

operator's conduct is slight.

Any person violating the provisions of this section shall be punished upon conviction in the same manner as is provided in subsection (b) of this section, except that the suspension of his driver's license shall be left to the discretion of the judge.

Approved April 7, 1969.

CHAPTER 459

(S. B. No. 1221, As Amended)

AN ACT

PROVIDING A STATEMENT OF PURPOSE FOR AN IDAHO ANTI-DISCRIMINATION ACT; PROVIDING DEFINITIONS DEFINING COMMISSION, COMMISSIONER, DISCRIMINATORY PRACTICE, NATIONAL ORIGIN, PERSON, EMPLOYER, EMPLOYMENT AGENCY, LABOR ORGANIZATION, PLACE OF PUBLIC ACCOMMODATION, EDUCATIONAL INSTITUTION, REAL PROPERTY, REAL ESTATE TRANSACTION, HOUSING ACCOMMODATION, REAL ESTATE BROKER OR SALESMAN; PROVIDING FOR THE CREATION OF AN IDAHO COMMISSION ON HUMAN RIGHTS; PROVIDING FOR OFFICERS AND SECRETARY; PROVIDING FOR THE DUTIES OF THE SECRETARY; PROVIDING FOR THE POWERS AND DUTIES OF THE COMMISSION; PROVIDING FOR COUNTY ADVISORY COMMITTEES ON HUMAN RIGHTS; PROVIDING FOR POWERS AND DUTIES OF COUNTY ADVISORY COMMITTEES; PROVIDING FOR PROHIBITED ACTS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CIVIL, INJUNCTIVE AND CRIMINAL REMEDIES; PROVIDING FOR IMMUNITY OF COMMISSION MEMBERS FROM SUIT; PROVIDING FOR SEVERABILITY.

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

SECTION 1. The general purposes of this act are:

(1) To provide for execution with the state of the policies embodied in the Federal Civil Rights Act of 1965 and to make uniform the laws of those states which enact this act;

(2) To secure for all individuals within the state freedom from discrimination because of race, color, religion or national origin in connection with employment, public accommodations, education and real property transactions, and discrimination because of sex in connection with employment, and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights and privileges of individuals within the state.

SECTION 2. In this act, unless the context otherwise requires:

(1) "Commission" means the commission on human rights created by this act;

(2) "Commissioner" means a member of the commission;

(3) "Discriminatory practice" means a practice designated as discriminatory under the terms of this act;

(4) "National origin" includes the national origin of an ancestor;

(5) "Person" includes an individual, association, corporation, joint apprenticeship committee, joint-stock company, labor union, legal representative, mutual company, partnership, any other legal or commercial entity, the state, or any governmental entity or agency;

(6) "Employer" means a person who has four or more employees or a person who as contractor or subcontractor is furnishing material or performing work for the state or a governmental entity or agency of the state and includes an agent of such a person;

(7) "Employment agency" means a person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person;

(8) "Labor organization" includes;

(a) an organization of any kind, an agency or employee representation committee, group, association, or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievance, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment;

(b) a conference, general committee, joint or system board, or joint council which is subordinate to a national or international labor organization; or

(c) an agent of a labor organization.

(9) "Place of public accommodation" means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public;

(10) "Educational institution" means a public or private institution and includes an academy, college, elementary or secondary school, extension course, kindergarten, nursery, school system, or university and a business, nursing, professional, secretarial, technical, or vocational school; and includes an agent of an educational institution;

(11) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal or any interest therein;

(12) "Real estate transaction" includes the sale, exchange, rental or lease of real property;

(13) "Housing accommodation" includes any improved or unimproved real property, or part thereof, which is used or occupied, or as the home or residence of one or more individuals;

(14) "Real estate broker or salesman" means a person, whether licensed or not, who, for or with the expectation of

receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself out as engaged in these activities, or who negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other encumbrance upon real property, or who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of any of these.

SECTION 3. There is hereby created the Idaho commission on human rights to consist of nine members, all of whom shall be appointed by the governor and serve at his pleasure.

SECTION 4. The commission shall annually select a president and vice president. The director of the Economic Opportunity Office for the state of Idaho shall serve as its secretary. Each member of the commission shall be entitled to reimbursement of expenses incurred by him in the performance of his duties in addition to such daily allowance as the legislature may hereinafter provide.

SECTION 5. The secretary shall attend all meetings of the commission, serve as its executive and administrative officer, have charge of its office and records, and, under the general supervision of the commission, be responsible for the administration of this act and the general policies and regulations adopted by the board.

SECTION 6. The Idaho commission on human rights shall have the following powers and duties:

(1) To investigate complaints of alleged violation of this act and act upon its findings pursuant to the provisions contained in this act;

(2) To make by-laws for its own government and procedure not inconsistent with the laws of this state;

(3) To maintain an office in the city of Boise and other offices within the state as it may deem necessary;

(4) To meet and exercise its powers at any place within the state;

(5) The prosecuting attorneys of the several counties shall have the duty of representing and shall appear for the commission in any court and shall enforce the provisions of this act. If the prosecuting attorney neglects or refuses to represent or appear for the commission or enforce the provisions of this act, the attorney general may order him to do so or may undertake the appearance, representation or enforcement himself;

(6) To cooperate or contract with individuals and state, local and other agencies, both public and private, including agencies of the federal government and of other states;

(7) To accept public grants or private gifts, bequests, or other payments;

(8) To receive, initiate, investigate, seek to conciliate, hold hearings and refer its findings and recommendations to the prosecuting attorney;

(9) To furnish technical assistance requested by persons subject to this act to further compliance with the act or an order issued thereunder;

(10) To make studies appropriate to effectuate the purposes and policies of this act and to make the results thereof available to the public;

(11) To render at least annually a comprehensive written report to the governor and to the legislature. The report may contain recommendations of the commission for legislative or other action to effectuate the purposes and policies of this act;

(12) In accordance with chapter 52, title 67, Idaho Code, to adopt, promulgate, amend and rescind rules and regulations to effectuate the purposes and policies of this act, including regulations requiring the posting or inclusion in advertising material of notices prepared or approved by the commission.

SECTION 7. Each board of county commissioners shall appoint a county advisory committee on human rights:

(1) On their own motion; or,

(2) After receiving a petition containing the signatures of registered electors of that county in the number of one per cent of the total number of votes cast for governor in the last election in that county, or 200 registered electors of that county, whichever is less, requesting that a county advisory committee be appointed. The board of county commissioners need not appoint such committee if the petition contains fewer than 25 signatures.

SECTION 8. Any county advisory committee on human rights shall cooperate with and coordinate its activities with the commission on human rights; shall render at least annually a comprehensive written report to the board of county commissioners and to the commission.

SECTION 9. It shall be a prohibited act to discriminate against a person because of, or on a basis of, race, color, religion, sex or national origin, in any of the following:

(1) For an employer to fail or refuse to hire, to discharge, or to otherwise discriminate against an individual with respect to compensation or the terms, conditions or privileges of employment;

(2) For an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against an individual or to classify or refer an individual for employment;

(3) For a labor organization;

(a) to exclude or to expel from membership, or to otherwise discriminate against, a member or applicant for membership,

(b) to limit, segregate or classify membership, or to fail or refuse to refer for employment an individual in any way,

1. which would deprive an individual of employment opportunities, or

2. which would limit employment opportunities or

adversely affect the status of an employee or of an applicant for employment, or

(c) to cause or attempt to cause an employer to violate this act.

(4) For an employer labor organization or employment agency to print or publish or cause to be printed or published a notice or advertisement relating to employment by the employer or membership in or a classification or referral for employment by the labor organization, or relating to a classification or referral for employment by an employment agency, indicating a preference, limitation, specification or discrimination; but a notice or advertisement may indicate a preference limitation, specification, or discrimination when such is a bona fide occupational qualification for employment;

(5) For a person;

(a) to deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of a place of public accommodation, or

(b) to print, circulate, post, or mail or otherwise cause to be published a statement, advertisement or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages of a place of public accommodation will be refused, withheld from, or denied an individual or that an individual's patronage or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable.

(6) For an educational institution;

(a) to exclude, expel, limit, or otherwise discriminate against an individual seeking admission as a student or an individual enrolled as a student in the terms, conditions, and privileges of the institution, or

(b) to make or use a written or oral inquiry or form of application for admission that elicits or attempts to elicit information, or to make or keep a record, of an applicant for admission, except as permitted by the regulations of

the commission,

(c) to print or publish or cause to be printed or published a catalogue or other notice or advertisement indicating a preference, limitation, specification, discrimination of an applicant for admission, or

(d) to announce or follow a policy of denial or limitation through a quota or otherwise of educational opportunities of a group or its members.

(7) For an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesman;

(a) to refuse to engage in a real estate transaction with a person,

(b) to discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith,

(c) to refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person,

(d) to refuse to negotiate a real estate transaction with a person,

(e) to represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property,

(f) to print, circulate, post or mail or cause to be so published a statement, advertisement or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto, or

(g) to offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be

discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith.

(8) For a person to whom application is made for financial assistance in connection with a real estate transaction or for the construction, rehabilitation, repair, maintenance, or improvement of real property, or a representative of such a person;

(a) to discriminate against the applicant,

(b) to use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance which indicates directly or indirectly, an intent to make a limitation, specification, or discrimination.

(9) To insert in a written instrument relating to real property a provision which purports to forbid or restrict the conveyance, encumbrance, occupancy or lease thereof;

(10) For a person for the purpose of inducing a real estate transaction from which he may benefit financially;

(a) to represent that a change has occurred or will or may occur in the composition of the owners or occupants in the block, neighborhood, or area in which the real property is located, or

(b) to represent that this change will or may result in the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.

SECTION 10. (1) This act does not apply to a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by the corporation, association, or society of its religious activities.

(2) It is not a discriminatory practice;

(a) for an employer to employ an employee, or an

employment agency to classify or refer for employment an individual, for a labor organization to classify its membership or to classify or refer for employment an individual, or for an employer, labor organization, or joint labor-management committee controlling an apprenticeship or other training or retraining program, on the basis of his religion, sex, or national origin if religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise, or

(b) for a religious educational institution or an educational organization to limit employment or give preference to members of the same religion.

(3) This act does not apply to a private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities, privileges, advantages or accommodations of the establishment are made available to the customers or patrons of another establishment that is a place of public accommodation.

