Total: $2,000,000

(d) UNIVERSITY OF IDAHO, MOSCOW:

For:

- College of Education and Engineering Laboratory

Total: $2,000,000
(e) LEWIS-CLARK NORMAL SCHOOL, LEWISTON:
For: Remodel College Elementary School to provide Library and Classroom space ...................... 149,977

(f) STATE FORESTRY DEPARTMENT:
For: Area Bunkhouse at Cavanaugh Bay property on Priest Lake .................. 5,000

(g) IDAHO STATE SCHOOL AND COLONY, NAMPA:
For: Repairs Canyon Hall, Kamiah Lodge, Latah Lodge, Dubois, Elmore, Game, Jerome and Madison, Ada and Fremont Clinics
Renovation Old Admin. Bldg., Hog brooding, and Training School
Remodel Kitchen and Dining Facilities
Routine maintenance on interior and exterior all buildings .................. 300,000

(h) STATE HOSPITAL SOUTH, BLACKFOOT:
For: Routine interior and exterior maintenance on all buildings...$35,000
Provide night lighting system for institution ............... 14,000

(i) STATE HOSPITAL NORTH, OROFINO:
For: Routine interior and exterior maintenance on buildings .................. 75,000
Major Plbg. overhaul on electrolytic activity ................... 46,000

(j) IDAHO STATE HOSPITAL, GOODING:
For: Interior and exterior maintenance on all buildings .......... 11,500
Extension on existing garage for vehicles .................. 8,000

19,500
(k) STATE HISTORICAL MUSEUM AND
STATE TRAVELING LIBRARY, BOISE
For: Construction of a new
   Museum Building, and
   Renovation of present
   Museum Building for use
   by the Idaho State
   Traveling Library .........................250,000
This appropriation is in addition
to the sum appropriated for a
Museum Building by Chapter 228,
Idaho Session Laws of 1963.

(1) IDAHO STATE PENITENTIARY, BOISE:
For: Construction of new peniten­
tiary
   Refrigerator and storage
   space for canning produce
   Irrigation and domestic
   water supply
   Repairs to 4-guard’s living
   quarters ..................................$1,305,000

It is the express intention of the Legislature that $30,000
of the sum appropriated by this subsection 1 (1) of this Act
be made available upon the effective date of this Act for
the drilling of an irrigation well at the new site of the
Idaho State Penitentiary in Ada County, Idaho, and for
the purpose of constructing an irrigation and domestic
water supply at the existing site of the Penitentiary which
shall be available to, and used by, the Departments of Health
and Agriculture Laboratory which is now under con­
struction there without charge.

(m) IDAHO VETERANS’ AFFAIRS COMMISSION:
For: Veterans’ Home at new location ..........275,000

This appropriation is in addition and is supplementary
to the appropriation for a new Veterans’ Home made by
Chapter 228, Idaho Session Laws of 1963. The residual bal­
ance amounting to $20,000 more or less, remaining in the
appropriation made to the Idaho Soldiers’ Home by Chapter
43, Idaho Session Laws of 1961 are hereby made available
for the construction and furnishing of the new Veterans’
Home.
(n) VARIOUS STATE OFFICES:
For: Amount necessary for rentals
of 3rd and 4th floors,
Bank of Idaho .............................................. 98,873

(o) STATE CAPITOL COMPLEX:
For: Renovation of the 3rd and 4th
floors of the Capitol Building
for the use of the Legislature;
for the renovation and furnishing
of the West wing of the 2nd
floor of the Capitol Building
for the use of the offices of the
Governor; for the acquisition
by the Governor of a parcel of land
as recommended by the “State
Capitol Planning Commission” for
the location of a state office
building conforming to a develop-
ment plan as set forth in House
Bill No. 286, as amended, Thirty-
eighth Session of the Idaho Legis-
lature. It is the express intention
of the Legislature that this
appropriation is in addition and
supplemental to the appropriation
made by subsection 14, Section 1,
Chapter 228, Idaho Session Laws
of 1963, as amended, and any re-
sidual balances therein are made
available hereby for the purposes
of this act and that subsection
in the aggregate ........................................ 500,000

(p) PERMANENT BUILDING FUND ADVISORY
COUNCIL, AND DEPARTMENT OF PUBLIC
WORKS FOR ADMINISTRATION OF THIS
ACT:
For: Salaries and Wages ....................... 60,000
      Travel Expense ....................... 20,424
      Other Current Expense .............. 18,576
      Capital Outlay .......................  500

(q) For: Completion and fulfillment
of 1963-1965 Biennium Appropri-
ations for uncompleted
projects ........................................ 510,861
(r) PERMANENT BUILDING FUND ADVISORY COUNCIL FOR CONTINGENCIES:

For: Use by the Permanent Building Fund Advisory Council, with the consent and approval of the Governor, in supplementing, in its discretion, the appropriations made by Section 1 (a) through Section 1(q) inclusive, when the Council finds that the amounts appropriated herein are insufficient to provide for equipment and construction, repair or renovation, in keeping with the needs of the agency or institution for whom construction is herein authorized and provided for; and for use by the Permanent Building Fund Council, with the approval and consent of the Governor, in purchasing options to purchase land suitable for governmental use located near the Capitol in Boise, which options to purchase shall be submitted to the next convening session of the Legislature for decision as to whether such option should be exercised.

100,000

Grand Total from Permanent Building Fund ...........$8,055,711

SECTION 2. It is the express intention of the legislature that the funds appropriated in this act for construction at the University of Idaho, Idaho State University and Lewis and Clark Normal School may be anticipated and made available for matching any allotment of funds now in existence or hereafter made by agencies of the United States under and pursuant to the Higher Education Facilities Act of 1963. It is the intention of the legislature that this authority be effective from the effective date of this act.

SECTION 3. AUTHORIZATION FOR ACQUISITION OF STATE OFFICE BUILDING.—The Permanent Building Fund Advisory Council is hereby authorized and directed, with the approval of the Governor, for and on behalf of the State of Idaho, to contract with competent parties for the construction of a new state office building on state owned real property located in Boise City, Idaho, as recommended by the “State Capitol Planning Commission” and conforming to a development plan as set forth in House Bill No. 286,
as amended, Thirty-eighth Session of the Idaho Legislature, for the purpose of providing office space and all necessary accommodations in connection therewith for agencies and departments of government now or hereafter located in Boise.

The contract hereby authorized may provide that said state office building shall not become a part of the real estate except as hereinafter provided; that the State of Idaho shall lease said building for an agreed period of time and at an agreed consideration; that said building shall become a part of the realty when the total agreed consideration has been paid by the State of Idaho, and that at such time as the total agreed consideration has been paid that the building will become the property of the State of Idaho free and clear of any incumbrance. The contract may also provide for a lease of the state owned real property to the lessor of the building built thereon for a term of years coincident with the term of the lease-purchase agreement authorized by, and executed pursuant to, this section. The contract shall provide that the agreed consideration shall be paid from moneys accruing to the Permanent Building Fund of the State of Idaho, which are hereby appropriated therefor.

The Permanent Building Fund Advisory Council is directed to negotiate with the Board of Directors of the Public Employees' Retirement System and/or the Board of Directors of the Teachers' Retirement System in making the contract and undertakings herein authorized.

SECTION 4. All appropriations made herein shall be exempt from the provisions of Chapter 36, Title 67, and Section 67-3516, Idaho Code, but shall be available for expenditure only after allotment in accordance with the other provisions of Chapter 35 of Title 67, Idaho Code, as amended, and all appropriations made hereunder shall be subject to the provisions of Section 67-2304, Idaho Code, as amended, except as otherwise provided herein.

SECTION 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 29, 1965.
AN ACT

AMENDING CHAPTER 31 OF TITLE 41, IDAHO CODE, BY ADDING THERETO SECTION 41-3112A, IMMEDIATELY FOLLOWING SECTION 41-3112, TO PERMIT A COUNTY MUTUAL FIRE INSURANCE COMPANY WITH A SURPLUS OF $50,000.00 TO BILL AND COLLECT ASSESSMENTS ON THE ADVANCE PREMIUM BASIS; PROVIDING FOR THE RETURN OF UNEARNED PREMIUMS TO POLICYHOLDERS; REMOVING THE LIMITATIONS AS TO THE AMOUNT OF THE EMERGENCY FUND FOR SUCH COUNTY MUTUAL INSURANCE COMPANIES; AND PROVIDING A SEPARABILITY CLAUSE.

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

SECTION 1. That Chapter 31, Title 41, Idaho Code, be, and the same is hereby amended by adding thereto, following Section 41-3112, a new section, to be designated and known as Section 41-3112A, to read as follows:

41-3112A. ADVANCE PREMIUMS—RETURN PREMIUMS.—(1) Advance premiums. A county mutual insurer having a surplus over all liabilities of not less than $50,000.00, including a liability for unearned premiums, and for so long as such surplus is continuously maintained, such insurer may bill and collect assessments on the advance premium basis.

(2) Return premium. Upon the termination of any policy of insurance during any effective policy year, the unearned premium shall be returned to a member policyholder in accordance with the rules of pro-rata and short rate cancellations applying to casualty insurance policies.

(3) The limitations as to the emergency fund imposed by Section 41-3112 (3) shall not apply to a county mutual insurer qualifying under this section to collect premiums in advance.

SECTION 2. SEPARABILITY.—If any part or provision of this act shall be found to be invalid or ineffective by any court, such finding shall not effect the legality of the balance of this act, nor any part thereof.

Approved March 29, 1965.
CHAPTER 278
(S. B. No. 105, As Amended)

AN ACT
AMENDING SECTION 49-752a, IDAHO CODE, TO CLARIFY THE DUTIES OF A SCHOOL BUS DRIVER WHEN LOADING OR UNLOADING PUPILS; AND PROVIDING FOR REGULATION OF TRAFFIC; AMENDING SECTION 49-754 REGARDING USE OF FLASHING LIGHTS ON SCHOOL BUS; AND PROVIDING THAT FAILURE TO COMPLY SHALL CONSTITUTE A MISDEMEANOR.

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

SECTION 1. That Section 49-752a, Idaho Code, be, and the same hereby is amended to read as follows:

49-752a. 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 (8) 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, over
taking or passing the school bus from either direction shall
step, 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 fol-
lowed.

All traffic overtaking or passing a school bus from either
direction shall stop when the stop arm is extended and shall
remain stopped until the stop arm is retracted or until
signaled by the bus driver to proceed.

The stop arm shall be extended only when students must
cross a two lane highway. Students 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
to do so. When students must cross the highway to enter
the bus, the same procedure shall be followed.

The school bus may stop for the purpose of permitting
students to board or alight on highways consisting of more
than two lanes only at intersections where traffic signals
are operating or if students do not have to cross the high-
way.

Flashing warning signal lights shall be used to indicate
that a school bus is stopped or is preparing to stop on a high-
way for the purpose of permitting school children to board
or alight from said school bus, or is stopped in case of an
emergency.

Failure to comply with this section shall constitute a mis-
demeanor.

SECTION 2. That Section 49-754, Idaho Code, be, and
the same hereby is amended to read as follows:

49-754. SPECIAL LIGHTING EQUIPMENT ON
SCHOOL BUSES.—(a) The commissioner is authorized to
adopt standards and specifications applicable to lighting
equipment on and special warning devices to be carried
by school buses consistent with the provisions of this act,
but supplemental thereto, and except that such standards
and specifications may designate and permit the use of
flashing warning signal lights on school buses for the pur-
pose of indicating when children are boarding or alighting
from any said bus. Such standards and specifications shall
correlate with and, so far as possible, conform to the speci-
fications then current as approved by the society of automotive engineers.

(b) It shall be unlawful to operate any flashing warning signal light on any school bus except when said school bus is stopped, is preparing to stop on a highway for the purpose of permitting school children to board or alight from said school bus, or is stopped in case of an emergency.

Failure to comply with this section shall constitute a misdemeanor.

Approved March 29, 1965.

CHAPTER 279
(S. B. No. 178)

AN ACT

APPROPRIATING $55,300,000 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 $55,300,000, which sum shall be transferred from the General Fund to the Public School Income Fund as follows:

July 10, 1965 .................................. $8,500,000
September 30, 1965 .......................... 7,750,000
December 31, 1965 ........................... 5,420,000
March 31, 1966 ................................. 5,427,000

$27,097,000
$28,203,000

Total for the Biennium ...........................................$55,300,000

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, 1965.

CHAPTER 280
(S. B. No. 266)

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, for the purpose of commencing a geological survey of mineral potential on lands in the state of Idaho that are to be placed in the wilderness area, for the period commencing July 1, 1965, and ending June 30, 1967; subject to the provisions of the Standard Appropriations Act of 1945.

To Whom Appropriated: Appropriations:
Bureau of Mines and Geology:
For: Survey of mineral potential on
lands in the state of Idaho to
be placed in wilderness area ..............$60,000

Total ...........................................$60,000

From the general fund ...........................................$60,000

Approved March 29, 1965.

CHAPTER 281
(S. B. No. 265)

AN ACT

Appropriating moneys from the general fund of the state of Idaho to the Idaho Water Resources Board for the purpose of paying salaries and wages, travel expense, other current expense and capital outlay charges for the period commencing July 1, 1965 and ending June 30, 1967; 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, 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, 1965, and ending June 30, 1967:
To Whom Appropriated:
IDAHO WATER RESOURCES BOARD:
For:  
Salaries and Wages $ 80,000  
Travel Expense 5,000  
Other Current Expense 30,000  
Capital Outlay 10,000  

Total  $125,000

From the General Fund  $125,000

SECTION 2. This act shall be exempted from the provisions of the Standard Appropriations Act of 1945.
Approved March 29, 1965.

CHAPTER 282
(S. B. No. 264)
AN ACT

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

SECTION 1. There is hereby appropriated out of the Idaho Personnel 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, 1965 and ending June 30, 1967:

To whom appropriated—Idaho Personnel Commission—
Salaries and Wages $ 58,452  
Travel Expense 4,750  
Other Expense 30,407  
Capital Outlay 7,787  

Total $101,396
From the Idaho Personnel Commission Fund:
$101,396

SECTION 2. The Appropriation made herein shall be exempt from the provisions of the Standard Appropriations Act of 1945.

Approved March 29, 1965.

CHAPTER 283
(S. B. No. 262)

AN ACT

STANDARD APPROPRIATIONS ACT OF 1945; REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to all official duties now prescribed by the constitution and statutes of the state of Idaho, it shall be the duty of the Lieutenant Governor, as President of the Senate, the President Pro Tempore of the Senate and the Speaker of the House of Representatives, to complete preparation of the journals and to index the same, to complete the enrolling of bills, index all laws, resolutions and memorials enacted or adopted by the Thirty-eighth 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-eighth 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 the same as that which they received during the session of the Legislature.

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-eighth Session of the Legislature of the State of Idaho by House Bill No. 8, 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 $200,000, 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-Eighth Legislative Session, and for the payment of salaries and wages and other expenses of any special session or sessions held before the Thirty-ninth Legislative Session; all to be paid in the same way as other claims for legislative expenses and salaries are paid; any unexpended balance remaining in said fund shall revert to the General fund July 1, 1967.
SECTION 3. The appropriations herein made are expressly exempt from the provisions of the Standard Appropriations 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 full force and effect from and after its passage and approval.

Approved March 29, 1965.

CHAPTER 284
(S. B. No. 254)

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 agencies hereinafter named, for the period commencing July 1, 1965, and ending June 30, 1967, subject to the Standard Appropriations Act of 1945.

To Whom Appropriated:

SECRETARY OF STATE FOR ADVERTISING CONSTITUTIONAL AMENDMENTS, PRINTING AND PROOF READING SESSION LAWS, AND PURCHASE AND ANNOTATING IDAHO CODES:

For:
- Salaries and Wages: $1,500
- Other Current Expense: $36,500

Total: $38,000

From the General Fund: $38,000

BUREAU OF THE BUDGET:

For:
- Salaries and Wages: $77,949
- Travel Expense: $3,500
- Other Current Expense: $17,000
- Capital Outlay: $920

Total: $99,369

From the General Fund: $99,369

COMMISSION ON UNIFORM LAWS:

For:
- Travel Expense: $4,500
- Other Current Expense: $3,060

Total: $7,560

From the General Fund: $7,560
LIEUTENANT GOVERNOR
For:  
Salaries and Wages $10,750  
Travel Expense 6,490  
Other Current Expense 1,260

Total $18,500

From the General Fund $18,500

DIRECTOR OF THE BUDGET FOR  
THE BUREAU OF PUBLIC ACCOUNTS:  
For:  
Salaries and Wages $119,000  
Travel Expense 7,500  
Other Current Expense 16,600  
Capital Outlay 1,500

Total $144,600

From:  
The General Fund $87,500  
The Highway Fund 12,000  
The Fish and Game Fund 5,000  
Various Special Agricultural Funds 6,000  
The Potato and Onion Fund 1,000  
The Prune Commission Fund 200  
The Wheat Commission Fund 300  
The Bean Commission Fund 200  
The Liquor Control Act Fund 7,000  
The State Insurance Fund 4,000  
The Motor Vehicle Fund 6,500  
The Employment Security Agency Fund 2,500  
The Aeronautics Fund 1,500  
The Bar Commission Fund 250  
The Brand Inspection Fund 500  
The Electrical Board Accounts Fund 350  
The Industrial Accident Board Fund 600  
The Lava Hot Springs Foundation Fund 2,100  
The Board of Medicine Fund 400  
The Nurses Registration and Nursing Education Fund 750  
The Occupational License Fund 3,000  
The Board of Pharmacy Fund 350  
The Plumbing Board Fund 300  
The Professional Engineers’ Fund 250  
The Real Estate Brokers’ Board Fund 350  
The Surplus Property Fund 500
Public Works Contractors’ State License Fund 600
Athletic Commission Fund 200
Board of Accountancy Fund 400

Total $144,600

Approved March 29, 1965.

CHAPTER 285
(S. B. No. 252)

AN ACT

APPROPRIATING MONIES FROM THE PUBLIC EMPLOYEES’ RETIREMENT SYSTEM FUND TO THE RETIREMENT BOARD FOR THE PURPOSE OF PAYING SALARIES AND WAGES, TRAVEL EXPENSE, OTHER CURRENT EXPENSE AND CAPITAL OUTLAY FOR THE PERIOD COMMENCING JULY 1, 1965 AND ENDING JUNE 30, 1967; SUBJECT TO THE PROVISIONS OF THE STANDARD APPROPRIATIONS ACT OF 1945; APPROPRIATING MONIES FROM THE GENERAL FUND OF THE STATE OF IDAHO TO THE PUBLIC EMPLOYEES’ RETIREMENT SYSTEM FUND; PROVIDING THAT THE APPROPRIATION FROM THE GENERAL FUND SHALL BE RETURNED FOLLOWING IMPLEMENTATION OF THE PUBLIC EMPLOYEES’ RETIREMENT SYSTEM; DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated out of the Public Employees’ Retirement System Fund the following sums of money, or so much 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, 1965, and ending June 30, 1967; subject to the Standard Appropriations Act of 1945.
To Whom Appropriated: Appropriations:

RETIREMENT BOARD:
For: Salaries and Wages $ 69,340
     Travel Expense 8,000
     Other Current Expense 52,390
     Capital Outlay 14,525

Total $144,255

From Public Employees' Retirement System Fund $144,255

SECTION 2. There is hereby appropriated out of the general fund of the state of Idaho, the following sums of money, or so much as may be necessary, for implementation of the Public Employees' Retirement System, to the agency herein named for the period commencing on the date of the passage of this act, and ending when the Public Employees' Retirement System has been implemented; provided, that the amount so appropriated under this section shall be returned to the general fund from the Public Employees' Retirement System Fund when the Public Employees' Retirement System program has been implemented and sufficient moneys have been established in the Public Employees' Retirement System Fund to assure such repayment.

To Whom Appropriated: Appropriations:

PUBLIC EMPLOYEES' RETIREMENT SYSTEM:
For: Implementing Public Employees' Retirement System $36,000

From the General Fund $36,000

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

Approved March 29, 1965.
CHAPTER 286
(S. B. No. 232)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO THE COOPERATIVE BOARD OF FORESTRY, GOVERNOR FOR FRANKLIN COUNTY RELIC HALL, COMMISSIONER OF THE STATE BOARD OF LAND COMMISSIONERS AND TO THE HISTORICAL SOCIETY BOARD OF TRUSTEES FOR THE PURPOSES OF PAYING OTHER CURRENT EXPENSE, PAYMENTS AS AGENT, CAPITAL OUTLAY, SALARIES AND WAGES AND TRAVEL EXPENSES; APPROPRIATING MONEYS FROM THE LAVA HOT SPRINGS FOUNDATION FUND TO THE LAVA HOT SPRINGS FOUNDATION FOR PURPOSES OF PAYING SALARIES AND WAGES, TRAVEL EXPENSES, OTHER CURRENT EXPENSE AND CAPITAL OUTLAY; APPROPRIATING MONEYS FROM THE GENERAL FUND, RECEIPTS TO APPROPRIATIONS TO THE COMMISSIONER OF THE STATE BOARD OF LAND COMMISSIONERS FOR PURPOSES OF PAYING SALARIES AND WAGES, TRAVEL EXPENSES, OTHER CURRENT EXPENSE AND CAPITAL OUTLAY; APPROPRIATING MONEYS FROM THE GENERAL FUND, RECEIPTS TO APPROPRIATIONS, FORESTER'S SPECIAL FUND AND U.S. CLARKE-McNARY TO THE COOPERATIVE BOARD OF FORESTRY FOR PURPOSES OF PAYING SALARIES AND WAGES, TRAVEL EXPENSES, OTHER CURRENT EXPENSE, CAPITAL OUTLAY AND PAYMENTS AS AGENT; ALL OF THE FOREGOING APPROPRIATIONS BEING FOR THE PERIOD COMMENCING JULY 1, 1965 AND ENDING JUNE 30, 1967; ALL OF THE FOREGOING APPROPRIATIONS BEING SUBJECT TO THE PROVISIONS OF THE STANDARD APPROPRIATION ACT OF 1945; APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO TO THE COOPERATIVE BOARD OF FORESTRY FOR THE PURPOSE OF PROVIDING FOR TUSSOCK MOTH CONTROL AND PROVIDING AN EMERGENCY AS TO THE APPROPRIATION FOR TUSSOCK MOTH CONTROL.

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

SECTION 1. There is hereby appropriated out of the general fund, Lava Hot Springs Foundation Fund, receipts to appropriations, Forester's special fund and U.S. Clarke-McNary, the following sums of money, or so much thereof as may be necessary, for the purpose of paying
salaries and wages, other current expense, payments as agent, travel expenses, capital outlay and refunds for erroneous receipts, of the agencies hereinafter named, for the period commencing July 1, 1965, and ending June 30, 1967, subject to the Standard Appropriations Act of 1945.

To Whom Appropriated:  

Appropriations:

<table>
<thead>
<tr>
<th>To Whom Appropriated</th>
<th>Appropriations:</th>
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<tbody>
<tr>
<td>STATE FORESTER FOR</td>
<td></td>
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<tr>
<td>BLISTER RUST CONTROL</td>
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<td>LAND ACQ., ASSESSMENTS</td>
<td>$290,000</td>
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<td>AND FIRE EMERGENCY:</td>
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<td>For: Other Current Expense $290,000</td>
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<tr>
<td>Payment as Agent      220,000</td>
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<td>From: General Fund    $510,000</td>
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<tr>
<td>GOVERNOR FOR THE FRANKLIN</td>
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<tr>
<td>COUNTY RELIC HALL:</td>
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<td>For: Other Current Expense $3,000</td>
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<td>Total                 $3,000</td>
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<tr>
<td>From: General Fund    $3,000</td>
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<td>BOARD OF LAND COMMISSIONERS</td>
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<tr>
<td>FOR HEYBURN STATE PARK:</td>
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<tr>
<td>For: Salaries and Wages $52,722</td>
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<tr>
<td>Travel Expense         800</td>
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<tr>
<td>Other Current Expense  36,867</td>
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<tr>
<td>Capital Outlay         70,300</td>
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<td>Total                 $160,689</td>
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<td>From: General Fund    $160,689</td>
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<td>STATE HISTORICAL SOCIETY:</td>
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<tr>
<td>For: Salaries and Wages $125,520</td>
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<tr>
<td>Travel Expense         5,000</td>
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<td>Other Current Expense  36,400</td>
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<td>Capital Outlay         10,000</td>
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<td>Total                 $176,920</td>
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<td>From: General Fund    $176,920</td>
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### BOARD OF LAND COMMISSIONERS
FOR LANDS ADMINISTRATION:

<table>
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<th>Description</th>
<th>Amount</th>
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<tr>
<td>Salaries and Wages</td>
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<td>Travel Expense</td>
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<td>Other Current Expense</td>
<td>$57,000</td>
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<td>Capital Outlay</td>
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<td><strong>Total</strong></td>
<td>$345,000</td>
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From: General Fund .......................... $345,000

### LAVA HOT SPRINGS FOUNDATION:

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<th>Description</th>
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<tr>
<td>Salaries and Wages</td>
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<td>Travel Expense</td>
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<td>Other Current Expense</td>
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<td>Capital Outlay</td>
<td>$40,700</td>
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<td><strong>Total</strong></td>
<td>$256,107</td>
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From: Lava Hot Springs Foundation Fund .......................... $256,107

### BOARD OF LAND COMMISSIONERS
FOR NOXIOUS WEED ERADICATION, RANGE IMPROVEMENTS AND RESEEDING PROGRAMS:

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From: General Fund .......................... $50,000

### BOARD OF LAND COMMISSIONERS
FOR PARKS ADMINISTRATION:

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<td>Salaries and Wages</td>
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<td>Travel Expense</td>
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<td>Capital Outlay</td>
<td>$200,989</td>
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<td><strong>Total</strong></td>
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From: General Fund ..............................................$ 549,326
Receipts to Appropriation ...................................... 6,000

Total .............................................................$ 555,326

STATE FORESTER:
For: Salaries and Wages ............................................ $1,100,638
Travel Expense ..................................................... 46,300
Other Current Expense ........................................... 360,717
Capital Outlay ..................................................... 175,204
Payment as Agent .................................................. 240,000

Total .............................................................$1,922,859

From: General Fund ..............................................$1,176,609
Receipts to Approp. ............................................... 50,000
Forester's Special Fund ........................................... 249,264
U.S. Clarke-McNary .............................................. 446,986

Total .............................................................$1,922,859

STATE FORESTER FOR THE IDAHO YOUTH CONSERVATION PROJECT:
For: Salaries and Wages .........................................$ 32,350
Travel Expense .................................................... 720
Other Current Expense ........................................... 35,020
Capital Outlay ..................................................... 12,390

Total .............................................................$ 80,480

From: General Fund ..............................................$ 80,480

SECTION 2. There is hereby appropriated out of the general fund, the following sum of money, or so much there­of as may be necessary, for the purpose of providing for Tussock Moth Control by the agency hereafter named, for the period commencing July 1, 1965, and ending June 30, 1967, this appropriation being expressly exempted from the Standard Appropriations Act of 1945.
To Whom Appropriated: Appropriations:
COOPERATIVE BOARD OF FORESTRY:
For: Tussock Moth Control .......... $60,500

Total .................................. $60,500

From: General Fund .................. $60,500

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, Section 2 of this act shall be in full force and effect immediately upon passage and approval of this act.

Approved March 29, 1965.

CHAPTER 287
(S. B. No. 218)

AN ACT

DECLARING THE PURPOSE AND POLICY OF THE STATE OF IDAHO; AMENDING SECTION 27-1905, IDAHO CODE, AS AMENDED, BY PROVIDING FOR A SPECIAL RATE OF INTEREST AND CONDITIONS RELATING TO AGREEMENTS OF CORPORATIONS FOR PECUNIARY PROFIT AND NOT PRINCIPALLY ENGAGED IN FARMING AND LIVESTOCK.

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

SECTION 1. POLICIES.—It is hereby declared to be the public policy of the state of Idaho in the public interest to promote, encourage and induce the establishment and development of its commerce and industry by establishing and developing new businesses and inasmuch as commerce and industry interests of Idaho are in competition with that of other states for commercial and industrial loans, and face the fact that commercial and industrial corporations in Idaho cannot obtain adequate capital to grow and expand because institutions specializing in such loans of this character lend their money in other states with more realistic and enlightened views of corporate indebtedness, it is therefore the policy and purpose hereof to make it possible for Idaho commerce to compete for money for such loans to expand and develop such enterprise in Idaho.
SECTION 2. That Section 27-1905, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

27-1905. MAXIMUM RATE OF INTEREST.—Parties may agree in writing for the payment of any rate of interest, on money due or to become due on any contract, not to exceed the sum of eight per cent per annum; provided, however, that on all loans where the interest charged for the duration of the loan is less than two dollars and fifty cents a minimum service charge in lieu of interest, may be made in the sum of two dollars and fifty cents; any judgment rendered on such contract shall bear interest at the rate of six per cent per annum until satisfied. Provided further, that notwithstanding the foregoing, and any other provisions of the law to the contrary, any domestic or foreign corporation organized for profit, except a corporation engaged principally in agricultural pursuits, herein defined as cultivating the soil, raising or harvesting acres of commodities, including the raising, shearing, feeding, caring for and management of livestock, poultry and fur-bearing animals and wildlife, may agree in writing which clearly spells out the amount or the rate of interest charged, to pay any rate of interest in excess of the maximum rate provided in this section, but not exceeding 12% per annum on money due, or to become due, on any contract, or any extension, renewal or rewrite thereof, where the original indebtedness to be repaid shall not be less than $10,000.00, or on any series of advances of money pursuant to contract, if the aggregate of the sums advanced shall not be less than $10,000.00, and, on any such obligations, the claims or defense of usury by such corporation, its successors, guarantors, assigns, or any one on its behalf is prohibited.

Approved March 29, 1965.

CHAPTER 288
(S. B. No. 231)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, TO THE BOISE CHILDREN'S HOME SOCIETY OF IDAHO, BOISE, IDAHO, AND TO THE BOOTH MEMORIAL HOSPITAL FOR INDIGENT MOTHERS, BOISE,

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

SECTION 1. There is hereby appropriated out of the general fund, the following sums of money, or so much thereof as may be necessary, for the purposes of paying for relief and pensions of the agencies hereinafter named, for the period commencing July 1, 1965, and ending June 30, 1967, subject to the provisions of the Standard Appropriations Act of 1945.

To Whom Appropriated: Appropriations:
Children's Home Society of Idaho, Boise, Idaho ...........................................$125,000
Children's Home Finding and Aid Society, Lewiston .................................. 124,800
Booth Memorial Hospital for Indigent Mothers ........................................... 36,000

Total ..............................................$285,800

From: General Fund ..............................................$285,800

SECTION 2. 1. There is hereby appropriated out of the general fund of the state of Idaho to the Department of Public Assistance for administrative costs and for all other purposes provided in the public assistance law or any acts amendatory or supplemental thereto, the sum of $12,000,000,
or so much thereof as may be necessary; the transfer and disbursements of the said moneys to be made from the general fund to the cooperative welfare fund in conformity with the provisions of Chapter 4, Title 56, Idaho Code, for the period commencing July 1, 1965 and ending June 30, 1967.

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 paragraph 1 of this section 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.

3. The appropriation herein made is subject to the provisions of the Standard Appropriations Act of 1945.

SECTION 3. There is hereby appropriated out of the general fund, receipts to appropriations, endowment income and federal funds, the following sums of money, or so much thereof as may be necessary, for the purpose of paying for salaries and wages, travel expense, other current expense, capital outlay, and relief and pensions, of the agencies hereinafter named, for the period commencing July 1, 1965, and ending June 30, 1967, subject to the provisions of the Standard Appropriations Act of 1945.

To Whom Appropriated:  
VETERANS’ AFFAIRS COMMISSION:

<table>
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<th>Appropriations</th>
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<tr>
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<td>Relief and Pensions</td>
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From: General Fund  
**$178,286**
VETERANS' AFFAIRS COMMISSION
FOR VETERANS' HOME:

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Approved March 29, 1965.

CHAPTER 289
(S. B. No. 69, As Amended)

AN ACT

PROVIDING FOR A PERSONNEL COMMISSION TO ADMINISTER A PERSONNEL SYSTEM FOR SELECTION, RETENTION AND PROMOTION OF CERTAIN EMPLOYEES OF THE STATE OF IDAHO; DECLARING THE OBJECTIVES, POLICY AND PURPOSES OF SUCH SYSTEM; DEFINING WORDS AND PHRASES; PROVIDING FOR INCLUSION OF ALL STATE EMPLOYEES EXCEPT FOR CERTAIN EXEMPTIONS; PROVIDING PROCEDURE FOR INCLUSION OF EXISTING MERIT SYSTEMS AND PERSONNEL SYSTEMS; PROVIDING PROCEDURES FOR ADMINISTRATION OF EMPLOYEES HIRED PRIOR TO ENACTMENT OF THIS ACT; DESIGNATING APPLICABILITY ON FEDERAL MERIT SYSTEM STANDARDS; PROVIDING FOR ORGANIZATION OF THE PERSONNEL COMMISSION, APPOINTMENT, QUALIFICATIONS, TERMS AND COMPENSATION; DEFINING POWERS AND DUTIES OF THE PERSONNEL COMMISSION; PROVIDING FOR AGREEMENTS TO FURNISH SERVICES TO POLITICAL SUBDIVISIONS; PROVIDING FOR RULES AND REGULATIONS BY THE PERSONNEL COMMISSION, AND PROVIDING FOR APPOINTMENT OF PERSONNEL DIRECTOR; DEFINING LIMITATIONS OF POLITICAL ACTIVITY; PROVIDING MISDEMEANOR FOR VIOLATIONS;
Providing for veteran's preference; providing for method of financing by creation of the personnel commission fund and for prorated contributions by participating departments and for perpetual appropriation thereof to the commission; providing for repeal of conflicting laws, and severability, and declaring an emergency; and providing that participation and contributions by departments commence July 1, 1965.

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

Section 1. Establishment of Personnel Commission and Declaration of Policy.—There is hereby established the Idaho Personnel Commission which is authorized and directed to administer a personnel system for Idaho employees. The purpose of said personnel system is to provide a means whereby employees of the State of Idaho shall be selected, retained and promoted on the basis of merit and their performance of duties, thus effecting economy and efficiency in the administration of State Government. The Legislature declares that, in its considered judgment, the public good and the general welfare of the citizens of this state require enactment of this measure, under the powers of the state.

Section 2. Definitions.—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. Such terms and their definitions are:

(a) "Class" means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill, and other characteristics, that the same title, the same tests of fitness and the same schedule of compensation may be applied to each position in the group.

(b) "Commission" means the Idaho Personnel Commission created by this Act.

(c) "Department" means any department, agency or office of the State of Idaho.

(d) "Eligible" means a person who has been determined to be qualified for a position and whose name has been placed on the register of eligibles.
(e) "Emergency appointment" means appointment to a position for a period of time not to exceed sixty days when an emergency exists and it is not possible or feasible to secure such person from a register.

(f) "Intermittent Appointment" means appointment to a position on an intermittent basis not to exceed eight months in any twelve month period, such appointment to be made from among persons previously appointed from a register and employed for at least thirty days before termination of such initial employment.

(g) "Non-competitive examination" means an examination given to a selected person to determine his qualifications for a position.

(h) "Open competitive examination" means an examination which may be taken by qualified applicants to compete on an equal basis for listing on the register of eligibles.

(i) "Participating department" means any department of the State of Idaho which employs persons in positions subject to this Act except as participation is deferred in accordance with Section 4.

(j) "Personnel system" means the procedure for administering employees in accordance with this Act.

(k) "Political office" means a public office for which partisan politics is a basis for nomination, election or appointment.

(l) "Political organization" means a party which sponsors candidates for election to political office.

(m) "Position" means a group of duties and responsibilities legally assigned or delegated by one or more appointing authorities and requiring the employment of one person.

(n) "Provisional appointment" means appointment to a position pending the establishment of a register for such position and employment shall not be continued in this status longer than thirty days after establishment of a register.

(o) "Register" means a list of names of persons who have been determined to be eligible for employment in a position as determined on the basis of examina-
tion and merit factors as established by the Commission.

(p) "Service rating" means a recorded evaluation of ability and performance of an employee by his supervisor.

(q) "Temporary appointment" means appointment from a register to a position which is not permanent in nature, and in which employment will not exceed eight months during any twelve month period.

SECTION 3. APPLICATION TO STATE EMPLOYEES. —All departments of the State of Idaho and all employees in such departments, except those employees specifically exempt, shall be subject to this Act and to the system of personnel administration which it prescribes. Exempt employees shall be:

(a) Members of the State Legislature and all other officers of the State of Idaho elected by popular vote, and persons appointed to fill vacancies in elective offices, and employees of the State Legislature.

(b) Members of statutory boards and commissions and heads of departments appointed by and serving at the pleasure of the Governor, and members of advisory boards and councils appointed by the departments.

(c) All employees and officers in the office, and at the residence, of the Governor.

(d) Except as otherwise provided by law, not more than one declared position for each board or commission and/or head of a participating department.

(e) Part-time professional consultants who are paid on a fee basis for any form of legal, medical or other professional service, and who are not engaged in the performance of administrative duties for the State.

(f) Judges, temporary referees, receivers and jurors.

(g) All employees of the Idaho Supreme Court and District Courts.

(h) Assistant attorneys general attached to the office of the Attorney General.

(i) Officers and members of the teaching staffs of state institutions and the professional staff of the Idaho
Department of Education administered by the Board of Regents and the Board of Education.

(j) Employees of the Idaho Military Department under federal control or in a position for which membership in the Idaho National Guard or Idaho Air National Guard is a condition of employment.

(k) Patients or inmates employed in state institutions.

(l) Persons employed by emergency appointment.

(m) Persons retained under independent contract for special or temporary projects.

SECTION 4. EXISTING MERIT SYSTEMS AND PERSONNEL SYSTEMS.—Departments of the State whose personnel administration is governed by the Merit System Council and the Public Assistance Personnel Council shall continue to be so governed and administered, and shall not be participating departments in the personnel system established by this Act, until the plans established under this Act are determined acceptable by departments under these merit systems and until all departments not under such system are covered by this Act. At such time, but no later than June 30, 1967, such systems shall cease to be in effect and operative and departments governed by them shall become participating departments in the personnel system established by this Act. At such time, all records and equipment of the Merit System Council and the Public Assistance Personnel Council shall be transferred to the Commission, giving each of the eligible contributing departments credit for reasonable market value of the office equipment transferred. Credit shall be issued back to the contributing departments at the same ratio as it was paid in.

SECTION 5. EMPLOYEES HIRED PRIOR TO ENACTMENT OF THIS ACT.—(1) Any employee of the Department of Health, the Employment Security Agency, the Fish and Game Department, the Department of Public Assistance, the Department of Disaster Relief and Civil Defense, Office of Emergency Planning, and the State Police appointed or having rights or status under the rules of the merit system, personnel system, or laws of the State of Idaho in effect prior to the enactment of this Act shall be given like or equivalent status and salary under the personnel system established by this Act.

(2) An employee not exempt herein, nor having rights or status as provided above, who prior to the date his de-
partment commences participation in the personnel system has served continuously for a period of six months or more, and who is certified in writing by the administrative head of his department to be serving satisfactorily on such date shall be deemed to be a fully qualified employee under the Idaho Personnel Commission Act. An employee with six months or more of service, not so certified, may be:

(a) Separated, or

(b) Placed on probation for a six month period commencing with the effective date of this Act and at the end of probation be certified to be serving satisfactorily and be deemed a fully qualified employee under this Act, or, if not so certified, be separated, or

(c) Given provisional status pending the establishment of an adequate register of eligibles and shall not be continued in this status longer than thirty days after establishment of an adequate register for his position.

(3) Except as provided in SECTION 5 (1), an employee who has had less than six calendar months of service on the date his department commences participation in the personnel system shall be required to pass a suitable non-competitive examination and satisfactorily complete a probationary period in order to be retained in a position.

(4) An employee who does not obtain a passing grade in the examination referred to in paragraph (3) of this section shall be separated from his position within thirty days after the establishment of an adequate register of eligibles for such position.

SECTION 6. APPLICABILITY OF FEDERAL MERIT SYSTEM STANDARDS.—Notwithstanding any other provision, wherever Federal Merit System standards are applicable to any department covered by this Act, financed in whole or in part by Federal funds, rules and regulations shall be established or modified by the Commission to the extent necessary to apply such standards to personnel administration in such grant-in-aid programs, and to the positions and employees therein.

SECTION 7. ORGANIZATION OF COMMISSION.—
(1) The Idaho Personnel Commission created by this Act shall consist of three members, not more than two of which at any time may belong to the same political party. The members of the Commission shall be appointed by the Gov-
errator on the basis of experience in personnel management, business or governmental management and their known sympathy with merit principles for the impartial selection of efficient state government employees.

(2) Members of the Commission shall be appointed for overlapping terms of six years, except that in the first instance one member shall be appointed for two years, one member for four years and one member for six years. Initial members shall be appointed to take office within thirty days after the effective date of this Act. If, for any reason, a member should leave the Commission before his term expires, the Governor shall appoint another member to fill out the unexpired term.

(3) No member of the Commission shall hold political office or be an officer of a political organization during his term, nor shall any member have held political office or have been an officer of a political organization during the twelve months preceding his appointment. No member of the Commission shall have been employed as an official or employee of the State of Idaho during the twelve months preceding his appointment, nor be so employed during his term. At its first meeting the Commission shall elect one of the members as chairman. Thereafter, the Chairman shall be elected during the first meeting of each calendar year.

(4) Any department aggrieved by any action or in-action of the Commission shall be afforded an opportunity for a hearing before the Commission upon request therefor in writing. Minutes or summary of the proceedings of all hearings shall be made and filed with the Commission, together with findings of fact and conclusions of law made by the Commission.

(5) The Governor may remove a commissioner for inefficiency, neglect of duty or misconduct in office after first giving him a copy of charges against him and an opportunity to be heard publicly before the Governor. A copy of the charges and a transcript of the record of the hearing shall be filed with the Secretary of State.

(6) The Commission shall meet at regularly scheduled intervals or on call of the Chairman. Two members shall constitute a quorum for the transaction of business. Members shall each be paid an honorarium of $25.00 per day, not to exceed sixty days in any calendar year, when on official business of the Commission and shall be reimbursed for ordinary and actual travel expenses, including subsistence,
incurred in accordance with regulations applicable to other State employees.

SECTION 8. AUTHORITY AND DUTIES OF THE PERSONNEL COMMISSION — AND SELECTION OF PERSONNEL DIRECTOR. — (1) It shall be the duty of the Idaho Personnel Commission to administer this Act. The Commission shall have the duty, power and authority to employ such persons, make such expenditures, require such reports, make investigations, perform such travel pursuant to the provisions of this Act, and to take such other actions as it deems necessary or suitable to that end.

(2) A Personnel Director shall be appointed by the Commission from a register of eligibles established from an unassembled examination pursuant to SECTION 9 (e) of this Act, who shall be experienced in personnel administration, and who shall be the executive secretary and administrative officer of the Commission.

SECTION 9. RULES OF THE PERSONNEL COMMISSION.—The Commission shall have the power and authority to adopt, amend, or rescind such rules and regulations as may be necessary for proper administration of this Act. Such rules shall include:

(a) A rule requiring each department to develop, adopt, and make effective after approval by the Commission, a classification plan for positions covered by this Act, based upon an analysis of the duties and responsibilities of the position. The classification plan will include an appropriate title for each class, and a description of duties and responsibilities of positions in the classes and requirements of minimum training, experience and other qualifications, suitable for the performance of duties of the position.

(b) A rule requiring each department to develop, adopt and make effective after approval by the Commission and the Director of Administration acting for the Governor, a comprehensive compensation plan for all classes of positions covered under this Act. The compensation plan shall include salary schedules with the salary of each position consistent with the responsibility and difficulty of the work as outlined in the job specifications. Initial, intervening, and maximum rates of pay and longevity allowance for each class shall be established to provide for steps
in salary advancement without change of duty in recognition of demonstrated quality of service and length of service. It shall be the policy of the Commission to maintain pay scales comparable to compensation for equivalent grades in industry and government.

(c) A rule requiring that all classes of positions which are common to the departments concerned shall have the same titles, minimum requirements and compensation.

(d) A rule providing for not less than biennial review by the Commission and department heads of the personnel system including classification and compensation plans, policies and procedures.

(e) A rule requiring fair and impartial selection of appointees to all positions other than those exempted in this Act, on the basis of open competitive merit examinations. Examinations may be assembled or unassembled and may include various examining techniques such as rating, training and experience, written tests, oral interviews, recognition of professional licensing, performance tests, investigations and any other measure of ability to perform the duties of the position. Examinations shall be scored objectively and employment registers shall be established in order of final score. Certification of eligibility for appointment to vacancies shall be in accordance with a formula which limits selection by the hiring department from among the three top ranking available eligibles; however, selective certification shall be permitted when justified by the hiring department, under rules to be made by the commission defining adequate justification based on the duties and requirements of the position. Such examinations need not be held until after the rules have been adopted, the service classified and a pay plan established, but shall be held not later than one year after departments commence participation in the personnel system.

(f) A rule that, whenever practicable, a vacancy in a classified position shall be filled by the promotion of a qualified permanent employee of this State and that all qualified State employees shall have the opportunity to compete for such promotions. Pref-
ference may be given to employees within the agency in which the vacancy occurs.

(g) A rule for development and maintenance of a system of service ratings and the use of such ratings by all departments in connection with promotions, demotions, retentions, separations and reassignments.

(h) A rule prohibiting disqualification of any person from taking an examination, from appointment to a position, from promotion, or from holding a position because of race or national origin, political or religious opinions or affiliations, or other non-merit factors, and providing for right of appeal.

(i) A rule for cooperation with other public personnel agencies whose merit or civil service systems operate in accordance with standards comparable with those provided in this Act and the rules of the Commission.

(j) A rule establishing a probation period not to exceed a stipulated period of time, and for the appointing authority to notify the Commission and the employee in writing prior to the expiration of the probationary period concerning satisfactory or unsatisfactory performance. Employees who during the probationary period are performing in an unsatisfactory manner may be asked to resign and, upon failure to submit such resignation, may be discharged without the right of appeal. The appointing authority must notify the Commission and the employee in writing in order for the probationer to become a permanent employee.

(k) A rule concerning non-competitive emergency and provisional appointments.

(l) A rule concerning intermittent and temporary appointments.

(m) A rule governing the employment of consultants and persons retained under independent contract.

(n) A rule for the discharge or reduction of rank or grade or disciplining of permanent employees only for cause with reasons given in writing. Any employee who is dismissed or demoted after completing his probationary period of service, or who is suspended for more than thirty days in any one year,
may, within thirty days after such dismissal, demotion or suspension, appeal to the Commission for review thereof. Upon such review, both the appealing employee and the appointing authority whose action is reviewed shall have the right to be heard publicly and to present evidentiary facts. At the hearing of such appeals, technical rules of evidence shall not apply. If the Commission finds that the action complained of was taken by the appointing authority for any political, religious or racial reason, the employee shall be reinstated to his former position or a position of like status and pay, without loss of pay for the period of his suspension. In all other cases, the findings and recommendations of the Commission shall be submitted to and considered by the appointing authority, who may, not later than thirty days after receipt of such findings and recommendations, reinstate the employee with or without pay for the period of suspension, or otherwise modify his original decision of suspension, demotion or discharge. When any employee is dismissed and not reinstated after such appeal, the Commission in its discretion may direct that his name be placed on an appropriate register of eligibles for employment.

(o) A rule to establish procedures for maintenance of a record of the employment history and appropriate information relating to performance of all employees under the personnel system.

(p) Rules to provide for recruitment programs in cooperation with department heads and the Employment Security Agency in keeping with current employment conditions and labor market trends.

(q) Rules to establish procedures for examinations as necessary for the purpose of maintaining current registers from which to fill employment vacancies.

(r) Other rules not inconsistent with the foregoing provisions of this section as may be necessary and proper for the administration and enforcement of this Act.

SECTION 10. SERVICE TO OTHER POLITICAL SUBDIVISIONS.—Subject to the approval of the Commission, agreements may be entered into with any political subdivision of the State of Idaho to furnish services and facilities of the Commission and staff to such political subdivisions in the administration of their personnel on merit principles.
Any such agreement shall provide for reimbursement to the Commission of the reasonable cost of the services or facilities furnished as determined by the Commission.

SECTION 11. LIMITATION OF POLITICAL ACTIVITY.—(1) No employee of a State department covered by this Act, except those hereinbefore exempt, shall:

(a) Use his official authority or influence for the purpose of interfering with an election to or a nomination for office, or affecting the result thereof, or

(b) Directly or indirectly coerce, attempt to coerce, command, or direct any other such officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes.

(2) No such officer or employee shall take any active part in political organization management. All such employees shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

SECTION 12. VIOLATIONS.—Any person willfully violating any of the provisions of this Act or of the rules or regulations established thereunder shall be guilty of a misdemeanor.

