Office Of
Attorney General
State Of Idaho

ALLAN G. SHEPARD
Attorney General

Biennial Report
1 July, 1962 -- 30 June, 1964
ALLAN G. SHEPARD

Attorney General
Hon. Robert E. Smylie  
Governor, State of Idaho  
Capitol Building  
Boise, Idaho  

Dear Governor Smylie:  

Pursuant to statutory requirement I present for your consideration, and the consideration of the Thirty-eighth Session of the Legislature, the biennial report for the Office of Attorney General.

Respectfully submitted,

ALLAN G. SHEPARD  
Attorney General

AGS/aj  
encl.
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<tr>
<th>POSITION</th>
<th>NAME</th>
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<tr>
<td>Attorney General</td>
<td>Allan G. Shepard</td>
<td>7 January, 1963</td>
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<tr>
<td>Deputy Attorney Gen.</td>
<td>R. LaVar Marsh</td>
<td>1 August, 1963</td>
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<td>R. Michael Southcombe</td>
<td>7 January, 1963</td>
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<td>1 March, 1963</td>
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<td>Larry D. Ripley</td>
<td>4 June, 1963</td>
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<td>Weldon S. Wood</td>
<td>1 October, 1964</td>
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<td>18 February, 1963</td>
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<td>7 January, 1963</td>
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<tr>
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<td>Barbara L. McKenzie</td>
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<td>Legal Secretary</td>
<td>Letha L. Ryder</td>
<td>7 January, 1963</td>
<td>31 August, 1963</td>
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<td>Virginia M. Peters</td>
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<td>Jeanette M. Ashley</td>
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<td>Nona Dee Broome</td>
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<td>December, 1962</td>
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<tr>
<td>Legal Secretary</td>
<td>Alice Shoup</td>
<td>7 January, 1963</td>
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ATTORNEY GENERAL'S REPORT

SUPREME COURT JUSTICES OF THE STATE OF IDAHO

CHIEF JUSTICE: ........................................ E. T. Knudsen
JUSTICES: ............................................ E. B. Smith
               C. J. Taylor
               Henry McQuade
               Joseph J. McFadden

DISTRICT COURT JUDGES OF THE STATE OF IDAHO

DISTRICT                      JUDGES
FIRST                        James G. Towles
SECOND                      Jack McQuade—resigned
                         Thomas Felton—appointed 5-24-63
THIRD                      Hamer H. Budge—resigned
                         Charles R. Donaldson—appointed 7-12-64
                         J. Ray Durtschi
                         Merlin S. Young
FOURTH                      Charles Scoggin
FIFTH                       John A. Carver—died
                         Gus Carr Anderson—appointed 1-3-63
                         Arthur P. Oliver
SIXTH                       Ezra P. Monson
SEVENTH                     Robert B. Dunlap
                         Gilbert C. Norris
EIGHTH                      Clay V. Spear
                         Robert E. McFarland
NINTH                       Henry S. Martin
                         Boyd R. Thomas
TENTH                       John W. Cramer
                         Paul W. Hyatt
ELEVENTH                   Lloyd Webb
                         Theron W. Ward
TWELFTH                     Willard C. Burton
THIRTEENTH                 Francis J. Rasmussen
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<td>Martin V. Huff—appointed 5-1-64</td>
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<td>ADAMS</td>
<td>Carl H. Swanstrom</td>
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<tr>
<td>BANNOCK</td>
<td>Hugh C. Maguire, Jr.</td>
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<td>BEAR LAKE</td>
<td>Elbert E. Gass</td>
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<td>BINGHAM</td>
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<td>V. K. Jeppesen</td>
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<td>CARIBOU</td>
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<td>CASSIA</td>
<td>Richard K. Smith</td>
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<td>A. H. Christiansen</td>
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<td>Robert Ailshie (Deceased November 16)</td>
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<td>1951-1954</td>
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<td>Frank L. Benson</td>
<td>1959-1962</td>
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ATTORNEY GENERAL'S REPORT

APPROPRIATION
ATTORNEY GENERAL'S OFFICE
1963-1965 Biennium

SALARIES AND WAGES ........................................... $233,750.00
TRAVEL ............................................................... 15,470.00
OTHER CURRENT EXPENSE ................................. 17,185.00
CAPITAL OUTLAY .................................................. 11,995.00
TOTALS .............................................................. $278,400.00

COLLECTIONS

The various departments of state during the course of their business transactions have outstanding debts owed them by various corporations, associations and persons with whom they do business. Many times these outstanding debts must be referred to this office for collections, even to the extent of litigation. Principally these collections consist of:

1. Tax collections such as income taxes, estate taxes, numerous license taxes for many departments and taxes to agricultural commissions. All of which are either unpaid or paid with bad checks.

2. Payments due on state timber sales.

3. Payments due for state land sales or condemnations.

4. Brush disposal and forest protection payments due.

5. Service fees due to either the Department of Health for patient care or to the Department of Agriculture for inspections and inoculations of animals, etc.

During the 1963-1964 biennium the Office of Attorney General in effectuating the collections for these departments has received the sum of $118,688.87 for the agencies requiring our services.
ATTORNEY GENERAL'S REPORT

CASES OF SPECIAL INTEREST

In the course of the operations of this office during the biennium covered by this report, several distinctive cases of special interest have required the participation of the Attorney General. These cases are not only of great importance in a legal light, but also because of their great public impact. Set out below is a brief discussion concerning these cases and an indication of their importance.

