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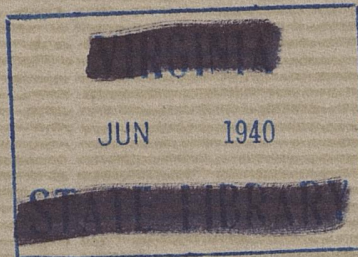


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DIGEST OF PUBLIC WELFARE PROVISIONS
UNDER THE LAWS OF THE STATE OF
IDAHO

GOVERNMENT PUBLICATIONS

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JULY 15, 1936



PREPARED BY ROBERT C. LOWE AND JAMES S. QUEEN
LEGAL RESEARCH SECTION

UNDER THE SUPERVISION OF
A. ROSS ECKLER, COORDINATOR OF SPECIAL INQUIRIES
DIVISION OF SOCIAL RESEARCH

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Preface

This bulletin is one of a series intended to present in abstract form the public welfare provisions of the laws of each of the States.

The purpose of these bulletins is to give a brief review of the provisions for public assistance under the laws of the several jurisdictions, and of the administrative agencies set up by law with reference thereto. A chart showing the organizational relationships of the administrative agencies is included.

The possibility of error in attempting with a limited staff and in a limited time to assemble and digest the formidable mass of material incident to such a study is frankly recognized. The cooperation of those who have occasion to use these digests in reporting any errors of omission or commission noted, or in suggesting improvement in form or content, is invited and will be greatly appreciated.

Meanwhile it is hoped that those interested in considering the reorganization or strengthening of public welfare services in the several States may find the digests of practical value.

June 1940, Va. Div. of Statutory research & drafting, S

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DIGEST OF PUBLIC WELFARE PROVISIONSGENERAL POOR RELIEF(a) Description of class

Persons who are sick, indigent, and in destitute circumstances, and who would suffer if not aided by the county. 1/

(b) Procedure for determining eligibility

Written application for aid is made to the Probate Judge, the clerk of the Board of County Commissioners, or a justice of the peace, and filed in the office of the clerk of the Board of County Commissioners. 2/

It is the duty of the Probate Judge, the clerk of the Board of County Commissioners, or the justice of the peace to whom the application is made to immediately investigate the grounds of the application, and file a certificate as to need with the clerk of the Board of County Commissioners. 3/

The County Commissioners, must, after the filing of the certificate, if, in their judgment, the applicant is sick and indigent and would suffer if not aided by the county, make such provisions for his relief as may be necessary under the circumstances. 4/

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1. Code, Ann. (1932) Sec. 30-2905.
 2. Ibid, Sec. 30-2904, as amended by Laws (1935) Ch. 15.
 3. Ibid, Sec. 30-2905. In case the Commissioners are not in session at the time of the date of such certificate, the officer to whom the application is made may, in his discretion, authorize the applicant to be placed in the county poor house or hospital; and if the county is not so provided with poor house or hospital, may authorize the expending of such sums, not exceeding \$40, in the aggregate, to provide for the immediate necessities of such applicant. Ibid.
 4. Code, Ann. (1932) Sec. 30-2906. The County Commissioners must not allow any claim or demand against the county for services rendered to any sick or indigent person who has not previously obtained from the Probate Judge, the clerk of the County Commissioners, or a justice of the peace, the certificate heretofore mentioned, and must not allow any claims or demands whatsoever against the county for any expense incurred by, or in behalf of, any sick or indigent person before the filing of the application and certificate aforesaid: Provided, that the Commissioners may authorize the expenditure of not to exceed \$50, in the aggregate, to provide for the immediate necessities of any indigent person where, in the opinion of the Commissioners, it is proper to do so rather than send such person to the poor house or hospital. Code, Ann. (1932) Sec. 30-2907.

GENERAL POOR RELIEF (Cont'd)(c) Measure of responsibility

Care in county poor houses or hospitals, and direct relief. 5/

(d) Qualifications imposed

Resident of State one year and of county 6 months next preceding application. 6/

(e) Incidence of financial responsibility

County (Obligation mandatory). 7/

(f) Taxes

No specific provisions. (County general fund.)

(g) Administrative agencies

Probate Judge, clerk of Board of County Commissioners, justices of the peace. 7/

(h) Supervisory controls

Board of County Commissioners allows claims. 8/

5. Code, Ann. (1932) Sec. 30-2905, 30-2906 and 30-2907.

6. Laws (1935) Ch. 15.

7. Code, Ann. (1932) Sec. 30-2904.

8. Ibid, Sec. 30-2901.

AID TO DEPENDENT CHILDREN IN THEIR OWN HOMES

(a) Description of class

Women whose husbands are dead or confined in penal or charitable institutions, when such women are poor and are the mothers of children under the age of 15 years. 1/

(b) Procedure for determining eligibility

Whenever the Probate Court determines that an allowance under this Act is to be made and has the approval of the County Commissioners, the Court must make an order to that effect, setting out the full name of the mother, her place of residence, the names and ages of each of the children, and the amount allowed to each child, and the names and ages of each orphan child and names of their guardians or custodians. The Court may, with the approval of the County Commissioners, order the allowance paid to the mother, or to an individual or organization approved by the Court as trustee for her benefit, or to the guardian or custodian of any orphan child for the benefit of such child. 2/

(c) Measure of responsibility

Ten dollars per month for the first child, and \$5 per month for each additional child under 15 years of age. 3/

(d) Qualifications imposed

(1) The child or children, for whose benefit the allowance is made, must be living with the mother. 4/

(2) The mother must, in the judgment of the Probate Court and the County Commissioners, be a proper person physically and mentally for the bringing up of such children. 5/

(3) Such allowance must, in the judgment of the Court, be necessary to save the children from neglect. 6/

(4) The mother must have been a resident of the State for at least 2 years, and of the county for at least 6 months, next preceding application for such allowance: provided, that orphan children may not receive an allowance who have not been residents of the State for at least one year, and of the county for at least 6 months, next preceding application for allowance. 7/

-
1. Code, Ann. (1932) Sec. 30-3001.
 2. Ibid, Sec. 30-3004.
 3. Ibid, Sec. 30-3002.
 4. Ibid, Sec. 30-3003(1).
 5. Ibid, Sec. 30-3003(2).
 6. Ibid, Sec. 30-3003(3).
 7. Ibid, Sec. 30-3003(4).

AID TO DEPENDENT CHILDREN IN THEIR OWN HOMES (Cont'd)(d) Qualifications imposed (Cont'd)

(a) If any mother, children, or orphan children move to another county in the State, they may not receive allowance from the new county until they have established residence therein of at least one year. 8/

(e) Incidence of financial responsibility

County. 9/ (Obligation optional.)

(f) Taxes

No specific provisions. (County general fund. 9/)

(g) Administrative agencies

County Probate Court, with the approval of the Board of County Commissioners. 10/

(h) Supervisory controls

No provision. 11/

8. Code, Ann. (1932) Sec. 30-3003(4).

9. Ibid, Sec. 30-3004.

10. Ibid, Sec. 30-3001.

11. Ibid, Sec. 30-3009.

The Probate Judge reports annually to the Governor. Ibid.

CARE OF DEPENDENT AND NEGLECTED CHILDREN (INSTITUTIONS AND AGENCIES)

(a) Description of class

Orphan, homeless, neglected, or abused children of this State, under the age of 18 years. 1/

(b) Procedure for determining eligibility

Any person may file a verified petition in writing in the Probate Court showing that there is within the county a child falling within the description above. 2/ Thereupon the judge or the clerk of the Court must summon the person responsible for such child before the Court. 3/ At the hearing, without jury, if it appears that the child is under the description above, the Court may make an order committing such child to the care of some reputable person of good moral character, or to some suitable institution, or to some society organized and existing under the laws of this State. 4/

(c) Measure of responsibility

Care by societies incorporated for such purpose 1/, or by reputable persons of good moral character, or by suitable institutions. 5/

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1. Code, Ann. (1932) Sec. 31-1201.
 2. Ibid, Sec. 31-1204.
 3. Ibid, Sec. 31-1205. When any officer of an institution or society for the care of children, or any citizen of the State, requests a peace officer to assist in the investigation of any alleged case of neglected or abused child, such officer must immediately make, or assist in making, such investigation; and if he deem it proper he may take such child into custody without a warrant and report the case at once to the Probate Judge for such proceedings as may be proper under the laws of the State. Code, Ann. (1932) Sec. 31-1210.
 4. Code, Ann. (1932) Sec. 31-1207. At the hearing of any case involving a child the Court has power to exclude the general public, admitting thereto only such persons as may have a direct interest in the case. The investigation and record in each case is withheld from the public inspection. Code, Ann. (1932) Sec. 31-1209.
 5. Code, Ann. (1932) Sec. 31-1204.

CARE OF DEPENDENT AND NEGLECTED CHILDREN (INSTITUTIONS AND AGENCIES)(d) Qualifications imposed

None.

(e) Incidence of financial responsibility

County; pays \$10 per month for each child cared for. 6/
(Obligation optional.)

(f) Taxes

No specific provisions. (County general fund. 6/)

(g) Administrative agencies

County Probate Court. 7/

(h) Supervisory controls

No provision.

6. Code, Ann. (1932) Sec. 31-1214.

7. Ibid, Sec. 31-1203.

BLIND ASSISTANCE(a) Description of class

Any male person 21 years of age and any female person 18 years of age who, by reason of loss of eyesight, is unable to provide himself or herself with the necessities of life, and who, unless relieved, will become a charge upon the public or upon those not required by law to support him or her, is deemed a needy blind person. 1/

(b) Procedure for determining eligibility

Claim for relief is made by the claimant filing with the Probate Judge a duly verified statement of the facts making him or her entitled to relief. No certificate of qualification for drawing money for blind relief may be granted until the Probate Judge is satisfied from the evidence of at least 2 respectable residents of the county, one of whom must be a registered physician skilled in treatment of diseases of the eye, and neither of them a relative of the applicant, that they know the applicant to be blind and that he has the residential qualifications to entitle him to the relief asked. If the Probate Judge is satisfied upon such testimony that the applicant is entitled to relief, he issues an order therefor to be paid out of the county expense funds. 2/

(c) Measure of responsibility

Not to exceed \$20 per month. 3/

(d) Qualifications imposed

The applicant must have become blind while a resident of this State, or be a bona fide resident of this State for a period of 7 years immediately preceding the date of application for relief, and of the county for 3 years immediately preceding such application. 4/

1. Code, Ann. (1932) Sec. 30-3202.

2. Ibid, Sec. 30-3204.

3. Ibid, Sec. 30-3204. The relief herein provided for is in place of all other relief for blind persons. Ibid.

Surgical or medical treatment may be had in place of direct relief. The cost of the surgical or medical treatment must not exceed the amount allotted for relief for one year to the person securing such treatment. Code, Ann. (1932) Sec. 30-3205.

4. Code, Ann. (1932) Sec. 30-3203. In cases where the blindness ensues in this State after a period of residence less than that specified in this section, it is the duty of the officer designated to authorize the granting of relief to ascertain by sufficient evidence that the removal to this State and to the county in which relief is sought was not primarily for the purpose of securing relief under these provisions. Ibid.

BLIND ASSISTANCE (Cont'd)

- (e) Incidence of financial responsibility
County. 5/ (Obligation mandatory.)
- (f) Taxes
No specific provisions. (County general fund. 5/)
- (g) Administrative agencies
County Probate Judge. 5/
- (h) Supervisory controls
No provision.

5. Code, Ann. (1932) Sec. 30-3204.

OLD AGE ASSISTANCE

(a) Description of class

Every person (married or single, man or woman) in old age who meets the requirements herein noted. 1/

(b) Procedure for determining eligibility

The County Old Age Pension Commission consists of the Probate Judge and the Board of County Commissioners. 2/

Application is filed with the Probate Judge of the county in which applicant resides, in the manner and form prescribed by the State Commissioner of Public Welfare. 2/

After proper investigation of the application by the Probate Judge, he presents it to the Board of County Commissioners with his recommendation for its approval. Action by the Commissioners is final unless the applicant demands a hearing by the Probate Judge; after such hearing the decision of the Probate Judge, with the approval of the County Commissioners, is final. 3/

For the purpose of such investigation the applicant or any member of the Board of County Commissioners has the right to request the issuance of subpoenas, or the Probate Judge, on his own motion, may do so, compelling the attendance of witnesses and the production of books and papers. 4/

In the investigation of any applicant's request for a pension or any renewal thereof the County Old Age Pension Commission 5/ investigates and makes its decision and findings in all cases by such means and in such manner as it deems proper. 6/

(c) Measure of responsibility

The amount is fixed by the Commission, with due regard for each case; but in no event may it exceed \$25 per month. 7/ Funeral expenses, not to exceed \$100, are also paid. 8/

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1. Code, Ann. (1932) Sec. 30-3103.
 2. Ibid, Sec. 30-3108(a).
 3. Ibid, Sec. 30-3108(b).
 4. Ibid, Sec. 30-3108(c).
 5. Ibid, Sec. 30-3101.
 6. Ibid, Sec. 30-3108(d).
 7. Ibid, Sec. 30-3104.
 8. Ibid, Sec. 30-3112.

