

spicuous place on the exterior of the vehicle on the rear bumper or near the fuel tank inlet.

Approved April 9, 1991.

CHAPTER 335

(S.B. No. 1064, As Amended in the House)

AN ACT

RELATING TO THE HUMAN RIGHTS COMMISSION; AMENDING SECTION 67-5902, IDAHO CODE, TO REDEFINE EMPLOYER.

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, wherever situated, who ~~has ten~~ hires five (5) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year whose services are to be partially or wholly performed in the state of Idaho, except for domestic servants hired to work in and about the person's household. The term also means:
 - (a) a person who as contractor or subcontractor is furnishing material or performing work for the state;
 - (b) any agency of or any governmental entity within the state; and
 - (c) any agent of such employer.
- (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

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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;

(15) "Handicap" means a physical or mental condition of a person, whether congenital or acquired, which constitutes a substantial disability to that person and is demonstrable by medically accepted clinical or laboratory diagnostic techniques. A handicapped person is one who (a) has such a disability, or (b) has a record of such a disability, or (c) is regarded as having such a disability;

(16) "Reasonable accommodation" means an adjustment which does not (a) unduly disrupt or interfere with the employer's normal operations, (b) threaten the health or safety of the handicapped person or others, (c) contradict a business necessity of the employer, or (d) impose undue hardship on the employer based on the size of the employer's business, the type of business, the financial resources, and the estimated cost and extent of the adjustment.

Approved April 9, 1991.

property for which state registration and the payment of a state tax or fee is required.

(b) Filing of Idaho state income tax returns.

(c) Permanent full-time employment or the hourly equivalent thereof in the state of Idaho.

(d) Registration to vote for state elected officials in Idaho at a general election.

(35) The state board of education and board of regents of the University of Idaho shall adopt uniform and standard rules and regulations applicable to all state colleges and universities now or hereafter established to determine residence status of any student and to establish procedures for review of that status.

(46) Appeal from a final determination denying resident status may be initiated by the filing of an action in the district court of the county in which the affected college or university is located; an appeal from the district court shall lie as in all civil actions.

(57) Nothing contained herein shall prevent the state board of education and board of regents of the University of Idaho from waiving tuition to be paid by nonresident students.

(68) Nothing contained in this act shall apply to junior colleges now or hereafter established, or to post-secondary vocational-technical schools now or hereafter established not connected to or a part of a state college or university.

(79) Nothing contained herein shall prevent the state board of education and board of regents of the University of Idaho from establishing quotas, standards for admission, standards for readmission, or other terms and requirements governing persons who are not residents for purposes of higher education.

(810) For students who apply for special graduate and professional programs including, but not limited to the WAMI (Washington, Alaska, Montana, Idaho) Regional Medical Program, the WICHE Student Exchange Programs, Creighton University School of Dental Science, the University of Utah College of Medicine, and the Washington, Oregon, Idaho (WOI) Regional Program in Veterinary Medical Education, no applicant shall be certified or otherwise designated as a beneficiary of such special program who has not been a resident of the state of Idaho for at least one (1) calendar year previous to the application date.

SECTION 2. This act shall be in full force and effect on and after January 15, 1993.

Approved April 1, 1992.

CHAPTER 120
(S.B. No. 1431)

AN ACT

RELATING TO THE COMMISSION ON HUMAN RIGHTS; AMENDING SECTION 67-5904, IDAHO CODE, TO INCREASE THE AMOUNT OF COMPENSATION PAID TO MEMBERS OF THE COMMISSION.

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

SECTION 1. That Section 67-5904, Idaho Code, be, and the same is hereby amended to read as follows:

67-5904. ORGANIZATION OF COMMISSION -- COMPENSATION OF MEMBERS. The commission shall annually select a president and vice president. Members shall each be compensated as provided by section 59-509(fh), Idaho Code. The commission may appoint a staff director to serve at its pleasure. Other subordinate staff necessary to accomplish the commission's mission shall be subject to the provisions of chapter 53, title 67, Idaho Code.

Approved April 1, 1992.

