

CHAPTER 342

(S.B. No. 1538, As Amended in the House)

AN ACT

RELATING TO THE HUMAN RIGHTS COMMISSION; AMENDING SECTION 67-5902, IDAHO CODE, TO CHANGE THE DEFINITION OF AN EMPLOYER TO MEAN A PERSON WHO EMPLOYS TEN OR MORE EMPLOYEES; AMENDING SECTION 67-5903, IDAHO CODE, TO PROVIDE THAT MEMBERS OF THE COMMISSION BE APPOINTED WITH THE ADVICE AND CONSENT OF THE SENATE, AND TO PROVIDE THAT ONE MEMBER OF THE COMMISSION BE REPRESENTATIVE OF INDUSTRY AND ONE MEMBER BE REPRESENTATIVE OF LABOR; AMENDING SECTION 67-5906, IDAHO CODE, TO STRIKE REFERENCES TO DUTIES OF PROSECUTING ATTORNEYS, TO PROVIDE THAT THE COMMISSION MAY APPLY TO THE DISTRICT COURTS FOR PROCESS, AND TO PROVIDE THAT THE COMMISSION MAY ISSUE ORDERS; AMENDING SECTION 67-5911, IDAHO CODE, TO STRIKE REFERENCES TO INJUNCTION PROCEEDINGS, TO STRIKE REFERENCES TO CRIMINAL PENALTIES, AND TO PROVIDE THAT AN AGGRIEVED PARTY MAY BRING AN ACTION FOR DAMAGES FOR VIOLATION OF LAW OR FAILURE TO OBEY AN ORDER OF THE COMMISSION; AMENDING SECTION 67-5912, IDAHO CODE, TO STRIKE REFERENCES TO PROSECUTING ATTORNEYS AND COUNTY ADVISORY COMMITTEES; AND REPEALING SECTIONS 67-5907 AND 67-5908, IDAHO CODE.

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

SECTION 1. That Section 67-5902, Idaho Code, be, and the same is hereby amended to read as follows:

67-5902. DEFINITIONS. 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--(4)~~ ten (10) 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 2. That Section 67-5903, Idaho Code, be, and the same is hereby amended to read as follows:

67-5903. CREATION OF COMMISSION ON HUMAN RIGHTS -- MEMBERS -- APPOINTMENT. There is hereby created in the office of the governor the Idaho commission on human rights to consist of nine (9) members, all of whom shall be appointed by the governor, with the advice and consent of the senate, each for a term of three (3) years. In making the first appointments, the governor shall specify the term of each member, so that the terms of three (3) members expire each year. The terms of office of members of the commission holding office prior to July 1, 1974, shall terminate on July 1, 1974, and within thirty (30) days thereafter the governor shall appoint the members of the commission who shall serve staggered terms as provided by this section.

On and after July 1, 1976, the governor shall appoint members of the commission as terms of existing members expire so that the commission shall be comprised as follows: one (1) member shall be representative of industry; one (1) member shall be representative of labor; and seven (7) members shall be appointed at large.

SECTION 3. That Section 67-5906 , Idaho Code, be, and the same is hereby amended to read as follows:

67-5906. POWERS AND DUTIES OF COMMISSION. 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 and chapter 52, title 67, Idaho Code;

(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.~~ To apply to the district courts to enforce, prevent, restrain or enjoin violations of any orders of the commission made pursuant to the jurisdiction of the commission;

(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~~, make findings and recommendations to the prosecuting attorney, and issue orders;

(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 4. That Section 67-5911, Idaho Code, be, and the same is hereby amended to read as follows:

67-5911. INJUNCTIONS -- DAMAGES ----Penalty. ~~{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~~ by a failure to obey a lawful order of the commission, shall be entitled to bring an action for damages in a court of competent jurisdiction against the person or persons who committed such violation or failed to obey a lawful order of the commission. For a wilful violation of this act, damages may include punitive damages not to exceed \$1,000 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~~ chapter, to seek the damage relief provided by this ~~section~~ chapter.

~~(3)--Every--person--shall--be--guilty--of--a--misdemeanor--who
violates--any--provision--of--section--67-5909.~~

SECTION 5. That Section 67-5912, Idaho Code, be, and the same is hereby amended to read as follows:

67-5912. PERSONS IMMUNE FROM CIVIL PERSONAL LIABILITY FOR ACTS PERFORMED IN CONNECTION WITH CARRYING OUT PROVISIONS OF THIS ACT. 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 6. That Sections 67-5907 and 67-5908, Idaho Code, be, and the same are hereby repealed.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.

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(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;

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(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. To apply to the district courts to enforce, prevent, restrain or enjoin violations of any orders of the commission made pursuant to the jurisdiction of the commission;~~

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(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.

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SECTION 6. That Sections ~~67-5907~~ and ~~67-5908~~, Idaho Code, be, and the same are hereby repealed.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.

IN THE SENATE

SENATE BILL NO. 1538

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE HUMAN RIGHTS COMMISSION; AMENDING SECTION 67-5902, IDAHO CODE, TO CHANGE THE DEFINITION OF AN EMPLOYER TO MEAN A PERSON WHO EMPLOYS TEN OR MORE EMPLOYEES; AMENDING SECTION 67-5903, IDAHO CODE, TO PROVIDE THAT MEMBERS OF THE COMMISSION BE APPOINTED WITH THE ADVICE AND CONSENT OF THE SENATE, AND TO PROVIDE THAT ONE MEMBER OF THE COMMISSION BE REPRESENTATIVE OF INDUSTRY AND ONE MEMBER BE REPRESENTATIVE OF LABOR; AMENDING SECTION 67-5906, IDAHO CODE, TO STRIKE REFERENCES TO DUTIES OF PROSECUTING ATTORNEYS, TO PROVIDE THAT THE COMMISSION MAY APPLY TO THE DISTRICT COURTS FOR PROCESS, AND TO PROVIDE THAT THE COMMISSION MAY AWARD DAMAGES AND ISSUE ORDERS; AMENDING SECTION 67-5911, IDAHO CODE, TO STRIKE REFERENCES TO INJUNCTION PROCEEDINGS, TO STRIKE REFERENCES TO CRIMINAL PENALTIES, AND TO PROVIDE THAT AN AGGRIEVED PARTY MAY BRING AN ACTION FOR DAMAGES FOR VIOLATION OF LAW OR FAILURE TO OBEY AN ORDER OF THE COMMISSION; AMENDING SECTION 67-5912, IDAHO CODE, TO STRIKE REFERENCES TO PROSECUTING ATTORNEYS AND COUNTY ADVISORY COMMITTEES; AND REPEALING SECTIONS 67-5907 AND 67-5908, IDAHO CODE.

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3 or more employees or a person who as contractor or subcon-
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16 cerning grievance, labor disputes, wages, rates of pay,
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18 (b) a conference, general committee, joint or system
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20 or international labor organization; or

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22 (9) "Place of public accommodation" means a business,
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1 or attempts to negotiate any of these activities, or who
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 15 each for a term of three (3) years. In making the first
 16 appointments, the governor shall specify the term of each
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 37 Code;

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

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

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 43 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.~~ To apply to the district courts to enforce, prevent, restrain or enjoin violations of any orders of the commission made pursuant to the jurisdiction of the commission;

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(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.

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1 ~~provision--of--this--act--or--of--the--provisions--of--chapter--73,~~
 2 ~~title--187--Idaho--Code,--regardless--of--whether--or--not--there~~
 3 ~~exists--an--adequate--remedy--at--law.~~

4 (2) Any person aggrieved by a violation of this act or
 5 ~~of--chapter--73,--title--187--Idaho--Code~~ by a failure to obey a
 6 lawful order of the commission, shall be entitled to bring
 7 an action for damages in a court of competent jurisdiction
 8 against the person or persons who committed such violation
 9 or failed to obey a lawful order of the commission. For a
 10 wilful violation of this act, damages may include punitive
 11 damages not to exceed \$1,000 for each violation. The person
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 30 Code, be, and the same are hereby repealed.