SECTION 13. VETERANS' PREFERENCE.—Veterans' preference as provided in Title 65, Chapter 5, Idaho Code, shall be observed.

SECTION 14. METHOD OF FINANCING.—(1) There is hereby created in the State Treasury the Personnel Commission Fund. All participating departments are hereby authorized and directed to pay out of their funds to the State Treasurer their respective shares of the authorized budget of the Commission. All monies placed in said special fund are hereby perpetually appropriated to the Commission for the administrative purposes of this Act. All expenditures from said fund shall be paid out in warrants drawn by the State Auditor upon presentation of proper vouchers from the Commission.

(2) The Commission shall allocate costs of its operation to each participating department in the same proportion that the amount of the payroll for covered employees of the department bears to the total amount of the payroll
for classified employees of all departments under the personnel system as of April 1 and October 1 of each year, combined and averaged as to the basis for allocation of costs.

(3) Each participating department shall deposit to said fund on January 1 and July 1 of each year, commencing July 1, 1965, an amount equal to its share of costs of operation of Personnel Commission according to the costs allocation formula set forth above. For the 1965-1967 biennium, the semi-annual deposit by each department shall be an amount equal to one-half of one percent of its payroll for the preceding six months for salaries and wages for positions subject to this Act. Departmental deposits for each succeeding biennium shall be at a percentage rate of salaries and wages for positions subject to this Act, computed to be sufficient to carry out the intent and all provisions of this Act as directed by the Legislature.

SECTION 15. RELATIONSHIP WITH EXISTING LAWS, AND REPEAL.—The personnel system administered by the Personnel Commission created by this Act is hereby designated as the “Merit System”, “Civil Service System” or “Personnel System” as may be required by any other section of the Idaho Code for the administration of any department covered by this Act; and all laws in conflict in whole or in part with the provisions of this Act are hereby repealed to the extent of such conflict or inconsistency, provided, however, that in the implementation of this Act those portions of Title 67, Chapter 35, Idaho Code, requiring approval of the Director of Administration of increase in compensation for any state employee, shall not be held to apply to employees covered under this Act, but all departments whose salaries and administrative costs come from state appropriations shall prepare and file the reports and estimates in the office of the Director of the Budget in accordance with said Chapter 35, and personnel compensation thereunder shall not be effective until approved as being within the State budget limitations of the respective department.

SECTION 16. SEVERABILITY.—If any provision of this law or of any rule, regulation, or order thereunder or the application of such provision to any person or circumstances shall be held invalid, the remainder of the law and the application of such provision of this law or of such rule, regulation, or order to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.
SECTION 17. DECLARING 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; provided, however, that participation by all departments except those specifically deferred by Section 4 of this Act and contributions required pursuant to this Act shall be commenced on July 1, 1965.

Approved March 29, 1965.

CHAPTER 290
(S. B. No. 148)

AN ACT


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

Section 1. It shall be unlawful for any person to act as
a motor vehicle dealer, used motor vehicle dealer, or motor vehicle salesman, without having first procured a license to be issued by the Department of Law Enforcement.

Section 2. DEFINITIONS.—The following words and phrases, when used in this act, shall, for the purpose of this act, have the meaning respectively ascribed as follows:

(1) “Motor vehicle” shall mean every vehicle intended primarily for use and operation on the public highways which is self-propelled; and every vehicle intended primarily for operation on the public highways which is not driven or propelled by its own power, but which is designed either to be attached to and become a part of, or to be drawn by a self-propelled vehicle; but not including farm tractors and other machines and tools used in the production, harvesting and care of farm products.

(2) “Person” shall mean every natural person, firm, co-partnership, association or corporation.

(3) “Motor vehicle dealer” shall mean any person engaged in the business of selling or exchanging new or used motor vehicles, or who buys and sells, or exchanges three or more new or used motor vehicles in any one calendar year.

(4) “Used motor vehicle dealer” shall mean any person engaged in the business of selling or exchanging used motor vehicles, or who buys and sells, or exchanges three or more used motor vehicles in any one calendar year.

No insurance company, finance company, public utilities company, or other person coming into possession of any motor vehicle as an incident to its regular business who shall sell such vehicle, or who shall sell such vehicle under any contractual rights it may have with respect thereto shall be considered a motor vehicle dealer or used motor vehicle dealer under the terms and provisions of subsections (3) and (4) of this section.

(5) “Motor vehicle salesman” shall mean any person, who, for a salary, commission or compensation of any kind, is employed either directly or indirectly, or regularly or occasionally by any motor vehicle dealer or used motor vehicle dealer to sell, purchase or exchange or to negotiate for the sale, purchase or exchange of motor vehicles.

(6) “Commissioner” shall mean the Commissioner of Law Enforcement of this state.
(7) "Department" shall mean the Department of Law Enforcement of this state acting directly or through its duly authorized officers and agents.

(8) "Principal place of business" shall mean a site or location devoted mostly and mainly to the business for which the motor vehicle dealer or used motor vehicle dealer is licensed, sufficiently designated to admit of definite description with space thereon or contiguous thereto adequate to permit the display of one or more new or new and used motor vehicles, on which there shall be located or erected permanent enclosed building or structure large enough to accommodate the office or offices of the dealer and to provide a safe place to keep the books and other records of the business of such dealer, at which site or location the principal portion of such dealer's business shall be conducted and the books and records thereof kept and maintained. In no event shall a room or rooms in a hotel, rooming house, or apartment house building or a part of any single or multiple unit dwelling house be considered a "principal place of business" within the terms and provisions of this act unless the entire ground floor of such hotel, apartment house, or rooming house building or such dwelling house be devoted principally to and occupied for commercial purposes and the office or offices of the dealer be located on the ground floor thereof. In no event shall premises devoted principally to the business of a gasoline service station be considered a "principal place of business" within the terms and provisions of this act.

Section 3. ADMINISTRATION—POWERS AND DUTIES.—The Commissioner of Law Enforcement and the Advisory Board hereinafter defined, are hereby charged with the administration of this act. For the purpose of administering this act, the Commissioner and Advisory Board shall have the following powers and duties:

(1) From time to time to promulgate, amend, and repeal such reasonable rules and regulations, not inconsistent with this act and the laws of the state of Idaho, as the Commissioner and Advisory Board shall deem necessary, to carry out the purposes of this act. To define and prohibit by regulation, any practice which is found to be deceptive. The Commissioner shall cause a public hearing to be held on any proposed regulation. The Commissioner, with approval of the Advisory Board, is further empowered:

(2) To employ, subject to the laws of the state of Idaho, such clerks, deputies, and assistants as he may consider
necessary to discharge the duties imposed upon him by this act, and to designate the duties of such clerks, deputies and assistants.

(3) To issue, and, for reasonable cause shown, to refuse to issue to any applicant therefor, any license authorized by this act. The Commissioner shall not refuse to issue to any applicant therefor, other than a partnership or corporation, any license provided for herein if such applicant shall have complied with the terms and provisions of this act and the rules and regulations promulgated by the Commissioner pursuant to the authority herein conferred upon him relating to the conduct of the type of business for which application for a license is made; unless it shall first be made to appear that the applicant was previously the holder of a license hereunder which was revoked or suspended, as provided in Section 49-142 of the Idaho Code, which license in the case of revocation was never reissued by the Commissioner, or which in the case of suspension was never reinstated, or unless the applicant, though never licensed under the terms and provisions of this act, has been convicted in a court of record in this state of the violation of some one or more of the terms and provisions of this act or of a rule or regulation promulgated by the Commissioner under the authority herein conferred upon him. If the applicant for a license be a partnership or a corporation, the Commissioner may refuse to issue a license to such applicant where he determines: That one or more of the partners, if the applicant be a partnership, or one or more of the stockholders or officers of the corporation, if a corporation be the applicant, was previously the holder of a license, issued under the authority of this act, which was revoked or suspended, which license in the case of revocation was never reissued or in the case of suspension was never reinstated, or that one or more of such partners, stockholders, or officers, as the case may be, though not previously the holder of a license, was convicted in a court of record in the state of Idaho of a violation of one or more of the provisions of this act or of a rule or regulation promulgated by the Commissioner under the authority herein conferred upon him; and that by reason of the facts and circumstances touching the organization, control, and management of the partnership or corporation business it is likely that the policy of such business will be directed, controlled, or managed by individuals who, by reason of their conviction of a violation of the provisions of this act, would be ineligible for a license and that by licensing such corporation or
partnership the purposes of this act would likely be de­feated.

(4) For just cause shown, to revoke, or to suspend on such terms and conditions and for such period of time as to the Commissioner shall appear fair and just, any license or licenses issued under and pursuant to the terms and pro­visions of this act. No such license shall be revoked or sus­pended except that it shall first be shown that the licensee has violated one or more of the terms and provisions of this act, or of a rule or regulation promulgated by the Commissioner under the power and authority herein con­ferred upon him.

(5) He shall have the power on his own motion and he shall upon the sworn complaint of any person investigate any suspected or alleged violation by any licensee hereunder of any of the terms and provisions of this act or of any rule or regulation promulgated by the Commissioner under the authority herein conferred upon him.

(6) To prescribe the forms to be used for applications for licenses to be issued under the provisions of this act and to require of such applicants, as a condition precedent to the issuance of such license, such information touching on and concerning the applicant's fitness to be licensed here­under as he may consider necessary. Every application for a motor vehicle dealer's license or used motor vehicle dealer's license shall contain, in addition to such information as the Commissioner may require, a statement of the fol­lowing facts:

(a) The name and residence address of the applicant and the trade name, if any, under which he intends to conduct his business; and if the applicant be a co­partnership, the name and residence address of each member thereof, whether a limited or general part­ner, and the name under which the partnership bus­ness is to be conducted; and if the applicant be a corporation, the name of the corporation and the name and address of each of its principal officers and directors.

(b) A complete description, including the city, town, or village with the street and number, if any, of the principal place of business and such other and ad­ditional place or places of business as shall be oper­ated and maintained by the applicant in conjunction with the principal place of business.
(c) If the application be for a motor vehicle dealer’s license, the name or names of the new motor vehicle or vehicles that the applicant has been enfranchised to sell or exchange and the name or names and addresses of the manufacturer or distributor who has enfranchised the applicant.

(d) The names and addresses of the persons who shall act as salesmen under the authority of the license, if issued.

(7) To require that a motor vehicle dealer’s or used motor vehicle dealer’s principal place of business and such other sites or location as may be operated and maintained by such dealers in conjunction with their principal place of business have erected or posted thereon such signs or devices providing information relating to the dealer’s name, the location and address of such dealer’s principal place of business, the type of license held by the dealer and the number thereof, as the Commissioner shall consider necessary to enable any person doing business with such dealer to identify him properly; and for this purpose to determine the size and shape of such signs or devices, the lettering thereon, and other details thereof, and to prescribe rules and regulations for the location thereof.

(8) To provide for regular meetings of the Advisory Board, to be held not less frequently than semi-annually, and from time to time to call special meetings thereof; provided that notices of all regular and special meetings of the Advisory Board shall by the Commissioner be mailed to all members thereof at the last known address of each, not less than five days prior to the date on which such meeting shall be held.

Section 4. ADVISORY BOARD.—(1) There is hereby created an Advisory Board, to consist of five members; three members to be appointed from licensed dealers selling less than 200 new motor vehicles during the calendar year next prior to appointment, with the remaining two members appointed from licensed dealers selling more than 200 new motor vehicles during the calendar year next prior to appointment. The board shall act pursuant to its powers above enumerated and assist and advise the Commissioner in the administration and enforcement of this act. The Governor shall appoint five members of the board, with regard to the recommendations of the executive committee or board of directors of the Idaho Automobile Dealers Association. The term of office of each member of said board shall be three
years, excepting that of the members of said board first appointed, two shall be appointed to hold office until the first day of July, 1966, two until the first day of July, 1967, and one until the first day of July, 1968. Vacancies occurring on the board other than by the expiration of the term, shall be filled for the unexpired term only. Each member of the board shall serve until his successor is appointed and qualified. The members of the Advisory Board shall serve without compensation. A majority of the members of the Advisory Board shall constitute a quorum, the presence of which at any meeting thereof duly called by the Commissioner shall have full and complete power to act upon and resolve in the name of the board any matter, thing, or question referred to it by the Commissioner, or which, by reason of any provisions of this act, it has power to determine.

(2) The Advisory Board on the first day of each July, or as soon thereafter as it is practicable, shall elect a chairman, vice-chairman, secretary and assistant secretary from among its members, who shall hold office until their successors are elected. As soon as the board shall elect its officers, the secretary so elected shall certify the results of such election to the Commissioner. The chairman shall preside at all meetings of the board and the secretary shall make a record of the proceedings thereof which shall be preserved in the office of the Commissioner. If the chairman be absent from any meeting of the Advisory Board, his duties shall be discharged by the vice-chairman, and if the secretary be absent therefrom, his duties shall be discharged by the assistant secretary. All members of the Advisory Board shall be entitled to vote on any question, matter, or thing which properly comes before it.

Section 5. RECORDS AS EVIDENCE.—Copies of all records and papers in the office of the Commissioner, duly authenticated under the hand and seal of the Commissioner, shall be received in evidence in all cases equally and with like effect as the original thereof.

Section 6. ATTORNEY GENERAL TO ADVISE AND REPRESENT.—The Attorney General of the state shall represent the Commissioner and the Advisory Board, and shall give opinions on all questions of law relating to the interpretation of this act or arising out of the administration thereof, and shall appear for and in behalf of the Commissioner or the board in all actions brought by or against them, whether under the provisions of this act or otherwise.

Section 7. CLASSES OF LICENSES.—Licenses issued
under the provisions of this act shall be the following classes:

(1) Motor vehicle dealer's license. This license shall permit the licensee to engage in the business of selling or exchanging new and used motor vehicles or both. This form of license shall permit the persons named therein who shall be owners or part owners of the business of the licensee to act as motor vehicle salesmen.

(2) Used motor vehicle dealer's license. This license shall permit the licensee to engage in the business of selling or exchanging used motor vehicles only. This form of license shall permit the persons named therein who shall be owners or part owners of the business of the licensee to act as motor vehicle salesmen.

(3) Motor vehicle salesman's license. This license shall permit the licensee to engage in the activities of a motor vehicle salesman as defined in subsection (5) under the preceding paragraph "DEFINITIONS".

(4) Pending the satisfaction of the Department that the applicant has met the requirements under this chapter, it may issue a temporary permit to any applicant for a license. A temporary permit shall not exceed a period of 90 days while the Department is completing its investigation and determination of all facts relative to the qualifications of the applicant to such a license. Such temporary permit shall terminate when the applicant's license has been issued or refused.

(5) The Department may issue a probationary vehicle salesman's license subject to conditions to be observed in the exercise of the privilege granted either upon application for issuance of a license or upon application for renewal of a license. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license but shall be such as may, in the judgment of the Department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the Department of the information contained therein.

Section 8. FEES — FUNDS — EXPENSES — EXPIRATION OF LICENSES.—

(1) To pay the expenses of administering and enforcing this act, the Commissioner shall collect with each application for each class of license, the following fees:
(a) Motor vehicle dealer's license, sixty dollars ($60.00).
(b) Used motor vehicle dealer's license, sixty dollars ($60.00).
(c) Motor vehicle salesman's license, five dollars ($5.00).

(2) All such fees shall be paid over to the state treasurer and shall be kept in the Motor Vehicle Fund of the state of Idaho. The expenses of said Department and the expenses incurred in enforcing this act shall be paid from said fund.

(3) Such licenses, if the same shall not have been suspended or revoked, as provided in this act, shall be in effect to the first day of January next following the date of issuance thereof and shall then expire. Upon the expiration of such license, unless by suspension or revocation, the same may be renewed upon the payment of the fees specified herein to accompany applications, and such renewals shall be made from year to year as a matter of right.

Section 9. DEALER'S AND USED VEHICLE DEALER'S BOND.—Before any motor vehicle dealer's license or used motor vehicle dealer's license shall be issued by the Commissioner to any applicant therefor, the said applicant shall procure and file with the Commissioner good and sufficient bond in the amount of ten thousand dollars with corporate surety thereon, duly licensed to do business within this state, approved as to form by the attorney general of the state, and conditioned that said applicant shall not practice any fraud, make any fraudulent representation or violate any of the provisions of this act in the conduct of the business for which he is licensed.

Section 10. MOTOR VEHICLE SALESMAN'S BOND.—Before any motor vehicle salesman's license shall be issued by the Commissioner to any applicant therefor, the said applicant shall procure and file with the Commissioner a good and sufficient bond, in the amount of two thousand dollars with corporate surety thereon, duly licensed to do business within this state, approved as to form by the attorney general of the state, and conditioned that said applicant shall perform his duties as an automobile salesman without fraud or fraudulent representation and without the violation of any of the provisions of this act. The provisions of this section shall not apply to the persons designated or named in the motor vehicle dealer's license or the used motor vehicle dealer's license to act as motor vehicle salesman.
Section 11. RIGHT OF ACTION FOR LOSS BY FRAUD—PROCESS.—

(1) If any person shall suffer any loss or damage by reason of any fraud practiced on him or fraudulent representation made to him by a licensed dealer or one of such dealer's salesmen acting for the dealer, in his behalf, or within the scope of the employment of such salesman, or shall suffer any loss or damage by reason of the violation by such dealer or salesman of any of the provisions of this act, such person shall have a right of action against such dealer, his automobile salesman, and the sureties upon their respective bonds.

(2) A motor vehicle dealer's license or a used motor vehicle dealer's license or a renewal of either of said licenses shall not be issued to any applicant therefor unless and until such applicant shall file with the Commissioner a good and sufficient instrument in writing in which he shall appoint the Commissioner as the true and lawful agent of said applicant upon whom all process may be served in any action or actions which may thereafter be commenced against said applicant arising out of any claim for damages suffered by any firm, person, association or corporation by reason of the violation of said applicant of any of the terms and provisions of this act or any condition of the dealer's bond. The applicant shall stipulate and agree in said appointment that any process directed to said applicant in such a case which is served upon the Commissioner, or in the event of his absence from his office, upon any employee of the state in charge of the office of such Commissioner, shall be of the same legal force and effect as if served upon said applicant personally. Said applicant shall further stipulate and agree in writing that the agency created by said appointment shall continue for and during the period covered by any license that may be issued and so long thereafter as the applicant may be made to answer in damages for a violation of this act or any condition of his bond, as aforesaid. The instrument appointing the Commissioner as the agent for the applicant for service of process shall be acknowledged by the applicant before an officer authorized to take and certify acknowledgments under the laws of this state. In any case wherein the licensee be served with process by service thereof upon the Commissioner, three copies of said process shall be left with said Commissioner. Not later than two days after the service of said process upon him, the Commissioner shall mail one copy thereof to the licensee at his principal place of business, as
the same appears of record in the office of the Commissioner, postpaid, by registered mail with request for return receipt. One copy shall be mailed to the surety on the applicant's bond at the address of the surety given in said bond, postpaid and registered with request for return receipt. The remaining copy shall be retained on file with the Commissioner; provided, that where the licensee is served with process by service thereof upon the Commissioner, the licensee shall have and be allowed thirty days from and after the service thereof within which to answer any complaint or other pleading which may be filed in said cause. For the purpose of venue where the licensee is served with process thereof upon the Commissioner, the service shall be deemed to have been made upon the licensee in the county in which he has or last had his principal place of business.

Section 12. DISPLAY, FORM AND CUSTODY OF DEALER'S LICENSE.—The Commissioner shall prescribe each form of the license. It shall be the duty of each dealer to display conspicuously his own license in his place of business. The Commissioner shall prepare and deliver a pocket card, which card shall certify that the person whose name appears thereon is a licensed motor vehicle dealer, used motor vehicle dealer or motor vehicle salesman, as the case may be.

Section 13. NOTICE OF CHANGE OF ADDRESS OR STATUS.—

(1) The Commissioner shall not issue a motor vehicle dealer's license or used motor vehicle dealer's license to any applicant therefor who has not a principal place of business as is defined in this act. Should the motor vehicle dealer or used motor vehicle dealer change the site or location of his principal place of business, he shall immediately upon making such change so notify the Commissioner and thereupon a new license shall be granted for the unexpired portion of the term of such license at no additional fee. Should a motor vehicle dealer or used motor vehicle dealer, for any reason whatsoever, cease to be in possession of a principal place of business, as defined in subsection (8) under the preceding paragraph "DEFINITIONS", from and on which he conducts the business for which he is licensed, he shall immediately so notify the Commissioner and upon demand therefor by the Commissioner shall deliver up unto that officer such dealer's license, which shall be held and retained until it shall be made to appear to the Commissioner that such licensee has again come into posses-
SION of a principal place of business, whereupon such dealer’s license shall be reissued to him, without charge. Nothing in this act contained shall be construed to prevent a motor vehicle dealer or used motor vehicle dealer from conducting the business for which such dealer is licensed at one or more sites or locations not contiguous to such dealer’s principal place of business but operated and maintained in conjunction therewith.

(2) Should the motor vehicle dealer change to, or add another franchise for the sale of new motor vehicles, or cancel or, for any cause whatever, otherwise lose a franchise for the sale of new motor vehicles, he shall immediately so notify the Commissioner, who shall, in the case of a cancellation or loss of franchise, thereupon determine whether or not by reason thereof such dealer should be licensed as a used motor vehicle dealer, in which case the Commissioner shall take up and the motor vehicle dealer shall deliver unto him such dealer’s license and the Commissioner shall thereupon issue to such dealer a used motor vehicle dealer’s license. Upon the cancellation or loss of a franchise to sell new motor vehicles and the relicensing of such dealer as a used motor vehicle dealer, such dealer may continue in the business for which a motor vehicle dealer is licensed for a time, not exceeding six months from the date of the relicensing of such dealer, to enable such dealer to dispose of the stock of new motor vehicles which he had on hand at the time of such relicensing, but not otherwise.

Section 14. UNLAWFUL ACTS BY LICENSEE.—It shall be unlawful and a violation of this act for the holder of any license issued under the terms and provisions hereof:

(1) To intentionally publish or circulate any advertising which is misleading or inaccurate in any material particular or which misrepresents any of the products sold or furnished by a licensed dealer.

(2) To violate any of the terms and provisions of this act or any of the rules and regulations promulgated by the Commissioner under the authority herein conferred upon him.

(3) To knowingly purchase, sell or otherwise acquire or dispose of a stolen motor vehicle.

(4) To violate any law of the state respecting commerce in motor vehicles or any lawful rule or regulation respecting commerce in motor vehicles promulgated by any licens-
ing or regulating authority now existing or hereafter created by the laws of the state.

(5) To engage in the business for which such licensee is licensed without having in force and effect a good and sufficient bond with corporate surety as provided in above section entitled “DEALER'S AND USED VEHICLE DEALER'S BOND”.

(6) For any licensed motor vehicle dealer or used motor vehicle dealer to engage in the business for which such dealer is licensed without at all times maintaining a principal place of business as required by this act.

(7) For any licensee to engage in a type of business respecting the selling or exchanging of new or new and used motor vehicles for which he is not licensed.

Section 15. DENIAL OR REVOCATION OF LICENSE REQUIRES HEARING.—(1) Before the Commissioner shall refuse to issue to any applicant therefor any license or licenses provided for under the terms of this act, and before revoking or suspending any license issued by him hereunder, he shall give such applicant or licensee, as the case may be, written notice of the action which the Commissioner contemplates taking with respect to such application or license which shall provide that on or before a day certain, not less than twenty days from the date on which such written notice shall be served, such applicant or licensee shall show cause, if any he has, in writing duly verified and filed with the Commissioner, why such contemplated action should not be taken. Upon the receipt of such written showing, the Commissioner shall fix a day certain, not less than fifteen days nor more than thirty days from the date on which he received said written showing, when he will hear evidence and argument in support thereof and shall give written notice of the date and place of hearing to the applicant or licensee, as hereinafter provided, not less than ten days prior to the date fixed for such hearing. A record or tape or other recording device of all proceedings had at the hearing shall be made and thereafter preserved pending final disposition of the matter.

(2) The notice to the applicant or licensee that the Commissioner contemplates refusing to issue the license applied for or that he contemplates revoking or suspending a license duly issued by him shall have attached thereto a complete statement of the facts upon which the Commissioner bases his contemplated action, duly signed by the Commissioner
or a deputy of the Commissioner in the name of the Commissioner. In any proceeding under this section, the Department of Law Enforcement shall have the burden of proving that the applicant is not qualified, or that the licensee has violated a provision of this act or a rule or regulation of the Commissioner, as the case may be.

(3) The notices herein provided to be given to an applicant for a license, or a licensee, shall be served by the Commissioner or one of his deputies or employees delivering such notice to the applicant or licensee personally, or by the Commissioner or one of his deputies for him, mailing such notice by registered mail;

(a) to the applicant for a license at the residence address given in his application for license;

(b) to a licensed motor vehicle dealer or used motor vehicle dealer at the last known address of the principal place of business of such dealer; and

(c) to a licensed salesman at his last known residence address. The date on which such notice shall be deemed to have been served for purposes of computing time, as in this act provided, shall be the date on which such notice is delivered to the applicant or licensee personally, if served by delivery as herein provided, or the date on which such notice is mailed, if service thereof is by mailing.

(4) The Commissioner shall request the attendance of the Advisory Board at such hearings. At the conclusion of all testimony, the board shall make written findings of fact, with appropriate references to the record of the hearing and recommendations based thereon, which shall be subscribed by the members of the board present at such hearing concurring therein. Members of the board not concurring in the findings and recommendations of the majority may prepare and file minority findings of fact and recommendations which shall become a part of the records of the matter in the Commissioner's Office.

Section 16. PRODUCTION OF WITNESSES AND DOCUMENTS.—In the preparation and conduct of such hearings, the Commissioner shall have the power to require the attendance and testimony of any witness and the production of any papers or books and may sign and issue subpoenas therefor and administer oaths and examine witnesses and take any evidence he deems pertinent to the
determination of the matter, and any witnesses so sub-
poenaed shall be entitled to the same fees and mileage as
prescribed by law in judicial proceedings in the district
court of this state in civil actions, but the payment of such
fees and mileage must be out of and kept within the limits
of the funds created from such license fees. The party
against whom such matter may be pending shall have the
right to obtain from the Commissioner a subpoena for any
witnesses which he may desire at such hearing and deposi-
tions may be taken as in civil court cases in the district
court. Any information obtained from the books and rec-
ords of the person complained against may not be used
against the person complained against as the basis for a
criminal prosecution under the laws of this state.

Section 17. REPORT OF FINDINGS.—The Commis-
sioner shall also state in writing officially signed by him,
his findings and determination after such hearing and his
and the board's order in the matter; and if the Commis-
sioner and board shall determine and order that an appli-
cant is not qualified to receive a license, no license shall be
granted, and if the Commissioner and Advisory Board shall
determine that the license holder has violated any of the
provisions of this act or of a rule or regulation promulgated
by the Commissioner and board under the authority here-
in conferred, the Commissioner and board may suspend the
license of such licensee on such terms and conditions and
for such period of time as to the Commissioner and board ap-
pear fair, reasonable and just, or the Commissioner and
board may revoke such license.

Section 18. APPEALS.—Any person denied a license
or whose license is revoked or suspended by the Commis-
sioner and board, shall have the right to appeal to the dis-
trict court for the county in which such person resides, or
if a corporation, partnership or association, the district
court for the county of its principal place of business as
defined by this act. Such appeal shall be taken by serving
written notice thereof on the Commissioner and filing such
notice with the clerk of the district court within twenty
days after the issuance and service of the order of the
Commissioner and board denying the license or suspending
or revoking the license. The Commissioner shall, within
thirty days after the service of such notice, file with the said
district court the original or certified true copies of said
order and of all documents and exhibits in the proceedings
before the Commissioner, and the findings and recommenda-
tions of the Advisory Board, including the findings and rec-
ommendations of the minority thereof, if any there be. The matter on appeal shall 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 Commissioner and board, and upon the entry of the judgment of said district court, certified copy thereof shall be forthwith filed with the Commissioner, which decision shall be modified, if necessary to conform to said judgment. The district court may stay the order of the Commissioner and board revoking or suspending a license pending a determination of the appeal herein provided. Appeals may be taken from said judgment to the Supreme Court of the state of Idaho by either party within thirty days after the entry of such judgment, and in the same manner as appeals in civil actions.

Section 19. PENALTY.—Any person, firm or corporation who shall violate any of the provisions of this act or any rule or regulation promulgated by the Commissioner and board under the authority herein conferred, or who shall commit any offense in this act declared to be unlawful shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than seventy-five dollars nor more than three hundred dollars, or by imprisonment in the county jail for a period of not to exceed six months, or by both such fine and imprisonment.

SECTION 20. That Section 49-135, Idaho Code, be, and the same is hereby amended to read as follows:

49-135. FEES FOR MANUFACTURERS' OR DEALERS' LICENSES.—

a. Licenses for manufacturers and dealers in motor vehicles issued under the provisions of this act shall be of the following classes:

1. New motor vehicle dealer's license: This license shall permit the licensee to engage in the business of selling or exchanging new and used motor vehicles or both and the annual fee to be paid to the department by each applicant for such license shall be sixty dollars.

2. Used motor vehicle dealer's license: This license shall permit the licensee to engage in the business of selling or exchanging used motor vehicles only and the annual fee to be paid to the department by each applicant for such license shall be sixty dollars.
8. Manufacturer's license. The annual fee to be paid to the department by each applicant for such license shall be sixty dollars.

Licenses issued to manufacturers and dealers in motor vehicles under this act shall be nontransferable.

b. Duplicate or additional number plates shall be issued to any dealer or manufacturer upon payment to the department of a fee of three dollars for each additional set of plates. But no dealer shall permit the use of any plates or duplicate plates by any person or persons or by an agent or sub-agent who operates and maintains a regular place of business in any city, town or village, other than that in which the place of business of the dealer or manufacturer is located: provided, also that any dealer in motor vehicles who operates and maintains a place of business in more than one city, town or village, in the state of Idaho shall be required to take out dealers' license and to pay said dealers' fee for each city, town or village, in which said dealer maintains said place of business.

e. The fee to be paid by the dealer in motorcycles shall be fifteen dollars. Additional number plates shall be issued to any motorcycle dealer upon payment to the department of a fee of two dollars, provided not more than three additional plates shall be issued in connection with each motorcycle dealer's license.

d. Provided further, a registered A dealer in motor vehicles shall not be permitted to license his individual cars which are being held for the purpose of being sold to the public.

SECTION 21. That Sections 49-136, 49-137, 49-138, 49-139, 49-140, 49-141 and 49-142, Idaho Code, be, and the same are hereby repealed.

Approved March 29, 1965.
CONNECTION WITH PENSION, RETIREMENT OR PROFIT SHARING PLANS TO PROVIDE BENEFITS PAYABLE IN FIXED OR VARIABLE DOLLAR AMOUNTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. (a) Any domestic life insurance company may establish one or more separate accounts, and may allocate to such separate account or accounts, in accordance with the terms of a written agreement, any amounts paid to the company in connection with a pension, retirement or profit sharing plan which are to be applied to provide benefits payable in fixed or variable dollar amounts.

(b) The amounts allocated to each such account and accumulations thereon may be invested and reinvested in any class of investments which may be authorized in the written agreement without regard to any requirements or limitations prescribed by the laws of this state governing the investments of domestic life insurance companies; provided, that to the extent that the company's reserve liability with regard to (1) benefits guaranteed as to amount and duration, and (2) funds guaranteed as to principal amount or stated rate of interest is maintained in any separate account, a portion of the assets of such separate account at least equal to such reserve liability shall be invested in accordance with the laws of this state governing the investments of domestic life insurance companies. The investments in such separate account or accounts shall not be taken into account in applying the investment limitations applicable to other investments of the company.

(c) The income, if any, and gains and losses, realized or unrealized on each account shall be credited to or charged against the amounts allocated to the account in accordance with the written agreement, without regard to other income, gains or losses of the company.

(d) Assets allocated to a separate account shall be valued at their market value on the date of valuation, or if there is no readily available market, then in accordance with the terms of the applicable written agreement; provided, that the portion of the assets of such separate account at least equal to the company's reserve liability with regard to the guaranteed benefits and funds referred to in subsection (b) hereof, if any, shall be valued in accordance with the rules otherwise applicable to the company's assets.
(e) If the agreement provides for payment of benefits in variable amounts, any contract delivered in this state providing for such variable benefits shall be on a group basis. Any such group contract shall contain a statement of the essential features of the procedure to be followed by the company in determining the dollar amount of such variable benefits. Any such group contract and any group certificate issued thereunder shall state that such dollar amount may decrease or increase and shall contain on its first page, in a prominent position, a statement that the benefits thereunder are on a variable basis.

(f) No domestic life insurance company, and no foreign or Canadian life insurance company admitted to transact business in this state, shall be authorized to deliver within this state any contract providing benefits in variable amounts until said company has satisfied the Commissioner of Insurance that its condition or methods of operation in connection with the issuance of such contracts will not be such as would render its operation hazardous to the public or its policyholders in this state. In determining the qualification of a company requesting authority to deliver such contracts within this state, the Commissioner of Insurance shall consider, among other things:

1. The history and financial condition of the company;
2. The character, responsibility and general fitness of the officers and directors of the company; and
3. In the case of a foreign or Canadian company, whether the regulation provided by the state of its domicile or that province in which its head office is located provides a degree of protection to policyholders and the public which is substantially equal to that provided by this section and the rules and regulations issued thereunder.

(g) The Commissioner of Insurance shall have the authority to issue such reasonable rules and regulations as may be necessary to carry out the purposes and provisions of this section.

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

Approved March 29, 1965.
CHAPTER 292
(S. B. No. 143, As Amended in the House of Representatives)

AN ACT
AMENDING SECTION 23-1007, IDAHO CODE, BY PROHIBITING LICENSED DEALERS AND WHOLESALERS FROM MAKING DELIVERIES OF BEER TO CONSUMERS.

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

SECTION 1. That Section 23-1007, Idaho Code, be, and the same is hereby amended to read as follows:

23-1007. Sales except through licensees prohibited—Sales to consumers on premises of dealer or wholesaler restricted.

It shall be unlawful for any dealer or wholesaler to sell, or dispose for use, within the state of Idaho any beer produced, manufactured, imported or bought by such dealer except through licensed dealers, wholesalers or retailers; nor shall any dealer or wholesaler allow for a consideration such beer to be consumed upon the premises of such dealer or wholesaler; provided, however, that any dealer or wholesaler shall be allowed to make sales and deliveries of beer in unbroken packages or kegs of not less than four gallons to a consumer at his licensed premises.

Approved March 29, 1965.

CHAPTER 293
(S. B. No. 107, As Amended)

AN ACT
TO PROHIBIT DECEPTIVE TRADE PRACTICES; DEFINING TERMS; DESCRIBING DECEPTIVE TRADE PRACTICES; PROVIDING REMEDIES; LIMITING THE APPLICATION OF THE ACT; PROVIDING FOR UNIFORMITY OF INTERPRETATION; PROVIDING A SHORT TITLE; PROVIDING SEVERABILITY.

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

SECTION 1. DEFINITIONS.—As used in this act, unless the context otherwise requires:
(1) "article" means a product as distinguished from its trademark, label, or distinctive dress in packaging;

(2) "certification mark" means a mark used in connection with the goods or services of a person other than the certifier to indicate geographic origin, material, mode of manufacture, quality, accuracy, or other characteristics of the goods or services or to indicate that the work or labor on the goods or services was performed by members of a union or other organization;

(3) "collective mark" means a mark used by members of a cooperative, association, or other collective group or organization to identify goods or services and distinguish them from those of others, or to indicate membership in the collective group or organization;

(4) "mark" means a word, name, symbol, device, or any combination of the foregoing in any form or arrangement;

(5) "person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, unincorporated association, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity;

(6) "service mark" means a mark used by a person to identify services and to distinguish them from the services of others;

(7) "trademark" means a mark used by a person to identify goods and to distinguish them from the goods of others;

(8) "trade name" means a word, name, symbol, device, or any combination of the foregoing in any form or arrangement used by a person to identify his business, vocation, or occupation and distinguish it from the business, vocation, or occupation of others.

SECTION 2. DECEPTIVE TRADE PRACTICES.—(a) A person engages in a deceptive trade practice when, in the course of his business, vocation, or occupation, he:

(1) passes off goods or services as those of another;

(2) causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services;

(3) causes likelihood of confusion or of misunderstand-
ing as to affiliation, connection, or association with, or certification by, another;

(4) uses deceptive representations or designations of geographic origin in connection with goods or services;

(5) represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that he does not have;

(6) represents that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used, or secondhand;

(7) represents that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;

(8) disparages the goods, services, or business of another by false or misleading representation of fact;

(9) advertises goods or services with intent not to sell them as advertised;

(10) advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;

(11) makes false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions; or

(12) engages in any other conduct which similarly creates a likelihood of confusion or of misunderstanding.

(b) In order to prevail in an action under this act, a complainant need not prove competition between the parties or actual confusion or misunderstanding.

(c) This section does not affect unfair trade practices otherwise actionable at common law or under other statutes of this state.

Section 3. Remedies.—(a) A person likely to be damaged by a deceptive trade practice of another may be granted an injunction against it under the principles of equity and on terms that the court considers reasonable. Proof of monetary damage, loss of profits, or intent to deceive is not required. Relief granted for the copying of an
article shall be limited to the prevention of confusion or misunderstanding as to source.

(b) The relief provided in this section is in addition to remedies otherwise available against the same conduct under the common law or other statutes of this state.

SECTION 4. APPLICATION.—(a) This act does not apply to:

(1) conduct in compliance with the orders or rules of, or a statute administered by, a federal, state, or local governmental agency;

(2) publishers, broadcasters, printers, or other persons engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast, or reproduce material without knowledge of its deceptive character; or

(3) actions or appeals pending on the effective date of this act.

(b) Sections 2 (a) (2) and 2 (a) (3) do not apply to the use of a service mark, trademark, certification mark, collective mark, trade name, or other trade identification that was used and not abandoned before the effective date of this act, if the use was in good faith and is otherwise lawful except for this act.

SECTION 5. UNIFORMITY OF INTERPRETATION.—This act shall be construed to effectuate its general purpose to make uniform the law of those states which enact it.

SECTION 6. SHORT TITLE.—This act may be cited as the Uniform Deceptive Trade Practices Act.

SECTION 7. 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 provision or application, and to this end the provisions of this act are severable.

Approved March 29, 1965.
Concerning and regulating insider trading of domestic stock insurance company equity securities; declaring an emergency.

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

Section 1. Every person who is directly or indirectly the beneficial owner of more than ten percent of any class of any equity security of a domestic stock insurance company, or who is a director or an officer of such company, shall file in the office of the commissioner of insurance on or before the 1st day of July, 1965, or within ten (10) days after he becomes such beneficial owner, director or officer, a statement, in such form as the commissioner of insurance may prescribe, of the amount of all equity securities of such company of which he is the beneficial owner, and within ten (10) days after the close of each calendar month thereafter, if there has been a change in such ownership during such month, shall file in the office of the commissioner of insurance a statement, indicating his ownership at the close of the calendar month and such changes in his ownership as have occurred during such calendar month.

Section 2. For the purpose of preventing the unfair use of information which may have been obtained by such beneficial owner, director or officer by reason of his relationship to such company, any profit realized by him from any purchase and sale, or any sale and purchase, of any equity security of such company within any period of less than six (6) months, unless such security was acquired in good faith in connection with a debt previously contracted, shall inure to and be recoverable by the company, irrespective of any intention on the part of such beneficial owner, director or officer in entering into such transaction of holding the security purchased or of not repurchasing the security sold for a period exceeding six (6) months. Suit to recover such profit may be instituted at law or in equity in any court of competent jurisdiction by the company, or by the owner of any security of the company in the name and in behalf of the company if the company shall fail or refuse to bring such suit within sixty (60) days after request or shall fail diligently to prosecute the same thereafter; but no such suit shall be brought more than two years after the
date such profit was realized. This section shall not be con-
strued to cover any transaction where such beneficial owner
was not such both at the time of the purchase and sale, or
the sale and purchase, of the security involved, or any trans-
action or transactions which the commissioner of insurance
by rules and regulations may exempt as not comprehended
within the purpose of this section.

SECTION 3. It shall be unlawful for any such beneficial
owner, director or officer, directly or indirectly, to sell any
equity security of such company if the person selling the
security or his principal:

(a) does not own the security sold; or

(b) if owning the security, does not deliver it against
such sale within twenty (20) days thereafter, or
does not within five days (5) days after such sale
deposit in the mails or other usual channels of trans-
portation; but no person shall be deemed to have
violated this section if he proves that notwithstanding
the exercise of good faith he was unable to make
such delivery or deposit within such time, or that to
do so would cause undue inconvenience or expense.

SECTION 4. The provisions of section 2 of this act shall
not apply to any purchase and sale, or sale and purchase,
and the provisions of section 3 of this act shall not apply
to any sale of an equity security of a domestic stock insur-
ance company not then or theretofore held by him in an
investment account, by a dealer in the ordinary course of
his business and incident to the establishment or mainte-
nance by him of a primary or secondary market (otherwise
than on an exchange as defined in the Securities Exchange
Act of 1934) for such security. The commissioner of in-
surance may, by such rules and regulations as he deems
necessary or appropriate in the public interest, define and
prescribe terms and conditions with respect to securities
held in an investment account and transactions made in
the ordinary course of business and incident to the estab-
ishment or maintenance of a primary or secondary market.

SECTION 5. The provisions of sections 1, 2 and 3 of this
act shall not apply to foreign or domestic arbitrage trans-
actions unless made in contravention of such rules and reg-
ulations as the commissioner of insurance may adopt in
order to carry out the purposes of this act.

SECTION 6. The term "equity security" when used in
this act means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the commissioner of insurance shall deem to be of similar nature and consider necessary or appropriate, by such rules and regulations as he may prescribe in the public interest or for the protection of investors, to treat as an equity security.

SECTION 7. The provisions of sections 1, 2 and 3 of this act shall not apply to equity securities of a domestic stock insurance company if:

(a) Such securities shall be registered, or shall be required to be registered, pursuant to section 12 of the Securities Exchange Act of 1934, as amended; or

(b) Such domestic stock insurance company shall not have any class of its equity securities held of record by one hundred (100) or more persons on the last business day of the year next preceding the year in which equity securities of the company would be subject to the provisions of sections 1, 2 and 3 of this act except for the provisions of this subsection (b).

SECTION 8. The commissioner of insurance shall have the power to make such rules and regulations as may be necessary for the execution of the functions invested in him by sections 1 through 7 of this act, and may for such purpose classify domestic stock insurance companies, securities, and other persons or matters within his jurisdiction. No provision of sections 1, 2 and 3 of this act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation of the commissioner of insurance, notwithstanding that such rule or regulation may, after such act or omission, be amended or rescinded or determined by judicial or other authority to be invalid for any reason.

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect from and after its passage and approval.

Approved March 29, 1965.
CHAPTER 295
(S. B. No. 195)

AN ACT
AMENDING SECTION 58-104, IDAHO CODE, RELATING TO THE POWERS AND DUTIES OF THE STATE LAND BOARD, BY ADDING NEW MATERIAL; PROVIDING THE BOARD WITH POWER OF EXCHANGE AS TO PUBLIC LANDS FOR LANDS OF EQUAL VALUE, THE TITLE TO WHICH, OR POWER OF DISPOSITION, BELONGS OR IS VESTED IN ANY STATE GOVERNMENTAL UNIT, AGENCY OR INSTITUTION.

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

SECTION 1. That Section 58-104, Idaho Code, be, and the same is hereby amended to read as follows:

58-104. STATE LAND BOARD—POWERS AND DUTIES.—The state board of land commissioners shall have power:

1. To exercise the general direction, control and disposition of the public lands of the state.

2. To appoint its executive officer, the land commissioner.

3. To perform legislative functions not inconsistent with law and to delegate to its executive officer and his assistants the execution of all policies adopted by it.

4. To review upon appeal all decisions of the land commissioner in contested matters.

5. To determine the policy, direct the work to be undertaken and appropriate from its funds the money necessary to carry out such work.

6. To prescribe regulations, not inconsistent with law, for the government of the department, the conduct of its employees and clerks, the distribution and performance of its business and the custody, use and preservation of the records, papers, books, documents, and property pertaining thereto.

7. To engage in reseeding and reforestation programs on the public lands of the state.

8. To exchange any public lands of the state, over which the board has power of disposition and control, for lands of equal value, the title to which, or power of disposition, be-
longs or is vested in the governing body or board of trustees of any state governmental unit, agency or institution.

Approved March 29, 1965.

CHAPTER 296
(S. B. No. 219)

AN ACT
AMENDING SECTION 15-1840, IDAHO CODE, PROVIDING FOR APPOINTMENT OF GUARDIANS FOR NONRESIDENTS, NOTICE AND THE EXTENT OF THE GUARDIANSHIP.

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

SECTION 1. That Section 15-1840, Idaho Code, be, and the same is hereby amended to read as follows:

15-1840. GUARDIANS FOR NONRESIDENTS. — When a person liable to be put under guardianship, according to the provisions of this chapter, resides without this state, and has estate therein, any friend of such person, or any one interested in his estate, in expectancy or otherwise, may apply to the probate court of any county in which there is any estate of such absent person, for the appointment of a guardian; and, if notice given to all interested, in such manner as the judge orders, and a full hearing and examination, it appears proper, a guardian for such absent person may be appointed. If the nonresident ward is an insane or incompetent person, before making such appointment the court or judge must cause notice to be delivered personally to the alleged insane or incompetent person and to be given to such other person or persons as the court or judge deems proper in such manner as deemed reasonable. If the nonresident ward is a minor, notice shall be given to the persons and in the manner required by Section 15-1815, Idaho Code. After a full hearing and examination, if it appear proper, a guardian for such absent person may be appointed. The guardianship which is first granted of a nonresident ward extends to all the estate of the ward within this state, and the court of no other county has jurisdiction.

Approved March 29, 1965.
AN ACT

PROVIDING THAT ANY PERSON WHO REPORTS TO CERTAIN ENUMERATED PERSONS THAT A BOMB OR OTHER EXPLOSIVE HAS BEEN PLACED OR SECRETED IN A PUBLIC OR PRIVATE PLACE KNOWING SUCH REPORT TO BE FALSE IS GUILTY OF A FELONY; PROVIDING A PENALTY; DECLARING AN EMERGENCY.

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

SECTION 1. Any person who reports to any police officer, sheriff, employee of a fire department or fire service, prosecuting attorney, newspaper, radio station, television station, deputy sheriff, deputy prosecuting attorney, member of the state police, employee of an airline, employee of an airport, employee of a railroad or bus line, an employee of a telephone company, occupants of a building, employee of a school district, or a news reporter in the employ of a newspaper or radio or television station, that a bomb or other explosive has been placed or secreted in a public or private place knowing that such report is false, is guilty of a felony, and upon conviction thereof, shall be sentenced to a term of not to exceed five years in the state penitentiary.

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

Approved March 29, 1965.

CHAPTER 298
(S. B. No. 256)

AN ACT

PROVIDING THAT PERSONS WHO PLACE TELEPHONE CALLS WITH INTENT TO ANNOY OR OFFEND BY USE OF LEWD, OBSCENE OR PROFANE LANGUAGE OR THREATS ARE GUILTY OF A MISDEAMEANOR; PROVIDING THAT A SECOND OR SUBSEQUENT CONVICTION IS A FELONY; PROVIDING PENALTIES; PROVIDING THAT THE USE OF PROHIBITED LANGUAGE OR THE MAKING OF THREATS
SHALL BE PRIMA FACIE EVIDENCE OF INTENT TO ANNOY OR OFFEND; PROVIDING THAT KNOWINGLY MAKING FALSE STATEMENTS BY TELEPHONE CONCERNING INJURY, DEATH, DISFIGUREMENT, INDECENT CONDUCT OR CRIMINAL CONDUCT OF THE PERSON TELEPHONED OR A MEMBER OF HIS FAMILY WITH INTENT TO TERRIFY, INTIMIDATE, HARASS OR ANNOY, IS A MISDEMEANOR; PROVIDING THAT A SECOND OR SUBSEQUENT CONVICTION IS A FELONY; PROVIDING PENALTIES; PROVIDING THAT THE MAKING OF FALSE STATEMENTS SHALL BE PRIMA FACIE PROOF OF INTENT TO TERRIFY, INTIMIDATE, HARASS, OR ANNOY; PROVIDING THAT THE OFFENSES SET OUT MAY BE CONSIDERED AS HAVING BEEN COMMITTED AT THE PLACE WHERE THE CALLS WERE PLACED OR RECEIVED; DECLARING AN EMERGENCY.