CHAPTER 121
(S.B. No. 1440)

AN ACT

RELATING TO CONDUCT BY PUBLIC SERVANTS AND ETHICS IN GOVERNMENT; AMENDING CHAPTER 13, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1361A, IDAHO CODE, TO PROVIDE AN EXCEPTION TO STATE CONFLICT OF INTEREST LAWS FOR NONCOMPENSATED APPOINTED PUBLIC SERVANTS; AMENDING CHAPTER 2, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-209, IDAHO CODE, TO PROVIDE AN EXCEPTION FOR NONCOMPENSATED PUBLIC OFFICIALS; AND AMENDING CHAPTER 7, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-704A, IDAHO CODE, TO PROVIDE AN EXCEPTION FOR NONCOMPENSATED PUBLIC OFFICIALS.

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

SECTION 1. That Chapter 13, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-1361A, Idaho Code, and to read as follows:

18-1361A. NONCOMPENSATED APPOINTED PUBLIC SERVANT -- EXCEPTION. When a person is a public servant by reason of his appointment to a governmental entity board for which the person receives no salary or fees for his service on said board, it shall not constitute a violation of the provisions of subsection (1)(d) of section 18-1359, Idaho Code, for a public servant to contract with the public body of which he is a member if he strictly observes the following procedure:

(1) The contract is competitively bid and the public servant submits the low bid; and

(2) The public servant takes no part in the preparation of the contract or bid specifications, or voting on or approval of the contract or bid specifications; and

(3) The public servant makes full disclosure, in writing, to all members of the governing body, council or board of said public body of his interest and intention to bid on the contract; and

spicuous place on the exterior of the vehicle on the rear bumper or near the fuel tank inlet.

Approved April 9, 1991.

CHAPTER 335

(S.B. No. 1064, As Amended in the House) *RS 24898*

AN ACT

RELATING TO THE HUMAN RIGHTS COMMISSION; AMENDING SECTION 67-5902, IDAHO CODE, TO REDEFINE EMPLOYER.

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, wherever situated, who ~~has ten~~ hires five (5) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year whose services are to be partially or wholly performed in the state of Idaho, except for domestic servants hired to work in and about the person's household. The term also means:
 - (a) a person who as contractor or subcontractor is furnishing material or performing work for the state;
 - (b) any agency of or any governmental entity within the state; and
 - (c) any agent of such employer.
- (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;

(15) "Handicap" means a physical or mental condition of a person, whether congenital or acquired, which constitutes a substantial disability to that person and is demonstrable by medically accepted clinical or laboratory diagnostic techniques. A handicapped person is one who (a) has such a disability, or (b) has a record of such a disability, or (c) is regarded as having such a disability;

(16) "Reasonable accommodation" means an adjustment which does not (a) unduly disrupt or interfere with the employer's normal operations, (b) threaten the health or safety of the handicapped person or others, (c) contradict a business necessity of the employer, or (d) impose undue hardship on the employer based on the size of the employer's business, the type of business, the financial resources, and the estimated cost and extent of the adjustment.

Approved April 9, 1991.

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Appendix

IN THE SENATE

SENATE BILL NO. 1064

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE HUMAN RIGHTS COMMISSION; AMENDING SECTION 67-5902, IDAHO CODE,
TO REDEFINE EMPLOYER.

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

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amended to read as follows:

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tory 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 representa-
tive, mutual company, partnership, any other legal or commercial entity, the
state, or any governmental entity or agency;

(6) "Employer" means a person, wherever situated, who ~~has-ten-(10)~~ hires
one (1) or more employees for each working day in each of twenty-(20) or more
calendar weeks in the current or preceding calendar year whose services are to
be partially or wholly performed in the state of Idaho, except for domestic
servants hired to work in and about the person's household. The term also
means:

(a) a person who as contractor or subcontractor is furnishing material or
performing work for the state;

(b) any agency of or any governmental entity within the state; and

(c) any agent of such employer.

(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 employ-
ers 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 organi-
zation; 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

1 kind, whether licensed or not, whose goods, services, facilities, privileges,
2 advantages or accommodations are extended, offered, sold, or otherwise made
3 available to the public;

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

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

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

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15 property, or part thereof, which is used or occupied, or as the home or resi-
16 dence of one or more individuals;

17 (14) "Real estate broker or salesman" means a person, whether licensed or
18 not, who, for or with the expectation of receiving a consideration, lists,
19 sells, purchases, exchanges, rents, or leases real property, or who negotiates
20 or attempts to negotiate any of these activities, or who holds himself out as
21 engaged in these activities, or who negotiates or attempts to negotiate a loan
22 secured or to be secured by mortgage or other encumbrance upon real property,
23 or who is engaged in the business of listing real property in a publication;
24 or a person employed by or acting on behalf of any of these;