(4) Notwithstanding any other provisions of this act, it is not a discriminatory practice for;

(a) a religious educational institution or an educational institution operated, supervised, or controlled by a religious institution operated, supervised, or controlled by a religious institution or organization to limit admission or give preference to applicants of the same religion, or

(b) an educational institution to accept and administer an inter vivos or testamentary gift upon the terms and conditions prescribed by the donor.

(5) The provisions of section 9 (7) do not apply;

(a) to the rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the lessor or a member of his family resides in one of the housing accommodations, or

(b) to the rental of a room or rooms in a housing accommodation by an individual if he or a member of his

family resides therein.

(6) It is not a discriminatory practice for a religious institution or organization or a charitable or educational organization operated, supervised or controlled by a religious institution or organization to give preference to members of the same religion in a real property transaction.

SECTION 11. (1) The commission is hereby authorized to institute injunction proceedings in the district court of competent jurisdiction, pursuant to the Idaho Rules of Civil Procedure, for cause shown, to restrain any person or persons from violating any provision of this act or of the provisions of chapter 73, title 18, Idaho Code, regardless of whether or not there exists an adequate remedy at law.

(2) Any person aggrieved by a violation of this act or of chapter 73, title 18, Idaho Code, shall be entitled to bring an action for damages in a court of competent jurisdiction against the person or persons who committed such violation. For a willful violation of this act, damages may include punitive damages not to exceed \$1,000.00 for each violation. The person so aggrieved by a violation of this act shall be entitled to join any injunction proceeding instituted by the commission under this section, to seek the damage relief provided by this section.

(3) Every person shall be guilty of a misdemeanor who violates any provision of section 9.

SECTION 12. The members of the commission, prosecuting attorneys, the attorney general and any personnel they employ or state employees they utilize and any member of a county advisory committee on human rights shall be immune from civil personal liability for any act performed or omitted in the course of carrying out the provisions of this act.

SECTION 13. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION 14. There is hereby appropriated from the general fund to the commission the sum of \$26,000 to pay the operating costs and expenses of the commission for the period July 1, 1969 to June 30, 1971.

Approved April 7, 1969.

CHAPTER 460

(S. B. No. 1386)

AN ACT

AMENDING SECTION 59-1302, IDAHO CODE, AS AMENDED BY SENATE BILL NO. 1097, AS AMENDED, FIRST REGULAR SESSION, FORTIETH LEGISLATURE, RELATING TO DEFINITIONS USED IN THE PUBLIC EMPLOYEES RETIREMENT ACT BY REQUIRING THAT AN ACTIVE MEMBER MUST BE AN EMPLOYEE WHO HAS COMPLETED AT LEAST TWELVE MONTHS OF SERVICE; AND AMENDING SECTION 59-1303, IDAHO CODE, AS AMENDED BY SENATE BILL NO. 1097, AS AMENDED, FIRST REGULAR SESSION, FORTIETH LEGISLATURE, RELATING TO CONTRIBUTIONS BY REQUIRING THAT CONTRIBUTIONS SHALL BEGIN AFTER ONE YEAR OF SERVICE.

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

SECTION 1. That Section 59-1302, Idaho Code, be, and the same is hereby amended to read as follows:

59-1302. DEFINITIONS.—(1) As used in this act, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context.

(2) "Active member" means any employee **who has completed at least 12 months of service and** who is neither receiving benefits under any other retirement system operated wholly or in part by an agency of the state or political subdivision nor establishing the right to receive benefits from any such retirement system, but an employee shall be an active member if otherwise eligible:

(b) of this section.

(b) Reckless driving—Penalty.—Every person convicted of reckless driving under this section shall be punished by imprisonment in the county or municipal jail for a period of not less than five (5) days nor more than ninety (90) days or by a fine of not less than \$25 nor more than \$300 or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months or by a fine of not less than \$50 nor more than \$300, or by both such fine and imprisonment, and provided further that the department of law enforcement shall suspend the license of any such person, thirty (30) days for the first conviction, ninety (90) days for the second conviction and one (1) year for the third conviction of such offense, as provided by section 49-330, Idaho Code.

(c) Negligent driving—Penalty.—It shall be unlawful for any person to operate a motor vehicle in a negligent manner over and along the public highways of this state. For the purpose of this section to "operate in a negligent manner" shall be construed to mean the operation of a vehicle upon the public highways of this state in such a manner as to endanger or be likely to endanger any persons or property.

The offense of operating a vehicle in a negligent manner shall be considered to be a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner.

(c) Inattentive driving—Penalty.—It shall be unlawful for any person to operate a motor vehicle in a careless or inattentive manner or in disregard of the safety of persons or property.

Inattentive driving shall be considered a lesser offense than reckless driving and shall be applicable in those circumstances where the conduct of the operator has been inattentive, careless or imprudent, in light of the circumstances then existing, rather than heedless or wanton, or in those cases where the danger to persons or property by the motor vehicle

operator's conduct is slight.

Any person violating the provisions of this section shall be punished upon conviction in the same manner as is provided in subsection (b) of this section, except that the suspension of his driver's license shall be left to the discretion of the judge.

Approved April 7, 1969.

CHAPTER 459

(S. B. No. 1221, As Amended)

AN ACT

PROVIDING A STATEMENT OF PURPOSE FOR AN IDAHO ANTI-DISCRIMINATION ACT; PROVIDING DEFINITIONS DEFINING COMMISSION, COMMISSIONER, DISCRIMINATORY PRACTICE, NATIONAL ORIGIN, PERSON, EMPLOYER, EMPLOYMENT AGENCY, LABOR ORGANIZATION, PLACE OF PUBLIC ACCOMMODATION, EDUCATIONAL INSTITUTION, REAL PROPERTY, REAL ESTATE TRANSACTION, HOUSING ACCOMMODATION, REAL ESTATE BROKER OR SALESMAN; PROVIDING FOR THE CREATION OF AN IDAHO COMMISSION ON HUMAN RIGHTS; PROVIDING FOR OFFICERS AND SECRETARY; PROVIDING FOR THE DUTIES OF THE SECRETARY; PROVIDING FOR THE POWERS AND DUTIES OF THE COMMISSION; PROVIDING FOR COUNTY ADVISORY COMMITTEES ON HUMAN RIGHTS; PROVIDING FOR POWERS AND DUTIES OF COUNTY ADVISORY COMMITTEES; PROVIDING FOR PROHIBITED ACTS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CIVIL, INJUNCTIVE AND CRIMINAL REMEDIES; PROVIDING FOR IMMUNITY OF COMMISSION MEMBERS FROM SUIT; PROVIDING FOR SEVERABILITY.

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

SECTION 1. The general purposes of this act are:

(1) To provide for execution with the state of the policies embodied in the Federal Civil Rights Act of 1965 and to make uniform the laws of those states which enact this act;

(2) To secure for all individuals within the state freedom from discrimination because of race, color, religion or national origin in connection with employment, public accommodations, education and real property transactions, and discrimination because of sex in connection with employment, and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights and privileges of individuals within the state.

SECTION 2. In this act, unless the context otherwise requires:

- (1) "Commission" means the commission on human rights created by this act;
- (2) "Commissioner" means a member of the commission;
- (3) "Discriminatory practice" means a practice designated as discriminatory under the terms of this act;
- (4) "National origin" includes the national origin of an ancestor;
- (5) "Person" includes an individual, association, corporation, joint apprenticeship committee, joint-stock company, labor union, legal representative, mutual company, partnership, any other legal or commercial entity, the state, or any governmental entity or agency;
- (6) "Employer" means a person who has four or more employees or a person who as contractor or subcontractor is furnishing material or performing work for the state or a governmental entity or agency of the state and includes an agent of such a person;
- (7) "Employment agency" means a person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person;

(8) "Labor organization" includes;

- (a) an organization of any kind, an agency or employee representation committee, group, association, or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievance, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment;
- (b) a conference, general committee, joint or system board, or joint council which is subordinate to a national or international labor organization; or
- (c) an agent of a labor organization.

(9) "Place of public accommodation" means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public;

(10) "Educational institution" means a public or private institution and includes an academy, college, elementary or secondary school, extension course, kindergarten, nursery, school system, or university and a business, nursing, professional, secretarial, technical, or vocational school; and includes an agent of an educational institution;

(11) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal or any interest therein;

(12) "Real estate transaction" includes the sale, exchange, rental or lease of real property;

(13) "Housing accommodation" includes any improved or unimproved real property, or part thereof, which is used or occupied, or as the home or residence of one or more individuals;

(14) "Real estate broker or salesman" means a person, whether licensed or not, who, for or with the expectation of

receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself out as engaged in these activities, or who negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other encumbrance upon real property, or who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of any of these.

SECTION 3. There is hereby created the Idaho commission on human rights to consist of nine members, all of whom shall be appointed by the governor and serve at his pleasure.

SECTION 4. The commission shall annually select a president and vice president. The director of the Economic Opportunity Office for the state of Idaho shall serve as its secretary. Each member of the commission shall be entitled to reimbursement of expenses incurred by him in the performance of his duties in addition to such daily allowance as the legislature may hereinafter provide.

SECTION 5. The secretary shall attend all meetings of the commission, serve as its executive and administrative officer, have charge of its office and records, and, under the general supervision of the commission, be responsible for the administration of this act and the general policies and regulations adopted by the board.

SECTION 6. The Idaho commission on human rights shall have the following powers and duties:

- (1) To investigate complaints of alleged violation of this act and act upon its findings pursuant to the provisions contained in this act;
- (2) To make by-laws for its own government and procedure not inconsistent with the laws of this state;
- (3) To maintain an office in the city of Boise and other offices within the state as it may deem necessary;
- (4) To meet and exercise its powers at any place within the state;

(5) The prosecuting attorneys of the several counties shall have the duty of representing and shall appear for the commission in any court and shall enforce the provisions of this act. If the prosecuting attorney neglects or refuses to represent or appear for the commission or enforce the provisions of this act, the attorney general may order him to do so or may undertake the appearance, representation or enforcement himself;

(6) To cooperate or contract with individuals and state, local and other agencies, both public and private, including agencies of the federal government and of other states;

(7) To accept public grants or private gifts, bequests, or other payments;

(8) To receive, initiate, investigate, seek to conciliate, hold hearings and refer its findings and recommendations to the prosecuting attorney;

(9) To furnish technical assistance requested by persons subject to this act to further compliance with the act or an order issued thereunder;

(10) To make studies appropriate to effectuate the purposes and policies of this act and to make the results thereof available to the public;

(11) To render at least annually a comprehensive written report to the governor and to the legislature. The report may contain recommendations of the commission for legislative or other action to effectuate the purposes and policies of this act;

(12) In accordance with chapter 52, title 67, Idaho Code, to adopt, promulgate, amend and rescind rules and regulations to effectuate the purposes and policies of this act, including regulations requiring the posting or inclusion in advertising material of notices prepared or approved by the commission.