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

SECTION 1. Every person who with intent to annoy or offend telephones another and addresses to or about such person any obscene, lewd or profane language, or addresses to such other person any threat to inflict injury to the person or property of the person addressed or any member of his family, is guilty of a misdemeanor and upon conviction thereof, shall be sentenced to a term of not to exceed one year in the county jail. Upon a second or subsequent conviction, the defendant shall be deemed guilty of a felony and shall be sentenced to a term of not to exceed three years in the state penitentiary.

The use of obscene, lewd or profane language or the making of a threat shall be prima facie evidence of intent to annoy or offend.

SECTION 2. Every person who telephones another and knowingly makes any false statements concerning injury, death, disfigurement, indecent conduct or criminal conduct of the person telephoned or any member of his family, with intent to terrify, intimidate, harass or annoy the called person, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to a term of not to exceed one year in the county jail. Upon a second or subsequent conviction of the violations of the provisions of this section, the defendant shall be deemed guilty of a felony and upon conviction thereof, shall be sentenced to a term of not to exceed three years in the state penitentiary.

The making of a false statement as herein set out shall
be prima facie evidence of intent to terrify, intimidate, harass or annoy.

SECTION 3. Any offense committed by use of a telephone as herein set out may be deemed to have been committed at either the place at which the telephone call or calls were made or at the place where the telephone call or calls were received.

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 29, 1965.

CHAPTER 299
(S. B. No. 239)

AN ACT

AMENDING SECTION 50-1150, IDAHO CODE, RELATING TO PARTICIPATION OF MUNICIPAL CORPORATIONS IN GROUP INSURANCE PLANS, BY AUTHORIZING MUNICIPAL CORPORATIONS TO MAKE ADDITIONAL CONTRIBUTIONS AS MAY BE REQUIRED TO MAKE MUNICIPAL RETIREMENT AND PENSION PLANS ACTUARially SOUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 50-1150, Idaho Code, be, and the same is hereby amended to read as follows:

50-1150. DEDUCTIONS FROM WAGES FOR GROUP INSURANCE AND PENSION FUND.—Any municipal corporation may deduct, upon written approval of the individual employee, sums certain from said employee’s salary or wages for the purpose of paying said sums for premiums for group life, health, accident, hospital and surgical insurance; and any municipal corporation may contribute a sum equal to the sum deducted from the employee’s salary or wages as a partial payment of said premium.

Any municipal corporation may adopt a Municipal Retirement and Pension Plan for the benefit of its employees and for that purpose may deduct upon written approval of the individual employee sums certain from said employee’s
wages as a contribution to said plan and any municipal corporation may contribute a sum equal to the sum deducted from the employee's salary or wages as a contribution to said plan and may make such other contributions to a Municipal Retirement and Pension Plan as may be required to make such plan actuarially sound.

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, 1965.

CHAPTER 300
(S. B. No. 230)

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, refunds and payments as agent, of the agencies hereinafter named, for the period commencing July 1, 1965, and ending June 30, 1967, subject to the provisions of the State Appropriations Act of 1945.
To Whom Appropriated:  

ATTORNEY GENERAL:  

For:  
- Salaries and Wages: $207,140  
- Travel Expense: 20,269  
- Other Current Expense: 44,237  
- Capital Outlay: 7,500  

Total: $279,146  

From: General Fund: $279,146  

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BOARD OF LAND COMMISSIONERS  

FOR CAPITOL MAINTENANCE:  

For:  
- Salaries and Wages: $196,000  
- Other Current Expense: 170,000  
- Capital Outlay: 40,000  

Total: $406,000  

From: General Fund: $406,000  

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BOARD OF LAND COMMISSIONERS  

FOR CENTRAL POSTAL SYSTEM:  

For:  
- Salaries and Wages: $27,720  
- Other Current Expense: 5,325  
- Capital Outlay: 300  

Total: $33,345  

From: General Fund: $33,345  

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COMMISSIONER OF PUBLIC WORKS:  

For:  
- Salaries and Wages: $30,000  
- Other Current Expense: 5,300  
- Capital Outlay: 225  

Total: $35,525  

From: General Fund: $35,525

---
### DEPARTMENT OF COMMERCE AND DEVELOPMENT:

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From: General Fund ........................................... $305,407

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From: General Fund ........................................... $190,200

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From: General Fund ........................................... $22,325

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From: General Fund ........................................... $112,620
STATE AUDITOR:
For: Salaries and Wages $254,742
   Travel Expense 5,000
   Other Current Expense 149,340
   Capital Outlay 800

   Total $409,882
From: General Fund $409,882

STATE PURCHASING AGENT:
For: Salaries and Wages $91,540
    Travel Expense 400
    Other Current Expense 30,457
    Capital Outlay 1,500

    Total $123,897
From: General Fund $123,897

STATE TREASURER:
For: Salaries and Wages $89,490
    Travel Expense 1,192
    Other Current Expense 17,030
    Capital Outlay 3,275

    Total $110,987
From: General Fund $110,987

Approved March 29, 1965.

CHAPTER 301
(S. B. No. 225)

AN ACT
AMENDING SECTION 50-2815, IDAHO CODE, RELATING TO POWERS OF MUNICIPALITIES, BY ADDING A NEW SUBSECTION THERETO TO BE DESIGNATED AS SECTION 50-2815(g), TO PROVIDE FOR PLEDGING OF NET REVENUES DERIVED FROM ON-STREET PARKING FACILITIES; BY
C. 301 '65  IDAHO SESSION LAWS  795

ADDING A NEW SUBSECTION THERETO, TO BE DESIGNED AS SECTION 50-2815(h), TO PROVIDE FOR THE REFUNDING OF OBLIGATIONS HERETOFORE OR HEREAFTER ISSUED AND PROVIDING FOR THE ISSUANCE, SECURITY AND APPLICATION OF REFUNDING BOND PROCEEDS; REPEALING SECTION 50-2815(g), IDAHO CODE, WHICH PROVIDES FOR PLEDGING OF NET REVENUES DERIVED FROM ON-STREET PARKING FACILITIES, WHICH SECTION HAS BEEN INCORPORATED IN ITS ENTIRETY IN SECTION 50-2815, AS SUBSECTION (g) THEREOF; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 50-2815, Idaho Code, be, and the same is hereby amended to read as follows:

50-2815. POWERS.—In addition to the powers which it may now have, any municipality shall have power under and subject to the provisions of this act:

(a) To acquire by gift, purchase or the exercise of eminent domain, to construct, reconstruct, improve, better or extend any works, within or without the municipality, or partially within or partially without the municipality, or within any part of the municipality and to acquire by gift, purchase, or the exercise of the right of eminent domain, lands or rights in lands or water rights in connection therewith, including easements, rights of way, contract rights, leases, franchises, approaches, dams, reservoirs.

(b) To exercise the right of eminent domain for any of the works, purposes or uses provided by this act, in like manner and to the same extent as provided by section 7-720.

(c) To operate, and maintain any works within or without the boundaries of the municipality, or partially within or partially without the boundaries of the municipality, or within any part of the municipality.

(d) To issue its revenue bonds hereunder to finance in whole or in part the cost of the acquisition, construction, reconstruction, improvement, betterment or extension of any works.

(e) To prescribe and collect rates, fees, tolls, or charges, including the levy or assessments of such rates, fees, tolls, or charges against governmental units, departments or agencies, including the state of Idaho, and its subdivisions,
for the services, facilities and commodities furnished by such works, and to provide methods of collections, and penalties, including denial of service for non-payment of such rates, fees, tolls, or charges.

(f) To pledge to the punctual payment of said bonds and interest thereon an amount of revenues of such works (including improvements, betterments, or extensions thereto, thereafter constructed or acquired) or of any part of such works, sufficient to pay said bonds and interest as the same shall become due and to create and maintain reasonable reserves therefor. Such amount may consist of all or any part or portion of such revenues. In determining such cost there may be included all costs and estimated costs of the issuance of said bonds, all engineering, inspection, fiscal and legal expenses, and interest which it is estimated will accrue during the construction period and for six months thereafter on money borrowed or which it is estimated will be borrowed pursuant to this act.

(g) In the procurement of off-street parking sites and facilities, the equipment and all appurtenances, any municipality shall have the power, in addition to those heretofore conferred, to pledge the net revenues to be derived from on-street parking facilities, not otherwise pledged, to be combined with the rates, fees, tolls and charges to be derived from the operation of off-street parking facilities, after the payment of all operative and maintenance costs, to the payment of revenue bonds and interest thereon issued under the authority of the Revenue Bond Act for the purchase of suitable sites, equipment, development and other appurtenances necessary or useful for the parking of motor vehicles on lands or places other than the public highways.

(h) To issue bonds for the purpose of refunding any bonds heretofore issued under authority of the Revenue Bond Act and to pay accrued interest and applicable redemption premiums on the bonds to be refunded, if the bonds to be refunded are due, callable or redeemable by their terms on or prior to the date that the refunding bonds are issued, or will become due, callable or redeemable by their terms within 12 months thereafter, or if the bonds to be refunded, even though not becoming due, callable or redeemable within such period, are voluntarily surrendered by the holders thereof for cancellation at the time of the issuance of the refunding bonds. All or part of any issue may be refunded and all or parts of several issues may
be refunded into a single issue of refunding bonds. There may be included with the refunding bonds, as part of a single issue, or in combination in one or more series, bonds for any other purpose or purposes for which bonds are authorized to be issued under the Revenue Bond Act. Refunding bonds shall be issued and secured in such manner as may be provided in the proceedings authorizing their issuance and as otherwise provided in the Revenue Bond Act, and such changes may be made in the security and revenues pledged to the payment of the bonds so refunded as provided by the governing body in the proceedings authorizing such bonds. No election on the issuance of refunding bonds shall be required, but if by an increase in the amount of bonds or by changes in the security or pledged revenues, the requirements of the Constitution for an election shall become applicable, or if refunding bonds are combined into a single issue with bonds authorized for nonrefundable purposes, then such bonds with changes in security or revenues, or such bonds in excess of the amount of bonds refunded, as the case may be, must have been approved at an election as otherwise provided in the Revenue Bond Act and the Constitution. Refunding bonds may be exchanged for not less than a like principal amount of the bonds authorized to be refunded, may be sold or may be exchanged in part and sold in part. If sold, the proceeds of the sale not required for the payment of expenses, and in any event in an amount sufficient to assure the retirement of the bonds refunded when such bonds become available for retirement, if not applied to a simultaneous payment and cancellation of the bonds refunded, shall be escrowed with a bank or trust company and may be invested in United States Government obligations or in obligations unconditionally guaranteed by the United States of America in such manner as may be provided in the authorizing proceedings.

SECTION 2. That Section 50-2815(g), Idaho Code, be, and the same is hereby repealed.

SECTION 3. 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 4. 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.

Approved March 29, 1965.

CHAPTER 302
(S. 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 general fund, agriculture inspection fund, bean marketing and production fund, bee inspection fund, state brand inspection fund, commercial economic poison fund, egg inspection fund, fresh fruit and vegetable inspection fund, honey advertising fund, hop growers commission fund,
potato and onion fund, livestock disease control fund, meat inspection fund, prune advertising and development fund, public livestock market fund, sheep commission fund, commercial food and fertilizer fund, dairy industry and inspection fund and 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 agencies hereinafter named, for the period commencing July 1, 1965, and ending June 30, 1967, subject to the provisions of the State Appropriations Act of 1945.

To Whom Appropriated: Appropriations:

**AGRICULTURAL ADMINISTRATION:**
- **For:**
  - Salaries and Wages: $560,000
  - Travel Expense: 100,000
  - Other Current Expense: 180,000
  - Capital Outlay: 39,000
  - Refunds of Erroneous Receipts: 1,000

  **Total:** $880,000

- **From:**
  - General Fund: $847,000
  - Receipts to Appropriations: 8,000
  - Sheep Commission Fund: 25,000

  **Total:** $880,000

**AGRICULTURAL INSPECTION:**
- **For:**
  - Salaries and Wages: 27,000
  - Travel Expense: 7,000
  - Other Current Expense: 7,734
  - Capital Outlay: 1,000
  - Refunds of Erroneous Receipts: 100
  - Payments as Agent: 9,500

  **Total:** $52,334

- **From:** Agriculture Inspection Fund: $52,334
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<tr>
<th>BEAN COMMISSION:</th>
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<tr>
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<tr>
<td>Bean Market and Production Fund</td>
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<td>For:</td>
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<td>Other Current Expense</td>
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<td>Bee Inspection Fund</td>
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<tr>
<td>State Brand Inspection Fund</td>
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<th>COMMERCIAL FEED AND FERTILIZER:</th>
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<td>Salaries and Wages</td>
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<td>Other Current Expense</td>
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<td>Capital Outlay</td>
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<td>Refunds of Erroneous Receipts</td>
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<td><strong>Total</strong></td>
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<td>Commercial Feed &amp; Fertilizer Fund</td>
<td><strong>$189,956</strong></td>
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</tbody>
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### DAIRY INDUSTRY AND INSPECTION:

**For:**
- Salaries and Wages: $163,671
- Travel Expense: $43,730
- Other Current Expense: $26,928
- Capital Outlay: $5,800

**Total:** $240,129

**From:** Dairy Industry & Inspection Fund: $240,129

### ECONOMIC POISON:

**For:**
- Salaries and Wages: $19,460
- Travel Expense: $5,000
- Other Current Expense: $3,771
- Capital Outlay: $2,940

**Total:** $31,171

**From:** Economic Poison Fund: $31,171

### EGG INSPECTION:

**For:**
- Salaries and Wages: $53,064
- Travel Expense: $16,500
- Other Current Expense: $15,000
- Capital Outlay: $3,000

**Total:** $87,564

**From:** Egg Inspection Fund: $87,564

### FRESH FRUIT & VEGETABLE INSPECTION:

**For:**
- Salaries and Wages: $1,590,450
- Travel Expense: $268,800
- Other Current Expense: $217,000
- Capital Outlay: $14,300
- Refunds of Erroneous Receipts: $500
- Payment as Agent: $150,000

**Total:** $2,241,050

**From:** Fresh Fruit & Vegetable Insp. Fd: $2,241,050
### HONEY ADVERTISING COMMISSION:

For:  
*Salaries and Wages*: $100  
*Travel Expense*: $750  
*Other Current Expense*: $5,000  

Total: $5,850

From: Honey Advertising Fund  

$5,850

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### HOP GROWERS COMMISSION:

For:  
*Salaries and Wages*: $15,000  
*Travel Expense*: $5,000  
*Other Current Expense*: $65,000  
*Capital Outlay*: $1,000  

Total: $86,000

From: Hop Growers Commission Fund  

$86,000

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### IDAHO POTATO AND ONION COMMISSION:

For:  
*Salaries and Wages*: $55,000  
*Travel Expense*: $35,000  
*Other Current Expense*: $1,708,000  
*Capital Outlay*: $1,000  
*Refunds of Erroneous Receipts*: $1,000  

Total: $1,800,000

From: Potato and Onion Fund  

$1,800,000

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### LIVESTOCK DISEASE CONTROL:

For:  
*Salaries and Wages*: $319,000  
*Travel Expense*: $45,000  
*Other Current Expense*: $61,904  
*Capital Outlay*: $41,000  
*Refunds of Erroneous Receipts*: $200  

Total: $467,104

From: Livestock Disease Control Fund  

$467,104
MEAT INSPECTION:
For:
- Salaries and Wages: $300,000
- Travel Expense: 47,000
- Other Current Expense: 39,300
- Capital Outlay: 7,500

Total: $393,800

From:
- General Fund: $239,800
- Meat Inspection Fund: 154,000

Total: $393,800

PRUNE ADVERTISING COMMISSION:
For:
- Salaries and Wages: $3,500
- Travel Expense: 3,000
- Other Current Expense: 63,000
- Capital Outlay: 500

Total: $70,000

From: Prune Advertising & Development Fund: $70,000

PUBLIC LIVESTOCK MARKET BOARD:
For:
- Salaries and Wages: $8,500
- Travel Expense: 4,950
- Other Current Expense: 6,550

Total: $20,000

From: Public Livestock Market Fund: $20,000

SHEEP COMMISSION:
For:
- Salaries and Wages: $106,000
- Travel Expense: 1,400
- Other Current Expense: 39,600

Total: $147,000

From: Sheep Commission Fund: $147,000
CHAPTER 303
(S. B. No. 159, As Amended in the House of Representatives)

AN ACT
AMENDING SECTION 59-502, IDAHO CODE, RELATING TO SALARIES OF THE JUSTICES OF THE SUPREME COURT AND DISTRICT JUDGES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 59-502, Idaho Code, 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 $16,000 - $17,500 per annum, and the salary of the judges of the district courts shall be $12,000 - $14,500 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...
CHAPTER 304
(S. B. No. 182)

AN ACT

AMENDING SECTION 60-103, IDAHO CODE, TO PERMIT PRINTING, BINDING, ENGRAVING AND STATIONERY WORK FOR THE STATE OF IDAHO TO BE EXECUTED OUTSIDE THE STATE IN CERTAIN CASES; AMENDING SECTION 60-104, IDAHO CODE, BY MAKING PENALTIES THEREUNDER OTHERWISE IMPOSED ON A COUNTY OR STATE OFFICER INAPPLICABLE IN CERTAIN CASES, AND PROVIDING THAT ANY PERSON, FIRM OR CORPORATION WHO SHALL CAUSE OR PERMIT ANY SUCH WORK TO BE EXECUTED OUTSIDE OF A COUNTY OR OUTSIDE OF THIS STATE CONTRARY TO HIS OR ITS REPRESENTATION THAT SUCH WORK WILL BE EXECUTED IN A SPECIFIED COUNTY OR IN THIS STATE SHALL BE INELIGIBLE TO BID ON OR ACCEPT ANY SUCH WORK FROM ANY COUNTY OR THIS STATE FOR A PERIOD OF ONE YEAR; AMENDING SECTION 67-1608, IDAHO CODE, AS AMENDED, BY PROVIDING THAT THE PROVISIONS OF SECTIONS 60-101 AND 60-103, IDAHO CODE, SHALL APPLY WHEN INCONSISTENT WITH THE REQUIREMENTS OF SAID SECTION 67-1608, AS AMENDED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 60-103, Idaho Code, be, and the same is hereby amended to read as follows:

60-103. EXCEPTION IN CASE OF EXCESSIVE CHARGE—EXCEPTIONS FOR LACK OF PRODUCTION FACILITIES OR BIDS ON STATE WORK.—(a) When—
ever it shall be established that any charge for printing, engraving, binding, or stationery work is in excess of the charge usually made to private individuals for the same kind and quality of work, then the state or county officer or officers having such work in charge shall have power to have such work done outside of said county or state, but nothing in this chapter shall be construed to oblige any of said officers to accept any unsatisfactory work.

(b) Any work referred to in Section 60-101 and which is to be executed outside of this state in any case (1) where the execution of such work shall require the use of a technique or process which cannot be performed through the use of physical production facilities located within this state and the use of such technique or process is essential to a necessary function to be served by the printing, binding, engraving or stationery work required; or (2) where, after requests for proposals or bids have been made or notice thereof has been given as required by Section 67-1608, Idaho Code, as amended, no bid or proposal is made thereon by any person, firm or corporation proposing to execute such work within this state.

SECTION 2. That Section 60-104, Idaho Code, be, and the same is hereby amended to read as follows:

60-104. PENALTY FOR VIOLATION OF CHAPTER. —Any state or county officer either as an official, member of a board, or purchasing agent, who violates any of the above provisions, is guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than $100.00 nor more than $500.00 for each offense, and shall be liable upon his official bond for the amount of such contract entered into; provided, however, that this section shall not apply and the penalties herein provided for shall not be imposed against any such officer in any case where the person, firm or corporation with whom any such officer contracts or places an order for the performance of any work, as required by Section 60-101 or Section 60-102 shall have represented in writing to such officer that such work would be executed within a specified county or within this state and such person, firm or corporation shall then permit or cause such work, or any part thereof, to be executed outside of such county or outside of this state contrary to such representation; but any such failure to comply with such representation on the part of any such person, firm or corporation shall render him or it ineligible to bid on or
accept, directly or indirectly, any printing, binding, engraving or stationery work for any county or for this state for a period of one year from the date of the contract or order with respect to which such failure occurred.

SECTION 3. That Section 67-1608, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

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

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

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

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

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

Provided further, however, that in connection with the award of any contract or the placement of any order for state printing, binding, engraving or stationery work the provisions of Sections 61-101 and 61-103, Idaho Code, shall apply to the extent that the same may be inconsistent with any requirements contained in 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, 1965.
CHAPTER 305
(S. B. No. 180)

AN ACT

RELATING TO TRADEMARKS, PROVIDING FOR THE REGISTRATION AND PROTECTION OF TRADEMARKS; PROVIDING FOR DEFINITIONS USED IN THIS ACT; PROVIDING FOR REGISTERABILITY; PROVIDING FOR APPLICATION FOR REGISTRATION PROCEDURE; CERTIFICATE OF REGISTRATION; DURATION AND RENEWAL OF MARKS; PROVIDING FOR ASSIGNMENT OF MARKS; PROVIDING FOR MARK REGISTRATION RECORD; PROVIDING FOR CANCELLATION OF REGISTRATION; PROVIDING FOR CLASSIFICATION OF GOODS AND SERVICES; FRAUDULENT REGISTRATION; PROVIDING FOR INFRINGEMENT OF THIS ACT'S PROVISIONS; PROVIDING FOR INJURY TO BUSINESS REPUTATION; PROVIDING FOR REMEDIES IN EVENT OF INFRINGEMENT; PRESERVING COMMON LAW RIGHTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE AND REPEAL OF PRIOR ACTS.

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

SECTION 1. DEFINITIONS.—

(A) The term “trademark” as used herein means any word, name, symbol, or device or any combination thereof adopted and used by a person to identify goods made or sold by him and to distinguish them from goods made or sold by others.

(B) The term “service mark” as used herein means a mark used in the sale or advertising of services to identify the services of one person and distinguish them from the services of others.

(C) The term “mark” as used herein includes any trademark or service mark entitled to registration under this act whether registered or not.

(D) The term “trade name” means a word, name, symbol, device or any combination thereof used by a person to identify his business, vocation or occupation and distinguish it from the business, vocation or occupation of others.

(E) The term “person” as used herein means any individual, firm, partnership, corporation, association, union or other organization.
(F) The term “applicant” as used herein embraces the person filing an application for registration of a trademark under this act, his legal representatives, successors or assigns.

(G) The term “registrant” as used herein embraces the person to whom the registration of a trademark under this act is issued, his legal representatives, successors or assigns.

(H) For the purposes of this act, a trademark shall be deemed to be “used” in this state (a) on goods when it is placed in any manner on the goods or their containers or the displays associated therewith or on the tags or labels affixed thereto and such goods are sold or otherwise distributed in the state, and (b) on services when it is used or displayed in the sale or advertising of services and the services are rendered in this state.

SECTION 2. REGISTRABILITY. — A mark by which the goods or services of any applicant for registration may be distinguished from the goods or services of others shall not be registered if it

(a) consists of or comprises immoral, deceptive or scandalous matter; or

(b) consists of or comprises matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute; or

(c) consists of or comprises the flag or coat of arms or other insignia of the United States, or of any state or municipality, or of any foreign nation, or any simulation thereof; or

(d) consists of or comprises the name, signature or portrait of any living individual, except with his written consent; or

(e) consists of a mark which, (1) when applied to the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of them, or (2) when applied to the goods or services of the applicant is primarily geographically descriptive or deceptively misdescriptive of them, or (3) is primarily merely a surname provided, however, that nothing in this section (e) shall prevent the registration of a mark used in this state by the applicant
which has become distinctive of the applicant’s goods or services. The secretary of state may accept as evidence that the mark has become distinctive, as applied to the applicant’s goods or services, proof of continuous use thereof as a mark by the applicant in this state or elsewhere for the five years next preceding the date of the filing of the application for registration; or

(f) consists of or comprises a mark which so resembles a mark registered in this state or a mark or trade name previously used in this state by another and not abandoned, as to be likely, when applied to the goods or services of the applicant, to cause confusion or mistake or to deceive.

SECTION 3. APPLICATION FOR REGISTRATION.—Subject to the limitations set forth in this act, any person who adopts and uses a mark in this state may file in the office of the secretary of state, on a form to be furnished by the secretary of state, an application for registration of that mark setting forth, but not limited to, the following information:

(a) The name and business address of the person applying for such registration; and, if a corporation, the state of incorporation,

(b) the goods or services in connection with which the mark is used and the mode or manner in which the mark is used in connection with such goods or services and the class in which such goods or services fall,

(c) the date when the mark was first used anywhere and the date when it was first used in this state by the applicant or his predecessor in business, and

(d) a statement that the applicant is the owner of the mark and that no other person has the right to use such mark in this state either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

The application shall be signed and verified by the applicant or by a member of the firm or an officer of the corporation or association applying.

The application shall be accompanied by a specimen or facsimile of such mark in triplicate.
The application for registration shall be accompanied by a filing fee of six dollars ($6.00), payable to the secretary of state.

SECTION 4. CERTIFICATE OF REGISTRATION. — Upon compliance by the applicant with the requirements of this act, the secretary of state shall cause a certificate of registration to be issued and delivered to the applicant. The certificate of registration shall be issued under the signature of the secretary of state and the seal of the state, and it shall show the name and business address and, if a corporation, the state of incorporation, of the person claiming ownership of the mark, the date claimed for the first use of the mark anywhere and the date claimed for the first use of the mark in this state, the class of goods or services and a description of the goods or services on which the mark is used, a reproduction of the mark, the registration date and the term of the registration.

Any certificate of registration issued by the secretary of state under the provisions hereof or a copy thereof duly certified by the secretary of state shall be admissible in evidence as competent and sufficient proof of the registration of such mark in any action or judicial proceedings in any court of this state.

SECTION 5. DURATION AND RENEWAL. — Registration of a mark hereunder shall be effective for a term of ten years from the date of registration and, upon application filed within six months prior to the expiration of such term, on a form to be furnished by the secretary of state, which includes a statement that the mark is still in use in this state, the registration may be renewed for a like term. A renewal fee of six dollars ($6.00), payable to the secretary of state, shall accompany the application for renewal of the registration.

A mark registration may be renewed for successive periods of ten years in like manner.

The secretary of state shall notify registrants of marks hereunder of the necessity of renewal within the year next preceding the expiration of the ten years from the date of registration, by writing to the last known address of the registrants.

Any registration in force on the date on which this act shall become effective shall expire ten years from the date of the registration or of the last renewal thereof or one
year after the effective date of this act, whichever is later, and may be renewed by filing an application with the secretary of state on a form furnished by him and paying the aforementioned renewal fee therefor within six months prior to the expiration of the registration.

All applications for renewals under this act, whether of registrations made under this act or of registrations effected under any prior act, shall include a statement that the mark is still in use in this state.

The secretary of state shall within six months after the effective date of this act notify all registrants of marks under previous acts of the date of expiration of such registrations unless renewed in accordance with the provisions of this act, by writing to the last known address of the registrants.

SECTION 6. ASSIGNMENT.—Any mark and its registration hereunder shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Assignment shall be by instruments in writing duly executed and may be recorded with the secretary of state upon the payment of a fee of six dollars ($6.00) payable to the secretary of state who, upon recording of the assignment, shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or of the last renewal thereof. An assignment of any registration under this act shall be void as against any subsequent purchaser for valuable consideration without notice, unless it is recorded with the secretary of state within three months after the date thereof or prior to such subsequent purchase.

SECTION 7. RECORDS.—The secretary of state shall keep for public examination a record of all marks registered or renewed under this act.

SECTION 8. CANCELLATION.—The secretary of state shall cancel from the register:

(1) after one year from the effective date of this act, all registrations under prior acts which are more than ten years old and not renewed in accordance with this act;

(2) any registration concerning which the secretary of state shall receive a voluntary request for cancellation thereof from the registrant or the assignee of record;
(3) all registrations granted under this act, and not renewed in accordance with the provisions hereof;

(4) any registration concerning which a court of competent jurisdiction shall find

(a) that the registered mark has been abandoned,
(b) that the registrant is not the owner of the mark,
(c) that the registration was granted improperly,
(d) that the registration was obtained fraudulently,
(e) that the registered mark is so similar, as to be likely to cause confusion or mistake or to deceive, to a mark registered by another person in the United States Patent Office, prior to the date of the filing of the application for registration by the registrant hereunder, and not abandoned; provided, however, that should the registrant prove that he is the owner of a concurrent registration of his mark in the United States Patent Office covering an area including this state, the registration hereunder shall not be cancelled.

(5) when a court of competent jurisdiction shall order cancellation of a registration on any ground.

SECTION 9. CLASSIFICATION.—The following general classes of goods and services are established for convenience of administration of this act, but not to limit or extend the applicant's or registrant's rights, and a single application for registration of a mark may include any or all goods upon which, or services with which, the mark is actually being used comprised in a single class, but in no event shall a single application include goods or services upon which the mark is being used which fall within different classes of goods or services.

The said classes are as follows:

(a) Goods:
1. Raw or partly prepared materials
2. Receptacles
3. Baggage, animal equipments, portfolios, and pocket-books
4. Abrasives and polishing materials
5. Adhesives
6. Chemicals and chemical compositions
7. Cordage
8. Smokers' articles, not including tobacco products
9. Explosives, firearms, equipments, and projectiles
10. Fertilizers
11. Inks and inking materials
12. Construction materials
13. Hardware and plumbing and steam-fitting supplies
14. Metals and metal castings and forgings
15. Oils and greases
16. Paints and painters' materials
17. Tobacco products
18. Medicines and pharmaceutical preparations
19. Vehicles
20. Linoleum and oiled cloth
21. Electrical apparatus, machines, and supplies
22. Games, toys, and sporting goods
23. Cutlery, machinery, and tools, and parts thereof
24. Laundry appliances and machines
25. Locks and safes
26. Measuring and scientific appliances
27. Horological instruments
28. Jewelry and precious-metal ware
29. Brooms, brushes and dusters
30. Crockery, earthenware and porcelain
31. Filters and refrigerators
32. Furniture and upholstery
33. Glassware
34. Heating, lighting and ventilating apparatus
35. Belting, hose, machinery packing and non-metallic tires
36. Musical instruments and supplies
37. Paper and stationery
38. Prints and publications
39. Clothing
40. Fancy goods, furnishings and notions
41. Canes, parasols and umbrellas
42. Knitted, netted and textile fabrics, and substitutes therefor
43. Thread and yarn
44. Dental, medical and surgical appliances
45. Soft drinks and carbonated waters
46. Foods and ingredients of foods.
47. Wines
48. Malt beverages and liquors
49. Distilled alcoholic liquors
50. Merchandise not otherwise classified
51. Cosmetics and toilet preparations
52. Detergents and soaps
(b) Services:
100. Miscellaneous
101. Advertising and business
102. Insurance and financial
103. Construction and repair
104. Communications
105. Transportation and storage
106. Material treatment
107. Education and entertainment

SECTION 10. FRAUDULENT REGISTRATION.—Any person who shall for himself, or on behalf of any other person, procure the filing or registration of any mark in the office of the secretary of state under the provisions hereof, by knowingly making any false or fraudulent representation or declaration, verbally or in writing, or by any other fraudulent means, shall be liable to pay all damages sustained in consequence of such filing or registration, to be recovered by or on behalf of the party injured thereby in any court of competent jurisdiction.

SECTION 11. INFRINGEMENT.—Subject to the provisions of Section 14 hereof, any person who shall

(a) use, without the consent of the registrant, any reproduction, counterfeit, copy, or colorable imitation of a mark registered under this act in connection with the sale, offering for sale, or advertising of any goods or services on or in connection with which such use is likely to cause confusion or mistake or to deceive as to the source of origin of such goods or services; or

(b) reproduce, counterfeit, copy or colorably imitate any such mark and apply such reproduction, counterfeit, copy or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used upon or in conjunction with the sale or other distribution in this state of such goods or services;

shall be liable to a civil action by the owner of such registered mark for any or all of the remedies provided in Section 13 hereof, except that under subsection (b) hereof the registrant shall not be entitled to recover profits or damages unless the acts have been committed with knowledge that such mark is intended to be used to cause confusion or mistake or to deceive.
SECTION 12. INJURY TO BUSINESS REPUTATION —DILUTION.—

Likelihood of injury to business reputation or of dilution of the distinctive quality of a mark registered under this act, or a mark valid at common law, or a trade name valid at common law, shall be a ground for injunctive relief notwithstanding the absence of competition between the parties or the absence of confusion as to the source of goods or services.

SECTION 13. REMEDIES.—Any owner of a mark registered under this act may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof and any court of competent jurisdiction may grant injunctions to restrain such manufacture, use, display or sale as may be by the said court deemed just and reasonable, and may require the defendants to pay to such owner all profits derived from and/or all damages suffered by reason of such wrongful manufacture, use, display or sale; and such court may also order that any such counterfeits or imitations in the possession or under the control of any defendant in such case, be delivered to an officer of the court, or to the complainant, to be destroyed.

The enumeration of any right or remedy herein shall not affect a registrant's right to prosecute under any penal law of this state.

SECTION 14. COMMON LAW RIGHTS.—Nothing herein shall adversely affect the rights or the enforcement of rights in marks acquired in good faith at any time at common law.

SECTION 15. SEVERABILITY.—If any provision hereof, or the application of such provision to any person or circumstance is held invalid, the remainder of this act shall not be affected thereby.

SECTION 16. TIME OF TAKING EFFECT—REPEAL OF PRIOR ACTS.—This act shall be in force and take effect on July 1, 1965, but shall not affect any suit, proceeding or appeal then pending. All acts relating to marks and parts of any other acts inconsistent herewith are hereby repealed on the effective date of this act, provided that as to any suit, proceeding or appeal, and for that purpose only, pending at the time this act takes effect such repeal shall be deemed not to be effective until final determination of said pending suit, proceeding or appeal.

Approved March 29, 1965.
CHAPTER 306
(S. B. No. 179)

AN ACT
RELATING TO UNION LABELS AND TRADEMARKS; AMENDING SECTION 44-601, IDAHO CODE, BY DELETING REFERENCE TO "TRADEMARK" AND SPECIFICALLY EXCEPTING TRADEMARKS AND SERVICE MARKS; AMENDING SECTION 44-602, IDAHO CODE, BY DELETING REFERENCE TO "TRADEMARK" AND SPECIFICALLY EXCEPTING TRADEMARKS AND SERVICE MARKS; AMENDING SECTION 44-603, IDAHO CODE, BY DELETING REFERENCE TO "TRADEMARK" AND SPECIFICALLY EXCEPTING TRADEMARKS AND SERVICE MARKS, PROVIDING AN INCREASE IN RECORDING FEE AND ADDING NEW MATERIAL PROVIDING FOR THE EXPIRATION AND RENEWAL OF REGISTRATIONS FOR A LABEL, TERM, DESIGN, DEVICE OR FORM OF ADVERTISEMENT; AMENDING SECTION 44-604, IDAHO CODE, BY DELETING REFERENCE TO "TRADEMARK" AND SPECIFICALLY EXCEPTING TRADEMARKS AND SERVICE MARKS; AMENDING SECTION 44-605, IDAHO CODE, BY DELETING REFERENCE TO "TRADEMARK" AND SPECIFICALLY EXCEPTING TRADEMARKS AND SERVICE MARKS; AMENDING SECTION 44-606, IDAHO CODE, BY DELETING REFERENCE TO "TRADEMARKS" AND SPECIFICALLY EXCEPTING TRADEMARKS AND SERVICE MARKS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 44-601, Idaho Code, be, and the same is hereby amended to read as follows:

44-601. UNLAWFUL TO COUNTERFEIT UNION LABEL.—Whenever any person, or any association or union of workingmen, has heretofore adopted or used, or shall hereafter adopt or use, any label, trademark, term, design, device or form of advertisement, other than a trademark or a service mark, for the purpose of designating, making known, or distinguishing any goods, wares, merchandise, or other products of labor, as having been made, manufactured, produced, prepared, packed or put on sale, by such person, or association, or union of workingmen, or by a member or members of such association or union, it shall be unlawful to counterfeit or imitate such label, trademark, term, design, devise or form of advertisement, or to use, sell, offer for sale, or in any way utter or circulate any
counterfeit or imitation of any such label, trademark, term, design, devise or form of advertisement.

SECTION 2. That Section 44-602, Idaho Code, be, and the same is hereby amended to read as follows:

44-602. PENALTY FOR COUNTERFEITING UNION LABEL.—Whoever counterfeits or imitates any such label, trademark, term, design, device or form of advertisement, or sells, offers for sale, or in any way utters, or circulates any counterfeit or imitation of any such label, trademark, term, design, devise or form of advertisement, other than a trademark or a service mark; or keeps or has in his possession, with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor to which or on which any such counterfeit or imitation is printed, painted, stamped or impressed; or knowingly sells or disposes of any goods, wares, merchandise or other product of labor contained in any box, case, can or package, to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed; or keeps or has in his possession, with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor in any box, case, can or package to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed, shall be guilty of a misdemeanor and be punished by a fine of not more than $100.00, or by imprisonment for not more than three months.

SECTION 3. That Section 44-603, Idaho Code, be, and the same is hereby amended to read as follows:

44-603. RECORD OF LABEL.—(1) Every such person, association or union, that has heretofore adopted or used, or shall hereafter adopt or use, a label, trademark, term, design, device or form of advertisement, other than a trademark or a service mark, as provided in section 44-601, may file the same for record in the office of the secretary of state, by leaving two copies, counterparts or facsimiles thereof with said secretary, and by filing therewith a sworn application specifying the name or names of the person, association or union on whose behalf such label, trademark, term, design, device or form of advertisement shall be filed; the class of merchandise and a description of the goods to which it has been or is intended to be appropriated, stating that the party so filing or on whose behalf such label, trademark, term, design, device, or form of advertisement shall be filed, has the right to use of the same; that no
other person, firm, association, union or corporation has a right to such use, either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the facsimile or counterparts filed therewith are true and correct. There shall be paid for such filing and recording a fee of three six dollars ($6.00). Said secretary shall deliver to such person, association, or union, so filing or causing to be filed any such label, trademark, term, design, device or form of advertisement, so many duly attested certificates of the recording of the same as such person, association, or union may apply for, for each of which certificates said secretary shall receive a fee of three six dollars ($6.00). Any such certificate of record shall, in all suits and prosecutions under this chapter, be sufficient proof of the adoption of such label, trademark, term, design, device or form of advertisement. Said secretary of state shall not record for any person, union, or association, any label, trademark, term, design, device or form of advertisement that would probably be mistaken for any label, trademark, term, design, device or form of advertisement theretofore filed by or on behalf of any other person, union or association.

(2) Registration of a label, term, design, device, or form of advertisement hereunder shall be effective for a term of ten years from the date of registration and, upon application filed within six months prior to the expiration of such term, on a form to be furnished by the secretary of state, the registered label, term, design, device or form of advertisement may be renewed for a like term. A renewal fee of six dollars ($6.00), payable to the secretary of state, shall accompany the application for renewal of the registration. A label, term, design, device or form of advertisement registration may be renewed for successive periods of ten years in like manner. The secretary of state shall notify registrants of labels, terms, designs, devices or forms of advertisements hereunder of the necessity of renewal within the year next preceding the expiration of the ten years from the date of registration by writing to the last known address of the registrants.

Any registration in force on the date on which this act shall become effective shall expire ten years from the date of the registration or of the last renewal thereof or one year after the effective date of this act, whichever is later, and may be renewed by filing an application with the secretary of state on a form furnished by him and paying the afore-
mentioned renewal fee therefor within six months prior to the expiration of the registration.

All applications for renewals under this act, whether of registrations made under this act or of registrations effected under any prior act, shall include a statement that the mark is still in use in this state. The secretary of state shall within six months after the effective date of this act notify all registrants of a label, term, design, device or form of advertisement, under previous acts of the date of expiration of such registration unless renewed in accordance with the provisions of this act, by writing to the last known address of the registrants.

SECTION 4. That Section 44-604, Idaho Code, be, and the same is hereby amended to read as follows:

44-604. PENALTY FOR FRAUDULENT RECORD.—Any person who shall, for himself or on behalf of any other person, association or union, procure the filing of any label, trademark, term, design or form of advertisement, other than a trademark or a service mark, in the office of the secretary of state under the provisions of this chapter, by making any false or fraudulent representations or declarations, verbally or in writing or by any fraudulent means, shall be liable to pay any damages sustained in consequence of any such filing, to be recovered by, or on behalf of, the party injured thereby, in any court having jurisdiction, and shall be guilty of a misdemeanor, and be punished by a fine not exceeding $100.00, or by imprisonment not exceeding three months.

SECTION 5. That Section 44-605, Idaho Code, be, and the same is hereby amended to read as follows:

44-605. INJUNCTION AND DAMAGES FOR INFRINGEMENT.—Every such person, association or union adopting or using a label, trademark, term, design, device or form of advertisement, other than a trademark or a service mark, as aforesaid, may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof, and all courts of competent jurisdiction shall grant injunctions to restrain such manufacture, and may award the complainant in any such suit damages resulting from such manufacture, use, sale or display, as may be by the said court deemed just and reasonable, and shall require the defendants to pay to such persons, association or union, all profits derived from such wrongful manufacture, use, display or sale; and such court shall also or-
der that all such counterfeits or imitations in the possession or under the control of any defendant in such cause be delivered to an officer of the court or to the complainant to be destroyed.

SECTION 6. That Section 44-606, Idaho Code, be, and the same is hereby amended to read as follows:

44-606. PENALTY FOR UNAUTHORIZED USE OF LABEL.—Every person who shall use or display the genuine label, trademark, term, design, device or form of advertisement, other than a trademark or a service mark, of any such person, association or union, in any manner, not being authorized so to do by such person, union or association, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not more than three months or by fine of not more than $100.00. In all cases where such association or union is not incorporated, suits under this chapter may be commenced and prosecuted by an officer or members of such association or union on behalf of, and for the use of, such association or union.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect upon its passage and approval.

Approved March 29, 1965.

CHAPTER 307
(S. B. No. 174)

AN ACT
RELATING TO INDUSTRIAL LIFE INSURANCE POLICIES; AMENDING SECTIONS 41-612 AND 41-1927, IDAHO CODE, TO AUTHORIZE THE USE OF MODERN MORTALITY TABLES FOR DETERMINING THE MINIMUM VALUATION RESERVES AND THE MINIMUM NONFORFEITURE VALUES FOR SUCH POLICIES.

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

SECTION 1. That Section 41-612, Idaho Code, be, and the same is hereby amended to read as follows:

41-612. STANDARD VALUATION LAW—LIFE IN-
SURANCE.—(1) This section shall be known as the standard valuation law.

(2) Annual valuation. The commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurer doing business in this state, and may certify the amount of any such reserves, specifying the mortality table or tables, rate or rates of interest and methods (net level premium method or others) used in the calculation of such reserves. In the case of an alien insurer, such valuation shall be limited to its insurance transactions in the United States. In calculating such reserves, the commissioner may use group methods and approximate averages for fractions of a year or otherwise. He may accept in his discretion the insurer’s calculation of such reserves. In lieu of the valuation of the reserves herein required of any foreign or alien insurer, he may accept any valuation made or caused to be made by the insurance supervisory official of any state or other jurisdiction when such valuation complies with the minimum standard herein provided, and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the commissioner when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction. Where any such valuation is made by the commissioner, he may use the actuary of the department or employ an actuary for the purpose, and the reasonable compensation and expenses of the actuary, at a rate approved by the commissioner, upon demand by the commissioner supported by an itemized statement of such compensation and expenses, shall be paid by the insurer. When a domestic insurer furnishes the commissioner with a valuation of its outstanding policies as computed by its own actuary or by an actuary deemed satisfactory for the purpose by the commissioner, the valuation shall be verified by the actuary of the department without costs to the insurer.

(3) The minimum standard for the valuation of all such policies and contracts issued on and after January 1, 1914, and prior to the operative date of section 41-1927 (standard nonforfeiture law) shall be the American experience table of mortality and interest at three and one-half per cent (31/2%) per annum. Not more than one year shall be
used as a preliminary term. Extra charges may be made in particular cases of invalid lives and other extra hazards, policies may be valued in groups, and approximate averages may be used for fractions of a year. Policies other than ordinary and twenty (20) payment life may be valued according to the modified preliminary term, with twenty (20) payment life policies as a basis for such valuation. This subsection applies only as to policies and contracts issued prior to the operative date of section 41-1927.

(4) The minimum standard for the valuation of all such policies and contracts issued on or after the operative date of section 41-1927 (standard nonforfeiture law) shall be the commissioners reserve valuation method defined in subsection (5) below, three and one-half per cent (3½%) interest and the following tables:

(a) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies, the commissioners 1941 standard ordinary mortality table for such policies issued prior to the operative date of subsection (9) (b) of section 41-1927 and the commissioners 1958 standard ordinary mortality table for such policies issued on or after such operative date; except, that for any category of such policies issued on female risks modified net premiums and present values, referred to in subsection (5), may be calculated according to an age not more than three (3) years younger than the actual age of the insured.

(b) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies, the 1941 standard industrial mortality table for such policies issued prior to the operative date of subsection (9) (c) of section 41-1927 and the commissioners 1961 standard industrial mortality table for such policies issued on or after such operative date.

(c) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the 1937 standard annuity mortality table or, at the insurer's option, the annuity mortality table for 1949, ultimate, or any modification of either of these tables approved by the commissioner.

(d) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the group annuity mortality table for 1951, any modification of such table approved by the commission-
er, or, at the insurer's option, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts.

(e) For total and permanent disability benefits in or supplementary to ordinary policies or contracts, for policies or contracts issued on or after January 1, 1966, the tables of period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 disability study of the Society of Actuaries, with due regard to the type of benefit, for policies or contracts issued on or after the operative date of section 41-1927 (standard nonforfeiture law) and prior to January 1, 1966, either such tables or, at the insurer's option, the class (3) disability table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(f) For accidental death benefits in or supplementary to policies, for policies issued on or after January 1, 1966, the 1959 accidental death benefits table; for policies issued on or after the operative date of section 41-1927 (standard nonforfeiture law) and prior to January 1, 1966, either such table or, at the insurer's option, the inter-company double indemnity mortality table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(g) For group life insurance, life insurance issued on the substandard basis and other special benefits, such tables as may be approved by the commissioner as being sufficient with relation to the benefits provided by such policies.

(5) Commissioners reserve valuation method.

(a) Reserves according to the commissioners reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums, shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of
the then present value of such benefits provided for by the policy and the excess of (i) over (ii) as follows:

(i) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one (1) per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that such net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy.

(ii) A net one-year term premium for such benefits provided for in the first policy year.

(b) Reserves according to the commissioners reserve valuation method for:

(i) Life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums,

(ii) Annuity and pure endowment contracts,

(iii) Disability and accidental death benefits in all policies and contracts, and

(iv) All other benefits, except life insurance and endowment benefits in life insurance policies, shall be calculated by a method consistent with the principles of subsection (5) (a) of this section, except that any extra premiums charged because of impairments or special hazards shall be disregarded in the determination of modified net premiums.

(6) Minimum aggregate reserves. In no event shall an insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, issued on or after the operative date of section 41-1927, be less than the aggregate reserves calculated in accordance with the method set forth in subsection (5) of this section and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies.

(7) Optional reserve basis.

(a) Reserves for all policies and contracts issued prior to the operative date of section 41-1927 may be calculated, at the option of the insurer, according to any standards
which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by the laws in effect immediately prior to such date.

(b) For any category of policies, contracts or benefits specified in subsection (4) of this section, issued on or after the operative date of section 41-1927 (the standard nonforfeiture law), reserves may be calculated, at the option of the insurer, according to any standard or standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for therein, provided, however, that reserves for participating life insurance policies issued on or after the operative date of section 41-1927 (the standard nonforfeiture law), may, with the consent of the commissioner, be calculated according to a rate of interest lower than the rate of interest used in calculating the nonforfeiture benefits in such policies, with the further proviso that if such lower rate differs from the rate used in the calculation of the nonforfeiture benefits by more than one-half (1/2) of one percent (1%), the insurer issuing such policies shall file with the commissioner a plan providing for such equitable increases, if any, in the cash surrender values and nonforfeiture benefits in such policies as the commissioner approves.

(8) Lower valuations. An insurer which at any time had adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the commissioner, adopt any lower standard of valuation, but not lower than the minimum herein provided.

(9) Deficiency reserve. If the gross premium charged by any life insurer on any policy or contract is less than the net premium for the policy or contract according to the mortality table, rate of interest and method used in calculating the reserve thereon, there shall be maintained on such policy or contract a deficiency reserve in addition to all other reserves required by law. For each such policy or contract the deficiency reserves shall be the present value, according to such standard, of an annuity of the difference between such net premium and the premium charged for such policy or contract, running for the remainder of the premium-paying period.
SECTION 2. That Section 41-1927, Idaho Code, be, and the same is hereby amended to read as follows:

41-1927. STANDARD NONFORFEITURE LAW — LIFE INSURANCE.—(1) This section shall be known as the standard nonforfeiture law.