**Hiler v. Williams, et al**

On February 19, 1964, in the wake of the United States Supreme Court legislative redistricting case of *Wesberry v. Sanders*, 376 U. S. 1, 84 S. Ct. 526, 11 L. Ed. 2d 248 (1964), a legislative redistricting suit was filed in the United States District Court for the District of Idaho, *Hiler v. Williams, et al*, Civil No. 3922. A special three-judge court was then convened.

The Plaintiff, in essence, maintained; (1) that Sections 34-1902 and 34-1903 of the Idaho Code, designating the counties that compose Idaho's two congressional districts, were unconstitutional, and (2) that the candidates for nomination and election for the two congressional seats should run at large on a state-wide basis.

The Attorney General's office represented certain elected state offices who were named as Defendants. An answer was filed in due course and a pre-trial conference order was issued. The Plaintiff moved for summary judgment. The Attorney General's office moved the court to abstain and decline to exercise jurisdiction pending the 1964 general election and the commencement of the 38th Idaho Legislature and for a reasonable time thereafter, or in the alternative, to continue the case in like manner.

On May 1, 1964 the three-judge panel ordered that Defendant's motion for a stay of the proceedings be granted and that the action be stayed until the expiration of a period of thirty days next following adjournment of the next session of the Idaho Legislature or until further order of the Court.


In November of 1963 a law suit was filed in the United States District Court contending that Section
33-1604, *Idaho Code*, was void, unconstitutional and of no force and effect. This section was the statutory requirement for compulsory Bible reading in the classrooms of the schools of this state. The Plaintiffs in this action were parents of school age children and several clergymen, all residing in the Moscow, Idaho, area. The contention of the Plaintiffs was that compulsory religious exercises in the public schools were unconstitutional and that religious exercises should be conducted on a voluntary basis. A three-judge panel was appointed and the case was heard, decided and judgment entered against the Defendants in August of 1964. The three-judge district court declared that Section 33-1604 was in conflict with the first and fourteenth amendments of the United States Constitution and invalid and unenforceable. The effect of such judgment was to enjoin and restrain public officials from requiring or compelling the reading of the Bible as a religious exercise in any public school anywhere in the State of Idaho. It may be of interest to note that at the writing of this synopsis there is currently in the United States Supreme Court a case which seeks to have stricken from the Pledge of Allegiance the term "under God."

*Oneida County Fair Board, et al v. Robert E. Smylie, Governor of the State of Idaho*

The 37th Session of the Idaho Legislature passed Senate Bill No. 85 entitled the Idaho Horseracing Act. Such act became law on March 5, 1963, and there was created the Idaho Horseracing Committee. The act required members of the Committee to be appointed by the Governor within thirty days after becoming law, and after the expiration of that time a request was made to the Governor to so appoint the Committee. The Governor refused to appoint the Committee on the basis that the legislation was unconstitutional under Article 3, Section 20 of the Constitution of the State of Idaho. In April of 1963 the petitioners brought an original petition of writ of mandate in the Supreme Court of Idaho asking that the Governor be directed to appoint the Idaho Horseracing Committee authorized by the Idaho Horseracing Act. An alternate writ of mandate was issued and briefs were submitted with oral argument taking place on Monday, June 17, 1963. On September 26, 1963, the Supreme Court of the State of Idaho decided that the Idaho Horseracing Act was constitutional and directed that the pre-emptory writ
of mandate issue commanding that the Governor appoint the Idaho Horseracing Committee. The petition for re-hearing was filed and denied by the Supreme Court on November 15, 1963.


On March 26, 1962, the United States Supreme Court handed down the decision of *Baker v. Carr*, 369 U. S. 186, 82 S. Ct. 691, 7 L. Ed2d 663. Essentially the court held that a federal district court does have jurisdiction to consider arguments directed toward the legislative apportionment of a state. *Baker v. Carr* spanned the instituting of similar suits in various federal district courts, one of which was the *Hearne, et al v. Smylie, et al*, Civil No. 3815. Litigation was commenced in *Hearne v. Smylie* on November 1, 1964, in the United States District Court for the District of Idaho. Basically, the Plaintiffs contended that the constitutional and statutory provisions apportioning both chambers of the Idaho Legislature were unconstitutional. A special three-judge panel was then created.

The Attorney General's office entered the litigation in representing certain elected state officials who were named as Defendants. Various pleadings and motions were filed on behalf of all parties and on November 18 and 19, 1964, the Attorney General's office appeared in a trial on the matter before the three-judge court.

The court on January 10, 1964, entered judgment dismissing the action. The decision is reported in 225 F. Supp. 655. Plaintiffs appealed the decision to the United States Supreme Court on February 10, 1964. Plaintiffs subsequently filed a jurisdictional statement and the Attorney General's office on behalf of certain Defendants filed a motion to dismiss the appeal and a motion to affirm the lower court's judgment.

On June 22, 1964, the United States Supreme Court reversed and remanded the proceedings. The three-judge panel conducted a hearing on July 24, 1964, and subsequently ordered the proceedings stayed until the expiration of the period of thirty days next following adjournment of the next regular session of the Idaho Legislature in January of 1965, or until further order of the Court. Plaintiffs have appealed again to the United States Supreme Court seeking to have the stay order set
aside. Plaintiffs have filed their jurisdictional statement. The Attorney General's office submitted a motion to dismiss the appeal and a motion to affirm the three-judge panel's order.

*Allen Steel Supply Co. v. Guy R. Bradley and R. E. W. Construction Co. v. Third District Court*

In the Allen Steel case the principal question presented was whether or not Idaho's rules of civil procedure are a constitutional delegation of legislative authority to the judiciary. The Attorney General's office was not a party in this action, but appeared as Amicus Curiae contending that the rules are constitutional.