1 IN THE HOUSE OF REPRESENTATIVES
2 HOUSE AMENDMENT TO S.B. NO. 1538

3 AMENDMENT TO SECTION 3

4 On page 4 of the printed bill, in line 20, following the
5 word and character "attorney," delete the words and char-
6 acter "award damages,".

7 CORRECTION TO TITLE

8 On page 1 of the printed bill, in line 13, following the
9 word "MAY" delete the word "AWARD".
10 On page 1 of the printed bill, in line 14, delete the
11 words "DAMAGES AND".

S1538 HUMAN RIGHTS - Amends and repeals existing law to provide for a civil process through the district court for the Human Rights Commission, and for membership of the Commission.

By-----State Affairs

- 3/8 Senate intro - 1st rdg - to printing
3/9 Rpt prt - to St Aff
3/10 Rpt out - rec d/p - to 2nd rdg
2nd rdg - to 3rd rdg
3/11 3rd rdg - PASSED 24-10-1
NAYS-Budge, Cory, Egbert, Little,
Risch, Steen, Swenson, Watkins,
Williams, Yost
ABSENT-Murphy
Title apvd - to House
3/12 House intro - 1st rdg - to St Aff
3/13 Rpt out - rec d/p - to 2nd rdg
2nd rdg - to 3rd rdg
3/15 To Gen Ord
3/16 Rpt out amen - to 1st rdg as amen
1st rdg - to 2nd rdg as amen
2nd rdg - to 3rd rdg as amen
3/17 Rls susp - PASSED 46-24-0
NAYS-Brackett, Branson, Brooks, Emery,
Fitzwater, Gines, Hollifield,
Infanger, Ingram, Johnson(29),
Kearnes, Kraus, Lewis, Miner, Munger,
Neider, Olmstead, Otter, Reardon, Ses-
sions, Stivers, Tibbitts, Winchester,
Mr. Speaker
ABSENT-0
3/17 Title apvd - to Senate
3/18 To 10th Ord
Rls susp - PASSED 31-1-3
NAYS-Yost
ABSENT-Cobbs, Klein, Saxvik
To engros and enrol
3/20 Rpt engros and enrol - Pres signed
3/23 Sp signed
To Governor

*(1)

Session Law Chapter No. 342
Effective: 7-1-76

* SEE NUMBERED NOTE ON YELLOW INSERT

S1539 APPROPRIATIONS - Appropriates moneys for the fiscal year to the Supreme Court for use of the Court, Law Library, District Court, Magistrates Division and the Judicial Council.

By-----Finance

- 3/8 Senate intro - 1st rdg - to printing
3/9 Rpt prt - to Fin
Rpt out - rec d/p - to 2nd rdg
2nd rdg - to 3rd rdg
3/11 3rd rdg - PASSED 32-2-1
NAYS-Murphy, Yost
ABSENT-Smith
Title apvd - to House
3/12 House intro - 1st rdg - to 2nd rdg
3/13 2nd rdg - to 3rd rdg
3/15 3rd rdg - PASSED 67-2-1
NAYS-Harlow, Winchester
ABSENT-Condle
Title apvd - to Senate
3/16 To enrol
3/17 Rpt enrol - Pres signed - Sp signed
3/18 To Governor
3/30 Governor signed
Session Law Chapter No. 242
Effective: Sec. 3 -- 3-30-76
All Other Secs. -- 7-1-76

S1540 APPROPRIATIONS - Appropriates moneys for the fiscal year to the Department of Law Enforcement.

By-----Finance

- 3/9 Senate intro - 1st rdg - to printing
3/10 Rpt prt - to Fin
Rpt out - rec d/p - to 2nd rdg
2nd rdg - to 3rd rdg
3/11 3rd rdg - PASSED 33-0-2
NAYS-0
ABSENT-Ellsworth, Kress
Title apvd - to House
3/12 House intro - 1st rdg - to 2nd rdg
3/13 2nd rdg - to 3rd rdg
3/15 3rd rdg - PASSED 57-12-1
NAYS-Branson, Brooks, Gines,
Hollifield, Infanger, McDermott,
Neider, Olmstead, Otter, Reid,
Stivers, Winchester
ABSENT-Condle
Title apvd - to Senate
3/16 To enrol
3/17 Rpt enrol - Pres signed - Sp signed
3/18 To Governor
Law without signature
Session Law Chapter No. 257
Effective: 7-1-76

S1541 APPROPRIATIONS - Appropriates moneys for the fiscal year to the Office of Attorney General.

By-----Finance

- 3/9 Senate intro - 1st rdg - to printing
3/10 Rpt prt - to Fin
Rpt out - rec d/p - to 2nd rdg
2nd rdg - to 3rd rdg
3/17 To Fin

S1542 APPROPRIATIONS - Appropriates moneys to the Permanent Building Fund Advisory Council and the Division of Public Works for construction of Phase II of the science building at Boise State University; library at Idaho State University; state library; cell block wings at the Idaho penitentiary; and cottages at the Idaho State School and State Youth Training Center.

By-----Finance

- 3/10 Senate intro - 1st rdg - to printing
3/11 Rpt prt - to Fin
Rpt out - rec d/p - to 2nd rdg
2nd rdg - to 3rd rdg
To Fin

S1538

STATEMENT OF PURPOSE

RS 1413

State Affairs Committee

The purpose of this legislation is to provide authority for the enforcement of orders of the Human Rights Commission through the District Courts. It changes the make-up of the Commission to include a member from industry and a member from labor and requires confirmation of the Senate for the Commission members. It exempts employers of 10 or less employees from the jurisdiction of this act.

No fiscal impact.

- 1516 (RS 1382) St Aff 2/27/76; 3/3/76.
House W/M 3/12/76.
- 1517 (RS 1037) St Aff 2/27/76. Transp 2/26/76; 3/9/76.
- 1518 (RS 1362) St Aff 2/27/76. Transp 2/26/76; 3/9/76.
- 1519 (RS 1359) St Aff 2/27/76. Transp 2/26/76. (Was S 1290).
House St Aff 3/11/76.
- 1520 (RS 0892) Finance.
- 1521 (RS 0889) Finance.
- 1522 (RS 1318) Comm/Lab 2/26/76; 3/4/76; 3/12/76. St Aff 2/27/76.
- 1523 (RS 1383) St Aff 3/1/76; 3/8/76.
House St Aff 3/16/76. Print 3/18/76.
- 1524 (RS 1386) St Aff 3/1/76. Res/Env 3/5/76.
- 1525 (RS 1398) Finance.
- 1526 (RS 0946) Finance.
- 1527 (RS 1405) Finance.
- 1528 (RS 1334) Comm/Lab 3/2/76; 3/9/76. St Aff 3/3/76.
House Bus 3/15/76.
- 1529 (RS 1375) Comm/Lab 3/2/76. St Aff 3/3/76.
- 1530 (RS 1402) Finance.
- 1531 (RS 1418) Finance.
- 1532 (RS 1093) Finance.
- 1533 (RS 1417) Finance.
- 1534 (RS 0924) Finance.
- 1535 (RS 1424) Finance.
- 1536 (RS 0891) Finance.
- 1537 (RS 1410) St Aff 3/5/76. Jud 3/6/76.
House Jud 3/18/76.
- 1538 (RS 1413) St Aff 3/5/76.
House St Aff 3/13/76.
- 1539 (RS 0915) Finance.

MINUTES

STATE AFFAIRS COMMITTEE

SECOND REGULAR SESSION FORTY - THIRD LEGISLATURE

The STATE AFFAIRS Committee met Friday, March ⁵ 6, 1976 in the Caucus Room.

All members of the committee were present.

Senator Batt moved and Senator Murphy seconded a motion that the minutes be approved for the past three meetings. The motion passed unanimously.

