

TITLE 59
PUBLIC OFFICERS IN GENERAL

CHAPTER 10
MISCELLANEOUS PROVISIONS

59-1001. POSSESSION OF BOOKS AND PAPERS. Every public officer is entitled to the possession of all books and papers pertaining to his office, or in the custody of a former incumbent by virtue of his office.

[(59-1001) R.S., sec. 440; reen. R.C. & C.L., sec. 333; C.S., sec. 471; I.C.A., sec. 57-1001.]

59-1002. PROCEEDINGS TO COMPEL DELIVERY OF BOOKS AND PAPERS. If any person, whether a former incumbent or another person, refuse or neglect to deliver to the actual incumbent any such books or papers, such actual incumbent may apply by petition to any court of record sitting in the county where the person so refusing or neglecting resides, or to any judge of the district court residing therein, and the court or officer applied to must proceed in a summary way, after notice to the adverse party, to hear the allegation and proofs of the parties, and to order any such books or papers to be delivered to the petitioner.

[(59-1002) R.S., sec. 441; am. R.C., sec. 334; reen. C.L., sec. 334; C.S., sec. 472; I.C.A., sec. 57-1002.]

59-1003. ATTACHMENT TO ENFORCE DELIVERY OF BOOKS AND PAPERS. The execution of the order and the delivery of the books and papers may be enforced by attachment as for a witness, and also, at the request of the petitioner, by a warrant directed to the sheriff or a constable of the county, commanding him to search for such books and papers, and to take and deliver them to the petitioner.

[(59-1003) R.S., sec. 442; reen. R.C. & C.L., sec. 335; C.S., sec. 473; I.C.A., sec. 57-1003.]

59-1004. SEALS OF EXECUTIVE OFFICERS. Except when otherwise specially provided by law, the seals of office of the various executive officers are those in use by such officers at the time this title takes effect, and each of such officers must at once file a description and impression of such seal in the office of the secretary of state.

[(59-1004) R.S., sec. 448; am. R.C., sec. 336; reen. C.L., sec. 336; C.S., sec. 474; I.C.A., sec. 57-1004.]

59-1005. GREAT SEAL OF STATE. The design drawn and executed by Miss Emma Edwards, of Boise City, and reported and recommended by the select joint committee to devise a great seal for the state, with the Latin motto "Esto Perpetua," is adopted, and is hereby made the great seal of the state of Idaho. The painting shall serve as the model as to color and form for the center of the seal. The five-pointed star in the painting shall be within a border encircling the painting. Within the border shall be the words: Great Seal of the state of Idaho. The secretary of state, with the approval of the state board of examiners, shall have designed the appropriate encircling border

and wording as herein set forth and shall have the same superimposed on a fully colored reproduction of the painting. This, when completed, shall be designated as the "Official Copy" of the great seal of the state of Idaho and shall be maintained in the office of the secretary of state.

[(59-1005) 1890-1891, p. 215, sec. 1; reen. 1899, p. 147, sec. 1; am. R.C., sec. 337; reen. C.L., sec. 475; I.C.A., sec. 57-1005; am. 1957, ch. 238, sec. 1, p. 568.]

59-1005A. AUTHORSHIP AND DESCRIPTION OF GREAT SEAL OF STATE. The inscription of authorship of the great seal of state shall appear as follows: 1891 EMMA EDWARDS GREEN - PAUL B. EVANS rev. 1957. The new inscription shall be located in the same place and manner as the previous inscription, using more space as is necessary. In gratitude for and as a tribute to Emma Edwards Green for her design of the Idaho state seal is her description of the seal in her own words:

"Before designing the seal, I was careful to make a thorough study of the resources and future possibilities of the state. I invited the advice and counsel of every member of the legislature and other citizens qualified to help in creating a seal of state that really represented Idaho at that time. Idaho had been admitted into the Union on July 3rd, 1890, and on March 14, 1891, adopted my design for the great seal of the state of Idaho.

The question of woman suffrage was being agitated somewhat, and as leading men and politicians agreed that Idaho would eventually give women the right to vote, and as mining was the chief industry, and the mining man the largest financial factor at that time, I made the figure of the man the most prominent in the design, while that of the woman, signifying justice, as noted by the scales; liberty, as noted by the liberty cap on the end of the spear, and equality with man as denoted by her positions at his side, also signifies freedom. The pick and shovel held by the miner, and the ledge of rock beside which he stands, as well as the pieces of ore scattered about his feet, all indicate the chief occupation of the state. The stamp mill in the distance, which you can see by using a magnifying glass, is also typical of the mining interest of Idaho. The shield between the man and woman is emblematic of the protection they unite in giving the state. The large fir or pine tree in the foreground in the shield refers to Idaho's immense timber interests. The husbandman plowing on the left side of the shield, together with the sheaf of grain beneath the shield, are emblematic of Idaho's agricultural resources, while the cornucopias, or horns of plenty, refer to the horticultural. Idaho has a game law, which protects the elk and moose. The elk's head, therefore, rises above the shield. The state flower, the wild Syringa or Mock Orange, grows at the woman's feet, while the ripened wheat grows as high as her shoulder. The star signifies a new light in the galaxy of states. . . . The river depicted in the shield is our mighty Snake or Shoshone River, a stream of great majesty.