The R. E. W. Construction case was instituted by the Plaintiffs on a writ of prohibition to prohibit the District Courts of the State of Idaho from applying the Idaho rules of civil procedure on the basis of the contention, as in the Allen Steel case, that the rules were unconstitutional as an improper delegation of legislative authority to the judiciary. In this action the Attorney General's office represented the District Judges of the Third Judicial District.

The Idaho rules are the basis for all court procedure in civil matters in this state and any decision concerning their constitutionality is of great interest not only to the practicing bar and this office, but to all persons utilizing the courts and seeking civil remedies.

*George Heckler, et al v. Allan G. Shepard, et al*

On May 31, 1963, the Plaintiffs, consisting of instructors and employees of the University of Idaho, Idaho State University and a school district located at Pocatello, Idaho, brought suit in Federal District Court to enjoin the execution of *Idaho Code* Section 59-401, commonly referred to as the "loyalty oath." A three-judge federal district court was empaneled and the plaintiffs contended that the loyalty oath contravened the due process clauses of the federal and state constitution and was an ex post facto and bill of attainder. It was also contended that *Idaho Code* Section 59-401 impaired existing contracts. The matter was finally submitted before the court in August and to date there has been no final decision.
Felipe Yribar left the balance of his substantial estate, via a residuary clause, to “some worthy, charitable or public institution or institutions.” After his death, the will was contested, and after a determination in the Probate Court that the will was valid, the case was appealed to the Supreme Court of Idaho. There the case was brought to the attention of this Office because of the public interest involved, and the Supreme Court allowed the Attorney General to enter as amicus curiae. The Court remanded the case for a new trial, without determining the validity of the charitable trust, and the Attorney General has intervened in the action at the district court level. The executors of the estate had previously determined that should the will be held valid, $385,000.00 from the estate would be divided among various public and private charities and institutions in Idaho, including the University of Idaho, Idaho State University, College of Idaho, North Custer Hospital District, Idaho Youth Ranch and the Elks Rehabilitation Center, among others. The decision in this case will affect past, present and future wills in this state having similar provisions.
The office of Attorney General has separated opinions into two general classifications, formal and letter.

The formal opinions concern matters which this office considers to be of interest to all public authorities throughout the state, and because of such import are distributed to these interested persons.

The following compilation refers only to the formal opinions of statewide concern issued by this office.

Letter opinions are issued by this office directed toward specific local problems and not matters this office considers to be of statewide interest. Letter opinions are of such volume that it is impracticable to include them in this report.

63-1

January 30, 1963

Van Every, Chairman
Board of County Commissioners,
Minidoka County

1. Where no person files for an election as prosecuting attorney, and the person who was selected prosecuting attorney on the basis of write-in votes fails or refuses to qualify for the office, the incumbent prosecuting attorney would continue in office until such time as a successor can be appointed or qualified.

2. The county commissioners cannot approve a budget submitted by a prosecuting attorney containing a salary in excess of that provided by statute.

3. In the event that the office of prosecuting attorney becomes vacant, the county commissioners have the authority to make an appointment to fill any vacancy which might exist in that office.

4. In the event that no attorney residing in the county is willing to accept the appointment to fill a vacancy in the office of prosecuting attorney, a person who is not a resident of the county may be appointed.
Upon consolidation of Pocatello and Alameda, Pocatello received the current distribution of highway user revenue funds heretofore allotable to Alameda.

John B. Lloyd, Mayor
City of Weiser

A city may not enact an ordinance requiring property owners to replace old sidewalks with new ones solely at their own expense.

Joe R. Williams
State Auditor

The agreement between the State of Idaho and the Federal Security Administrator which extended social security benefits to employees of the State of Idaho and its political subdivisions does include employees of a cemetery district.

Harold S. Forbush
Teton County Prosecuting Attorney

The board of county commissioners may accept the donation of a hospital on behalf of a county and may maintain and improve the hospital, without submitting the matters to the electorate for their authorization. The board of county commissioners may appoint an administrator to operate and manage a county hospital, who would be directly responsible to the board of county commissioners.

District Engineer
U. S. Army Engineer District

A board of county commissioners can abolish or abandon a road when, in the exercise of the board's discre-
tion, it is determined to be in the public interest, by pro-
mulgating an order to that effect.

63-7

March 8, 1963

D. F. Engelking
Superintendent of Public Instruction

A recently consolidated school district has the power to continue the non-identical plant facilities tax levies of the districts forming the consolidated district, where the consolidation takes place after the assessment date, after the year of consolidation, a new plant facilities reserve fund levy election would be required.

63-8

March 18, 1963

Duane L. Welch
Prosecuting Attorney, Payette County

The action of the county in improving navigable lakes and waterways outside the corporate limits would constitute a "proprietary" function. Since such action would be in a "proprietary" capacity, the expenditure of funds pursuant to the provisions of the Idaho Code, Section 49-221, would appear to be valid.

63-9

April 12, 1963

D. F. Engelking
Superintendent of Public Instruction

There is no authority in the school laws enacted by the 37th Session of the Idaho Legislature for apportionment of funds from the 1963-65 school income fund appropriation to pay any deficiency that may exist from the 1962-1963 school year.

The state board of education may not allocate any portion of the 40 million dollar appropriation for the 1963-1965 biennium to any deficiency existing from the previous biennium.

63-10

April 17, 1963

D. F. Engelking
Superintendent of Public Instruction

The requirement of House Bill 92 of the 37th Session of the Idaho Legislature relating to the preparation
and publication of school budgets do not apply to budgets prepared for the school year 1963-1964.