OLD AGE ASSISTANCE (Cont'd)

(d) Qualifications imposed

- (1) Applicant must have attained the age of 65 years. 9/
- (2) Applicant must have been a citizen of the United States for at least 15 years before making application for pension. 10/
- (3) Applicant must be a resident of the State, and have so been continuously for not less than 10 years immediately preceding date of application, and in the county in which application is made for 3 years next preceding the date of filing thereof: Provided, that continuous residence is not deemed to have been interrupted by occasional absence therefrom where the total period of such absence does not exceed one year, or by absence from the State while in the services of the State or of the United States: Provided further, that any person who has proper county residence as hereinbefore provided, and who has resided in the State for 15 years, at least 5 of which years have been immediately preceding date of application, and is not at the date of making application an inmate of any prison, jail, insane asylum, or other public reform or correctional institution, is deemed qualified in respect to residence. 11/
- (4) Applicant must not, during the 10 years immediately preceding date of application, have been imprisoned for any offense punishable by imprisonment in the State Penitentiary. 12/
- (5) Applicant, if a husband, must not have, during the period of 10 years immediately preceding date of application, deserted his wife or without just cause failed to provide for her, or neglected to provide for such of his children as were under 15 years of age, for a period of 6 months or upward; or, if a wife, must not have deserted her husband or such of her children as were under age. 13/
- (6) Applicant must not have been, within one year next preceding application, a professional tramp or beggar. 14/

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9. Code, Ann. (1932) Sec. 30-3105(a).
 10. Ibid, Sec. 30-3105(b).
 11. Ibid, Sec. 30-3105(c).
 12. Ibid, Sec. 30-3105(d).
 13. Ibid, Sec. 30-3105(e).
 14. Ibid, Sec. 30-3105(f).

OLD AGE ASSISTANCE (Cont'd)

(d) Qualifications imposed (Cont'd)

(7) The income of the applicant from all sources at the date of application must not exceed the sum of \$300 per annum, and any pension granted hereunder, together with the applicant's other income, must not exceed said annual sum. 15/

(8) Applicant must not have deprived himself or herself, either directly or indirectly, of any property for the purpose of qualifying for a pension. 16/

(9) The applicant must have no child or other person responsible for his or her support, able to support such applicant. 17/

(e) Incidence of financial responsibility

County poor fund. 18/ (Obligation mandatory.)

(f) Taxes

No specific provisions.

(g) Administrative agencies

County Old Age Pension Commission. 19/

(h) Supervisory controls

State Department of Public Welfare. 20/

15. Code, Ann. (1932) Sec. 30-3106(a).

16. Ibid, Sec. 30-3106(b).

17. Ibid, Sec. 30-3106(c).

18. Code, Ann. (1932) Sec. 30-3120. Lien: At the death of a pensioner the total amount of such pension paid him or her, plus 5% interest, must be presented as a claim against any remaining estate of such pensioner. Any recovery therefrom must be placed to the credit of the county poor fund or county current expense fund. If any balance is left, it is distributed among the lawful heirs, or is used in the payment of debts. Ibid, Sec. 30-3106(d).

19. Ibid, Sec. 30-3102, 3108, 3122.

20. Ibid, Sec. 30-3102.

VETERAN RELIEF(a) Description of class

Any honorably discharged person who is a resident of the State and who served on active duty in the Army, Navy, or Marine Corps, or Army Nurses Corps of the United States at some time between April 6, 1917 and November 11, 1918; or who, being a citizen and resident of the State at the time of his entry therein, served on active duty in the naval, military, or air forces of any of the governments associated with the United States during said period. 1/

All honorably discharged soldiers, sailors, and marines who served in the Union Armies during the Civil War, or in the Indian Wars in which the government of the United States was involved; also honorably discharged soldiers, sailors, and marines who served in the Spanish-American War; also veterans of the Mexican War. 2/

(b) Procedure for determining eligibility

The Veterans' Welfare Commission determines what relief is to be given veterans. 3/

(c) Measure of responsibilityDirect Relief:

Such financial relief and assistance to disabled and destitute World War veterans and their dependents as the Veterans' Welfare Commission may determine. 3/

Soldiers' Home:

Care in the Soldiers' Home. 2/

Burial:

Burial expenses not to exceed \$75 per person. 4/

(d) Qualifications imposed

For admission to the Soldiers' Home the applicant must have been a bona fide resident of the State for at least 2 years, and must have registered and voted at one or more general elections of the State. Such residence and voting are not required of any person who, at the time of his enlistment, was a bona fide resident of the State. 2/

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1. Code, Ann. (1932) Sec. 63-203.
 2. Ibid, Sec. 64-701.
 3. Ibid, Sec. 63-202.
 4. Ibid, Sec. 30-2911.

VETERAN RELIEF (Cont'd)

(e) Incidence of financial responsibility

Direct Relief:

State (Obligation optional). 5/

Care in Soldiers' Home:

State (Obligation mandatory). 6/

Burial:

County (Obligation mandatory). 7/

(f) Administrative agencies

Direct Relief:

Veterans' Welfare Commission. 8/

Care in Soldiers' Home:

Commandant of Soldiers' Home. 9/

Burial:

County Commissioners. 7/

(g) Supervisory controls

Department of Public Welfare supervises Soldiers' Home. 9/

5. Code, Ann. (1932), Sec. 63-202, 205, Laws (1935 Ex.) Ch. 17, p. 75, and Ch. 32.

6. Code, Ann. (1932), Sec. 64-701, Laws (1935 Ex.) Ch. 17, p. 75, and Ch. 32.

7. Code, Ann. (1932), Sec. 30-2911.

8. Ibid, Sec. 63-202.

9. Ibid, Sec. 64-702.

COMMISSIONER OF DEPARTMENT OF PUBLIC WELFARE(Statutory Body) 1/I. General Powers and Duties

(1) The Department (Commissioner) of Public Welfare has supervision and control of:

1. The State Hospital South. 2/
2. The State Hospital North. 3/
3. The Soldiers' Home. 4/
4. State School and Colony. 5/
5. Hospitalization of Tuberculosis patients. 6/
6. The Board of Eugenics. 7/
7. County Old Age Pension Commission. 8/

(2) The Department must, either as a department or through other persons appointed by it for that purpose, visit and report on the sanitary condition of all State institutions as often as conditions may require, but ~~the~~ State Hospitals for the Insane, ~~the~~ State Penitentiary, and the Soldiers' Home must be visited and reported on at least once each year. 9/

(3) The Department has a general supervision of all matters relating to the preservation of the life and health of the people of the State. 9/

(4) The Department must especially study the vital statistics of the State, and endeavor to make profitable and intelligent use of the collected records of sickness and mortality among the people; it must carefully study the influence of the climate upon diseases and health in different localities of the State for the benefit of the citizens thereof; and it must make sanitary investigations and inquiries respecting the causes of disease and especially epidemics of disease, the causes of mortality, and the effects of localities, employments, conditions, ingesta, habits, and circumstances on the health of the people. 9/

(5) Whenever the Department has reason to believe that there is any danger of an epidemic invading the State, it must take such action and adopt and enforce such rules and regulations as may be necessary to prevent such epidemic. 10/

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1. Code, Ann. (1932) Sec. 65-2301.
 2. Ibid, Sec. 64-101.
 3. Ibid, Sec. 64-102.
 4. Ibid, Sec. 65-3001(3).
 5. Ibid, Sec. 64-403.
 6. Ibid, Sec. 38-401.
 7. Ibid, Sec. 64-601.
 8. Ibid, Sec. 30-3102.
 9. Ibid, Sec. 38-101.
 10. Ibid, Sec. 38-102.

I. General Powers and Duties (Cont'd)

(6) The Department has charge of the registration of births and deaths in the State. 11/

(7) The Department must enforce all the laws of the State relating to the healthfulness and purity of all foods and drugs. 12/

(8) The Department must enforce all the laws of the State relating to the prevention of blindness in infants. 13/

(9) The Department may make such rules and regulations as in its discretion, are necessary for proper control of venereal disease. 14/

(10) The Department may license any person, firm, or corporation to establish and keep a lying-in hospital, ward, or private place for the reception, care, and treatment of women in labor. Such hospital, ward, or private place is subject at all times to the visitation and inspection of the Department. 15/

(11) The Department must see that proper care is taken of all biological products of the State, such as vaccine and sera. 16/

(12) The Department has charge of the enforcement of sanitary regulations for public eating places in the State. 17/

(13) A Bureau of Child Hygiene is established within the Department of Public Welfare, under the general supervision and direction of such Department; the director of such Bureau is the Commissioner of Public Welfare, or some woman, if there be any, in the Department of Public Welfare. 18/

11. Code, Ann. (1932), Sec. 38-201.

12. Ibid, Sec. 36-101.

13. Ibid, Sec. 38-505.

14. Ibid, Sec. 38-706.

15. Ibid, Sec. 38-901.

16. Ibid, Sec. 38-1002.

17. Ibid, Sec. 38-1101.

18. Ibid, Sec. 65-3002.

The Bureau issues educational literature on the care of the baby and the hygiene of the child, the study of causes of infant mortality, and the application of preventative measures for the prevention and suppression of diseases of early childhood, and performs such other duties as may be prescribed by the Department. Ibid, Sec. 65-3003.

II. Composition and Appointment of Governing Body

The Commissioner of Public Welfare is appointed by the Governor, who may remove him at will. 19/ He receives a salary of \$3,600 per annum 20/, and must devote his entire time to the duties of his office; he may hold no other office or position of profit: Provided, that an elective State officer may be appointed to such office, in which event he receives no salary other than by virtue of his elective office. 21/ The Commissioner executes the powers and discharges the duties of the Department of Public Welfare. 22/

III. Reports

The Department must annually on or before the first day of December, and at such other times as the Governor may require, report in writing to the Governor concerning the condition, management and financial transactions of the Department of Public Welfare. 23/

The Department must prepare and file with the State Auditor biennially, prior to the fifteenth day of January of each biennium, a classified, itemized, financial statement of the receipts and expenditures of the Department of Public Welfare. 24/

The Department must visit and report on the sanitary condition of all State institutions as often as conditions may require, but the State Hospitals for the Insane, the Penitentiary, and the Soldiers' Home must be visited and reported on at least once a year, such report to be filed with the Governor and Secretary of State. 25/

IV. Executive

See "Commissioner of Public Welfare", under "Composition and Appointment of Governing Body".

V. Staff

A public Health Advisor is appointed by the Governor to perform, under the direction, supervision, and control of the Commissioner of Public Welfare, such duties as said Commissioner may assign to him. 26/ The Health Advisor must be a person experienced in the practice of public health and sanitation, and authorized by the laws of the State to practice medicine and surgery. 27/ He receives such salary as may be fixed by the Commissioner, with the approval of the Governor. 28/

19. Code, Ann. (1932), Sec. 65-2312.

20. Ibid, Sec. 65-2309.

21. Ibid, Sec. 65-2311.

22. Ibid, Sec. 65-2303.

23. Ibid, Sec. 65-2409.

24. Ibid, Sec. 65-2414.

25. Ibid, Sec. 38-101.

26. Ibid, Sec. 65-2305, 2312.

27. Ibid, Sec. 65-2307.

28. Ibid, Sec. 65-2309.

V. Staff (Cont'd)

The Department may employ necessary employees, and if the rate of compensation is not otherwise fixed by law, may fix their compensation. 29/

VI. Financial Provisions

The Department is financed by appropriations out of the moneys of the general fund of the State. 30/

Amount of Appropriation:

There is appropriated for the fiscal biennium beginning January 1, 1935, the sum of \$71,245. 30/

Limitation of Funds:

Administration	\$62,160
Child Hygiene	3,085
Venereal disease control	2,000
Vaccines and antitoxin	<u>4,000</u>
Total	\$71,245

29. Code, Ann. (1932), Sec. 65-2404.

30. Session Laws (1935 Ex.), Ch. 17, Sec. 1.

SUPERINTENDENT OF STATE SCHOOL AND COLONY(Statutory Body) 1/I. General Powers and Duties(a) Superintendent:

(1) The Superintendent controls the patients, prescribes the treatment, and prescribes and enforces the sanitary regulations of the School and Colony. 2/

(2) With the consent of the Department of Public Welfare the Superintendent may make any expenditure necessary in the performance of his duties, except such as are under the control of the Department of Public Works. 3/

(3) The Superintendent receives and pays to the State Treasurer all moneys found upon the feeble-minded and epileptic persons received into the School and Colony. 4/

1. Code, Ann. (1932) Sec. 64-407. Commitment: Whenever it appears by affidavit to the satisfaction of a magistrate of the county that any person within the county is so feeble-minded as to prevent him or her from receiving proper instruction and training in the public schools, or that any person within the county is so feeble-minded or epileptic as to prevent him or her from properly taking care of himself or herself, he must issue and deliver to some peace officer for service, a warrant directing that such person be arrested and taken before any judge of a court of record within the county for examination. Code, Ann. (1932) Sec. 64-502.

The judge, after examination and certification by examining physician, if he believes the person to be so feeble-minded as to be unable to receive the proper instruction and training in the public schools, or so feeble-minded or epileptic as to be unable to properly care for himself or herself, and not insane, must make an order that such person be confined in the School and Colony. Code, Ann. (1932) Sec. 64-507, 509.

2. Code, Ann. (1932) Sec. 64-407(1).

3. Ibid, Sec. 64-407(4).

4. Ibid, Sec. 64-407(5). If such sum exceeds \$100, the excess is used to pay the expenses of such patient; but if it is less than \$100, it must be returned to the patient when he is discharged, or used in payment of funeral expenses if such patient dies while in the School and Colony. Code, Ann. (1932) Sec. 64-511.