In regard to the coloring of the emblems used in the making of the great seal of the state of Idaho, my principal desire was to use such colors as would typify pure Americanism and the history of the state. As Idaho was a virgin state, I robed my goddess in white and made the liberty cap on the end of the spear the same color. In rep-

resenting the miner, I gave him the garb of the period suggested by such mining authorities as former United States Senator George Shoup, of Idaho, former Governor Norman B. Willey of Idaho, former Governor James H. Hawley of Idaho, and other mining men and early residents of the state who knew intimately the usual garb of the miner. Almost unanimously they said, "Do not put the miner in a red shirt." "Make the shirt a grayish brown," said Captain J.J. Wells, chairman of the seal committee. The "Light of the Mountains" is typified by the rosy glow which precedes the sunrise."

[59-1005A, added 1994, ch. 444, sec. 1, p. 1425.]

59-1006. OFFICERS MAY ADMINISTER OATHS. Every executive and judicial officer may administer and certify oaths.

[(59-1006) R.S., sec. 450; reen. R.C. & C.L., sec. 338; C.S., sec. 476; I.C.A., sec. 57-1006.]

59-1007. OFFICE HOURS. Unless otherwise provided by law, every officer must keep his office open for transaction of business from eight o'clock a.m. until 5 o'clock p.m., each day except upon Saturdays, Sundays, holidays and days upon which office closure is due to mandatory leave without pay.

[59-1007, R.S., sec. 452; reen. R.C. & C.L., sec. 339; am. 1919, ch. 8, sec. 39, p. 66; C.S., sec. 477; I.C.A., sec. 57-1007; am. 1955, ch. 126, sec. 1, p. 253; am. 2010, ch. 172, sec. 1, p. 356.]

59-1008. SIGNATURE OF EX OFFICIO OFFICERS. When an officer discharges ex officio the duties of another office than that to which he is elected or appointed, his official signature and attestation must be in the name of the office the duties of which he discharges.

[(59-1008) R.S., sec. 453; reen. R.C. & C.L., sec. 340; C.S., sec. 478; I.C.A., sec. 57-1008.]

59-1010. OFFICERS TO KEEP ACCOUNTS. It shall be the duty of all state, county, city and precinct officers, who receive fees for services in an official capacity, or who receive public moneys for safekeeping, to at all times keep a public account of the same, consisting of a day book and ledger in which shall be entered all receipts of fees or moneys, with a brief statement of from whom and on what account the same were received; and a like account of all disbursements of such moneys, and to whom and on what account the same were paid. A failure to comply with the requirements of this section shall subject the offender, upon conviction, to the payment of a fine not exceeding three hundred dollars, or to imprisonment in the county jail for a period not exceeding six (6) months, or to both such fine and imprisonment.

[(59-1010) 1901, p. 208, sec. 1; am. 1903, p. 282, sec. 1; reen. R.C. & C.L., sec. 342; C.S., sec. 480; I.C.A., sec. 57-1010.]

59-1011. FURNISHING ACCOUNT BOOKS -- EXAMINATION BY CITIZENS. It shall be the duty of the state and county officers respectively charged with furnishing books and stationery for public use, to furnish suitable books for the purpose to such officers; and such books shall be subject to examination

by any citizen at any reasonable time, and such citizen shall be entitled to take memoranda from the same without charges being imposed: provided, if any person or persons desire certified copies of any such account, the officer or person in charge of said books shall be entitled to demand and receive fees for the same, as for copies of other public records in his control.

[(59-1011) 1901, p. 208, sec. 2; reen. R.C. & C.L., sec. 343; C.S., sec. 481; I.C.A., sec. 57-1011.]

59-1012. SALE OF PAMPHLET LAWS -- DISPOSITION OF FUNDS -- EXCEPTION. All publications of laws and regulations and the constitution of the state of Idaho, issued in pamphlet form, other than the regular edition of the session laws, may be sold by the officer or officers having the same published, at a price which will cover the cost of publication and distribution. Provided, this act shall not apply to pamphlets and booklets published and issued by the Idaho department of fish and game for the purpose of giving notice and information concerning fish and game regulations and reports. Such pamphlets and booklets issued by said department of fish and game shall be printed and issued at the expense of said department and the cost thereof paid from the fish and game account. Provided further, that said department may publish on a regular basis a magazine, and provide to the public other publications, printed matter and materials as will promote the ethical use and conservation of fish and wildlife resources, or encourage citizen participation in department programs. The Idaho department of fish and game may establish fees for said publications and materials. Said fees shall be remitted to the state treasurer for deposit in the fish and game account.