63-11  
April 18, 1963  

D. F. Engelking  
Superintendent of Public Instruction  

Authorization by the voters of a general school levy in excess of thirty mills is not continuing, but must be re-affirmed by the voters every year for which such a levy is desired.

The power to levy in excess of thirty mills, when approved as required, may be used by school districts any time after July 1, 1963.

63-12  
April 19, 1963  

D. F. Engelking  
Superintendent of Public Instruction  

House Bill 366 as enacted by the 37th Session of the Idaho Legislature is to be applied as follows:

The appropriate sparsity factors are applied to each remote school. The figures thus obtained are then added to the attendance in the rest of the district’s schools. The appropriate sparsity factor is then applied to this total.

63-13  
April 19, 1963  

D. F. Engelking  
Superintendent of Public Instruction  

The loyalty oath provided by Senate Bill No. 7, as passed by the 37th Session of the Idaho Legislature may be administered by any officer authorized to administer oaths including notaries public, the Clerk of the Idaho Supreme Court, every county officer and justice of the peace and every executive and judicial officer.

It is not necessary that the oath be notarized if it is certified by an officer empowered to administer oaths.

Elected officials should sign and file a new oath on re-election, while employees under a continuing contract of employment need take and file only one oath.
The oath may be administered enmasse if the group is small enough that the officer administering the oath can certify that all present have taken the oath. The Secretary of State is the officer charged with the overall responsibility of insuring that loyalty oaths have been filed by all persons whose oaths must be filed in his office.

63-14

Executive Director
Employment Security Agency

Liability of Employment Security Agency for payment of filing fees when liens are filed pursuant to Section 72-1360, Idaho Code. Agency not liable for filing and recording of said liens.

63-15

D. R. Theophilus
President, University of Idaho

This opinion outlined the procedure to be followed by the University of Idaho in administering Idaho's Loyalty Oath.

63-17

Executive Director
Employment Security Agency

Effective date of termination of coverage under the provisions of H. B. 131, Laws of 1963, in which public taxing units were specifically eliminated from coverage under the Employment Security Law. Effective date being May 19, 1963.

63-18

S. Ben Dunlap, Attorney
Caldwell, Idaho

Eugene C. Smith  
Prosecuting Attorney, Ada County  

The procedure set forth in the recent decision of the Supreme Court of Idaho in the case of Johnson v. State applies to a prosecution under Section 49-1102 (d) of the Idaho Code.

Jeanette Y. Chamberlain  
Cassia County Treasurer  

The term of office of a person appointed to fill a vacancy on a board of highway district commissioners extends only until the next election at which highway district commissioners will be elected and until a successor is elected and qualified.

Fred Charlton,  
Superintendent, State Liquor Dispensary  

City of Boise is to receive its portion of the Surplus Liquor Fund on the basis of the 1960 federal census.

T. C. Bird, Superintendent  
Boise City Independent School District  

Legislature intended the provisions of Idaho’s school law relating to the preparation of an Annual Statement of Financial Condition and Report to apply to the 1962-63 school year.

Orval D. Robinson  
Probate Judge, Franklin County  

Section 15-1139, Idaho Code, fixes the maximum amount of attorney’s fees to be charged for all services rendered to executors or administrators in the probating of estates unless the probate judge allows further com-
pensation as he might deem just and reasonable for any extraordinary services.

63-24 August 12, 1963

R. P. Peterson
Deputy Tax Collector

A marine operator who rents motor boats to the general public for pleasure purposes is not entitled to a refund of motor fuel taxes under the provision of Section 14-1218, Idaho Code.

63-25 August 20, 1963

Jack G. Voshell
Prosecuting Attorney, Bonneville County

The office of county surveyor has been abolished in the State of Idaho, and those incumbents holding that position will be relieved of their duties and any right to compensation for that office from and after May 18, 1963.

63-26 September 6, 1963

County Commissioners and County Clerks, State of Idaho

Chapter 290 of the 1963 Idaho Session Laws does not authorize the board of county commissioners to reduce the number of highway districts within the county. If there is no election held in the county pursuant to the provisions outlined in Chapter 290, levies may still be made in accordance with the provisions of Section 40-1665, Idaho Code, which provides that cities, towns and villages may be included within the boundaries of highway districts. Furthermore, Chapter 290 does not exclude cities, towns and villages from highway districts.

63-27 November 27, 1963

Executive Director
Employment Security Agency

Within the meaning and for the purposes of Idaho Code, Section 72-1335, the Industrial Accident Board and
the Merit System Council are "employees" of the Employment Security Agency of the State of Idaho.

64-1 January 15, 1964

Mr. J. F. Bates
Prosecuting Attorney, Jefferson County

The Board of County Commissioners is required to transfer the excess funds remaining from a levy for building a national guard armory to the warrant redemption fund, and may not transfer those excess funds to the county general fund.

64-2 February 7, 1964

James A. McClure
Payette City Attorney

Councilmen elected at November election for the statutory four-year term in cities of the second class may have their salaries increased pursuant to ordinance duly adopted in August. In like manner a councilman elected for a term of two years to fill out the remainder of the four-year term may have his salary increased, but hold-over councilmen may not have their salaries increased through said ordinance. Sections 50-318 and 50-2009, Idaho Code.

64-3 March 11, 1964

Sam S. Foote
Auditor and Clerk of District Court, Canyon County

Microfilm or other mechanical reproduction processes may be used by county recorders to keep official records.