(2) Nonforfeiture provisions: In the case of policies issued on or after the operative date of this section as defined in subsection (12) of this section, no policy of life insurance, except as set forth in subsection (11) of this section, shall be delivered or issued for delivery in this state unless it shall contain in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the defaulting or surrendering policyholder:

(a) That in the event of default in any premium payment, the insurer will grant, upon proper request not later than sixty (60) days after the due date of the premium in default, a paid-up nonforfeiture benefit on a plan stipulated in the policy, effective as of such due date, of such value as may be hereinafter specified.

(b) That upon surrender of the policy within sixty (60) days after the due date of any premium payment in default after premiums have been paid for at least three (3) full years in the case of ordinary insurance, and five (5) full years in the case of industrial insurance, the insurer will pay, in lieu of any paid-up nonforfeiture benefit, a cash surrender value of such amount as may be hereinafter specified.

(c) That a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the person entitled to make such election elects another available option not later than sixty (60) days after the due date of the premium in default.

(d) That if the policy shall have become paid up by completion of all premium payments, or if it is continued under any paid-up nonforfeiture benefit which became effective on or after the third policy anniversary in the case of ordinary insurance, or the fifth policy anniversary in the case of industrial insurance, the insurer will pay, upon surrender of the policy within thirty (30) days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified.

(e) A statement of the mortality table and interest rate
used in calculating the cash surrender values and the paid-up nonforfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up nonforfeiture benefit, if any, available under the policy on each policy anniversary, either during the first twenty (20) policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the insurer on the policy.

(f) A statement that the cash surrender values and the paid-up nonforfeiture benefits available under the policy are not less than the minimum values and benefits required by or pursuant to the insurance law of this state; an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the insurer on the policy; if a detailed statement of the method of computation of the values and benefits shown in the policy is not stated therein, a statement that such method of computation has been filed with the insurance supervisory official of the state in which the policy is delivered; and a statement of the method to be used in calculating the cash surrender value and paid-up nonforfeiture benefit available under the policy on any policy anniversary beyond the last anniversary for which such values and benefits are consecutively shown in the policy.

(3) Any of the provisions or portions thereof set forth in subdivisions (a) through (f) of the foregoing subsection (2) which are not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy. The insurer shall reserve the right to defer the payment of any cash surrender value for a period of six (6) months after demand therefor with surrender of the policy.

(4) Cash surrender value: Any cash surrender value available under the policy in the event of default in the premium payment due on any policy anniversary, whether or not required by subsection (2) of this section, shall be an amount not less than the excess, if any, of the present value on such anniversary of the future guaranteed benefits which would have been provided for by the policy, including any existing paid-up additions if there had been no default, over the sum of:
(a) The then present value of the adjusted premiums as defined in subsections (6) through (9) of this section, corresponding to premiums which would have fallen due on and after such anniversary, and

(b) The amount of any indebtedness to the insurer on account of or secured by the policy.

Any cash surrender value available within thirty (30) days after any policy anniversary under any policy paid up by completion of all premium payments, or any policy continued under any paid-up nonforfeiture benefits, whether or not required by such subsection (2), shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy, including any existing paid-up additions, decreased by any indebtedness to the insurer on account of or secured by the policy.

(5) Paid-up nonforfeiture benefits: Any paid-up nonforfeiture benefit available under the policy in the event of default in the premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy, or, if none is provided for, that cash surrender value which would have been required by this section in the absence of the conditions that premiums shall have been paid for at least a specified period.

(6) The adjusted premium: Except as provided in subsection (8), the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding extra premiums on a substandard policy, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of:

(a) The then present value of the future guaranteed benefits provided for by the policy;

(b) Two per cent (2%) of the amount of the insurance if the insurance be, uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with the duration of the policy;

(c) Forty percent (40%) of the adjusted premium for the first policy year;

(d) Twenty-five per cent (25%) of either the adjusted
premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less, provided, however, that in applying the percentages specified in subdivisions (c) and (d) above, no adjusted premiums shall be deemed to exceed four percent (4%) of the amount of insurance or uniform amount equivalent thereto. Whenever the plan or term of a policy has been changed, either by request of the insured or automatically in accordance with the provisions of the policy, the date of issue of the changed policy for the purposes of determining a nonforfeiture benefit or cash surrender value shall be the date as of which the age of the insured is determined for the purposes of the changed policy. The date of issue of a policy for the purposes of this subsection shall be the date as of which the rated age of the insured is determined.

(7) In the case of a policy providing an amount of insurance varying with the duration of the policy, the equivalent uniform amount thereof for the purpose of the preceding subsection (6) shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy, provided, however, that in the case of a policy for a varying amount of insurance issued on the life of a child under age ten (10), the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age ten (10) were the amount provided by such policy at age ten (10).

(8) The adjusted premiums for any policy providing term insurance benefits by any rider or supplemental policy provision shall be equal to (a) the adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable, by (b) the adjusted premiums for such term insurance, the foregoing items (a) and (b) being calculated separately and as specified in subsections (6) and (7) except that, for the purposes of subdivisions (b), (c) and (d) of subsection (6), the amount of insurance or equivalent uniform amount of insurance used in the calculation of
the adjusted premiums referred to in (b) shall be equal to the excess of the corresponding amount determined for the entire policy over the amount used in the calculation of the adjusted premiums in (a).

(9) (a) Except as provided in subdivisions (b) and (c) of this subsection, all adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the commissioners 1941 standard ordinary mortality table, provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated, at the option of the insurer according to an age not more than three (3) years younger than the actual age of the insured. Such calculations for all policies of industrial insurance shall be made on the basis of the 1941 standard industrial mortality table. All calculations shall be made on the basis of the rate of interest, not exceeding three and one-half per cent (3 1/2%) per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than one hundred thirty per cent (130%) of the rates of mortality according to such applicable table, provided further that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

(b) In the case of ordinary policies issued on or after the operative date of this subdivision as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the commissioners 1958 standard ordinary mortality table and the rate of interest, not exceeding three and one-half per cent (3 1/2%) per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three (3) years younger than the actual age of the insured. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the commissioners 1958
extended term insurance table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

On or after the operative date of this section as defined in subsection (12) of this section, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this subdivision after a specified date before January 1, 1966. After the filing of such notice, then upon such specified date (which shall be the operative date of this subdivision for such insurer), this subdivision shall become operative with respect to the ordinary policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this subdivision for such insurer shall be January 1, 1966.

(c) In the case of industrial policies issued on or after the operative date of this subdivision as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the commissioners 1961 standard industrial mortality table and the rate of interest, not exceeding three and one-half per cent (3 1/2%) per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the commissioners 1961 industrial extended term insurance table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

After the effective date of this amendatory act, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this subdivision after a specified date before January 1, 1968. After the filing of such notice, then upon such specified date (which shall be the operative date of this subdivision for such insurer), this subdivision shall become operative with respect to the industrial policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this subdivision for such insurer shall be January 1, 1968.
(10) Calculation of values: Any cash surrender value and any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in subsections (4) through (9) of this section may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provisions of subsection (4) of this section, additional benefits payable:

(a) In the event of death or dismemberment by accident or accidental means,

(b) In the event of total and permanent disability,

(c) As reversionary annuity or deferred reversionary annuity benefits,

(d) As term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply,

(e) As term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is twenty-six (26), is uniform in amount after the child's age is one (1), and has not become paid-up by reason of the death of a parent of the child, and

(f) As other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

(11) Exceptions. This section shall not apply to any reinsurance, group insurance, pure endowment, annuity or reversionary annuity contract, nor to any term policy of uniform amount, or renewal thereof, of fifteen (15) years or less expiring before age sixty-six (66), for which uniform premiums are payable during the entire term of the policy, nor to any term policy of decreasing amount on which each adjusted premium, calculated as specified in subsections (6) through (9) of this section, is less than the
adjusted premiums so calculated on a policy of uniform amount issued at the same age and for the same initial amount of insurance for a term defined as follows: For ages at issue fifty (50) and under, the term shall be fifteen (15) years; thereafter, the term shall decrease one (1) year for each year of age beyond fifty (50).

(12) Operative date. After the effective date of this code, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date before January 1, 1963. After the filing of such notice, then upon such specified date (which shall be the operative date for such insurer) this section shall become operative with respect to the policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this section for such insurer shall be January 1, 1963.

Approved March 29, 1965.

CHAPTER 308
(S. B. No. 166)

AN ACT

OF 20% OF THE RETIREMENT COMPENSATION TO WHICH THE DECEASED JUSTICE OR JUDGE WOULD HAVE BEEN ENTITLED HAD HE SURVIVED; PROVIDING THAT THE ALLOWANCE SHALL BE BASED UPON THE CURRENT SALARY OF THE OFFICE HELD BY THE DECEASED JUSTICE OR JUDGE; LIMITING THE ALLOWANCE TO SPOUSES WHO HAVE BEEN SUCH NOT LESS THAN SEVEN YEARS PRIOR TO THE DEATH OF THE JUSTICE OR JUDGE; CONTINUING SUCH ALLOWANCE UNTIL DEATH OR REMARRIAGE OF THE RECIPIENT; PROVIDING THAT THE PHRASE, "JUSTICE OR JUDGE," SHALL INCLUDE THE CLERK OF THE SUPREME COURT; AND PROVIDING THE EFFECTIVE DATE HEREOF.

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

SECTION 1. That Idaho Code, Section 1-2001, as amended, be, and the same is hereby amended to read as follows:

1-2001. SUPREME COURT JUSTICES AND DISTRICT COURT JUDGES—AGE OF RETIREMENT—COMPENSATION ON RETIREMENT.—Each person who is now serving as a justice of the Supreme Court or a judge of a district court of this state shall, upon attaining the age of seventy years, or who now is seventy years of age, and upon retirement from office either by expiration of his term or by voluntary retirement, be entitled to receive and to have paid to him the annual retirement compensation hereinafter provided.

Each person who shall hereafter serve as justice of the Supreme Court or district judge in the state of Idaho for an aggregate period of ten years or more, continuous or otherwise, in either or both of such offices shall, upon attaining the age of seventy years retire from office, and every such justice or judge who, after a service of ten years, continuous or otherwise in either or both of said courts, shall resign, although under the age of seventy years, by reason of disability preventing him from further performance of the duties of his office, shall be entitled to receive and to have paid to him from the date of his retirement or resignation until his death, retirement or resignation compensation in an amount equal to one-half of the current annual salary or compensation of the office at the time of his retirement or resignation, from which he retired or resigned, payable monthly on the first day of each calendar month. Each justice or judge hereafter appointed or elected who shall retire on account of age or by reason of such disability
after a service in either or both of said courts of less than ten years, shall upon retirement or resignation, be entitled to receive and to have paid to him in such monthly installments compensation equal to that proportion of one-half of the current annual salary or compensation of the office at the time of his retirement which his period of service bears to ten years. All retirement compensation shall be paid monthly out of the Judges' Retirement Fund hereinafter established.

Each person now serving or who shall hereafter serve as such justice or judge for an aggregate period of fifteen years, or less, continuous or otherwise, in either or both such offices, and who shall retire from office either by expiration of his term or by voluntary retirement before attaining the age of seventy years, shall after attaining the age of sixty-five years, provided he then be a resident of the state of Idaho and shall have made the contributions to the Judges' Retirement Fund hereinafter provided, also be entitled to all of the rights and privileges of this Act and shall be entitled to receive and have paid to him such proportion of the retirement compensation of the office from which he so retired, as in this Act provided, as the period of his service bears to fifteen years. Provided, however, that such retired justice or judge shall have paid to him full retirement compensation based upon the current salary of the office from which he retired or resigned, upon attainment of an age and completion of a period of service as set forth in the following schedule:

<table>
<thead>
<tr>
<th>Age in Years</th>
<th>Number of Years of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>65</td>
<td>15</td>
</tr>
<tr>
<td>66</td>
<td>14</td>
</tr>
<tr>
<td>67</td>
<td>13</td>
</tr>
<tr>
<td>68</td>
<td>12</td>
</tr>
<tr>
<td>69</td>
<td>11</td>
</tr>
<tr>
<td>70</td>
<td>10</td>
</tr>
</tbody>
</table>

Provided, further, should his period of service be less than provided in the above schedule at the age of retirement, he shall receive and have paid to him such proportion of full retirement compensation as his years of service bears to the schedule above provided.

Any such retired justice or judge may defer commencement of payment of such retirement compensation, in which event the proportion of retirement compensation which he shall be entitled to receive and have paid to him upon attain-
ment of a later age, as he shall have elected in writing filed with the state auditor, shall be in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Age</th>
<th>Number of Years Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefit Commences</td>
<td>10</td>
</tr>
<tr>
<td>65</td>
<td>10/15</td>
</tr>
<tr>
<td>66</td>
<td>10/14</td>
</tr>
<tr>
<td>67</td>
<td>10/13</td>
</tr>
<tr>
<td>68</td>
<td>10/12</td>
</tr>
<tr>
<td>69</td>
<td>10/11</td>
</tr>
<tr>
<td>70</td>
<td>10/10</td>
</tr>
</tbody>
</table>

SECTION 2. That Chapter 20 of Title 1, Idaho Code, be, and the same is hereby amended by adding a new section thereto, following Section 1-2001, to be known and designated as Section 1-2001a, and to read as follows:

1-2001a. Every person who has served as justice of the Supreme Court or judge of the district court who has retired or resigned before the effective date of this Act shall be entitled to receive and to have paid to him from and after the effective date of this Act, retirement compensation based upon the current salary of the office from which he retired or resigned.

This Act shall operate prospectively, and shall not give to any retired justice or judge a claim against the retirement fund for any increase in retirement compensation for time elapsed prior to the effective date hereof.

SECTION 3. That Section 1-2002, Idaho Code, be, and the same is hereby amended to read as follows:

1-2002. JUDGES' RETIREMENT FUND. — For the purpose of paying such retirement compensation, there is hereby created in the office of the treasurer of the state of Idaho a fund to be known as the "Judges' Retirement Fund," which shall consist of all monies appropriated from the general fund, and all monies received from special fees to be paid by parties to civil actions and proceedings, other than criminal, commenced in or appealed to the several courts of the state, together with all contributions out of the salaries and compensation of justices and judges, and interest received from investment, and reinvestment, of monies of the judges' retirement fund, all as hereinafter provided.
All sums of money so accrued and accruing to the judges' retirement fund are hereby appropriated to the payment of the annual retirement compensation of such retired justices and judges, and to payment of the allowances to surviving spouses.

SECTION 4. That Section 1-2004, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

1-2004. DEDUCTIONS FROM SALARIES OF JUSTICES AND JUDGES—MINIMUM CONTRIBUTIONS TO FUND.—Unless a justice of the Supreme Court or a judge of a district court now in office shall, within the period of thirty days from the effective date of this act, file in the office of the state auditor a written declination to accept the retirement provisions of this act, he shall conclusively be deemed to have accepted the provisions hereof, and the state auditor shall deduct from the monthly salary of each such justice and judge now holding office, and from the monthly salary of each person who shall thereafter assume by election or appointment the office of a justice of the Supreme Court or a judge of a district court, an amount equal to four per cent of such monthly salary, and shall issue to each such justice or judge a salary warrant in such reduced amount. The auditor shall, each month, transfer from the general fund of the state an amount equal to the total of such deductions so made from the monthly salaries of said justices and judges, to the judges' retirement fund.

No person shall be entitled to receive the retirement compensation herein provided, unless at the time of, or prior to his retirement, he shall have contributed to the judges' retirement fund a sum equal to three per cent of the salary or salaries of his office for a period of ten years immediately preceding his retirement; provided, however, that if such sum, or any part thereof, shall be unpaid because of his services as such justice or judge prior to the enactment of this act, the same may be paid in one lump sum, or, if not so paid, the state auditor is authorized and directed to withhold from said justice or judge, out of his first installment or installments of retirement compensation accruing to such justice or judge a sufficient amount to pay the sum; provided, further, that if any justice or judge hereafter appointed or elected shall retire after service of less than ten years, he shall so contribute only from the salary paid to him during his term of office.
The surviving wife of any such justice or judge who has heretofore died prior to his retirement, and the surviving wife of any such justice or judge who may hereafter die prior to his retirement, shall be paid, out of the judges' retirement fund, the aggregate amount of the deductions under the terms of this act from the salary of such judge or justice.

SECTION 5. That Chapter 20 of Title 1, Idaho Code, be, and the same is hereby amended by adding a new section thereto, following Section 1-2008, to be known and designated as Section 1-2009, and to read as follows:

1-2009. BENEFIT TO SURVIVING SPOUSE OF JUSTICE OR JUDGE.—The legislature hereby finds and declares that the payment of allowances to the surviving spouses of justices of the Supreme Court and judges of the district court of the state of Idaho, serves the public purpose of promoting the public welfare by encouraging experienced jurists to continue their service and that their continued service and increased efficiency will be secured in the expectation that the legislature will fairly provide for their surviving spouses, and that such continued service and increased efficiency of such jurists, secure in this knowledge, will be of substantial benefit to the state.

The surviving spouse of any such justice or judge who dies on or after July 1, 1965, shall receive an allowance from the judges' retirement fund, payable monthly, and as hereinafter provided.

(a) In the case of a justice or judge receiving retirement compensation at the time of death, allowance to his surviving spouse shall commence immediately and be payable to such spouse from such fund in an amount equal to 20% of the retirement compensation being paid to such justice or judge.

(b) In the case of a justice or judge under the age of 65 years and not receiving retirement compensation at the time of death, commencing immediately, the surviving spouse shall be paid an allowance from such fund in the amount of 20% of the retirement compensation to which the justice or judge would have been entitled if then of the age of 65 years.

(c) In the case of a justice or judge of age 65 years or older and not receiving retirement compensation at the time of death, commencing immediately, his surviving spouse
shall receive an allowance payable from the fund in an amount equal to 20% of the retirement compensation to which the justice or judge would have been entitled if then retired.

(d) The allowance to the surviving spouse shall be based upon the current salary of the office held by the deceased justice or judge, as distinguished from the salary of the office at the time of death or retirement. The allowance shall be paid, provided the surviving spouse shall have been the wife or husband of the deceased justice or judge for a period of not less than seven years prior to death, and shall continue to be paid until death or remarriage of the surviving spouse.

(e) The phrase "justice or judge" as used herein shall also include the clerk of the Supreme Court.

SECTION 6. This act shall be in full force and effect from and after July 1, 1965.

Approved March 29, 1965.

CHAPTER 309
(S. B. No. 108)

AN ACT
RELATING TO LOANS SECURED BY MORTGAGES OR DEEDS OF TRUST ON REAL PROPERTY; PROVIDING THAT INDIVIDUALS OR LENDING INSTITUTIONS MAKING OR ENGAGED IN MAKING SUCH LOANS SHALL PROVIDE ON THE LOAN APPLICATION AND LOAN AGREEMENT OR CONTRACT AN EXPRESS RECITAL OF MAXIMUM PREPAYMENT PRIVILEGE PENALTIES.

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

SECTION 1. Any individual, mortgage loan company or corporation, or financial or banking institution making or engaged in making loans having a loan period of three or more years, secured by mortgages or deeds of trust on real property, shall provide, on the face of the loan application and loan agreement or contract, an express recitation of maximum prepayment privilege penalties, if any, includ-
CHAPTER 310
(S. B. No. 267)

AN ACT
AMENDING SECTION 31-3106, IDAHO CODE, TO INCREASE THE MAXIMUM SALARY OF PROBATE JUDGES FROM $10,000.00 TO $12,000.00 PER ANNUM COMMENCING THE SECOND MONDAY OF JANUARY, 1965; 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. 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, 1965, for the ensuing two (2) 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 (2) 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 $8,000.00 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 that $1,500.00 per annum and not to exceed $10,000.00 per annum.

3. The assessor shall receive a salary of not less than $1,500.00 per annum and not to exceed $8,000.00 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 $8,000.00 per annum.

5. The probate judge shall receive a salary of not less than $1,500.00 per annum and not to exceed $12,000.00 per annum.

6. The coroner shall receive a salary of not less than $50.00 per annum and not to exceed $2,400.00 per annum.

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

Approved March 29, 1965.

CHAPTER 311
(S. B. No. 186, As Amended)

AN ACT

AMENDING SECTION 63-1201, IDAHO CODE, RELATING TO ASSESSMENT AND ASSESSMENT ROLL OF PERSONAL PROPERTY BY DELETING PROVISIONS RELATING TO THE EXEMPTION FROM TAXATION OF PERSONAL PROPERTY IN THE LISTING OF SUCH PROPERTY ON THE ASSESSMENT ROLLS; AMENDING SECTION 63-101, IDAHO CODE, BY DELETING PROVISIONS RELATING TO THE EXEMPTION FROM TAXATION OF FRUITS AND VEGETABLES HELD FOR HUMAN CONSUMPTION, OR SEEDS, OR ANY PROCESSED PRODUCT THEREOF; AND AMENDING TITLE 63, CHAPTER 1, IDAHO CODE, AS AMENDED, BY ADDING SECTION 63-105U EXEMPTING FRUITS AND VEGETABLES HELD FOR HUMAN CONSUMPTION, AND SEEDS, SHIPPED OUT OF THE STATE; AND ADDING SECTION 63-105V EXEMPTING PERSONAL PROPERTY MANUFACTURED OR PROCESSED IN THIS STATE AND ACTUALLY SOLD AND SHIPPED OUT OF THE STATE; AND
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. PERSONAL PROPERTY ASSESSMENT ROLL.—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) 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.
tion 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 consigner 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. That Section 63-101, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

63-101. ALL PROPERTY SUBJECT TO TAXATION.
—All property within the jurisdiction of this state, not expressly exempted, is subject to assessment and taxation, provided however, that where any such assessment covers fruits and vegetables held for sale for human consumption, or seeds, or any processed product, thereof, except sugar, in the hands of a farmer, producer or of a processor, or while being transported to or held in storage in a public or private warehouse, the board of equalization of the county in which such assessment was made, at its meeting as provided by law for equalizing the assessment of property on the personal property roll, shall cancel such assessment in whole or proportionate part on receipt of sufficient documentary proof that the personal property so assessed actually was sold and transported or shipped to another point outside the state of Idaho on or before April 20th of the year of assessment. No such cancellation shall be made unless such proof be furnished to said board on or before such meeting in such year.

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

63-105U. PROPERTY EXEMPT FROM TAXATION —FRUITS AND VEGETABLES HELD FOR HUMAN
CONSUMPTION, AND SEEDS, SHIPPED OUT OF THE STATE.—Any person, firm or corporation engaged in the storing or processing of fruits or vegetables held for human consumption or shipment of seeds out of the state must file a full declaration of such property as of the assessment date with the county assessor. On any assessment made on fruits and vegetables held for sale for human consumption, or any processed product, thereof, or seeds, in the hands of farmers, producers, or of a processor, or while being transported to or held in storage in a public or private warehouse structure, the board of equalization of the county in which the assessment was made, at its meeting on the first Monday of December as provided by law for equalizing the assessments of personal property on the subsequent personal property assessment roll, shall cancel such assessments in whole or proportionate part on receipt of sufficient documentary proof that the personal property so assessed was actually sold and transported or shipped to another point outside the state of Idaho on or before December 1 of the current year of assessment. No such cancellation shall be made unless such proof be furnished to said board on or before such meeting in such year.

Public warehousing is the storing of personal property by any person, firm or corporation regularly engaged in the business of storing such property for hire.

Private warehousing is the storage of personal property by any person, firm or corporation which is carrying on the activity of warehousing or storing such property only in the operation of his or its own business.

This exemption shall only apply to private storage from and after a notice, describing by address and physical premises, is filed with the county assessor, which notice shall be filed annually.

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

63-105V. PROPERTY EXEMPT FROM TAXATION—PERSONAL PROPERTY MANUFACTURED OR PROCESSED IN THIS STATE AND ACTUALLY SOLD AND SHIPPED OUT OF STATE.—Any person, firm, or corporation engaged in the manufacture or processing of personal property in this state which property is stored in a public or private warehouse structure or area must file a full dec-
laration of such property as of the assessment date with the county assessor. On any assessment made on personal property manufactured or processed in this state by person, firms or corporations having a domicile or place of business in Idaho, being stored in a public or private warehouse structure or area, the board of equalization of the county in which such assessment was made, at its meeting on the first Monday of December as provided by law for equalizing the assessments of personal property on the subsequent personal property assessment roll, shall cancel such assessments in whole or proportionate part on receipt of sufficient documentary proof that the personal property so assessed was actually sold and transported or shipped to another point outside the state of Idaho on or before December 1 of the current year of assessment. No such cancellation shall be made unless such proof be furnished to said board on or before such meeting in such year. 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.

Public warehousing is the storing of personal property by any person, firm or corporation regularly engaged in the business of storing such property for hire.

Private warehousing is the storage of personal property by any person, firm or corporation which is carrying on the activity of warehousing or storing such property only in the operation of his or its own business.

Private or public warehouse area is intended to mean for purposes of this act open storage or place properly identified which is normally used to store personal property by any person, firm or corporation.

This exemption shall only apply to a private warehouse, private and public warehousing area from and after a notice, describing by address and physical premises, is filed with the county assessor, which notice shall be filed annually.

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

63-105W. PROPERTY EXEMPT FROM TAXATION
PERSONAL PROPERTY SHIPPED INTO THE STATE AND STORED IN A PUBLIC OR PRIVATE WAREHOUSE STRUCTURE AND DESIGNATED FOR SHIPMENT OUT OF THE STATE TO BE CONSIDERED IN TRANSIT.—Personal property shipped into this state and stored in a public or private warehouse structure, which property is not offered for sale in Idaho and designated for reshipment outside of the state, is considered to be "in transit" and shall be exempt from taxation. Such property shall not be deprived of exemption because while in storage, awaiting such further shipment, such personal property is labeled, packaged, disassembled, divided, broken in bulk, relabeled, or repackaged, or because the personal property is held for resale to customers outside the state of Idaho. Provided that all personal property claimed to be exempt "in transit" be labeled as such and shall be designated immediately upon receipt as being in transit upon the books and records of the warehouse, whether public or private, wherein the same is located. The books and records of such storage warehouse shall contain a full, true and correct inventory of all such property, together with the date of receipt of same, the point of origin, the date of its withdrawal, and, if known, the ultimate destination thereof. The books and records pertaining to the storage of any such in transit property shall be opened to inspection by any taxing authority in the state of Idaho having jurisdiction thereof upon reasonable demand having been made.

Public warehousing is the storing of personal property by any person, firm or corporation regularly engaged in the business of storing such property for hire.

Private warehousing is the storage of personal property by any person, firm or corporation which is carrying on the activity of warehousing or storing such property only in the operation of his or its own business. This exemption shall only apply to private storage from and after a notice, describing by address and physical premises, is filed with the county assessor, which notice shall be filed annually.

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

63-105X. PROPERTY EXEMPT FROM TAXATION —PERSONAL PROPERTY SHIPPED INTO THE STATE AND STORED IN THE ORIGINAL PACKAGE.—Person-
al 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, shall, while so stored, be deemed in transit and shall be exempt from taxation.

SECTION 7. This act shall become effective on and after the assessment date of the tax year 1966.

Approved March 29, 1965.

CHAPTER 312

(S. B. No. 246, As Amended, As Amended in the House of Representatives)

AN ACT

AMENDING CHAPTER 1, TITLE 63, IDAHO CODE, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 63-100, DECLARING THE LEGISLATIVE INTENT OF THE ACT TO REQUIRE UNIFORMITY AND EQUALIZATION WITH RESPECT TO THE ASSESSED VALUATION OF PROPERTY, RECOGNIZING THE NEED TO RECLASSIFY PROPERTY AND TO REVISE THE AD VALOREM TAX LAW IN SUCH MANNER SO THAT MINIMUM HARDSHIP WILL BE IMPOSED ON ANY COUNTY, SAID UNIFORMITY AND EQUALIZATION TO BE ACCOMPLISHED WITHIN EACH CLASS OF PROPERTY CLASSIFIED AND, FURTHER, THAT THE PRIMARY PURPOSE OF THE ACT IS NOT TO RAISE ADDITIONAL REVENUE AND THAT IT IS THE INTENT THAT NO TAXING DISTRICT OR AUTHORITY SHALL REALIZE GREATER TAX REVENUE SOLELY AS THE RESULT OF THE PASSAGE OF THIS ACT; AMENDING SECTION 63-101, IDAHO CODE, BY ELIMINATING THE EXEMPTIONS OF PROPERTY SUBJECT TO ASSESSMENT AND TAXATION AS IN SUCH SECTION PRESCRIBED; AMENDING CHAPTER 1, TITLE 63, IDAHO CODE, BY ADDING A NEW SECTION THERETO, TO BE KNOWN AS SECTION 63-101A, CLASSIFYING ALL PROPERTY FOR THE PURPOSE OF ASSESSMENT AND TAXATION AS CLASS 1—REAL PROPERTY, CLASS 2—PERSONAL PROPERTY AND CLASS 3—OPERATING PROPERTY; AMENDING CHAPTER 1, TITLE 63, IDAHO CODE, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 63-101B,
DEFINING THE TERM "ASSESSED VALUE" AND PRESCRIBING THE PERCENTAGE OF FULL CASH VALUE AT WHICH EACH OF THE THREE CLASSES OF PROPERTY SHALL BE ASSESSED; AMENDING SECTION 63-102, IDAHO CODE, BY CLARIFYING THE LANGUAGE OF SAID SECTION AND DELETING THE TERM "FULL CASH VALUE" WHEN SUCH TERM IS USED TO MEAN "ASSESSED VALUE"; AMENDING SECTION 63-111, IDAHO CODE, RELATING TO THE DEFINITION OF VALUE, BY INCLUDING IN THE DEFINITION THE TERMS "TRUE VALUE" AND "TRUE CASH VALUE"; AMENDING SECTION 63-113, IDAHO CODE, BY CLARIFYING THE DEFINITION OF OPERATING PROPERTY AND INCLUDING PIPE LINES, CAR COMPANIES, ELECTRIC CURRENT DISTRIBUTION LINES, AND WATER COMPANY OPERATING PROPERTY UNDER THE JURISDICTION OF THE IDAHO PUBLIC UTILITIES COMMISSION WITHIN SUCH DEFINITION; AMENDING SECTION 63-201, IDAHO CODE, RELATING TO PROPERTY ASSESSABLE, BY DELETING THE WORD "ACT" AND INSERTING IN LIEU THEREOF THE WORD "TITLE"; REPEALING SECTION 63-202, IDAHO CODE, AND IN LIEU THEREOF INSERTING A NEW SECTION TO BE KNOWN AS SECTION 63-202, REQUIRING THE STATE TAX COMMISSION TO PREPARE RULES AND REGULATIONS PRESCRIBING AND DIRECTING THE MANNER IN WHICH FULL CASH VALUE SHALL BE DETERMINED, REQUIRING THE USE OF CERTAIN CRITERIA; REQUIRING THE STATE TAX COMMISSION TO PREPARE AND DISTRIBUTE AMENDMENTS AND CHANGES TO SAID RULES AND REGULATIONS AND TO MAKE AVAILABLE THE RULES AND REGULATIONS TO PUBLIC OFFICERS AND THE GENERAL PUBLIC IN REASONABLE QUANTITIES WITHOUT CHARGE, AND REQUIRING THE ASSESSOR OF EACH COUNTY TO ABIDE BY, ADHERE TO AND CONFORM WITH SUCH RULES AND REGULATIONS; AMENDING CHAPTER 2, TITLE 63, IDAHO CODE, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 63-202A, PROVIDING THAT EVERY PUBLIC OFFICER SHALL COMPLY WITH ANY LAWFUL RULE OR REGULATION OF THE STATE TAX COMMISSION MADE PURSUANT TO THIS TITLE, PERMITTING THE STATE TAX COMMISSION TO ISSUE ITS ORDER DIRECTING ANY PUBLIC OFFICER OR EMPLOYEE TO COMPLY WITH THE STATE LAW OR RULE OF THE STATE TAX COMMISSION AFTER A HEARING, PROVIDING PROCEDURE FOR THE STATE TAX COMMISSION TO APPLY TO A DISTRICT COURT FOR AN ORDER COMPPELLING ANY PUBLIC OFFICER OR EMPLOYEE TO COMPLY WITH SUCH
LAW OR RULE OR TO SHOW CAUSE WHY HE SHOULD NOT BE COMPELLED SO TO DO, PROVIDING FOR APPEL­LATE PROCEDURE AND PROVIDING THAT THE REM­EDY OF SAID SECTION SHALL BE CUMULATIVE AND NOT EXCLUSIVE; AMENDING SECTION 63-214, IDAHO CODE, RELATING TO PENALTIES TO BE ASSERTED AGAINST ANY ASSESSOR WHO WILFULLY OR KNOWING­LY OMITS PROPERTY FROM ANY ASSESSMENT ROLL OR UNDER-VALUES OR OVER-VALUES PROPERTY, BY CLAR­IFYING THE LANGUAGE OF SAID SECTION AND BY IN­CLUDING WITHIN ACTS CONSTITUTING A MISDEMEANOR THE WILFUL FAILURE OR REFUSAL OF ANY PERSON TO COMPLY WITH THE RULES AND REGULATIONS OF THE STATE TAX COMMISSION; AMENDING SECTION 63-306, IDAHO CODE, BY CHANGING REFERENCE TO FULL CASH VALUE TO ASSESSED VALUE; AMENDING SEC­TION 63-319, IDAHO CODE, RELATING TO THE ASSES­SOR'S AFFIDAVIT FORM BY CLARIFYING THE LAN­GUAGE OF SAID SECTION AND ELIMINATING REFER­ENCE TO FULL CASH VALUE; AMENDING SECTION 63-329, IDAHO CODE, RELATING TO THE AFFIDAVIT FORM OF THE DEPUTY ASSESSOR BY CLARIFYING THE LAN­GUAGE THEREOF AND ELIMINATING REFERENCE TO FULL CASH VALUE; AMENDING SECTION 63-402, IDAHO CODE, RELATING TO EQUALIZATION OF VALUATIONS AND CLAIMS FOR EXEMPTIONS BY ELIMINATING RE­DUNDANT LANGUAGE AND ADDING APPROPRIATE LAN­GUAGE IN CONFORMANCE WITH THE INTENT OF THIS ACT; AMENDING SECTION 63-611, IDAHO CODE, BY DE­LETING REFERENCE TO SUBDIVISION 4 OF SECTION 63-105, IDAHO CODE, AND INSERTING REFERENCE TO SEC­TION 63-105D; AMENDING SECTION 63-701, IDAHO CODE, RELATING TO OPERATING PROPERTY ASSESSABLE BY THE STATE TAX COMMISSION, BY REVISING THE LAN­GUAGE OF SAID SECTION TO CONFORM TO THE AMENDED DEFINITION OF THE TERM "OPERATING PROPERTY" AS SET FORTH IN SECTION 1 OF THIS ACT; AMENDING SECTION 63-704, IDAHO CODE, RELATING TO THE OPERATOR'S STATEMENT AND FILING THERE­OF BY OWNERS OF "OPERATING PROPERTY" BY REVIS­ING THE LANGUAGE OF SAID SECTION TO CONFORM TO THE AMENDED DEFINITION OF THE TERM "OPERATING PROPERTY" AS SET FORTH IN SECTION 1 OF THIS ACT; AMENDING SECTION 63-707, IDAHO CODE, BY ADDING DISTRIBUTION LINES TO ALL REFERENCES TO ELEC­TRIC CURRENT TRANSMISSION LINES AND BY SUB­STITUTING "ASSESSED VALUE" FOR THE TERM "FULL
CASH VALUE”; AMENDING SECTION 63-1203, IDAHO CODE, PERTAINING TO THE ASSESSMENT OF PERSONAL PROPERTY BY ELIMINATING THE WORD “AMOUNT” AND THE WORD “CLASS” WITH REFERENCE TO THE ASSESSED VALUE OF PERSONAL PROPERTY; AMENDING SECTION 63-1206, IDAHO CODE, RELATING TO THE ASSESSMENT OF PERSONAL PROPERTY BY REQUIRING THAT THE SAME BE ASSESSED AT THE PERCENTAGE OF ITS FULL CASH VALUE, AS PROVIDED IN SECTION 63-101B; ELIMINATING REFERENCES TO THE TERM “FULL CASH VALUE” AND INSERTING THE TERM “ANNUAL ASSESSMENT” WHERE REQUIRED TO CONFORM TO THE INTENT AND PURPOSE OF THIS ACT; AMENDING SECTION 63-1222, IDAHO CODE, BY ELIMINATING REFERENCES TO “FULL CASH VALUE”; AMENDING SECTION 63-1905, IDAHO CODE, BY ELIMINATING REFERENCES TO CLASSIFICATIONS OF PERSONAL PROPERTY, ELIMINATING THE REFERENCES TO “FULL CASH VALUE” AND CLARIFYING THE LANGUAGE OF SAID SECTION; AMENDING SECTION 63-1906, IDAHO CODE, RELATING TO THE LIABILITY OF THE ASSESSOR BY ADDING THE WORD “KNOWINGLY” WITH RESPECT TO MALFEASANCE IN THE COLLECTION OF TAXES AND MAKING SETTLEMENT WITH THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 63-1908, IDAHO CODE, RELATING TO THE PENALTY FOR DERECTION OF DUTY BY THE COMMISSIONERS, BY APPLYING THE PENALTY WHERE PROPERTY IS ASSESSED CONTRARY TO LAW IN LIEU OF APPLYING A PENALTY FOR ASSESSING PROPERTY AT MORE OR LESS OF ITS FULL CASH VALUE; AMENDING SECTION 63-1909, IDAHO CODE, BY ELIMINATING THE REFERENCE TO SUBDIVISION 4 OF SECTION 63-105, IDAHO CODE, AND INSERTING REFERENCE TO SECTION 63-105D, IDAHO CODE, AND ELIMINATING ANY REFERENCE TO CLASSIFICATIONS OF PROPERTY ON THE ABSTRACT OF TAXES PREPARED BY THE COUNTY AUDITOR; AMENDING CHAPTER 22, TITLE 63, IDAHO CODE, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 63-2217, PROVIDING THAT TAXING AUTHORITIES WHICH WOULD REALIZE GREATER REVENUE, SOLELY AS THE RESULT OF THIS ACT, SHALL REDUCE LEVIES SO THAT TOTAL REVENUE DERIVED DURING THE TAX YEARS 1966 AND 1967 SHALL BE THE SAME AS THE TOTAL REVENUE RECEIVED DURING THE PRECEDING TAX YEAR, PROVIDING FOR ASSESSMENT PURSUANT TO THE PROVISIONS OF THIS ACT, PROVIDING THAT ANY TAXING AUTHOR-
ITY FINDING THAT, SOLELY BECAUSE OF THE PASSAGE OF THIS ACT, ITS TOTAL REVENUE WOULD BE LESS HAD THIS ACT NOT BEEN IN EFFECT, MAY PETITION COUNTY COMMISSIONERS FOR AUTHORITY TO INCREASE TAX LEVIES, PROVIDING FOR REQUIREMENTS TO BE CONTAINED IN SUCH PETITION AND DIRECTING THE BOARD OF COUNTY COMMISSIONERS TO AUTHORIZE THE INCREASE IN PROPER CIRCUMSTANCES; AMENDING CHAPTER 22, TITLE 63, IDAHO CODE, BY ADDING THERE-TO A NEW SECTION TO BE KNOWN AS SECTION 63-2218, REQUIRING THE STATE TAX COMMISSION AND BOARDS OF COUNTY COMMISSIONERS TO ASSIST IN IMPLEMENTING THE PROVISIONS OF THIS ACT BY PREPARING AND DISTRIBUTING DETAILED STATISTICAL INFORMATION FOR USE BY TAXING AUTHORITIES IN ORDER TO ASSIST THEM IN THE PREPARATION OF BUDGETS AND LEVIES, REQUIRING THE STATE TAX COMMISSION TO PREPARE AND SUBMIT TO EACH LEGISLATIVE SESSION OF THE IDAHO LEGISLATURE A COMPREHENSIVE REPORT AND STUDY OF THE PROPERTY LAWS OF THIS STATE INCLUDING DETAILED STATISTICAL INFORMATION CONCERNING THE OPERATION OF THE PROPERTY TAX LAWS AND RECOMMENDATIONS FOR LEGISLATIVE AMENDMENTS OR ADDITIONS AND PROVIDING THAT BOARDS OF COUNTY COMMISSIONERS SHALL REVIEW LEVIES OF ALL TAXING AUTHORITIES UNTIL JANUARY 1, 1970, WITH THE VIEW OF DETERMINING THEIR COMPLIANCE WITH THE LAW AND PERMITTING TAXING AUTHORITIES, WHO HAVE BEEN ORDERED TO DECREASE LEVIES OR WHOSE PETITION FOR INCREASE HAS BEEN DENIED, TO PROTEST SUCH ORDER WITH THE STATE TAX COMMISSION AND REQUIRING AN INVESTIGATION AND APPROPRIATE ACTION BY THE STATE TAX COMMISSION; AMENDING CHAPTER 22 OF TITLE 63, IDAHO CODE, BY ADDING A NEW SECTION THERE-TO, FOLLOWING SECTION 63-2218, IDAHO CODE, TO BE KNOWN AND DESIGNATED AS SECTION 63-2218A, AUTHORIZING THE STATE TAX COMMISSION TO ADOPT AND ENFORCE RULES AND REGULATIONS GOVERNING THE CHANGES TO BE MADE IN ASSESSMENT PROCEDURES BY COUNTIES TO MEET THE REQUIREMENTS OF THIS ACT OVER A FOUR YEAR PERIOD; PROVIDING FOR ADDITIONAL DUTIES OF COUNTY ASSESSOR; AMENDING CHAPTER 22, TITLE 63, IDAHO CODE, BY ADDING THERE-TO A NEW SECTION TO BE KNOWN AS SECTION 63-2219, AUTHORIZING AND REQUIRING THE STATE TAX COMMISSION TO ADJUST DOWNWARD THE
PERCENTAGE OF FULL CASH VALUE OF CLASS 3 PROPERTY BY TWICE THE PERCENTAGE PORTION THAT THE STATE TAX COMMISSION FINDS THAT CLASS 1 AND CLASS 2 PROPERTY ARE UNDER ASSESSED BY COUNTY ASSESSORS OR BOARDS OF COUNTY COMMISSIONERS AFTER NOTICE TO SUCH OFFICIALS TO MAKE CORRECTIONS AND THEIR FAILURE TO DO SO AND PROVIDING THAT SUCH ADJUSTMENTS SHALL BE SUBJECT TO RULES AND REGULATIONS OF THE STATE TAX COMMISSION AND THE LAWS OF THE STATE OF IDAHO RELATIVE TO PROTESTS AND APPEALS; REPEALING SECTIONS 63-315, 63-406, 63-605, 63-606, 63-607, 63-609, 63-610, 63-627, 63-628 AND 63-701A, IDAHO CODE; PROVIDING THAT THIS ACT SHALL CONTROL AND SUPERSEDE CONFLICTING ENACTMENTS OF THE THIRTY-EIGHTH SESSION OF THE IDAHO STATE LEGISLATURE AND CONFLICTING EXISTING LAWS; PROVIDING THAT THIS ACT SHALL BECOME EFFECTIVE AFTER DECEMBER 31, 1965, RESERVING LEGAL RIGHTS PERTAINING TO ASSESSMENTS FOR THE YEAR 1965.

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

SECTION 1. That Chapter 1, Title 63, Idaho Code, be, and the same is hereby amended by adding a new section thereto, preceding Section 63-101, to be known and designated as Section 63-100, and to read as follows:

63-100. DECLARATION OF LEGISLATIVE INTENT. —It is hereby declared that the legislature of the state of Idaho, by the passage of this act recognizes that there has long been a need for legislative action pertaining to ad valorem taxation to require uniformity and equalization with respect to the assessed valuation of property within counties and with respect to assessed valuation among counties; that there is a wide variation of total assessed valuations among the counties of this state; that some counties and taxing districts rely heavily upon revenues received from the taxation of public utility operating properties and that others do not; and that therefor, there is a need to reclassify the property of this state, and to revise the ad valorem law in such manner so that minimum hardship will be imposed on any county and yet uniformity and equalization with respect to the taxing of property within each class will be accomplished. It is therefore hereby further declared that it is the primary purpose of this act to fulfill the foregoing needs and not to raise additional revenue, and that it is the intent that no taxing district or authority
whatsoever, having the power to levy and collect taxes, shall receive greater tax revenue, solely as the result of the passage of this act during the years 1966 and 1967, except as specifically provided in this act.

SECTION 2. That Section 63-101, Idaho Code, be, and the same is hereby amended to read as follows:

63-101. ALL PROPERTY SUBJECT TO TAXATION. — All property within the jurisdiction of this state, not expressly exempted, is subject to assessment and taxation; provided, however, that where any such assessment covers fruits and vegetables held for sale for human consumption, or seeds, or any processed product, thereof, except sugar, in the hands of a farmer, producer or of a processor, or while being transported to or held in storage in a public or private warehouse, the board of equalization of the county in which such assessment was made, at its meeting as provided by law for equalizing the assessment of property on the personal property roll, shall cancel such assessment in whole or proportionate part on receipt of sufficient documentary proof that the personal property so assessed actually was sold and transported or shipped to another point outside the state of Idaho on or before April 30th of the year of assessment. No such cancellation shall be made unless such proof be furnished to said board on or before such meeting in such year.

SECTION 3. That Chapter 1, Title 63, Idaho Code, be, and the same is hereby amended by adding a new section thereto, following Section 63-101, to be known and designated as Section 63-101A, and to read as follows:

63-101A. CLASSES OF PROPERTY. — All property within the jurisdiction of this state for the purpose of assessment and taxation is hereby classified as follows:

Class 1. Real Property.

Class 2. Personal Property, and

Class 3. Operating Property.

SECTION 4. That Chapter 1, Title 63, Idaho Code, be, and the same is hereby amended by adding a new section thereto, following Section 63-101A, to be known and designated as Section 63-101B, and to read as follows:

63-101B. ASSESSED VALUATION DEFINED—ASSESSMENT OF CLASSES. — The term “assessed value”
as used in this title shall mean a percentage of "full cash value" as the latter term is hereinafter defined.

Class 1, real property, as in this chapter defined, shall be assessed at twenty per cent (20%) of its full cash value.

Class 2, personal property, as in this chapter defined, shall be assessed at twenty per cent (20%) of its full cash value.

Class 3, operating property, as in this chapter defined, shall be assessed at forty per cent (40%) of its full cash value.

SECTION 5. That Section 63-102, Idaho Code, be, and the same is hereby amended to read as follows:

63-102. ASSESSABLE VALUE. LIEN OF TAXES—PERSONAL PROPERTY FROM WITHOUT STATE.—All real and personal property subject to assessment and taxation must be assessed annually at its full cash value for taxation for state, county, city, town, village, school district and other purposes, under the provisions of this act, with reference to its value at as of twelve o'clock meridian, on the second Monday of January in the year in which such taxes are levied, except as otherwise provided, and all taxes levied upon real estate under the provisions of this act, shall be a lien upon the real property assessed, and all taxes levied upon personal property shall be a lien upon the personal property assessed and upon any other personal or real property of the owner thereof within the county where assessed, whether such property is exempt from execution or not, except as otherwise provided by law, which several liens attach as of the second Monday in January in said year, and shall only be discharged by the payment, cancellation or rebate of the taxes as provided in this act: provided, that personal property coming into the state from without the state after said second Monday of January, shall be assessed, as of the date of its entry into the state as follows, except as otherwise provided: if before the first of April, for its full cash assessed value; if between the first of April and the first of July, for three-fourths of its full cash assessed value; if between the first of July and the first of October, for one-half of its full cash assessed value, and if during the remainder of the taxing year, for one-fourth of its full cash assessed value, and the taxes so levied thereupon shall be a lien on such property from the date of its entry into the state.
SECTION 6. That Section 63-111, Idaho Code, be, and the same is hereby amended to read as follows:

63-111. VALUE DEFINED.—By the term “value,” “cash value,” or “full cash value,” “true value” or true cash value” is meant the value at which the property would be taken in payment of a just debt due from a solvent debtor, or the amount the property would sell for at a voluntary sale made in the ordinary course of business, taking into consideration its earning power when put to the same uses to which property similarly situated is applied.

SECTION 7. That Section 63-113, Idaho Code, be, and the same is hereby amended to read as follows:

63-113. OPERATING PROPERTY DEFINED. — The term “operating property” as used in this act shall include all franchises, rights of way, roadbeds, tracks, pipe lines, terminals, rolling stock, equipment, power stations, power sites, lands, reservoirs, generating plants and substations, all immovable or movable property owned, used or occupied by, or operated in connection with any public utility or car company, railroad, or telegraph, telephone or electric current transmission line, wholly or partly within this state, and all station grounds and all superstructures upon the rights of way and station grounds, all other immovable or movable property used, operated or occupied by any person owning, operating or constructing any line or railroad, or telegraph, telephone or electric current transmission lines, including the operating property of all railroads, telegraph, telephone, electric current transmission and distribution lines, pipe lines for the transportation of commodities, including water under the jurisdiction of the Idaho Public Utilities Commission, wholly or partly within this state, and reasonably necessary to the maintenance and operation of such road or line, or in conducting its business, and shall include all title and interest in such property, as owner, lessee or otherwise.

