

CHAPTER 52

(S. B. No. 46)

AN ACT

AMENDING CHAPTER 13, TITLE 40, IDAHO CODE ANNOTATED, RELATING TO LIFE, ACCIDENT, AND HEALTH INSURANCE—SPECIAL PROVISIONS—BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 40-1320 TO PROVIDE FOR THE PAYMENT OF PREMIUMS ON LIFE INSURANCE CONTRACTS BY PERSONS HAVING NO INSURABLE INTEREST IN THE LIFE OF THE ASSURED WHEN SUCH ASSURED MAKES AS BENEFICIARY SOME CHARITABLE, FRATERNAL, EDUCATIONAL OR RELIGIOUS INSTITUTION; PROVIDING METHOD OF COMPLETING APPLICATION; DESIGNATING RIGHTS OF PAYOR OF PREMIUMS ON SUCH CONTRACTS.

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

SECTION 1. That Chapter 13, Title 40, of the Idaho Code Annotated be, and the same is hereby amended by adding a new section to be designated as Section 40-1320 and to read as follows:

Section 40-1320. LIFE INSURANCE CONTRACTS ON PERSONS WHERE NO INSURABLE INTEREST EXISTS—INSTITUTIONAL BENEFICIARIES REQUIRED; APPLICATION; RIGHTS OF PAYOR IN CONTRACT—Contracts of life insurance may be made and entered into in which the person paying the consideration for such insurance has no insurable interest in the life of the person insured, where charitable, benevolent, educational, or religious institutions are designated irrevocably as the beneficiaries thereof. In making such contracts the person paying the premium shall make and sign the application therefor as owner and shall designate a charitable, benevolent, educational, or religious institution irrevocably as the beneficiary or beneficiaries of such policy. The application also shall be signed by the person whose life is to be insured. Such a contract shall be valid and binding between and among all of the parties thereto, and the person paying the consideration for such insurance shall have all rights conferred by the contract to loan value at any time during the premium paying period, but not at maturity, notwithstanding such person has no insurable interest in the life of the person insured.

Approved February 18, 1947.

CHAPTER 53

(H. B. No. 76)

AN ACT

ABOLISHING STATE BOARD OF PRISON COMMISSIONERS AND CREATING A NON-PARTISAN BOARD OF CORRECTION TO HAVE CONTROL OVER DIRECTION OF AND MANAGEMENT OF THE PENITENTIARY OF THE STATE UNDER A COMPREHENSIVE PLAN; SETTING FORTH THE PLAN AND SYSTEM OF ORGANIZATION TOGETHER WITH THE METHOD OF CONTROL AND MANAGEMENT OF THE PENITENTIARY; METHOD OF SELECTING MEMBERS OF THE BOARD AND QUALIFICATIONS AND RESTRICTIONS UPON SAME; GRANTING POWERS AND IMPOSING DUTIES UPON THE COMMISSION AND THE MEMBERS THEREOF; ESTABLISHING RULES, METHODS OF PROCEDURE AND PRACTICE RELATING TO PAROLE AND THE CONDITION UNDER WHICH SUCH PAROLE AND REVOCATIONS THEREOF ARE GRANTED OR REVOKED; FORBIDDING MEMBERS OR EMPLOYEES FROM HAVING AN INTEREST IN ANY CONTRACT INVOLVING EXPENDITURES RELATIVE TO THE PENITENTIARY; PROVIDING POWERS, METHODS, PROCEDURE AND PRACTICE RELATIVE TO RELEASES AND TO REPRIVES BY THE GOVERNOR; GRANTING SPECIAL POWERS TO MAKE CONTRACTS AND TO ACCEPT DONATIONS; PROVIDE PRISONER CAMPS; GRANTING THE RULE MAKING POWER TO THE COMMISSION FOR GOVERNMENT AND DISCIPLINE OF THE PENITENTIARY; GRANTING THE RULE MAKING POWER TO THE COMMISSION IN THE MATTER OF THE USE OF THE LABOR OF THE INMATES AND LIMITING THE USE THAT CAN BE MADE OF SUCH LABOR AND RESTRICTING ANY PRODUCTS OF CONVICT LABOR AS TO SALE ON THE OPEN MARKET; REPEALING INCONSISTENT PRIOR LEGISLATION AND DECLARING AN EMERGENCY.