64-4 March 11, 1964

D. F. Engelking
Superintendent of Public Instruction

School districts do not have to comply with the provisions of Section 37-1011, Idaho Code, which prohibits the furnishing of milk coolers and equipment by dairy processors, wholesalers and distributors.
Hugh C. Maguire  
*Prosecuting Attorney, Bannock County*

A county has the power to lease its fairgrounds for the purpose of horseracing.

---

John O. McMurray  
*Chairman, Idaho Republican Party*

House Bill No. 50 (Idaho Code Section 67-203) does not apply to the allegation of delegates to the 1964 State Assembly. The number of delegates to which counties are entitled at the State Assembly is dependent upon the number of legislative seats held by the county in the last regular legislative session.

---

W. L. Robinson  
*Commissioner of Labor*

The State of Idaho and its political subdivisions would not be considered an "employer" coming under the jurisdiction of Sections 44-107 and 44-107A, Idaho Code, which require an election to be held when a conflict arises concerning the representation of employees.

---

John O. McMurray  
*Chairman, Idaho Republican Party*

Section 34-612 D, *Idaho Code*, enacted by the 1963 Idaho Legislature contained a clerical error or misprint which altered and negated the meaning of this section. The first paragraph of Section 34-612 D should have read, to wit:

"Candidates for national or state office who have filed a declaration of candidacy and submitted to a state assembly of any political party as defined in this chapter who have not received the nomination of the State Assembly, but who have received at least ten per cent (10%) of the votes cast and
a majority of the votes from the delegations of at
six (6) counties on the ballot on which the candi-
dates of the state assembly are nominated for such
office, as provided in paragraph d of section 34-612B
may be nominated otherwise than by a state assem-
bly and be a candidate at the primary election for a
political party in the following manner:"

SUPREME COURT OF THE UNITED STATES
CIVIL ACTIONS
Pending

Docket No.
2660 Walter E. Hearne et al, Plfs. vs. Robert E. Smylie,
et al, Defs.

UNITED STATES COURT OF APPEALS
CIVIL ACTIONS
Pending

2853 Diamond National Corporation, Appellant vs. Dale
Lee, Respondent

2886 Washington Public Power Supply System, Petitioner,

UNITED STATES DISTRICT COURT
CIVIL ACTIONS
Pending

2598 American Surety Company, Plf., vs. Joe M. Skok
et al, Defs.
Docket No.


2859 In re Rocky Mountain Chemical Corporation, debtor

Closed

2706 United States of America, Plf. vs. 33.03 Acres of Land in Clearwater County, State of Idaho, Def.


2838 United States of America, Plf vs. 623.0 acres of Land, Clearwater County, Idaho, et al, Defs.

SUPREME COURT — STATE OF IDAHO

CIVIL ACTIONS

Pending

2673 In re petition of Paul Andrew Mahaffey for writ of habeas corpus.


2705 Floyd Eaton, Plf vs. Latah County Commissioners, Def.

Docket No.

2718 Charles Everet Smith, Appellant vs. State of Idaho, Respondent

2724 Milot, Plf vs. E. R. Hopper, Def.

2792 Paul A. Mahaffey, Plf-Petitioner vs. State of Idaho, Def-Respondent


2836 In re Application of Darole Carpenter for Writ of Habeas Corpus

2837 H. Fred Garrett, Plf vs. M. K. Cline, Def.

2845 Ted LaVoie Plf Respondent vs. Commissioner of Law Enforcement, Def. Appellant.


2854 In re the estate of Felipe Yribar, deceased at al, Plf-Appellants, vs. H. B. Fitzpatrick et al, Defendants, Respondents.


2858 In re application of Joseph J. Johnson for writ of habeas corpus.


2872 Board of Trustees of Joint Class A School District No. 151, et al Plfs, vs. Board of County Commissioners of Cassia County, et al, Defs.


Docket No.


2600 Darole L. Carpenter, Def. Respondent vs. State of Idaho, Plf-Appellant

2621 In the Matter of Edward Reid Franklin, Petitioner vs. L. E. Clapp, Warden, Idaho State Penitentiary, Defendant.


2757 Jerry McGuire, Plf-Appellant vs. Louis Clapp, Def-Respondent.

2758 Rufus William Freeman, Plf-Appellant vs. Louis Clapp, Def-Respondent

2806 L. M. Weller, Plaintiff vs. Commissioner of Law Enforcement, Def.

2817 Lynn Hadfield, Plf-Appellant vs. State of Idaho et al, Def-Respondent

CRIMINAL ACTIONS

Pending


2670 State of Idaho, Plf vs. Elwin M. Hall, Def.


2716 State of Idaho, Plf vs. Clyde Gish, Def.

2740 State of Idaho, Plf vs. Lewis A. Lott, Def.
Docket No.
2794 State of Idaho, Plf vs. Adin Hall, Def.
2824 State of Idaho, Appellant vs. Harold C. Perry, Respondent
2839 State of Idaho, Appellant, vs. Linda M. Snyder Respondent
2849 State of Idaho, Plf-Respondent, vs. Donald Ramsbottom, Def-Appellant
2852 State of Idaho, Plaintiff-Respondent vs. Charles West, Def-Appellant
2861 State of Idaho, Plf-Appellant, vs. Mike Fitzpatrick, Def-Respondent

Closed

2664 State of Idaho, Plf vs. Harold L. Thurlow, Def.
2669 State of Idaho, Plf-Respondent vs. J. C. Blacksten, Def-Appellant
2683 State of Idaho, Plf-Respondent, vs. Frank Missenberger, Def-Appellant
2684 State of Idaho, Plf vs. James L. Totten, Def.
2515 State of Idaho, Plf vs. Wayne Thomas Eubanks, Def.
2532 State of Idaho, Plf. vs. Emmett Spencer and Roger Hall, Defs.
2540 State of Idaho, Plf and Respondent vs. Gerald Max Goodmiller, Def. and Appellant.
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**EMPLOYMENT SECURITY AGENCY**

**Pending**

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<td>In the Matter of the Liability of Gate City Service Co. for Payment of Contributions under the Employment Security Law.</td>
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ATTORNEY GENERAL'S REPORT

Docket No.
9010 In the Matter of the Liability of John R. Orbea, Jr. for Payment of Contributions under the Employment Security Law.