SECTION 7. Each board of county commissioners shall appoint a county advisory committee on human rights:

(1) On their own motion; or,

(2) After receiving a petition containing the signatures of registered electors of that county in the number of one per cent of the total number of votes cast for governor in the last election in that county, or 200 registered electors of that county, whichever is less, requesting that a county advisory committee be appointed. The board of county commissioners need not appoint such committee if the petition contains fewer than 25 signatures.

SECTION 8. Any county advisory committee on human rights shall cooperate with and coordinate its activities with the commission on human rights; shall render at least annually a comprehensive written report to the board of county commissioners and to the commission.

SECTION 9. It shall be a prohibited act to discriminate against a person because of, or on a basis of, race, color, religion, sex or national origin, in any of the following:

(1) For an employer to fail or refuse to hire, to discharge, or to otherwise discriminate against an individual with respect to compensation or the terms, conditions or privileges of employment;

(2) For an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against an individual or to classify or refer an individual for employment;

(3) For a labor organization;

(a) to exclude or to expel from membership, or to otherwise discriminate against, a member or applicant for membership,

(b) to limit, segregate or classify membership, or to fail or refuse to refer for employment an individual in any way,

1. which would deprive an individual of employment opportunities, or

2. which would limit employment opportunities or

adversely affect the status of an employee or of an applicant for employment, or

(c) to cause or attempt to cause an employer to violate this act.

(4) For an employer labor organization or employment agency to print or publish or cause to be printed or published a notice or advertisement relating to employment by the employer or membership in or a classification or referral for employment by the labor organization, or relating to a classification or referral for employment by an employment agency, indicating a preference, limitation, specification or discrimination; but a notice or advertisement may indicate a preference limitation, specification, or discrimination when such is a bona fide occupational qualification for employment;

(5) For a person;

(a) to deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of a place of public accommodation, or

(b) to print, circulate, post, or mail or otherwise cause to be published a statement, advertisement or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages of a place of public accommodation will be refused, withheld from, or denied an individual or that an individual's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable.

(6) For an educational institution;

(a) to exclude, expel, limit, or otherwise discriminate against an individual seeking admission as a student or an individual enrolled as a student in the terms, conditions, and privileges of the institution, or

(b) to make or use a written or oral inquiry or form of application for admission that elicits or attempts to elicit information, or to make or keep a record, of an applicant for admission, except as permitted by the regulations of

the commission,

- (c) to print or publish or cause to be printed or published a catalogue or other notice or advertisement indicating a preference, limitation, specification, discrimination of an applicant for admission, or
- (d) to announce or follow a policy of denial or limitation through a quota or otherwise of educational opportunities of a group or its members.

(7) For an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesman;

(a) to refuse to engage in a real estate transaction with a person,

(b) to discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith,

(c) to refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person,

(d) to refuse to negotiate a real estate transaction with a person,

(e) to represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property,

(f) to print, circulate, post or mail or cause to be so published a statement, advertisement or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto, or

(g) to offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be

discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith.

(8) For a person to whom application is made for financial assistance in connection with a real estate transaction or for the construction, rehabilitation, repair, maintenance, or improvement of real property, or a representative of such a person;

(a) to discriminate against the applicant,

(b) to use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance which indicates directly or indirectly, an intent to make a limitation, specification, or discrimination.

(9) To insert in a written instrument relating to real property a provision which purports to forbid or restrict the conveyance, encumbrance, occupancy or lease thereof;

(10) For a person for the purpose of inducing a real estate transaction from which he may benefit financially;

(a) to represent that a change has occurred or will or may occur in the composition of the owners or occupants in the block, neighborhood, or area in which the real property is located, or

(b) to represent that this change will or may result in the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.

SECTION 10. (1) This act does not apply to a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by the corporation, association, or society of its religious activities.

(2) It is not a discriminatory practice;

(a) for an employer to employ an employee, or an

employment agency to classify or refer for employment an individual, for a labor organization to classify its membership or to classify or refer for employment an individual, or for an employer, labor organization, or joint labor-management committee controlling an apprenticeship or other training or retraining program, on the basis of his religion, sex, or national origin if religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise, or

(b) for a religious educational institution or an educational organization to limit employment or give preference to members of the same religion.

(3) This act does not apply to a private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities, privileges, advantages or accommodations of the establishment are made available to the customers or patrons of another establishment that is a place of public accommodation.

(4) Notwithstanding any other provisions of this act, it is not a discriminatory practice for;

(a) a religious educational institution or an educational institution operated, supervised, or controlled by a religious institution operated, supervised, or controlled by a religious institution or organization to limit admission or give preference to applicants of the same religion, or

(b) an educational institution to accept and administer an intervivos or testamentary gift upon the terms and conditions prescribed by the donor.

(5) The provisions of section 9 (7) do not apply;

(a) to the rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the lessor or a member of his family resides in one of the housing accommodations, or

(b) to the rental of a room or rooms in a housing accommodation by an individual if he or a member of his

family resides therein.

(6) It is not a discriminatory practice for a religious institution or organization or a charitable or educational organization operated, supervised or controlled by a religious institution or organization to give preference to members of the same religion in a real property transaction.

SECTION 11. (1) The commission is hereby authorized to institute injunction proceedings in the district court of competent jurisdiction, pursuant to the Idaho Rules of Civil Procedure, for cause shown, to restrain any person or persons from violating any provision of this act or of the provisions of chapter 73, title 18, Idaho Code, regardless of whether or not there exists an adequate remedy at law.

(2) Any person aggrieved by a violation of this act or of chapter 73, title 18, Idaho Code, shall be entitled to bring an action for damages in a court of competent jurisdiction against the person or persons who committed such violation. For a willful violation of this act, damages may include punitive damages not to exceed \$1,000.00 for each violation. The person so aggrieved by a violation of this act shall be entitled to join any injunction proceeding instituted by the commission under this section, to seek the damage relief provided by this section.

(3) Every person shall be guilty of a misdemeanor who violates any provision of section 9.

SECTION 12. The members of the commission, prosecuting attorneys, the attorney general and any personnel they employ or state employees they utilize and any member of a county advisory committee on human rights shall be immune from civil personal liability for any act performed or omitted in the course of carrying out the provisions of this act.

SECTION 13. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION 14. There is hereby appropriated from the general fund to the commission the sum of \$26,000 to pay the operating costs and expenses of the commission for the period July 1, 1969 to June 30, 1971.

Approved April 7, 1969.

CHAPTER 460

(S. B. No. 1386)

AN ACT

AMENDING SECTION 59-1302, IDAHO CODE, AS AMENDED BY SENATE BILL NO. 1097, AS AMENDED, FIRST REGULAR SESSION, FORTIETH LEGISLATURE, RELATING TO DEFINITIONS USED IN THE PUBLIC EMPLOYEES RETIREMENT ACT BY REQUIRING THAT AN ACTIVE MEMBER MUST BE AN EMPLOYEE WHO HAS COMPLETED AT LEAST TWELVE MONTHS OF SERVICE; AND AMENDING SECTION 59-1303, IDAHO CODE, AS AMENDED BY SENATE BILL NO. 1097, AS AMENDED, FIRST REGULAR SESSION, FORTIETH LEGISLATURE, RELATING TO CONTRIBUTIONS BY REQUIRING THAT CONTRIBUTIONS SHALL BEGIN AFTER ONE YEAR OF SERVICE.

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

SECTION 1. That Section 59-1302, Idaho Code, be, and the same is hereby amended to read as follows:

59-1302. DEFINITIONS.—(1) As used in this act, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context.

(2) "Active member" means any employee who has completed at least 12 months of service and who is neither receiving benefits under any other retirement system operated wholly or in part by an agency of the state or political subdivision nor establishing the right to receive benefits from any such retirement system, but an employee shall be an active member if otherwise eligible:

(a) in any case where the public employee retirement system has in existence an agreement with another retirement system pursuant to which such an employee is allowed membership rights;

(b) although a contingent annuitant under the optional retirement allowances as provided in this act or by any similar provision of any other retirement act;

(c) where an employee's remuneration is paid by 2 or more governmental units, provided that with respect of some portion of such remuneration the employee is not establishing the right to receive benefits from any other retirement system operated wholly or in part by an agency of the state or a political subdivision. The salaries from all such sources shall be combined and treated as though the salaries were paid from one source in accordance with rules of the board.

(3) "Accumulated contributions" means the sum of amounts contributed by a member of the system, together with regular interest credit thereon.

(4) "Actuarial equivalent" means a benefit equal in value to another benefit, when computed upon the basis of the actuarial tables in use by the system.

(5) "Actuarial tables" means such tables as shall have been adopted by the board in accordance with recommendations of the actuary.

(6) "Beneficiary" means the person who is nominated by the written designation of a member, duly executed and filed with the board, to receive the death benefit. Should no beneficiary be designated, his beneficiary shall be his surviving spouse, if any, otherwise his next of kin pursuant to the provisions of section 14-103, Idaho Code.

(7) "Calendar year" means 12 calendar months commencing on the first day of January.

(8) "Credited service" means the aggregate of membership service and prior service.

1969 Senate Bill No. 221

Statement of Purpose not available.

~~Committee~~ Bul Index of S.C. B. 115
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IN THE SENATE

SENATE AMENDMENTS TO SENATE BILL NO. 1221

AMENDMENT TO SECTION 4

1 On page 3 of the printed bill, in line 31, following the word and
2 character "president.", delete the remainder of line 31 and insert in lieu
3 thereof the following: "The director of the Economic Opportunity Office
4 for the state of Idaho shall serve as its secretary. Each member of the
5 commission shall be entitled to reimbursement of expenses incurred by him
6 in the performance of his duties in addition to such daily allowance as the
7 legislature may hereinafter provide."

