

IN THE SENATE

SENATE BILL NO. 1218

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO WATER RESOURCES; AMENDING SECTION 42-1805, IDAHO CODE, TO AUTHO-
2 RIZE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES TO RECEIVE, FILE,
3 RECORD, OR RETAIN DOCUMENTS OF RECORD ON MEDIA OTHER THAN PAPER AND TO
4 MAKE TECHNICAL CORRECTIONS.
5

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

7 SECTION 1. That Section 42-1805, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 42-1805. ADDITIONAL DUTIES. In addition to other duties prescribed by
10 law, the director of the department of water resources shall have the follow-
11 ing powers and duties:

12 (1) To represent the state in all matters pertaining to interstate and
13 international water rights affecting Idaho water resources; and to cooper-
14 ate with all agencies, now existing or hereafter to be formed, within the
15 state or within other jurisdictions, in matters affecting the development of
16 the water resources of this state.

17 (2) To prepare a present and continuing inventory of the water re-
18 sources of this state, ascertain means and methods of conserving and
19 augmenting these and determine as accurately as possible the most effective
20 means by which these water resources may be applied for the benefit of the
21 people of this state.

22 (3) To conduct surveys, tests, investigations, research, examina-
23 tions, studies, and estimates of cost relating to availability of unappro-
24 priated water, effective use of existing supply, conservation, storage,
25 distribution and use of water.

26 (4) To prepare and compile information and data obtained and to make the
27 same available to interested individuals or agencies.

28 (5) To cooperate with and coordinate activities with the director of
29 the department of environmental quality as such activities relate to the
30 functions of either or both departments concerning water quality. Such co-
31 operation and coordination shall specifically require that:

32 (a) The director meet at least quarterly with the director of the de-
33 partment of environmental quality and his staff to discuss water qual-
34 ity programs. A copy of the minutes of such meeting shall be transmitted
35 to the governor.

36 (b) The director transmit to the director of the department of envi-
37 ronmental quality reports and information prepared by him pertaining to
38 water quality programs, and proposed rules pertaining to water quality
39 programs.

40 (c) The director shall make available to the director of the department
41 of environmental quality and the director of the department of envi-
42 ronmental quality shall make available to the director all notices of

1 (5) (a) Any person who has been served with notice of an adoption pro-
2 ceeding and who wishes to contest the adoption shall file a written
3 objection to the adoption in the adoption proceeding within twenty-one
4 (201) days after service. The written objection shall set forth spe-
5 specific relief sought and be accompanied by a memorandum specifying the
6 factual and legal grounds upon which the written objection is based.

7 (b) Any person who fails to file a written objection to the adoption
8 within twenty-one (201) days after service of notice waives any right to
9 further notice in connection with the adoption, forfeits all rights in
10 relation to the adoptee, and is barred from thereafter bringing or main-
11 taining any action to assert any interest in the adoptee.

12 (6) Service of notice under this section shall be made as follows:

13 (a) With regard to a person whose consent is necessary under section
14 16-1504, Idaho Code, notice shall be given by personal service. Where
15 reasonable efforts to effect personal service have been unsuccessful,
16 the court shall order service by registered or certified mail to the
17 last known address of the person to be notified and by publication once
18 a week for three (3) successive weeks in a newspaper or newspapers to be
19 designated by the court as most likely to give notice to the person to
20 be served. The hearing shall take place no sooner than twenty-one (201)
21 days after service of notice, or, where service is by registered or cer-
22 tified mail and publication, the hearing shall take place no sooner than
23 twenty-one (201) days after the date of last publication. Notice and
24 appearance may be waived by any person in writing before the court or in
25 the presence of, and witnessed by, a clerk of court or a representative
26 of an authorized agency, provided that such parent has been apprised by
27 the court or by such person of the meaning and consequences of the adop-
28 tion proceeding. Where the person entitled to notice resides outside
29 the state, the waiver shall be acknowledged before a notary of the state
30 and shall contain the current address of said person. The person who
31 has executed such a waiver shall not be required to appear. If service
32 is by publication, the court shall designate the content of the notice
33 regarding the identity of the parties. The notice may not include the
34 name of the person or persons seeking to adopt the adoptee.

35 (b) As to any other person for whom notice is required under this sec-
36 tion, service by certified mail, return receipt requested, is suffi-
37 cient. If that service cannot be completed after two (2) attempts, the
38 court may issue an order providing for service by publication, posting,
39 or by any other manner of service.

40 (c) Notice to a person who has registered a notice of his commencement
41 of paternity proceedings with the vital statistics unit of the depart-
42 ment of health and welfare in accordance with the requirements of sec-
43 tion 16-1513, Idaho Code, shall be served by certified mail, return re-
44 ceipt requested, at the last address filed with the department.

45 (7) Proof of service of notice on all persons for whom notice is re-
46 quired by this section shall be filed with the court before the final dispo-
47 sitional hearing on the adoption.

48 (8) Notwithstanding any other provision of law, neither the notice of
49 an adoption proceeding nor any process in that proceeding is required to con-
50 tain the name of the person or persons seeking to adopt the adoptee.

1 (9) Except as to those persons whose consent to an adoption is required
2 under section 16-1504, Idaho Code, the sole purpose of notice under this sec-
3 tion is to enable the person served to present evidence to the court relevant
4 to the best interest of the child.