

IN THE SENATE

SENATE BILL NO. 1018

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE STATE HISTORICAL SOCIETY; REPEALING SECTION 14-534, IDAHO  
2 CODE, RELATING TO STATE HISTORICAL SOCIETY USE OF PROPERTY; AMENDING  
3 SECTION 27-502, IDAHO CODE, TO REMOVE PROVISIONS REGARDING EXPENSES  
4 FOR REINTERMENT OF REMAINS AND TO MAKE A TECHNICAL CORRECTION; AMENDING  
5 SECTION 58-337, IDAHO CODE, TO REMOVE PROVISIONS REGARDING PROCEEDS  
6 FROM THE RENTAL OF THE OLD PENITENTIARY SITE; AMENDING SECTION 67-4127,  
7 IDAHO CODE, TO REVISE PROVISIONS REGARDING POWERS AND DUTIES OF THE DI-  
8 RECTOR OF THE STATE HISTORICAL SOCIETY; AND AMENDING SECTION 67-4127A,  
9 IDAHO CODE, TO REVISE PROVISIONS REGARDING THE STATE HISTORIC PRESERVA-  
10 TION OFFICER.  
11

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

13 SECTION 1. That Section [14-534](#), Idaho Code, be, and the same is hereby  
14 repealed.

15 SECTION 2. That Section 27-502, Idaho Code, be, and the same is hereby  
16 amended to read as follows:

17 27-502. PROHIBITED ACTS. (1) Except as provided in section 27-503,  
18 Idaho Code, no person shall ~~wilfully~~ willfully remove, mutilate, deface,  
19 injure or destroy any cairn or grave. Persons disturbing graves through in-  
20 advertence, including by construction, mining, or logging, shall cause the  
21 human remains to be reinterred. ~~The expense for such reinterment shall be at~~  
22 ~~least partially borne by the state historical society.~~

23 (2) No person shall:

24 (a) Possess any artifacts or human remains taken from a cairn or grave  
25 on or after January 1, 1984, in a manner other than that authorized under  
26 section 27-503, Idaho Code.

27 (b) Publicly display or exhibit any human remains.

28 (c) Sell any human artifacts or human remains taken from a cairn or  
29 grave.

30 (3) The provisions of this section do not apply to:

31 (a) The possession or sale of artifacts discovered in or taken from lo-  
32 cations other than cairns or graves or artifacts that were removed from  
33 cairns or graves by other than human action; or

34 (b) Actions taken in the performance of official law enforcement du-  
35 ties.

36 SECTION 3. That Section 58-337, Idaho Code, be, and the same is hereby  
37 amended to read as follows:

38 58-337. LEASE OF OLD PENITENTIARY SITE. To preserve and enhance the  
39 cultural, educational, recreational and scenic values of the old peniten-  
40 tiary site at Boise, the state board of land commissioners or any other state

1 agency having jurisdiction and control over the site is authorized to lease  
 2 any part of the site to private persons, firms, or corporations for a term not  
 3 to exceed fifty (50) years. The board is also authorized to relinquish con-  
 4 trol and custody over any part of the old penitentiary site to other state  
 5 agencies for use as building or office space. ~~Unless otherwise prohibited~~  
 6 ~~by law, proceeds from the rental of the old penitentiary site beyond cost of~~  
 7 ~~maintenance and historic interpretation shall be credited to the permanent~~  
 8 ~~building fund.~~ For purposes of this act, the old penitentiary site at Boise  
 9 includes all penitentiary reserve and acquired lands owned by the state of  
 10 Idaho in:

11 Sections 12 and 13, Township 3 North, Range 2 East, Boise Meridian, and  
 12 the west half of Section 18, Township 3 North, Range 3 East, Boise Meridian.

13 SECTION 4. That Section 67-4127, Idaho Code, be, and the same is hereby  
 14 amended to read as follows:

15 67-4127. DIRECTOR OF THE SOCIETY APPOINTED BY BOARD -- POWERS AND DU-  
 16 TIES. A director of the society shall be appointed by the board of trustees,  
 17 serve at the pleasure of the board, be qualified by reason of his education,  
 18 training, experience and demonstrated ability to fill such position, and ex-  
 19 ercise the following powers and duties in addition to all other powers and  
 20 duties inherent in the position or delegated to him or imposed upon him by the  
 21 board:

22 1. To be a nonvoting member of the board of trustees and secretary  
 23 thereto.

24 2. To be the administrative officer of the state historical society.

25 3. To prescribe such rules as may be necessary for the efficient opera-  
 26 tion of his office.

27 4. To concurrently serve as state historic preservation officer ~~if so~~  
 28 as appointed by the governor pursuant to section 67-4127A, Idaho Code.

29 SECTION 5. That Section 67-4127A, Idaho Code, be, and the same is hereby  
 30 amended to read as follows:

31 67-4127A. STATE HISTORIC PRESERVATION OFFICER APPOINTED BY THE GOVER-  
 32 NOR. The state historic preservation officer shall be appointed by the gov-  
 33 ernor, serve at the pleasure of the governor and be qualified by reason of  
 34 his education, training, experience and demonstrated ability to fill the po-  
 35 sition. ~~The compensation for the state historic preservation officer shall~~  
 36 ~~be set by the governor.~~ The state historic preservation officer may shall be  
 37 the same person as the director of the state historical society ~~or may also~~  
 38 ~~be an employee of the state historical society or may be an individual not em-~~  
 39 ~~ployed by the state historical society~~ to fulfill the obligation of 54 U.S.C.  
 40 302303, responsibilities of state historic preservation officer.