25 (15) "Handicap" means a physical or mental condition of a person, whether
26 congenital or acquired, which constitutes a substantial disability to that
27 person and is demonstrable by medically accepted clinical or laboratory diag-
28 nostic techniques. A handicapped person is one who (a) has such a disability,
29 or (b) has a record of such a disability, or (c) is regarded as having such a
30 disability;

31 (16) "Reasonable accommodation" means an adjustment which does not (a)
32 unduly disrupt or interfere with the employer's normal operations, (b)
33 threaten the health or safety of the handicapped person or others, (c) contra-
34 dict a business necessity of the employer, or (d) impose undue hardship on the
35 employer based on the size of the employer's business, the type of business,
36 the financial resources, and the estimated cost and extent of the adjustment.

S1061.....By Resources & Environment
WATER - DISTRICTS - Amends and adds to existing law to
revise the method of voting at annual water district meet-
ings, to provide for the assessment and voting rights for
nonconsumptive water rights, and to provide for the exten-
sion of a watermaster's term of service.

02/05 Senate intro - 1st rdg - to printing
02/06 Rpt prt - to Res/Env
02/25 Rpt out - rec d/p - to 2nd rdg
02/26 2nd rdg - to 3rd rdg
03/04 3rd rdg - PASSED - 37-5-0
NAYS--Furness, Hawkins, McDermott, Parry, Ricks.
Absent and excused--None.
Title apvd - to House
03/05 House intro - 1st rdg - to Res/Con
03/18 Rpt out - rec d/p - to 2nd rdg
2nd rdg - to 3rd rdg
03/21 3rd rdg - PASSED - 76-0-8
NAYS -- None.
Absent and excused -- Barnes, Black(27), Chamberlain,
Loveland, Steele, Vandenberg, White.
Absent -- Childers.
Title apvd - to Senate
03/22 To enrol
03/23 Rpt enrol - Pres signed
03/25 Sp signed
03/26 To Governor
03/27 Governor signed
Session Law Chapter 101
Effective: 03/27/91

S1062.....By Local Government & Taxation
COUNTIES - SELF-GOVERNMENT - Amends existing law to allow
counties to exercise all powers of local self-government
which is not specifically prohibited.

02/05 Senate intro - 1st rdg - to printing
02/06 Rpt prt - to Loc Gov
02/12 Rpt out - rec d/p - to 2nd rdg
02/13 2nd rdg - to 3rd rdg
02/18 3rd rdg - PASSED - 40-0-2
NAYS--None.
Absent and excused--McDermott, Tominaga.
Title apvd - to House
02/19 House intro - 1st rdg - to Loc Gov

S1063.....By State Affairs
CONTROLLED SUBSTANCES (DRUGS) - PEYOTE USE - Adds to exist-
ing law to permit the use of peyote (genus Lophophora) in
religious rites of native American religious ceremonies.

02/05 Senate intro - 1st rdg - to printing
02/06 Rpt prt - to St Aff

S1064aaH.....By State Affairs
HUMAN RIGHTS - Amends existing law to redefine employer
under the human rights statutes.

02/05 Senate intro - 1st rdg - to printing
02/06 Rpt prt - to St Aff
02/21 Rpt out - rec d/p - to 2nd rdg
02/22 2nd rdg - to 3rd rdg
02/27 3rd rdg - PASSED - 24-18-0
NAYS--Carlson, Crapo, Darrington, Furness, Dennis
Hansen, John Hansen, Hawkins, Kerrick, Larsen,
Newcomb, Noh, Parry, Ricks, Staker, Thorne, Tominaga,
Twiggs, Vance.
Absent and excused--None.
Title apvd - to House
02/28 House intro - 1st rdg - to St Aff
03/19 Rpt out - rec d/p - to 2nd rdg
2nd rdg - to 3rd rdg

--Continued--

03/25 3rd rdg - FAILED - 42-42-0
AYES -- Adams, Alexander, Beaudoin, Bengson Ahrens,
Black(27), Chamberlain, Danielson, Decelle, Duncan,
Flandro, Gannon, Gurnsey, Hansen(20), Hansen(32),
Hofman, Horvath, Jenkins, Johnson, Jones(23),
Judd(8), Judd(3), Lasuen, Lazechko, Loveland,
Montgomery, Nafziger, Pomeroy, Reid, Reynolds,
Robison, Simpson, Sorensen, Stennett, Stoicheff,
Stone, Stubbs, Vandenberg, Vickers, Vincent, White,
Wilde, Wright.