RS 1410 - This bill relates to judicial salaries. Senator Barker spoke and requested this bill be printed and referred to the Judiciary and Rules Committee. Senator Batt moved and Senator Kinghorn seconded a motion that this action be taken. The motion passed on the following roll call vote:

Summers - aye
Ellsworth - nay
Batt - aye
Smith - aye
Uarbrough - nay
Swenson - nay
Chase - aye
Saxvik - aye
Murphy - nay
Kinghorn - aye

RS 1403 and RS 1404 - These concurrent resolutions would allow for printing of the session laws and the permanent journal. Senator Ellsworth moved and Senator Yarbrough seconded a motion to print these resolutions. The motion passed unanimously.

RS 1268 - This concurrent resolution would repeal HCR 28 of the previous session and provides legislative authorization and provides approval for the administrator of the division of public works of the Department of Administration to enter into a year to year lease agreement or agreements with the Idaho State Building Authority for leasing buildings within the state of Idaho to house state agencies. Senator Batt moved and Senator Smith seconded a motion to print this resolution. The motion passed with Senator Yarbrough voting nay.

RS 0763 - This resolution would provide legislative authority to acquire or erect an office building within or contiguous to the capitol mall complex at Boise to house the PUC and state agencies. Senator Kinghorn moved and Senator Saxvik seconded a motion this resolution be printed. Senator Yarbrough moved a

5
STATE AFFAIRS COMMITTEE

March 6, 1976

Page 2

substitute motion this bill be held for further study. Senator Ellsworth seconded the substitute motion. The substitute motion failed with the following roll call vote:

Summers - nay
Ellsworth - aye
Batt - aye
Smith - nay
Yarbrough - aye
Swenson - aye
Chase - nay
Saxvik - nay
Murphy - nay
Kinghorn - nay

The original motion passed with Senator Ellsworth, Senator Batt, Senator Yarbrough and Senator Swenson voting nay.

RS 1411 - Susan Bennion representing the Legislative Council spoke to this resolution which would authorize and direct the Council to undertake and complete a study of precinct and other geographic boundaries for census of population purposes and report to the next session of the Legislature. Senator Murphy moved and Senator Ellsworth seconded a motion to print this resolution. The motion passed unanimously.

RS 1413 - Senator Batt discussed this bill which is to provide authority for the enforcement of orders of the Human Rights Commission through the District Courts. It also changes the make up of the Commission to include a member from industry and a member from labor and require Senate confirmation of the membership. Senator Yarbrough moved and Senator Ellsworth seconded a motion to print this resolution and send it to the floor with a do pass recommendation. The motion passed unanimously. bill

H. 337 - This bill amends the existing law to provide for leasing and management of state office space by the Department of Administration. Senator Murphy moved and Senator Swenson seconded a motion to send this bill to the floor with a do pass recommendation. The motion passed unanimously.

S. 1474 - This bill relates to liquor licenses. Senator Murphy moved and Senator Batt seconded a motion to send this bill to the Fourteenth Order of Business. The motion passed unanimously.

H 534 - Bill Roden spoke to the committee in reference to this bill which would allow a discount of ten per cent on each sale of liquor to a licensee. Mr. Roden supplied the committee with the attached charts. Senator Saxvik moved and Senator Murphy seconded a motion this bill go to the floor without

STATE AFFAIRS COMMITTEE

MINUTES

8:55 a.m.

March 13, 1976

Room 412

Members excused: Rep. McDermott
Members absent: Rep. Hammond, Maynard, Bunting, Braun, Fitzwater

Guests: Senator Batt
Steve Swadley, Idaho Public Employees Association
Jack F. Farley, Law Enforcement Department
Dick Cade, Law Enforcement Department

Rep. Danielson moved to accept the minutes of March 12 as presented, seconded by Rep. Reardon. Motion carried.

S 1538

RELATING TO HUMAN RIGHTS COMMISSION

Senator Batt said after attending the House State Affairs meeting in which H 556 was held for further study, he had asked the attorney general's office to draft a bill (S1538) which would contain the least possible qualifications to still qualify the Human Rights Commission for deferral status. Senator Batt said he felt it was extremely important that Idaho keep its deferral status because he had been informed that businesses that have had to deal directly with the regional office have had a difficult time doing so. S 1538 provides that the governor shall appoint members of the commission as terms expire so that the commission will be comprised as follows: one member a representative of industry, one a representative of labor, and the other seven members at large. The appointments would be subject to confirmation by the Senate.

Motion: Rep. Danielson moved S 1538 be sent to the desk with a Do Pass recommendation, seconded by Rep. Hosack. Motion carried. Rep. Chatburn will be the floor sponsor.

S 1494aa

STATE EMPLOYEES CLASSIFICATION AND COMPENSATION

Senator Batt referred to the interim committee which studied the Hay system. This is a pay for performance concept and point value system. When first proposed, many of the state employees and department heads were not in favor of the pay for performance aspect. S 1494aa is a compromise bill which is more of a modified version of pay for performance. The first five steps would be at regular intervals with a positive affirmative action by the department heads. The last two steps would be for commendable performance. The plan will go into effect next year. An overview committee is proposed to reevaluate jobs and job descriptions. Senator Batt said the longevity feature is the only part being implemented this year.

Steve Swadley, Idaho Public Employees Association, said their association approves this legislation and urged its passage. They are satisfied with the compromise legislation.

Jack Farley, Law Enforcement Department, said he felt the administrators and directors can work with this plan. The initial evaluation and job descriptions will take some work, but thereafter it should work well.

Dick Cade, Law Enforcement Department, said he felt the longevity aspect is for the betterment of the employees.

March 13, 1976

HOUSE INDEX

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Senate Bill No.	Introduced By	Subject Matter	Intro- duction Page	House Vote Page	Final Action Page	Final Disposition
1537	State Affairs	JUDICIAL SALARIES, increasing Supreme Court Justices and District Judges salaries.	305	308	332	Law
1538	State Affairs	HUMAN RIGHTS COMMISSION, relating to membership and duties (House Amendments—p. 282)	257	298	332	Law
1539	Finance	SUPREME COURT, appropriation, \$4,405,-200	257	278	300	Law
1540	Finance	LAW ENFORCEMENT, DEPARTMENT OF, appropriation, \$11,649,800	257	278	300	Law Without Signature
1543	Finance	TRANSPORTATION, DEPARTMENT OF, appropriation, \$100,459,300	265	284	332	Law
1544	State Affairs	LEGISLATIVE COUNCIL, duties and powers	270		270	House State Affairs
1545	Finance	PERMANENT BUILDING FUND ADVISORY COUNCIL, reappropriating \$450,000 for furnishings at I.S.U. Library Building	293	301	320	Law
1546	Finance	GOVERNOR, OFFICE OF, appropriation for designated programs, \$8,854,500	314	319	332	Law
1547	Finance	HEALTH AND WELFARE, DEPARTMENT OF, appropriation, \$7,299,100	293	301	320	Law
1548	Finance	HEALTH AND WELFARE, DEPARTMENT OF, appropriation, \$74,635,600	314	319	332	Law
1549	State Affairs	EXPENSE ALLOWANCES, created for State Treasurer, State Auditor and Secretary of State	305		305	House State Affairs
1550	Finance	ATTORNEY GENERAL, appropriation, \$2,075,200	305	308	332	Law
1551	Finance	PERMANENT BUILDING FUND ADVISORY COUNCIL, repeals Disaster Relief Fund and appropriates \$1,540,300 to Public Works	323	325	332	Law
1553	Finance	SECRETARY OF STATE, appropriation, \$1,015,000	305	318	332	Law
1555	Finance	SUPREME COURT, appropriates \$42,000 for personnel costs for court reporters	320	322	332	Law
1556	Finance	SUPREME COURT, appropriates \$100,600 for personnel costs for Supreme Court Justices and District Court Judges	320	322	332	Law
1558	State Affairs	LEGISLATIVE COUNCIL, to direct audits of funds in state treasury	326	326	327	Failed House
1559	Finance	LAW ENFORCEMENT, DEPARTMENT OF, appropriates \$11,649,800	326	327	332	Law
1560	Finance	REVENUE AND TAXATION, DEPARTMENT OF, appropriates \$12,000 for salary increases for commissioners	326	329	332	Vetoed
1561	State Affairs	CANYON COUNTY, salary increase for prosecuting attorney	326	328	332	Law
1562	State Affairs	CANYON COUNTY, salary increase for county commissioners	326	329	332	Law

tion carried, the rules were suspended, and S 1531 was read the first time by title, second time by title and the third time at length, section by section, and placed before the House for final consideration.