[(59-1012) 1905, p. 231, sec.sec. 1, 2; am. R.C., sec. 343a; reen. C.L., sec. 343a; C.S., sec. 482; I.C.A., sec. 57-1012; am. 1941, ch. 21, sec. 1, p. 46; am. 1977, ch. 56, sec. 1, p. 107; am. 1983, ch. 59, sec. 1, p. 137.]

59-1013. SALE OF PAMPHLET LAWS -- PENALTY FOR NONFEASANCE. Any failure to comply with the provisions of the preceding section by any person or persons charged by law with the duty of publishing any of said laws as in said section provided for, shall be a misdemeanor, and upon conviction thereof in any court of competent jurisdiction the person guilty shall be fined in any sum not less than two hundred dollars nor more than three hundred dollars, and upon information, it shall be the duty of the attorney general or the prosecuting attorney of any county, to prosecute such person or persons, and upon conviction to collect such fine as may be imposed, and deposit the same with the state treasurer for the benefit of the general school fund.

[(59-1013) 1905, p. 231, sec. 3; am. R.C., sec. 343b; reen. C.L., sec. 343b; C.S., sec. 483; I.C.A., sec. 57-1013.]

59-1014. ACCOUNTING FOR FEES. (1) All state officers and agencies, who receive any money or evidences of indebtedness for or on account of the state or in payment of any fee, license, or tax due the state, shall deposit the same with the state treasurer:

- (a) Daily, when the amount of cash, checks, or other evidences of indebtedness accrued during any twenty-four (24) hour period is two hundred dollars (\$200) or more;
- (b) Weekly in all other situations; or

(c) A particular state officer may be granted specific permission to deposit at some other interval by the provisions of a resolution of the board of examiners, pursuant to section 67-2025, Idaho Code.

(2) The state treasurer shall receive from the other state officers and agencies bank drafts, checks, post-office money orders, and all evidences of indebtedness that are accepted as cash items by banks in the ordinary course of business and shall deposit the same in banks in this state qualified as depositories of state money, subject, however, to final payment, and said treasurer shall issue his receipt for such evidences of indebtedness to the officer or agency entitled thereto.

(3) Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding five hundred dollars (\$500), or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment.

[(59-1014) 1909, p. 359; compiled and reen. C.L., sec. 343c; C.S., sec. 484; I.C.A., sec. 57-1014; am. 1976, ch. 42, sec. 6, p. 94; am. 2020, ch. 29, sec. 1, p. 63.]

59-1014A. ACCOUNTING FOR LOSSES. All state officers and agencies shall, immediately upon discovering any loss of money in excess of two hundred dollars (\$200) or evidences of indebtedness of the officer or agency, report the same, in writing within five (5) working days of the discovery of the loss to the state treasurer or shall notify the state treasurer by telephone within one (1) working day of the discovery of the loss.

[59-1014A, added 1997, ch. 153, sec. 1, p. 435.]

59-1015. DEFICIENCIES -- CREATION PROHIBITED -- EXCEPTION. No officer, employee or state board of the state of Idaho, or board of regents or board of trustees of any state institution, or any member, employee or agent thereof, shall enter, or attempt to offer to enter into any contract or agreement creating any expense, or incurring any liability, moral, legal or otherwise, or at all, in excess of the appropriation made by law for the specific purpose or purposes for which such expenditure is to be made, or liability incurred, except in the case of insurrection, epidemic, invasion, riots, floods or fires.

[(59-1015) 1915, ch. 164, sec. 1, p. 361; reen. C.L., sec. 343d; C.S., sec. 485; I.C.A., sec. 57-1015.]

59-1016. DEFICIENCIES -- CONTRACTS IN CREATION OF, VOID. Any indebtedness attempted to be created against the state in violation of the provisions of this chapter, or any indebtedness attempted to be created against the state in excess of the appropriation provided for in any act, shall be void. The income accruing to any state institution, after the same has been certified quarterly to the board of trustees of any such institution by the auditor, shall be deemed an appropriation to such institution, and shall be governed by the provisions of this chapter regarding appropriations, and regarding the creation of indebtedness in excess of such appropriation.

[(59-1016) 1915, ch. 164, sec. 2, p. 361; reen. C.L., sec. 342e [343e]; C.S., sec. 486; I.C.A., sec. 57-1016.]

59-1017. DEFICIENCIES -- PENALTY FOR CREATING. Any person violating the provisions of the two preceding sections shall be deemed guilty of a misdemeanor, and shall be disqualified from holding any state office or from being employed by the state of Idaho or by any board of regents or board of trustees of any state institution for a period of four (4) years from and after the commission of the offense.