AMENDMENTS TO SECTION 6

8
9 On page 4 of the printed bill, in line 6, following the number "(5)",
10 delete the remainder of line 6, all of lines 7 and 8, and insert in lieu thereof
11 the following: "The prosecuting attorneys of the several counties shall have
12 the duty of representing and shall appear for the commission in any court
13 and shall enforce the provisions of this act. If the prosecuting attorney
14 neglects or refuses to represent or appear for the commission or enforce the
15 provisions of this act, the attorney general may order him to do so or may
16 undertake the appearance, representation or enforcement himself;"

17 On page 4 of the printed bill, in line 14, following the word "hearings",
18 delete the word and character "on," and all of line 15, and insert in lieu
19 thereof the following: "and refer its findings and recommendations to the
20 prosecuting attorney;"

21 On page 4 of the printed bill, in line 16, delete all of subsection (9)
22 ending with line 20.

23 On page 4 of the printed bill, beginning in line 21, delete the number
24 "10" and insert in lieu thereof the number "9", and renumber subsections
25 11, 12 and 13 to read "10, 11 and 12".

AMENDMENT TO SECTION 11

26
27 On page 8 of the printed bill, in line 27, following the word and
28 number "SECTION 11." delete the remainder of Section 11 which includes
29 lines 27-40 on page 8, and lines 1-38 on page 9 and insert in lieu thereof
30 the following: "(1) The commission is hereby authorized to institute
31 injunction proceedings in the district court of competent jurisdiction,

1 pursuant to the Idaho Rules of Civil Procedure, for cause shown, to restrain
2 any person or persons from violating any provision of this act or of the
3 provisions of chapter 73, title 18, Idaho Code, regardless of whether or not
4 there exists an adequate remedy at law.

5 (2) Any person aggrieved by a violation of this act or of chapter 73,
6 title 18, Idaho Code, shall be entitled to bring an action for damages in a
7 court of competent jurisdiction against the person or persons who
8 committed such violation. For a willful violation of this act, damages may
9 include punitive damages not to exceed \$1,000.00 for each violation. The
10 person so aggrieved by a violation of this act shall be entitled to join any
11 injunction proceeding instituted by the commission under this section, to
12 seek the damage relief provided by this section.

13 (3) Every person shall be guilty of a misdemeanor who violates any
14 provision of section 9.”.

15 AMENDMENT TO SECTION 12

16 On page 9 of the printed bill, in line 39, following the word and
17 number “SECTION 12.”, delete the remainder of line 39 and all of line 40,
18 and on page 10, delete lines 1 through 4, and insert in lieu thereof the
19 following: “The members of the commission, prosecuting attorneys, the
20 attorney general and any personnel they employ or state employees they
21 utilize and any member of a county advisory committee on human rights
22 shall be immune from civil personal liability for any act performed or
23 omitted in the course of carrying out the provisions of this act.”.

24 AMENDMENT TO SECTION 13

25 On page 10 of the printed bill, in line 5, following the word and
26 number “SECTION 13.”, delete the remainder of line 5, and delete lines 6
27 through 17, and insert in lieu thereof the following: “If any provision of this
28 act or the application thereof to any person or circumstance is held invalid,
29 the invalidity does not affect other provisions or applications of the act
30 which can be given effect without the invalid provision or application, and to
31 this end the provisions of this act are severable.”.

32 AMENDMENT TO SECTION 14

33 On page 10 of the printed bill, in line 18, following the word and
34 number “SECTION 14.”, delete the remainder of line 18, and all of lines 19
35 through 23, and insert in lieu thereof the following: “There is hereby
36 appropriated from the general fund to the commission the sum of \$26,000
37 to pay the operating costs and expenses of the commission for the period
38 July 1, 1969 to June 30, 1971.”.

39 AMENDMENT TO THE BILL

40 On page 10 of the printed bill, beginning with line 24, delete all of lines

1 24 through 40 on page 10, lines 1 through 40 on page 11, and lines 1
2 through 31 on page 12.

3

4

CORRECTION TO TITLE

5 On page 1 of the printed bill, in line 17, following the words
6 "PROVIDING FOR", delete the remainder of line 17 and all of lines 18, 19,
7 20, 21, 22, 23, 24, 25 and that portion of line 26 ending with the words
8 "INTO CONTRACTS", and insert in lieu thereof the following: "CIVIL,
9 INJUNCTIVE AND CRIMINAL REMEDIES; PROVIDING FOR
10 IMMUNITY OF COMMISSION MEMBERS FROM SUIT".

S1205		
S1206		
S1207		
S1208		
S1209		
S1210		
S1211		
S1212		House Ag Aff 3/13/69
S1213		
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S1218		
S1219		House Educ 3/12/69
S1220		House Co/Mun 3/4/69, 3/6/69
S1221		House St Aff 3/17/69, 3/19/69, 3/22/69
S1222		House Rev/Tax 3/7/69
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S1234		
S1235		

MINUTES

STATE AFFAIRS COMMITTEE

State Affairs met Monday, March 17, at 4:45 p.m., Caucus Room (1969)

ROLL CALL: Present - Chairman Koch, Snow, Chatburn, Claiborn, Lincoln, Fogg,
Danielson, Murphy, Molyneaux, Pino, McDermott and Hammond
Absent - Little and Litton

DISCUSSION: The chairman called the meeting to order and brought SB 1305 before
SB 1305 committee. He said the Red Tag Act authorizes the Commissioner of
Labor to inspect for unsafe and unsanitary conditions. If unsafe
conditions are found, a red tag is attached.

Mr. Koch read from testimony given in the Senate by Mr. William R. Robison, Commissioner of Labor, which stated the primary purpose of the bill is to prevent workmen from working in unsafe places and under unsafe conditions. Approximately 2500 workmen receive reportable injuries in this state each month, and of these injuries, many result in permanent disabilities, and approximately 80 are either killed or die as a result of the accident. Most of these injuries can and should be prevented. Investigations disclose that in practically all cases the injury resulted either from a violation of the state safety code or a violation of an approved safety practice. Under the present provisions, should our safety engineers find an extremely dangerous situation that could result in immediate death or serious injury, they have no authority to require immediate correction. As a matter of fact, they have three days before doing anything, and then they may apply for a hearing. Provisions should be made for either the removal of the workmen or immediate correction. Frequently field men also run into unsafe conditions and recommendations are given to the foreman or supervisor on the job. Most of the responsible employers promptly comply with these recommendations. However, some of the less responsible, or the foremen or supervisors on the job, fail or refuse to comply. This bill will require the employer to comply with reasonable recommendations, and in the case of extremely dangerous situations, will require removal of the workmen.

Mr. Molyneaux spoke of the necessity for this legislation, which he said would give the Commissioner of Labor some authority, and would be a great thing for safety in the state of Idaho.

Mr. Murphy said HB 75 pertaining to mine inspection had something similar to this. He said this legislation would be good protection for people -- the least an employer can give to his employees is a safe place to work.

The chairman read a letter from Mr. Robison, which stated there are 39 states with laws on their books similar to the so-called Red Tag Law.

MOTION:
SB 1305

Mr. Pino moved SB 1305 be returned to the desk with a DO PASS recommendation. Mr. Molyneaux seconded.

Mr. Snow asked why the word "deputy" was changed to representative, and Miss McDermott said she didn't know, but would assume since presently there isn't any individual with the title of Deputy Labor Commissioner, these inspectors are the Labor Commissioner's representatives.

The chairman then read a letter from W. M. Bell, Assistant Director of the Workmen's Compensation Board, which said in part "We have found over the years that the actual posting of the tag does not exceed over 7 or 8 a year, as once the employer realizes that a portion of his operation may be suspended, we generally secure compliance with the safety orders."

The motion passed unanimously, and Mr. Pino agreed to carry the bill on the floor.

MOTION:
SB 1221

Civil Rights legislation -- Mr. Chatburn said inasmuch as the committee did not have the amendments, he would move to hold SB 1221 until such time as the committee can see the amendments as well as the bill. Mr. Claiborn seconded, and the vote in favor was unanimous.

No. 1049:

The chairman called on Mr. Snow in regard to the proposed concurrent resolution he had been asked to have drawn authorizing and directing a Legislative Council study of the distribution of liquor profits. Mr. Snow reported that Myran Schlechte of the Council had indicated such a study was not needed.

MOTION:

Subsequent committee discussion caused Mr. Snow to state it seemed as if the study were needed, and he moved introduction of the concurrent resolution. Miss McDermott seconded, and the vote in favor was unanimous. Mr. Snow agreed to sponsor the resolution.


CHAIRMAN


SECRETARY

MINUTES

STATE AFFAIRS COMMITTEE

State Affairs met at 2:30 p.m., Wednesday, March 19, 1969, Caucus Room

Jerry Schifferdecker sat in on the meeting

ROLL CALL: Present - Chairman Koch, Snow, Chatburn, Lincoln, Fogg, Danielson, Murphy, Molyneaux, Litton, Pino, McDermott and Hammond

Absent - Claiborn, Little

SB 1221:

Idaho anti-discrimination act -- The chairman called the meeting to order and brought SB 1221, as amended, before committee.

MOTION:

Miss McDermott said as amended, SB 1221 is still not a very strong bill, and testimony at the public hearing showed there is a problem of discrimination in the state. She moved SB 1221 be returned to the desk with the recommendation DO PASS. Mr. Pino seconded.

Mr. Lincoln asked if the bill empowered the Commission to spend certain monies and where do these monies come from, and Mr. Molyneaux asked where in the bill is anything provided for daily allowance.

Miss McDermott said she wasn't sure, but understood this was a compromise between the so-called Batt bill and the Governor's bill, with the idea that at this time no daily allowance would be specified, and a section could be added later on.

The chairman pointed out the bill carries an appropriation to pay for the operating costs and expenses of the Commission. He read from a letter from the National Association for the Advancement of Colored People which stated objection that the \$26,000 provided in the bill was not enough, and to the fact that the director of another state agency was named to administer the provisions of the bill -- "Considering these issues, the Boise Branch NAACP voted last night to request passage of SB 1221 without these amendments, in order that a full time commission and its executive secretary be properly funded. Travel, per diem and housekeeping expense must be met on a reasonable basis in order to conduct appropriate field inquiries." Mr. Koch said the letter had been followed by a call saying that wasn't what was meant -- they would rather not have the amendments, but would hopefully take this bill as better than nothing.

Mr. Hammond asked if SB 1221 isn't put on general orders and some provision made for daily allowance, what would be the procedure for collecting the \$26,000. Mr. Molyneaux said only actual expenses could be drawn -- no daily allowance could be gotten.

The chairman brought up a suggested amendment which had been given him by the telephone company that their New York office thought should be added.

Miss McDermott said she would be very hesitant to put the bill on general orders so late in the session.

The chairman stated any amendment could be interpreted as trying to kill the bill, but if the committee wishes, Mr. Wilbur Davis could be brought in to talk about the amendment.