Absent and excused -- None.

Held for reconsideration - Reconsidered

03/26 Ref'd to Gen Ord

03/27 Rpt out amen - to 1st rdg as amen

1st rdg - to 2nd rdg as amen

03/28 2nd rdg - to 3rd rdg as amen

Rls susp - PASSED as amen - 57-21-6

NAYS -- Barnes, Bell, Crow, Denney, Geddes, Gould,
Infanger, Jones(29), Linford, Loertscher, Mahoney,
McEvoy, Mortensen(Mortensen), Parks(Goodwin),
Richardson, Sali, Schaefer, Sutton, Taylor, Tippets,
Wood.

Absent and excused -- Childers(Beck), Davis,
Loveland, Newcomb, Steele, Stubbs.

Title apvd - to Senate

Senate concurred in House amens - to engros

03/29 Rpt engros - 1st rdg - to 2nd rdg as amen

Rls susp - PASSED as amen - 29-10-3

NAYS--Darrington, Furness, Kerrick, Larsen, Newcomb,
Noh, Parry, Ricks, Thorne, Twiggs.

Absent and excused--Hawkins, McRoberts, Vance.

Title apvd - to enrol

Rpt enrol - Pres signed

Sp signed

04/02 To Governor

04/09 Governor signed

Session Law Chapter 335

Effective: 07/01/91

S1065.....By State Affairs
CITIZENS' COMMITTEE ON LEGISLATIVE COMPENSATION - Amends
existing law to establish a rate of compensation for members
who serve on the Citizens' Commission on Legislative Compen-
sation.

02/05 Senate intro - 1st rdg - to printing

02/06 Rpt prt - to St Aff

S1066aa.....By Health & Welfare
MENTAL HEALTH - PROFESSIONAL'S LIABILITY - Adds to existing
law to provide a limitation, and immunity from liability, of
a duty to warn of violent behavior of and threat to a person
by a patient of a mental health professional.

02/05 Senate intro - 1st rdg - to printing

02/06 Rpt prt - to Health/Wel

02/25 Rpt out - rec d/p - to 2nd rdg

02/26 2nd rdg - to 3rd rdg

03/04 Referred to Health/Wel

03/13 Rpt out - to 14th Ord

Rpt out amen - to engros

03/14 Rpt engros - 1st rdg - to 2nd rdg as amen

03/15 2nd rdg - to 3rd rdg as amen

03/19 3rd rdg as amen - PASSED - 39-0-3

NAYS--None.

Absent and excused--McDermott, Sweeney, Twiggs.

Title apvd - to House

03/20 House intro - 1st rdg as amen - to Health/Wel

03/25 Rpt out - rec d/p - to 2nd rdg as amen

2nd rdg - to 3rd rdg as amen

03/27 3rd rdg as amen - PASSED - 76-0-8

NAYS -- None.

Absent and excused -- Loertscher, Loosli, Peters,
Steele, Steger, Taylor, Vincent, White.

--Continued--

STATEMENT OF PURPOSE

To amend the Idaho Human Rights Act, Idaho Code 67-5901, to make all employers, regardless of the number of employees, excluding domestic servants, hired to work in and about the person's household, subject to the Act.

FISCAL IMPACT

\$15,300, first year, for the addition of one part-time investigator.

1064 (RS 24898) St Aff 2/5/91; 2/20/91.
House St Aff 3/18/91.

1065 (RS 24780) St Aff 2/5/91; 2/13/91.

1066 (RS 24579) H/W 2/22/91; 3/1/91; 3/13/91.
House H/W 3/22/91.

1067 (RS 24613) H/W 3/6/91; 3/7/91; 3/8/91; 3/12/91.

1068 (RS 24439) H/W 2/20/91; 2/21/91.
House H/W 3/22/91.

1069 (RS 24557) Transp 2/5/91.

1070 (RS 24715) Transp 2/5/91; 2/26/91.
House Transp 3/20/91.

1071 (RS 24663) Comm/Lab 2/5/91; 2/12/91.
House CIT 2/25/91.

1072 (RS 24399) Comm/Lab 2/5/91; 2/12/91; 2/14/91.
House Bus 3/21/91.

1073 (RS 24961) Comm/Lab 2/5/91; 2/21/91; 2/26/91.