I. General Powers and Duties (Cont'd)

(a) Superintendent: (Cont'd)

(4) The Superintendent must keep a daily record of his official acts, in the mode prescribed by the by-laws. 5/

(5) Whenever, in the opinion of the Superintendent, an inmate is insane, such inmate may be sent to an insane asylum of the State, upon approval of the Commissioner of Public Welfare and the Superintendent of such insane asylum. 6/

(b) Department of Public Welfare:

(1) The Department makes by-laws, not inconsistent with the laws of the State, for the government of the School and Colony. 7/

(2) The Department must keep a record of its proceedings, open at all times during office hours to the inspection of any citizen. 8/

(3) The Department receives, takes, and holds in trust both real and personal property for the State and for use and benefit of the School and Colony. 9/

(4) The Department must visit the School and Colony once in 3 months, and keep constantly advised of all items of labor and expense, and the condition of the buildings and property of the School and Colony; it has the power to make such improvements as, in its judgment, are actually necessary for the care of the inmates. The Department has discretionary power, in case of absolute necessity, to remove patients to the nearest possible safe and appropriate place. 10/

(5) The Department must cause the accounts of the School and Colony to be so kept and reported as to show the quality, quantity, cost, and vendor of every article purchased. 11/

(6) The Department must examine and audit the expenditures for salary of employees and all other expenses incident to the conduct of the School and Colony and care and maintenance of the patients, and, if approved by it, certify the same to the State Auditor. 12/

(7) The Department must make regulations and fix the terms for the admission of feeble-minded or epileptic persons who are not indigent or who are not residents of this State. 13/

(8) The Department must make diligent inquiries concerning labor and expenses, the condition of the School and Colony, and its property. 14/

5. Code, Ann. (1932) Sec. 64-407(6).

6. Ibid, Sec. 64-514.

7. Ibid, Sec. 64-403(1).

8. Ibid, Sec. 64-403(2).

9. Ibid, Sec. 64-403(4).

10. Ibid, Sec. 64-403(5).

11. Ibid, Sec. 64-403(6).

12. Ibid, Sec. 64-403(7).

13. Ibid, Sec. 64-403(8).

14. Ibid, Sec. 64-403(9).

II. Composition and Appointment of Governing Body

See "Composition and Appointment of Governing Body", under "Department of Public Welfare".

III. Reports

The Superintendent of the School and Colony must keep such accounts and make such estimates and reports as may be required by the several departments of the State government. 15/

IV. Executive

The Department of Public Welfare elects a medical Superintendent of the School and Colony to hold office during the pleasure of the Department. 16/ Such Superintendent must be a graduate in medicine, and must have practiced his profession for 5 years after the date of his diploma. 17/ He must reside at the School and Colony, and give his entire time and attention to promoting the best interests of the inmates. 18/ His salary is fixed by the Department of Public Welfare. 19/

V. Staff

With the consent of the Department of Public Welfare, the Superintendent fixes the number and compensation of, appoints, controls, and may remove the attendants, assistants, and teachers. 20/ He also prescribes and enforces the performance of their duties. 21/

15. Code, Ann. (1932) Sec. 64-407(7).

16. Ibid, Sec. 64-403(3).

17. Ibid, Sec. 64-405.

18. Ibid, Sec. 64-406.

19. Ibid, Sec. 64-408. Such Superintendent must execute an official bond in the sum of \$5,000, with 2 or more sufficient sureties, conditioned upon the faithful discharge of his duties as such officer. Code, Ann. (1932) Sec. 64-409. Such official bond must be approved by the Department of Public Welfare and filed in the office of the Auditor. Code, Ann. (1932) Sec. 64-411.

20. Code, Ann. (1932) Sec. 64-407(2).

21. Ibid, Sec. 64-407(3).

VI. Financial Provisions

The School and Colony is financed by appropriations out of the general fund of the State. 22/

Amount of Appropriation:

There is appropriated for the fiscal biennium beginning January 1, 1935, the sum of \$124,170. 22/

Limitation of Funds:

Salaries, wages, etc. . . . .	.\$ 64,920.00
Services, other than personal	8,000.00
Materials	597.29
Supplies.	37,402.71
Equipment	4,600.00
Fixed charges and contributions	<u>8,650.00</u>
Total. . . . .	.\$124,170.00

22. Session Laws (1935 Ex.), Ch. 17, Sec. 1.

SUPERINTENDENTS OF STATE HOSPITAL NORTH AND STATE HOSPITAL SOUTH

(State Hospitals for the Insane)

(Statutory Bodies) 1/I. General Powers and Duties(a) Superintendents:

(1) The Superintendents control the patients, prescribe the treatment, and prescribe and enforce the sanitary regulations of the asylums. 2/

(2) The Superintendents, with the consent of the Commissioner of Public Welfare, make any expenditures necessary in the performance of their duties, except such as are under the Department of Public Works. 3/

(3) The Superintendents receive and pay to the State Treasurer all moneys found upon insane persons. 4/

1. Code, Ann. (1932) Sec. 64-110. Commitment: Whenever it appears by affidavit to the satisfaction of a magistrate of the county that any person within the county is so far disordered in his mind as to endanger health, persons, or property, he must issue and deliver to some peace officer for service, a warrant, directing that such person be arrested and taken before any judge of a court of record within the county for examination. Code, Ann. (1932) Sec. 64-201.

The judge, after such examination, and certificate made by the examining physician, if he believes the person so far disordered in his mind as to endanger health, person, or property, must make an order that he be confined in a State insane asylum. Code, Ann. (1932) Sec. 64-207, 209.

2. Code, Ann. (1932) Sec. 64-110 (1).

3. Ibid, Sec. 64-110 (4).

4. Ibid, Sec. 64-110 (5). If such sum exceed \$100, the excess is used to pay the expenses of such inmate; if less, it must be returned to him upon his discharge, or used to pay for his funeral if he dies in the asylum. Ibid, Sec. 64-511.

I. General Powers and Duties (Cont'd)

(a) Superintendents: (Cont'd)

(4) The Superintendents must keep daily records of their official acts in the manner required by the rules and regulations prescribed by the Commissioner of Public Welfare. 5/

(5) The Superintendents estimate quarterly, in advance, the probable expenses of the asylums, and submit such estimates to the Commissioner of Public Welfare for his consideration and approval. 6/

(6) Whenever the Superintendents deem it best for the patients or the asylums they may parole such patients as are not dangerously insane, and whose release will not constitute a menace to the public: Provided, that no patient may be paroled without the approval of the Commissioner of Public Welfare. 7/

(b) Commissioner of Public Welfare:

(1) The Commissioner makes rules and regulations for the government of the asylums. 8/

(2) The Commissioner receives, takes, and holds in trust, both real and personal property, for the State and for the use and benefit of the asylums. 9/

(3) The Commissioner must visit the asylums at such times as he may deem necessary and must keep himself advised of all items of labor and expense and the condition of the buildings and the property of the asylums; he may make such improvements as in his judgment are necessary for the care of the inmates. He has discretionary power in case of absolute necessity, to remove patients to the nearest possible safe and appropriate place. 10/

(4) The Commissioner must require the keeping of a complete set of books for each of the asylums in accordance with the accounting required of other institutions of the State, and he must remove from office any employes appointed to perform such duties who fail or neglect to do so. 11/

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5. Code, Ann. (1932) Sec. 64-110 (6)
 6. Ibid, Sec. 64-110 (8).
 7. Ibid, Sec. 64-104.
 8. Ibid, Sec. 64-103 (1).
 9. Ibid, Sec. 64-103 (3).
 10. Ibid, Sec. 64-103 (5).
 11. Ibid, Sec. 64-103 (6).

I. General Powers and Duties (Cont'd)(b) Commissioner of Public Welfare: (Cont'd)

(5) The Commissioner examines and audits the expenditures, the salaries of the employes, and all other expenses incident to the conduct of such asylums and the care and maintenance of the patients therein, and if approved by him, certifies the same, after approval of the Superintendent of the asylum, to the State Auditor. 12/

(6) The Commissioner makes regulations and fixes the terms and conditions for the admission of insane persons who are not indigent, and who are not residents of this State, to the asylums. 13/

(7) The Commissioner must diligently supervise the labor and expenses at the asylums and their properties. 14/

II. Compensation and Appointment of Governing Body

See "Composition and Appointment of Governing Body", under "Department of Public Welfare".

III. Reports

The Commissioner must report to the Governor on the fifteenth day of December of each year, a statement of the receipts and expenditures, the condition of the asylums, the number of patients under treatment at each asylum during the preceding year, and such other matters relating to his duties in connection herewith as may seem advisable. 15/

The Commissioner must report to the Governor biennially, on or before the first day of December prior to each session of the Legislature, embodying in this report substantially the same information as he gives in his annual report, except covering the 2-year period. 16/

The Superintendents of the asylums must make such reports and render such accounts as may be required by the Commissioner of Public Welfare as to the general condition of the asylums. 17/

12. Code, Ann. (1932) Sec. 64-103(7).

13. Ibid, Sec. 64-103(8).

14. Ibid, Sec. 64-103(9).

15. Ibid, Sec. 64-103(10).

16. Ibid, Sec. 64-103(11).

17. Ibid, Sec. 64-110(7).

IV. Executive

The Commissioner of Public Welfare appoints a Superintendent for each asylum, or one for both asylums, such Superintendent or Superintendents to give his or their entire time and attention to promoting the best interests of the patients therein, and to serve during the pleasure of the Commissioner. 18/ The medical Superintendent of either asylum must be a graduate in medicine, and must have practiced his profession for 5 years after the date of his diploma. 19/ The compensation of such Superintendents is fixed by the Commissioner of Public Welfare. 20/

V. Staff

The Commissioner of Public Welfare appoints all officers and employees of the asylums, prescribes their duties, and may remove them when, in his judgment, the good of the public service requires. 21/

The Superintendents, with the consent of the Commissioner, fix the number and compensation of, appoint, control, and may remove the attendants and assistants, and prescribe and enforce their duties. 22/

VI. Financial Provisions

The asylums are financed by appropriations out of the general fund of the State. 23/

18. Code, Ann. (1932), Sec. 64-103(2).

19. Ibid, Sec. 64-109.

20. Ibid, Sec. 64-110(9).

Each Superintendent must execute an official bond in the sum of \$5,000, with 2 or more securities, or by a surety company, conditioned that he will faithfully discharge his duties as such officer. Ibid, Sec. 64-110(10).

21. Code, Ann. (1932), Sec. 64-103(4).

22. Ibid, Sec. 64-110(2),(3).

23. Session Laws (1935 Ex.), Ch. 17, Sec. 1.

Idaho - Abstract of Administrative ProvisionsVI. Financial Provisions (Cont'd)Amount of Appropriation:

There is appropriated for the fiscal biennium beginning January 1, 1935, the sum of \$283,860. 24/

Limitation of Funds:State Hospital South 24/

Salaries, wages, etc. . . . .	.\$ 48,740
Services other than personal	23,675
Materials.	1,800
Supplies	63,700
Equipment.	6,000
Structural, non-structural, improvements	1,750
Fixed charges and contributions.	<u>15,125</u>
Total . . . . .	.\$160,790

State Hospital North 24/

Salaries, wages, etc. . . . .	.\$ 31,580
Services other than personal	17,190
Materials.	250
Supplies	60,800
Equipment.	4,750
Structural, non-structural, improvements	5,000
Fixed charges and contributions.	<u>3,500</u>
Total . . . . .	.\$123,070

Grand Total \$283,860

The Hospitals also receive four-fifteenths of the moneys accruing to the Charitable Institutions Endowment Fund. 25/

24. Session Laws (1935 Ex.), Ch. 17, Sec. 1.

Persons financially able to do so must pay for their care and safe-keeping while at the asylums, or if they have relatives able to pay such expenses, they must do so.

25. Code, Ann. (1932), Sec. 64-803, 806.

This fund consists of the proceeds of the sale or use of certain lands granted by Congress to the State charitable, educational, penal, and reformatory institutions. Ibid.

COMMANDANT OF SOLDIERS' HOME

(Statutory Body) 1/

I. General Powers and Duties

(1) The inmates of the Soldiers' Home must be clad in the uniform of the Grand Army of the Republic to be furnished by the State. 2/

(2) The Soldiers' Home must at all times be open to inspection by the Board of Managers of the National Home for Disabled Volunteer Soldiers, under such regulations as the Board may adopt; it is also subject to inspection at any time by the Governor or any officer of his staff designated by him for such purpose. 3/

II. Composition and Appointment of Governing Body

See "Composition and Appointment of Governing Body" under "Department of Public Welfare".

III. Reports

No provision.

1. Code Ann. (1932), Sec. 64-701.

Admission: The following persons are admitted to the Home: all honorably discharged Union soldiers, sailors, and marines who served in the Union armies during the War of Rebellion, or in the Indian Wars in which the government of the United States was involved; all honorably discharged soldiers, sailors, and marines who served in the Spanish American War and the Philippine Insurrection; also members of the State National Guard disabled while in line of duty; also veterans of the Mexican War; also all honorably discharged soldiers, sailors, marines, and nurses of the Great War with Germany and her allies, who did not refuse military duty on account of conscientious objection: Provided, that before a person is admitted he must have been a bona fide resident of this State for not less than 2 years, and must have registered and voted at one or more general elections in the State prior to making application. Such residence, registration, and voting are not required of any person who was a resident of the State at the time of his enlistment or induction into such service. Ibid.

Upon the death of any inmate, without heirs or next-of-kin at law, all personal property owned by such inmate at the time of his death, including moneys and choses in action held by him and not disposed of by will, whether such property be the proceeds of pensions or otherwise derived, vests in and becomes the property of the Department of Public Welfare for the sole use and benefit of the Home, the proceeds to be disposed of in such manner as may be ordered by the Department; all property so passing to the Department passes subject to be reclaimed by any legatee or person entitled to take same by inheritance, at any time within 5 years after the death of such member. Code Ann. (1932), Sec. 64-706.