Mr. Davis was brought before committee and testified this was brought to the telephone company's attention by the pension people in New York after the bill had already been amended in the Senate, and Sen. Batt advised him to take the amendment to the House for consideration. He stated the proposed amendment reads "Nothing contained herein shall be construed to prevent the termination of employment of any person who is physically unable to perform his duties or to affect the retirement policy or system of any employer where such policy or system is not merely a subterfuge to evade the purposes of this Act; nor shall anything herein be deemed to preclude the varying of insurance coverages according to the employee's age." Mr. Davis said pension and insurance plans are affected, and his company allows a female employee to be granted a pension at 55, whereas a man can only receive the same consideration at age 60.

Mr. Murphy asked if they were now under the federal code, and would the federal or Idaho code control, and Mr. Davis answered affirmatively, and said probably the federal code would control. He said they wanted to prevent any idea of suit, and this would absolve the company from any defense.

Mr. Murphy asked what section of the bill before committee was proposed to be amended. Mr. Davis said Section 10, and the proposal would follow subsection 6, to be subsection 7. When Miss McDermott suggested it would appear that Section 9 would be more appropriate for the amendment, as Section 10 is applicable to religious corporations, Mr. Davis agreed.

Mr. Pino asked if the bill were not amended, would it really have any great effect on Mr. Davis's company, since it is covered under the federal statute and is in interstate commerce, and Mr. Davis stated again it would relieve the company of any possibility of suit under the Idaho law. It would have to be corrected later, if it cannot be done at this time. Miss McDermott asked if in view of the lateness of the session could it be lived with until the Legislature came back next time, and Mr. Davis said they could live with it if the committee didn't desire to take action now.

Mr. Molyneaux asked if the company retirement plan wasn't part of a contractual agreement between the company and those with whom they bargained, and Mr. Davis said the company's own employees could take it into Court under this law -- there is a question of discrimination -- the amendment would clarify the bill.

Mr. Molyneaux stated that if the retirement plan is part of a contractual agreement, it would have nothing to do with this law -- it would be whatever was agreed to in the union contract. Mr. Davis said not entirely -- in talking about a disgruntled employee, something is needed by which the company can be defended by law. He said the particular section he was asking to have in the Idaho law is in the federal law -- the intent is the same, although the wording is different.

Mr. Lincoln asked the chairman if any appropriation has been considered by the Appropriations committee, and Mr. Koch said he had been advised earlier by Mr. Agee, who is a member, that this amount has not been considered. He added the bill, of course, does carry an appropriation with it, and pointed out it is not impossible to pass a bill of this type on the floor, but the committee, in effect, is acting without the counsel of the Appropriations committee.

Mr. Fogg asked if this bill should go to Appropriations first, and Mr. Koch said that is a decision for the committee to make.

Mr. Snow said he would like to know whether this appropriation is included in the total picture.

SUBSTITUTE
MOTION:

Mr. Lincoln made the substitute motion SB 1221 be referred to the Appropriations committee. Mr. Fogg seconded.

Mr. Pino said the history of the bill showed it had already been in the Finance committee, and he didn't see it served any purpose to send it back there.

Mr. Molyneaux said the amendments carry the appropriation. If the bill passes, the money would be appropriated automatically.

Miss McDermott questioned sending the bill to Appropriations as it would automatically kill it, and Mr. Lincoln said in his opinion it wouldn't automatically kill the bill if it went to the Appropriations committee -- if the members have to consider the appropriation, they should have the bill.

Mr. Snow stated that with the appropriations bills hung up on the calendar, there is a pretty good possibility this would be slowed up quite a little by referral there.

AMENDMENT TO
SUBSTITUTE
MOTION:

Miss McDermott moved the bill be held until someone from the Appropriations and Finance committees could be contacted. Mr. Pino seconded. The vote in favor was unanimous.

Mr. Koch asked if the committee would allow him to designate someone to do so, and Mr. Snow said the question should be asked if this is being figured in the total.

Mr. Hammond asked if the information could be gotten quickly, and the chairman said it would be a matter of going over to the Senate and getting Mr. Palmer out of committee. Mr. Koch and Mr. Lincoln left for the Senate, and Mr. Snow took over the meeting.

SB Nos. 1299
and 1308

Senate Bills 1299 and 1308 were put before committee, which Mr. M. D. Gregersen of the Occupational License Bureau had asked be considered as companion bills.

Mr. Fogg said a similar proposal to SB 1299, which increases occupational license fees for cosmetologists and embalmers, had been in Health and Welfare, and had not been brought out.

MOTION:
SB 1299

Mr. Snow moved SB 1299 be returned to the desk with the recommendation it be referred to Health and Welfare. Mr. Pino seconded, and the vote in favor was unanimous.

In re SB 1308, Mr. Pino pointed out the reference to osteopaths might be in conflict with HB 187, which had passed, and following discussion of the bill, Mr. Koch asked if it would be the desire of the committee to get the director of the Occupational License Bureau in to explain it more fully. Mr. Pino requested this be done, with Miss McDermott suggesting he be asked about the osteopath situation.

The chairman and Mr. Lincoln had returned, and Mr. Lincoln reported they had been informed the figure was not taken into account in

the overall total -- As of now it wasn't figured in the overall budget figure on which they are working.

MOTION:
SB 1221

Mr. Snow moved that SB 1221 be returned to the desk with the recommendation it be referred to the Appropriations committee. Mr. Lincoln seconded, and the vote in favor was unanimous.

The chairman announced a second meeting to hear Mr. Gregersen immediately on adjournment of the House, and the committee meeting adjourned at 3:45 p.m.


CHAIRMAN


SECRETARY

MINUTES

STATE AFFAIRS COMMITTEE

State Affairs Meeting called at 11:40 a.m., Saturday, March 22, 1969, Caucus Room

ROLL CALL: Present - Chairman Koch, Murphy, Molyneaux, Litton, Pino, McDermott

Absent - Snow, Chatburn, Claiborn, Little, Lincoln, Fogg, Danielson and Hammond

The chairman announced there being no quorum, the committee could not be constituted.

Miss McDermott asked that the record show Mr. Hammond's absence excused by virtue of a death in his family.

State Affairs met Saturday, March 22, 1969, at 2:30 p.m., Caucus Room

ROLL CALL: All members present, except Mr. Hammond, excused because of a death in the family

SB 1221: Idaho anti-discrimination act -- The chairman brought SB 1221 before committee for consideration for recommendation.

MOTION: Mr. Murphy stated the bill had been studied and discussed, and therefore he would move it be returned to the desk with the recommendation DO PASS. Miss McDermott seconded.

MOTION: Mr. Little moved the committee be in executive session. Mr. Claiborn seconded, and the chairman ruled the "ayes" prevailed on a vote of the motion.

Members of the press left the meeting.

A roll call vote was taken on the motion to return SB 1221 to the desk with the recommendation DO PASS. The motion carried with the Reps. Snow, Lincoln, Murphy, Molyneaux, Litton, Pino and McDermott voting "yes", and the Reps. Claiborn, Little, Fogg and Danielson voting "no". Mr. Chatburn passed.

SB 1226: Prohibits salaries of non-elected officials and employees to exceed \$12,000 without specific legislative appropriation -- Mr. Chatburn asked that SB 1226 be considered by committee, saying there are 400 salaries between \$12,000 and \$15,000 and 218 salaries above \$15,000. He said the bill would enable members of the Legislature to know what area these salaries are in, and it wouldn't prevent an agency from requesting any amount it wanted to request -- the only thing is they would have to list salaries.

MOTION: Mr. Murphy said in order to have a motion before committee, he would move the bill be HELD indefinitely. Miss McDermott seconded. Mr. Murphy then spoke to his motion, saying if the Legislature gets into this area, funding will become a matter of dogfighting, nit-picking, etc., and the executive branch will be stopped from carrying out its duty.

Miss McDermott pointed out the Constitution vests to the trustees of the University of Idaho or the Board of Regents the authority to handle all funding, so this bill couldn't possibly apply to the University. She stated "We have enough trouble getting the Senate in gear, and if we get involved in something like this, we would be here 10 months out of the year." Miss McDermott added that technically the bill as drawn is defective.

Mr. Snow said schools have to have the authority to set salaries -- if this bill would become law, they would probably lose accreditation. Educators say this would be a very dangerous thing for all schools perhaps in danger of accreditation. The University of Idaho would not be affected because of the Constitutional clause.

Mr. Chatburn said the bill wouldn't be setting salaries, but would require agencies in their requests to line item those salaries they were going to pay above \$12,000 so members of the Legislature could open budget books and see there are "x" number of directors at so much money. He said he could not see it would run afoul of any law.

Mr. Pino then read the bill aloud to committee, and stated the way he interpreted it, for every position in the state of Idaho with a salary above \$12,000 a specific appropriation bill would have to be drawn and passed, and would make a political football out of these appointments.

Mr. Molyneaux said the Legislature might have to be here year around, because some of these salaries have to be negotiated in order to determine at what salary some people could be hired.

Mr. Chatburn said he still contended this wouldn't be setting a salary of any employee in the state of Idaho. This would cause the agency to put in its budget "x" number of dollars it wanted to go to any employee over \$12,000. They could hire for less than that, but they couldn't hire for more.

Mr. Lincoln asked Mr. Chatburn about the aforementioned information -- isn't it available upon request to the Legislature at the present time? Mr. Chatburn said yes and no -- it is pretty hard, mighty hard, to ferret out.

The motion to HOLD SB 1226 indefinitely was put to a vote and carried unanimously.