DISTRICT COURT — STATE OF IDAHO
CIVIL ACTIONS
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2517 Alwyn Nedrow, Appellant, vs. State Board of Education et al, Res.
2526 Mike Jimeniz, Plf. vs. Commissioners of Bingham County, Defs.
2573 In the Matter of the Estate of S. R. Spencer, Deceased.
2610 Clarence Frasure, Plf. vs. Commissioner of Law Enforcement, Def.
2663 State of Idaho, Plf. vs. Mary Crosby, Def.
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<td>In the matter of the Suspension of State Retail Beer License No. 710 of Harold Milot dba 1916 Barr, Stites, Idaho County, Idaho, Petitioner, vs. E. R. Hopper, Def.</td>
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<td>In re Suspension of State Retail Beer License No. 1760 of V. S. Willley, dba Vern Grocery, City of Grangeville.</td>
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2760 Richard L. Black, Plf vs. Commissioner of Law Enforcement, Def.


2774 Frank Prendergast, Plf vs. Commissioner of Law Enforcement, Def.

2784 In the Matter of the application of Jacob A. Cope for a Writ of Habeas Corpus.

2793 In re Appeal of Joint Class A School District No. 148, Grace, Idaho.

2795 In re application of Delores Stone for Writ of Habeas Corpus

2803 Bojack's, Inc., Plf vs. Commissioner of Law Enforcement

2805 Rosey's Lounge, Inc., Plf. vs. Commissioner of Law Enforcement, Def.

2810 Joseph Lamp Ottshamer, Plf vs. Commissioner of Law Enforcement Def.

2811 John R. Casey et al Plf. vs. Commissioner of Law Enforcement, Def.

2812 Cooper C. Clark Plf vs. Commissioner of Law Enforcement, Def.


2825 James L. Hansen et ux Plf vs. George A. Williams et al, Defs.

2825 John Strünger et ux Plfs. vs. George A. Williams et al, Defs.

2832 In the interest of Edwin L. Cosner, a child under 18 years of age.

Docket No.
2846 Panfill Brothers & Byers, Plfs vs. Jay Taylor et al,Defs.
2851 Robert D. Remington, Plf vs. Outfitters & Guides Board, Def.
2955 Jennie M. Heurer et al Plf vs. State of Idaho
2861 State of Idaho, Plf vs. Fitzpatrick, Def.
2871 In the Matter of the Status of the Idaho Public Livestock Market Charter No. 16 held by Bill H. Silson dba Salmon River Livestock Auction.
2875 State of Idaho, Plf vs. Tensed Manufacturing Company, Def.
2877 Paul Andrew Mahaffey, Plf vs. State of Idaho, Def.

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2513 County of Caribou, Plf vs. Ray Parkinson, Def and State of Idaho, Intervenor.
2522 Flamingo Services, Inc., Plf vs. E. R. Hopper, Def.
2526 State of Idaho, Plf vs. Mike Jimenez et al, Def.
2536 V-1 Oil Company, Plf vs. E. R. Hopper, Def.
2542 The American Oil Company, Plf vs. P. G. Neill, Def.
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2674 Blue Note, Inc. Plf vs. E. R. Hopper Def.
2685 Ella W. Carter, Plf vs. Dale O. King et al, Defs.
2687 J. C. Bennett, Plf vs. Lawrence Brown et al, Defs.
2689 Tree Farmers, Inc., Plf-Appellant vs. C. H. Goeckner, Def-Respondent
2691 LaVonne Viker, Plf vs. Commissioner of Law Enforcement, Def.
2700 State of Idaho Plf vs. Skaggs Drug Center, Inc., Def.
2703 Albertson's Inc., Plf vs. Allan G. Shepard, Def.
2722 In re application of Vincent Lee Humphreys for Writ of Habeas Corpus.
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<td>Del Ray, Inc., Plf vs. Commissioner of Law Enforcement, Def.</td>
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<td>2778</td>
<td>Bruce Stoddard, Plf vs. Commissioner of Law Enforcement, Def.</td>
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Pending

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2860 In the Matter of the Termination of the Parental Rights of Alta Lee Thompson
2725 In the Matter of the Hospitalization of John W. Hunt, Incompetent

Closed

2620 Robert P. Allen, Plaintiff, vs. William J. Philpot, Defendant.
2807 Howard Plf vs. Upper Snake River Valley Dairy Ass'n., et al, Def.
2830 In re Amparo Pruneda, et al
2831 In re Ruben Goana, et al
2834 State of Idaho, Plf vs. W. W. Newcomb, Def.
2840 In the interest of (David) Tony Kochenower, Geneva Kochenower and (Molly) Rachel Kochenower, all children under 18 years of age.