SECTION 8. That Section 63-201, Idaho Code, be, and the same is hereby amended to read as follows:

63-201. PROPERTY ASSESSABLE IN COUNTY. — All property shall be assessed by the assessor of the county in which it is situated, except as in this act otherwise provided.

SECTION 9. That Section 63-202, Idaho Code, be, and the same is hereby repealed, and that in lieu thereof, Chap-
63-202. RULES AND REGULATIONS PERTAINING TO FULL CASH VALUE—DUTY OF ASSESSORS.—It shall be the duty of the State Tax Commission to prepare and distribute to each County Assessor and each Board of County Commissioners within the state of Idaho, rules and regulations prescribing and directing the manner in which full cash value is to be determined. Such rules and regulations shall include the following criteria for determining value to the extent that the same are applicable to the property being evaluated: (1) earning capacity; (2) relative location; (3) desirability and functional use; (4) reproduction cost less depreciation; (5) comparison with other like properties of known or recognized value; and (6) market value in the ordinary course of trade. The State Tax Commission shall also prepare and distribute from time to time such amendments and changes to said rules and regulations as shall be necessary in order to carry out the intent and purposes of this act. Said rules and regulations shall be in such form as the Commission shall direct, and shall be made available upon request to other public officers and the general public in reasonable quantities without charge. In ascertaining the full cash value of any item of property subject to taxation, the assessor of each county shall be, and hereby is required to abide by, adhere to and conform with the rules and regulations hereinabove required to be promulgated by the State Tax Commission.

SECTION 10. That Chapter 2, Title 63, Idaho Code, be, and the same is hereby amended by adding a new section thereto, following Section 63-202, to be known and designated as Section 63-202A, to read as follows:

63-202A. COMPLIANCE OF PUBLIC OFFICERS WITH ASSESSMENT AND EQUALIZATION RULES, REGULATIONS AND ORDERS OF STATE TAX COMMISSION.—(1) Every public officer shall comply with any lawful order, rule or regulation of the State Tax Commission made pursuant to the provisions of Title 63, Idaho Code.

(2) Whenever it appears to the State Tax Commission that any public officer or employee whose duties relate to the assessment or equalization of assessments of property for taxation has failed to comply with any law relating to such duties, or the rules of the State Tax Commission made in pursuance thereof, the State Tax Commission, after a
hearing on the facts, may issue its order directing the public officer or employee to comply with such law or rule.

(3) If such public officer or employee, for a period of 10 days after service on him of the State Tax Commission's order, neglects or refuses to comply therewith, the State Tax Commission may apply to a judge of the district court of the county in which the public officer holds office for an order, returnable within five days from the date thereof, to compel such public officer or employee to comply with such law or rule, or to show cause why he should not be compelled so to do.

(4) Any order issued by the judge pursuant thereto shall be final; provided, however, that any person aggrieved by such order may appeal to the Supreme Court of the state of Idaho in the manner provided for appeals in other civil actions. An appeal as provided for herein shall not stay any order issued by any judge pursuant hereto pending such appeal.

(5) The remedy provided in this section shall be cumulative and shall not exclude the State Tax Commission from exercising any other power or right delegated to it.

SECTION 11. That Section 63-214, Idaho Code, be, and the same is hereby amended to read as follows:

63-214. PENALTY FOR UNDERVALUATION OR OVERVALUATION.—If any assessor shall wilfully or knowingly omit any property from any assessment roll, or shall wilfully or knowingly list, or assess, or shall suffer to be listed, or assessed, or entered upon any assessment roll of his county, any property, real or personal, at an amount or value less than its full cash assessed value, or in excess of its cash assessed value, or if he shall wilfully fail or refuse to comply with, abide by or adhere to the rules and regulations promulgated by the State Tax Commission for determining full cash value, he shall be and is hereby declared to be guilty of a misdemeanor, and upon conviction therefor, shall be fined in any sum not less than $100.00 nor more than $300.00 for each offense, to be recovered upon his official bond for the use of the county, and in addition to the payment of such fine such assessor may be suspended from the duties of his office or removal from office in the manner provided by law.

SECTION 12. That Section 63-306, Idaho Code, be, and the same is hereby amended to read as follows:
63-306. TIME OF ASSESSMENT — ASSESSMENT ROLL.—The assessor must assess all real and personal property, whereon the tax is a lien upon real property, in his county, subject to assessment by him, between the second Monday of January and the fourth Monday of June in each year and must complete such assessment on or before the said fourth Monday of June. In making such assessment the assessor shall actually determine, as near as practicable, the full cash value of each tract or piece of real property assessed, and shall enter the full cash assessed value thereof, and the full cash assessed value of all improvements thereon, and the amount and assessed value of each class of personal property whereon the tax is a lien on such real property, except migratory livestock, in appropriate columns against the description of such real property in the real property assessment roll. The tax levies shall be extended made on the aggregate assessed valuations of said property, real and personal, after deducting the amount of any exemptions allowed, and any personal property so entered upon the real property assessment roll must not be entered upon the personal property assessment roll.

SECTION 13. That Section 63-319, Idaho Code, be, and the same is hereby amended to read as follows:

63-319. ASSESSOR’S AFFIDAVIT — FORM. — The form of the affidavit to be subscribed by the assessor shall be substantially as follows:

State of Idaho, )
 ) ss.
County of ..................... , being first duly sworn, deposes and says: That he is the duly qualified and acting assessor in and for said county; that between the second Monday of January and the fourth Monday of June in the year .......... he has made diligent inquiry and examination to ascertain all the real property, and all personal property whereon the tax is a lien on such real property within the said county, subject to assessment by him, and that the same has been assessed and entered upon the real property assessment roll, except migratory livestock, equally and uniformly, according to the best of his judgment, information and belief, at its full cash value; that according to his best judgment and upon investigation he has classified all taxable property within said county according to law; that he has faithfully complied with all the duties imposed upon him
under the revenue laws; that he has not imposed any unjust or double assessment through malice, or ill will, or otherwise; and that he has not allowed anyone to escape a just and equal assessment through favor, or reward, or otherwise.

Subscribed and sworn to before me this ..... day of ..... 19......

........................................................................
Clerk of the board of county commissioners in and for said county and state.

SECTION 14. That Section 63-320, Idaho Code, be, and the same is hereby amended to read as follows:

63-320. AFFIDAVIT OF DEPUTY ASSESSOR — FORM.—The form of the affidavit to be subscribed by each deputy assessor shall be substantially as follows:

State of Idaho, )
County of ........................ ) ss.

The undersigned, being first duly sworn, each for himself, deposes and says: That he is the duly qualified and acting deputy assessor in and for said county; that between the second Monday of January and the fourth Monday of June in the year ............... he has made diligent inquiry and examination to ascertain all the real property, and all the personal property whereon the tax is a lien on such real property within said county, or the subdivision thereof assessed by him and subject to assessment by the assessor; and that the same has been assessed equally and uniformly, according to the best of his judgment, information and belief, at its full cash value; that according to his best judgment and upon investigation he has classified all taxable property within said county according to law; that he has faithfully complied with all the duties imposed upon him under the revenue laws; that he has not imposed any unjust or double assessment through malice, or ill will, or otherwise; and that he has not allowed anyone to escape a just and equal assessment through favor, or reward, or otherwise.

Subscribed and sworn to before me this ..... day of ..... 19......
Clerk of the board of county commissioners in and for said county and state.

SECTION 15. That Section 63-402, Idaho Code, be, and the same is hereby amended to read as follows:

63-402. EQUALIZATION OF VALUATIONS — EXEMPTIONS.—It is hereby made the duty of the board of county commissioners, at the meeting prescribed in the preceding section, to enforce and compel a proper classification and assessment of all property required under the provisions of this act to be entered upon the real property assessment roll and personal property assessment roll, and in so doing the board shall examine such real property assessment roll, tract by tract, and name by name and the valuation of each item of property assessed, and shall raise or cause to be raised, or lower or cause to be lowered, the assessment of any property which, in the judgment of the said board, has not been *lawfully* assessed, at its full cash value. The board must determine all complaints in regard to the *full cash value or assessed value* of any property entered upon said rolls, and must, except as prohibited in this act, correct any valuation entered upon said rolls, by adding thereto or subtracting therefrom such amount as may be necessary in order to make such valuation conform to the *full cash value*, and must correct any assessment by adding to or subtracting from the amount, number, quantity or value of any property assessed, when a false, inaccurate or incomplete taxpayer statement has been rendered.

The board must examine and act upon all claims for exemptions filed in accordance with the provisions of this act, and must either allow or disallow the same in the manner provided by law.

SECTION 16. That Section 63-410, Idaho Code, be, and the same is hereby amended to read as follows:

63-410. PENALTY FOR MALFEASANCE OF COUNTY COMMISSIONERS.—Any member of the board of county commissioners who knowingly permits any assessment to stand, or permits any alteration to be made in the assessment roll, *contrary to law*, whereby any property is assessed at more or less than its full cash value, shall be guilty of a misdemeanor and of malfeasance in office, for which he may be removed from office in the manner provided
by law for the summary removal of public officers from office.

SECTION 17. That Section 63-611, Idaho Code, be, and the same is hereby amended to read as follows:

63-611. AD VALOREM AND SPECIAL TAXES AGAINST COUNTIES.—The state tax commission must complete the equalization of assessments throughout the state, as in this act provided, on the fourth Monday of August in the year in which such assessments are made, and shall on that day determine the amount of state ad valorem tax which each county must pay to the state, by apportioning the total state ad valorem tax among the several counties in the state in the exact proportion that the total equalized assessed valuation of each county, as shown by the real property assessment roll and the personal property assessment roll for the current year, and the subsequent personal property assessment roll for the preceding year, bears to the total equalized assessed valuation of the state as shown by the real property assessment rolls and the personal property assessment rolls of all the counties in the state for such current year, and the subsequent personal property assessment rolls for such preceding year, not including in such equalized assessed valuations the value of property exempted under subdivision 4 of section 63-105. Section 63-105D, Idaho Code. The said commission shall also determine the amount of special state taxes which each county must pay to the state, and the total amount of such state ad valorem and special state taxes found to be due from each county shall be certified to the county auditor of such county by the commission’s executive officer as provided in this act, and the county auditor shall, upon receipt of such certificate, file the same in his office: provided, that the total amount of all special state taxes levied for the current year upon property entered upon the subsequent personal property assessment roll of each county for such year shall be certified to the county auditor of such county by the commission’s executive officer upon receipt of the county auditor’s abstract of the subsequent personal property assessment roll, as provided in this act.

SECTION 18. That Section 63-701, Idaho Code, be, and the same is hereby amended to read as follows:

63-701. OPERATING PROPERTY ASSESSABLE BY STATE TAX COMMISSION.—The operating property of all public utilities and car companies including the operating property of all railroads, telegraph, telephone, elec-
tric current transmission and distribution lines, and electric current transmission lines of rural electrification associations, pipe lines for the transportation of commodities, including water, under the jurisdiction of the Idaho Public Utilities Commission, and the franchises of all persons owning, or operating as lessees, or constructing any telegraph, telephone, or electric current transmission or distribution line, any pipe line for the transportation of commodities including water under the jurisdiction of the Idaho Public Utilities Commission, or railroads, wholly or partly within this state shall be assessed for taxation for state, county, city, town, village, school district and other purposes, exclusively by the state tax commission.

SECTION 19. That Section 63-704, Idaho Code, be, and the same is hereby amended to read as follows:

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

SECTION 20. That Section 63-707, Idaho Code, be, and the same is hereby amended to read as follows:

63-707. MANNER OF ASSESSMENT — VALUATION. — The state tax commission must assess all property which, under the provisions of this act, is to be assessed by it, at the meeting of the said commission convening on the second Monday of August in each year, and must complete the assessment of such property on the fourth Monday of August in that year. The said board shall at such meeting ascertain and determine the full each assessed value
of all such property in the state, except electric current transmission and distribution lines, and shall determine the total value, the number of miles and value per mile of each railroad, telegraph and telephone line, and pipe line for transportation of commodities, except water, in the state, the value, number of miles, and value per mile of such line in any county into or through which the said line extends, and the value, number of miles and value per mile, of such line in any incorporated city, town, village, school district or other taxing district into or through which the said line extends. The value per mile of any line except electric current transmission and distribution lines, is to be determined by dividing the total value of such line within the state by the number of miles of such line within the state.

The said commission shall at such meeting ascertain and determine the full cash assessed value of the electric current transmission and distribution lines in each county separately, and shall determine the total value, the number of miles and value per mile of each electric current transmission and distribution line in each county into or through which said line extends, and the value, number of miles and value per mile of such line in any incorporated city, town, village, school district or other taxing district into or through which the said line extends. The value per mile of electric current transmission and distribution lines is to be determined by dividing the total value of such line within each county by the number of miles of such line within said county, and all operating property of such electric current transmission and distribution lines shall be assessed as of and apportioned to the county in which the same is situated as a part of the transmission line in said county.

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

SECTION 21. That Section 63-1203, Idaho Code, be, and the same is hereby amended to read as follows:

63-1203. ASSESSMENT OF PERSONAL PROPERTY. —The assessor must assess all personal property required by this act to be entered on the personal property assessment roll, between the second Monday of January and the first Monday of July in each year, and must complete said assessment on or before the said first Monday in July and file said roll with the clerk of the board of county commis-
tioners. He must assess and enter on a subsequent roll to be by him verified in the manner provided for the verification of the personal property assessment roll, all migratory livestock except in its home county as defined in section 63-1604, all personal property which comes into the county, between the first Monday of July and the fourth Monday of November of each year which has not been assessed, unless such property was exempt from taxation on the second Monday of January of the year in which such property came into any such county, and all personal property which has theretofore during such year escaped assessment, and must immediately deliver said subsequent roll to the county auditor who shall, without delay, compute and enter the amount of tax due thereon and deliver the same to the assessor and charge him with the amount thereof. In making such assessment, the assessor shall actually determine, as nearly as practicable, the full cash value of each piece of personal property assessed and shall enter the amount and assessed value of each class of personal property in appropriate columns, after the name of the owner of such property, if known, otherwise after unknown owner. The tax levies shall be extended on the aggregate assessed valuation of said property, after deducting the amount of any exemptions allowed. Provided that trailer houses defined as mobile houses or habitable vehicles in section 49-155, Idaho Code, shall be assessed and taxed uniformly with other property; provided, however, that the following trailer houses are specifically exempt from the operation of this section, (a) trailer houses in possession of a manufacturer or dealer and offered for sale shall be assessed uniformly with other stocks in trade; (b) trailer houses eligible to be used under a dealer’s license plate, provided that trailers designated as sheep camps or cow camps shall be exempted from this act.

SECTION 22. That Section 63-1206, Idaho Code, be, and the same is hereby amended to read as follows:

63-1206. ASSESSABLE VALUE—LIEN.—All personal property in the state subject to assessment and taxation must be assessed at the percentage of its full cash value as provided in section 63-101B, Idaho Code, for taxation for state, county, city, town, village, road district; school district and other purposes, under the provisions of this act with reference to its value at twelve o’clock meridian on the second Monday of January in the year in which such taxes are levied, except as otherwise provided: provided, that personal property coming into the
state from without the state after said second Monday of January shall be assessed with reference to its full cash value as of the date it comes into the state, if before the first of April for its full annual assessment; its full cash value, if between on or before the first of April and before the first of July, for three-fourths of its full annual assessment; of its full cash value, if between on or before the first of July and before the first of October, for one-half of its full annual assessment; of its full cash value, and if during the remainder of the taxing year for one-fourth its annual assessment; of its full cash value, and all taxes levied under the provisions of this act shall be a first and prior lien upon the personal property so assessed, and upon all other personal property within the county belonging to the same owner, and no personal property of any kind shall be exempt from such lien.

SECTION 23. That Section 63-1222, Idaho Code, be, and the same is hereby amended to read as follows:

63-1222. ASSESSMENT OF EQUITIES IN STATE LANDS—FULL VALUE ASSESSMENT UPON FUTURE SALES.—Equities in state land heretofore under contract for sale, shall be assessed at their full cash value as other property is assessed. Refusal to pay the tax levied upon any equity in state land by the owner upon demand by the tax collector shall operate as forfeiture of such equity. Any such refusal shall be reported to the state board of land commissioners by the tax collector and the said board shall thereupon declare such forfeiture and the certificate and contract relating thereto annulled in the same manner as in the case of failure of a purchaser of state land to make any of the payments stipulated. Provided, however, in the case of state land hereafter sold under contract, such land shall be assessed at its full cash value as other property is assessed.

SECTION 24. That Section 63-1905, Idaho Code, be, and the same is hereby amended to read as follows:

63-1905. EQUALIZATION OF VALUATIONS—EXEMPTIONS.—It is hereby made the duty of the board of county commissioners, at the meeting prescribed in the preceding section, to enforce and compel a proper classification and assessment of all property required under the provisions of this act to be entered upon the personal property assessment roll, and in so doing the said board shall examine such personal property assessment roll, name by name, and the valuation of each item of property assessed, and shall
raise or cause to be raised or lower or cause to be lowered any assessment of such property which, in the judgment of the said board, has not been lawfully assessed, at its full cash value, and the said board must determine all complaints in regard to the assessment of such property and must examine and act upon all claims for examinations and rebates filed in accordance with the provisions of this act and direct the county auditor to draw warrants on the personal property tax fund in settlement of any rebates allowed, and must have a final settlement with the assessor on account of all taxes on such property, which settlement, must be recorded in the minutes of the said board.

Section 25. That Section 63-1906, Idaho Code, be, and the same is hereby amended to read as follows:

63-1906. LIABILITY OF ASSESSOR.—The assessor shall be liable upon his official bond for the amount of all taxes on personal property which have knowingly not been collected or accounted for in his settlement with the board of county commissioners.

Section 26. That Section 63-1908, Idaho Code, be, and the same is hereby amended to read as follows:

63-1908. PENALTY FOR DERELICTION OF DUTY BY COMMISSIONERS.—Any member of the board of county commissioners who knowingly permits any assessment to stand or permits any alteration to be made whereby property is assessed contrary to law, at more or less than its full cash value, or permits any unjust rebates to be made, or permits any incomplete or unjust settlement with the assessor to stand, shall be guilty of a misdemeanor and of malfeasance in office, for which he may be removed from office in the manner provided by law for the summary removal of public officers from office.

Section 27. That Section 63-1909, Idaho Code, be, and the same is hereby amended to read as follows:

63-1909. ABSTRACT OF PERSONAL PROPERTY ROLL.—The county auditor must add up the columns of amounts and values of each kind and class of property and of all property and the amount of all assessments, taxes, rebates and exemptions and prepare an abstract of all the property entered upon the personal property assessment roll, including property exempt under subdivision 4 of section 63-105, section 63-105D, Idaho Code, showing the total number of items or pieces of property and the total value thereof, in each class.
the total number and value of each kind of the different classes of livestock and the amount and value of each class of other property, shown in separate columns in the assessment roll, and the total value of all property exempt under said subdivision, section 63-105D, Idaho Code, as determined by the board of county commissioners.

The abstract of taxes provided for in this section must be prepared by the county auditor in duplicate and duly verified upon blanks supplied by the state auditor and must show a correct classification of all of the property, in accordance with the classification of such property upon the assessment roll, and all matters and things required to be shown upon such abstract must be entered in proper spaces and columns provided for that purpose in said blank.

SECTION 28. That Chapter 22, Title 63, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 63-2216, to be known and designated as Section 63-2217, and to read as follows:

63-2217. ADJUSTMENT OF LEVIES DURING TRANSITION PERIOD 1966 AND 1967.—Any taxing district or unit of government having authority to levy property taxes which would, during the tax years of 1966 and 1967 and solely as a result of the passage and operation of this act, receive more property tax revenue at the same tax levies than it received during the preceding year, shall reduce its levies so that the same total revenue will be derived as that received during the preceding tax year from the same sources. Improvements to real property and additions to the personal property rolls and additions to operating properties, after the effective date of this act, shall be assessed in the same manner and at the same percentage of full cash value as all other property in the same class.

If, however, any such taxing district or unit of government finds that during the tax year of 1966 or 1967, and solely as a result of the passage of this act, its total revenue will be less than the total revenue it would have received from the same levies had this act not been in effect; then, and in that event, such taxing district, unit of government or county auditor may petition its or his appropriate board of county commissioners for authority to increase the tax levies to the extent necessary to raise the total revenue which said district or unit of government would have received had this act not been in effect.

Such petition must be submitted in writing not later
than the first Monday in September of each year and must show that the total assessed value of all taxable property within the petitioner’s taxing authority, solely as the result of the operation of this act, is such that the total tax revenue is less than petitioner would have received had this act not been in effect. After examining such petition and finding the facts stated therein to be true, the board of county commissioners shall enter its order authorizing an increase in the tax levy by petitioner in such amount as would be necessary to equal the total property tax revenue petitioner would have received had this act not been in effect.

SECTION 29. That Chapter 22, Title 63, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 63-2217, to be known and designated as Section 63-2218, and to read as follows:

63-2218. STATE TAX COMMISSION AND BOARDS OF COUNTY COMMISSIONERS TO ASSIST IN IMPLEMENTING PROVISIONS OF THIS ACT.—It shall be the duty of the state tax commission and the several boards of county commissioners in the state, to assist in the implementation of the provisions of this act as follows:

As soon as possible after the passage of this act, but in no event later than the first day of January of each year, the state tax commission shall prepare and distribute to the board of county commissioners of each county a statement, in such detail as the state tax commission shall deem appropriate, showing the approximate percentage of increase or decrease in the assessed valuation of each county which may be expected as a result of this act. The statement so provided shall be made available by the said boards of county commissioners to all taxing districts and authorities within their respective counties in order to assist such district and authorities in the preparation of their budgets and levies. The state tax commission is further hereby directed to prepare and submit at each regular session of the Idaho Legislature a comprehensive report and study of the property laws of this state; said report shall be submitted not later than January 15th of each odd year hereafter and shall contain detailed statistical information concerning the operation of the property tax laws of this state as well as the recommendations of the said state tax commission for any legislative amendments or additions thereto.

It shall be the duty of the boards of county commissioners to review the levies of all taxing districts and authorities
within their respective counties to determine whether such districts and authorities have complied with Section 63-2217. Should any levy be found to be excessive, within the intent of Section 28 of this act, the board shall order the district or authority to reduce the levy as required in said section. Any taxing district or authority so ordered to reduce its levy, or whose petition for increase in levy pursuant to Section 63-2217 has been denied, may, within 7 days following such order or denial, file a protest thereof with the state tax commission, which shall cause an investigation of the matter to be made and shall take appropriate action to set the proper levy as provided in this act. The authority granted in this section to the Boards of County Commissioners to review the levies of all tax districts and authorities, and to reduce said levies, shall expire on January 1, 1974.

SECTION 30. That Chapter 22 of Title 63, Idaho Code, be, and the same is hereby amended by adding a new section thereto, following Section 63-2218, Idaho Code, to be known and designated as Section 63-2218A, and to read as follows:

63-2218A. The state tax commission shall adopt rules and regulations establishing required adjustments and the procedure for making such required adjustments in the assessed value of each of the various categories of property in each of the several counties of this state. Without regard to other provisions of this amendatory act, annual adjustments in assessed values shall be made in accordance with schedules adopted by the state tax commission. These schedules shall be designed to insure that complete adjustment shall be made proportionately over a period of four years, beginning on January 1, 1966, and ending December 31, 1969, so that from and after January 1, 1970, all property in this state shall be assessed in the manner provided in Section 63-101B, Idaho Code. The state tax commission shall have power to implement rules and regulations thus adopted by adjusting appraisals by county assessors in any case in which an assessor neglects or refuses to abide by regulations thus adopted.

During the four year period provided in this section each county assessor shall file a statement with the county commissioners of his county, and a copy thereof with the State Tax Commission, prior to the second Monday in January of each year, setting forth the percentage of full cash value at which each class of property will be assessed for that taxable year.
During the four year period provided in this section each county assessor shall make a separate list of all additional property added to the assessment rolls of his county after the effective date of this act and shall file a copy thereof with his county commissioners each year prior to the fixing of the annual tax levies.

SECTION 31. That Chapter 22, Title 63, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 63-2218, to be known and designated as Section 63-2219, and to read as follows:

63-2219. ADJUSTMENT OF ASSESSED VALUATION WITHIN A COUNTY BY THE STATE TAX COMMISSION UPON FAILURE OF COUNTY OFFICIALS TO PROPERLY ASSESS CLASS 1 AND CLASS 2 PROPERTY.—Whenever it appears to the State Tax Commission that any County Assessor or Board of County Commissioners in assessing property in the county subject to taxation and within Classes 1 and 2 of Section 63-101A, Idaho Code, has failed to abide by, adhere to and conform with the laws of the state of Idaho and the rules and regulations of the State Tax Commission in determining full cash value or has failed or neglected to assess the proper percentage of full cash value as provided in Section 63-101B, Idaho Code, then, and in that event, the State Tax Commission shall notify the County Assessor and Board of County Commissioners of such county to make the necessary changes or corrections in such assessments and if the County Assessor and the Board of County Commissioners fail or neglect to promptly comply with such notice, the State Tax Commission is authorized to and shall forthwith adjust or change the assessment roll in such county, by adjusting downward the percentage of full cash value of Class 3 property of Section 63-101A, Idaho Code, by twice the percentage portion that the Commission finds that property in Classes 1 and 2 in such county is assessed below the percentage of full cash value provided in Section 63-101B, Idaho Code, as a result of either, failure to assess property at its full cash value, or failure to bring said percentage up to the percentage required by Section 63-101B, Idaho Code. Such adjustments shall be subject to the laws of the state of Idaho and the rules and regulations of the State Tax Commission relative to protests and appeals.

SECTION 32. That Sections 63-315, 63-406, 63-605, 63-606, 63-607, 63-609, 63-310, 63-627, 63-628 and 63-701A, Idaho Code, be, and the same are hereby repealed.
SECTION 33. Whenever any provisions of the existing laws of the state of Idaho or if any laws enacted by the Thirty-eighth Session of the Legislature of the state of Idaho, are in conflict with the provisions of this act, the provisions of this act shall control and supersede all such laws.

SECTION 34. This act shall become effective with regard to all assessments made after December 31, 1965, and all assessments for the year 1965, including protests and appeals therefrom, shall be determined without reference to the provisions of this act.

Approved March 29, 1965.

CHAPTER 313
(H. B. No. 314)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, RECEIPTS TO APPROPRIATIONS, ENDOWMENT INCOME, TO THE DEAF AND BLIND SCHOOL FOR LUMP SUM APPROPRIATION; APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO AND VARIOUS FEDERAL FUNDS, TO THE DEPARTMENT OF EDUCATION FOR THE PURPOSE OF PAYING SALARIES AND WAGES AND KINDERGARTEN EXPENSE CONTINGENT UPON PASSAGE OF KINDERGARTEN BILL, TRAVEL EXPENSE, OTHER CURRENT EXPENSE, CAPITAL OUTLAY, AND PAYMENT AS AGENT; APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO AND VARIOUS FEDERAL FUNDS, TO THE STATE BOARD FOR VOCATIONAL EDUCATION FOR THE

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, Receipts to Appropriations, Endowment Income, and various federal funds, 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 payments as agent, of the agencies hereinafter named, and in the case of Vocational Education, in accordance with the current Idaho State plan for Vocational Education, for the period commencing July 1, 1965, and ending June 30, 1967, subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated:  
DEAF AND BLIND SCHOOL:  
For:  Lump Sum Appropriation .......... $ 955,000.00

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Total $ 955,000.00
DEPARTMENT OF EDUCATION:
For: Salaries and Wages ...................... $ 634,700.00
  *Kindergarten Fund ......................  20,000.00

Total .................................. $ 654,700.00
Travel Expense ................................  90,000.00
Other Current Expense ..................  175,000.00
Capital Outlay ................................  35,000.00
Payment as Agent ..........................  3,806,400.00

Total .................................. $4,761,100.00
From the General Fund .................  698,905.00
From Federal-Indian Education ..........  460,149.00
From Federal-School Lunch .............  1,940,000.00
From Federal National Defense
  Education ................................  1,541,195.00
From Federal-Civil Defense Adult
  Education ................................  120,851.00

Total .................................. $4,761,100.00

*$20,000.00 appropriation for kindergartens contingent up-
on passage by the Thirty-eighth Session of the Idaho Legis-
lature of legislation referring to the administration of kin-
gartens. If no legislation for kindergartens passes, this
amount from salaries and wages reverts to the General
Fund. This $20,000.00 vetoed by the Governor.

STATE LIBRARY BOARD:
For: Salaries and Wages ...................... $ 160,000.00
Travel Expense ................................ 14,457.00
Other Current Expense ..................  61,982.00
Capital Outlay ................................  80,000.00
Payments as Agent .........................  175,145.00

Total .................................. $ 491,584.00
From the General Fund .................  145,000.00
Receipts to Appropriations .............  1,800.00
Federal Funds ............................  344,784.00

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WESTERN INTERSTATE COMMISSION
FOR HIGHER EDUCATION:
For: Lump Sum of $400,000.00
From the General Fund $400,000.00

YOUTH TRAINING CENTER:
For: Lump Sum of $1,335,000.00

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Approved March 29, 1965, with the exception of the item vetoed on page 5 of the bill.

CHAPTER 314
(S. B. No. 257)

AN ACT

APPROPRIATING MONEY FROM THE GENERAL FUND FOR

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

SECTION 1. There is hereby appropriated out of the general fund of the state of Idaho the sum of $1,200.00 to Earl Coe for the purpose of reimbursing Earl Coe, as lessee of state lands, for improvements on the leased lands which will be inundated by the backwaters of Dworshak Dam.

SECTION 2. There is hereby appropriated out of the general fund of the state of Idaho the sum of $4,500.00 to William O. Oleson, Jr. for the purpose of reimbursing William O. Oleson, Jr., as lessee of state lands, for improvements on the leased lands which will be inundated by the backwaters of Dworshak Dam.
SECTION 3. There is hereby appropriated out of the general fund of the state of Idaho the sum of $600.00 to Leo Crane for the purpose of reimbursing Leo Crane, as lessee of state lands, for improvements on the leased lands which will be inundated by the backwaters of Dworshak Dam.

SECTION 4. There is hereby appropriated out of the general fund of the state of Idaho the sum of $1,250.00 to Lars R. Strand for the purpose of reimbursing Lars R. Strand, as lessee of state lands, for improvements on the leased lands which will be inundated by the backwaters of Dworshak Dam.

SECTION 5. There is hereby appropriated out of the general fund of the state of Idaho the sum of $7,050.00 to E. B. Davies for the purpose of reimbursing E. B. Davies, as lessee of state lands, for improvements on the leased lands which will be inundated by the backwaters of Dworshak Dam.


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 30, 1965.

CHAPTER 315
(S. B. No. 167, As Amended in the House of Representatives)

AN ACT
AMENDING SECTION 34-203, IDAHO CODE, RELATING TO STATE OFFICERS, BY DELETING A PROVISION REPEALED BY CONSTITUTIONAL AMENDMENT; ADDING NEW MATERIAL REQUIRING A CANDIDATE FOR THE OFFICE OF GOVERNOR OF THE STATE OF IDAHO TO BE A QUALIFIED VOTER OF THE STATE OF IDAHO FOR TWO YEARS NEXT PRIOR TO THE NOMINATING ELECTION; AMENDING SECTION 34-204, RELATING TO UNITED STATES SENATORS AND REPRESENTATIVES, BY ADDING NEW MATERIAL
REQUIRING CANDIDATES FOR THE OFFICE OF UNITED STATES SENATOR AND REPRESENTATIVE TO BE QUALIFIED VOTERS OF THE STATE OF IDAHO FOR TWO YEARS NEXT PRIOR TO THE NOMINATING ELECTION.

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

SECTION 1. That Section 34-203, Idaho Code, be, and the same is hereby amended to read as follows:

34-203. STATE OFFICERS.—At the general election, in the year 1946, and every fourth year thereafter, there shall be elected the following state officers, to-wit: One governor, one lieutenant governor, one secretary of state, one state treasurer, one state auditor, one superintendent of public instruction, and one attorney-general. From and after the election of 1946, the governor shall not succeed himself in office but shall be eligible to hold such office after a lapse of one full term. In each representative and senatorial district of the state such representatives and senators as they may be severally entitled to, shall be elected in the year 1946 and every alternate year thereafter.

A candidate for governor of the state of Idaho shall be a qualified voter of the state of Idaho for two years, next prior to the nominating election for the office to which he aspires.

SECTION 2. That Section 34-204, Idaho Code, be, and the same is hereby amended to read as follows:

34-204. UNITED STATES SENATORS AND MEMBERS OF CONGRESS.—At the general election, 1920, and every six (6) years thereafter and at the general election, 1924, and every six (6) years thereafter, there shall be elected a United States senator.

At the general election, 1920, and every alternate year thereafter, there shall be elected in each congressional district a representative in Congress and any additional number of representatives in Congress to which the state may be entitled in the state at large.

Candidates for United States senator and representative in Congress shall be qualified voters of the state of Idaho for a period of two (2) years, next prior to the nominating election for the office to which they aspire.

This bill became a law without the signature of the Governor effective March 29, 1965.
CHAPTER 316
(H. B. No. 331)

AN ACT

RELATING TO REVENUE, AMENDING SECTION 63-3004, IDAHO CODE, TO ALTER THE DATE OF REFERENCE TO THE INTERNAL REVENUE CODE; AMENDING SECTION 63-3013A, IDAHO CODE, TO PERMIT DOMICILIARIES REQUIRED BY THE TERMS OF THEIR EMPLOYMENT TO BE OUTSIDE THE STATE TO REPORT AS NON-RESIDENTS; AMENDING SECTION 63-3022, IDAHO CODE, TO ELIMINATE THE FEDERAL INCOME TAX DEDUCTION FOR CORPORATIONS, TO ALTER THE DEPLETION LIMITATION FOR CORPORATIONS, TO DISALLOW INVESTMENT TAX CREDIT REDUCTION AND INCLUDE RETROACTIVELY IN TAXABLE INCOME AMOUNTS RESTORED TO BASIS OF SECTION 38 PROPERTY; AMENDING SECTION 63-3028, IDAHO CODE, RETROACTIVELY TO ADJUST THE CALCULATION OF THE FEDERAL INCOME TAX DEDUCTION FOR CORPORATIONS; AMENDING SECTION 63-3033, IDAHO CODE, REQUIRING THE PAYMENT OF INTEREST UPON EXTENSION OF TIME; AMENDING SECTION 63-3034, IDAHO CODE, PERMITTING EARLY PAYMENT OF ESTIMATED TAX LIABILITY; AMENDING SECTION 63-3035, IDAHO CODE, TO CHANGE THE AMOUNT TO BE withheld FOR TAX PURPOSES; AMENDING SECTION 63-3036, IDAHO CODE, TO EXTEND ITS PROVISIONS TO ALL EMPLOYERS; AMENDING SECTION 63-3045, IDAHO CODE, TO ACCORD WITH OTHER CHANGES; AMENDING SECTION 63-3049, IDAHO CODE, TO PROVIDE FOR APPEALS BY THE TAX COLLECTOR AND TAXPAYERS; AMENDING SECTION 63-3067, IDAHO CODE, TO INCREASE THE SIZE OF THE REFUND FUND; DECLARING AN EMERGENCY AND ESTABLISHING EFFECTIVE DATES.

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:

63-3004. INTERNAL REVENUE CODE. — The term "Internal Revenue Code" means the Internal Revenue Code of 1954 of the United States, as amended, and in effect on the 31st day of December, 1964.

SECTION 2. That Section 63-3013A, Idaho Code, as
amended, be, and the same is hereby amended to read as follows:

63-3013A. PART-YEAR RESIDENT.—The term "part-year resident" means an individual who enters or leaves the state during the taxable year and has resided or was domiciled within the state for a period of less than twelve months during the taxable year or who, without regard to domicile, was required by the terms of his employment to be present in another state or foreign country, other than as a commuter, for an aggregate of at least 180 consecutive days during the taxable year unless, in the case of a domiciliary of this state, exclusion of income from taxation under this section subjects such income to taxation or to a tax measured by income by another state or foreign country. The taxable income of such taxpayer from sources within this state shall be determined in the same manner as provided for nonresidents.

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 during the taxable year from foreign securities and from securities issued by states and other political subdivisions exempt from federal income tax under the Internal Revenue Code, less applicable amortization.

(b) Add any state taxes, measured by net income, paid or accrued during the taxable year adjusted for state tax refunds used in arriving at taxable income as defined in Section 63 of the Internal Revenue Code.

(c) In the case of persons other than corporations, 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
(5) next preceding taxable years; provided, however, such net operating loss shall be subtracted first in the first succeeding taxable year, and any excess not so subtracted may then be subtracted in the second succeeding taxable year, and any excess shall be subtracted in each succeeding taxable year in order until the net operating loss is exhausted, but the total subtracted in such succeeding taxable year shall not exceed the total of such net operating loss; provided, further, that net operating losses arising in taxable years commencing on or after January 1, 1964, must first be carried back to the three (3) taxable years preceding the year of such net operating loss in the manner provided in Internal Revenue Code section 172 except that no such net operating loss shall be carried back to any taxable year commencing before January 1, 1963; and provided, further, that net operating losses accumulated in any taxable years commencing before January 1, 1964 shall be carried forward as provided in the beginning part of this subsection before any 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 243 (a) of the Internal Revenue Code (relating to dividends received by corporations) as limited by section 246 (b) (1) of said code.

(g) In the case of a corporation, subtract an amount equal to 85 per centum of the amount received during the taxable year as dividends from a qualifying corporation, subject to the rules provided in section 246 (b) (1) of the Internal Revenue Code. For the purpose of this section, a "qualifying corporation" means a corporation which has shown to the satisfaction of the tax collector that more than 50 per centum of its taxable income for the taxable year immediately preceding the declaration of such dividends was taxable by the state of Idaho under the provisions of this act, or under a previous tax levied by the state of Idaho measured by income.

(h) In the case of persons other than corporations, 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.

(3) No subtraction shall be allowable for any reduction in basis in section 38 property placed in service after December 31, 1963.

(4) Effective for taxable years beginning after December 31, 1963, the prior deduction from basis of section 38 property shall be restored and all amounts previously deducted from income under section 63-3022 (k) shall be included in taxable income for the taxpayer’s first taxable year beginning after December 31, 1963.

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—CORPORATIONS.—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 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, 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 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—investment tax credit provided by Internal Revenue Code section 38 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.

For taxable years beginning after December 31, 1963, in which a deduction is allowed for federal income tax paid or accrued, federal taxable income in the interdependent simultaneous equation above required shall not include section 63-3022 (k) adjustments, but Idaho taxable income shall include adjustments required by section 63-3022 (k) (4).

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 Section 63-3033, Idaho Code, be, and the same is hereby amended to read as follows:

63-3033. EXTENSION OF TIME.—The Tax Collector may grant a reasonable extension of time for filing any return, declaration, statement or other document, or payment required by this act; provided, however, that no such extension shall be for a period in excess of six months.

In all cases, where the Tax Collector has granted an extension of time in which to file any return, interest shall be
paid on any tax due from the due date to date of payment at the rate of six per cent (6%) per annum.

SECTION 6. That Section 63-3034, Idaho Code, be, and the same is hereby amended to read as follows:

63-3034. PAYMENT OF TAX.—The entire tax imposed by this act shall be paid to the Tax Collector on or before the date upon which the return must be filed with the Tax Collector, provided that payments made before the termination of the year for which taxes are paid shall be based upon the taxpayer's estimate of total state tax liability.

SECTION 7. That Section 63-3035, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

63-3035. STATE WITHHOLDING TAX ON PERCENTAGE BASIS — WITHHOLDING, COLLECTION AND PAYMENT OF TAX.—(a) Every employer who is required under the provisions of the Internal Revenue Code to withhold, collect and pay income tax on wages or salaries paid by such employer to any employee shall, at the time of such payment of wages, salary, bonus or other emolument to such employee, deduct and retain therefrom an amount equal to eighteen per centum (18%) of the amount so withheld under the terms of the Internal Revenue Code in effect January 1, 1963, December 31, 1964. 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 8. That Section 63-3036, Idaho Code, as amended, be, and the same is hereby amended to read as follows:

63-3036. STATE WITHHOLDING TAX ON PERCENTAGE BASIS FOR FARMERS.—Every farmer who is an employer and all other employers exempt from withholding by the Internal Revenue Code shall at the time of the payment of wages, salaries, bonus or other emoluments to an employee, deduct and retain therefrom an amount equal to one per cent (1%) of such wage, salary, bonus or emolument or the value of such emolument, and the amount so withheld and deducted shall be held by said farmer-employer and other employers in trust for the State of Idaho and for the payment thereof to the tax collector. The farmer-employer and other employers shall deliver to the tax collector a return upon such form as shall be prescribed by said tax collector showing the amounts of wages, salary, bonus or other emoluments paid to his employee, the amount deducted therefrom in accordance with this section, and such other pertinent and necessary information as the tax collector may require on or before January 31 of the year following the year in which such deduction was made. The farmer-employer or other employers making such a deduction as provided for in this section shall furnish to the employee annually, but not later than thirty (30) days after the end of the calendar year, a record of the amount of the tax withheld from such employee on forms to be prescribed, prepared and furnished by the tax collector. The provisions of the preceding sections (d), (e) and (f) shall be applicable
to the tax withheld by the farmer-employer or other employers under this section. The tax so withheld by the farmer-employer or other employers shall be paid annually to the tax collector on or before April 15 of the year following the year in which such deduction was made. Provided, that no tax need be withheld from an employee whose wages, salaries, bonuses and other emoluments total less than $150.00 for the tax year.

SECTION 9. That section 63-3045, Idaho Code, be, and the same is hereby amended to read as follows:

63-3045. NOTICE OF DEFICIENCY—INTEREST.—
(a) If, in the case of any taxpayer, the tax collector determines that there is a deficiency in respect of the tax imposed by this act, the tax collector shall, immediately upon discovery thereof, send notice of such deficiency to the taxpayer by registered or certified mail. Within sixty (60) days after such notice is mailed (not counting Sunday as the sixtieth day), the taxpayer may, at his option, file a protest with the state tax collector or state tax commission or may file a complaint with the district court in Ada County or the county in which the taxpayer resides upon payment of the tax deficiency asserted or filing a bond in accordance with the provisions of Section 63-3049 for the and obtain redetermination of the deficiency. No assessment of a deficiency in respect of the tax imposed by this act, and no distraint or proceedings in court for its collection shall be made, begun, or prosecuted until such notice has been mailed to the taxpayer, nor until the expiration of such sixty (60) day period, nor, if a protest has been filed, until the decision of the tax collector or state tax commission becomes final. If the present address of the taxpayer is not known, the notice shall be mailed to his last known address.

(b) If the taxpayer does not file a protest with the tax collector or state tax commission or an action in the district court within the time prescribed in the first subsection of this section, the deficiency shall be assessed and shall become due and payable upon notice and demand from the tax collector.

(c) Interest upon any deficiency shall be assessed at the same time as the deficiency, shall be due and payable upon notice and demand from the tax collector and shall be collected as a part of the tax at the rate of six percentum (6%) from the date prescribed for the payment of the tax.
SECTION 10. That section 63-3049, Idaho Code, be, and the same is hereby amended to read as follows:  

63-3049. JUDICIAL REVIEW. — (a) The determination of Redetermination by the tax collector or the state tax commission may be reviewed in the district court for Ada county or the county in which the taxpayer resides or has his principal office or place of business by a complaint notice of appeal filed by the taxpayer against the tax collector within sixty (60) days after the receipt of notice of the decision of the tax collector or state tax commission denying, in whole or in part, any protest of the taxpayer. If a protest of a taxpayer is filed with the state tax commission and the decision of the state tax commission is adverse to the tax collector, the tax collector may, within sixty (60) days after receipt of notice of the decision, file a complaint for review of the decision of the state tax commission appeal to the district court for the county in which the taxpayer resides or has his principal office or place of business. Upon the filing of summons upon the tax collector or a notice of appeal upon the taxpayer or tax collector, as in any civil action, the cause shall proceed as other civil cases but may be heard by the judge in chambers. If the court finds that any tax is due, it shall enter judgment for such tax, including any interest or penalties that may also be due and owing, against the taxpayer. Any taxes, penalties or interest paid, found by the court to be in excess of that which can be legally assessed, shall be ordered refunded to the taxpayer with interest from the time of payment.

(b) Before any such appeal may be filed by the taxpayer, any taxpayer of the state when he deems any act, order or proceeding of the tax collector or state tax commission illegal or prejudicial to the public interest, the taxpayer shall pay the tax or deficiency as assessed, together with interest and penalty thereon, or in lieu thereof file with the clerk of the court sufficient and adequate bond in double the amount of the tax penalty and interest claimed due from the taxpayer, executed by a surety company licensed and authorized to do business in the state of Idaho, conditioned for upon the payment of any tax, penalty and interest that may be found due by the court, then the taxpayer may apply to the district court by a complaint filed against the tax collector or state tax commission within sixty (60) days after such act, order or proceeding is made or done by the tax collector or state tax commission for a review thereof by the court, and such No act, order or proceeding shall not be valid until after the time allowed for taking such court ac-
tion has expired or until such court action is finally determined. If the court finds that any tax is due, it shall, unless the tax has been paid, enter judgment therefor against the taxpayer and the surety. Any taxes, interest, or penalties paid, found by the court to be in excess of those which can be legally assessed, shall be ordered refunded to the taxpayer, with interest from the time of payment; provided, however, that this section shall not apply to jeopardy assessments defined in section 63-3065. Upon hearing duly had the court shall affirm, reverse or modify the action or order of the tax collector or state tax commission so reviewed.

(c) Any party to the proceedings may appeal to the Supreme Court from the judgment of the district court under the rules and regulations prescribed for appeals. If the appeal be taken by the tax collector, he shall not be required to give any undertaking or to make any deposits to secure the cost of such appeal.

SECTION 11. That section 63-3067, Idaho Code, be, and the same is hereby amended to read as follows:

63-3067. REVENUE RECEIVED—STATE REFUND FUND.—All monies, except as hereinafter provided, received by the state of Idaho under this act shall be deposited by the tax collector, as received by him, with the state treasurer and shall be placed in and become a part of the general fund under the custody of the state treasurer. Providing however, that an amount equal to ten per centum (10%)—fifteen per centum (15%) of the amount deposited with the state treasurer shall be placed in the “state refund fund” which is hereby created for the purpose of repaying over-payments made under this act and for the purpose of paying any other erroneous receipts illegally assessed or collected, penalties collected without authority and taxes and licenses unjustly assessed, collected or which are excessive in amount, where the proceeds of such collection, tax, license or receipt are credited to the general fund. There is hereby appropriated out of the state refund fund so much thereof as may be necessary for the payment of the refunds herein provided for. No appropriation is made hereunder for refunds for gasoline tax or licenses, taxes, penalties, collections or any other payment, the proceeds of which go into a fund other than the general fund. Claims for, and payment of refunds under the provisions of this section shall be made in the same manner as other claims against the state of Idaho.
Any unencumbered balance remaining in the state refund fund on December 31 of each and every year in excess of $250,000 shall be transferred to the general fund and the state auditor is hereby authorized and directed on such dates to make such transfers unless the board of examiners, which is hereby authorized to do so, changes the date of transfer or sum to be transferred.

SECTION 12. EFFECTIVE DATE. — An emergency existing therefore, which emergency is hereby declared to exist, this Act shall be in full force and effect immediately upon its passage and approval and retroactively to January 1, 1965, the provisions of Section 3 amending Section 63-3022 (k), Idaho Code, and the provisions of Section 4 amending section 63-3028, Idaho Code, shall be in force and effect retroactively to December 31, 1963, and withholding tax under new schedules produced by this amendatory act shall go into force and effect on July 1, 1965.

Approved March 29, 1965.
VISION AND SPECIFYING THE NUMBER OF MEMBERS, 
THE MANNER OF APPOINTMENT, TERM OF OFFICE AND 
QUALIFICATIONS THEREOF; PROVIDING FOR THE OR- 
GANIZATION OF THE CONVENTION AND THE DUTIES 
THEREOF; PROVIDING FOR THE PAY AND ALLOWANCES 
FOR THE COMMISSION; PROVIDING FOR THE DUTIES OF 
THE LEGISLATIVE COUNCIL IN ASSISTING IN THE WORK 
OF THE CONVENTION; PROVIDING CERTAIN EXEMP- 
TIONS; PROVIDING A SEVERABILITY CLAUSE AND AN 
EFFECTIVE DATE.