The question being, "Shall S 1531 pass?"

Roll call resulted as follows:

AYES—Abbott, Andersen, Antone, Bistline, Brackett, Branson, Braun, Bunting, Chatburn, Clemm, Condie, Danielson, Davidson, Dean, Dobler, Emery, Fitz, Fitzwater, Hale, Hammond, Harlow, Hedlund, Hosack, Infanger, Infelt, Ingram, Jackson, Johnson (29), Johnson (35), Kearnes, Kenneville, Koch, Kraus, Little, McCann, McDermott, McHan, Merrill, Miller, Miner, Munger, Neider, Olmstead, Onweiler, Reid, Reynolds, Rice, Roberts, Scoresby, Sessions, Smith, Snyder, Stivers, Swisher, Tibbitts, Twilegar, Wagner, Wesche, Westerberg, Wheeler, Mr. Speaker. Total—61.

NAYS—Brooks, Gines, Hollifield, Otter. Total—4.

Absent and excused—Gurnsey, Lewis, Maynard, Reardon, Winchester. Total—5.

Total—70.

Whereupon the Speaker Pro Tem declared S 1531 passed the House.

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

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Moved by Mr. Little that the House do now adjourn until 9:30 o'clock a.m., Friday, March 12, 1976.

Seconded by Mr. Koch.

Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned until 9:30 o'clock a.m., Friday March 12, 1976.

ALLAN F. LARSEN, Speaker

Attest:

CRAIG HARVEY, Chief Clerk.

SIXTY-EIGHTH LEGISLATIVE DAY

FRIDAY, MARCH 12, 1976

House of Representatives

The House convened at 9:30 o'clock a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused—Gurnsey, Maynard. Total—2.

Total—70.

Prayer by the Chaplain

The following prayer was offered by Chaplain Roy Howes:

God of Power, Who abides always the same, and Who is ready at every instant to bring us to higher ground, we thank You that we can live above the entrapment in what seems to be an inescapable existence of being walled in and closed off. The routine of living robs us of inspiration, melancholy sameness leaves us without a challenge, and life gets blocked by everything being "business as usual." So accustomed are we to living in one groove that a fresh idea, an adventurous cause, or a new concept is both astounding and threatening. Remove from us the narrow places of cynicism, the barriers of prejudice, the fenced in death of fear and hatred, that we might burst asunder the bonds that hide us from life. Renew within us a right spirit, fill our hearts with thoughts that think Your thoughts after You. Raise us up as we ascend the stairway of faith into the dynamic power of Christ. Amen.

Approval of Journal

March 12, 1976

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixty-seventh Legislative Day and recommend that same be adopted as corrected.

RICE, Chairman

Moved by Mr. Rice that the report be adopted.

Seconded by Miss McDermott.

Report adopted.

Consideration of Messages from the Governor

and the Senate

STATE OF IDAHO

Office of the Governor

BOISE

March 11, 1976

Honorable Allan Larsen
Speaker of the House
House of Representatives
STATEHOUSE MAIL

Dear Mr. Speaker:

I have the honor to inform you that I have this day approved and am transmitting to the Secretary of State the following House Bill, to wit:

H 486, as amended in the Senate

H 429, as amended

H 518

Sincerely
/s/ CECIL D. ANDRUS
Governor

March 11, 1976

Mr. Speaker:

I transmit herewith S 1539, S 1538, S 1540 and S 1430 and I return herewith H 468, H 479, as amended, H 346, as amended, H 475, H 687, H 690, H 691, H 692, H 693, H 694, H 695, H 469, H 571, H 405, H 576, H 640 and H 340, as amended, which have passed the Senate.

HARPER, Secretary

S 1539, S 1538, S 1540 and S 1430 were filed for first reading.

H 468, H 479, as amended, H 346, as amended, H 475, H 687, H 690, H 691, H 692, H 693, H 694, H 695, H 469, H 571, H 405, H 576, H 640 and H 340, as amended, were referred to the Judiciary, Rules and Administration Committee for enrolling.

Report of Standing Committees

March 12, 1976

Mr. Speaker:

We, your COMMITTEE ON PRINTING AND LEGISLATIVE EXPENSE, report that we have had under consideration SCR 136 and SCR 137 and recommend that they do pass.

DANIELSON, Chairman

SCR 136 and SCR 137 were filed for second reading.

March 11, 1976

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration S 1318, S 1364, S 1444 and S 1496 and recommend that they do pass.

KRAUS, Chairman

AMENDMENT TO THE BILL

On page 12 of the engrossed bill, delete all of lines 6 through and including 14, and insert in lieu thereof the following:

"SECTION 5. Sections 2, 3 and 6 of this act shall be in full force and effect on and after July 1, 1976. Section 1 of this act shall be in full force and effect on and after July 1, 1977. The provisions of section 4 shall be in full force and effect as follows: section 67-5309C (a) and (c), Idaho Code, July 1, 1977; section 67-5309 (b), Idaho Code, July 1, 1976. For the fiscal year 1976-77, longevity credits shall be made on the basis of the salary schedule then in effect, and shall be computed on an employee's current grade and step."

HOUSE AMENDMENT TO S 1538

AMENDMENT TO SECTION 3

On page 4 of the printed bill, in line 20, following the word and character "attorney," delete the words and character "award damages."

CORRECTION TO TITLE

On page 1 of the printed bill, in line 13, following the word "MAY" delete the word "AWARD."

On page 1 of the printed bill, in line 14, delete the words "DAMAGES AND".

HOUSE AMENDMENT TO S 1409, AS AMENDED AMENDMENTS TO SECTION 2

On page 2 of the engrossed bill, delete all of line 39 and all of line 40.

On page 2 of the engrossed bill, in line 41, delete "(d)" and insert in lieu thereof: "(c)".

On page 3 of the engrossed bill, in line 1, delete "(e)" and insert in lieu thereof: "(d)".

On page 3 of the engrossed bill, in line 5, delete ", (b), and (c)" and insert in lieu thereof: "and (b)".

On page 3 of the engrossed bill, in line 21, following the word and character "DECISION," delete the remainder of the line, delete all of line 22, and at the beginning of line 23, delete the words and character "crowded condition."

On page 4 of the engrossed bill, in line 16, delete "66-3110," and insert in lieu thereof: "66-1310."

On page 4 of the engrossed bill, in line 16, following the word and character "RESIDENTS," delete the remainder of the line, and at the beginning of line 17, delete "ted patients", and insert in lieu thereof: "All patients received from any institution or facility under the jurisdiction of the department of health and welfare".

On page 4 of the engrossed bill, in line 20, following the word and character "setting," delete the remainder of the line, and delete all of lines 21, 22, 23 and 24.

On page 4 of the engrossed bill, delete all of line 42, and on page 5 of the engrossed bill, delete all of lines 1, 2, 3, 4 and 5.

On page 5 of the engrossed bill, at the beginning of line 6, delete "66-1315", and insert in lieu thereof: "66-1314".

On page 5 of the engrossed bill, at the beginning of line 12, delete "66-1316" and insert in lieu thereof: "66-1315".

On page 5 of the engrossed bill, after line 13, insert the following:

"SECTION 3. For a period of one (1) year only from and after the effective date of this act the state board of correction shall be authorized to receive and admit patients of any institution or facility under the jurisdiction of the department of health and welfare, which patients have been determined by a court to be both dangerous and mentally ill as defined in section 66-1305, Idaho Code.

The department of health and welfare shall in such cases, retain jurisdiction over the patients."