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

SECTION 1. The State Board of Prison Commissioners is hereby abolished and the duties thereof imposed upon a non-partisan board of three members to be known as the "State Board of Correction", appointed by the Governor, which is hereby created. Not more than two members shall belong to the same political party. The terms of the first members shall expire as follows: One member on January 1, 1949; one member on January 1, 1951; and one member on January

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1, 1938. Thereafter any person appointed a member of the board shall hold office for six years. Vacancies in the membership of the board shall be filled in the same manner in which the original appointments are made.

SEC. 2. In the event of death, removal or resignation of any member of the board, the Governor shall appoint some competent person to serve during the unexpired term. The Governor in first appointing such members, shall designate one of them to serve as chairman. The board shall elect his successor from among its members.

SEC. 3. The Governor may not remove any member of the board except for disability, inefficiency, neglect of duty or malfeasance in office. Before such removal the Governor shall give such member a written copy of the charges against him and shall fix the time when he can be heard in his defense which shall not be less than ten days thereafter. If such member shall be removed, the Governor shall file in the office of the Secretary of State, a complete statement of all charges made against such member and his findings thereon, with a record of the proceedings.

SEC. 4. The members of the Board of Correction and its officers and employees shall not, at the time of appointment nor during their incumbency of office, serve as the representative, officer, or employee of any political party.

SEC. 5. In the selection of members of the original Board, and thereafter as vacancies occur in the appointment of successor member, the Governor so appointing shall, so far as same is possible, select one member on the basis of experience and qualification in business administration, one member on the basis of experience as a Peace Officer or trained penologist, and one member on the basis of training and experience as a psychiatrist.

SEC. 6. At the first meeting after they have qualified for office, the Board shall proceed to organize by the election of one of their members as a Vice-Chairman and the other as Secretary. Such officers shall serve during the succeeding biennium.

SEC. 7. The State Board of Correction shall maintain an office at the penitentiary and shall meet at such times as it may be necessary for a full and complete study of the cases of all convicted persons whose terms of imprisonment are to be determined by it or whose applications for parole come before it. Other times and places of meeting may also be fixed by the Board. A majority of the Board shall constitute

a quorum for the transaction of business and no order of the Board shall be valid unless concurred in by at least two of its members.

SEC. 8. Each member of the State Board of Correction shall be paid a salary of \$4,000.00 per year and in addition shall be allowed actual and necessary traveling expenses and sustenance when engaged on State business away from Boise.

SEC. 9. The State Board of Correction shall have the control, direction and management of the penitentiary of the State and all property owned or used in connection therewith, and shall provide for the care, maintenance and employment of all inmates now or hereinafter confined therein.

SEC. 10. The State Board of Correction shall from and after July 1, 1947, constitute the State Board of Pardons and shall succeed to and have all rights, powers and authority of said Board of Pardons as are granted and provided by the provisions of the Constitution of the State of Idaho.

SEC. 11. From and after the taking effect of this Act, the State Board of Correction shall succeed to and be in possession and control of all records, accounts, books, papers, equipment, supplies, funds, and other property, real and personal, in possession of or under the control of any office, board, commission, agency, deputy or employee herein abolished or superseded. Immediately after notice of the appointment, qualification, and organization of the State Board of Correction, the Warden of the penitentiary and every other state officer or employee then having in his possession or under his control any property, real or personal, any records, and funds of whatever kind or character for the use and benefit of the penitentiary or the administration thereof, shall proceed to prepare and within ten days thereafter to submit a full and complete inventory of all property and records so held to said Board of Correction, together with possession of said records and property as said Board of Correction shall direct.

SEC. 12. The State Board of Correction shall make all necessary rules and regulations to carry out the provisions of this Act not inconsistent with express statutes or the State Constitution. They shall fix the time and place of meetings, the order of business, the form of records to be kept, the reports to be made, and all other regulations neces-