2. Code Ann. (1932), Sec. 64-705.

3. Ibid, Sec. 64-704.

IV. Executive

The Department of Public Welfare appoints a Commandant of the Soldiers' Home to hold office during the pleasure of the Department. Such Commandant has entire control and management of the Home under such rules and regulations as the Department of Public Welfare may prescribe. The Commandant receives for his services such sum as may be fixed by the Department of Public Welfare, not to exceed \$1,200 per annum and rations. 4/

V. Staff

The Department of Public Welfare appoints a physician and a matron for the Home, to receive such salaries as the Department may fix, that of the physician not to exceed \$50 per month, and that of the matron not to exceed \$40 per month. They hold office during the pleasure of the Department. 5/

VI. Financial Provisions

The Home is financed by appropriations out of the general fund of the State. 6/

Amount of Appropriation:

There is appropriated for the fiscal biennium beginning January 1, 1935, the sum of \$5,587. 6/

Limitation of Funds:

Salaries and wages.	\$2,595
Services other than personal and other expenses.	<u>2,992</u>
Total	\$5,587

The Home also receives five-thirtieths of the moneys accruing to the Charitable Institutions Endowment Fund. 7/

4. Code, Ann. (1932), Sec. 64-702.

The Commandant must give bond in favor of the State in the penal sum of \$4,000, conditioned on the faithful performance of his duties, such bond to be approved by the Governor. Ibid.

5. Code, Ann. (1932), Sec. 64-703.

6. Session Laws (1935 Ex.), Ch. 17, Sec. 1.

7. Code, Ann. (1932), Sec. 64-803, 806.

This fund consists of the proceeds of the sale or use of certain lands granted by Congress to the State for State charitable, educational, penal and reformatory institutions. Ibid.

BOARD OF EDUCATION

RE STATE SCHOOL FOR THE DEAF AND BLIND

(Statutory Body) 1/

I. General Powers and Duties

(1) The State Board of Education must ascertain the number of deaf and blind persons in the State. 2/

(2) The Board of Education has the direction, control, and management of the School; it must arrange for the conveyance of scholars to and from the School at the expense of the State; and it has power to make all needful rules and regulations to carry into effect its general powers of management and control. 3/

(3) The Board of Education is authorized to provide for the careful examination of all applicants for admission to the School. 4/

II. Composition and Appointment of Governing Body

The State Board of Education consists of the State Superintendent of Public Instruction ex officio and 5 members appointed by the Governor. Appointments are made for 5-year rotating terms, and vacancies are filled by the Governor. All members are appointed solely upon consideration of their ability to efficiently serve the interests of the people and of education in the State, without reference to locality, to occupation, to party affiliation, or to religion; and they

1. Code, Ann. (1932), Sec. 32-2902.

The School is for the education of the deaf and the blind children of the State. Ibid, Sec. 32-2901.

The census marshal of each school district in the State, when he enumerates the children of school age in his district, must carefully ascertain what children in that district are deaf and blind, as defined herein; he must note the name, age, and sex of such child or children, also the name of parents or guardian or other person having the legal or actual charge of such child or children, and must report the same to the County Superintendent of Public Instruction, who must immediately report the same to the State Superintendent of Public Instruction. Ibid, Sec. 32-2906.

2. Code, Ann. (1932), Sec. 32-2905.

All children between the ages of 6 and 21 years who are too deaf or too blind to be educated in the State public schools, are deemed deaf and blind for the purposes of this Act. Ibid, Sec. 32-2904.

3. Code, Ann. (1932), Sec. 32-2902.

4. Ibid, Sec. 32-2903.

II. Composition and Appointment of Governing Body (Cont'd)

must have been qualified electors and taxpayers in the State for at least 3 years prior to the dates of their appointments. 5/ The Governor may remove any member who proves himself guilty of gross immorality, malfeasance in office, or incompetency. 6/ Members are paid all necessary personal and traveling expenses in carrying out their duties, and are also entitled to receive an honorarium of \$100 per year. 7/

III. Reports

The president and secretary of the Board, must, on the first day of January of each year, transmit to the Governor, and to the Legislature at its regular session, a report of the doings of the Board, setting forth a full report of its expenditures for the previous year, and such recommendations as they deem proper for the good of the State educational institutions. 8/

IV. Executive

The Board of Education hires a Superintendent of the School and fixes his compensation. 9/

V. Staff

The Board of Education hires instructors and employees for the School and fixes their compensation. 9/

VI. Financial Provisions

All expenses in connection with the education of the deaf and blind are paid out of the State Treasury. 10/

Amount of Appropriation:

There is appropriated to the Board of Education for the School for the Blind and Deaf, for the fiscal biennium ending December 31, 1936, the sum of \$126,902.19. 11/

Limitation of Funds: 11/

Salary of regular officers and employees . . .	\$ 72,750.00
Extra help and per diem employees	1,067.00
Expert and special.	1,552.00
Cooperation personal services	147.44
Services other than personal.	12,925.25
Supplies.	30,089.40
Equipment.	5,335.00
Structural, non-structural improvements . . .	485.00
Fixed charges and contributions	2,551.10
Total	<u>\$126,902.19</u>

5. Code, Ann. (1932), Sec. 32-102.

6. Ibid, Sec. 32-103.

7. Ibid, Sec. 32-106.

8. Ibid, Sec. 32-115.

9. Ibid, Sec. 32-2902.

10. Ibid, Sec. 32-2903.

11. Laws (1935 Ex.), Ch. 21, p. 88.

BOARD OF STATE PRISON COMMISSIONERS

(Constitutional Body) 1/

I. General Powers and Duties

(a) Board of Prison Commissioners:

(1) The Board has such supervision of all matters connected with the State Prison as may be prescribed by law. 1/

(2) The Board has control, direction, and management of the Penitentiary of the State, and must, either by direct expenditure or by contract with a responsible person or persons, provide for the care, maintenance, and employment of all inmates confined in the State Penitentiary. 2/

(3) The Board must meet quarterly and inquire into and examine all matters connected with the government, discipline, and police of the Penitentiary, and the punishment and employment of prisoners confined therein. 3/

(4) The Board must inquire into any improper conduct alleged to have been committed by any officer of the Penitentiary, and for such purpose the chairman of the Board may issue subpoenas to compel the attendance of witnesses and the production of papers and writings before the Board. 4/

(5) The Board may examine any witnesses who appear before it, on oath to be administered by the chairman, or in his absence by any other member of the Board. 5/

(6) The Board must establish rules for the admission of visitors to the Penitentiary and may prescribe a certain sum, not to exceed \$.25, to be charged each individual who is admitted. 6/

1. Const. Art. IV, Sec. 18.

2. Code, Ann. (1932) Sec. 20-102. If such Board provided by contract for the care and maintenance of the inmates, authority on behalf of the State is vested with a majority of the Board to make and sign the contract, in such manner as, in their judgment, appears to be for the best interests of the State, and to arrange all the necessary details thereof, including the cost per diem to the State, the terms and time of payment, and the appointment and compensation of the Warden and other employees. The Board has power to make contract with the lowest responsible bidder, and any such contract entered into must provide that the discipline of the convicts is under the Board and the Warden. No contract may be made which in any way abridges or deprives convicts of any privileges granted by law. Ibid.

3. Code, Ann. (1932) Sec. 20-105.

4. Ibid, Sec. 20-106.

5. Ibid, Sec. 20-107.

6. Ibid, Sec. 20-109.

I. General Powers and Duties (Cont'd)(a) Board of Prison Commissioners: (Cont'd)

(7) The Board, on the first Monday in December, annually, must audit, correct, and settle the accounts of the Warden with the Penitentiary and the State for the year ending on the last day of November preceding. 7/

(8) Every part of the Penitentiary, the books, papers, accounts, and writings pertaining thereto, or to the business, government, discipline, or management thereof, must be open at all times to the inspection of the Board. 8/

(9) The Board may place any minor, under the age of 15 years, sentenced to the Penitentiary, in a school of correction, either within or without the State, for such part of his sentence as the Board may deem advisable, and may provide for the transportation, tuition, and other charges necessarily connected therewith: Provided, that the said expenses are subject to the prescribed maximum limit of \$.85 per day, per inmate, exclusive of extraordinary expenses. 9/

(10) The Board must make and adopt such general rules and regulations for the government and discipline of the prison as it deems expedient, and from time to time change and amend the same as circumstances may require. In making such rules and regulations the Board must, so far as is practicable and consistent with the discipline of the Prison, adopt such as, in the judgment of the Board, best conduce to the reformation of the convicts. A printed copy of such rules and regulations must be furnished each officer and guard at the time he is appointed, and so much thereof as relates to the duties and obligations of the convicts must be hung up in a conspicuous place in each cell and shop. 10/

(11) The Board may use the labor of convicts either within or without the walls of the Penitentiary and on all public works done under the direct control of the State: Provided, that so far as is practicable, no article is manufactured with convict labor which is manufactured extensively within the State: And provided further, that when convict labor is used in the manufacture of any article for sale, the Board may prescribe what is a day's work for any convict, and may credit to such convict a percentage of the income from his labor over and above the sum so fixed as a day's labor, and any sum so credited must be paid to the prisoner by the Board in such manner, and at such times as may be prescribed by the Board. 11/

7. Code, Ann. (1932) Sec. 20-110.

8. Ibid, Sec. 20-108.

9. Ibid, Sec. 20-112, 111.

10. Ibid, Sec. 20-406.

11. Ibid, Sec. 20-407.

I. General Powers and Duties (Cont'd)(a) Board of Prison Commissioners: (Cont'd)

(12) The Board must enter into a contract with the authorities of some State having a State Prison with a women's ward, for the reception and detention, care, maintenance, and employment of all females convicted of any felony in any of the courts of this State and sentenced to a term of imprisonment therefor. 12/

(13) When there are cells sufficient, each prisoner must be confined in a separate cell. 13/

(14) Every convict in the State Prison who has no infraction of the rules and regulations of the Penitentiary recorded against him, and who performs the duties assigned to him in an orderly and peaceful manner, must be allowed, as a commutation of his sentence, a deduction of one month for the first year, 2 months for the second year and so on up to 6 months for the sixth and all remaining years of his term. But if any convict escapes, or attempts to escape, from any Prison, or commits any assault on his keeper or foreman, or otherwise endangers life, he thereby forfeits any and all deductions from the time of his sentence to which he may have been entitled before the commission of such offense. 14/ For the purpose of commutation, whenever any convict has been committed under several convictions with separate sentences, they must be construed as one continuous sentence. 15/

(b) Warden of State Penitentiary:

(1) The Warden must attend constantly at the Penitentiary. He exercises general supervision over it and gives necessary directions to the keepers and guards, examines whether they have been vigilant in the discharge of their respective duties, examines daily into the health of the prisoners, and takes charge of the real and personal estate belonging to or connected with the Penitentiary. 16/

(2) All the transactions and dealings of the Prison must be conducted in the name of the Warden, who is capable in law of suing and being sued in all courts and places in all matters concerning the Prison, by his name of office; and by that name he may sue for and recover all sums of money or any property due from any person to any former Warden of the Prison, or to the people of the State, on account of the Penitentiary. 17/

12. Code, Ann. (1932), Sec. 20-501.

13. Ibid, Sec. 20-408.

14. Ibid, Sec. 20-417.

15. Ibid, Sec. 20-418.

16. Ibid, Sec. 20-306.

17. Ibid, Sec. 20-307.

I. General Powers and Duties (Cont'd)(b) Warden of State Penitentiary:

(3) The Warden must take all bills for all services rendered for the Prison, including those of the officers, guards, and keepers, and must certify such of them as are correct and enter them in a book kept for that purpose. 18/

(4) The Warden or the clerk must keep a daily journal of all the proceedings of the Penitentiary in which he must note all infractions of the rules and regulations of the Prison by any officer or guard thereof, or by any prisoner, naming him and specifying the offense, and the punishment, if any, that was inflicted. This journal must be laid before the Board at every regular meeting and at every special meeting when demanded. 19/

(5) The Warden is exempt from any military and jury duties while actually employed by the State as such officer. 20/

(6) Upon receipt of notice from the sheriff of any county in the State that a person has been convicted and sentenced to imprisonment in the Penitentiary, or to the death penalty, the Warden must dispatch guards, as necessary, from the Prison to the place where such person was convicted to secure and convey such person to the State Prison. 21/

(7) The Warden must receive, safely keep, and subject to the discipline of the Penitentiary any criminal convicted of any crime against the United States, and sentenced to confinement therein by any court of the United States sitting in this State, until such sentence is executed, or until such convict is discharged by due course of law; during such time the United States must support such convict and pay the expenses of executing such sentence. 22/

(8) The Warden must take charge of any property that a convict may have at the time of entering the Penitentiary, and if the same is of the value of \$5 or more, may sell it, with the consent of the convict, and place the proceeds at interest for the benefit of such convict or his representatives when he may leave the Penitentiary, keeping a correct account of such property and the proceeds thereof. 23/

(9) No person may, without the consent of the Warden, bring into or carry out any writing or any information to or from any convict. 24/

18. Code, Ann. (1932) Sec. 20-308.

19. Ibid, Sec. 20-309.

20. Ibid, Sec. 20-316.

21. Ibid, Sec. 20-402.

22. Ibid, Sec. 20-404.

23. Ibid, Sec. 20-405.

24. Ibid, Sec. 20-410.

I. General Powers and Duties (Cont'd)

(b) Warden of State Penitentiary: (Cont'd)

(10) The Warden prescribes the hours for admission of visitors to the Penitentiary, and no persons other than State officers, members of the Legislature, and regularly ordained ministers of the Gospel (for the purpose of holding religious services and ministering to the spiritual wants of the prisoners), may go within the walls of the Penitentiary without special permission of the Warden. 25/

(11) When any convict escapes, the Warden must use all proper means for the apprehension of such convict. 26/

(12) When any convict is discharged from the Prison the Warden must furnish him with a decent suit of clothing, if he is not already provided for, at the expense of the State; and he must pay such convict, from any funds belonging to the Penitentiary, a sum not exceeding \$10, and must deliver to the Convict any property received of him which has not been disposed of according to law. 27/

(13) The Warden at all times must admit the Board into every part of the Penitentiary, exhibit to it on demand all the books, papers, accounts, and writings pertaining to the Penitentiary or to the business, government, discipline, or management thereof, and render it every facility in his power to enable it to discharge its duties. 28/

(14) The Warden must provide suitable tickets of admission to the Penitentiary, and keep a record in the daily journal of the number of visitors admitted. 29/

(15) The Warden must cause to be kept a record of each and all infractions of the rules by convicts and discipline therefor, with the name of the convict offending and the date and character of each offense, which record must be placed before the Board at each regular meeting of the Board. 30/

II. Composition and Appointment of Governing Body

The Governor, the Secretary of State, and the Attorney General constitute the Board of State Prison Commissioners. 31/
The Governor is the chairman of the Board. 32/ There is no provision for extra compensation as members of the Board.