ADMINISTRATIVE HEARINGS

Department of Agriculture

June 29 and 30, 1964—I.C.C. Grain Rate Hearing, Portland, Oregon
March 9, 1964—Track Buyers Hearing
March 18, 1964—Public Livestock Market Board
April 17, 1964—Bee Law Regulations Hearing
April 27, 28 and 29, 1964—Bean Blight Quarantine
July 1, 1964—Cash Buyers Hearing
July 10, 1964—Sprayers and Dusters Hearing, Chlorinated Hydrocarbons
July 17, 1964—Cash Buyers Hearing
July 24, 1964—Cash Buyers Hearing
December 17, 1963—Egg Law Hearing
November, 1963—Dairy Tank Calibration Hearing
August 5 and 28, 1963—Sprayers and Dusters Hearings
September 3, 1963—Bi-State Bee Keepers Hearing
May 28, 1963—Artificial Insemination Hearing
August 13, 1963—Bonded Warehouse Hearing
October 10, 1963—Egg Law, Grade Hearing
February 10, 1964—Economic Poison Law Regulations
January 18, 1963—Public Livestock Commission Hearing
March 1, 1963—Public Livestock Commission Hearing
August 30, 1963—Livestock Commission Hearing
January 10, 1964—Livestock Commission Hearing
April 10, 1964—Livestock Commission Hearing
May 8, 1964—Livestock Commission Hearing
October 10, 1963—Weights and Measures Tolerances Hearing

Department of Commerce and Development
July 8, 1963—Unfair Sales Hearing
November 4, 1963—Unfair Sales Hearing

Department of Education
February 10, 1964—Division of School District 251, Rigby

Horse Racing Commission
March 14, 1964—Proposed Rules and Regulations Hearing

Department of Insurance
September 27, 1962—Monarch Memory Gardens, Inc.

Interdepartment Committee on Children and Youth
April 27, 1964—Public Hearing — Lewiston
April 29, 1964—Public Hearing — Boise
May 1, 1964—Public Hearing — Pocatello

Department of Health
July 22, 1963—Water Pollution Hearing — Twin Falls
July 29, 1963—Water Pollution Hearing — Nampa
April 14, 1964—Water Pollution — Caldwell
August 1, 1963—Eugenics Hearing — Idaho Falls
September 13, 1963—Radiation Rules and Regulation Hearing — Boise
March 29, 1963—Rules and Regulation, and Minimum Standards for Hospitals Hearing — Boise
May 13, 1964—Radiation Regulations — Boise

Department of Law Enforcement
April 4, 1963—Constance L. Fisher — Hearing under Sec. 49-352, I.C.
January 17, 1964—Liquified Petroleum Gas — Hearing
June 22, 1964—In the Matter of the Suspension or Revocation of the Electrical Contractor’s License of Evan L. Wilson
Outfitters and Guides Board

February 21, 1964—Remington Area Conflict — Boise

Public Utilities Commission

July 23, 1963—Great Northern Railway
October 14, 1963—Utah Power and Light
December 10, 1963—Pacific Northwest Bell, Lewiston
December 12, 1963—Pacific Northwest Bell, Grangeville
January 14, 1964—Bayview Water
January 22, 1964—Consumers Water
January 24, 1964—Mountain View Acres
January 28, 1964—Pacific Northwest Bell
February 3, 1964—Utah Power and Light, Rexburg
February 7, 1964—Utah Power and Light, Preson
March 10, 1964—Gem State Utilities Corporation
March 19, 1964—Mountain View Acres
April 8, 1964—Utah Power and Light
April 13, 1964—Gen State Utilities
April 14, 1964—Gem State Utilities (2 hearings)
April 23, 1964—Pacific Northwest Bell
April 29, 1964—Boise Water Complaint
May 22, 1964—Earl and Kathleen Ourada

Real Estate Brokers Board

October 25, 1963—Donald A. Milne — Revocation of License, Hearing
December 6, 1963—Grant Stowell — Revocation of License, Hearing
March 21, 1964—Wylie A. Prather — Suspension of License, Hearing
March 21, 1964—Dean Adkins — Revocation of Broker's License, Hearing
October 3, 1964—Warren Hill — Revocation of Broker’s License, Hearing

Department of Reclamation

September 23, 1963—Raft River Critical Ground Water Area Conference — Boise

January 22, 1964—Cedar Creek Water Hearing, Twin Falls

April 28, 1964—Bear River Compact Commission, Salt Lake City, Utah

Tax Commission

August 23, 1963—Income Tax Appeal — Kincaid

September 2, 1963—Income Tax Appeal — Chase

August 11, 1963—Income Tax Appeal — Nelson

August 8, 1963—Ad Valorem Tax Appeal — Coin-Op Laundry

August 7, 1963—Ad Valorem Tax Appeal — Holly Corporation

August 7, 1963—Ad Valorem Tax Appeal — Johnson


August 7, 1963—Ad Valorem Tax Appeal — Brown


August 6, 1963—Ad Valorem Tax Appeal — Sterling

August 6, 1963—Ad Valorem Tax Appeal — Boise Water Corporation

BEFORE THE INDUSTRIAL ACCIDENT BOARD

(Pending)

In the Matter of the Claim of (for Employment Security Benefits):

Baasch, Charles F.          Brandvold, Ralph H.
Beddoes, Jean               Carper, Clalien M.
Blanton, Enock              Conrad, Robert J.
ATTORNEY GENERAL'S REPORT

Coyne, Frank M.
Creswell, Paul L.
Daughtry, William I.
Deines, Margaret R.
East, Ruth E.
Eldridge, Thomas
Finnegan, Lawrence T.
Fisher, Richard A.
Irvin, L. Kathryn
Jasper, Ella R.
Johnson, Don
Kolasa, Dorothy
Mallard, Liston L.
Mechling, Orville
Olmstead, Kenneth L.