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

SECTION 1. TITLE.—This act may be cited as the “Ida- 
ho Constitutional Convention Act.”

SECTION 2. DEFINITIONS.—Unless the context other- 
wise requires, the words and phrases as used herein shall 
mean:

“Convention” shall mean the convention called to revise 
or amend the Constitution of the State of Idaho.

“Delegate” shall mean a duly elected delegate to the Idaho 
Constitutional Convention.

“Commission” shall mean the Idaho Commission on Con- 
stitutional Revision.

“Elector” shall mean persons qualified to vote in a gen- 
eral election in the State of Idaho.

SECTION 3. CALL OF CONVENTION.—Pursuant to 
Article 20, Section 3 of the Constitution of the State of 
Idaho, a call for a convention to revise or amend the Con- 
stitution of the State of Idaho is hereby issued. The con- 
vention shall convene at Boise City, Ada County, State of 
Idaho, at a time and place specified by the Governor, but not 
more than fourteen (14) months following the general 
election at which a majority of all the electors voting at 
said election shall have voted for a convention.

SECTION 4. NUMBER OF DELEGATES.—The conven- 
tion shall consist of a number of delegates equal to twice the 
total membership of the Idaho House of Representatives. 
Each county or state representative district shall elect a 
number of delegates equal to twice the number of state re- 
presentatives that such county or state representative dis- 
trict is authorized by law to elect to the Idaho House of 
Representatives. Vacancies in the office of delegate shall 
be filled by appointment by the Governor.
SECTION 5. QUALIFICATION AND ELECTION OF DELEGATES.—The qualifications for election or appointment as delegate shall be the same as those for election to the office of state representative from the county or state representative district from which such delegate is elected or appointed. Delegates shall be elected at a special election called for such purpose pursuant to a proclamation issued by the Governor. Such special election shall be held not less than four (4) months nor more than nine (9) months following the general election at which a majority of all the electors voting at said election shall have voted for a convention.

SECTION 6. DECLARATION OF CANDIDACY.—Each candidate for the office of delegate shall file his declaration of candidacy in the office of the County Auditor not less than thirty (30) nor more than forty (40) days prior to the date of the special election to be held to elect delegates, in substantially the following form, to wit:

"I, the undersigned, being a qualified elector of .......................................................... Precinct, ................................................ County (or ................................................ State Representative District), State of Idaho, hereby declare that I am a candidate for the office of Delegate to the Idaho Constitutional Convention, to be voted for at the election on the ........ day of ................................, 19........, and I certify that I possess the legal qualifications to fill said office, and that my Post Office address is ..........................................................

(Signed) ........................................................................

All blanks shall be properly filled in with the required information, and the declaration of candidacy shall be subscribed and sworn to before an officer authorized to administer oaths. Said declaration of candidacy shall have appended thereto a petition or petitions in substantially the following form, to wit:

"I, the undersigned, being a qualified elector of .......................................................... Precinct, ................................................ County (or ................................................ State Representative District), State of Idaho, do hereby certify and declare that .........................................................., a candidate for the office of Delegate to the Idaho Constitutional Convention, to be voted for at the election to be held on the ........ day of ................................, 19........, is legally qualified to fill said office. I further certify that I intend to support said candidate and
have signed no other petition for a candidate for the same office.

<table>
<thead>
<tr>
<th>Name of Petitioner</th>
<th>Post Office Address</th>
<th>Date</th>
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Said petition shall be signed by not less than fifty (50) nor more than one hundred (100) qualified electors residing within the county or state representative district from which said delegate is to be elected.

SECTION 7. CONDUCT OF ELECTION.—The names of candidates for election to the office of delegate shall appear on a single ballot for each county or state representative district from which delegates are to be elected without any political party designation or statement of affiliation whatever. Names of candidates shall be rotated on the ballot in substantially the same manner as is provided for nominating elections. Notice of the election shall be issued and posted in the same manner as for a general election. Except as otherwise herein provided, the election shall be conducted and the results thereof canvassed and certified in all respects, as nearly as practicable, as general elections, and laws relating to general elections shall govern the election of delegates. The number of candidates equal to the number of delegates to be elected receiving the greatest number of votes cast at said election shall be elected.

SECTION 8. MEETING AND ORGANIZATION OF CONVENTION.—At the time and place appointed for the meeting of the convention, the Governor, or in his absence the Lieutenant Governor, shall call the convention to order and preside until a presiding officer is elected from among the delegates. Only the delegates present having certificates of election issued by the County Auditor shall have a right to vote in the organization of the convention. The convention shall not organize or transact any business, but must adjourn from day to day, until a majority of all the delegates authorized by law to be elected are present. Following the election of a presiding officer, the convention shall elect such other officers, including a secretary who shall not be a delegate, as may be necessary. The convention shall adopt its own rules of procedure and shall make provision for the appointment of such committees as may be necessary to effect the purposes of the convention.

SECTION 9. DUTIES AND DURATION OF CONVENTION.—The convention shall conduct a thorough study and review of the Constitution of the State of Idaho and shall
consider and adopt proposed revisions or amendments to the Constitution. The convention shall remain in session for not longer than sixty (60) days, Sundays and legal holidays excepted, but may recess at any time for not more than fifteen (15) days to conduct such studies and hearings as may be deemed necessary. Upon adjournment sine die the convention shall compile a complete report covering its proceedings and shall submit its recommendations for proposed revisions or amendments to the Constitution of the State of Idaho to the electors for their approval or disapproval at the next general election. The convention shall make necessary provisions to fully inform the people of the State of Idaho concerning the proposed revisions or amendments to the Constitution.

SECTION 10. BUDGET. — Appropriation of necessary funds to pay the expenses for the convention shall be included in the budget for the fiscal period during which the convention shall be in session.

SECTION 11. COMMISSION ON CONSTITUTIONAL REVISION CREATED—APPOINTMENT, TERM OF OFFICE AND QUALIFICATIONS OF MEMBERS.—There is hereby created the Idaho Commission on Constitutional Revision, which shall consist of fifteen (15) members, to be appointed within thirty (30) days following the effective date of this act for a term to expire on December 31, 1970. Five (5) members shall be appointed by the Governor; five (5) members shall be appointed by the Chief Justice of the Supreme Court of the State of Idaho; and five (5) members shall be appointed by the Legislative Council. All vacancies shall be filled by appointment by the authority making the original appointment and shall be for the unexpired term thereof. Persons appointed to the commission must be qualified electors and shall have the necessary education, experience and knowledge of Idaho state government to serve in such office. In the makeup of the commission due consideration shall be given to major geographical areas and to principal economic and other interests within the State of Idaho. No person shall be eligible for election as a delegate while serving as a member of the commission.

SECTION 12. ORGANIZATION AND DUTIES OF THE COMMISSION.—Within sixty (60) days after the effective date of this act, the commission shall meet and organize at a time and place specified by the Governor. The commission shall elect a chairman and vice-chairman and such other officers as it deems necessary and shall adopt its own
rules of procedure. The commission shall conduct a thorough study and review of the Constitution of the State of Idaho. It shall meet regularly at various places within the State of Idaho and may conduct such hearings and such studies and research as it deems necessary to perform its duties. Not less than thirty (30) days prior to each biennial session of the legislature, the commission shall prepare a complete report covering its activities and make recommendations for proposed revisions or amendments to the Constitution of the State of Idaho to be considered by the legislature. Such report shall be submitted to the Governor and to each member of the legislature and shall be made available to the public. If the electors shall vote for a constitutional convention, then the commission shall make all necessary preparations for such convention, including arrangements for a suitable meeting place and the preparation of all materials and the results of any studies and research that may be of assistance to the delegates. Not less than thirty (30) days prior to such convention, the commission shall make a complete report summarizing its activities and findings and making recommendations for proposed revisions or amendments to the constitution which may be considered by the convention. Such report shall be submitted to the Governor, members of the legislature and delegates and shall be made available to the public.

SECTION 13. PAY AND ALLOWANCES.—Members of the commission shall serve without pay but shall receive travel and subsistence expenses in accordance with the provisions of the Standard Travel Pay and Allowance Act.

SECTION 14. DUTIES OF THE LEGISLATIVE COUNCIL.—To the extent consistent with the performance of its other duties and within the limitations of available funds, the legislative council shall assist the commission in its work by providing such clerical, technical and other services as may be required.

SECTION 15. EXEMPTIONS.—This act shall be exempt from the provisions of Section 59-102, Idaho Code, and from the provisions of Chapters 35 and 36, Title 67, Idaho Code.

SECTION 16. SEVERABILITY.—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 if 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 17. EFFECTIVE DATE. — This act shall be effective from and after the date of the general election at which a majority of all electors voting at said election shall have voted for a convention, provided, however, that Sections 11, 12, 13, 14, 15 and 16 of this act shall be effective on July 1, 1965.

Approved March 30, 1965.

CHAPTER 318
(S. B. No. 260)

AN ACT
AMENDING SECTION 13, HOUSE BILL NO. 280, THIRTY-EIGHTH SESSION, BY APPROPRIATING MONEY FROM THE GENERAL FUND OF THE STATE OF IDAHO FOR THE BIENNIAL COMMENCING JULY 1, 1965, TO PAY THE EXPENSES OF THE COMMISSION ON CONSTITUTIONAL REVISION; SUBJECT TO THE STANDARD APPROPRIATIONS ACT OF 1945.

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

SECTION 1. That Section 13, House Bill No. 280, Thirty-eighth Session be, and the same is hereby amended to read as follows:

13. PAY AND ALLOWANCES.—Members of the commission shall serve without pay but shall receive travel and subsistence expenses in accordance with the provisions of the Standard Travel Pay and Allowance Act. There is hereby appropriated to the commission, out of the general fund of the state of Idaho, the sum of $5,000, or so much thereof as is necessary, for the purpose of paying such expense of the commission, for the period commencing July 1, 1965, and ending June 30, 1967, subject to the Standard Appropriations Act of 1945.

Approved March 30, 1965.
CHAPTER 319
(S. B. No. 206)

AN ACT

AUTHORIZING THE ISSUANCE OF REVENUE BONDS BY THE IDAHO WATER RESOURCE BOARD; PRESCRIBING THE TERMS FOR SUCH BONDS; AUTHORIZING THE CREATION OF A SPECIAL FUND OR FUNDS INTO WHICH REVENUES WILL BE CHANNELED; PROVIDING FOR COMPLIANCE SUITS BY BONDHOLDERS; PROVIDING FOR OPTIONAL COVENANTS AND THE APPOINTMENT OF A TRUSTEE FOR BONDHOLDERS; PRESCRIBING THE PROCEDURE FOR ISSUANCE; PERMITTING ISSUANCE OF REFUNDING BONDS; PROVIDING FOR THE ISSUANCE OF WARRANTS; PROVIDING EXEMPTION OF BONDS FROM TAXATION; PERMITTING INSTITUTION OF LEGAL PROCEEDINGS; PROVIDING FOR LIBERAL CONSTRUCTION; AND PROVIDING FOR SEPARABILITY.

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

SECTION 1. BOND AUTHORIZATION. — The Idaho Water Resource Board is authorized, for the purpose of carrying out the lawful powers granted it by the laws of this state, to contract indebtedness and issue revenue bonds evidencing such indebtedness in conformity with this chapter.

SECTION 2. PURPOSES.—All revenue bonds authorized under the terms of this act may be issued and sold from time to time and in such amounts as is deemed necessary to provide sufficient funds for carrying out all its powers and, without limiting the generality thereof, shall include the following: construction, maintenance, repair and operation of water projects, engineering and other costs for investigation and promotion of water projects, fiscal and legal expenses, cost of issuance of bonds including printing and advertising expenses, the establishment of bond reserves, and payment of interest on bonds.

SECTION 3. FORM. — Revenue bonds shall bear such date or dates, mature at such time or times, bear interest at such rate or rates not exceeding six percent (6%) per annum, be payable at such place or places, be in such form either coupon or registered or both, carry such registration privileges and be subject to such terms of redemption as the Idaho Water Resource Board shall by resolution determine.
SECTION 4. SPECIAL FUNDS. — Bonds issued under the provisions of this act shall be payable solely out of revenues of the Idaho Water Resource Board. Such bonds shall be authorized by resolution, which resolution shall create a special fund or funds into which the Idaho Water Resource Board shall obligate and bind the Board to set aside and pay any parts of, or all of, or a fixed proportion of, or a fixed amount of the available revenue of the Board sufficient to pay the principal of and interest on such bonds as the same shall become due and, if deemed necessary, to maintain adequate reserves therefor. No appropriated monies shall be paid into such special fund or funds. Such fund or funds shall be drawn upon for the sole purpose of paying the principal of and interest on bonds issued pursuant to this act.

The bonds shall be negotiable instruments within the provisions and intent of the negotiable instrument laws of this state even though they shall be payable solely from such special fund or funds. The bonds and any coupons attached thereto shall state upon their face that they are payable solely from such special fund or funds. If the Board fails to set aside and pay into such fund or funds the payments provided for in such resolution, the holder of any such bonds may bring suit to compel compliance with the provisions of the resolution.

SECTION 5. COVENANTS.—The Board may provide such covenants as it may deem necessary to secure and guarantee the payment of the principal of and interest on such bonds, including but not limited to covenants to create reserve accounts and to authorize the deposit of certain monies therein for the purpose of securing and guaranteeing the payment of such principal and interest, to appoint a state or national bank or trust company as trustee for the bondholders to hold, invest and disburse moneys set aside and pledged to pay and guarantee the payment of such bonds and/or as a trustee for safeguarding the disbursing of the proceeds of the sale of such bonds, to fix such powers and duties of such trustee or trustees as may be found necessary to carry out the purpose of this act, and to make any and all other covenants not inconsistent with the provisions of this act which in the judgment of the Board will increase the marketability of such bonds. The Board may also provide that revenue bonds payable out of the same source or sources may be later issued on a parity with any revenue bonds being issued and sold. The provisions of this act and any resolution or resolutions providing
for the authorization, issuance and sale of such bonds shall constitute a contract with the holders of such bonds and the provisions thereof shall be enforceable by any owner or holder of such bonds by any appropriate suit, action or proceeding in any court of competent jurisdiction.

SECTION 6. ISSUANCE.—Such bonds shall be signed on behalf of the Board by the chairman of the Board and shall be attested by the secretary of the Board, one of which signatures may be a facsimile signature, and shall have the seal or facsimile seal of the Board impressed or imprinted thereon. All interest coupons attached thereto may be signed with the facsimile signatures of such officials. Such bonds shall be sold in the manner and at such price as the Board shall deem advisable, either at public or private sale.

SECTION 7. WARRANTS.—The Board may also issue revenue warrants for the same purposes for which they may issue revenue bonds and the provisions of this act relating to the terms, conditions, covenants, issuance and sale of revenue bonds shall be applicable to such revenue warrants.

SECTION 8. FUNDING, REFUNDING BONDS.—The Board may by resolution, from time to time, provide for the issuance of funding or refunding revenue bonds to fund or refund any outstanding revenue or other warrants or bonds, and any premiums thereon, and coupons evidencing interest upon any such bonds at or before the maturity or first optional redemption date of such coupons, warrants or bonds, and may combine various outstanding revenue warrants and parts or all of various series and issues of outstanding revenue bonds and matured coupons in the amount thereof to be funded or refunded. Revenue bonds may be refunded only at maturity, upon call for redemption in accordance with their terms or with consent of the holder.

The Board shall create a special fund or funds for the sole purpose of paying the principal of and interest on such funding or refunding revenue bonds, into which fund the Board shall obligate and bind the Board to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the available revenue of the Board sufficient to pay such principal and interest as the same shall become due, and if deemed necessary to maintain adequate reserves therefor.

Such funding or refunding bonds shall be negotiable instruments within the provisions and intent of the negotiable instrument laws of this state.
The Board may exchange such funding or refunding bonds for the warrants, bonds, and coupons being funded or refunded, or it may sell such funding or refunding bonds in the manner and at such price as the Board shall deem to be in the best interest of the state, either at public or private sale, or may both exchange and sell.

The provisions of this act relating to the terms, conditions, covenants, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

SECTION 9. TAX EXEMPTION.—Bonds issued pursuant to the authority contained in this act shall be exempt from taxation under the Idaho Income Tax law.

SECTION 10. CONSTRUCTION OF ACT. — This act shall be authority for the issuance of the bonds and warrants hereby authorized, and shall be liberally construed to accomplish its purposes. Any restrictions, limitations or regulations relative to the issuance of such bonds or warrants contained in any other act shall not apply to the bonds or warrants issued under this act. Any act inconsistent herewith shall be deemed modified to conform with the provisions of this act for the purpose of this act only.

SECTION 11. COMPELLING ISSUANCE.—In the event that any official required to participate in any act leading to the issuance of such bonds shall refuse to perform such act alleging as his reason illegality of the bonds to be issued, the Board may institute judicial proceedings to compel such step to be taken and legality of the bonds to be determined.

SECTION 12. 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 is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

Approved March 30, 1965.

CHAPTER 320
(S. B. No. 205, As Amended)

AN ACT
ESTABLISHING A STATE WATER RESOURCE BOARD CONSTI-
TUTING A STATE WATER RESOURCE AGENCY UNDER ARTICLE 15, SECTION 7, OF THE CONSTITUTION OF IDAHO; PRESCRIBING THE MEMBERSHIP, ORGANIZATION AND MANNER OF APPOINTMENT AND REMOVAL OF THE BOARD; NAMING THE STATE RECLAMATION ENGINEER AS A NONVOTING EX-OFFICIO MEMBER; CREATING DISTRICTS; PROVIDING FOR THE APPOINTMENT OF A DIRECTOR AND EMPLOYMENT OF A STAFF BY THE BOARD; PRESCRIBING A SEAL; SETTING FORTH AN OATH OF OFFICE; ESTABLISHING CRITERIA FOR DEVELOPMENT OF A WATER PROGRAM; DELEGATING TO THE BOARD THE POWERS DELINEATED IN ARTICLE 15, SECTION 7, OF THE CONSTITUTION AND THE POWER TO PREPARE AN INVENTORY OF WATER RESOURCES AND A STATE WATER PLAN, TO INSTITUTE JUDICIAL PROCEEDINGS TO ESTABLISH WATER RIGHTS, TO REPRESENT THE STATE IN MATTERS RELATED TO ITS DUTIES, TO COMMENCE, FINANCE AND OPERATE WATER PROJECTS, TO FILE FOR WATER RIGHTS, TO ACQUIRE LAND AND OTHER PROPERTY FOR WATER PROJECTS, TO SURVEY, TEST, INVESTIGATE, RESEARCH AND EXAMINE WATER MATTERS, TO COOPERATE WITH OTHER AGENCIES AND GOVERNMENTS AND ENTER INTO CONTRACTS WITH THEM, TO COMPILE INFORMATION, TO APPROVE OR DISAPPROVE CERTAIN WATER STORAGE PROJECTS, TO DISPOSE OF ITS RESOURCES AND FACILITIES, TO ENTER INTO CONTRACTS, TO SUE AND BE SUED, TO ASSIST THE STATE BOARD OF HEALTH IN THE STUDY OF WATER POLLUTION AND ESTABLISHMENT OF WATER QUALITY CRITERIA, TO CALL UPON OTHER STATE AGENCIES FOR COOPERATION, TO ISSUE REVENUE BONDS AND POOL REVENUES, TO REPORT TO THE LEGISLATURE, TO ISSUE RULES AND REGULATIONS AND TAKE OTHER NECESSARY ACTION; REQUIRING THAT CERTAIN PERMITS FOR IMPOUNDING WATER OR CONSTRUCTING RESERVOIRS BE SUBMITTED TO THE BOARD FOR APPROVAL OR DISAPPROVAL AND PROVIDING PROCEDURE FOR HEARING ON PERMIT, REVIEW BY DISTRICT COURT AND APPEAL; PROTECTING VESTED WATER RIGHTS AND POLICY OF PROJECT OPERATION AFTER PAY-OUT DEFINED; PROVIDING FOR MODIFICATION OR REPEAL OF CONFLICTING STATUTES; PROVIDING SEPARABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. DECLARATION OF INTENTION.—The welfare of the people of this state is dependent upon conser-
vation, development and optimum use of our water resources. To achieve this objective and protect the waters of Idaho from diversion out of state, it is essential that a coordinated, integrated, multiple use water resource policy be formulated and a plan developed to activate this policy as rapidly as possible. It is in the public interest that these functions be carried out by a single state agency.

SECTION 2. IDAHO WATER RESOURCE BOARD. — Pursuant to the provisions of Article 15, Section 7, of the Constitution of the State of Idaho, there is hereby established as the Constitutional Water Agency the Idaho Water Resource Board which shall consist of eight appointed members. In addition to this, the State Reclamation Engineer shall serve, ex-officio, as a nonvoting member of the board. The eight appointed members shall be qualified electors of the state, no more than four of whom shall be members of the same political party. Appointment of board members shall be made solely upon consideration of their knowledge, interest and active participation in the field of reclamation, water use or conservation and no member shall be appointed a member of the board unless he shall be well informed upon, interested in, and engaged actively in the field of reclamation, water use or conservation of water. Four of these members shall be appointed at large and no more than three of the eight members shall be residents of a single district. To insure representation of water users of all geographic locations of the state, one member shall be appointed from each of the following districts:

District No. 1 which shall consist of the counties of Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Nez Perce, Lewis and Idaho;

District No. 2 which shall consist of the counties of Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada, Elmore and Owyhee;

District No. 3 which shall consist of the counties of Camas, Gooding, Jerome, Twin Falls, Cassia, Blaine, Lincoln, Minidoka, Lemhi, Custer and Butte;

District No. 4 which shall consist of the counties of Clark, Fremont, Jefferson, Madison, Teton, Bingham, Bonneville, Power, Bannock, Caribou, Oneida, Franklin and Bear Lake.

All appointments shall be made by the Governor with the advice and consent of the Senate. As soon as practicable
after passage of this act, the Governor shall appoint all eight members; four members shall be appointed to terms which will expire on January 1, 1967, four members shall be appointed to terms which will expire on January 1, 1969, and thereafter all appointments shall be to four year terms. Any vacancy caused by death, removal, disqualification, or resignation, shall be filled by the Governor for the unexpired term caused by the vacancy. The appointed members shall not receive any compensation for their services, but when actually engaged in the performance of duties, all but the ex-officio member shall be paid and allowed a per diem of $25.00 for each day of such actual service and shall be reimbursed for travel and expenses at the same rate as other state officials.

SECTION 3. ORGANIZATION. — The business of the board shall be conducted as follows:

(a) The first meeting of the board shall be held in the city of Boise within thirty days following its appointment and thereafter the board shall hold no less than four regular meetings annually on dates and at places set by the board. The board shall maintain its principal office in the city of Boise. Special meetings of the board may be held by call of the Chairman, four of the members of the board, or the Governor. A majority of board members at any meeting shall constitute a quorum for the transaction of any business. No notice shall be required for regular, special or adjourned meetings, providing the time and place of the meeting is fixed at a meeting at which all of the board members are in attendance. Otherwise, five days written or telegraphic notice setting out the time, place and purpose of the meeting shall be required. Any meeting of the board at which all of the members are present shall be as valid as if held pursuant to notice. Members may waive notice in writing either before or at the time of the meeting.

(b) All meetings at which official action is taken by the board shall be open to the public; the board may hold executive sessions at which no official action is taken.

(c) At its first meeting the board shall elect one of its members Chairman and one of its members Vice-Chairman. Such officers shall hold their respective offices for a period of two years and until their successors are elected and qualified. Should a vacancy occur in either office, the board shall elect a member to fill such vacancy for the remainder of the term.
(d) The Chairman shall preside at all meetings of the board, perform the normal duties of that office and such other duties as may be required of him by the board.

(e) The Vice-Chairman shall possess all of the powers and perform all of the duties of the Chairman in the event of the death, absence, disability or refusal to act on the part of the Chairman, and such authority shall extend until a new Chairman has been elected and qualified. He shall also perform such other duties as may be required of him by the board.

(f) The board shall select a Secretary who may be a member of the board. The Secretary shall be responsible for full and accurate minutes of all meetings of the board, a record of its proceedings, and every ruling, order and decision made by it. He shall also perform such other duties as may be required of him.

(g) The board shall adopt a seal having upon it the words, "Idaho Water Resource Board", which shall be placed in the care and custody of the Director.

(h) Each member of the board shall, before entering upon the discharge of his official duties, file with the Secretary of State the statutory oath of office to which, and as a part thereof, shall be added a declaration of the political party to which said board member belongs.

SECTION 4. POWERS AND DUTIES.—The board shall have the following powers and duties:

(a) To have and exercise all of the rights, powers, duties and privileges vested by Article 15, Section 7, of the Constitution of this state in the Water Resource Agency, and the Water Resource Board, herein created, is hereby constituted the Water Resource Agency;

(b) To prepare a present and continuing inventory of the water resources of this state, ascertain means and methods of conserving and augmenting these and determine as accurately as possible the most effective means by which these water resources may be applied for the benefit of the people of this state;

(c) To progressively formulate an integrated, coordinated program for conservation, development and use of all unappropriated water resources of this state, based upon its studies and after public hearings in affected areas at which all interested parties shall be given the opportunity
to appear. In adopting such program the board shall be
guided by these criteria:

(i) Existing rights, established duties, and the relative
priorities of water established in Article 15, Section 3, of the
Constitution of Idaho, shall be protected and preserved;

(ii) Optimum development in the interest of and for
the benefit of the state as a whole shall be achieved by
integration and coordination of use of water and augmenta-
tion of existing supplies for all beneficial purposes;

(iii) Adequate and safe water supplies for human con-
sumption and maximum supplies for other beneficial uses
shall be preserved and protected;

(iv) Subject to the primary use of water for the bene-
cicial uses now or hereafter prescribed by law, minimum
stream flow for aquatic life and the minimization of pollu-
tion shall be fostered and encouraged and consideration
shall be given to the development and protection of water
recreation facilities;

(v) Watershed conservation practices consistent with
sound engineering and economic principles shall be encour-
aged;

(d) To institute judicial proceedings to have water rights
established by court decree on any stream, lake or under-
ground water basin; in such proceedings court costs of the
action, including the survey and determination of water
uses by the State Reclamation Engineer, shall be borne by
the board.

(e) To appear on behalf of and represent the state in
matters related to its duties in any proceeding, negotiation,
or hearing involving the federal government or other state;
provided, however, that compact commissions now estab-
ished by law shall continue to act but in so doing shall act
on behalf of the board and shall report to it;

(f) To accept, receive, initiate, investigate, consider and
promote such water projects as it deems to be in the public
interest.

(g) To generate and wholesale hydroelectric power at
the site of production if such power production is connected
with another purpose for such project;

(h) To file applications and obtain permits in the name
of the board, to appropriate, store, or use the unappropri-
ated waters of any body, stream, or other surface or underground source of water for specific water projects. Such filings and appropriations by the board, or any water rights owned or claimed by the board, shall be made in the same manner and subject to all of the state laws relating to appropriation of water, with the exception that the board will not be required to pay any fees required by the laws of this state for its appropriations. The filings and appropriations by the board shall be subject to contest or legal action the same as any other filing and appropriation and such filings and appropriations shall not have priority over or affect existing prior water rights of any kind or nature; provided that the board shall have the right to file for water rights with appropriate officials of other states as trustee for project users, and to do all things necessary in connection therewith;

(i) To finance said projects with revenue bonds or such moneys as may be available;

(j) To acquire, purchase, lease, or exchange land, rights, water rights, easements, franchises and other property deemed necessary or proper for the construction, operation and maintenance of water projects;

(k) To exercise, in accordance with the provisions of Title 7, Chapter 7, Idaho Code, the right of eminent domain to acquire property necessary for the construction of projects, both land and water;

(l) To conduct surveys, tests, investigations, research, examinations, studies, and estimates of costs relating to availability of unappropriated water, effective use of existing supply, conservation, storage, distribution and use of water;

(m) To cooperate in all water studies, planning, research, or activities with any state or local agency in this state, or any other state or any federal agency and to enter into contracts with federal, state and local governmental agencies to effect this purpose;

(n) To prepare and compile all information and data obtained and to make the same available to interested individuals or agencies. When a comprehensive state water plan is adopted, copies thereof shall be filed in the office of the Governor and State Reclamation Engineer, and published and distributed generally;

(o) To present to the Governor for presentation to the Legislature not later than the 30th of November of each
November prior to the convening of a regular legislative session the final report containing the complete plans, costs and feasibility estimates for any water project which the board recommends that the state construct in accordance with the multiple use water resource policy and plan; and to construct any water project specifically authorized by the Legislature.

(p) To enter into contracts with political subdivisions, municipal entities, individuals and others for the sale and lease of water, use of water, water storage, electric power, or other service, to turn over projects to water users after pay-out and to lease facilities, sell, lease or dispose of surplus facilities subject to the provisions of applicable law;

(q) To enter into contracts to effect the purposes of this act.

(r) To sue and be sued;

(s) To study and examine pollution of rivers, streams, lakes and ground water, and to advise, cooperate and counsel with the State Board of Health in a manner designed to avoid inhibition of economic development and at the same time insure the right of the people to comfortably enjoy our water resources and accomplish the establishment of water quality criteria;

(t) To call upon any other state agency for cooperation, assistance or use of information available to such agency; provided, however, if such agency is required to make substantial expenditures in responding to such request, appropriate arrangements for compensation may be accomplished;

(u) To issue revenue bonds for water projects, pledge any revenues available to the board to secure said bonds, exclusive of any revenues derived from legislative appropriations, and pool revenues from one or more projects constructed or operated by the board;

(v) To formulate and recommend, prior to each session of the Legislature, proposed legislation that may be necessary to assist it in effecting a proper plan for conservation, development and utilization of water resources and to report to each session of the Legislature on the public business entrusted to its care and the financial affairs of the board. In the period between legislative sessions, the board shall deposit with the legislative council statements describing all actions taken and projects undertaken by it;
(w) To issue procedural and operative rules and regulations as may be necessary for the conduct of its business;

(x) To appoint advisory boards when deemed desirable to aid in the execution of its powers;

(y) To take such other action as may be necessary to carry out its duties and powers under this act and the Constitution of the State of Idaho.

SECTION 5. APPOINTMENT OF DIRECTOR. — The board shall appoint a Director and fix his salary. The Director shall serve as its executive officer and administrative head of all employees necessary to effectuate the purposes of this act subject to supervision of the board. Such Director shall serve subject to the pleasure of the board, provided that the board may enter into a contract of employment with the Director which shall not exceed a term of four years. The Director may employ such engineering, technical, legal and other assistants, consultants and employees as may be necessary to carry out the purposes of this act.

SECTION 6. QUALIFICATIONS OF DIRECTOR.—The Director shall be a registered professional engineer selected with special reference to his training, experience and capacity in problems involving the flow of interstate streams and conservation, development and use of water resources. The Director shall select the staff pursuant to the State Plan of Merit System for personnel Administration, without regard to political affiliation and solely on the basis of skill, experience and proficiency.

SECTION 7. BOARD APPROVAL — CRITERIA HEARINGS—APPEAL.—

(a) All applications for permits for future filings involving the impoundment of water in a reservoir with an active storage capacity in excess of ten thousand (10,000) acre feet shall, prior to submission to the reclamation engineer, be submitted to the board for its approval or disapproval. Any application for permits for water use submitted directly to the State Reclamation Engineer and required to be submitted to the board shall be submitted by him to the board for its action.

(b) In determining whether an application for permit shall be approved, or disapproved, the board shall be guided by the following criteria:
1. Conserving the highest use of the water for all purposes.

2. The maximum economic development of the waters involved.

3. The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.

4. The amount of waters available for appropriation for beneficial use.

5. The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved.

6. All vested and inchoate rights to the waters of this state or to the use thereof, and the means necessary to protect such rights.

7. The state water policy formulated under other laws of this state.

(c) The board shall by regulation, establish procedures for notice and hearing on those permits which must be submitted to the board and may authorize hearings by hearing officers. The board or its hearing officer shall have power to administer oaths and to require the attendance of such witnesses and the production of such books, records and papers as it may desire at any hearing and for that purpose the board may issue a subpoena for any witnesses or a subpoena duces tecum to compel the production of any books, records or papers which shall be served and returned in the same manner as a subpoena in a civil case. In case of any disobedience or neglect to obey a subpoena or subpoena duces tecum it shall be the duty of the district court in any county of this state in which such disobedience, neglect or refusal occurs, or any judge thereof, on application by the board, to compel obedience by proceedings for contempt as in the case of a subpoena issued by a regularly constituted court. The applicant for a permit who appears before the board shall have similar powers and shall have the right to be represented by counsel. If the applicant does not appear at the appointed time, and his absence is without sufficient cause, the board shall have the right to proceed in his absence or may consider absence to constitute an admission of facts contrary to the position of the applicant. The board shall make Findings of Fact and Conclusions of Law leading to its approval or disapproval.
(d) Any applicant whose permit has been denied shall have the right to have the proceedings of the board reviewed by the district court in the county of his residence. Such review may be accomplished by filing a notice of appeal with the board. Such appeal shall be taken within twenty days of the time the board enters its final order. The district court on appeal shall determine whether the board has regularly pursued its authority, whether there is substantial evidence to support its factual findings and in all ways shall review the decision in the manner in which the determination of a district court is reviewed on appeal to the supreme court. Either party may appeal from any final decision of the district court.

SECTION 8. VESTED WATER RIGHTS PROTECTED—POLICY OF PROJECT OPERATION AFTER PAY-OUT DEFINED.—The board shall have no power or authority to do, and shall be and is prohibited from doing, any thing or act which would modify, set aside or alter any existing right or rights to the use of water or the priority of such use as established under existing laws except where the board acquires the consent of the owner or exercises the right of eminent domain as herein provided. It is the policy of the legislature to favor those projects with contractual agreements which provide that, upon completion of revenue bond pay-out, the project will revert to the ownership and management of that group or entity, public or private, which has paid for the project.

SECTION 9. EFFECT ON EXISTING STATUTES.—Any statute inconsistent with the provisions of this act or vesting in other agencies, boards or departments, powers or duties delegated by this act shall be deemed modified to the extent necessary to give full force and effect to the provisions of this act and permit execution of all delegated powers and duties by the Idaho Water Resource Board.

SECTION 10. 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 11. EFFECTIVE DATE.—An emergency existing therefor, which emergency is hereby declared extant, this act shall be in full force and effect immediately upon its passage and approval.

Approved March 30, 1965.
TO BE KNOWN AS THE "FOREST LAND AND TIMBER TAX LAW"; PROVIDING A METHOD OF ASSESSING FOREST TYPE LANDS AND FOREST CROPS; PROVIDING FOR EXEMPTIONS; PERMITTING ASSESSMENT OF BUILDINGS, IMPROVEMENTS ON AND OTHER USES OF FOREST LANDS; REQUIRING REPORTING BY CALENDAR QUARTERS OF FOREST CROPS HARVESTED; PROVIDING FOR EXAMINATION OF BOOKS AND RECORDS; PROVIDING PENALTIES FOR FALSE STATEMENTS AND FAILURE TO RENDER REPORTS TO THE ASSESSOR; PROVIDING THAT TAXATION UNDER THIS ACT IS EXCLUSIVE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE OF 1966.

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

SECTION 1. NAME OF ACT.—This act shall be known as the "Forest Land and Timber Tax Law".

SECTION 2. ASSESSED VALUE OF FOREST LAND. —For the purpose of assessment and ad valorem taxation, the bare land only of all forest type lands shall be classified as real property. The cash value thereof shall be the cash value of the annual productive capacity to grow a forest crop and determined in accord with applicable law and the rules and regulations thereunder. Such land shall be assessed at the same percentage of cash value as other real property is assessed.

SECTION 3. ASSESSED VALUE OF FOREST CROPS. —For the purpose of assessment and taxation, forest crops growing upon forest type lands shall be classified as personal property and shall be exempt from taxation except as provided in this act. In addition to the assessed value of forest type land as provided in Section 2, and at the time of severance, all forest crops harvested from the land shall be subject to assessment for the purpose of taxation and shall be assessed on the cash value of the crop immediately prior to severance. The cash value shall be determined in accord with applicable law and the rules and regulations thereunder. Such harvested forest crops shall be assessed at the same percentage of cash value as other personal property is assessed.
SECTION 4. EXEMPTIONS. — Forest products harvested for domestic use of the owner shall be exempt from taxation.

SECTION 5. TAXES DUE AND PAYABLE.—All taxes levied on the land of forest type lands shall be due and payable as are taxes levied on other real property and all taxes levied on a forest crop shall be due and payable as are taxes levied on other personal property.

SECTION 6. ASSESSMENT OF OTHER USES.—Nothing herein shall prevent the assessment in accord with any other applicable law, of buildings or other improvements on forest type lands or valuation and assessment of bare land when used for purposes in addition to that of growing of forest crops.

SECTION 7. REPORT OF HARVEST.—Every owner of a forest crop shall on or before April 30 report to the County Assessor the quantity of the forest crop harvested in the first calendar quarter, which report shall be in such form and in such unit of quantity as is directed by the Assessor. Such owner shall on or before July 31, October 31 and January 31 report the quantity harvested during the second, third and fourth calendar quarters respectively.

SECTION 8. EXAMINATION OF BOOKS—PENALTY FOR FALSE STATEMENT.—The Assessor at all reasonable times shall have the right to examine such books, accounts, and records as are necessary to verify the report made by such owner, in addition to the right to examine the land. If from such examination he finds such report to be false, he must assess the forest crop harvested by making an estimate of the quantity of the crop harvested from the best sources available to him. If he is satisfied the statement was intentionally falsely made, he shall add as a penalty therefor, in addition to any other penalties provided by law, an additional assessed value not to exceed fifty percent of the assessed value, which total amount shall be the assessed value for falsely reported quantity of a forest crop harvested.

SECTION 9. ASSESSMENT WITHOUT OWNER REPORTING.—If any owner of a forest crop shall willfully neglect or refuse to report any forest crop harvested as required by Section 7 above, the Assessor must determine the quantity of the crop harvested, determine the assessed value the same as though the report had been rendered, and, in addition to any other penalties provided by law, he shall
add as a penalty therefor up to one hundred percent of the assessed value, which total amount shall be the assessed value for such failure to report.

SECTION 10. ASSESSMENT UNDER THIS ACT EXCLUSIVE.—Forest type lands and forest crops growing and hereafter grown thereon shall be assessed under the provision of this act and not otherwise.

SECTION 11. SEVERABILITY.—If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of this act and the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

SECTION 12. EFFECTIVE DATE.—This act shall become effective on and after the assessment date of the tax year 1966.

Approved March 30, 1965.
CONSTITUTIONAL AMENDMENTS

ADOPTED BY MAJORITY VOTE OF THE PEOPLE
November 3, 1964

S.J.R. No. 1, Creation of Water Resource Agency, passed by the First Extraordinary Session of the Thirty-Seventh Session.

S.J.R. NO. 6, Extending Term for County Sheriffs to 4 years, passed by the Thirty-Seventh Regular Session, page 1147, 1963 Idaho Session Laws.

H.J.R. No. 5, Creation of Port Districts, passed by the Thirty-Seventh Regular Session, page 1149, 1963 Session Laws.

<table>
<thead>
<tr>
<th>S.J.R. NO. 1</th>
<th>H.J.R. NO. 5</th>
<th>S.J.R. NO. 6</th>
</tr>
</thead>
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<td>AYE</td>
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<tr>
<td>NAY</td>
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<td>NAY</td>
</tr>
<tr>
<td>TOTAL 146,724</td>
<td>178,083</td>
<td>172,268</td>
</tr>
<tr>
<td>Majority 35,203</td>
<td>75,254</td>
<td>82,743</td>
</tr>
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</table>

PUBLISHED BY AUTHORITY OF THE
SECRETARY OF STATE

WHEREAS, the committees from the Senate and House of Representatives dealing with the rules governing those bodies have made a careful study of the Joint Rules; and

WHEREAS, it is the desire of the committees to adopt the Joint Rules of the Thirty-seventh Session of the Legislature of the State of Idaho as the Joint Rules of the Thirty-eighth Session of the Legislature of the State of Idaho;

WHEREAS, it is the desire of the committees to further adopt one additional rule to be known as Joint Rule No. 14, covering press accreditation;

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the Joint Rules of the Thirty-seventh Session of the Legislature of the State of Idaho be, and the same are, hereby adopted as the Joint Rules of the Thirty-eighth Session of the Legislature of the State of Idaho.

BE IT FURTHER RESOLVED by the Senate, the House of Representatives concurring therein, that an additional rule known as Joint Rule No. 14 be, and the same is, hereby adopted as follows:

"PRESS ACCREDITATION.—The Capitol Correspondents Association shall be recognized as the accrediting agency for newsmen and news photographers covering either house of this Legislature."

Passed by the Senate January 8, 1965.

Passed by the House January 12, 1965.
A CONCURRENT RESOLUTION


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 Thirty-eighth 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-eighth Session of the Idaho Legislature be fixed as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secretary of the Senate</td>
<td>$30.00</td>
</tr>
<tr>
<td>Chief Clerk and Parliamentarian (House)</td>
<td>30.00</td>
</tr>
<tr>
<td>Assistant Secretary of the Senate</td>
<td>25.00</td>
</tr>
<tr>
<td>Assistant Chief Clerk (House)</td>
<td>25.00</td>
</tr>
<tr>
<td>Secretaries to the President, Speaker and</td>
<td></td>
</tr>
<tr>
<td>President Pro Tem</td>
<td>20.00</td>
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<tr>
<td>Sergeant-at-Arms</td>
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<tr>
<td>Assistant Sergeant-at-Arms</td>
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</tr>
<tr>
<td>Purchasing Agent</td>
<td>20.00</td>
</tr>
<tr>
<td>Journal Clerks</td>
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</tr>
<tr>
<td>Docket Clerks</td>
<td>20.00</td>
</tr>
<tr>
<td>Enrolling and Engrossing Clerks</td>
<td>18.00</td>
</tr>
<tr>
<td>Payroll Accountant</td>
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</tr>
<tr>
<td>Secretaries</td>
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<tr>
<td>Clerks</td>
<td>15.00</td>
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<tr>
<td>Proof Readers</td>
<td>18.00</td>
</tr>
<tr>
<td>Receptionists and Hostess</td>
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<tr>
<td>Elevator Operators</td>
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<tr>
<td>Mail Clerks</td>
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<tr>
<td>Doorkeepers</td>
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<td>Janitors</td>
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<tr>
<td>Messengers</td>
<td>12.00</td>
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<tr>
<td>Pages</td>
<td>10.00</td>
</tr>
<tr>
<td>Chaplains</td>
<td>10.00</td>
</tr>
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</table>
Attorneys ................................................. 30.00
Nightwatchman ........................................ 12.00

Passed by the Senate January 12, 1965.
Passed by the House January 12, 1965.

(S. C. R. No. 3)
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-Eighth 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 7, 1965; 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 7, 1965; and

(c) Such sum or sums as may be necessary to pay the premiums upon life, accidental death, dismemberment, hospital, medical, surgical and major medical benefits of employees of the Legislature for the period of their employment during the two year period commencing January 7, 1965.

Passed by the Senate January 15, 1965.
Passed by the House January 21, 1965.
A CONCURRENT RESOLUTION

DIRECTING THE LEGISLATIVE COUNCIL OF THE STATE OF IDAHO TO OBTAIN A FINANCIAL OFFICER FOR THE PURPOSE OF REVIEWING AND STUDYING ALL STATE GENERAL AND SPECIAL FUND BUDGETS AND PROVIDING FOR REPORTS THEREOF.

WHEREAS, the Legislative Council of the State of Idaho was created by the 37th Session of the Legislature of the State of Idaho and is charged with the responsibility of conducting research upon any subject directed by the legislature, and

WHEREAS, it is deemed necessary by the 38th Session of the Legislature of the State of Idaho that a continuous review and study of state budgets, both general fund and special fund, should be made, and,

WHEREAS, it is the desire of the Legislature of the State of Idaho to conserve wherever possible the taxpayers' money entrusted to the various departments and agencies of the State of Idaho, and

WHEREAS, a continuing study and review of the budget and operations of the various state departments would be and is essential to efficiency and economy in the operation of state government, and

WHEREAS, sufficient time does not exist to conduct such review and study during the limited time available in a regular legislative session and said study and review should be a continuous obligation 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 of the State of Idaho be and is hereby directed to retain a financial and fiscal officer as a permanent employee of the Legislative Council, within the limitations of the budget of said Legislative Council, said financial officer to perform, subject to legislative council supervision, a complete study and review on a continuous basis of all budgets, both general and special fund, of the State of Idaho, and to make reports thereon to the Legislative Council and the Legislature of the State of Idaho as may be from time to time required.

Passed by the Senate January 27, 1965.

Passed by the House March 18, 1965.
A CONCURRENT RESOLUTION

PROVIDING FOR ACKNOWLEDGMENT AND APPRECIATION OF THE SERVICE AND CONTRIBUTIONS DR. DONALD R. THEOPHILUS, PRESIDENT OF THE UNIVERSITY OF IDAHO, HAS MADE AND SHALL CONTINUE TO RENDER TO THE UNIVERSITY OF IDAHO, THE STATE OF IDAHO AND TO THE NATION.

WHEREAS, it is fitting and proper that the Legislature of the State of Idaho, in respect, admiration and appreciation of Dr. Donald R. Theophilus, President of the University of Idaho, acknowledge his service and weighty contributions to the University of Idaho and the great State of Idaho; and

WHEREAS, Dr. Donald R. Theophilus has served our great university since 1927, starting as an associate professor, then serving as Dean of Agriculture from 1946 to 1954, and finally as President of the University of Idaho from 1954 to the present; and

WHEREAS, Dr. Donald R. Theophilus is the recipient of four degrees, including his doctorate, from Iowa State University, and honorary degrees from the College of Idaho and the University of Idaho, and in 1958 he was awarded an Outstanding Graduate Certificate at Iowa State University's Centennial celebration; and

WHEREAS, Dr. Donald R. Theophilus belongs to numerous scholastic, scientific and professional societies, and serves in various responsible roles as an elector of the Hall of Fame for Great Americans, the executive committee of the American Association of Land-grant Colleges and State Universities, and as chairman of the Idaho Selection Committee for Rhodes Scholarships and chairman of the State of Idaho's Special Commission on National Resources, Organization and Administration; and

WHEREAS, Dr. Donald R. Theophilus' primary interest has been and shall continue to be our great University of Idaho and what that institution means and shall contribute to the State of Idaho and the nation;

NOW, THEREFORE, BE IT RESOLVED that the Senate of the State of Idaho, the House of Representatives concurring herein, now pays tribute and extends to President Donald R. Theophilus sincere appreciation and acknowledg-
edgment of the services and contributions he has made and shall continue to render to the University of Idaho, the State of Idaho and to the nation.

BE IT FURTHER RESOLVED that the Secretary of State is hereby directed to transmit suitable copies of this Resolution to the President of the University of Idaho, the President of Idaho State University, the Board of Regents of the University of Idaho and to the Governor of the State of Idaho.

Passed by the Senate February 16, 1965.

Passed by the House February 20, 1965.

(S. C. R. No. 6)

A CONCURRENT RESOLUTION

A RESOLUTION RECOGNIZING THE EASTERN ORTHODOX CHURCH AS A MAJOR FAITH IN THE STATE OF IDAHO.

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

WHEREAS, It has come to the attention of the members of the Legislature of the State of Idaho that, whenever mention is made or matter is printed concerning the major faiths, usually only Protestants, Catholics and Jews are referred to as constituting the major faiths of the state; and

WHEREAS, The Eastern Orthodox Church is a major faith in the State of Idaho and in the United States of America; and

WHEREAS, The Eastern Orthodox Church, by reason of its long and illustrious history, should be included in the meaning of any recognition of the major faiths;

NOW, THEREFORE, BE IT RESOLVED, that the Eastern Orthodox Church is hereby recognized as a major faith in the State of Idaho, and official references to the major faiths shall be deemed to and will include the Eastern Orthodox Church.

BE IT FURTHER RESOLVED that the Secretary of State is hereby directed to transmit suitable copies of this resolution to the Most Reverend Archbishop Iakovos, Archbishop of the Greek Orthodox Church of North and South America, Primate of the Greek Orthodox Archdiocese, to
the Reverend Father Constantine S. Palassis of Idaho and Eastern Oregon and to all news media of the State of Idaho.

Passed by the Senate March 2, 1965.
Passed by the House March 10, 1965.

(S. C. R. No. 7)

A CONCURRENT RESOLUTION

REFERRING AN ASSIGNMENT, CONCERNING THE NEED AND DESIRABILITY OF LEGISLATION PROVIDING FOR THE DEVELOPMENT, MANAGEMENT AND REGULATION OF LANDS LYING BELOW THE MEAN HIGH WATER MARK OF NAVIGABLE STREAMS AND LAKES OF THE STATE OF IDAHO, TO THE LEGISLATIVE COUNCIL OF THE STATE OF IDAHO.