25. Code, Ann. (1932) Sec. 20-411.

26. Ibid, Sec. 20-413.

27. Ibid, Sec. 20-421.

28. Ibid, Sec. 20-108.

29. Ibid, Sec. 20-109.

30. Ibid, Sec. 20-416.

31. Const. Art. IV, Sec. 18.

32. Code, Ann. (1932) Sec. 20-102.

III. Reports

The Board must annually, on the first Monday of December, audit, correct, and settle the accounts of the Warden with the Penitentiary and the State for the year ending on the last day of November preceding, and make report of the same to the Governor, which report must embrace and exhibit all particulars necessary to give the Governor a full understanding of the fiscal year, and all other matters pertaining to the management of the Prison; the Board must, at the same time, furnish an estimate of the probable income and expenses of the Penitentiary for the ensuing year. 33/

The Warden must, on the first Wednesday of each month, make a complete detailed report to the Board, showing the whole number of prisoners confined in the Prison on the first day of the preceding month, the number received during the month, the number whose terms expired during the month, the number of pardons during the month, the number escaped and still at large, the number escaped and recaptured, the number died during the month, and the number in Prison on the last day of the month. He must also, at the same time, make a detailed statement of all receipts, showing the source from which the same were derived, and all expenditures, with the proper vouchers for each item, the same to be kept on file by the Board and embraced in its annual report to the Governor. 34/

The Warden must annually, on the last day of November of each year, close his accounts and on or before the third of December next thereafter render to the State Auditor a full and true account of all moneys received and expended by him on account of the Prison, with sufficient vouchers therefor, which account must be duly verified by the Warden. 35/

The Warden must annually, on or before the third day of December of each year, make and deliver to the Board a report exhibiting a complete and detailed statement of the transactions of the Penitentiary during the year preceding, and stating the number of convicts confined therein, and all matters relating to the same and to the management thereof. 36/

33. Code, Ann. (1932), Sec. 20-110.

34. Ibid, Sec. 20-310.

35. Ibid, Sec. 20-311.

36. Ibid, Sec. 20-312.

IV. Executive

The Warden is appointed by the Board of State Prison Commissioners to hold office during the pleasure of the Board. The Warden receives a salary of \$2,400 per annum 37/, and is entitled to the use of the buildings set aside as Warden's quarters, and to necessary fuel, light, and food for himself, his wife, and his children. 38/

V. Staff

The physician is appointed by the Board of State Prison Commissioners to hold office during the pleasure of the Board. 39/ He receives a salary of such sum as the Board may deem proper and just. 40/

The Warden, with the assent of the Board of Prison Commissioners, appoints a Deputy Warden, who has the duties of the Warden when such officer is absent, a clerk, assistant keepers, and guards. The Deputy Warden receives \$1,500 per annum, the clerk \$1,500 per annum, and the assistant keepers and guards such sum as the Board may deem proper and just, not to exceed \$75 per month and board. The Deputy Warden receives board and quarters in addition to his salary, and the clerk receives board. 41/

37. Code, Ann. (1932), Sec. 20-302, 305.

Out of his compensation the Warden must provide for the employment of a matron for the Prison, when the employment of such matron is necessary. Ibid, Sec. 20-305.

38. Code, Ann. (1932), Sec. 20-108.

39. Ibid, Sec. 20-303.

40. Ibid, Sec. 20-305.

Such physician must attend at all times to the wants of sick convicts, prescribe medicine for them, and when any convict claims to be unable to labor by reason of sickness, to give opinion as to such claim. He must examine the cells of the convicts and all the sanitary regulations of the Prison, and the food and clothing of the prisoners at least once each week; and he must enter in the daily journal of the Prison the names or numbers of all convicts placed under his care, stating the diseases with which they are afflicted, and record the death of any convict, stating name, age, time, and cause of death. He must embody a statement relative to these matters in his quarterly report to the Board of Prison Commissioners. Ibid, Sec. 20-314.

41. Code, Ann. (1932), Sec. 20-303, 305, 313.

VI. Financial Provisions

The Penitentiary is financed by appropriations out of the general fund of the State. 42/

Amount of Appropriation:

There is appropriated for the fiscal biennium beginning January 1, 1935, the sum of \$158,645. 43/

Special Appropriation:

The sum of \$8,000 is appropriated for the use of the Board of Prison Commissioners for the erection, construction, or purchase of cottages for the use for residence of employees of the State Penitentiary and their families. 44/

42. Code, Ann. (1932), Sec. 20-505.

All moneys obtained from the employment of convicts in the manufacture of articles for sale are credited to the Penitentiary Improvement Fund, together with all other moneys obtained from the employment of such convict labor. Ibid, Sec. 20-103. This fund may be used for the payment of sums credited to convicts on account of their labor, and for construction and repair of buildings and other improvements at the Penitentiary or any other property owned by the State in connection with the Penitentiary, and for payment of the Penitentiary Improvement Fund bonds. Ibid, Sec. 20-104.

Out of the receipts of fees from visitors to the Penitentiary there is appropriated quarterly a sum of not less than \$25, to be used in the purchase of books, papers, and periodicals for use of the Prison library. Ibid, Sec. 20-109.

There is a Penitentiary Fund, consisting of all moneys formerly credited to the Penitentiary Fund in the hands of the State Auditor and State Treasurer, and all moneys which may accrue from the investment of the proceeds of sale of any of the land specially granted the State by the Federal Government for the support and maintenance of a penitentiary. Ibid, Sec. 20-201. All moneys which may accrue to this fund are perpetually appropriated and set apart for the purpose of support and maintenance of the Penitentiary, the same being available immediately upon their being credited to the fund. Ibid, Sec. 20-202.

All bills for supplies and services rendered to the Penitentiary are paid monthly out of the State Treasury on warrants of the State Auditor. Ibid, Sec. 20-305.

The costs of maintaining female prisoners kept in the State Prison of another State is payable out of the fund for the maintenance of the Penitentiary. Session Laws (1935 Ex.), Ch. 17, Sec. 1.

43. Session Laws (1935 Ex.), Ch. 17, Sec. 1.

44. Ibid, Ch. 47.

VI. Financial Provisions (Cont'd)

Limitation of Funds: 45/

State Penitentiary:

Salaries, wages, etc. . . . .	.\$ 31,820
Services other than personal.	25,880
Materials	300
Supplies.	68,925
Equipment	3,000
Structural, non-structural improvements	250
Debts, refunds, and indemnities	1,300
Fixed charges and contributions	8,450
Losses and contingencies.	200
	<hr/>
Total . . . . .	.\$140,125

Eagle Island Prison Farm: 46/

Salaries and wages. . . . .	.\$ 5,620
Services other than personal.	5,000
Supplies.	6,650
Equipment	200
Structural, non-structural improvements	200
Fixed charges and contributions	800
Losses and contingencies.	50
	<hr/>
Total . . . . .	.\$ 18,520
Grand Total . . . . .	.\$158,645

45. Session Laws (1935 Ex.), Ch. 17, Sec. 1.

46. No provision concerning this prison farm could be found in the Idaho statutes but an appropriation was made for such farm in 1933 (Session Laws (1933), Ch. 57), and in 1935 (Session Laws (1935 Ex.), Ch. 17, Sec. 1).

BOARD OF TRUSTEES OF
STATE INDUSTRIAL TRAINING SCHOOL

(Statutory Body) 1/

I. General Powers and Duties

(a) Board of Trustees:

(1) The Board has general supervision, government, and control of the School. 1/

(2) The Board of Trustees has general supervision and control of all buildings and property appertaining to the School, and has general charge and control of all buildings to be constructed. The Board has power to let contracts for the erection of all buildings, and has entire supervision of their construction. 2/

1. Code, Ann. (1932) Sec. 32-3002. Commitment: When any boy or girl of sane mind, between the ages of 8 and 16 years, is, by any court of record or by any judge of the district court of the State, found guilty of any felony except murder or manslaughter, the court or judge may, if in his opinion the accused is a proper subject therefor, instead of entering judgment, cause an order to be entered for such boy or girl to be sent to the Training School. No boy or girl may be committed thereto who is not of sound intellect, free from cutaneous or other contagious diseases, or who is subject to epileptic or other fits, and he or she must possess that degree of bodily health which renders him or her a fit subject for the discipline of the School. The School may admit, in the discretion of the Board of Education, persons eligible to commitment who are afflicted with venereal diseases, on condition that such persons are kept in quarantine and placed under medical treatment for the cure of such disease, and are kept in quarantine until such time as, in the judgment of the attending physician and the superintendent of the School, there is no further danger of the infection of the inmates of the School from such source, after which time the person so committed may be admitted to the same discipline and instruction as other persons committed to the School. Code, Ann. (1932) Sec. 32-3101. Each boy or girl so committed must remain in the School until he or she becomes 21 years of age, unless legally paroled or discharged: Provided, that an inmate may be discharged upon becoming 18 years of age if it appears that he or she has deported himself or herself in such manner as to make it reasonably probable that he or she has reformed. Code, Ann. (1932) Sec. 32-3105.

2. Code, Ann. (1932), Sec. 32-3005. All buildings for the housing of pupils must be on the "cottage plan". For the better grading of the inmates each cottage must accommodate not more than 25 persons. Ibid.

I. General Powers and Duties (Cont'd)

(a) Board of Trustees: (Cont'd)

(3) The Board must conduct its proceedings in such a manner as best conduces to the proper dispatch of business. 3/

(4) The Board has an official seal which must be judicially noticed. 3/

(5) The Board may sue and be sued, and may take, in the name of the State, and hold in trust for the School, any and all money, real estate, or personal property that may be bequeathed to the School. 3/

(6) The Board makes rules and regulations for the conduct of the School. 4/ In these rules the Board must exercise a watchful guardianship over the morals of the pupils at all times. 5/

(7) All juveniles sent to the School must be taught the common school branches, as taught in the common schools of the State, together with such industrial and manual training in the boys' department, and domestic sciences in the girls' department, that the boys and girls will be enabled to earn a living after being discharged therefrom. 6/

(8) The Board may, upon the recommendation of the Superintendent, discharge any boy or girl, an inmate of the School, who has arrived at the age of 18 years, if it appears that while there as an inmate, he or she deported himself or herself in such manner as to make it reasonably probable that he or she has reformed, and is a proper person to be discharged. 7/

(9) The Board may at any time discharge or release an inmate on trial or parole, but in all cases such inmate must, at stated intervals, report his or her conduct to the Superintendent of the School and present a certificate of good behavior, whereupon his or her leave is extended. 8/

(10) The Board may, if it deems it wise, upon request of the Superintendent of the Children's Home Finding Society, release absolutely any boy or girl who may not have a suitable home, and if it deems it to the best interests of such child, it may transfer such boy or girl from the School to the Home of the Children's Home Finding and Aid Society of the State. 8/

3. Code, Ann. (1932) Sec. 32-3003.

4. Ibid, Sec. 32-3008.

5. Ibid, Sec. 32-3012.

6. Ibid, Sec. 32-3013.

7. Ibid, Sec. 32-3105.

8. Ibid, Sec. 32-3107.

I. General Powers and Duties (Cont'd)(b) Superintendent:

(1) The Superintendent conducts the School under rules and regulations prescribed by the Board of Trustees. 9/

(2) The Superintendent must provide for the holding of religious services on the Sabbath day for the inmates of the School, but no sectarian views may control the services. 10/

(3) The Superintendent and assistants must exercise a watchful guardianship over the morals of the pupils at all times during their attendance upon the same, but no religious or sectarian test may be adopted in the School. 11/

(4) The Superintendent has charge of all property belonging to the School, and must keep an account of all monthly expenditures, and the receipts must be certified to the president of the Board of Trustees with the social condition of each inmate at the time of committal. 12/

II. Composition and Appointment of Governing Body

The State Board of Education, consisting of 5 appointive members, and the State Superintendent of Education as an ex officio member, appointed by the Governor for 5-year rotating terms, acts as the Board of Trustees of the Training School. Three members of the Board constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. Every vote and official act of the Board must be entered on record. 13/ The Board elects a president and a secretary, and the State Treasurer is ex officio treasurer of the Board. The Secretary must keep an exact and detailed account of the doings of the Board and an itemized account of all expenditures authorized by the Board. 14/

III. Reports

The Superintendent must, at the close of every month, present the Board of Trustees with a written report, showing the general condition of the School, the number of inmates in attendance, the number of tickets of leave granted, and such other information, together with such recommendations and suggestions, as may be for the best interests of the School. 12/

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9. Code, Ann. (1932) Sec. 32-3008.
10. Ibid, Sec. 32-3010.
11. Ibid, Sec. 32-3012.
12. Ibid, Sec. 32-3009.
13. Ibid, Sec. 32-102, 32-3002.
14. Ibid, Sec. 32-3004.