CORRECTION TO TITLE

On page 1 of the engrossed bill, in line 21, following the word and character "USED," delete the remainder of the line, delete all of lines 22 and 23, and at the beginning of line 24, delete the word and character "DUTY,".

On page 1 of the engrossed bill, in line 25, following the word "ACT", insert the following: "; PROVIDING A ONE YEAR PERIOD DURING WHICH THE BOARD OF CORRECTION MAY RECEIVE PATIENTS FROM THE DEPARTMENT OF HEALTH AND WELFARE."

We have also had under consideration H 662, S 1463, and S 1510, report progress and beg leave to sit again. We have also had under consideration H 720 and H 721 and report them back without amendments and without recommendation.

KENNEVICK, Chairman

Moved by Mr. Kenneville that the report be adopted.

Seconded by Miss McDermott.

Motion carried.

Whereupon the Speaker declared the report adopted.

H 719, as amended, and H 722, as amended, were referred to the Judiciary, Rules and Administration Committee for engrossing. The amendments were referred to the Printing and Legislative Expense Committee.

S 1516, as amended in the House, S 1432, as amended, as amended in the House, S 1494, as amended, as amended in the House, S 1538, as amended in the House, and S 1409, as amended, as amended in the House, were filed for first reading of engrossed bills.

The amendments were referred to the Printing and Legislative Expense Committee.

H 720 and H 721 were filed for second reading.

H 662, S 1463 and S 1510 were retained on General Orders.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

At this time, Mr. Koch took the Chair.

S 1475, as amended in the House, having previously been read the third time at length, was before the House for final consideration.

The question being, "Shall S 1475, as amended in the House, pass?"

Roll call resulted as follows:

AYES — Andersen, Antone, Chatburn, Condie, Dean, Fitz, Gines, Gurnsey, Hale, Hosack, Infanger, Jackson, Johnson (29), Kenneville, Kraus, Little, McHan, Merrill, Miner, Munger, Rice, Roberts, Stivers, Wesche, Mr. Speaker. Total—25.

NAYS — Abbott, Bistline, Brackett, Branson, Braun, Brooks, Bunting, Clemm, Davidson, Dobler, Emery, Fitzwater, Hammond, Harlow, Hedlund, Hollifield, Infelt, Ingram, Johnson (35), Kearnes, Koch, Lewis, Maynard, McCann, McDermott, Miller, Neider, Olmstead, Onweiler, Otter, Reardon, Reid, Reynolds, Scoresby, Sessions, Smith, Snyder, Swisher, Tibbitts, Twilegar, Wagner, Westerberg, Wheeler, Winchester. Total—44.

Absent and excused—Danielson. Total—1.

Paired Vote: AYE—Mr. Speaker. NAY—Fitzwater. (Pair enumerated in the roll call above.)

Total—70.

Whereupon the Speaker Pro Tem declared S 1475, as amended in the House, failed to pass the House and the bill was ordered returned to the Senate.

Dobler, Fitz, Fitzwater, Gurnsey, Hale, Hedlund, Hollifield, Hosack, Infelt, Ingram, Jackson, Kearnes, Kenne-
vick, Kraus, Lewis, Little, Maynard, McHan, Miller, Min-
er, Munger, Neider, Onweiler, Otter, Reynolds, Rice, Rob-
erts, Scoresby, Smith, Stivers, Swisher, Twilegar, Wag-
ner, Wesche, Westerberg, Wheeler, Mr. Speaker. Total
—48.

NAYS — Bistline, Branson, Brooks, Clemm, Emery,
Gines, Hammond, Harlow, Infanger, Johnson (29), John-
son (35), Koch, McCann, McDermott, Merrill, Olmstead,
Reardon, Reid, Sessions, Snyder, Winchester. Total—21.

Absent and excused—Tibbitts. Total—1.

Paired Votes: AYE—Miller. NAY—Hammond.

AYE—Kraus. NAY—Harlow.

(Pair enumerated in roll call above.)

Total—70.

Whereupon the Speaker declared S 1494, as amended,
as amended in the House, passed the House.

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

March 17, 1976

Mr. Speaker:

I move that all rules of the House interfering with the
immediate consideration of SCR 142 be suspended; that
the portions of Section 15, Article 3 of the Constitution of
the State of Idaho, requiring all bills to be read on three
several days, be dispensed with, this being a case of
urgency, and that SCR 142 be read the first time by title,
second time by title and the third time at length, and
placed before the House for final consideration.

Moved by Mr. Little.

Seconded by Miss McDermott.

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

Roll call resulted as follows:

AYES — Abbott, Andersen, Antone, Bistline, Brackett,
Branson, Braun, Bunting, Chatburn, Clemm, Condie, Dan-
ielson, Davidson, Dean, Dobler, Emery, Fitz, Fitzwater,
Gurnsey, Hale, Harlow, Hedlund, Hosack, Infelt, Jackson,
Johnson (29), Johnson (35), Kearnes, Kenne-
vick, Koch, Kraus, Lewis, Little, Maynard, McCann, McDermott, Mc-
Han, Merrill, Miller, Miner, Munger, Neider, Olmstead,
Onweiler, Reardon, Reid, Reynolds, Rice, Roberts, Scores-
by, Sessions, Smith, Snyder, Stivers, Swisher, Twilegar,
Wesche, Westerberg, Wheeler, Mr. Speaker. Total — 60.

NAYS — Brooks, Gines, Hollifield, Infanger, Ingram,
Otter, Tibbitts, Winchester. Total — 8.

Absent and excused — Hammond, Wagner. Total — 2.

Total—70.

Whereupon the Speaker declared that more than two-
thirds having voted in the affirmative, the motion carried,
the rules were suspended, and SCR 142 was read the first
time by title, second time by title and the third time at
length, and placed before the House for final consideration.

The question being, "Shall SCR 142 be adopted?"

Roll call resulted as follows:

AYES—Abbott, Andersen, Antone, Bistline, Brackett,
Braun, Brooks, Bunting, Chatburn, Clemm, Condie, Dan-
ielson, Davidson, Dean, Dobler, Emery, Fitz, Fitzwater,
Gines, Gurnsey, Hale, Harlow, Hedlund, Hollifield, Hosack,
Infanger, Infelt, Ingram, Jackson, Johnson (29), Johnson
(35), Kearnes, Kenne-
vick, Koch, Kraus, Lewis, Little, May-
nard, McHan, Merrill, Miller, Miner, Munger, Neider, Olm-
stead, Onweiler, Otter, Reardon, Reid, Reynolds, Rice,
Roberts, Scoresby, Sessions, Smith, Stivers, Swisher, Twil-
egar, Wagner, Wesche, Westerberg, Wheeler. Total—62.

NAYS—Branson, Hammond, McCann, McDermott, Sny-
der, Tibbitts, Winchester, Mr. Speaker. Total—8.

Absent and excused—None.

Paired Vote: AYE—Miller. NAY—Hammond.

(Pair enumerated in the roll call above.)

Total—70.

Whereupon the Speaker declared SCR 142 adopted and
the resolution ordered returned to the Senate.

March 17, 1976

Mr. Speaker:

I move that all rules of the House interfering with the
immediate consideration of S 1538, as amended in the
House, be suspended; that the portions of Section 15, Ar-
ticle 3 of the Constitution of the State of Idaho, requiring
all bills to be read on three several days, be dispensed with,
this being a case of urgency, and that S 1538, as amended
in the House, be read the first time by title, second time by
title and the third time at length, section by section, and
placed before the House for final consideration.

Moved by Mr. Little.

Seconded by Miss McDermott.