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

WHEREAS, Chapter 4, Title 67, Idaho Code, provides for specific assignments by Concurrent Resolution to the Legislative Council; and

WHEREAS, the Legislature of the State of Idaho is acutely aware of the need for enactment of legislation providing for the development, management and regulation of lands lying below the mean high water mark of navigable streams and lakes and a declaration of public policy relating thereto; and

WHEREAS, an agency of the State of Idaho should be empowered, by such legislation, to issue leases and construct public facilities for the development, management and regulation of water edge developments on stream and lake beds of Idaho, being mindful of the preservation of private property rights thereon; and

WHEREAS, such lands should be developed, managed and regulated promulgating the availability of such lands for the welfare of the State of Idaho and its citizenry; and

WHEREAS, the title heretofore or hereafter acquired by this state by grant from the U.S. Government, or others, or by operation of law, to lands lying below the mean high water mark of navigable lakes and streams should be, by legislative enactment, vested in the State of Idaho in trust
in perpetuity for benefit of all the people of the state to allow enjoyment of travel over navigable waters, carrying commerce across such waters, and use of such waters for recreational endeavors; and

WHEREAS, it is in vital interest of the public welfare that the legislature provide for the highest use of navigable waters and prevent abuses by riparian owners and the public of their respective rights in and on such waters;

NOW, THEREFORE, BE IT RESOLVED, that the Legislative Council be assigned to research and study for consideration of the Thirty-ninth Session of the Legislature of the State of Idaho, the problems which will confront the Legislature of the State of Idaho in drafting and proposing legislation providing for the development, management and regulation of lands lying below the mean high water mark of navigable streams and lakes pursuant to the directive of this Resolution; and

BE IT FURTHER RESOLVED, that the Legislative Council present to the Public Resources and Public Recreation Committee of the Thirty-ninth Session of the Legislature of the State of Idaho, the fruits of its research and study, and submit recommendations regarding the enactment of such legislation.

Passed by the Senate March 12, 1965.
Passed by the House March 18, 1965.

(S. C. R. No. 8)

A CONCURRENT RESOLUTION
DIRECTING THE LEGISLATIVE COUNCIL TO CONDUCT A STUDY OF THE LAWS OF THE STATE OF IDAHO AFFECTING THE GENERAL BUSINESS CLIMATE AND REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE NEXT SESSION OF THE LEGISLATURE.

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

WHEREAS, there is need for improvement of the business climate in the state of Idaho in order to encourage greater capital investment, to stimulate economic growth, to create expanding job opportunities and to otherwise pro-
mote the orderly and efficient development of Idaho re-
sources;

NOW, THEREFORE, BE IT RESOLVED by the Senate
of the Thirty-eighth Session of the Legislature of the state
of Idaho, the House of Representatives concurring therein,
that the legislative council is directed to consider in its
studies of the laws of the state of Idaho those which most
directly affect the general business climate and to submit to
the Thirty-ninth Session of the Legislature of the state of
Idaho a report covering any findings and recommendations
for proposed changes in any existing laws and for the enact-
ment of any proposed new laws which will improve the
business climate and promote economic growth in the state
of Idaho.

Passed by the Senate March 15, 1965.

Passed by the House March 18, 1965.
A CONCURRENT RESOLUTION

"Concurrent Resolution providing for a Joint Session of the House of Representatives and the Senate of the Thirty-eighth Session of the Legislature of the State of Idaho for the purpose of hearing the Governor's message.

"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 o'clock noon, on January 5, 1965.

"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 11:45 o'clock a.m., on January 5, 1965, for the purpose of hearing a message from the Governor.

Passed by the House January 4, 1965.
Passed by the Senate January 5, 1965.

A CONCURRENT RESOLUTION

SETTING ASIDE A SUM NOT TO EXCEED SEVEN THOUSAND FIVE HUNDRED DOLLARS FOR THE USE OF THE HOUSE REVENUE AND TAXATION COMMITTEE IN FULFILLING ITS DUTIES AS SUCH.

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

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 seven thousand five hundred dollars of the amount heretofore appropriated for the operation of the Thirty-eighth Session of the State Legislature be set aside at the disposal of said Committee and that the Chairman of said committee, upon approval by the Committee and upon written endorsement of the Speaker of the House, may make needed and necessary expenditures of obtaining technical staff and compiling information and similar activities, in an amount not to exceed said sum.

Passed by the Senate January 18, 1965.

(H. C. R. No. 3)

A CONCURRENT RESOLUTION

"Concurrent Resolution providing for a Joint Session of the House of Representatives and the Senate of the Thirty-eighth Session of the Legislature of the State of Idaho for the purpose of hearing the Governor's message.

"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 11 o'clock a.m., on January 13, 1965.

"NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that the Senate and the House meet in Joint Session at 10:45 o'clock a.m., on January 13, 1965, for the purpose of hearing a message from the Governor.

Passed by the House January 12, 1965.
Passed by the Senate January 13, 1965.
EXPRESSING APPRECIATION TO THE IDAHO NATIONAL GUARD AND THE 25TH ARMY BAND THEREOF; TO THE GREATER BOISE CHAMBER OF COMMERCE; REV. DONALD SKINNER, ALL SAINTS EPISCOPAL CHURCH OF BOISE; SILVER SAGE GIRL SCOUT COUNCIL SENIOR SCOUTS; THE BOISE ELK'S GLEEMEN; AND TO REV. HERBERT E. RICHARDS, FIRST METHODIST CATHEDRAL OF BOISE, FOR THEIR PARTICIPATION IN THE CEREMONIES PERTAINING TO THE INAUGURATION OF REPRESENTATIVES AND SENATORS-ELECT OF THE STATE OF IDAHO.

WHEREAS, on the fourth day of January, 1965, at the hour of 12:00 noon in the Chamber of the House of Representatives in the State Capitol Building at Boise, Idaho; the Idaho National Guard and the 25th Army Band thereof, the Greater Boise Chamber of Commerce, Rev. Donald Skinner of All Saints Episcopal Church, Boise; Silver Sage Girl Scout Council Senior Scouts, the Boise Elk's Gleemen, and Rev. Herbert E. Richards of the First Methodist Cathedral of Boise, participated in ceremonies in conjunction with the administration of the oath of office by Chief Justice Henry F. McQuade of the Idaho Supreme Court, to Representatives and Senators-elect of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that we express our sincere appreciation to each of the persons and groups who gave so generously of their fine talents to make impressive and colorful the ceremonies relating to the administration of the oath of office by Chief Justice Henry F. McQuade to the Representatives and Senators-elect of the State of Idaho as follows: the Rev. Donald Skinner, All Saints Episcopal Church, Boise, for the invocation; the Rev. Herbert E. Richards, First Methodist Cathedral of Boise, for the benediction; the Silver Sage Girl Scout Council Senior Scouts for leading the Pledge of Allegiance to the Flag; the Idaho National Guard for the services of the aides of the Guard; the 25th Army Band of the Idaho National Guard for their rendition of the National Anthem; and the Boise Elk's Gleemen for their choral presentation; 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 18, 1965.

Passed by the Senate January 20, 1965.

(H. C. R. No. 5)

A CONCURRENT RESOLUTION

DESIGNATING FEBRUARY 1965 AS NATIONAL GUARD MONTH IN RECOGNITION OF ITS VALUE AND CONTRIBUTION TO OUR STATE AND NATION; AUTHORIZING THE GOVERNOR TO ISSUE A PROCLAMATION TO THAT EFFECT.

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

WHEREAS, the Idaho National Guard was organized in 1877 and has a long history of service and accomplishment; and

WHEREAS, the Idaho National Guard has been of great value to the State of Idaho as an emergency force and on many occasions has responded to the call for emergency duty and contributed greatly to those in distress; and

WHEREAS, the Idaho National Guard has on a number of occasions been called and ordered by the President and the Congress of the United States to active duty and served in the defense of our country; and

WHEREAS, the Legislature of the State of Idaho supports and affirms the concept of the civilian component as exemplified by the National Guard with a ready reserve force in being available to the State of Idaho and our nation; and

WHEREAS, the National Guard of all the states is one of our nation’s first-ranking Reserve Force; and

WHEREAS, the Idaho National Guard, in fulfilling its mission as a ready reserve force must maintain its troop strength; and

WHEREAS, the Idaho National Guard is instituting a special recruiting drive during February 1965, and in recognition of the high purpose, pride, professional competence, and record of solid accomplishment, it is only fitting
that the Legislature should set apart the month of February 1965 specially in honor of the Idaho National Guard and in support of its special recruiting drive.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring, that the month of February 1965 be designated as National Guard Month in the State of Idaho in recognition of its many accomplishments and contributions to the State of Idaho and in support of it in its recruiting effort during that month; and

BE IT FURTHER RESOLVED that the Governor of the State of Idaho shall issue a proclamation to that effect and urge all persons to give recognition to the Idaho National Guard and to support it in its recruiting program.

Passed by the House February 1, 1965.

Passed by the Senate February 1, 1965.

(H. C. R. No. 6)

A CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, INVITING THE GOVERNOR AND ELECTIVE OFFICIALS TO ATTEND, FOR THE PURPOSE OF CONDUCTING A LINCOLN DAY MEMORIAL PROGRAM.

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

WHEREAS, on the 3rd day of March in 1863, Abraham Lincoln signed the Organic Act of the Territory of Idaho granting self-government to the forefathers of the great state of Idaho; and

WHEREAS, Abraham Lincoln epitomized the strivings of the people of our great State for freedom and equal opportunity for all; and

WHEREAS, the spirit of that great President of the United States of America has inspired and united Idahoans to work together for an even greater state; and

WHEREAS, it is fitting and proper that the Legislature of the State of Idaho, in honor of the sixteenth President of the United States of America, hold proper memorial ser-
NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Thirty-eighth 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, 1965, for the purpose of holding memorial services in honor of the birth of Abraham Lincoln.

BE IT FURTHER RESOLVED that the Governor and other elective officials be invited to join the House of Representatives and the Senate in the observance of this occasion.

BE IT FURTHER RESOLVED that the Committee of the House previously appointed serve jointly with the Committee of the Senate previously appointed to arrange the program for such memorial services.

Passed by the House February 11, 1965.
Passed by the Senate February 12, 1965.

(H. C. R. No. 8)

A CONCURRENT RESOLUTION

DIRECTING LEGISLATIVE COUNCIL TO MAKE A STUDY OF THE RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES AND TO PROPOSE JOINT RULES AT THE NEXT SESSION OF THE LEGISLATURE.

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

WHEREAS, there is a need for uniform rules in the Senate and House of Representatives of the State of Idaho to better facilitate the handling of legislative acts in the houses,

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Thirty-eighth Session of the Legislature of the State of Idaho, the Senate concurring therein, that the legislative council is directed to conduct a study of the rules of the Senate and the rules of the House of Representatives of the State of Idaho and prepare proposed joint rules for both houses.

BE IT FURTHER RESOLVED that the legislative coun-
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,

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 COMET PRINTING AND LITHOGRAPH, 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 17th day of February, 1965, 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-eighth Session, hereinafter mentioned as par-
ty of the first part, and COMET PRINTING & LITHOGRAPH, hereinafter mentioned as party of the second part;

WITNESSETH: That pursuant to a resolution of said committee and written bid submitted to the said committee by party of the second part, contract for legislative printing is hereby awarded to the said COMET PRINTING & LITHOGRAPH, as follows:

CALENDARS

For printing 300 copies of the Calendars for the House and Senate combined, each legislative day: $8.50 per printed page per day.

IT IS AGREED By the parties hereto that all of said printing shall be done in the form and manner as per specifications: where not otherwise herein provided, 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. 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 a proper official, and the said party of the first part, by concurrent resolution, has caused these presents to be executed by proper officials.

JOINT PRINTING COMMITTEE of the Senate Printing, Legislative Expense and Elections Committee
BY: Harry Harn, Chairman
House Printing and Legislative Expense Committee
By: Dale B. Garner, Chairman
Party of the first part
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 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 17th day of February, 1965, 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 THE CAXTON PRINTERS, Ltd., of Caldwell, Idaho, hereinafter mentioned as party of the second part;
WITNESSETH: That pursuant to a resolution of said committee and written bids submitted to the said committee by the party of the second part, contract for legislative printing is hereby awarded to the said CAXTON PRINTERS, Ltd., as follows:

SESSION LAWS

For printing and binding 1,500 copies of the 1965 Session Laws of the Thirty-eighth Session of the Legislature of the State of Idaho: $12.48 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 as submitted in written bid by party of the second part, and in compliance with the statutes of the State of Idaho; where not otherwise provided such statutes shall be controlling.

IT IS FURTHER AGREED That said Session Laws shall be printed 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 ninety (90) 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.

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: Harry Harn, 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 House March 10, 1965.
Passed by the Senate March 12, 1965.

(H. C. R. No. 11)

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 con-
tract 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 COMET PRINTING & LITHOGRAPH, 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 17th day of February, 1965, 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-eighth Session, hereinafter mentioned as party of the first part, and COMET PRINTING & LITHOGRAPH, hereinafter mentioned as party of the second part;

WITNESSETH: That pursuant to a resolution of said committee and written bid submitted to the said committee by party of the second part, contract for legislative printing is hereby awarded to the said COMET PRINTING & LITHOGRAPH, as follows:

For printing lots of 8½x11 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 10th working day after receipt of order and complete copy, as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lots of 500 letterheads and 500</td>
<td>$12.40</td>
</tr>
<tr>
<td>No. 10 envelopes</td>
<td></td>
</tr>
<tr>
<td>For each Senator and each Rep.</td>
<td></td>
</tr>
<tr>
<td>Lots of 250 letterheads and 250</td>
<td>7.90</td>
</tr>
<tr>
<td>No. 10 envelopes</td>
<td></td>
</tr>
<tr>
<td>For each Senator and each Rep.</td>
<td></td>
</tr>
<tr>
<td>Business cards: Lots of 250</td>
<td>2.65</td>
</tr>
<tr>
<td>Lots of 500</td>
<td>3.50</td>
</tr>
</tbody>
</table>
The letterhead for each Senator and each Representative must show the name and address of each Senator or Representative in the upper left hand corner, all committee chairmanships and memberships which said Senator or Representative may hold, in the upper right hand corner. 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 as per specifications.

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 practice; 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 a proper official and party of the first part, by concurrent resolution, has caused these presents to be executed by proper officials.

JOINT PRINTING COMMITTEE of the Senate Printing, Legislative Expense and Elections Committee
By: Harry Harn, Chairman
House Printing and Legislative Expense Committee
By: Dale B. Garner, Chairman
Party of the first part

COMET PRINTING & LITHOGRAPH
By: Kenny R. Reiman
Party of the second part

Passed by the House March 10, 1965.
Passed by the Senate March 12, 1965.

(H. C. R. No. 12)

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 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 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 17th day of February, 1965, 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-eighth 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

1,000 copies .................. $14.80 per printed page
Additional copies .... $1.17 per hundred per printed page
No charge for proofreading.

IT IS AGREED that the number of copies of Senate and House Bills 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 specifications for Senate and House Bills of the first party shall be complied with as though set forth herein at length.

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, Legislative Expense and Elections Committee
By: Harry Harn, 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 House March 10, 1965.
Passed by the Senate March 12, 1965.

(H. C. R. No. 13)

A CONCURRENT RESOLUTION
PROVIDING FOR THE PREPARATION AND PRINTING OF THE INDEX AND TABLES FOR THE SESSION LAWS, AND FIXING THE PRICE FOR PREPARING AND PRINTING 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 preparation and printing of the index and tables for 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 preparation and printing of the index and tables for the Session Laws, made and entered into according to law between said Joint Printing Committee as party of the first part, and THE VOTER PUBLISHING 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 17th day of February, 1965, 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-eighth Session, hereinafter mentioned as party of the first part, and THE VOTER PUBLISHING CO., 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 the party of the second part, contract for indexing and preparing tables for the Session Laws is hereby awarded to the said VOTER PUBLISHING CO., as follows:

INDEXING AND PREPARING TABLES FOR SESSION LAWS

For preparing a numerical subject matter index and a table of sections of the Idaho Code that have been amended, repealed or changed from page proof furnished by the successful bidder who has the contract for printing the Session Laws:

$1.75 per printed page of text material
IT IS AGREED Between the parties hereto that time is of the essence and the said VOTER PUBLISHING COMPANY will begin indexing and preparing tables from the time the first page proof is submitted to them and will continue such work without unreasonable interruption in order that the session laws may be published and made available to the public, complete with index and tables, in the shortest possible time without undue delays.

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: Harry Harn, Chairman
House Printing and Legislative Expense Committee
By: Dale B. Garner, Chairman
Party of the first part

THE VOTER PUBLISHING CO.
By: James A. Goller
Party of the second part

Passed by the House March 10, 1965.
Passed by the Senate March 12, 1965.

(H. C. R. No. 14)

A CONCURRENT RESOLUTION

PROVIDING FOR PRINTING THE LEGISLATIVE JOURNALS, FIXING THE PRICE FOR PRINTING THE SAME, AND THE PRICE WHICH THE PUBLIC SHALL BE CHARGED FOR COPIES OF SAID JOURNALS.

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

WHEREAS, Section 67-509, Idaho Code, has made provisions for the printing of the Legislative Journals:

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the Joint Printing Com-
mittee 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 17th day of February, 1965, 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-eighth 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

1,000 .................................................$17.40 per column
Additional 100 copies ......................... .45 per column

Said copies to be distributed as directed by the chairman.

PERMANENT JOURNAL

275 copies each of Senate and House Journals .....................$ 8.80 per column
Index pages ........................................ 17.60 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 the approved proof 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.

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, Legislative Expense and Elections Committee
By: Harry Harn, 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 House March 10, 1965.
Passed by the Senate March 12, 1965.

(H. C. R. No. 15)

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-eighth 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-eighth Session of the Legislature and each new member of the Thirty-seventh Session of the Legislature who did not receive a copy of the Idaho Code, with one set and to deliver the same to such members.

(2) To acquire the necessary number of 1965 annotations and pocket supplements to the Idaho Code for the use of all members of the Thirty-eighth 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-eighth 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 new sets delivered to members, including the acts of the Thirty-eighth Session, payment for such annotating to be made from any funds appropriated for the legislative expense of this Thirty-eighth Session of the Idaho Legislature.

Passed by the House March 12, 1965.

Passed by the Senate March 13, 1965.

(H. C. R. No. 16)

A CONCURRENT RESOLUTION

DIRECTING THE LEGISLATIVE COUNCIL TO MAKE A STUDY OF A PROGRAM OF SPECIAL SERVICES FOR EXCEPTIONAL OR HANDICAPPED CHILDREN AND A STUDY OF THE TRANSPORTATION SYSTEM OF OUR PUBLIC SCHOOLS; AND DIRECTING THE LEGISLATIVE COUNCIL TO SUBMIT ITS WRITTEN REPORT OF FINDINGS AND RECOMMENDA-
Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the need has been recognized to explore the scope and nature of special services which could benefit exceptional and handicapped children in the state; and

WHEREAS, any program providing special services for exceptional or handicapped children should be undertaken only after thorough and exhaustive study as to the number of such children, the types of special services which might be provided, the cost of such services and the expected benefits to be derived by exceptional or handicapped children through such a program; and

WHEREAS, there is insufficient time during the current session of the legislature to conduct any such study or make any reasonable investigation of the many factors to consider in implementing any program for special services for exceptional or handicapped children; and

WHEREAS, the administration of the transportation system of our public schools is constantly under scrutiny to determine whether it fairly, satisfactorily and adequately serves the best interests of our school children,

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Thirty-eighth Session of the Legislature of the State of Idaho, the Senate concurring therein, that the legislative council, with the aid, cooperation, recommendations of the State Board of Education, the Idaho School Trustees Association, the Idaho Association of School Superintendents, and local school administrators, is directed to conduct a thorough and complete study of each of the following areas of public interest:

1. The need and scope of a special program in our school system for exceptional and handicapped children, and the estimated costs thereof, with specific study and findings on each of the following factors:

   (a) The number and geographical location of exceptional and handicapped children in the state, including but not necessarily limited to, those who are physically handicapped, mentally retarded, emotionally disturbed, chronically ill, or who have perceptual impairment, visual or auditory handicap or speech impairment and children who are
so academically talented that they need special educational programs to achieve their fullest potential.

(b) The various types and kinds of special services which would benefit such children with an evaluation of the benefits which could be expected from such special services.

(c) The estimated cost of providing a program of such special services for such children, including specifically the cost of establishing and maintaining an administrative unit to administer the program, formulation of standards for the program, employing supervisory and clerical personnel to assist and direct school districts in implementing the program, providing a research program to evaluate results and make recommendations, and establishing eligibility criteria to evaluate and screen children in determining eligibility for the special services.

(d) Evaluating the total cost of the special services program for exceptional and handicapped children with relation to the benefits to be derived from the program and the respective responsibilities of the state and local school districts in financing such costs, including the method of computing and distributing state assistance for the program.

(e) The role and relationship of private institutions, hospitals, and private rehabilitation centers to such a program of special services for the exceptional and handicapped children.

(f) Any other factors which are relevant in formulating, implementing, and administering a special program for exceptional and handicapped children.

2. A review and complete evaluation of the entire transportation system of our public schools with specific study and findings on each of the following factors:

(a) Safety rules and regulations for the maintenance and operation of school buses, including the responsibility of the public and the training, instruction and qualifications of bus operators.

(b) The role of private individuals and companies furnishing school bus service as contrasted to publicly owned and operated school buses.

(c) The adequacy of school bus routes, the methods of determining routes, and the eligibility requirements of a child to have school bus transportation.
(d) The method and amount of state funds distributed to local school districts to support school transportation systems.

(e) Any other factors which are relevant in operating and financing a school transportation system.

BE IT FURTHER RESOLVED that the legislative council be directed to submit a written report of its findings and recommendations to the Thirty-ninth Session of the Legislature of the State of Idaho.

Passed by the House March 16, 1965.

Passed by the Senate March 17, 1965.

(H. C. R. No. 17)

A CONCURRENT RESOLUTION

SETTING ASIDE A SUM NOT TO EXCEED TWENTY THOUSAND DOLLARS FOR THE USE OF A COMMITTEE OF THE LEGISLATURE TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO BE USED FOR THE STUDY OF REVENUE PROBLEMS BY THIS COMMITTEE.

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

WHEREAS, critical problems involving revenue and taxation and requiring constant attention, in particular problems relating to taxation of inventory, application and operation of the Sales Tax, taxation of foreign corporations, and the effect of the Sales Tax upon border counties exist,

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring, that the Speaker of the House of Representatives and the Lieutenant Governor set aside from appropriations heretofore or hereafter made for legislative expenses of this session, the sum of twenty thousand dollars ($20,000.) to be used by a Committee to be appointed by the Speaker of the House of Representatives of the State of Idaho for a study of revenue problems relating to: the operation and effect of the Sales Tax and particularly its application in border counties; taxation of multi-state corporations; and taxation of inventories by the counties.

Passed by the House March 12, 1965.

Passed by the Senate March 17, 1965.
IDAHO SESSION LAWS

(H. C. R. No. 20)

A CONCURRENT RESOLUTION

SETTING ASIDE AN ADDITIONAL SUM NOT TO EXCEED SEVEN THOUSAND DOLLARS FOR THE USE OF THE HOUSE REVENUE AND TAXATION COMMITTEE IN FUL-FILLING ITS DUTIES AS SUCH.

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

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 seven thousand dollars, in addition to the sum provided for by House Concurrent Resolution No. 2, of the amount heretofore appropriated for the operation of the Thirty-eighth Session of the State Legislature be set aside at the disposal of said Committee and that the Chairman of said Committee, upon approval by the Committee and upon written endorsement of the Speaker of the House, may make needed and necessary expenditures of obtaining technical staff and compiling information and similar activities, in an amount not to exceed said sum.

Passed by the House March 17, 1965.

Passed by the Senate March 18, 1965.

(H. C. R. No. 21)

A CONCURRENT RESOLUTION

ACCEPTING A MARBLE PLAQUE PRESENTED TO THE PEOPLE OF THE STATE OF IDAHO BY THE CITIZENS OF PELILEO,
ECUADOR AND PROVIDING FOR THE INSTALLATION OF THE PLAQUE IN THE IDAHO STATE CAPITOL BUILDING.

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

WHEREAS, The Idaho Partners of the Alliance is a private non-profit organization composed of citizens from many parts of the State of Idaho who have dedicated themselves to the raising of funds and to the furnishing of equipment and other kinds of assistance for the purpose of helping the citizens of Pelileo, Ecuador; and

WHEREAS, The Idaho Partners of the Alliance is a partnership involving the direct participation by the people of Idaho in a program designed to help the people of Ecuador to help themselves; and

WHEREAS, the Honorable Robert E. Smylie, Governor of the State of Idaho is honorary chairman of the Idaho Partners of the Alliance; and

WHEREAS, in appreciation of the efforts of the Idaho Partners of the Alliance the citizens of Pelileo, Ecuador have presented to the people of Idaho a marble plaque,

NOW THEREFORE, be it resolved that the members of the Legislature of the State of Idaho now meeting in the Thirty-Eighth Session do hereby accept the plaque on behalf of the people of the State of Idaho and they do further hereby extend to the people of Ecuador their sincere appreciation and their best wishes for the continued success of the partnership between the people of Idaho and the people of Pelileo.

BE IT FURTHER RESOLVED That said marble plaque be installed in a proper place in the Idaho State Capitol Building as a fitting symbol of the partnership between the people of the State of Idaho and the citizens of Pelileo, Ecuador.

Passed by the House March 17, 1965.
Passed by the Senate March 18, 1965.

(H. C. R. No. 22)

A CONCURRENT RESOLUTION AUTHORIZING THE PAYMENT OF $400.00 TO CAXTON PRINT-
ERS, LTD., OF CALDWELL, IDAHO, FOR THEIR SERVICES IN PRINTING THE 1963 SESSION LAWS OF THE THIRTY-SEVENTH SESSION OF THE IDAHO LEGISLATURE.

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

WHEREAS, the Thirty-seventh Session of the Legislature of the State of Idaho employed Caxton Printers, Ltd., of Caldwell, Idaho, to print the 1963 Session Laws of the Thirty-seventh Session of the Idaho Legislature, and

WHEREAS, as a result of a misunderstanding as to the terms of the contract between the Thirty-seventh Session of the Idaho Legislature and Caxton Printers, Ltd., a settlement agreement was reached whereby the sum of $400.00 is to be paid Caxton Printers, Ltd. for printing;

NOW, THEREFORE, BE IT RESOLVED that the sum of $400.00 be paid in full settlement of any and all sums due or owing the contract between the Thirty-seventh Session of the Legislature and Caxton Printers, Ltd.

Passed by the House March 18, 1965.
Passed by the Senate March 18, 1965.

(H. C. R. No. 24)

A CONCURRENT RESOLUTION

PROVIDING FOR THE ADJOURNMENT OF THE 38TH SESSION OF THE IDAHO LEGISLATURE AND FIXING THE TIME FOR THE ADJOURNMENT SINE DIE.

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

BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that at the hour of 9:00 P.M., on March 18, 1965, the Senate and the House of Representatives of the 38th Session of the Legislature of the State of Idaho adjourn Sine Die.

Passed by the House March 18, 1965.
Passed by the Senate March 18, 1965.
SENATE JOINT RESOLUTIONS

(S. J. R. No. 6, As Amended)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF IDAHO, BY AMENDING SECTION 7, ARTICLE I, THEREOF, BY Deleting THE PROVISION FOR SIX-MAN JURIES IN ALL CIVIL ACTIONS INVOLVING NOT MORE THAN $500.00, EXCLUSIVE OF COSTS, AND PROVIDING INSTEAD THAT IN ALL CIVIL ACTIONS WITHIN THE JURISDICTION OF ANY COURT INFERIOR TO THE DISTRICT COURT, WHETHER TRIED IN SUCH INFERIOR COURT OR IN DISTRICT COURT, THE JURY SHALL CONSIST OF NOT MORE THAN SIX; PROVIDING ALSO FOR THE SUBMISSION TO THE ELECTORATE OF THE STATE OF IDAHO FOR THEIR APPROVAL OR REJECTION OF THE QUESTION OF WHETHER OR NOT SAID SECTION 7, ARTICLE I, 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 7 of Article I, of the Constitution of the state of Idaho, be, and the same is hereby amended to read as follows:

SECTION 7. RIGHT TO TRIAL BY JURY.—The right of trial by jury shall remain inviolate; but in civil actions, three-fourths of the jury may render a verdict, and the legislature may provide that in all cases of misdemeanors five-sixths of the jury may render a verdict. A trial by jury may be waived in all criminal cases not amounting to felony, by the consent of both parties, expressed in open court, and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions the jury may consist of twelve or of any number less than twelve upon which the parties may agree in open court. Provided, that in civil actions involving not more than five hundred dollars, exclusive of costs, and in cases of misdemeanor and in civil actions within the jurisdiction of any court inferior to the district court, whether such case or
action be tried in such inferior court or in district court, the jury shall consist of not more than six.

SECTION 2. The question to be submitted to the electors of the state of Idaho at the next general election shall be as follows:

"Whether Section 7, Article I, of the Idaho Constitution shall be amended to remove the provision for six-man juries in civil actions involving not more than five hundred dollars, exclusive of costs, and to provide instead that in civil actions within the jurisdiction of any court inferior to the district court, whether tried in such inferior court or in district court, the jury shall consist of not more than six?"

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 February 19, 1965.
Passed by the House February 27, 1965.

(S. J. R. No. 7)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 12 OF ARTICLE V OF THE CONSTITUTION OF THE STATE OF IDAHO TO PROVIDE AUTHORITY AND DUTY OF RETIRED SUPREME COURT JUSTICES AND RETIRED DISTRICT JUDGES TO HOLD DISTRICT COURT IN ANY COUNTY AT REQUEST OF DISTRICT JUDGE, THE GOVERNOR, OR THE CHIEF JUSTICE; TO SIT WITH THE SUPREME COURT WHEN REQUESTED BY THAT COURT, AND TO PERFORM WHEN REQUESTED BY THE CHIEF JUSTICE OTHER DUTIES PERTAINING TO JUDICIAL DEPARTMENT OF GOVERNMENT, COMPENSATION THEREFOR TO BE FIXED BY THE LEGISLATURE; STATING QUESTION TO BE SUBMITTED TO ELECTORS; DIRECTING ITS SUBMISSION AND NOTICE TO BE GIVEN BY THE SECRETARY OF STATE.
Be It Resolved by the Legislature of the State of Idaho:

SECTION 1. That Section 12 of Article V of the Constitution of the State of Idaho be amended to read as follows:

SECTION 12. RESIDENCE OF JUDGES — HOLDING COURT OUT OF DISTRICT—SERVICE BY RETIRED JUSTICES AND JUDGES.—Every judge of the district court shall reside in the district for which he is elected. A judge of any district court, or any retired justice of the supreme court or any retired district judge, may hold a district court in any county at the request of the judge of the district court thereof, and upon the request of the governor, or of the chief justice, and when any such request is made or approved by the chief justice it shall be his duty to do so; but a cause in the district court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, and sworn to try the cause. Any retired justice or district judge may sit with the supreme court and exercise the authority of a member thereof in any cause in which he is requested by that court so to do, and when requested by the chief justice shall perform such other duties pertaining to the judicial department of government as directed. Compensation for such service shall be as provided by the legislature.

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 12 of Article 5 of the Constitution of the State of Idaho be amended to authorize retired supreme court justices and retired district judges to hold district court in any county when requested by the district judge, the governor or the chief justice, and to sit with the supreme court, and perform other duties pertaining to the judicial department of government, when requested by the supreme court or the chief justice, for such compensation as fixed by the legislature?”

SECTION 3. 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 February 19, 1965.

Passed by the House February 27, 1965.
A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF IDAHO BY AMENDING SECTION 3, ARTICLE VIII THEREOF, RELATING TO LIMITATIONS ON COUNTY AND MUNICIPAL INDEBTEDNESS, BY PROVIDING THAT CITIES AND VILLAGES MAY INCLUDE PUBLIC RECREATION FACILITIES AMONG THOSE PROJECTS AUTHORIZED TO BE FINANCED BY REVENUE BONDS.

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

SECTION 1. That Section 3, 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 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 public recreation 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.
SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 3, Article VIII of the Constitution of the State of Idaho be amended to authorize cities and villages of this state to finance the purchase, construction and equipping of public recreation facilities by means of revenue bonds with the assent of two-thirds of the qualified electors voting at an election to be held for that purpose as they are now authorized to do with respect to water systems, sewage collection systems, water treatment plants, sewage treatment plants and off street parking facilities?"

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 5, 1965.

Passed by the House March 16, 1965.
A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 4 OF ARTICLE XI OF THE CONSTITUTION OF THE STATE OF IDAHO TO LIMIT THE RIGHT TO VOTE IN ELECTIONS FOR DIRECTORS OR MANAGERS FOR INCORPORATED COMPANIES TO EVERY HOLDER OF STOCK OF A CLASS TO WHICH VOTING RIGHTS ARE GRANTED BY THE ARTICLES OF INCORPORATION OF SUCH INCORPORATED COMPANIES.

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

SECTION 1. That Section 4 of Article XI of the Constitution of the State of Idaho be amended to read as follows:

SECTION 4. SHARES OF STOCK — HOW VOTED — The Legislature shall provide by law that in all elections for directors or managers of incorporated companies, every holder of stock of a class to which voting rights are granted by the Articles of Incorporation shall have the right to vote in person or by proxy for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to accumulate said shares, and give one candidate as many votes as the number of directors, multiplied by the number of his shares of stock, shall equal, or to distribute them on the same principle among as many candidates as he shall think fit, and such directors shall not be elected in any other manner.

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 4 of Article XI of the Constitution of the State of Idaho be amended to limit the right to vote at elections for directors or managers of incorporated companies to every holder of stock of a class to which voting rights are granted by the Articles of Incorporation of such incorporated companies?"

SECTION 3. The Secretary of State is hereby directed to publish this proposed Constitutional Amendment for six consecutive weeks prior to the next general election in one
newspaper of general circulation in each County of the State.

Passed by the House February 15, 1965.
Passed by the Senate March 1, 1965.

(H. J. R. No. 10)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 9 OF ARTICLE XI OF THE CONSTITUTION OF THE STATE OF IDAHO TO PROVIDE THAT THE STOCK OF CORPORATIONS MAY BE INCREASED ONLY WITH THE CONSENT OF THE PERSONS HOLDING A MAJORITY OF THE STOCK OF THE CLASS TO BE INCREASED AT A MEETING HELD PURSUANT TO SUCH NOTICE AS IS PROVIDED BY THE LEGISLATURE.

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

SECTION 1. That Section 9 of Article XI of the Constitution of the State of Idaho be amended to read as follows:

SECTION 9. INCREASE IN CAPITAL STOCK. — No corporation shall issue stocks or bonds, except for labor done, services performed, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons, holding a majority of the stock of the class to be increased, first obtained at a meeting, held after at least thirty days' notice given in pursuance of law, pursuant to such notice as is provided by the Legislature.

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 9 of Article XI of the Constitution of the State of Idaho be amended to provide that the stock of corporations may be increased only with the consent of the persons holding a majority of the stock of the class to be increased obtained at a meeting held pursuant to such notice as is provided by the Legislature?

SECTION 3. The Secretary of State is hereby directed
to publish this proposed Constitutional Amendment for six consecutive weeks prior to the next general election in one newspaper of general circulation in each County of the State.

Passed by the House February 15, 1965.

Passed by the Senate March 1, 1965.
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 the House of Representatives of the Legislature of the State of Idaho, assembled in the Thirty-eighth Session thereof, do respectfully represent that:

WHEREAS, the Constitution of the United States should not prohibit any state which has a bicameral legislature from apportioning the members of one house of such legislature on factors other than population, provided that the plan of such apportionment shall have been submitted to and approved by a vote of the electorate of that state, and

WHEREAS, the Constitution of the United States should not restrict or limit a state in its determination of how membership of governing bodies of its subordinate units should be apportioned, and

WHEREAS, in proposing an article as an amendment to the Constitution of the United States implementing the above freedom from prohibition, restriction or limitation of apportionment, the article, as proposed, should 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 to the states by Congress.

NOW, THEREFORE, we your Memorialists respectfully make application to the Congress of the United States to call a convention for the purpose of proposing an article as an Amendment to the Constitution of the United States, to read as follows:

"ARTICLE ......................

"SECTION 1. Nothing in this Constitution shall prohibit any state which has a bicameral legislature from apportioning the numbers of one house of such legislature on factors other than population, provided that the plan of such ap-
portionment shall have been submitted to and approved by a vote of the electorate of that state.

"SECTION 2. Nothing in this Constitution shall restrict or limit a state in its determination of how membership of governing bodies of its subordinate units shall be apportioned.

"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 to the states by Congress."

NOW, THEREFORE, BE IT RESOLVED, that if Congress shall have proposed an Amendment to the Constitution identical with that contained in this memorial prior to June 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 is hereby authorized and directed to forward certified copies of this memorial to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each member of the United States Congress from this state, as being an application of the Legislature of the State of Idaho, pursuant to Article 5 of the Constitution of the United States.

Passed by the Senate January 11, 1965.

Passed by the House January 18, 1965.

(S. J. M. No. 2)

A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

We, your Memorialists, the members of the Senate and House of Representatives of the State of Idaho, assembled in the Thirty-eighth Session thereof, do respectfully represent that:

WHEREAS, the State of Idaho and other states of the
United States of America, having within their borders large tracts of public lands, are confronted with difficult fiscal problems in connection with the operation of local governments; and

WHEREAS, this difficulty is to a great extent in states having large federal holdings caused by ever increasing cost of local government coupled with proportionately decreasing revenue received from the sale of products from federally owned lands; and

WHEREAS, distribution is now made only from the stumpage value of the timber in the sale of logs, ties, poles, cordwood, pulpwood and other forest products and not from the total amounts generating from the sale of such products. These amounts include many additional items such as Knudsen-Vandenberg funds, slash disposal funds, erosion control funds and others;

NOW, THEREFORE, BE IT RESOLVED, by the Senate, State of Idaho, the House of Representatives concurring, that we most respectfully urge the Congress of the United States of America to enact legislation directing that twenty-five per cent (25%) of the total gross moneys received, without prior reduction from the total gross amount for purposes of computing the twenty-five percent (25%), during any fiscal year from each national forest shall be paid, at the end of such year, by the Secretary of the Treasury to the State Treasurer, to be distributed to the counties in which such national forest is situated, such funds to be distributed in lieu of taxes and expended for the benefit of public schools and public roads. When any national forest is in more than one State or county, the distributive share to each from the sale of logs, ties, poles, posts, cordwood, pulpwood, and other forest products, the amounts made available by this paragraph shall be based upon the total receipts in connection with such sales received from the purchasers.

BE IT FURTHER RESOLVED, that the Secretary of the State of Idaho is hereby authorized and he is hereby directed to immediately forward certified copies of this Memorial to the Senate and House of Representatives of the United States of America, to the Senators and Representatives in Congress from this state, and

BE IT FURTHER RESOLVED, that the State of Idaho respectfully requests that the Legislators of Washington, Oregon, California, Montana, Utah, Wyoming, Colorado,
Nevada, Arizona, New Mexico, North Dakota, South Dakota, Alaska and Hawaii be informed of this action on the part of the Idaho Legislature and are hereby urged to take similar action in their state legislatures, such communication to be sent to the President of the Senate and Speaker of the House of the above states along with a copy of this Memorial.

Passed by the Senate January 20, 1965.
Passed by the House January 22, 1965.

(S. J. M. No. 3)

A JOINT MEMORIAL


We, your Memorialists, the members of the Senate and House of Representatives of the Legislature of the State of Idaho, assembled in the Thirty-eighth Session thereof, do respectfully represent that:

WHEREAS, it is reported that railroad and trucking freight rates, relating to interstate shipment and transporting of foodstuffs, raw materials, farm produce, farm equipment and implements, vehicles and all other consumer items, in the northwestern states of Idaho, Montana and Washington are 100% to 150% greater than related freight rates in the remaining several states of the United States; and

WHEREAS, the higher freight rates are inequitable in relation to the current rates in the remaining several states and work a great and unnecessary hardship upon the farmer, retail merchant, producers, consumers and general citizenry of the State of Idaho; and

WHEREAS, the President of the United States, the United States Department of Commerce and the Interstate Commerce Commission should institute an orderly and exhaustive investigation into any inequities existing between
the freight rates touching the states of Idaho, Montana and Washington, as related to the remaining several states, that subsequent legislation, implementing their findings and removing from the citizenry of the states of Idaho, Montana and Washington the economic hardships now existing as a direct result of the higher and unnecessary freight rates, be proposed in the Congress of the United States.

NOW, THEREFORE, BE IT RESOLVED by the Thirty-eighth Session of the Legislature of the State of Idaho, now in session, the Senate and House of Representatives concurring, that the Congress and the President of the United States, the Secretary of the Department of Commerce of the United States and the Chairman of the Interstate Commerce Commission be respectfully petitioned to give early consideration to the investigation of existing inequities of freight rates in the northwestern states of Idaho, Montana and Washington.

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 President of the United States, the Secretary of Department of Commerce and Chairman of the Interstate Commerce Commission 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, and he hereby is, authorized and directed to forward certified copies of this Memorial to the Speaker of the House and to the President of the Senate of the State of Washington and the State of Montana, and that these states are hereby urged to take similar action in their respective legislative bodies.

Passed by the Senate January 25, 1965.

Passed by the House January 26, 1965.

(S. J. M. No. 4)

A JOINT MEMORIAL

TO THE HONORABLE PRESIDENT OF THE UNITED STATES,
THE HONORABLE SENATE AND HOUSE OF REPRESENTA-
TIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED AND TO THE HONORABLE POSTMASTER GENERAL OF THE UNITED STATES:

We, your Memorialists, the members of the Senate and House of Representatives of the State of Idaho, assembled in the Thirty-eighth Session thereof, do respectfully represent that:

WHEREAS, the late Senator William E. Borah, now deceased, is illustrious for his historic renown, distinguished civic services and lasting contributions to the State of Idaho, the United States of America and to the people of the world; and

WHEREAS, Senator William E. Borah was the State of Idaho's most famous and widely acclaimed statesman for his contributions to the welfare of our nation; and

WHEREAS, the contributions and accomplishments of Senator William E. Borah, during his lifetime and the high esteem in which his name is now held by the people of this state and nation, do give rise to the merit of a commemorative postage stamp bearing his likeness, to be issued in honor of the late Senator William E. Borah;

NOW, THEREFORE, BE IT RESOLVED, by the Senate, State of Idaho, the House of Representatives concurring, that we most respectfully urge the President of the United States, the Congress of the United States and the Postmaster General to take appropriate action, that a commemorative stamp be issued to honor the late Senator William E. Borah.

BE IT FURTHER RESOLVED, that the Secretary of State of the State of Idaho is hereby authorized and he is hereby directed to immediately forward certified copies of this Memorial to the President of the United States, the Senate and House of Representatives of the United States, to the Postmaster General and to the Senators and Representatives in Congress from this state.

Passed by the Senate January 27, 1965.

Passed by the House February 1, 1965.
A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND THE HONORABLE PRESIDENT OF THE UNITED STATES:

We, your Memorialists, the members of the Senate and House of Representatives of the Legislature of the State of Idaho, assembled in the Thirty-eighth Session thereof, do respectfully represent that:

WHEREAS, the Eighty-eighth Congress of the United States of America, by an act, approved September 7, 1964, entitled Teton Basin Reclamation Project, Idaho, and known as Public Law 88-583; 78 Stat. 925, authorized to be appropriated for the construction of the Fremont Dam and other facilities of the Lower Division of the Teton Basin Federal reclamation project, the sum of $52,000,000 plus or minus justifiable amounts for ordinary fluctuations in construction costs and for operation and maintenance costs; and

WHEREAS, said project received the overwhelming support of Congress and all persons in the affected areas, of both political faiths, as being necessary and within the public interest to arrest the flooding waters of the Teton River and its tributaries by the construction of a dam and reservoir to use the impounded water, most of which in high runoff periods in the past has gone rushing down through the lower valleys eroding valuable farm lands and damaging and destroying homes and other properties; for the irrigation of arid and semi-arid lands, the development of river power opportunities, the providing for recreation facilities and the conservation of fish and wildlife.

NOW, THEREFORE, BE IT RESOLVED by the Thirty-eighth Session of the Legislature of the State of Idaho, now in session, the Senate and House of Representatives concurring, that the Congress and its respective committee and sub-committees and the President of the United States in this session of Congress be respectfully petitioned to give the very earliest consideration, approval and authorization to the making of the appropriation of the funds necessary to commence construction of the Fremont Dam, reservoir and other facilities of the Teton Basin Reclamation Project, Idaho,

BE IT FURTHER RESOLVED, that the Secretary of
State of the State of Idaho be, and he hereby is authorized and directed to immediately forward certified copies of this Memorial to the Senate and House of Representatives and the President of the United States of America, and to the Senators and Representatives in Congress from this state.

Passed by the Senate January 28, 1965.
Passed by the House February 1, 1965.

(S. 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, assembled in the Thirty-eighth Session thereof, respectfully represent that:

WHEREAS, federal law, Title 45, Sections 61 to 64, inclusive, now allows a railroad to require its employees to work as long as sixteen consecutive hours without rest; and

WHEREAS, the federal law was enacted March 4, 1907, for the purpose of safeguarding the health and safety of employees; and

WHEREAS, such law has never been amended; and

WHEREAS, the high speed operation of modern railroads imposes an undue strain upon employees required to work the long hours now allowed, thus endangering the health and safety of the employees;

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Thirty-eighth Session of the Legislature of the State of Idaho, the House of Representatives concurring therein, that we most respectfully urge the Congress of the United States of America to proceed at the earliest possible date to pass legislation amending Title 45, Sections 61 to 64, inclusive, and more particularly amending Section 62, to read as follows:

It shall be unlawful for any common carrier, its officers, or agents, subject to Sections 61 to 64, inclusive, of Title 45 to require or permit any employees subject to said sec-
tions to be or remain on duty for a longer period than twelve consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for twelve consecutive hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been on duty twelve hours in the aggregate in any twenty-four-hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty: Provided, that no operator, train dispatcher, or other employee who by the use of the telegraph, telephone or radio dispatches, reports, transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine hours in any twenty-four-hour period in all towers, offices, places, and stations continuously operated night and day, nor for a longer period than twelve hours in all towers, offices, places, and stations operated only during the daytime, except in case of emergency, when the employees named in this proviso may be permitted to be and remain on duty for four additional hours in a twenty-four-hour period on not exceeding three days in any week: Provided further, that no locomotive engineer working without the assistance of another qualified engineman operating locomotives or trains, receiving, interpreting, or carrying out telegraph or telephone dispatches, radio messages, or written orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine consecutive hours and shall not be required or permitted to continue or again to go on duty until he has had at least eight consecutive hours off duty: Provided further, The Interstate Commerce Commission may after full hearing in a particular case and for good cause shown extend the period within which a common carrier shall comply with the provisions of this proviso as to such case.

NOW, THEREFORE, BE IT 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, 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 11, 1965.

Passed by the House February 19, 1965.
A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, THE UNITED STATES CORPS OF ENGINEERS, AND ALL INTERESTED OR AFFECTED AGENCIES OR INSTITUTIONS OF THE UNITED STATES:

We, your Memorialists, the Legislature of the State of Idaho, respectfully represent that:

WHEREAS, The United States Corps of Engineers presently has under study a multi-purpose dam proposed for construction upon the Snake River approximately six miles upriver from Lewiston, Idaho, to be known as the Asotin Dam; and

WHEREAS, The present proposal for construction of such Dam does not include navigation locks, nor any method for the passage of water-borne carriers past such Dam; and

WHEREAS, The completion of Lower Granite Dam on the Snake River approximately thirty-three miles downriver from Lewiston, Idaho, which is anticipated in 1971, will bring all-year, all-weather slack water navigation from Lewiston, Idaho, to coast ports, thereby placing Idaho in the direct stream of world commerce; and

WHEREAS, There exists in the areas adjacent to the potential slack water pool of the said Asotin Dam, vast quantities of metals and minerals, including high-grade limestone, the potential of which can only be realized by the inclusion of such navigation locks in Asotin Dam; and

WHEREAS, The timber, agricultural and livestock industries in the areas adjacent to such slack water pool would be greatly enhanced and benefited by the decreased shipping costs available through barge and tug transport; and

WHEREAS, The slack water pool of said Dam can provide to the general public virtually unlimited potential for boating and other forms of recreation; and

WHEREAS, The inclusion of navigation locks in Asotin Dam will make all of these benefits possible, and will thereby provide great economic benefit not only to the State of Idaho, and its sister State of Washington, through the facilities of the twin Ports of Lewiston, Idaho, and Clarkston,
Washington, but also will benefit tourists and visitors from all the United States;

NOW, THEREFORE, BE IT RESOLVED, by the Thirty-eight 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 Army Corps of Engineers and all interested or affected agencies or instrumentalities of the United States to work toward the inclusion of navigation locks in the Asotin Dam project; and

BE IT FURTHER RESOLVED, that we most respectfully urge the Congress of the United States to appropriate the monies necessary for inclusion of such navigation locks in the Asotin Dam project; and

BE IT FURTHER RESOLVED, that the Secretary of State of the State of Idaho be, and he hereby is, authorized and directed to forward certified copies of this Memorial to the President and Vice President of the United States, the Speaker of the House of Representatives of the Congress, and to the senators and representatives representing the State of Idaho and also those representing the State of Washington in the Congress of the United States, and to the Chief of Engineers, United States Corps of Engineers, and to the heads of any other interested or affected agencies or instrumentalities of the United States.