IV. Executive

The Board of Trustees appoints a Superintendent who must be especially fitted for the position and a person experienced in such work as is carried on in the School. The Superintendent is retained as long as his work is bringing good results, regardless of political affiliation. He may be removed by the Board of Trustees for neglect of duty, improper conduct, malfeasance in office, incompetency, or whenever the interests of the School are best subserved thereby. 15/ The Board of Trustees fixes the salary of the Superintendent. 16/

V. Staff

The Board of Trustees, on recommendation of the Superintendent, appoints an assistant superintendent who may be removed by the Superintendent. 15/ His salary is fixed by the Board of Trustees. 16/

The Superintendent appoints all officers, teachers, and employes, by and with the advice and consent of the Board of Trustees; such officers, teachers, and employes may be removed from office by the Superintendent whenever the interests of the School may be best subserved thereby. All teachers, except specialists, must hold certificates from the State Superintendent of Public Instruction; the specialists must hold diplomas from some accredited school in their specialty. 17/ Their salaries are fixed by the Board of Trustees. 16/

VI. Financial Provisions

The School is financed by appropriations out of the general fund of the State. 18/

Amount of Appropriation:

There is appropriated for the fiscal biennium beginning January 1, 1935, the sum of \$162,308.16. 18/

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15. Code, Ann. (1932) Sec. 32-3006.
 16. Ibid, Sec. 32-3008.
 17. Ibid, Sec. 32-3007.
 18. Session Laws (1935 Ex.) Ch. 21, Sec. 1.

VI. Financial ProvisionsLimitation of Funds: 19/

Salaries, wages etc. . . . .	.\$ 63,719.30
Services other than personal.	11,303.41
Materials	8,487.50
Supplies.	63,413.75
Equipment	5,111.90
Structural, non-structural improvements	2,657.80
Debts, refunds, and indemnities	145.50
Fixed charges and contributions	<u>7,469.00</u>
Total . . . . .	.\$162,308.16

The Industrial School also receives four-fifteenths of the moneys accruing to the Charitable Institutions Endowment Fund. 20/

19. Session Laws (1935 Ex.), Ch. 21, Sec. 1.

20. Code, Ann. (1932), Sec. 64-803, 806.

This fund consists of the proceeds of the sale or use of certain lands granted by Congress to the State for State charitable, educational, penal, and reformatory institutions. Ibid.

STATE BOARD OF EUGENICS

(Statutory Body) 1/

I. General Powers and Duties

(1) The Board of Eugenics must examine into the innate traits, the mental and physical conditions, the personal records, and the family traits and histories of all persons, male or female, who are feeble-minded, insane, epileptic, habitual criminals, moral degenerates, and sexual perverts, who are, or in the opinion of the Board are likely to become, a menace to society. For this purpose the Board has power to subpoena witnesses, and any member of the Board may administer oaths to any witness whom it desires to examine in such proceeding. 2/

(2) If, in the judgment of a majority of the Board, procreation by such person would produce a child or children having an inherited tendency to feeble-mindedness, insanity, epilepsy, criminality, or degeneracy, or who would probably become a social menace or ward of the State, and there is no probability that the condition of such person so investigated and examined will improve to such an extent as to avoid such consequences, the Board must make an order that a sterilization operation be performed upon such person. 3/

(3) The Board must keep a record of all its investigations and the results of such investigations. 3/

(4) If the consent of the person upon whom an operation has been ordered performed is not given within 20 days from the date of such order, then the issue must be tried in the county court, and if such court affirms the finding of the Board, the person may be held into custody by the court until the operation has been performed. 4/ Either party may appeal to the supreme court of the State from the order of the county court. 5/

II. Composition and Appointment of Governing Body

The Board of Eugenics is composed of the State Public Health Advisor of the State Department of Public Welfare, the Superintendent of the State Hospital North, the Superintendent of the State School and Colony, the Superintendent of the State Hospital South, the Superintendent of the Idaho Industrial Training School, and the Warden of the Penitentiary. The State Public Health Advisor acts as secretary of the Board; members serve without compensation. 1/

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1. Code, Ann. (1932) Sec. 64-601.
 2. Ibid, Sec. 64-603.
 3. Ibid, Sec. 64-604.
 4. Ibid, Sec. 64-607, 608, 609.
 5. Ibid, Sec. 64-610.

III. Reports

The members of the Board of Eugenics must report quarterly, on the first of January, April, July, and October, to the State Board of Eugenics, all persons, male or female, who are feeble-minded, epileptic, insane, habitual criminals, moral degenerates, and sexual perverts, who are, or in their opinion are likely to become, a menace to society. 6/

IV. Executive

No provision.

V. Staff

No provision.

VI. Financial Provisions

The State is liable only for the actual traveling expenses of the members of the Board incurred in the performance of their duties, and the actual and necessary expense incident to the investigations of the Board on appeal therefrom. 7/

These expenses are paid from the State general fund. 7/

6. Code, Ann. (1932) Sec. 64-602.

7. Ibid, Sec. 64-611.

BOARD OF PARDONS

(Constitutional Body) 1/

I. General Powers and Duties

(a) Board of Pardons:

(1) The Board of Pardons, or a majority thereof, has power to remit fines and forfeitures, and to grant commutations and pardons after conviction and judgment, either absolutely or upon such conditions as it may impose, in all cases of offenses against the State except treason or conviction on impeachment. 2/

(2) The Board must meet at the capitol on the first Wednesdays of January, April, July, and October of each year. 3/

(3) When applications are duly presented to the Board, it must carefully consider them, and to this end may make such examination outside the application and accompanying documents as it sees fit, and if action favorable to the applicant is decided upon, it must issue to such applicant a certificate of its action. 4/

(4) Any member of the Board may administer an oath or affirmation to any person offering to testify upon the hearing of an application, and may issue subpoenas for witnesses. 5/

(5) The Board may make all needful rules and regulations for the conduct of its business not inconsistent with the laws of the State. 6/

1. Const. Art. IV, Sec. 7.

2. Ibid. No fine or forfeiture may be remitted, and no commutation or pardon may be granted by the Board, except upon decision of a majority of the Board, after a hearing in open session, and until previous notice of the time and place of such hearing and the release applied for is given by publication in some newspaper of general circulation at least once a week for 4 weeks. Ibid.

3. Code, Ann. (1932) Sec. 19-3801.

4. Ibid, Sec. 19-3804. In considering an application for parole, the Board may not entertain any petition, receive any written communication, or hear any argument from any attorney or other person not connected with the Penitentiary; but the Board may, if it deems proper, institute inquiries by correspondence or otherwise, as to the previous history or character of any prisoner: Provided, that no prisoner may be paroled except upon recommendation of the Warden of the Penitentiary. Ibid, Sec. 19-3816.

5. Code, Ann. (1932) Sec. 19-3809.

6. Ibid, Sec. 19-3811.

I. General Powers and Duties (Cont'd)(a) Board of Pardons: (Cont'd)

(6) The Board may, under such rules and regulations as it may prescribe, issue a parole to any prisoner, except a life convict, who is now or may hereafter be imprisoned in the State Penitentiary: Provided, that no convict may be so paroled who is known to have received a previous sentence in any prison for a felony: Provided further, that no convict who is serving a time sentence may be paroled until he has served at least one-third of the full term for which he was sentenced, not reckoning good time. 7/

(7) The Board has full power to retake and reimprison any convict upon parole for any violation of his parole agreement. 8/

(8) The Board must establish 3 grades of prisoners, together with a system of marking, and may prescribe rules to regulate such grades and marks; and no prisoner may be released upon parole unless he has been for 6 months preceding a member of the first grade. Prisoners of the second and third grade may be deprived of such privileges as the Board may direct. 9/

(9) The Board must adopt such rules concerning all prisoners committed to its custody as are necessary to prevent them from returning to their criminal courses to best secure their self-support, and to accomplish their reformation. 10/

(10) The Board may establish rules and regulations under which prisoners within the Penitentiary may be allowed to go on parole outside the Penitentiary buildings, and enclosure, but to remain while on parole in the legal custody and under the control of the Board, and subject at all times to be taken back within the enclosure of the Penitentiary. 11/

(11) No prisoner may be released on parole until the Board has made arrangements, or has satisfactory evidence that arrangements have been made, for his honorable and useful employment while upon parole in some suitable occupation, and at a proper or suitable place free from criminal influence. Except, in

7. Code, Ann. (1932) Sec. 19-3812.

8. Ibid, Sec. 19-3813.

9. Ibid, Sec. 19-3817.

10. Ibid, Sec. 19-3904.

11. Ibid, Sec. 19-3907.

I. General Powers and Duties (Cont'd)(a) Board of Pardons: (Cont'd)

the discretion of the Board, prisoners mentally, morally, or physically deficient, or whose best interest and that of the State are best subserved by parole without employment, may be paroled within or without the State without complying with the provisions for employment; however, in such case the Board must see that proper arrangements are made for the keep of such prisoners. 12/

(12) The Board passes upon all respites or reprieves granted by the Governor since the last session of the Board, and must determine whether to continue or determine such respite or reprieve, or whether to commute or pardon the offense. 13/

(b) Governor:

(1) The Governor may grant respites or reprieves in all cases of convictions of offenses against the State except treason or conviction on impeachment; but such respites or reprieves may not extend beyond the next session of the Board of Pardons. 13/

(2) The Governor may, in cases of conviction for treason, suspend the execution of the sentence until the case is reported to the Legislature at its next regular session, when the Legislature must either pardon or commute the sentence, direct its execution, or grant a further reprieve. 13/

(3) The Governor may restore citizenship to any person who has served a term of imprisonment in the State Penitentiary, and the time of the sentence has expired, on good cause shown upon application duly made to him under the same rules, regulations, and procedure as are provided for applications for pardons. 14/

(4) The Governor, as chairman of the Board of Pardons, must sign each parole, and the secretary of the Board must attest them, before such paroles are valid. 15/

II. Composition and Appointment of Governing Body

The Governor, the Secretary of State, and the Attorney General constitute the Board of Pardons. 13/ The Governor presides at all meetings of the Board, and the Secretary of State is the Secretary of the Board and keeps a full detailed record of the proceedings. 16/ There is no provision for extra compensation for member's duties as such.

12. Code, Ann. (1932), Sec. 19-3909.

13. Constitution, Art. IV, Sec. 7.

14. Code, Ann. (1932), Sec. 19-3810.

15. Ibid, Sec. 19-3910.

16. Ibid, Sec. 19-3802.

III. Reports

The Governor must communicate to the Legislature at each regular session thereof each case of remission of fine or forfeiture, reprieve, commutation, or pardon granted since the last previous report, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of remission, commutation, pardon, or reprieve, with the reasons for granting the same, and the objections, if any, of any member of the Board made thereto. 17/

IV. Executive

No provision.

V. Staff

The Governor appoints a discreet person of good moral character to serve as Parole Officer during his pleasure, such officer having authority to supervise the conduct of convicts paroled from the State Penitentiary and from the district courts of the State, and to make investigation of the condition of such convicts, and to assist in the keeping of morale in the Penitentiary. 18/ The Parole Officer is paid such salary and necessary expenses as the State Board of Prison Commissioners may fix and allow. 19/

VI. Financial Provisions

All expenses attending the application for a pardon, commutation, or remittance, and the proceedings thereon, are borne by the applicant, unless for good cause shown the Board otherwise directs. 20/

The salary and expenses of the Parole Officer are paid out of the Penitentiary Fund. 21/

17. Const. Art. IV, Sec. 7.

18. Code, Ann. (1932), Sec. 19-3818.

19. Ibid, Sec. 19-3819.

20. Ibid, Sec. 19-3806.

21. Ibid, Sec. 19-3819.

This Penitentiary Fund, proceeds of which are perpetually appropriated to the use of the State Penitentiary, was created and established by Laws (1905), p. 406, S. B. 118, Sec. 1, 2. It consists of all moneys in such fund and any moneys which may accrue from the investment of proceeds of the sale of certain lands granted to the State by Federal land grant. Ibid, Sec. 20-201.

VETERANS' WELFARE COMMISSION(Statutory Body) 1/I. General Powers and Duties

(1) The Commission may, on behalf of the State, provide such care and extend such financial relief and assistance to disabled or destitute, honorably discharged soldiers, sailors, nurses, and marines, and those dependent upon them, as the Commission may determine to be reasonably required by such persons, under such rules and regulations as the Commission may from time to time adopt. 2/

(2) The Commission may adopt rules and regulations with respect to matters of administration of its duties and to carry into effect the purposes of such Commission. 3/

II. Composition and Appointment of Governing Body

The Commission consists of the Adjutant of the State Department of the American Legion as secretary, and 4 others, 2 who served in the World War, and 2 who did not so serve, appointed by the Governor to serve during his pleasure. The Governor may fill any vacancies that may occur, and may discontinue the Commission whenever the government of the United States makes adequate provision for the care and assistance of such discharged, disabled, and destitute soldiers, sailors, nurses, and marines. 4/ The members, other than the secretary, serve without compensation: Provided, that members receive their actual traveling expenses incurred in attending any regularly called meeting of the Commission. There is no provision for compensation of secretary. 5/

1. Code, Ann. (1932) Sec. 63-201. Definition: The word "veteran" as herein used, includes any honorably discharged person who is a resident of this State and who was regularly enlisted, drafted, inducted, or commissioned, and who served on active duty, in the Army, Navy, Marine Corps, or Army Nurse Corps of the United States at some time between April 6, 1917, and November 11, 1918, both dates inclusive; or who, being a citizen and resident of the State at the time of his entry therein, served in active duty in the Naval, Military, or Air forces of any of the governments associated with the United States during such period: Provided, that no person is entitled to any benefits under this Act (a) who being in the Army, Navy, Marine Corps, or Army Nurse Corps of the United States during the period, refused on conscientious, political, or other grounds, to subject himself to military discipline or unqualified service, or (b) who being in such service was separated therefrom under circumstances amounting to dishonorable discharge or discharge without honor. Code, Ann. (1932) Sec. 63-203.