CHAIRMAN


SECRETARY

SENATE INDEX

Senate Bill No.	Introduced By	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1218	Judiciary & Legislative Administration Committee	Held in House Committee	Authorizing cooperative organizations to cause the arrest of persons accused of cruelty to animals or children.....	135	212	364
1219	Education & Educational Institutions Committee	Law	Authorizing junior colleges to share in money from permanent building fund.....	137 196	218	336
1220	State Affairs Committee	Law	Providing method for contesting results of bond elections.....	137	166	283
1221	State Affairs Committee	Law	Creating an Idaho Commission on Human Rights and providing powers and duties.....	147 232	244	367
1222	Local Government and Taxation Committee	Law	Providing that in the event of sale by county commissioners of property acquired by tax deed, the advertising and selling costs shall be reimbursed before proceeds are distributed.....	147	188	283
1223	Transportation & Defense Committee	Law	Changing name of County Waterway Funds to County Boat License Funds.....	147	174	283
1224	Transportation & Defense Committee	Law	Providing for use of certain special road levy money for emergency purposes.....	147	214	316
1225	Business Committee	Held in Senate Committee	Exempting certain classes of lenders from maximum interest rate law.....	147	—	161
1226	State Affairs Committee	Held in House Committee	Providing for legislative authorization of salaries of state employees in excess of \$12,000 a year.....	147	223	364
1227	Business Committee	Held in Senate Committee	Exempting from unemployment insurance, farm workers hired by employer whose annual payroll is under \$1,000.00.....	149	—	161
1228	Local Government	Lost in House	Increasing from five to six the number of air regions..	149	188	259
1229	Judiciary & Legislative Administration Committee	Held in Senate Committee	Repealing law which requires introduction of appropriation bills by 45th day of legislative session.....	152	—	364
1230	Judiciary & Legislative Administration Committee	Held on House Calendar	Making commission of burglary by armed person burglary in first degree.....	152 275	324	364
1231	Judiciary & Legislative Administration Committee	Law	Removing restriction on making arrest without warrant under certain conditions.....	152	219	336
1232	Industry, Labor & Economic Development Committee	Law	Prohibiting discrimination among employees on basis of sex.....	152	200	336
1233	Business Committee	Law	Broadening the area of insurance for county mutual insurance companies.....	154	186	283
1234	Fish & Game & Recreation Committee	Held in House Committee	Making Rainbow trout the official state fish.....	154	176	364
1235	Finance Committee	Held in Senate Committee	Making deficiency appropriation of \$10,393 from the general fund for the Department of Parks for payment for land in Hagerman Fossil Horse Quarry.....	154	—	187
1236	Agriculture & Livestock Committee	Law	Providing for a provisional license for a veterinarian from out of state.....	154	194	316
1237	Fish & Game & Recreation Committee	Law	Revising law dealing with non-resident fishing and hunting licenses.....	154	176	316
1238	Public Health & Welfare Committee	Held in Senate Committee	Redefining child-care facilities under licensing act....	156	—	166
1239	Transportation & Defense Committee	Held in House Committee	Exempting from motor vehicle registration act cars operated and controlled by governmental unit.....	156	218	364
1240	Transportation & Defense Committee	Law	Giving state immediate possession of property involved in condemnation proceedings.....	157	202	316
1241	Transportation & Defense Committee	Held in Senate Committee	Providing for licensing of snowmobiles.....	157	—	220
1242	Local Government & Taxation Committee	Law	Increasing from 20 to 30 years the period for issuance of municipal bonds.....	157	231	316

WHEREAS, the range livestock industry is dependent upon such public lands for grazing; and

WHEREAS, the proposed increased grazing fees upon such public lands shall cause great economic hardship and business failures within such range livestock industry.

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring, that we most respectfully request that the Congress of the United States direct and require the Department of Agriculture and the Department of Interior to hold in abeyance all increases in the rates to be charged as grazing fees upon the public lands until such time as Congress has had sufficient time to study and review the final report of the Public Land Law Review Commission.

BE IT FURTHER RESOLVED, that the Clerk of the House of Representatives be, and he is hereby authorized and directed to forward copies of this Memorial to the leadership of the Senate and House of Representatives of the United States, and to the members of the Idaho Congressional Delegation.

The President ordered H.J.M. 3 held at the desk for one legislative day.

Introduction, First Reading and Reference of Bills

S. 1221

By STATE AFFAIRS COMMITTEE

AN ACT

Providing a statement of purpose for an Idaho Anti-Discrimination Act; providing definitions defining Commission, Commissioner, discriminatory practice, national origin, person, employer, employment agency, labor organization, place of public accommodation, educational institution, real property, real estate transaction, housing accommodation, real estate broker or salesman; providing for the creation of an Idaho Commission on Human Rights; providing for officers and secretary; providing for the duties of the secretary; providing for the powers and duties of the Commission; providing for County Advisory Committees on Human Rights; providing for powers and duties of County Advisory Committees; providing for prohibited acts; providing for exemptions; providing for procedures for complaints and Commission action upon complaints; providing for injunctions; providing for notice; providing for findings of fact; conclusions of law and orders to be issued by the Commission; providing for enforcement of orders; providing for penalty for interference with Commission; providing for licensing agencies to revoke or suspend licenses; providing for contracting agencies to terminate or refrain from entering into contracts; providing for severability.

S. 1222

By LOCAL GOVERNMENT AND TAXATION COMMITTEE AN ACT

Amending Section 31-808, Idaho Code, relating to sale of property by County Commissioners and distribution of the proceeds, providing that in the event of the sale of property acquired by a tax deed, the advertising and selling costs shall first be reimbursed to the County before distributing the net proceeds among the taxing districts, and providing that in the event property is sold by the County on contract that the deferred balance shall draw interest at the rate of eight per cent (8%) per annum.

S. 1223

By TRANSPORTATION AND DEFENSE COMMITTEE AN ACT

Amending Section 49-221, Idaho Code, by changing the name of "Waterways Fund" to "County Boat License Fund"; amending Section 49-224, Idaho Code, by changing the name of "Waterways Fund" to "County Boat License Fund".

S. 1224

By TRANSPORTATION AND DEFENSE COMMITTEE AN ACT

Amending Section 40-2709, Idaho Code, relating to tax levies for road and highway purposes, by providing that the special levy for matching state and federal road funds, acquiring rights of way for county secondary highways, and for construction, fencing and engineering costs in connection with secondary highways may also be used for maintenance during an emergency; and declaring an emergency.

S. 1225

By BUSINESS COMMITTEE AN ACT

Amending Section 28-22-105, Idaho Code, relating to maximum rate of interest, by providing that the specified maximum rate of interest shall not apply to: any bank organized and operating under the Laws of the State of Idaho or of the United States, Savings and Loan Associations organized and operating under the provisions of Chapters 18 and 19, Title 26, Idaho Code, insurance companies authorized to and doing business in Idaho pursuant to Title 4, Idaho Code, mortgage loan corporations qualified to do business in Idaho and engaged in the business of making and servicing mortgage loans, production credit associations organized and operating under and pursuant to an Act of Congress, as amended, entitled "Federal Farm Loan Act", which classes of lenders are permitted to contract in writing with the borrower for the payment of any rate of interest or discount charge whatever; repealing Sections 28-22-108 through 28-22-111, inclusive, Idaho Code; providing for severability; and declaring an emergency.

S. 1226

By STATE AFFAIRS COMMITTEE AN ACT

Prohibiting salaries of non-elected officials and employees to exceed twelve thousand dollars a year without specific legislative appropriation.

S. 1221, S. 1222, S. 1223, S. 1224, S. 1225 and S. 1226 were introduced, read the first time at length and referred to the Judiciary and Legislative Administration Committee for printing.

H. 85, by Revenue and Taxation Committee, was introduced, read the first time at length and referred to the Local Government and Taxation Committee.

H. 192, by Ways and Means Committee, was introduced, read the first time at length and referred to the Transportation and Defense Committee.

H. 90, by Agricultural Affairs Committee, was introduced, read the first time at length and referred to the Agriculture and Livestock Committee.

H. 219, by Health and Welfare Committee, was introduced, read the first time at length and referred to the Public Health and Welfare Committee.

H. 194, by Health and Welfare Committee, was introduced, read the first time at length and referred to the Public Health and Welfare Committee.

Second Reading of Bills

S. 1167, by Local Government and Taxation Committee, was read the second time at length and filed for third reading.

S. 1185, S. 1186 and H. 188, by Transportation and Defense Committee, were read the second time at length and filed for third reading.

S. 1196, by Public Health and Welfare Committee, was read the second time at length and filed for third reading.

H. 187, by Health and Welfare Committee, was read the second time at length and filed for third reading.

S. 1296 was read the third time at length, section by section and placed before the Senate for final consideration, the question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Barker, Batt, Bilyeu, Bivens, Brooks, Budge, Egbert, Ellsworth (20), Ellsworth (30), Fredericksen, Kidwell, Klein, McAteer, Mix, Murphy, Preston, Rigby, Rowett, Solberg, Stoicheff, Swenson, Webster, Williams. Total—24.

NAYS—None.

Absent and excused—Andrus, Bagley, Brassey, Brown, Crutcher, Evans, High, Manley, Sandberg, Summers, Yarbrough. Total—11.

Total—35.

Whereupon the President declared the bill passed.

Title was approved and the bill ordered transmitted to the House.

S.J.R. 112 was read the third time at length, section by section and placed before the Senate for final consideration, the question being, "Shall the motion pass?"

Roll call resulted as follows:

AYES—Andreason, Andrus, Bagley, Barker, Bilyeu, Bivens, Budge, Egbert, Ellsworth (20), Ellsworth (30), Fredericksen, High, Kidwell, Klein, Manley, McAteer, Mix, Murphy, Rigby, Rowett, Sandberg, Solberg, Stoicheff, Swenson, Webster, Williams. Total—26.

NAYS—None.

Absent and excused—Batt, Brassey, Brooks, Brown, Crutcher, Evans, Preston, Summers, Yarbrough. Total—9.

Total—35.

More than two-thirds having voted in the affirmative the President declared the Resolution adopted.

Title was approved and the Resolution ordered transmitted to the House.

S. 1022, as amended, was read the third time at length, section by section and placed before the Senate for final consideration, the question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andrus, Bagley, Barker, Batt, Bilyeu, Bivens, Brooks, Brown, Budge, Ellsworth (20), Ellsworth (30), Evans, Kidwell, Klein, McAteer, Mix, Murphy, Rigby, Rowett, Stoicheff, Swenson, Webster. Total—22.

NAYS—None.

Absent and excused—Andreason, Brassey, Crutcher, Egbert, Fredericksen, High, Manley, Preston, Sandberg, Solberg, Summers, Williams, Yarbrough. Total—13.

Total—35.

Whereupon the President declared the bill passed.

Title was approved and the bill ordered transmitted to the House.

H. 223 was read the third time at length, section by section and placed before the Senate for final consideration, the question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES — Andrus, Bagley, Bivens, Brooks, Brown, Ellsworth (20), Ellsworth (30), Evans, Kidwell, Klein, Murphy, Preston, Rigby, Rowett, Stoicheff, Swenson, Webster. Total—17.

NAYS — Budge, McAteer, Mix. Total—3.

Absent and excused — Andreason, Barker, Batt, Bilyeu, Brassey, Crutcher, Egbert, Fredericksen, High, Manley, Sandberg, Solberg, Summers, Williams, Yarbrough. Total—15.

Total—35.

Whereupon the President declared the bill passed.

Title was approved and the bill ordered returned to the House.