Passed by the Senate March 4, 1965.
Passed by the House March 10, 1965.
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, an adequate transportation system is necessary in the proper harvest and use of our natural resources; and

WHEREAS, the lack of an adequate transportation system is the greatest deterrent to the full use of our natural resources in the State of Idaho; and

WHEREAS, under the present rate of road construction, it will take 100 years to complete an adequate forest highway transportation system;

NOW, THEREFORE, BE IT RESOLVED, by the Thirty-eighth Session of the Legislature of the state of Idaho, now in session, the Senate and House of Representatives concurring, that we most respectfully urge the Congress of the United States of America, to proceed at the earliest possible date to enact legislation requiring all government agencies involved to make sufficient funds available to expedite completion of an adequate transportation system on the main roads of National Forests and Public Domain.

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 15, 1965.

Passed by the Senate January 18, 1965.
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 June 29, 1956, entitled the Federal Aid Highway Act of 1956, (70 Stat. 374), and subsequent revisions thereto, have provided for a national system of interstate and defense highways of not to exceed 41,000 miles of such highway system; and

WHEREAS, since the enactment of the aforesaid Federal Aid Highway Acts, the construction of the interstate highway system is nearing the halfway point in its completion; and

WHEREAS, the fifty states, in cooperation with the United States Bureau of Public Roads are now in the process of preparing a comprehensive study and analysis of overall highway needs, and the financing thereof, after completion in 1972 of the Interstate Highway System; and

WHEREAS, the aforementioned study will include an evaluation of all Federal Aid Highway programs, including the possibility of extending the mileage of the Interstate Highway System; and

WHEREAS, U.S. Highway No. 95 is presently on the Federal Aid Primary highway system in the State of Idaho; and

WHEREAS, U.S. Highway No. 95 is the only north-south route between north Idaho and southwest Idaho and serves an area with a population of 300,000 people, which is 45% of the total population of the State of Idaho and would also serve the Inland Empire area of eastern Washington, including the Spokane, Washington metropolitan area; and

WHEREAS, U.S. Highway No. 95 is one of the most important arterial highways in the State of Idaho; presently the only all weather, all year route between north Idaho and south Idaho; and

WHEREAS, U.S. Highway No. 95 provides the only north-south connection in Idaho between Interstate Highway No. 90 and Interstate Highway No. 80 North; and
WHEREAS, U.S. Highway No. 95 if improved to expressway or interstate highway standards would provide a highway facility having high standards of service and access control and lying approximately midway between Interstate Highway No. 5 to the west and Interstate Highway No. 15 to the east of the currently designated Interstate Highway System; and

WHEREAS, an improved U.S. Highway No. 95 would provide an excellent highway service tie with transcontinental routes in Canada and with the Alcan Highway to the State of Alaska; and

WHEREAS, U.S. Highway No. 95 offers excellent opportunity for extension to the south and west from the Idaho-Oregon State Line through Oregon and Nevada to a connection with Interstate 80 in the vicinity of Winnemucca, Nevada, and this in turn, would provide a most important service connection from California to Idaho and Canada; and

WHEREAS, U.S. Highway No. 95 serves the following population centers in Idaho: Bonners Ferry, Sandpoint, Coeur d'Alene, Moscow, Lewiston-Clarkston, Grangeville, Council, Cambridge, Payette-Ontario-Weiser and Boise-Nampa-Caldwell; in addition to servicing Calgary and Edmonton, Canada; Winnemucca, Reno and Carson City, Nevada; and Sacramento, San Francisco and Los Angeles, California, through connecting Interstate Highways, as well as numerous historical, recreational and scenic areas together with the agriculture, mining and lumbering industries; and

WHEREAS, U.S. Highway No. 95 would also serve the important water transportation terminal planned for development at the Port of Lewiston,

NOW, THEREFORE, BE IT RESOLVED by the Thirty-Eighth Session of the Legislature of the State of Idaho, now in session, the Senate and House of Representatives concurring, that we most respectfully urge that when priority selection is made for the next most important highways in the United States, after the present Interstate Highway System is completed, that the Congress of the United States of America direct the Secretary of Commerce to include U.S. Highway No. 95 from the Idaho-Oregon State Line in the south to the Canadian Border in the north in the mileage of expressway or Interstate Highway extensions as may be determined for Federal Aid Highway Pro-
grams upon completion of the presently designated Interstate Highway System.

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 18, 1965.
Passed by the Senate January 20, 1965.

(H. J. M. No. 3)

A JOINT MEMORIAL

TO THE IDAHO HIGH SCHOOL INTERSCHOLASTIC ACTIVITIES ASSOCIATION AND LOCAL SCHOOL DISTRICT TRUSTEES AND SCHOOL ADMINISTRATORS:

We, your Memorialists, the members of the Senate and House of Representatives of the State of Idaho, assembled in the Thirty-eighth Session, thereof, do respectfully request that:

WHEREAS, scholastic achievement, honors programs, science projects, and academic accomplishments do not receive recognition comparable to interscholastic athletics; and

WHEREAS, this difficulty has never been recognized in our public schools; and

WHEREAS, all students in the various facets of educational endeavor should have suitable and adequate recognition;

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Thirty-eighth Session of the Legislature of the State of Idaho, the Senate concurring therein, that we respectfully encourage our school district trustees and the superintendents and principals of our public schools to work with interested legislators and patrons on an ad hoc committee to be appointed by the Governor for the promotion and enactment of a plan whereby the
scholastic ability of students will receive recognition comparable with other interscholastic activity programs.

BE IT FURTHER RESOLVED, that this activity not infringe on regular school time, but can be accomplished through local initiative and state cooperation.

BE IT FURTHER RESOLVED, that a program of this nature can be a real motivating force in the desire by students to excel in their classes.

BE IT FURTHER RESOLVED, that to initiate this program that it be the responsibility of the Idaho High School Interscholastic Activities Association to promote and foster this memorial.

Passed by the House February 3, 1965.
Passed by the Senate February 5, 1965.

(H. J. M. No. 4)

A JOINT MEMORIAL

TO THE HONORABLE ROBERT E. SMYLIE, GOVERNOR OF THE STATE OF IDAHO, THE STATE BOARD OF EDUCATION AND LOCAL SCHOOL DISTRICT TRUSTEES AND SCHOOL ADMINISTRATORS:

We, your memorialists, the members of the Senate and House of Representatives of the State of Idaho, assembled in the Thirty-eighth Session, thereof, do respectfully request that:

WHEREAS, scholastic achievement, academic accomplishments and good citizenship in our public schools do not receive proper and adequate recognition;

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Thirty-eighth Session of the Legislature of the State of Idaho, the Senate concurring therein, that we respectfully encourage the creation of a “Youth Hall of Fame” in the following suggested manner:

A. That the State Board of Education divide the State of Idaho into geographic areas of such size and number as the board deems suitable for the purpose of giving recognition to one outstanding high school senior from each area.
B. That the faculty of each high school in the State of Idaho nominate a senior boy or girl student from the high school as a candidate for special recognition for excellence in academic achievement, community participation, leadership in school activities, personality and attitude in school work, relationship with fellow students and general good citizenship which tend to qualify such person as an outstanding well-rounded individual, and that such nomination, together with a picture of such student and a summary of such student’s qualifications and achievements, including statements from school faculty or administrators, or citizens of the community, be forwarded to the State Board of Education not later than the thirty-first day of January.

C. That such nomination be delivered by the State Board of Education to a committee of three persons designated or appointed by the Governor at random from the state, and that such committee select from the nominations one outstanding senior student from each of the geographic areas designated by the State Board of Education and announce its selections by the first day of May.

D. That the Governor of the State of Idaho hold a Youth Hall of Fame dinner during the month of May of each year in successively different geographic areas of the state to be attended by the students selected by the committee, and their parents, the State Board of Education, the Governor’s committee, and the principal of the high school of each student selected; and that the dinner receive suitable publicity throughout the state.

E. That after the Youth Hall of Fame dinner in each year, suitable pictures of each student selected by the Governor’s committee be displayed at some prominent place in the state capitol building with appropriate identification.

F. That the costs for plaques, the Youth Hall of Fame dinner, and transportation expenses of selected students and their parents, be paid by local civic organizations and interested individuals.

Passed by the House February 11, 1965.
Passed by the Senate February 15, 1965.
A JOINT MEMORIAL

TO THE ADJUTANT GENERAL, STATE OF IDAHO, AND THE 3RD SQDN, 116TH U.S. CAVALRY (HORSE):

We, your memorialists, the Legislature of the State of Idaho, respectfully represent that:

WHEREAS, in the Fall of 1963 certain members of the 3rd Reconnaissance Squadron, 116th Armored Cavalry, Idaho Army National Guard, formed the 3rd Squadron, 116th U.S. Cavalry (Horse), now generally known as the "Blue Shirt Cavalry," for the purpose of promoting the Idaho ARNG and preserving the equipment, traditions and customs of the U.S. Cavalry of the late 1800's which contributed greatly to the winning of the West and was instrumental in bringing law and order to the West and made possible the formation of Idaho's Territorial government and subsequent statehood; and

WHEREAS, the members of the Blue Shirt Cavalry, authentically outfitted with their dark blue shirts, dress blue pants with gold stripe, replicas of Jefferson style boots, chevrons, hat cords, riding equipment, sabers and weapons, at great effort and personal expense, have gained renown and extensive publicity resulting in their selection to represent our State at the Presidential Inaugural Parade; and

WHEREAS, the Blue Shirt Cavalry did participate in the Presidential Inaugural Parade on January 20, 1965, with a unit consisting of a squadron commander, Indian scout in buckskins, guidon bearer, bugler, three officers and 33 troopers, and were extended many compliments from the viewers of the parade and favorable and enthusiastic comments from the radio, television, and news media, and the Governor and other elected officials of our State have received many congratulatory telegrams, letters and comments about this appearance;

NOW, THEREFORE, BE IT RESOLVED By the Thirty-eighth Session of the Legislature of the State of Idaho, now in session, the Senate and House of Representatives concurring, that we give special recognition to the 3rd Squadron, 116th U.S. Cavalry (Horse), the "Blue Shirt Cavalry," and each of its members from units of the Idaho Army National Guard at Gooding, Buhl, Jerome, Rupert, Twin Falls, and Hailey.
BE IT FURTHER RESOLVED that we congratulate the Blue Shirt Cavalry for their distinguished and successful representation of our State at the Presidential Inaugural Parade on January 20, 1965, and we, on behalf of all of the citizens of our great State, express our appreciation to them for this contribution to the President's Inaugural Celebration.

BE IT FURTHER RESOLVED that we commend each member of the Blue Shirt Cavalry for their pride in and devotion to the Idaho Army National Guard, for their intense efforts to make the Blue Shirt Cavalry the authentic and great organization that it is, and for their preservation of the customs, traditions and history of the U.S. Cavalry and its great contribution to the development of our State and the West.

BE IT FURTHER RESOLVED that the Secretary of the State of Idaho be, and he hereby is authorized and directed to forward certified copies of this Memorial to the Adjutant General, State of Idaho, Commanding Officer, 3rd Recon Sqdn, 116th Armd Cav, Ida-ARNG, and the Commanding Officer, 3rd Squadron, 116th U.S. Cavalry (Horse).

Passed by the House February 10, 1965.
Passed by the Senate February 12, 1965.

(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 Sugar Beet Industry is a vital and integral part of the economy of the State of Idaho and of the United States of America; and

WHEREAS, The provisions of section 202(c) of the Sugar Act relating to foreign quotas are not effective after December 31, 1964; and

WHEREAS, The United States Domestic Beet Sugar
Growers and processors amply demonstrated their ability to produce sugar when it was needed for consumers in 1963 and 1964; and

WHEREAS, The United States Domestic Beet Sugar Industry is now confronted with excessive inventories of sugar in relation to permitted marketings under the existing Sugar Act in that the industry has increased their production at the request of the Department of Agriculture; and

WHEREAS, To avoid further increases in inventories which are now excessive it has been necessary to reduce the sugar beet acreage to be grown in Idaho in 1965 by approximately fourteen per cent below 1964 acreage; and

WHEREAS, unless the sugar industry gets relief, with present inventories and production possibilities, the industry will face additional severe production cutbacks in 1966;

NOW, THEREFORE, BE IT RESOLVED, by the Thirty-eighth Session of the Legislature of the State of Idaho, now in session, the Senate and House of Representatives concurring, that we most respectfully urge the Congress of the United States of America, in order to avoid drastic cuts in sugar production, to proceed at the earliest possible time to enact legislation increasing the basic sugar beet quota to a minimum of the 1965 restricted acreage production so as to allow the marketing of excess sugar produced at the request of the United States Department of Agriculture.

BE IT FURTHER RESOLVED, that the Sugar Act be extended so as to be effective until December 31, 1970; and

BE IT FURTHER RESOLVED, that the Secretary of State of the State of Idaho be, and he hereby is, authorized and directed to forward certified copies of this Memorial to the President and Vice President of the United States, the Speaker of the House of Representatives of the Congress, and to the senators and representatives representing this state in the Congress of the United States, and to the Secretary of Agriculture.

Passed by the House February 12, 1965.

Passed by the Senate February 15, 1965.
A JOINT MEMORIAL

TO THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION:

We, your memorialists, members of the Senate and House of Representatives of the Legislature of the State of Idaho, assembled in the Thirty-eighth Session thereof, do respectfully request that:

WHEREAS, the Mountain States Medical Education Study has been completed and the report and recommendations submitted to and approved by the Idaho Governor's Committee on Medical Education on September 19, 1964; and

WHEREAS, the study reveals that considering the sparseness of the population, the lack of centrally located large urban centers and hospitals, the nature of the state's economy and the increase in financial demands to be imposed by the almost certain doubling of the college population between now and 1975, the State of Idaho is not ready nor able to finance a medical school; and

WHEREAS, the same study reveals that similar conditions exist on a regional basis involving the states of Idaho, Montana, Wyoming and Nevada making it impractical to finance a regional medical school; and

WHEREAS, current analysis of population projection and anticipated medical manpower needs now even more than a few years ago indicate that the state supported medical schools are being forced to give priority to their own in-state applicants and that admission of qualified Idaho applicants will be seriously restricted; and

WHEREAS, the State of Idaho has an obligation to provide its qualified students an opportunity for medical education comparable to that available to residents of other states; and

WHEREAS, the Idaho Governor's Committee on Medical Education recommends that in place of trying to operate a medical school, Idaho should negotiate through the Western Interstate Commission for Higher Education Council on Medical Education with western medical schools already established within the states belonging to the Western Interstate Commission for Higher Education for a firm quota
of places in such schools to be reserved for applicants from Idaho; and

WHEREAS, it is not just or reasonable to expect Idaho to continue to receive indefinitely from neighboring states medical education at substantially less than cost;

NOW, THEREFORE, BE IT RESOLVED That the 38th Idaho Legislature authorizes and instructs the Western Interstate Commission for Higher Education, through its Medical Education Council, to conduct negotiations with the several medical schools within the compact area as recommended by the Idaho Governor's Medical Education Committee.

Passed by the House February 26, 1965.
Passed by the Senate March 4, 1965.

(H. J. M. No. 8)

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 the House of Representatives of the Legislature of the State of Idaho, assembled in the Thirty-eighth Session thereof, do respectfully represent that:

WHEREAS, the Bureau of the Budget has proposed that the Soil Conservation Service appropriation for assisting locally organized and locally managed soil conservation districts be reduced by twenty million ($20,000,000.00) dollars and that soil conservation districts and cooperating farmers, ranchers and other landowners pay the federal government up to 50 percent of the cost of technical assistance furnished in the design, layout and installation of planned soil and water conservation practices on their lands; and

WHEREAS, the federal government has, for some 30 years, provided technical assistance to owners and operators of privately owned lands believing that it is in the total public interest, and one of the most urgent national needs to protect and improve the soil and water resources of this nation; and
WHEREAS, over 95 percent of Idaho privately owned land is included in its fifty-four soil conservation districts and nearly a third of Idaho's farmers and ranchers are annually using the technical assistance in the design, layout and installation of planned soil and water conservation measures on their lands; and

WHEREAS, the supervisors of Idaho's fifty-four soil conservation districts have continuously requested additional technical assistance to meet the needs of farmers and ranchers to accelerate the application of conservation practices; and

WHEREAS, recent state wide storms and floods of disastrous proportions have resulted in heavy erosion and loss of valuable top soil, heavy sediment deposits in our reservoirs, lakes, streams and rivers and spread over valuable bottom lands and other flood damages to both public and private property together with destruction or severe damage to thousands of water control and use structures, indicate a need for more, rather than reduced efforts in the application of soil and water conservation practices; and

WHEREAS, such assessments of payments to the federal government will discourage and seriously curtail the application of soil and water conservation measures on lands so vital to the strength and welfare of the State of Idaho and the nation and fall harvest on family farms and small operators; and

WHEREAS, this proposed additional burden added to the costs of farmers and ranchers already in a depressed economical condition, would limit the ability of these people to participate in the existing Agricultural Conservation Program and similar programs which have in the past contributed substantially to the conservation development, and wise use of these soil and water resources;

NOW, THEREFORE, BE IT RESOLVED, by the Thirty-eighth 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 continue the long established policy of providing technical assistance to soil conservation districts and their cooperating land owners and operators without requiring that they pay the federal government any portion of cost of such technical assistance.

BE IT FURTHER RESOLVED, that the Congress provide the increases in technical assistance requested by the
soil conservation districts in Idaho and throughout the nation to meet the needs of land owners and operators to accelerate the planning and application of conservation measures on their privately owned lands; and

BE IT FURTHER RESOLVED, that the Secretary of State of the State of Idaho be, and he hereby is, authorized and directed to forward certified copies of this Memorial to the President and Vice President of the United States, the Speaker of the House of Representatives of the Congress, and to the senators and representatives representing this state in the Congress of the United States, and to the Secretary of Agriculture.

Passed by the House February 27, 1965.
Passed by the Senate March 2, 1965.

(H. J. M. No. 9)

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 Legislature of the State of Idaho, respectfully represent that:

WHEREAS, Free World consumption of silver is continuing to exceed Free World production by a steadily widening margin, and

WHEREAS, U.S. Treasury stocks of silver are being depleted at an accelerated rate to make up a major portion of the deficit, and

WHEREAS, these stocks may be completely dissipated in less than three years if the current rate of depletion continues, and

WHEREAS, this situation poses a serious threat to the nation's silver coinage system which is now under critical review by the U. S. Treasury Department, and

WHEREAS, some segments of our national economy, in particular the silver-consuming industry, are exerting heavy
pressure for the complete elimination of silver from our subsidiary coinage, and

WHEREAS, this proposed adoption of a completely base-metal coinage would not only damage the international prestige and dignity of our money, but would also involve a high risk of psychological rejection of such coins in the domestic economy, and

WHEREAS, a completely base-metal coinage system would also involve:

1. A grave danger that existing silver coinage with intrinsic value would be driven into hoards, thus aggravating the current coin shortage problem.

2. A serious disruption to the multi-billion-dollar vending machine industry and other industries utilizing coin machines which rely upon the peculiar characteristics of silver for operation of their rejection devices.

3. Greatly increased prospects for counterfeiting, and

WHEREAS, the current balance of U.S. Treasury stocks, together with the extensive silver supply now circulating as silver coins and the excellent prospects for increased silver production in the immediate years ahead, provides persuasive assurance that this critical problem could readily be resolved through the less drastic alternative of retaining a silver coinage with reduced silver content, and

WHEREAS, such a solution would not only preserve our nation's long tradition of a coinage with intrinsic value, but would also sustain a more favorable economic climate for one of the major segments of Idaho's economy—the mining industry.

NOW, THEREFORE, BE IT RESOLVED, by the Thirty-Eighth 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 retain a silver coinage of reduced silver content in order to preserve the international prestige of our money, and public confidence therein.

We further respectfully urge the Congress of the United States and the executive department of the federal government to undertake a comprehensive study of the growing strategic importance of silver in defense and aerospace applications and determine an adequate strategic stockpile
objective which can be set aside from existing Treasury stocks before they are completely dissipated.

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 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 5, 1965.

Passed by the Senate March 9, 1965.
CERTIFICATE OF SECRETARY OF STATE

UNITED STATES OF AMERICA, } ss.
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-eighth Session thereof, which convened January 4, 1965 and adjourned March 18, 1965, 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, 1965.

Arnold Williams
Secretary of State

When errors appear in the enrolled bills received from the Legislature at the office of the Secretary of State this office has no authority to correct them.
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(Prepared by The Voter Publishing Company, Boise, Idaho)

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TABLE OF AMENDMENTS, REPEALS, ADDITIONS AND REFERENCES
TO THE SECTIONS OF THE IDAHO CODE
BY THE
1965 SESSION LAWS.

(Citations to the Idaho Code are arranged in the order they would appear in the Idaho Code starting with Volume 1. References to Session Laws, Lewiston City Charter and Federal Laws appear following the citations to the Idaho Code.)

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WHEREAS, an extraordinary occasion requiring emergency attention has arisen in the State of Idaho which makes it appropriate and desirable to convene the 38th 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 38th Idaho Legislature together in Extraordinary Session in the Legislative Chambers at the capitol in Boise City, Ada County, Idaho at the hour of 9 o'clock, A.M., on Friday, the 19th day of March, 1965 for the following purposes to-wit, and for none other:

1. To consider the passage of, and to enact legislation redefining, or in the alternative, disestablishing, the boundaries of the two existing districts from which Representatives from Idaho to the House of Representatives of the Congress of the United States are elected in accordance with the constitutional provisions and laws in such case made and provided:

2. To consider the passage of, and to enact, legislation reapportioning the membership of the Idaho State Senate and the membership of the Idaho State House of Representatives among the several counties in conformance with the Constitution of the United States.

3. To consider the passage of, and to enact legislation appropriating funds to defray the expenses of this extraordinary session of the 38th Idaho Legislature.

4. To consider the passage of, and to enact legislation appropriating funds for the operation of the Air Pollution Commission, for the operation of the Department of Health, for the operation of the Idaho State School and Colony at Nampa, for the operation of State Hospital North at Orofino, for the operation of State Hospital South at Blackfoot, and for the operation of the Idaho Tuberculosis Hospital at...
Gooding, for the period commencing July 1, 1965 and ending June 30, 1967.

AND I HEREBY DIRECT AND REQUIRE that a copy of this Proclamation be caused to be delivered to the Lieutenant Governor, and to each of the members of the 38th Idaho Legislature and to the Constitutional Officers of the State Government at the earliest practicable time.

This Proclamation amends, supercedes and sets aside that Certain Proclamation by me issued on the 18th day of March, 1965.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at Boise, the Capital, at the hour of 8:30 A. M., the 19th day of March, in the year of our Lord Nineteen Hundred and Sixty-five and of the Independence of the United States the One Hundred and Eighty-Ninth.

/\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
(S. B. No. 10)

AN ACT

AMENDING SECTION 34-605, IDAHO CODE, TO PROVIDE QUALIFICATION FOR CANDIDATES FOR STATE SENATORS AND REPRESENTATIVES; AMENDING SECTION 34-606, IDAHO CODE, TO PROVIDE DECLARATION OF CANDIDATES FOR STATE SENATORS AND REPRESENTATIVES; AMENDING SECTION 34-608, IDAHO CODE, PROVIDING PLACE OF FILING FOR STATE SENATORS AND REPRESENTATIVES; AMENDING SECTION 34-612A, IDAHO CODE, PROVIDING FOR FILLING VACANCIES ON NOMINATION OF STATE SENATORS AND STATE REPRESENTATIVES; PROVIDING FOR NOMINATION AND CERTIFICATION OF STATE SENATORS AND STATE REPRESENTATIVES OR COUNTY OFFICES AND PAYMENT OF REQUIRED FEE; AMENDING SECTION 34-634, IDAHO CODE, PROVIDING DETERMINATION OF TIES FOR STATE SENATORS AND STATE REPRESENTATIVES OR OTHER MULTICOUNTY REPRESENTATIVE DISTRICTS; AMENDING SECTION 34-636, IDAHO CODE, PROVIDING FOR CERTIFICATION OF NOMINATION ELECTION RESULTS BY COUNTY COMMISSIONERS TO SECRETARY OF STATE FOR STATE SENATORS AND STATE REPRESENTATIVES; AMENDING SECTION 34-637, IDAHO CODE, PROVIDING CERTIFICATION BY STATE BOARD OF CANVASSERS FOR STATE SENATORS AND STATE REPRESENTATIVES OR OTHER MULTICOUNTY REPRESENTATIVE DISTRICTS; AMENDING SECTION 34-646, IDAHO CODE, PROVIDING FOR CERTIFICATION FROM SECRETARY OF STATE TO COUNTY ADDITORS, INCLUDING CANDIDATES FROM SEVERAL COUNTY POLITICAL SUBDIVISIONS WITHIN SENATORIAL DISTRICTS OR SIN-
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 34-605, Idaho Code, be, and the same is hereby amended to read as follows:

34-605. PERSONS QUALIFIED TO BECOME CANDIDATES.—Any person legally qualified to hold such office is entitled to become a candidate for office, and to have his name placed on the ballot provided for any nominating election authorized herein, upon a substantial compliance with the terms of this act, and not otherwise.

No person shall be a candidate for state senator who, at the time of his filing as a candidate, is not a citizen of the United States, and an elector of this state nor anyone who has not been, for one year next preceding the nominating election, a resident and elector of the county within which he files for nomination.

No person shall be a candidate for state representative who, at the time he files for nomination, is not a citizen of the United States, and an elector of this state and who has not been, for one year next preceding the date of nominating election, a resident and elector within the representative district whence he may be chosen.

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, prior to the nominating election to be held to nominate candidates for such office, in substantially the following form, to-wit:

Candidates for state senator, state representative, county or precinct office shall file a declaration of candidacy in the following form, to-wit:

I, the undersigned, being a qualified elector of .................. Precinct, .................. County, State of Idaho, and a mem-
ber 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........, and certify that I possess the
legal qualifications to fill said office, and represent the prin-
ciples 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 following 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 meet-
ing 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 nec-
essary 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 there-
to 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 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.

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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, )
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 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 _____________, 19______.

Notary Public

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 (1) 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, constable, a county office or member of the state legislature, said petition or petitions
must have affixed thereto not fewer than five (5) nor more
than ten (10) names of voters residing within the county
and of the party of which the candidate is a member, pro-
vided, that a petition or petitions for a precinct committe-
eman, and constable must have affixed thereto not fewer than
five (5) nor more than ten (10) names of voters residing
within the precinct for which they are nominated. Each
candidate for precinct committeeman, 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,

County of ______________________

I do solemnly swear (or affirm) that I am a qualified elec-
tor 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 nonpolitical 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 sub-
stantially 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) __________________________________________

SECTION 3. That Section 34-608, Idaho Code, be, and the same is hereby amended to read as follows:

34-608. FEE FOR FILING—AMOUNT—TO WHOM PAYABLE.—The fee to be paid by or on behalf of a candidate shall be the sum of two dollars ($2.00) if he is a candidate for an office the salary of which is $300.00 or less per annum; when such salary exceeds the sum of $300.00 per annum an additional sum equal to one per cent (1%) thereof on such excess.

Said fees are to be paid to the following officers, to-wit: When the candidacy is for a congressional, state or district office embracing more than one county, the fee shall be paid to the secretary of state to be paid by him to the state treasurer and when for district offices of districts containing more than one county the same shall be divided equally between the counties composing such districts and paid to the respective treasurers thereof, and the secretary of state shall issue all necessary warrants for such payments on the state treasurer. When a candidacy is for state senator or other than multicounty representative district or a county office such fees shall be paid to the county auditors, and by them paid to the respective county treasurers. Provided, no fee shall be paid by or on behalf of any candidate for precinct committeeman, justice of the peace or constable.

SECTION 4. That Section 34-612A, Idaho Code, be, and the same is hereby amended to read as follows:

34-612A. CERTIFICATION OF CANDIDATES BY SECRETARY OF STATE AND COUNTY AUDITOR AND MEETING OF COUNTY ASSEMBLY.—Not less than five (5) days before the county assembly meets, the secretary of state shall mail or deliver personally to the county chairman 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 (5) 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 state senator, state representative or 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 fifty-one per cent (51%) of the precincts in the county are represented in person by the precinct committeemen at said assembly and no proxies shall be allowed, and the assembly shall have the following powers:

a. To nominate county candidates for state senator, state representative or county offices 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 such 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 respective political parties. Each county shall have as many delegates as it has legislative seats in the state senate and house and in addition thereto shall have one (1) additional delegate for each 2,000 or major fraction of votes of that political party cast for the office of United States representative at the last primary election. The county chairman, state committeeman and state committeewoman and the incumbent legislators of the respective party shall be delegates to the state assembly and be in addition to the number of delegates allowed each county hereinabove. 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 (10) 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 5. That Section 34-634, Idaho Code, be, and the same is hereby amended to read as follows:

34-634. DETERMINATION OF TIE.—Should two (2) or more candidates for a nonpolitical office or two (2) or more candidates of a political party receive the same number of votes for the same office the tie shall be determined by lot by such candidates; if for state senator or other than multicounty representative district or a county office, in the presence of the county canvassing board; and if for a district or state office, United States senator or representative in Congress, before the state canvassing board.

SECTION 6. That Section 34-636, Idaho Code, be, and the same is hereby amended to read as follows:

34-636. CERTIFICATION OF RESULT BY COUNTY COMMISSIONERS.—As soon as the returns are received and not later than the third day after the nominating election, either regular or run off, the board of county commissioners shall meet as a board of canvassers, and canvass and make abstracts of the votes for the respective candidates for the different offices, and shall certify to the secretary of state the number of votes received in such county by all candidates for United States senator, representative in Congress and state and district offices, state senator and state representative nominated by such county political subdivision; provided that in the event of a run off nominating election such certification to the secretary of state shall be only for the offices and candidates involved in such run off election.

Said board shall certify to the county auditor the names of persons nominated by the different parties for the respective offices to be voted for at the ensuing general election in such county only.

SECTION 7. 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 (10) o’clock in the forenoon of the 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, state senators nominated by each county political subdivision, and state representatives, 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 to the secretary of state, not less than thirteen (13) days after the nominating election.

SECTION 8. That Section 34-646, Idaho Code, be, and the same is hereby amended to read as follows:

34-646. PUBLICATION OF NOMINATIONS—POSTING OF NOTICES IN RUN-OFF NOMINATING ELECTIONS.—Within thirteen (13) days after a nominating election, whether regular or run-off, the secretary of state shall certify to the county auditor of each county the name and description of the persons nominated as candidates for whom the electors in each county political subdivision may vote, as specified in the certificates of nomination filed with the secretary of state. Except that when a run-off election is required, the secretary of state shall certify to said auditors only the names and descriptions of the persons and offices involved in such run-off election. As soon as the county auditor shall have received the information herein required to be certified to him by the secretary of state, including the candidates from the several county political subdivisions within that senatorial district or single or multi-representative district as the case may be as provided in the section next preceding, it shall be his duty to compile in ballot form the information contained in said certificate, together with the information contained in all certificates of nomination to county and precinct officers which may be filed with him as the nominees to be voted on at the next succeeding general election and cause the same to be published in two (2) issues of a newspaper published or distributed in such county. Said publications and notices shall be, as far as possible, in the form in which such nominations shall appear upon the official ballot as provided in Chapter 9 of this Title. In making said publications and notices county auditors shall keep in view the object of giving information, as far as possible, to the largest number of voters of all political parties.

The county auditors of each county in which a run-off election is to be held shall cause to be prepared a notice containing the names and addresses of all candidates running in said run-off primary under the proper designation and title of each office, giving the date of the run-off nominating election to be held to nominate such candidate for such office, the hours during which the polls will be open, and that the nominating run-off election will be held at the regular polling place in each precinct and the names of the
candidates for each office shall appear in alphabetical order according to the first letter of the surname; and said auditor shall cause copies of said notice to be posted not less than five (5) days before such run-off nominating election as follows: one (1) at or near each post office situated in said county; one (1) at or near the front door of the county court house; and five (5) in five (5) public places in said county which are most likely to give notice to the voting public. No further notice of a run-off election shall be required.

SECTION 9. That Section 34-648, Idaho Code, be, and the same is hereby amended to read as follows:

34-648. FILLING VACANCIES IN NOMINATIONS.— Should any person nominated die before the printing of the ticket or decline the nomination as in this act provided, or should any certificate of nomination be or become insufficient or inoperative from any cause, or if the original nomination was made by a party convention which had delegated to a committee the power to fill vacancies, the vacancy or vacancies thus occasioned may be filled in the following manner: The proper committee may, upon the occurring of such vacancies, proceed to fill the same. The chairman and secretary of such committees shall thereupon make and file with the proper officer, a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an original certificate of nomination. The certificate so made shall be executed in the manner prescribed for the original certificate of nomination, and shall have the same force and effect as an original certificate of nomination. When such certificate shall be filed with the secretary of state, he shall, in certifying the nomination to the various county auditors, insert the name of the person who has thus been nominated to fill a vacancy in place of that of the original nominee; and in the event he has already sent forth his certificate, he shall forthwith notify the auditors of the proper counties of the name and description of the person so nominated to fill a vacancy, the office he is nominated for, the party or principles he represents and the name of the person for whom such nominee is substituted.

In the case of a vacancy in a multicounty state representative district the state political party chairman shall call a meeting of the involved county electoral committees at a
time and place certain within the multicounty representa-
tive district any time before the sixtieth day prior to the
general election for the purpose of filling such vacancy.

SECTION 10. That Chapter 9 of Title 34, Idaho Code, be,
and the same is hereby amended by adding a new section
thereto, to be known and designated as Section 34-904A, and
to read as follows:

34-904A. PROVISION FOR SENATORIAL DIS-
TRICTS ON BALLOT.—On the ballot just below the state
elective offices there shall be provided a space for the "Sen-
torial District # ......." in a size of type not smaller than
long primer capitals, setting forth each of the county po-
litical subdivisions and the certified senatorial candidates
under each named county political subdivision belonging to
that particular senatorial district.

The face of the portion of the ballot for senatorial dis-
tricts shall be in substantially the following form:

<table>
<thead>
<tr>
<th>SENATORIAL DISTRICT # .......</th>
<th>SENATORIAL DISTRICT # .......</th>
<th>SENATORIAL DISTRICT # .......</th>
</tr>
</thead>
<tbody>
<tr>
<td>XYZ County</td>
<td>XYZ County</td>
<td>XYZ County</td>
</tr>
<tr>
<td>For Senator</td>
<td>For Senator</td>
<td>For Senator</td>
</tr>
<tr>
<td>JOHN DOE</td>
<td>RICHARD ROE</td>
<td></td>
</tr>
<tr>
<td>ABC County</td>
<td>ABC County</td>
<td>ABC County</td>
</tr>
<tr>
<td>For Senator</td>
<td>For Senator</td>
<td>For Senator</td>
</tr>
<tr>
<td>JOHN ZILCH</td>
<td>JOE ZILCH</td>
<td></td>
</tr>
<tr>
<td>TRD County</td>
<td>TRD County</td>
<td>TRD County</td>
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<tr>
<td>For Senator</td>
<td>For Senator</td>
<td>For Senator</td>
</tr>
<tr>
<td>JOHN BROWN</td>
<td>JOE WHITE</td>
<td></td>
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<tr>
<td>BLR County</td>
<td>BLR County</td>
<td>BLR County</td>
</tr>
<tr>
<td>For Senator</td>
<td>For Senator</td>
<td>For Senator</td>
</tr>
<tr>
<td>JANE LOW</td>
<td>MARY BOW</td>
<td></td>
</tr>
</tbody>
</table>

Approved April 2, 1965.
AN ACT

REPEALING AND REENACTING SECTION 67-202, IDAHO CODE; CREATING SENATORIAL DISTRICTS AND PROVIDING FOR NOMINATION AND ELECTION OF SENATORS; PROVIDING FOR REVERSION TO EXISTING LAW IN THE EVENT OF AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-202, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That a new section is hereby enacted, to be known and designated as Section 67-202, and to read as follows:

67-202. SENATORIAL DISTRICTS.—It is hereby recognized that Idaho is a large and thinly populated mountainous state which from its origin has developed basic law with heavy reliance upon the political subdivisions of county government; further, it is recognized that the future development of Idaho dictates that no violence be done to this historic concept of government. At the same time it is the policy of the state of Idaho, in order to represent the population on an equitable basis, that state senatorial districts be maintained wherein the election of senators as provided by Article 3, Section 2, of the Idaho Constitution shall be as nearly equitable as possible among all the voters of the state.

In compliance with the 14th Amendment to the Constitution of the United States and with Article 3, Section 2 of the Constitution of the state of Idaho, and based upon the decennial federal census of 1960, the following senatorial districts are hereby created:

DISTRICT 1 shall consist of the counties of Bingham, Bonneville, Jefferson, Madison, Teton, Fremont, Clark and Lemhi and shall elect eight senators.

DISTRICT 2 shall consist of the counties of Bannock, Caribou, Bear Lake, Franklin and Oneida and shall elect five senators.

DISTRICT 3 shall consist of the counties of Gooding, Lin-
DISTRICT 1 shall consist of the counties of C. 2. 1st E.S. '65

IDAHO SESSION LAWS

coln, Jerome, Minidoka, Twin Falls, Cassia and Power and
shall elect seven senators.

DISTRICT 4 shall consist of the counties of Valley, Cus-
ter, Butte, Blaine, Camas, Elmore, Ada and Boise and shall
elect eight senators.

DISTRICT 5 shall consist of the counties of Owyhee,
Canyon, Gem, Payette, Washington and Adams and shall
elect six senators.

DISTRICT 6 shall consist of the counties of Idaho, Lewis
and Nez Perce and shall elect three senators.

DISTRICT 7 shall consist of the counties of Clearwater
and Latah and shall elect two senators.

DISTRICT 8 shall consist of the counties of Shoshone
and Benewah and shall elect two senators.

DISTRICT 9 shall consist of the counties of Kootenai,
Bonner and Boundary and shall elect three senators.

There shall be nominated from each of the forty-four
county political subdivisions, one senatorial candidate from
each political party as provided by Title 34, Chapter 6,
Idaho Code.

Each qualified voter in a senatorial district shall be en-
titled to cast one vote for a candidate for senator from each
county political subdivision within such senatorial district.

A majority of the ballots cast at the general election by
the entire senatorial district as between the candidates of
each respective county political subdivision shall elect one
senator from each such county political subdivision.

SECTION 3. In the event the Constitution of the United
States is amended to permit apportionment of one house of
the legislature upon factors other than population only,
this act shall no longer be in effect and Section 67-202, Idaho
Code, as it existed prior to the enactment hereof, shall there-
after be in full force and effect.

SECTION 4. In the event that Section 3 hereof shall be
found by any court of competent jurisdiction to be invalid,
the remaining provisions hereof shall not be affected and
shall be and remain in full force and effect.

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 April 2, 1965.
CHAPTER 3
(H. B. No. 1)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO, RECEIPTS TO APPROPRIATIONS, TO THE STATE BOARD OF HEALTH FOR AIR POLLUTION CONTROL COMMISSION, DEPARTMENT OF HEALTH, Nampa State School, State Hospital North, State Hospital South, and Tuberculosis Hospital for the purpose of paying salaries and wages, travel expense, other current expense, capital outlay and relief and pensions for the period commencing July 1, 1965, and ending June 30, 1967; 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, Receipts to Appropriations, 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 agencies herein named, for the period commencing July 1, 1965, and ending June 30, 1967; subject to the provisions of the Standard Appropriations Act of 1945:

To Whom Appropriated: Appropriations:
TO STATE BOARD OF HEALTH FOR the following agencies:

AIR POLLUTION CONTROL COMMISSION:
For:
   Lump Sum of $20,000.00

From the General Fund $20,000.00

DEPARTMENT OF HEALTH:
For:
   Total $5,436,666.00
   Less Other Income $3,036,666.00

From the General Fund $2,400,000.00
NAMPA STATE SCHOOL:
For:
  Total .............................................. $3,842,000.00
  Less Receipts to Appropriation .. 342,000.00

From the General Fund ......................... $3,500,000.00

STATE HOSPITAL NORTH:
For:
  Total .............................................. $2,544,952.00
  Less Other Income ........................ 469,952.00

From the General Fund ......................... $2,075,000.00

STATE HOSPITAL SOUTH:
For:
  Total .............................................. $3,706,254.00
  Less Other Income ........................ 706,254.00

From the General Fund ......................... $3,000,000.00

TUBERCULOSIS HOSPITAL:
For:
  Total .............................................. $1,282,500.00
  Receipts to Appropriation .............. 37,500.00

From the General Fund ......................... $1,245,000.00

Approved April 2, 1965.

CHAPTER 4
(H. B. No. 3)

AN ACT

REPEALING SECTION 67-203, IDAHO CODE; AMENDING CHAPTER 20 OF TITLE 67, IDAHO CODE, BY ADDING A NEW SECTION AFTER SECTION 67-202, IDAHO CODE, TO BE KNOWN AS SECTION 67-203, BY PROVIDING THAT REPRESENTATIVES OF THE HOUSE SHALL BE ELECTED FROM TWENTY-SEVEN (27) REPRESENTATIVE DISTRICTS.

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

SECTION 1. That Section 67-203, Idaho Code, be, and the same hereby is repealed.
SECTION 2. That Chapter 20 of Title 67, Idaho Code, be, and the same is hereby amended by adding a new section thereto, following Section 67-202, Idaho Code, to be known and designated as Section 67-203, and to read as follows:

67-203. Members of the House of Representatives shall be elected from twenty-seven (27) representative districts consisting of the following counties and number of representatives from each district:

<table>
<thead>
<tr>
<th>DISTRICT NO.</th>
<th>COUNTIES</th>
<th>MEMBERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Boundary—Bonner</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>Kootenai</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>Shoshone</td>
<td>2</td>
</tr>
<tr>
<td>4</td>
<td>Latah—Benewah</td>
<td>3</td>
</tr>
<tr>
<td>5</td>
<td>Clearwater</td>
<td>1</td>
</tr>
<tr>
<td>6</td>
<td>Nez Perce</td>
<td>3</td>
</tr>
<tr>
<td>7</td>
<td>Idaho—Lewis</td>
<td>2</td>
</tr>
<tr>
<td>8</td>
<td>Adams—Valley—Boise</td>
<td>1</td>
</tr>
<tr>
<td>9</td>
<td>Washington</td>
<td>1</td>
</tr>
<tr>
<td>10</td>
<td>Payette</td>
<td>1</td>
</tr>
<tr>
<td>11</td>
<td>Gem</td>
<td>1</td>
</tr>
<tr>
<td>12</td>
<td>Canyon</td>
<td>6</td>
</tr>
<tr>
<td>13</td>
<td>Ada</td>
<td>9</td>
</tr>
<tr>
<td>14</td>
<td>Elmore—Owyhee</td>
<td>2</td>
</tr>
<tr>
<td>15</td>
<td>Lemhi—Custer—Butte</td>
<td>1</td>
</tr>
<tr>
<td>16</td>
<td>Blaine—Camas—Lincoln</td>
<td>1</td>
</tr>
<tr>
<td>17</td>
<td>Gooding</td>
<td>1</td>
</tr>
<tr>
<td>18</td>
<td>Jerome</td>
<td>1</td>
</tr>
<tr>
<td>19</td>
<td>Twin Falls</td>
<td>4</td>
</tr>
<tr>
<td>20</td>
<td>Cassia—Minidoka</td>
<td>3</td>
</tr>
<tr>
<td>21</td>
<td>Clark—Fremont</td>
<td>1</td>
</tr>
<tr>
<td>22</td>
<td>Jefferson</td>
<td>1</td>
</tr>
<tr>
<td>23</td>
<td>Madison—Teton</td>
<td>1</td>
</tr>
<tr>
<td>24</td>
<td>Bonneville</td>
<td>5</td>
</tr>
<tr>
<td>25</td>
<td>Bingham—Power</td>
<td>3</td>
</tr>
<tr>
<td>26</td>
<td>Bannock</td>
<td>5</td>
</tr>
<tr>
<td>27</td>
<td>Caribou—Bear Lake</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Franklin—Oneida</td>
<td></td>
</tr>
</tbody>
</table>

Approved April 2, 1965.
CHAPTER 5
(H. B. No. 6)

AN ACT

AMENDING SECTION 34-1902, IDAHO CODE, RELATING TO THE FIRST CONGRESSIONAL DISTRICT OF THE STATE OF IDAHO, BY ADDING ADA, ELMORE AND OWYHEE COUNTIES THERETO, AND BY REMOVING LEMHI AND CUSTER COUNTIES THEREFROM; AND AMENDING SECTION 34-1903, IDAHO CODE, RELATING TO THE SECOND CONGRESSIONAL DISTRICT, BY REMOVING ADA, ELMORE AND OWYHEE COUNTIES THEREFROM, AND BY ADDING THERETO LEMHI AND CUSTER COUNTIES AND THE NAMES OF OTHER COUNTIES WHICH WERE CREATED FROM THE COUNTIES ORIGINALLY NAMED THEREIN, BEING CARIBOU COUNTY, CLARK COUNTY AND JEROME COUNTY.

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

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


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

34-1903. The second congressional district comprises the counties of Ada, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Power, Teton, Twin Falls, and counties hereafter created therefrom.

Approved April 2, 1965.
HOUSE CONCURRENT RESOLUTIONS

(H. C. R. No. 1)

A CONCURRENT RESOLUTION

PROVIDING FOR PRINTING AND INDEXING REQUIRED BY THE FIRST EXTRAORDINARY SESSION OF THE THIRTY-EIGHTH SESSION BY CONTINUING THE CONTRACTS ENTERED INTO FOR THE THIRTY-EIGHTH REGULAR SESSION.

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 the law, entered into contracts for printing of the Legislative Calendars, Session Laws, Bills, Journals and Indexing the Session Laws for the Thirty-eighth Regular Session;

BE IT RESOLVED, by the House of Representatives, the Senate concurring that the contracts entered into, by the adoption of House Concurrent Resolutions Nos. 9, 10, 12, 13 and 14 for the Thirty-eighth Regular Session of the Idaho Legislature, will continue and be in effect during the first extraordinary Session of the Legislature of the State of Idaho.

Passed by the House March 19, 1965.
Passed by the Senate March 19, 1965.

(H. C. R. No. 5)

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

“BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that the First Extraordinary Session of the Thirty-eighth Legislature of the State of
Idaho, adjourn sine die at the hour of 4:00 o'clock p.m. on the 25th day of March, 1965.”

Passed by the House March 25, 1965.

Passed by the Senate March 25, 1965.
SENATE CONCURRENT RESOLUTIONS

(S. C. R. No. 1)

A CONCURRENT RESOLUTION


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-eighth 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-eighth 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) ......................... 25.00
Secretaries to the President, Speaker and President Pro Tem .................... 20.00
Sergeant-at-Arms .................................... 25.00
Journal Clerks ........................................ 20.00
Docket Clerks ....................................... 20.00
Purchasing Agents ................................ 20.00
Doorkeepers .......................................... 12.00
Secretaries and Clerks ............................... 18.00
Janitors ........................................... 12.00
Messengers ........................................ 12.00
Chaplains .......................................... 10.00
Proof Readers ...................................... 18.00
Enrolling and Engrossing Clerks ................. 18.00
Hostesses .......................................... 12.00
Pages ............................................... 12.00
Mail Clerks .................................................. 12.00
Night Watchmen .......................................... 12.00
Attorneys .................................................. 30.00

Passed by the Senate March 19, 1965.
Passed by the House March 20, 1965.
CERTIFICATE OF SECRETARY OF STATE

UNITED STATES OF AMERICA  
STATE OF IDAHO  

I, ARNOLD WILLIAMS, Secretary of State of the State of Idaho, do hereby certify that the foregoing printed pages contain true, full correct and literal copies of all the general laws and resolutions passed by the First Extraordinary Session of the Thirty-eighth Session of the Idaho Legislature, which convened March 19, 1965, and adjourned March 25, 1965, 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, 1965.

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

(Prepared by The Voter Publishing Company, Boise, Idaho)

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<th>Page</th>
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<td></td>
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<th>Chapter</th>
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TO

THE SECTIONS OF THE IDAHO CODE

BY THE

1965 SESSION LAWS,

1st Extraordinary Session

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