O'Neal, Harold S.
Orem, William R.
Peasley, Mark L.
Pointer, William C.
Reece, Clifford A.
Richardson, Verl
Sayko, James E.
Schab, George J.
Schiff, Nick
Schreiner, Joe
Schultz, Leslie C.
Swindell, Judy
Thompson, Helen
Thomson, Neil C.
Totorica, Teodoro

(Closed)

Abbott, Florence V.
Ainsworth, James D.
Allen, Millard
Anderson, Pearl B.
Atha, Dorothy A.
Badley, Mary M.
Barnes, Gordon T.
Baslington, Willard T.
Beddoes, John E.
Berg, Roger L.
Bewley, Robert L.
Bittner, Ernest
Bixel, Ernest M.
Black, Florence P.
Blackwood, Roy P.
Bledsoe, Agnes L.
Bledsoe, Silvana
Bloxham, DeWayne
Borgeman, William H.
Boyack, Betty L.
Bradshaw, James C., Jr.
Brazier, Harold E.
Bristow, Jenny Lynn
Brown, James D.
Brown, Opal
Bultemeyer, Frank
Butler, Edna H.
Chandler, Robert S.
Cline, Albert T., Jr.

Cochran, Gloria
Cochran, Joy J.
Cole, Decie
Connell, Ronald B.
Collins, Mettie G.
Crable, Paul J.
Cromwell, Donald R.
Cropp, Carl B.
Croxen, Mary Anne
Curington, Cecil J.
Davis, Darlene
Davis, William Lee
Day, Esther Ruth
Dodds, F. K.
Dodge, Leo W.
Dorr, Iva M.
Doyle, Robert E.
Dunning, Leona
Duran, Richard R.
Essy, Earl R.
Evans, Mary Lou
Evenson, Lavina E.
Everitt, Lois A.
Fackler, Mary M.
Fish, Mary E.
Flavel, Luenna
Fortier, E. Lee
Frank, Katherine M.
Freimarck, William A.
ATTORNEY GENERAL'S REPORT

Frisbee, Robert G.
Gammet, Darlene A.
Gant, Lloyd C.
Gard, Lucile W.
Gardner, Raymond A.
Gibbs, Mr. Lorraine H.
Ginder, Dorothy
Glover, Audree M.
Goettling, Albert L.
Guay, Charles H.
Gullickson, Albert D.
Haggard, Grace
Hamilton, Goldie
Harrington, Emmett, J.
Harris, Minnie H.
Harrison, Helen G.
Hartig, George
Hedge, Merle R.
Heller, John H.
Hier, Gus A.
Hill Margarette M.
Hodge, James W.
Hugo, Mary L.
Hunsperger, Sidney L.
Jackson, Andrew G.
Jackson, Marie A.
Johnson, Violet
Johnston, George W.
Jones, Louise
Kaiser, Edith
Kaiser, Mildred
Kapp, Charles C.
Keck, Jessie M.
Keener, Kenna G.
Kienitz, Dorothy
King, Joseph E.
Kinnison, Edith E.
Kinyon, James E.
Klinchuch, Ileen
Knoll, Chauncey, R.
Knowles, Milton R.
Konzem, Leander H.
Kunerth, Agnes
Lane, James H., Jr.
Larson, Glenn L.
Lawrence, Gordon N.
Lewis, Louis G.
Lyons, Hazel L.
McConkey, L. H.
McCune, Archie N.
McGowen, Goldie
McGraw, Lila L.
McMillan, Sheldon J.
McNey, Alice J.
Macky, Leslie J.
Matthews, Irene
Matthews, Jessie T., Jr.
Mattingly, Mamie
Maxwell, Florence
Means, Helen L.
Meeks, W. B.
Miller, Alma E.
Miller, Robert F.
Miller, Tressie
Mitton, Weston L.
Moore, Ralph M.
Morgan, Charley W., Jr.
Muller, Henry M.
Myers, Jack R.
Naccarato, Henry M.
Needham, Joseph C.
Neifert, Vesta V.
Norris, Lillie M.
Olinger, Ralph K.
Page, Ida Marie
Patrick, Ann
Patrick, Josephine D.
Penner, Margaret
Perry, James H.
Perryman, Opha
Phifer, Berle
Plackett, Shirley
Podgurski, A. Frank
Poe, W. O.
Pound, James R.
Powell, Keith B.
Quinn, Joyce A.
Reininger, Leonard R.
Richman, G. I.
Riedeman, Carl E.
Rock, Renn D.
Rogers, Vernon O.
Rogers, Walter A.
ATTORNEY GENERAL'S REPORT

In the Matter of the Liability of (for Payment of Contributions Under the Employment Security Law):

(Pending)

Boyer, William S., et al

(Closed)

Blaser, A. E.
Boise Exchange, Inc.
Carney, Lee
Carver, Parley L.
Cary, Edwin
Contos, Peter J.
Cummings, Robert W.
Dixon's Sea Food
First Federal Savings & Loan Ass'n.
Goodrich, Lloyd R., Jr.
A. A. Kock, et al

McClintock, George M.

Maenaka, Frank
Schissel, Delbert
Smith, Jane M., R.N.
Thompson, Norman B.
Twin Falls County
Valentine, Warren
Vogelsong, Charles M.
Well & Davies, Inc.
Western Specialties Co., Inc.
Wight, Weldon
Wilkins, Charles L.