Consideration of General Calendar

The President declared the Senate recessed and called Senator Bivens to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Bivens, Chairman of the Committee of the Whole, reported out S. 1221, S. 1209, S. 1085, H. 123 and H. 98, without recommendation, amended as follows:

SENATE AMENDMENTS TO S. 1221

AMENDMENT TO SECTION 4

On page 3 of the printed bill, in line 31, following the word and character "president," delete the remainder of line 31 and insert in lieu thereof the following: "The director of the Economic Opportunity Office for the state of Idaho shall serve as its secretary. Each member of the commission shall be entitled to reimbursement of expenses incurred by him in the performance of his duties in addition to such daily allowance as the legislature may hereinafter provide."

AMENDMENTS TO SECTION 6

On page 4 of the printed bill, in line 6, following the number "(5)", delete the remainder of line 6, all of lines 7 and 8, and insert in lieu thereof the following: "The prosecuting attorneys of the several counties shall have the duty of representing and shall appear for the commission in any court and shall enforce the provisions of this act. If the prosecuting attorney neglects or refuses to represent or appear for the commission or enforce the provisions of this act, the attorney general may order him to do so or may undertake the appearance, representation or enforcement himself;"

On page 4 of the printed bill, in line 14, following the word "hearings", delete the word and character "on," and all of line 15, and insert in lieu thereof the following: "and refer its findings and recommendations to the prosecuting attorney;"

On page 4 of the printed bill, in line 16, delete all of subsection (9) ending with line 20.

On page 4 of the printed bill, beginning in line 21, delete the number "10" and insert in lieu thereof the number "9", and renumber subsections 11, 12 and 13 to read "10, 11 and 12".

AMENDMENT TO SECTION 11

On page 8 of the printed bill, in line 27, following the word and number "SECTION 11," delete the remainder of Section 11 which includes lines 27-40 on page 8, and lines 1-38 on page 9 and insert in lieu thereof the following: "(1) The commission is hereby authorized to institute injunction proceedings in the district court of competent jurisdiction, pursuant to the Idaho Rules of Civil Procedure, for cause shown, to restrain any person or persons from violating any provision of this act or of the provisions of chapter 73, title 18, Idaho Code, regardless of whether or not there exists an adequate remedy at law.

(2) Any person aggrieved by a violation of this act or of chapter 73, title 18, Idaho Code, shall be entitled to bring an action for damages in a court of competent jurisdiction against the person or persons who committed such violation. For a willful violation of this act, damages may include punitive damages not to exceed \$1,000.00 for each violation. The person so aggrieved by a violation of this act shall be entitled to join any injunction proceeding instituted by the commission under this section, to seek the damage relief provided by this section.

Moved by Senator Batt.

Seconded by Senator Rigby.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES — Andreason, Andrus, Bagley, Barker, Batt, Bilyeu, Bivens, Brassey, Brooks, Brown, Crutcher, Ellsworth (20), Ellsworth (30), Evans, Fredericksen, High, Kidwell, Klein, Manley, McAteer, Mix, Murphy, Preston, Rigby, Rowett, Sandberg, Solberg, Stoicheff, Summers, Swenson, Webster, Williams, Yarbrough. Total—33.

NAYS — None.

Absent and excused — Budge, Egbert. Total—2.

Total—35.

More than two-thirds having voted in the affirmative the President declared the rules suspended.

S. 1221, as amended, was read the first time by title, second time by title and the third time at length, section by section and placed before the Senate for final consideration, the question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES — Andreason, Andrus, Bagley, Barker, Batt, Bilyeu, Bivens, Brassey, Brooks, Brown, Crutcher, Ellsworth (20), Ellsworth (30), Evans, Fredericksen, High, Kidwell, Klein, Manley, McAteer, Mix, Murphy, Preston, Rigby, Rowett, Sandberg, Solberg, Stoicheff, Summers, Swenson, Webster, Williams, Yarbrough. Total—33.

NAYS — None.

Absent and excused — Budge, Egbert. Total—2.

Total—35.

Whereupon the President declared the bill passed.

Title was approved and the bill ordered transmitted to the House.

Third Reading of Bills

On request by Senator High, granted by unanimous consent, S. 1289, S. 1290, S. 1291, S. 1292, S. 1293 and S. 1294 retained their place on the Third Reading Calendar for one legislative day.

On request by Senator Summers, granted by unanimous consent, S. 1314 retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Andrus, granted by unanimous consent, S. 1078 retained its place on the Third Reading Calendar for one legislative day.

H. 239 was read the third time at length, section by section and placed before the Senate for final consideration, the question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES — Andreason, Andrus, Bagley, Barker, Batt, Bilyeu, Bivens, Brassey, Brooks, Crutcher, Ellsworth (30), Evans, Fredericksen, High, Kidwell, Klein, Mix, Murphy, Preston, Rigby, Rowett, Sandberg, Solberg, Stoicheff, Summers, Webster, Williams, Yarbrough. Total—28.

NAYS — None.

Absent and excused — Brooks, Budge, Egbert, Ellsworth (20), Manley, McAteer, Swenson. Total—7.

Total—35.

Whereupon the President declared the bill passed.

Title was approved and the bill ordered returned to the House.

S. 1187, as amended, was read the third time at length, section by section and placed before the Senate for final consideration, the question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES — Andreason, Andrus, Bagley, Barker, Batt, Bilyeu, Bivens, Brassey, Brown, Budge, Crutcher, Ellsworth (20), Ellsworth (30), Evans, Fredericksen, High, Kidwell, Klein, Manley, McAteer, Mix, Murphy, Preston, Rigby, Rowett, Sandberg, Solberg, Stoicheff, Summers, Swenson, Webster, Williams, Yarbrough. Total—33.

NAYS — None.

Absent and excused — Brooks, Egbert. Total—2.

Total—35.

Whereupon the President declared the bill passed.

Title was approved and the bill ordered transmitted to the House.

Miscellaneous Business

On motion by Senator Batt, seconded by Senator Evans, the Senate recessed until 1:30 o'clock p.m. of this day.

RECESS

Afternoon Session

The Senate reconvened at 1:30 o'clock p.m., pursuant to recess, President Murphy presiding.

Roll call showed all members present except Senator Egbert, excused.

Prior to recess the Senate was at the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Ellsworth (20), granted by unanimous consent, S. 1186, as amended, was placed at the foot of the Third Reading Calendar.

On request by Senator Bagley, granted by unanimous consent, H. 267, as amended, retained its place on the Third Reading Calendar.

On request by Senator Rowett, granted by unanimous consent, S. 1303 retained its place on the Third Reading Calendar.

On request by Senator Brown, granted by unanimous consent, S. 1301 was placed before the Senate for consideration at this time.

S. 1301 was read the third time at length, section by section and placed before the Senate for final consideration, the question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Andrus, Bagley, Bilyeu, Brown, Budge, Ellsworth (30), Fredericksen, High, Kidwell, Klein, Manley, McAteer, Mix, Preston, Rowett, Sandberg, Solberg, Stoicheff, Swenson, Williams. Total—20.

NAYS—None.

Absent and excused — Andrus, Barker, Batt, Bivens, Brassey, Brooks, Crutcher, Egbert, Ellsworth (20), Evans, Murphy, Rigby, Summers, Webster, Yarbrough. Total—15.

Total—35.

Whereupon the President declared the bill passed.

Title was approved and the bill ordered transmitted to the House.

S. 1305 was read the third time at length, section by section and placed before the Senate for final consideration, the question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Andrus, Bagley, Barker, Batt, Bilyeu, Bivens, Brassey, Brooks, Brown, Budge, Crutcher, Ellsworth (20), Ellsworth (30), Evans, Fredericksen, High, Kidwell, Klein, Manley, McAteer, Mix, Murphy, Preston, Rigby, Rowett, Sandberg, Solberg, Stoicheff, Summers, Swenson, Webster, Williams Yarbrough, Total—34.

tion of these functions in order to improve services at less cost.

This bill perpetuates the status quo. Therefore, I cannot lend my support to it.

Sincerely,
/s/ DON SAMUELSON
Governor

April 8, 1969.

Honorable Jack M. Murphy
President of the Senate
Senate Chambers
BUILDING

Dear Mr. President:

I have the honor to inform you I have signed and have transmitted to the Secretary of State the following Senate bills, to wit:

Senate Bill 1387
Senate Bill 1263 as amended
Senate Bill 1221 as amended
Senate Bill 1386
Senate Bill 1197
Senate Bill 1170
Senate Bill 1179
Senate Bill 1308 as amended in the House
Senate Bill 1375 as amended
Senate Bill 1036 as amended in the House
Senate Bill 1188 as amended in the House,
as amended

Sincerely,
/s/ DON SAMUELSON
Governor

STATE OF IDAHO
Office of the Governor
BOISE

April 8, 1969.

Honorable Jack M. Murphy
President of the Senate
Senate Chambers
BUILDING

Dear Mr. President:

I have the honor to inform you I have forwarded to the Secretary of State, without my approval, disapproved and vetoed

SENATE BILL 1260
By: JUDICIARY AND LEGISLATIVE
ADMINISTRATION

within the time limited therefor by law, the Senate in its adjournment having prevented bills from being returned to that body.

Senate Bill 1260 makes it a felony with possible imprisonment up to ten years upon conviction of a person who "maliciously displaces, removes, injures or destroys any public telephone instrument or any part thereof or any equipment or facilities associated therewith, or who enters or breaks into any coin box associated therewith, or who wilfully displaces, removes, injures or destroys any telegraph or telephone line, wire, cable, pole or conduit belonging to another or the material or property appurtenant thereto."

Under the broad language of this bill, the theft of a phone book from a phone booth could constitute a felony. This bill is far too harsh. The ends of justice are not served by the imposition of extreme and unreasonable penalties in the case of minor crimes. The individual citizen can be damaged for life by an unreasonable felony statute.

I am fully aware of the cases of heavy loss suffered by the telephone companies resulting from malicious destruction and theft of telephone properties. This problem is one of serious concern. Law enforcement authorities

should be encouraged to concentrate on these crimes and full use made of our current statutes on malicious destruction of property and larceny in the prosecution of these cases.

If additional and stronger law is needed in these areas, I will support a re-written version of Senate Bill 1260, separating minor offenses against telephone properties, leaving them misdemeanors, and establishing major offenses, perhaps in terms of dollar loss, as felonies.