1074 (RS 24661) Comm/Lab 2/5/91; 2/12/91.
House Loc Gov 2/28/91.

1075 (RS 24809) Comm/Lab 2/5/91; 2/7/91 (withdrawn).

1076 (RS 24936) Educ 2/5/91.

1077 (RS 24545) H/W.

1078 (RS 24628) H/W 2/14/91; 2/15/91; 2/19/91.

1079 (RS 24962) H/W.

1080 (RS 24637) H/W.

1081 (RS 24646) Jud 2/6/91; 2/22/91; 3/1/91; Transp 2/12/91.
House Jud 3/19/91.

1082 (RS 24901) Jud 2/6/91; Transp 2/12/91.

1083 (RS 24651) Res/Env 2/6/91; 2/15/91.
House Res/Con 3/19/91; 3/21/91.

1084 (RS 24835) Res/Env 2/6/91; 2/15/91.
House Res/Con 3/21/91.

1085 (RS 24871) Res/Env 2/6/91; 3/1/91; 3/4/91.

1086 (RS 24872) Res/Env 2/6/91; 2/15/91.

1087 (RS 24548) Res/Env 2/6/91; 2/22/91.

SENATE STATE AFFAIRS COMMITTEE

DATE: February 5, 1991

TIME: 3:00 p.m.

PLACE: Room 437

PRESENT: All members present with Florence Blackbird sitting in for Senator Mike Blackbird.

Chairman **Ricks** welcomed everyone to the meeting then turned the meeting over to Vice-Chairman **Crapo**. **Ricks** asked to be excused to appear briefly in another committee meeting. Approval of the minutes was delayed so the committee will have time to read them.

Twiggs asked for a point of personal privilege to call attention to the handouts by the chairman of the committee concerning decorum of the committee. There was a little discussion among the committee concerning this matter.

Joe Miller, from the Idaho Public Utilities Commission gave a presentation about Caller ID. He said this service through the telephone company is to permit those called to have the phone numbers of the callers. He explained the handout materials. (see attached). He answered questions from the committee.

Terri L. Ford, Project Manager for the new product development, home and personal services, U.S. West, appeared before the committee to answer questions regarding this issue.

Jack Van Valkenberg, American Civil Liberties Union, testified that they don't disapprove of this service as long as the individual retains the rights to control their own information disclosure. They prefer line blockage options.

RS24898C1 Senator **Calabretta** explained this RS. This amends the Idaho Human Rights Act, Idaho Code 67-5901, to make all employers, regardless of the number of employees, excluding domestic servants, hired to work in and about the person's household, subject to the Act. She introduced Senator **Snodgrass** who addressed the question, "Would this legislation place a burden on small businesses or employees." Marilyn Shuler, director of the Human Rights Commission offered to answer any question on this matter.

Senator **Sweeney** **MOVED**, seconded by **Calabretta** to

introduce **RS24898C1** for print. **MOTION CARRIED** by voice vote.

RS24780C1 Senator **Crapo** spoke to this RS provides a rate of daily compensation for members of the citizens' committee on legislative compensation. He explained line 29 and answered some questions from the committee.

Calabretta MOVED, seconded by **Sweeney**, that **RS24780C1** be introduced for print. **Twiggs** called on Jim Kerns, President of the Idaho AFL-CIO to answer questions. He mentioned that perhaps the fiscal impact should be changed.

Crapo made an **AMENDED MOTION**, seconded by **Calabretta**, to print the RS but cut the fiscal impact statement in half to read \$2250.00. **MOTION CARRIED** by voice vote.

RS24924 **Calabretta** spoke to this RS. She explained that the purpose of this legislation is to protect the free expression of religion by the Native Americans who use peyote (*Lophophora*) for religious rites. She then introduced Senator **Scanlin** who is a Reverend of the United Church of Christ to answer questions. **Sweeney MOVED**, seconded by **Calabretta**, that **RS24924** be introduced for print. There was discussion and questions among the committee members about the RS and the Motion. **MOTION CARRIED** by voice vote.

H 37 Margot H. Knight, Director of the Idaho Commission on the Arts explained this "housekeeping" bill. The proposed revisions enables legislation for the Idaho Commission on the Arts to strengthen and stabilize the agency. A formal statement of the state's sensitivity to the value of commissioners who represent Idaho's diverse ethnic and cultural populations will strengthen the agency's requests for federal funding. This provision will also help the agency improve its programs and services to traditionally underserved constituencies in the state. Previously, the term of office for commissioners was changed from six years to four years; this resulted in the expiration of six of the thirteen terms in one year. By staggering the terms so that no more than four expire in any one year, the agency's governance is more stable. Ms. Knight answered questions from the committee.