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

Roll call resulted as follows:

AYES — Abbott, Andersen, Antone, Bistline, Brackett,
Branson, Braun, Bunting, Chatburn, Clemm, Condie, Dan-
ielson, Davidson, Dean, Dobler, Emery, Fitz, Fitzwater,
Gurnsey, Hale, Harlow, Hedlund, Hosack, Infelt, Jackson,
Johnson (29), Johnson (35), Kearnes, Kenne-
vick, Koch, Kraus, Lewis, Little, Maynard, McCann, McDermott, Mc-
Han, Merrill, Miller, Miner, Munger, Neider, Olmstead,
Onweiler, Reardon, Reid, Reynolds, Rice, Roberts, Scores-
by, Sessions, Smith, Snyder, Stivers, Swisher, Twilegar,
Wesche, Westerberg, Wheeler, Mr. Speaker. Total — 60.

NAYS — Brooks, Gines, Hollifield, Infanger, Ingram,
Otter, Tibbitts, Winchester. Total — 8.

Absent and excused — Hammond, Wagner. Total — 2.

Total—70.

Whereupon the Speaker declared that more than two-
thirds having voted in the affirmative, the motion carried,
the rules were suspended, and S 1538, as amended in the
House, was read the first time by title, second time by title
and the third time at length, section by section, and placed
before the House for final consideration.

The question being, "Shall 1538, as amended in the
House, pass?"

Roll call resulted as follows:

AYES — Abbott, Andersen, Antone, Bistline, Braun,
Bunting, Chatburn, Clemm, Condie, Danielson, Davidson,
Dean, Dobler, Fitz, Gurnsey, Hale, Hammond, Harlow,
Hedlund, Hosack, Infelt, Jackson, Johnson (35), Kenne-
vick, Koch, Little, Maynard, McCann, McDermott, McHan,
Merrill, Miller, Onweiler, Reid, Reynolds, Rice, Roberts,
Scoresby, Smith, Snyder, Swisher, Twilegar, Wagner,
Wesche, Westerberg, Wheeler. Total—46.

NAYS—Brackett, Branson, Brooks, Emery, Fitzwater,
Gines, Hollifield, Infanger, Ingram, Johnson (29), Kear-
nes, Kraus, Lewis, Miner, Munger, Neider, Olmstead, Ot-
ter, Reardon, Sessions, Stivers, Tibbitts, Winchester, Mr.
Speaker. Total—24.

Absent and excused—None.

Paired Vote: AYE—Hammond NAY—Emery

(Pair enumerated in roll call above.)

Total—70.

Whereupon the Speaker declared S 1538, as amended
in the House, passed the House.

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

At this time, Mr. Chatburn took the Chair.

March 20, 1976

Mr. Speaker:

I transmit herewith Enrolled S 1332, as amended in the House, S 1338, as amended, as amended in the House, S 1353, as amended in the house, S 1354, as amended, as amended in the House, S 1419, as amended in the House, and S 1428, as amended in the House for the signature of the Speaker.

HARPER, Secretary

The Speaker signed the above enrolled bills and they were returned to the Senate.

March 20, 1976

Mr. Speaker:

I transmit herewith Enrolled S 1463, as amended in the House, S 1481, as amended in the House, S 1494, as amended, as amended in the House, S 1538, as amended in the House, and S 1432, as amended, as amended in the House, for the signature of the Speaker.

HARPER, Secretary

The Speaker signed the above enrolled bills and they were returned to the Senate.

March 20, 1976

Mr. Speaker:

I transmit herewith Enrolled S 1434, S 1454, as amended in the House, S 1455, as amended in the House, S 1477, as amended, as amended in the House, S 1496, S 1503, as amended in the House, S 1508, as amended in the House, and S 1522 for the signature of the Speaker.

HARPER, Secretary

The Speaker signed the above enrolled bills and they were returned to the Senate.

March 20, 1976

Mr. Speaker:

I transmit herewith Enrolled S 1516, as amended in the House, S 1537, as amended, S 1543, S 1550, SCR 132, SCR 133, SCR 134 and SCR 143 for the signature of the Speaker.

HARPER, Secretary

The Speaker signed the above enrolled bills and they were returned to the Senate.

March 22, 1976

Mr. Speaker:

I transmit herewith Enrolled S 1470, as amended, S 1482, S 1483, S 1546, as amended, S 1548, as amended, S 1551, S 1553, S 1555, S 1556, S 1560, S 1561, S 1562, S 1559 and SCR 140 for the signature of the Speaker.

HARPER, Secretary

The Speaker signed the above enrolled bills and they were returned to the Senate.

March 22, 1976

Mr. Speaker:

I transmit herewith Enrolled S 1409, as amended, as amended in the House, S 1456, as amended in the House, S 1476, as amended, as amended in the House, and S 1523 as amended in the House, for the signature of the Speaker.

HARPER, Secretary

The Speaker signed the above enrolled bills and they were returned to the Senate.

Report of Standing Committees

March 22, 1976

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have transmitted enrolled H 439, as amended, as amended, H 452, as

amended in the Senate, H 613, as amended in the Senate, H 664, as amended in the Senate, H 675, as amended in the Senate, H 720, as amended, and H 721, as amended to the Governor at 2:35 p.m., as of this date March 22, 1976.

RICE, Chairman

March 22, 1976

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have transmitted enrolled HJM 22, HCR 67 and HCR 68 to the Secretary of State at 2:37 p.m., as of this date March 22, 1976.

RICE, Chairman

Consideration of Messages from the Governor and the Senate

STATE OF IDAHO
Office of the Governor
BOISE

March 22, 1976

Honorable Allan Larsen
Speaker of the House
House of Representatives
STATEHOUSE MAIL

Dear Mr. Speaker:

I have the honor to inform you that I have this day approved and am transmitting to the Secretary of State the following House Bills, to wit:

H 422

Sincerely,
/s/ CECIL D. ANDRUS
Governor

Report of Standing Committees

March 23, 1976

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have correctly enrolled H 685, as amended, H 535, as amended, H 669, H 717, H 683, as amended, H 470, H 729, H 730, H 731, H 733, H 727, H 719, as amended, H 722, as amended, H 738, H 739, H 740, H 741, HCR 71 and HCR 72.

RICE, Chairman

The Speaker signed enrolled H 685, as amended, H 535, as amended, H 669, H 717, H 683, as amended, H 470, H 729, H 730, H 731, H 733, H 727, H 719, as amended, H 722, as amended, H 738, H 739, H 740, H 741, HCR 71 and HCR 72 and transmitted them to the Senate for the signature of the President.

March 23, 1976

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have correctly enrolled and engrossed H 670, as amended in the Senate.

RICE, Chairman

The Speaker signed enrolled H 670, as amended in the Senate, and transmitted the bill to the Senate for the signature of the President.

Consideration of Messages from the Governor and the Senate

March 23, 1976

Mr. Speaker:

I return herewith Enrolled H 685, as amended, H 535, as amended, H 669, H 717, H 683 as amended, H 470, H 729, H 730, H 731, H 733, H 727, H 719 as amended, H 722 as amended, H 738, H 739, H 740, H 741, H 670, as amended in the Senate, HCR 71 and HCR 72 which have been signed by the President.