Sincerely,
/s/ DON SAMUELSON
Governor

April 9, 1969

Honorable Jack Murphy
President of the Senate
Senate Chambers
BUILDING

Dear Mr. President:

I have the honor to inform you I have approved and have transmitted the following Senate Bill to the Secretary of State, to-wit:

Senate Bill 1216

Sincerely,
/s/ DON SAMUELSON
Governor

Miscellaneous Business
SENATE INVENTORY

ROOM 338

2 push brooms
3 dust mops
miscellaneous janitorial supplies

ROOM 339

3 3x6 wooden tables
25 wooden round back chairs

ROOM 340

1 2x3 mirror

ROOM 342

1 large executive desk
3 wooden upholstered straight back chairs
1 wooden upholstered swivel chair
1 large upholstered chair
1 book rack
1 set Idaho Code No. 17
1 wastebasket

ROOM 343

1 wing type steno desk
1 Standard Selectric typewriter
3 straight back wooden chairs
1 steno chair
2 wastebaskets
1 4-drawer steel filing cabinet No. 11
1 credenza
1 costumer

ROOM 344

1 large roll top desk
2 large upholstered chairs
3 wooden straight back chairs
1 flat top executive desk
1 steno chair
1 4-drawer steel filing cabinet No. 16
1 steno desk

ROOM 345

1 roll top desk
1 executive type desk
1 steno desk
1 steno chair
1 large upholstered swivel chair
1 small upholstered swivel chair

HOUSE INDEX

Senate Bill No.	Introduced By	Disposition / or last action by House Committee	Page House Amend.	Vote or Disp. Page	Recommitted by Senate to Senate Committee of First Reference
1220	State Affairs Committee	Law		272	
1221	State Affairs Committee	Law		401	
1222	Local Government & Taxation Committee	Law			
1223	Transportation & Defense Committee	Law		277	
1224	Transportation & Defense Committee	Law		273	
1226	State Affairs Committee	Held in State Affairs		291	
1228	Local Government & Taxation Committee	Lost in House		306	State Affairs Committee
1230	Judiciary & Legislative Administration Committee	Held on House Calendar			Judiciary & Legislative Administration Committee
1231	Judiciary & Legislative Administration Committee	Law		307	
1232	Industry, Labor & Economic Development Committee	Law		313	
1233	Business Committee	Law		277	
1234	Fish & Game & Recreation Committee	Held in Resources & Conservation			Fish & Game & Recreation Committee
1236	Agriculture & Livestock Committee	Law		298	
1237	Fish & Game & Recreation Committee	Law		298	
1239	Transportation & Defense Committee	Held in Transportation & Defense			Transportation & Defense Committee
1240	Transportation & Defense Committee	Law		300	
1242	Local Government & Taxation Committee	Law		320	
1243	Judiciary & Legislative Administration Committee	Held in Ways & Means			Judiciary & Legislative Administration Committee
1244	Judiciary & Legislative Administration Committee	Law		273	

Roll call resulted as follows:

AYES — Agee, Antone, Arnzen, Brocke, Carr, Chatburn, Claiborn, Cobbs, Crapo, Danielson, Edwards, Hammond, Hart, Hartvigsen, Hedges, Hedlund, Hopkins, Jenkins, Johnson (29), Joslyn, Keithly, Kendell, Koch (17), Larsen, Lattimer, Lincoln, Little, Litton, Looney, Maynard, McKinney, Merrill, Mitchell, Onweiler, Palmer, Ravenscroft, Reid, Roberts, Scoresby, Sessions, Tibbitts, Tregoning, Williams, Worthen, Mr. Speaker. Total—45.

NAYS — Haakenson, McDermott. Total—2.

Absent and excused — Allen, Andersen, Brauner, Cammack, Condie, Copple, Crookham, Davidson, Farner, Fogg, George, Hyde, Johnson (35), Koch (19), Martin, Miller, Molyneaux, Murphy, Pino, Reardon, Snow, Wagner, Webb, Total—23.

Total—70.

Whereupon the Speaker Pro Tem declared H. 71, as amended in the Senate, passed and referred it to the Judiciary, Rules and Administration Committee for engrossing and enrolling.

Mr. Crapo asked unanimous consent that H. 381 be placed at the foot of the third reading calendar.

There being no objection, it was so ordered.

S. 1188, as amended in the House, as amended in the Senate, amending Title 19, Chapter 18, Idaho Code, to establish new procedures and regulations concerning court procedures involving preliminary examination, subpoenas for witnesses, witnesses for the state and defendant, transcript of preliminary examination, discharge of defendant, bail provisions and binding defendant to the District Court, was read the third time at length, section by section, and placed before the House for final consideration.

The question being, "Shall S. 1188, as amended in the House, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES — Allen, Antone, Brauner, Cammack, Carr, Chatburn, Cobbs, Condie, Crapo, Danielson, Farner, George, Haakenson, Hammond, Hartvigsen, Hedges, Hedlund, Hopkins, Jenkins, Johnson (29), Joslyn, Keithly, Kendell, Koch (17), Koch (19), Lattimer, Little, Litton, Looney, Martin, Maynard, McDermott, Merrill, Mitchell, Molyneaux, Murphy, Onweiler, Ravenscroft, Roberts, Sessions, Tibbitts, Tregoning, Williams, Mr. Speaker. Total—44.

NAYS — Scoresby. Total—1.

Absent and excused — Agee, Andersen, Arnzen, Brocke, Claiborn, Copple, Crookham, Davidson, Edwards, Fogg, Hart, Hyde, Johnson (35), Larsen, Lincoln, McKinney, Miller, Palmer, Pino, Reardon, Reid, Snow, Wagner, Webb, Worthen. Total—25.

Total—70.

Whereupon the Speaker Pro Tem declared S. 1188, as amended in the House, as amended in the Senate, passed.

Title was approved and the bill ordered returned to the Senate.

S. 1221, a new "Idaho Anti-Discrimination Act" to secure for all individuals within the state freedom from discrimination because of race, color, religion or national origin in connection with employment, public accommodations, education, etc., was read the third time at length, section by section, and placed before the House for final consideration.

The question being, "Shall S. 1221 pass?"

Roll call resulted as follows:

AYES — Allen, Antone, Arnzen, Brauner, Cammack, Chatburn, Claiborn, Cobbs, Condie, Copple, Crapo, Crookham, Danielson, Davidson, Edwards, Farner, Fogg, George, Haakenson, Hammond, Hart, Hartvigsen, Hedges, Hedlund, Hopkins, Jenkins, Johnson (29), Johnson (35), Joslyn, Koch (17), Koch (19), Lincoln, Litton, Looney,

Maynard, McDermott, McKinney, Merrill, Miller, Mitchell, Molyneaux, Murphy, Onweiler, Pino, Ravenscroft, Reid, Sessions, Snow, Tregoning, Wagner, Williams. Total—51.

NAYS — Agee, Keithly, Little, Reardon, Roberts, Tibbitts, Mr. Speaker. Total—7.

Absent and excused — Andersen, Brocke, Carr, Hyde, Kendell, Larsen, Lattimer, Martin, Palmer, Scoresby, Webb, Worthen. Total—12.

Total—70.

Whereupon the Speaker Pro Tem declared S. 1221 passed.

Title was approved and the bill ordered returned to the Senate.

S. 1170, amending Section 11-203, Idaho Code, to provide that when a plaintiff or other person whom an attachment favors fails to indemnify the sheriff, the sheriff may release the property to the defendant from whom the property was taken; and provides that in third party claims, where the security is in default, the third party may claim possession under default if he agrees to hold the sheriff harmless, was read the third time at length, section by section, and placed before the House for final consideration.

The question being, "Shall S. 1170 pass?"

Roll call resulted as follows:

AYES — Allen, Antone, Arnzen, Brauner, Brocke, Cammack, Carr, Chatburn, Claiborn, Condie, Crapo, Crookham, Danielson, Edwards, Farner, Fogg, George, Hammond, Hart, Hartvigsen, Hedlund, Hopkins, Jenkins, Johnson (29), Johnson (35), Joslyn, Keithly, Kendell, Koch (19), Lattimer, Little, Litton, Looney, Maynard, McDermott, McKinney, Merrill, Miller, Mitchell, Molyneaux, Ravenscroft, Reid, Roberts, Sessions, Tregoning, Wagner, Williams. Total—47.

NAYS — Tibbitts. Total—1.

Absent and excused — Agee, Andersen, Cobbs, Copple, Davidson, Haakenson, Hedges, Hyde, Koch (17), Larsen, Lincoln, Martin, Murphy, Onweiler, Palmer, Pino, Reardon, Scoresby, Snow, Webb, Worthen, Mr. Speaker. Total—22.

Total—70.

Whereupon the Speaker Pro Tem declared S. 1170 passed.

Title was approved and the bill ordered returned to the Senate.

S. 1282 amending Section 19-860, Idaho Code, to allow public defenders to engage in the private practice of criminal law not designated a serious crime, was read the third time at length, section by section, and placed before the House for final consideration.

The question being, "Shall S. 1282 pass?"

Roll call resulted as follows:

AYES — Brauner, Brocke, Farner, Johnson (35), Joslyn, Koch (19), Maynard, Merrill, Miller, Mitchell, Molyneaux, Murphy, Reid, Tibbitts, Wagner, Williams. Total—16.

NAYS — Antone, Arnzen, Cammack, Carr, Chatburn, Claiborn, Condie, Crapo, Crookham, Danielson, Edwards, Fogg, George, Haakenson, Hammond, Hartvigsen, Hedlund, Hopkins, Johnson (29), Kendell, Lattimer, Little, Litton, Looney, Martin, McDermott, McKinney, Pino, Ravenscroft, Scoresby, Sessions, Snow, Tregoning, Mr. Speaker. Total—34.

Absent and excused — Agee, Allen, Andersen, Cobbs, Copple, Davidson, Hart, Hedges, Hyde, Jenkins, Keithly, Koch (17), Larsen, Lincoln, Onweiler, Palmer, Reardon, Roberts, Webb, Worthen. Total—20.

Total—70.

S.B. 1221

Idaho Human Rights Act 1969 Legislative History Check Lists

Item	Included	Notes
Session Law	✓ <i>fr</i>	
Bill	✓ <i>fr</i>	
Bill Status		<i>N/A - Included but Not specific</i>
Statement of Purpose		<i>N/A</i>
Committee Minutes		
- House	✓ <i>fr</i>	
- Senate		<i>N/A</i>
Journal		
- House	✓	<i>fr</i>
- Senate	✓ <i>fr</i>	
Interim Committee Minutes	<i>N/A fr</i>	