[(59-1017) 1915, ch. 164, sec. 3, p. 361; compiled and reen. C.L., sec. 343f; C.S., sec. 487; I.C.A., sec. 57-1017.]

59-1018. UNIFORM FACSIMILE SIGNATURE OF PUBLIC OFFICIALS ACT -- DEFINITIONS. As used in this act

(a) "Public Security" means a bond, note, certificate of indebtedness, or other obligation for the payment of money, issued by this state or by any of its departments, agencies, or other instrumentalities or by any of its political subdivisions.

(b) "Instrument of Payment" means a check, draft, warrant, or order for the payment, delivery, or transfer of funds.

(c) "Authorized Officer" means any official of this state or any of its departments, agencies, or other instrumentalities or any of its political subdivisions whose signature to a public security or instrument of payment is required or permitted.

(d) "Facsimile Signature" means a reproduction by engraving, imprinting, stamping, or other means of the manual signature of an authorized officer.

[(59-1018) 1959, ch. 11, sec. 1, p. 28.]

59-1019. FACSIMILE SIGNATURE.

(1) (a) Any authorized officer, after filing with the secretary of state his manual signature certified by him under oath, may execute or cause to be executed with a facsimile signature in lieu of his manual signature:

(i) Any public security, provided that at least one (1) signature required or permitted to be placed thereon shall be manually subscribed, and

(ii) Any instrument of payment.

(b) Upon compliance with this act by the authorized officer, his facsimile signature has the same legal effect as his manual signature.

(2) (a) The governor, after filing with the secretary of state his manual signature certified by him under oath, may execute or cause to be executed with a facsimile signature in lieu of his manual signature:

(i) All instruments, documents, and papers requiring his signature that originate with the state board of land commissioners or department of lands, except deeds of the public lands of the state; and

(ii) All instruments, documents, and papers acted upon by the state board of examiners.

(b) Upon compliance with this act by the governor, his facsimile signature has the same legal effect as his manual signature.

[59-1019, added 1959, ch. 11, sec. 2, p. 28; am. 1965, ch. 132, sec. 1, p. 260; am. 2021, ch. 324, sec. 1, p. 989.]

59-1020. USE OF FACSIMILE SEAL. When the seal of this state or any of its departments, agencies, or other instrumentalities or any of its political subdivisions is required in the execution of a public security or instrument of payment, the authorized officer may cause the seal to be printed, engraved, stamped or otherwise placed in facsimile thereon. The facsimile seal has the same legal effect as the impression of the seal.

[59-1020, added 1959, ch. 11, sec. 3, p. 28.]

59-1021. VIOLATION AND PENALTY. Any person who with intent to defraud uses on a public security or an instrument of payment:

(a) A facsimile signature, or any reproduction of it, or [of] any authorized officer, or

(b) Any facsimile seal, or any reproduction of it, of this state or any of its departments, agencies, or other instrumentalities or any of its political subdivisions is guilty of a felony.

[59-1021, added 1959, ch. 11, sec. 4, p. 28.]

59-1022. UNIFORMITY OF INTERPRETATION. This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

[59-1022, added 1959, ch. 11, sec. 5, p. 28.]

59-1023. SHORT TITLE. This act may be cited as the Uniform Facsimile Signature of Public Officials Act.

[59-1023, added 1959, ch. 11, sec. 6, p. 28.]

59-1025. ELIGIBILITY OF BLIND PERSONS UNDER MERIT SYSTEMS. No partially or totally blind person shall be denied employment under the provisions of any merit system now in effect or hereafter to be established in any department, agency or office of the state of Idaho solely because of his blind condition unless it is clearly demonstrated that sight is essential to the performance of duties. When applying for employment under the provisions of the merit system, a partially or totally blind person may use the services of a reader to assist him in any written examinations.

[59-1025, added 1965, ch. 88, sec. 1, p. 148.]

59-1026. WILLFUL AND KNOWING AVOIDANCE OF COMPETITIVE BIDDING AND PROCUREMENT STATUTES -- CIVIL PENALTIES. It is a violation of this section for an official of any political subdivision or the state itself to willfully or knowingly avoid compliance with procurement or competitive bidding statutes or to willfully or knowingly split or separate purchases or work projects with the intent of avoiding compliance with such statutes. If any officer or employee of any public entity willfully or knowingly violates this section, the public entity which the officer or employee serves shall be liable for civil penalties not to exceed five thousand dollars (\$5,000) for each offense, such civil penalty to be payable to the office of the public agency bringing an enforcement action, upon court order, to reimburse the reasonable expense of enforcing compliance with competitive bidding and procurement statutes.

[59-1026, added 2005, ch. 213, sec. 36, p. 668.]