HARPER, Secretary

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1538	State Affairs Committee	Law	HUMAN RIGHTS COMMISSION, membership changed A.H. (See House Journal)	180 ✓	256 ✓	288 ✓
1539	Finance Committee	Law	SUPREME COURT, appropriation	180	205	287
1540	Finance Committee	Law without Signature	LAW ENFORCEMENT, DEPARTMENT OF, appropriation	186	205	287
1541	Finance Committee	Held in Senate Committee	ATTORNEY GENERAL, appropriation . .	186	—	246
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1543	Finance Committee	Law	TRANSPORTATION, DEPARTMENT OF, appropriation	195	215	288
1544	State Affairs Committee	Held in House Committee	LEGISLATIVE COUNCIL, consolidation of legislative services A.S.	204 218	225	225
1545	Finance Committee	Law	PUBLIC WORKS, DIVISION OF, appropriation	211	239	288
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1547	Finance Committee	Law	HEALTH AND WELFARE, DEPARTMENT OF, appropriation	217	240	288
1548	Finance Committee	Law	HEALTH AND WELFARE, DEPARTMENT OF, appropriation A.S.	217 247	254	288
1549	State Affairs Committee	Held in House Committee	CONSTITUTIONAL OFFICERS, expense account for certain officers	224	245	246
1550	Finance Committee	Law	ATTORNEY GENERAL, appropriation .	224	246	288
1551	Finance Committee	Law	PUBLIC WORKS, DIVISION OF, appropriation	224	273	288
1552	Finance Committee	Failed in Senate	NUCLEAR ENERGY COMMISSION, appropriation	224	275	275
1553	Finance Committee	Law	SECRETARY OF STATE, appropriation .	224	246	288
1554	Finance Committee	Held in Senate Committee	SUPREME COURT, appropriation	229	—	234
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1556	Finance Committee	Law	SUPREME COURT, appropriation	257	273	288
1557	State Affairs Committee	Held in Senate Committee	LEGISLATIVE COUNCIL, audits of state funds	270	—	279
1558	State Affairs Committee	Held in House Committee	LEGISLATIVE COUNCIL, audits of state funds	270	280	285
1559	Finance Committee	Law	LAW ENFORCEMENT, DEPARTMENT OF, appropriation	279	280	287
1560	Finance Committee	Vetoed	REVENUE AND TAXATION, DEPARTMENT OF, appropriation for commissioners salary increase	279	281	287
1561	State Affairs Committee	Law	PROSECUTING ATTORNEY, CANYON COUNTY, salary increase	279	281	288
1562	State Affairs Committee	Law	COMMISSIONERS, CANYON COUNTY, salary increase	279	281	288

Roll call resulted as follows:

AYES — Bilyeu, Chase, Egbert, Hartvigsen, Judd, Kiebert, Kinghorn, Kress, Manley, Mitchell, Saxvik, Snow, Steen, Tacke, Williams, Yarbrough. Total—16.

NAYS — Abrahams, Barker, Batt, Brassey, Budge, Cobbs, Craig, Ellsworth, High, Klein, Little, Murphy, Peavey, Risch, Smith, Summers, Swenson, Watkins, Yost. Total—19.

Total—35.

Paired and voting included in roll call:

AYE—Judd. **NAY**—Little.

Whereupon the President declared the motion lost and S 1411, as amended, ordered transmitted to the House.

Senator Budge requested the President respond to his February 13, 1976 inquiry of the Chair as to a ruling regarding the Chair lifting a Call of the Senate.

The President responded that he would direct the Judiciary and Rules Committee to come forth with a ruling regarding the inquiry.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions and Memorials**

S 1535

By FINANCE COMMITTEE

AN ACT

Appropriating moneys from the fund enumerated to the State Board of Education and the Board of Regents of the University of Idaho, to be expended for the designated programs for the specified purposes, for the period from the effective date of this act through June 30, 1977; and declaring an emergency.

S 1536

By FINANCE COMMITTEE

AN ACT

Expressing legislative intent with respect to expenditures for colleges and universities and junior college support; appropriating \$2,788,100 from the General Fund to the State Board of Education for junior college support for the period July 1, 1976, through June 30, 1977; appropriating \$54,699,300 from the funds enumerated to the State Board of Education and the Board of Regents of the University of Idaho for designated programs at Boise State University, Idaho State University, Lewis-Clark State College and the University of Idaho for the period July 1, 1976, through June 30, 1977; making certain code provisions specifically available to the State Board of Education for fiscal year 1977 only; and reserving certain moneys for contingent uses.

S 1537

By STATE AFFAIRS COMMITTEE

AN ACT

Relating to the compensation and retirement contributions of Judges; amending Section 59-502, Idaho Code, to provide an annual salary of \$33,000 for Supreme Court Justices and an annual salary of \$30,000 for District Judges; amending Section 1-2004, Idaho Code, to provide that the monthly contribution from Justices and Judges to the Judges' Retirement Fund shall be increased, to provide that the employer shall contribute an amount equal to seven per cent of Judicial salaries paid as a part of the employer's contribution, and to strike references to the eight year service requirement; and providing an effective date.

S 1538

By STATE AFFAIRS COMMITTEE

AN ACT

Relating to the Human Rights Commission; amending

Section 67-5902, Idaho Code, to change the definition of an employer to mean a person who employs ten or more employees; amending Section 67-5903, Idaho Code, to provide that members of the commission be appointed with the advice and consent of the Senate, and to provide that one member of the commission be representative of industry and one member be representative of labor; amending Section 67-5906, Idaho Code, to strike references to duties of prosecuting attorneys, to provide that the commission may apply to the District Courts for process, and to provide that the commission may award damages and issue orders; amending Section 67-5911, Idaho Code, to strike references to injunction proceedings, to strike references to criminal penalties, and to provide that an aggrieved party may bring an action for damages for violation of law or failure to obey an order of the commission; amending Section 67-5912, Idaho Code, to strike references to prosecuting attorneys and county advisory committees; and repealing Sections 67-5907 and 67-5908, Idaho Code.

S 1539

By FINANCE COMMITTEE

AN ACT

Appropriating moneys out of the funds enumerated to the Supreme Court for designated programs for the period July 1, 1976, through June 30, 1977; expressing legislative intent with respect to expenditures for the Judicial Branch; appropriating moneys out of the enumerated funds to the Supreme Court, to be expended for the specified purpose from the effective date of this act through June 30, 1976; providing an effective date for a section of this act and declaring an emergency.

S 1535, S 1536, S 1537, S 1538 and S 1539 were introduced, read the first time at length and referred to the Judiciary and Rules Committee for printing.

Second Reading of Bills

S 1524, by State Affairs Committee, was read the second time at length and filed for third reading.

H 584 and H 337, by State Affairs Committee, were read the second time at length and filed for third reading.

H 507, H 538, H 542, H 616 and H 617, by Judiciary, Rules and Administration Committee, were read the second time at length and filed for third reading.

S 1531, S 1532, S 1533 and S 1534, by Finance Committee, were read the second time at length and filed for third reading.

There being no objection, the Senate returned to the Eleventh Order of Business.

**Introduction, First Reading and Reference of
Bills, House Petitions, Resolutions and Memorials**

H 657, by State Affairs Committee, was introduced, read the first time at length and referred to the State Affairs Committee.

H 668, by State Affairs Committee, was introduced, read the first time at length and referred to the Health, Education and Welfare Committee.

On request by President Pro Tempore Ellsworth, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

President Pro Tempore Ellsworth requested unanimous consent that all Senate Bills be placed at the head of the Third Reading Calendar.

Senator Chase objected.

On request by President Pro Tempore Ellsworth, granted by unanimous consent, the Secretary of the Senate was directed to place all Senate Bills at the head of the Third Reading Calendar for Tuesday, March 9, 1976.

Motion to Suspend Rules

Mr. President:

I move that all rules of the Senate interfering with the immediate passage of S 1494, as amended, as amended in the House, be suspended; that the portions of Section 15 Article 3 of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that S 1494, as amended, as amended in the House, be read the first time by title, second time by title, and third time at length, section by section, and be put upon its final passage.

Moved by Senator Batt, seconded by Senator Murphy.

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

Roll call resulted as follows:

AYES—Abrahams, Barker, Batt, Bilyeu, Budge, Chase, Cory, Craig, Egbert, Ellsworth, Hartvigsen, High, Judd, Kiebert, Kinghorn, Klein, Kress, Little, Manley, Mitchell, Murphy, Peavey, Risch, Saxvik, Smith, Snow, Steen, Summers, Swenson, Tacke, Watkins, Williams, Yarbrough, Yost. Total—34.

NAYS—None.

Absent and excused—Cobbs. Total—1.

Total—35.

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

Senator Mitchell requested unanimous consent that S 1494, as amended, as amended in the House, retain its place on the calendar for one legislative day.

Senator Batt objected.

S 1494, as amended, as amended in the House, 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—Abrahams, Barker, Batt, Budge, Cory, Craig, Egbert, Ellsworth, Hartvigsen, High, Klein, Kress, Little, Manley, Peavey, Risch, Smith, Steen, Summers, Swenson, Watkins, Williams, Yarbrough, Yost. Total—24.