2. Code, Ann. (1932) Sec. 63-202.

3. Ibid, Sec. 63-204.

4. Ibid, Sec. 63-201.

5. Ibid, Sec. 63-206.

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No provision.

IV. Executive

See "Secretary" under "Composition and Appointment of Governing Body".

V. Staff

The Commission may employ such assistants as it may deem advisable. 6/

VI. Financial Provisions

The Commission is financed by appropriations out of the general fund of the State. 7/

Amount of Appropriation:

There is appropriated for the fiscal biennium beginning January 1, 1935, the sum of \$74,160. 7/

Limitation of Funds: 7/

Salaries, wages, etc.....	\$13,060
Services other than personal.....	1,860
Supplies.....	275
Equipment.....	200
Fixed charges and contributions...	<u>58,765</u>

Total..... \$74,160

6. Code, Ann. (1932) Sec. 63-204.

7. Session Laws (1935 ~~Ex~~) Ch. 17, Sec. 1.

COMMISSIONER OF EMERGENCY RELIEF AND EMPLOYMENT

(Statutory Body) 1/

I. General Powers and Duties

(1) The Commissioner of Emergency Relief and Employment is hereby authorized to enter into contracts and agreement with the United States, whereby the State of Idaho shall receive Federal aid funds through the Federal Emergency Relief Act or any other Act or Acts of Congress heretofore or hereafter passed whereby the State of Idaho may receive Federal aid grants for relief and unemployment purposes. 2/

(2) In entering into such contracts or agreements, the Commissioner is hereby authorized to deal with any authorized agent or representative of the government of the United States, in connection with such matters. He is further authorized to do any and all things necessary to fully carry out the cooperation contemplated in this Act, and in connection therewith, the Commissioner is authorized by such contracts or agreements, to bind the State of Idaho to furnish funds in a sum not to exceed \$100,000 per month and if the funds are not available at the time such expenditures are contemplated, then to bind the State of Idaho to reimburse the government of the United States in such sum per month as may be lacking in the monthly sum hereinabove specified. 2/

II. Composition and Appointment of Governing Body

The Governor shall act as commissioner of Emergency Relief and Unemployment without additional compensation. 1/

III. Reports, IV. Executive, V. Staff

No provision.

VI. Financial Provisions

By State appropriation. 3/

Amount of Appropriation:

Beginning March 18, 1935 - the appropriations made out of the cooperative Emergency Relief Fund 4/ for the purposes of emergency relief and employment in the sum of \$100,000 per month are hereby set aside and designated as the funds available for the administration of this Act. 5/

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1. Laws (1935 Reg. Sess.), Ch. 104, Sec. 1.
 2. Ibid, Sec. 2.
 3. Ibid, Sec. 2, 3.
 4. Coop. Emergency Relief Fund is provided for by Laws (1935 1st. Sp. Sess.), Ch. 11.
 5. Laws (1935 Reg. Sess.), Ch. 104, Sec. 3.

PROBATE COURT 1/

(Statutory Body) 2/

I. General Powers and Duties(a) Dependent children:

(1) The Probate Court has jurisdiction of all cases of dependent children. 3/

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1. Only those powers of the Probate Court concerning juveniles are included in this abstract. The Probate Court of this State has the general powers exercised in other States by the Juvenile Courts.
 2. The Court was established by Constitution (Const. Art. V, Sec. 2, 21.), but its powers concerning juveniles were conferred by statute. Code, Ann. (1932), Ch. 12, 13.
 3. Code, Ann. (1932), Sec. 31-1203.
- Children of the following classes are subject to the control and disposition of the Probate Court: Any child in the county, under 18 years of age (a) who is an orphan and destitute and homeless, or (b) who has been abandoned by its parents, and is dependent upon the public for support, or (c) whose parents or guardian have for a period of 6 months wilfully neglected to take reasonable care of, or, (d) for whom the parents, because of mental incompetence, physical disability, slothfulness, drunkenness, or the habitual use of narcotics or other dissipation, or their immoral practices or standards are failing and will probably continue to fail to care and provide, or (e) who is in the care and custody of depraved or habitually vicious, immoral, corrupt, drunken, cruel, or indigent persons, whether they be parents, guardians, or other custodians, or (f) who is constantly or frequently subjected to or who is surrounded by vicious, corrupt, and immoral influences, or (g) who is habitually permitted or required to frequent public places, either alone or with others, for the purpose of begging or securing alms, or to frequent the company of or consort with reputed thieves or prostitutes, either alone or with his parents or other custodians, or (h) who is permitted or required to play any musical instrument or to sing in pool halls or on the streets or public highways for hire, or (i) who is a child of any person confined in any penal, charitable, or educational institution in the State for a period of more than 6 months, and is left without reasonable care and protection or any lawful guardian or next of kin who is able and willing to give it proper care. Ibid, Sec. 31-1201(2).

I. General Powers and Duties (Cont'd)(a) Dependent children: (Cont'd)

(2) The Court must keep a record book of every case coming before it to be known as the "Dependent Child Record". 4/

(3) Upon filing of petition 5/ the Judge or Clerk of the Probate Court must require the person having custody or control of the child, or with whom the child may be, to appear with the child at place and time stated. 6/

(4) The Probate Court may, in its discretion, take possession and charge of such child during pendency of the preceding and may enjoin its removal from the county, and to that end it may issue and enforce such orders, writs, and process as may be deemed appropriate and necessary to or against the child and custodian thereof and all persons related thereto or having any rights or interest therein. 6/

(5) In any case where it appears by affidavit that a parent or guardian or any other person having custody and control of the person of any child, or any other proper defendant, is a non-resident of this State, or has departed from this State and cannot be found within this State, or conceals himself to avoid service, the Probate Court may make an order for the publication of the notice and citation for a period of not less than 10 days, if published in a daily paper, and not less than 2 consecutive issues, if published in a weekly paper printed in the county. 7/

(6) The Probate Court hears and disposes of the cases without jury, and if it appears to the Court that a child is within its jurisdiction, it may make an order removing such child from the custody and control of its parent or parents, guardian, or other custodian, and committing it to the care of some reputable person of good moral character or to some suitable institution or to some society organized and existing under and by virtue of the laws of the State embracing as one of its objects the purpose of caring for, placing out for adoption, and consenting to the adoption of any such child. 8/

4. Code, Ann. (1932) Sec. 31-1203.

5. Ibid, Sec. 31-1204. Any person may file a verified petition in writing with the Probate Court showing that there is within the county a child falling within the jurisdiction of the Probate Court and that it is for the best interests of the child and the State that such child be taken from its parents, guardian, or custodian and placed under the guardianship of some reputable person of good moral character or some suitable institution or society. Ibid.

6. Code, Ann. (1932) Sec. 31-1205.

7. Ibid, Sec. 31-1206. Publication of such notice and citation is deemed equivalent to personal service upon the person known or unknown who has been designated as provided herein and the service of the notice and citation is complete at the expiration of the time prescribed by the order for publication. Ibid.

8. Code, Ann. (1932) Sec. 31-1207.

I. General Powers and Duties (Cont'd)(a) Dependent children: (Cont'd)

(7) Pending final disposition of the case the child may, by order of the Probate Court, remain in the possession of the person having control of it, or may be kept in some suitable home under the supervision of the Probation Officer or any other suitable person, or may be placed with some society having for its object the care and disposition of homeless and dependent children. 9/

(8) In every case where the Court makes an order removing a child from its parents, guardian, or custodian, and committing it to the care of some person, institution, or society, the child, unless otherwise ordered, becomes a ward of and subject to the guardianship of such person, institution, or society until it reaches the age of 18 years; all the rights and powers of parents, guardians, and custodians in respect to the care and disposition of such child are vested in such person, institution, or society caring for such child. At any time within 3 months after date of commitment, the Court may, for good cause shown, vacate the order of commitment and direct the return of the child to its parents, guardian, or custodian. 10/

(9) At the hearing of any case involving a child the Court has power to exclude the general public from the room in which the hearing is conducted, admitting thereto only such persons as may have a direct interest in the case. The investigation and record in each case must be withheld from the public, but such record must at all times be open to the inspection of the child, its parents, guardian, or attorney, or to such other persons as may secure a special order of the Court therefor. 11/

9. Code, Ann. (1932), Sec. 31-1207.

10. Ibid, Sec. 31-1208.

Any such person, institution, or society has authority to care for, educate, control, place out temporarily or for adoption in some suitable home such child: Provided, that no order of permanent adoption of any child may be made until the expiration of 3 months from the date of the order of commitment; the Court making the order of commitment may, in the order of the commitment but not otherwise, extend this time to 6 months. Ibid.

11. Code, Ann. (1932), Sec. 31-1209.

I. General Powers and Duties (Cont'd)

(a) Dependent children: (Cont'd)

(10) When any minor child under the age of 18 years is convicted of any charge the punishment for which may be imprisonment or confinement in the Industrial School, the Probate Judge may, if he finds that the good of such minor child demands it or that such minor child is an orphan or a homeless, neglected, or abused child, or is a county charge, or the parents or guardian of such child consent thereto, suspend sentence and surrender the custody of the child to any institution or society until such child becomes 18 years of age, or for a term of years fixed by the order of surrender; such institution or society may find a home for the child and surrender his custody to the person providing the home for the fixed term in the order of surrender: Provided, that nothing herein may be held to affect the natural rights of the minor child, his parents, or other custodian, except in the matter of custody: Provided further, that if such child fails to conform to the order of the Court fixing custody, he may be apprehended and brought before the Court and sentenced by such Court according to law, or the Court may surrender him, as it may deem best for the interest of the minor child. 12/

(11) All orders or final judgments made by any Court or the Judge thereof, adverse to the parents, guardian, or custodian of the child, may be appealed to the District Court, and the trial in the District Court must be anew and without a jury. During such appeal the child is subject to the order of the Probate Court and the order of the Court remains in full force and effect until the matter has been finally adjudicated, unless otherwise ordered by the Judge of the District Court. 13/

(12) The laws of this chapter are to be liberally construed to the end that its purpose may be carried out, to wit: That the care, custody, and control of the child may be approximately that which would be given by its parents, and that in all cases of dependency the child must, when the case is practicable, be placed in some suitable and approved family home and become a member of a home and family by legal adoption or otherwise. 14/

12. Code, Ann. (1932), Sec. 31-1211.

13. Ibid, Sec. 31-1218.

14. Ibid, Sec. 31-1221.

I. General Powers and Duties (Cont'd)(b) Delinquent children:

(1) The Probate Court has jurisdiction in all cases concerning delinquent children. 15/

(2) The Probate Court must keep a record book for all cases of delinquent children, to be known as the "Juvenile Record". 16/

(3) Upon the filing of any information 17/ a warrant or capias issues from the Court, to bring the child before the Court; but no child may be incarcerated unless, in the opinion of the Judge it is necessary to insure its attendance in Court. And any child informed against has the right now given to any person by law to give bond or other security for its appearance at trial, and the Court may, in such case, appoint counsel to appear and defend on behalf of the child. 18/

15. Code, Ann. (1932), Sec. 12-1302.

Definition: The words "delinquent child" include any child under the age of 18 years who violates any law of the State, or any city or village ordinance; or who is incorrigible, or who knowingly associates with thieves, or vicious and immoral persons; or who is growing up in idleness and crime, or who knowingly visits or enters a house of ill-fame; or who knowingly patronizes or visits any policy shop or place where a gambling device is, or may be, operated; or who patronizes or visits any poolroom or bucket shop, or who wanders the streets in the night time without being on any lawful business or occupation; or who habitually wanders about any railroad yard or tracks, or who jumps or hooks on to any moving train, or enters any car or engine without lawful authority; or who habitually uses vile, obscene, vulgar, profane, or indecent language, or is guilty of immoral conduct in public places or about any schoolhouse. Any child committing any of the acts above mentioned is deemed a juvenile delinquent person. But a disposition of any child under this chapter, or any evidence given in such cause, may not in any civil, criminal, or other cause or preceding whatever in any Court be lawful or proper evidence against such child for any purpose whatever, except in subsequent cases against the same child under this chapter. Ibid, Sec. 31-1301.

16. Code, Ann. (1932), Sec. 31-1302.

17. Code, Ann. (1932), Sec. 31-1303.

All proceedings against delinquent children are by sworn information filed by the Prosecuting Attorney or a Probation Officer of the county in which the alleged delinquent child resides. Such information sets forth in a general way the facts constituting the alleged delinquency. Ibid.