NAYS—Bilyeu, Chase, Judd, Kiebert, Kinghorn, Mitchell, Murphy, Saxvik, Snow, Tacke. Total—10.

Absent and excused—Cobbs. Total—1.

Total—35.

Whereupon the President declared S 1494, as amended, as amended in the House, passed, title was approved and the bill referred to the Judiciary and Rules Committee for engrossing and enrolling.

On motion by Senator Batt, seconded by Senator Murphy, the Senate concurred, by voice vote in the House amendments to S 1538.

Motion to Suspend Rules

Mr. President:

I move that all rules of the Senate interfering with the immediate passage of S 1538, as amended in the House, be suspended; that the portions of Section 15 Article 3 of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that S 1538, as amended in the House, be read the first time by title, second time by title, and third time at length, section by section, and be put upon its final passage.

Moved by Senator Batt, seconded by Senator Murphy.

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

Roll call resulted as follows:

AYES—Abrahams, Barker, Batt, Bilyeu, Budge, Chase, Cory, Craig, Egbert, Ellsworth, Hartvigsen, High, Judd, Kiebert, Kinghorn, Klein, Kress, Little, Manley, Mitchell, Murphy, Peavey, Risch, Saxvik, Smith, Snow, Steen, Summers, Swenson, Tacke, Watkins, Williams, Yarbrough, Yost. Total—34.

NAYS—None.

Absent and excused—Cobbs. Total—1.

Total—35.

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

S 1538, as amended in the House, 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—Abrahams, Barker, Batt, Bilyeu, Budge, Chase, Cory, Craig, Egbert, Ellsworth, Hartvigsen, High, Judd, Kiebert, Kinghorn, Kress, Little, Manley, Mitchell, Murphy, Peavey, Risch, Smith, Snow, Steen, Summers, Swenson, Tacke, Watkins, Williams, Yarbrough. Total—31.

NAYS—Yost. Total—1.

Absent and excused—Cobbs, Klein, Saxvik. Total—3.

Total—35.

Whereupon the President declared S 1538, as amended in the House, passed, title was approved and the bill referred to the Judiciary and Rules Committee for engrossing and enrolling.

On motion by Senator Risch, seconded by Senator Murphy, the Senate concurred by voice vote in the House amendments to S 1409, as amended.

Motion to Suspend Rules

Mr. President:

I move that all rules of the Senate interfering with the immediate passage of S 1409, as amended, as amended in the House, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that S 1409, as amended, as amended in the House, be read the first time by title, second time by title, and third time at length, section by section, and be put upon its final passage.

Moved by Senator Risch, seconded by Senator Murphy.

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

Roll call resulted as follows:

AYES—Abrahams, Barker, Batt, Bilyeu, Budge, Chase, Cory, Craig, Egbert, Ellsworth, Hartvigsen, High, Judd, Kiebert, Kinghorn, Klein, Kress, Little, Manley, Mitchell, Murphy, Peavey, Risch, Saxvik, Smith, Snow, Steen, Summers, Swenson, Tacke, Watkins, Williams, Yarbrough, Yost. Total—34.

NAYS—None.

Absent and excused—Cobbs. Total—1.

Total—35.

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

S 1409, as amended, as amended in the House, 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?"

March 31, 1976

Honorable John V. Evans
President of the Senate
Senate Chambers
STATEHOUSE MAIL

Dear Mr. President:

I have the honor to inform you that I have this day approved and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1282 aa, 1283 aa, 1288, 1300, 1338 aa, aa in the House, 1341 aa, 1445 aa, 1457, 1488 aa, 1528, 1545, 1547.

Sincerely,
/s/ CECIL D. ANDRUS
Governor

April 1, 1976

Honorable John V. Evans
President of the Senate
Senate Chambers
STATEHOUSE MAIL

Dear Mr. President:

I have the honor to inform you that I have this day approved and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1504

Sincerely,
/s/ CECIL D. ANDRUS
Governor

April 1, 1976

The Honorable John V. Evans
President of the Senate
Senate Chambers
STATEHOUSE MAIL

Dear Mr. President:

I have the honor to inform you that I have this day approved and am transmitting to the Secretary of State the following Senate Bills, to wit:

1562	1523 aa in House
1561	1516 aa in House
1556	1508 aa in House
1555	1503 aa in House
1553	1482
1551	1477 aa, aa House
1548 aa	1481 aa in House
1546 aa	1463 aa in House
1543	1476 aa, aa in House
1538 aa in House	1470 aa
1537 aa	1455 aa in House
1456 aa in House	
1432 aa, aa in House	
1434	
1454 aa in House	
1332 aa in House	
1409 aa, aa in House	
1419 aa in House	
1354 aa, aa in House	
1353 aa in House	
1550	

Sincerely,
/s/ CECIL D. ANDRUS
Governor

April 1, 1976

The Honorable John V. Evans
President of the Senate
STATEHOUSE

Dear Mr. President:

I have the honor to inform you that I have withheld my approval, disapproved and vetoed, and am transmitting herewith the following Senate Bill, to wit:

SENATE BILL 1428 as amended in the House

within the time limited by law, the same having been delivered to the Office of the Governor at 3:00 P.M. on March 23, 1976, and the Legislature by adjournment sine die having prevented the return of the bill for reconsideration to the House in which it originated.

One year ago, I expressed serious reservations in a veto message about a similar bill that would have swept away the state's traditional legal services structure by centralizing all legal services in the Office of the Attorney General. While this bill retreats somewhat from a totally centralized legal services system, exempting the judicial and legislative branches of government, the Office of the Governor, and the department of self-governing agencies, the changes made in this bill do not meet my basic objection to mandatory centralized legal services. My objections expressed in Section 2 of my veto message one year ago still stand.

It is the responsibility of the Governor of the State of Idaho, be it me or my successor, to see that all the laws of Idaho are faithfully executed. As chief executive, the Governor must rely upon the executive departments of state government to execute the laws of the State of Idaho on a day-to-day basis. It is not enough to exempt the Office of the Governor from the reach of this bill. I repeat that continuous, specialized, experienced, immediate and confidential legal services is a vital need of a number of agencies of state government. Limiting the source of legal services to these agencies, the legislature is limiting my ability to faithfully execute all the laws of the State of Idaho.

This is not a question of who now sits as Governor of the State of Idaho or who now sits as the Attorney General. It is not even a question of political parties.

Rather it is a question of the proper legal relationship between these two constitutional offices. It has not been demonstrated that the present legal services structure needs to be changed. To the contrary, the recent Legislative Audit of the Department of Law Enforcement comments favorably on the legal services available to the department independent of the Office of the Attorney General.

Other executive departments and agencies, especially those with heavy regulatory responsibilities, have expressed serious concern about this bill. Many agencies presently elect to use the services of the Office of the Attorney General. They point out, however, that under this bill there would be no room for any other opinion than that of the Attorney General on legal issues. In reality regulatory power could pass in some cases from the head of the agency to the Attorney General.

Likewise, legal disputes between agencies of state government would not reach a court of law but could be finally decided by the Attorney General and the aggrieved agency would have no further legal recourse.

A further concern is the relationship between the Attorney General and other elected state officials. Let us suppose, for example, that the Attorney General presents to the State Auditor for payment a voucher the legality of which is in issue. Where is the State Auditor to turn for legal counsel? Under this bill he would have no alternative but to call upon the Attorney General to pass upon the legality of his own voucher.

Idaho Human Rights Act 1976 Legislative History Check Lists

S.B. 1538
RS 1413

Item	Included	Notes
Session Law	✓ W	
Bill	✓ R	+ Amendment Enclosed
Bill Status	✓ R	
Statement of Purpose	✓ R	
Committee Minutes		
- House	✓ R	
- Senate	✓ R	
Journal		
- House	✓ R	
- Senate	✓ R	
Interim Committee Minutes	N/A R	