18. Code, Ann. (1932), Sec. 31-1304.

I. General Powers and Duties (Cont'd)(b) Delinquent children: (Cont'd)

(4) When any child under the age of 18 years is arrested, with or without a warrant, except when the charge against the child is a felony, such child, instead of being taken before a justice of the peace or police magistrate, must be taken directly before the Probate Court. In any such case the Court proceeds to hear and dispose of the case in the same manner as if such child were brought before the Court upon information originally filed. 19/

(5) The Probate Court must, upon any child being brought before him, make such investigation as may be necessary to show the degree of delinquency, or the facts tending to show that such child is a juvenile disorderly person. For the purpose of aiding in any such investigation the Court has power to require attendance of witnesses as are deemed proper, and for such purpose may issue subpoenas. 20/

(6) At the conclusion of the hearing of any child the Probate Court must enter a written judgment; and if the child proceeded against be adjudged delinquent the particular delinquency must be set forth in the judgment; or if the Court, in its judgment, finds the child is a juvenile disorderly person it must set forth in its judgment wherein the child has been disorderly. 21/

(7) The Probate Court may continue the hearing in any case of a delinquent child from time to time, and may commit the child to the care of the sheriff and may allow the child to remain in its own home, subject to the sheriff, such child to report to the Court or sheriff as often as may be required, and subject to be returned to the Court for further proceedings whenever such action may appear necessary; or the Court may cause the child to be placed in a suitable family home, subject to the friendly supervision of the sheriff, and the further order of the Court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until suitable provision be made for the child in a home without such payment; or the Court may commit the child to the State Industrial School; or it may commit the child to any institution within the county, incorporated under the laws of the State, that cares for children, or to any State institution which is now, or may hereafter be, established for the care of boys or girls. 22/

19. Code, Ann. (1932) Sec. 31-1305. If a child is taken before a justice of the peace, or police magistrate, it is his duty to transfer the case to the Probate Court. Ibid.

20. Code, Ann. (1932) Sec. 31-1306.

21. Ibid, Sec. 31-1307.

22. Ibid, Sec. 31-1308. In no case may a child proceeded against be committed beyond the age of 21 years. And a child committed to any such institution is subject to the control of the Board of Managers of such institution, and such Board may parole the child committed to the institution on such conditions as it may prescribe. Ibid.

I. General Powers and Duties (Cont'd)(b) Delinquent children: (Cont'd)

(8) The Probate Court, upon recommendation of the Board of Managers of any institution to which a child is committed, has power to discharge the child from custody whenever, in the judgment of the Court, his or her reformation is complete; or the Court may commit the child to the care and custody of some institution or society that will receive it, embracing within its objects the care of neglected or delinquent children, and which is duly credited: Provided, that when the Court so commits a child it may not be at the expense of the State, and in such cases the Court may require a bond of the party or institution receiving the child, for its proper care, support, and maintenance. 23/

(9) All institutions or associations, other than State institutions, receiving children for care, are subject to the same visitation inspection, and supervision as are public charitable institutions. 24/

(10) All orders or final judgments made by any Probate Court or the Judge thereof, concerning delinquent children, may be reviewed upon questions of law only. 25/

(11) The Probation Officers must investigate all matters pertaining to juvenile delinquency or juvenile disorderly persons; they must make an investigation of each case and take such action as promotes the interest of the child concerned; they must furnish the Court such information and assistance as the Judge may require; they must be present in Court and represent the interests of the child when the case is heard; and they must take charge of any child before and after the trial or hearing as directed by the Judge or the Court. Such officers have all the powers and authorities of sheriffs, constables, and police officers to make arrests and perform such other duties incident to their offices as the Judge may direct. 26/

II. Composition and Appointment of Governing Body

The Judge of the Probate Court is elected at the general election of the county for a 2-year term. 27/ Vacancies are filled by the County Commissioners until the next general election, at which time a successor is elected. 28/ The Judge must reside at the county seat of the county in which he is Judge: Provided, that the County Commissioners may in their discretion, permit and authorize any Judge to reside elsewhere when it appears that such residence does not interfere with the proper discharge of his official duties. 29/ The Probate Judge receives a salary of not less than \$500 and not more than \$2,000 per annum. 30/

23. Code, Ann. (1932), Sec. 31-1308.

24. Ibid, Sec. 31-1309.

25. Ibid, Sec. 31-1314.

26. Ibid, Sec. 31-1312.

27. Ibid, Sec. 33-202.

28. Ibid, Sec. 57-906.

29. Ibid, Sec. 30-1512.

30. Ibid, Sec. 30-2606.

III. Reports

Between the first and thirtieth days of October of each year the Court must submit to the Governor a report in writing showing the number and disposition of dependent and delinquent children brought before the Court, together with such other useful information regarding such cases and the percentage of such children as may reasonably be obtained at the trials thereof: Provided, that the name or identity of any child or children must not be disclosed in such reports. 31/

IV. Executive

See "Composition and Appointment of Governing Body".

V. Staff

The Clerk of the Probate Court is appointed by the Judge of the Probate Court, or the Probate Judge may act as Clerk of his own Court. The Judge is responsible for misconduct in office of his Clerk. 32/ The Clerk is paid in fees. 33/

The Probate Court, with the approval of the County Commissioners, appoints one or more discreet persons of good moral character to serve as Probation Officers, one of whom may be appointed to serve as Clerk or Deputy Clerk of the Probate Court. They receive such salary as the Probate Court, with the approval of the County Commissioners, may fix as just and proper. 34/

In the trial of any dependent child the Court has the right to select a discreet man or woman as officer of the Court who has power to visit the home the child may be in and investigate the conditions and report to the Court his or her findings. 35/

VI. Financial Provisions

The County Commissioners of each county may, upon request, pay \$10 per month for each child cared for by any institution authorized by the State. The Commissioners pay the cost of bringing children before the Court and for caring for them pending a hearing. The Commissioners pay \$25 per child as incidental expenses of taking the child to an institution, and in addition thereto, the railroad fare of such child. 36/

The County Commissioners fix the salary of the Judge of the Probate Court. 37/

31. Code, Ann. (1932), Sec. 30-1203, 1302.

32. Ibid, Sec. 1-1204.

33. Ibid, Sec. 30-2704.

34. Ibid, Sec. 31-1312.

35. Ibid, Sec. 31-1215.

36. Ibid, Sec. 31-1214.

37. Ibid, Sec. 30-2606.

BOARD OF COUNTY COMMISSIONERS

(Statutory Body)

I. General Powers and Duties

(Only those powers and duties are included which refer to welfare)

(1) Each Board of County Commissioners may contract for the care, protection, and maintenance of the indigent sick, or otherwise dependent poor of its respective county. 1/

(2) The Board has power to erect hospitals for the indigent sick or otherwise dependent poor of the county. 2/

(3) The Board must cause to be interred the body of any veteran who dies without leaving means sufficient to defray funeral expenses. 3/

(4) The Board, as a part of the Old Age Pension Commission, administers old age assistance. 4/

(5) The Board must approve all pension allowances made to mothers and orphans. 5/

II. Composition and Appointment of Governing Body

The Board of County Commissioners consists of 3 members 6/, each of whom must be an elector of the district he represents 7/, elected at general election 8/, to hold office for 2 years 9/. The Board elects a chairman from its number. 10/ The County Auditor is ex officio clerk of the Board. 11/ Members

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1. Code; Ann. (1932), Sec. 30-2901.
 2. Ibid, Sec. 30-3301.
 3. Ibid, Sec. 30-2911.
 4. Ibid, Sec. 30-3101, 3102.
 5. Ibid, Sec. 30-3001, 3003.
 6. Ibid, Sec. 30-601.
 7. Ibid, Sec. 30-602.
 8. Ibid, Sec. 33-202.
 9. Ibid, Sec. 30-603.
 10. Ibid, Sec. 30-605.
 11. Ibid, Sec. 30-607.

II. Composition and Appointment of Governing Body (Cont'd)

receive salaries ranging from \$1,500 to \$3,000 per annum and actual and necessary expenses, depending upon the class by population of the county in which they serve. 12/

III. Reports

No provision.

IV. Executive

See "County Auditor" under "Composition and Appointment of Governing Body".

V. Staff

Every county officer may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of his office. 13/

VI. Financial Provisions

The Board may levy such tax annually on the taxable property of the county as may be necessary to defray the current expenses thereof. 14/

12. Code, Ann. (1932), Sec. 30-2604.

The counties of the State are divided into 5 classes, and the compensation of members depends upon the class in which their county has been placed. Ibid, Sec. 30-2603.

13. Code, Ann. (1932), Sec. 30-1503.

14. Ibid, Sec. 30-717.

COUNTY OLD AGE PENSION COMMISSION(Statutory Body) 1/I. General Powers and Duties

(1) The Old Age Pension Commission of each county performs all the duties imposed upon it by this Act, relative to ascertaining the facts and determining who is eligible for the benefits thereof, under such rules, forms, and regulations for applications, reports, affidavits, and such other forms as the Department of Public Welfare may promulgate, prescribe, and determine to the end that this Act be uniformly interpreted, operated, and carried into effect throughout the several counties of the State. 2/

(2) If at any time the Commission believes a certificate for a pension to have been improperly obtained, it may cause inquiry to be made, and may suspend payment during investigation; if it appears that the certificate was improperly obtained, it may be cancelled. 3/

II. Composition and Appointment of Governing Body

The Commission consists of the Probate Judge and the Board of County Commissioners, who serve without additional compensation. 1/

III. Reports

Within 90 days after the close of each year, the Commission must report to the Department of Public Welfare, showing the total number of recipients, and the amount paid in each case, the total number of applications, and the number granted pensions, the number denied, the number cancelled during that year, and such other information as the Department of Public Welfare may require. 4/

IV. Executive

The primary and active administration of the provisions of this Act devolve upon the Probate Judge. 5/

V. Staff

No provision.

VI. Financial Provisions

The funds for administration of the Act and payment of pensions thereunder are provided from the poor fund or current expense fund of the county. 6/

1. Code, Ann. (1932) Sec. 30-3101.

2. Ibid, Sec. 30-3102.

3. Ibid, Sec. 30-3115.

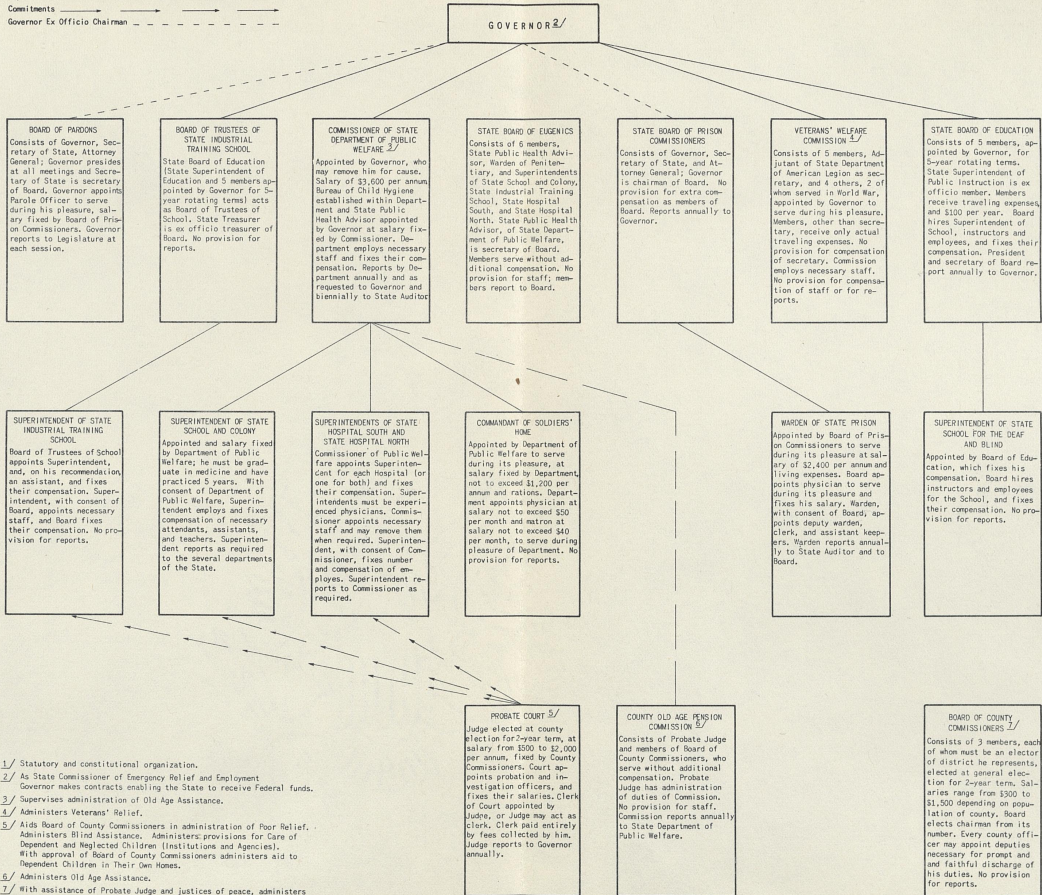
4. Ibid, Sec. 30-3121.

5. Ibid, Sec. 30-3122.

6. Ibid, Sec. 30-3120.

IDAHO PUBLIC WELFARE AGENCIES ^{1/} JULY 15, 1936

Actual Control
 Reports
 Commissions
 Governor Ex Officio Chairman



1/ Statutory and constitutional organization.
 2/ As State Commissioner of Emergency Relief and Employment Governor makes contracts enabling the State to receive Federal funds.
 3/ Supervises administration of Old Age Assistance.
 4/ Administers Veterans' Relief.
 5/ Aids Board of County Commissioners in administration of Poor Relief, Administers Blind Assistance, Administers provisions for Care of Dependent and Neglected Children (Institutions and Agencies), With approval of Board of County Commissioners administers aid to Dependent Children in Their Own Homes.
 6/ Administers Old Age Assistance.
 7/ With assistance of Probate Judge and Justices of peace, administers Poor Relief; may erect hospitals for care of poor. Approves allowances granted for Aid to Dependent Children in Their Own Homes. Administers provisions for burial of veterans.