Calabretta MOVED, seconded by **Donesley**, that **H 37** be sent to the floor with a **DO PASS** recommendation. **MOTION CARRIED** with a voice vote. **Calabretta** will be the floor sponsor.

SENATE STATE AFFAIRS COMMITTEE

DATE: February 20, 1991

TIME: 3:00 p.m.

PLACE: Room 437

PRESENT: Ricks, Crapo, Twiggs, McRoberts, Hartung,
Calabretta, Blackbird, Donesley, and Peavey.

**ABSENT/
EXCUSED:** Sweeney.

Donesley MOVED seconded by **Blackbird** that the minutes of February 18, 1991, be approved as read. **MOTION CARRIED** by voice vote.

RS 00177C2 Donesley spoke to this RS, explaining that this legislation provides that voter registration materials be made available at the place where driver's license applications are processed. It provides voter registration procedures and penalties for perjury.

Blackbird MOVED, seconded by **Calabretta**, that **RS 00177C2 be sent to Print. MOTION CARRIED** by voice vote.

RS 00151 Calabretta spoke to this RS explaining that this legislation provides for granting a license to resorts with river frontage upon a navigable river. **Calabretta MOVED**, seconded by **Blackbird**, that **RS 00151 be sent to print.** There were some questions and discussion about the word navigable. **MOTION CARRIED** By voice vote.

RS 00125C1 Ricks explained that this RS is a memorial to support our dairy farmers who are under severe economic stress. It calls for a cost of production price structure, and a system to stabilize dairy production. This RS was requested by the Agricultural Affairs Committee with the request that it be printed and returned to the Agricultural Affairs Committee.

McRoberts MOVED, seconded by **Calabretta**, that **RS 00125C1 be introduced for print and returned to the Agricultural Affairs Committee. MOTION CARRIED** by voice vote.

RS 00246 Ricks explained that this RS was brought to the committee by the Lt. Governor's office. This

will be sent to the floor and **H 15** will be held in committee. **Thorne** will be the floor sponsor of **S 1024**.

S 1166

Stan Boyd spoke to this bill. He explained that this proposed legislation would allow a licensee in Idaho, with the authorization of the Racing Commission, to participate in an interstate combined wagering pool and to adopt the take out of the host state. This, in essence would allow Idaho Races to be more readily simulcast out to other states and allow a more uniform and complete out-of-state race to be simulcast into Idaho. He said the legislation does not expand the amount of kind of parimutuel wagering allowed in the state of Idaho or any other state.

Mr. Chris Christian of the Idaho Horse Industry thanked the committee for helping the industry get "healthier" by allowing them to have other revenue resources. He asked the committee to consider this bill.

McRoberts MOVED, seconded by **Twiggs**, that **S 1166** be sent to the floor with a **DO PASS** recommendation. **MOTION CARRIED** with a voice vote. **Hartung** will sponsor this bill on the floor of the Senate.

S 1064

Calabretta spoke to this bill. This legislation would amend the Idaho Human Rights Act to make all employers, regardless of the number of employees, excluding domestic servants, hired to work in and about the person's household, subject to this act. She said that she is co-sponsoring this legislation with Senator **Snodgrass** and turned the time over to her.

Snodgrass spoke to this bill. She said she endorses the Human Rights Commission being able to settle discrimination cases out of court.

Betsy Dunklin, Director of the Idaho Women's Network spoke in support of this bill. She explained her handout, (See attached) and gave her reasons that she believes this legislation is necessary. She cited examples of discrimination and/or harassment in the State of Idaho.

Blackbird MOVED, seconded by **Calabretta**, that **S 1064** be sent to the floor with a **DO PASS** recommendation. **Crapo** explained his vote and **Donesley** voiced his support of the Human Rights Commission. **MOTION CARRIED** by unanimous voice vote. **Calabretta** will sponsor this bill on the Senate floor.

Mr. Chairman and members of the committee:

I. Introduction

A. My name is Betsy Dunklin, and I am the executive director of the Idaho Women's Network, a 2 1/2 year old coalition of 22 organizations and hundreds of individuals. Collectively, we represent nearly 30,000 women AND men. Our goal is to improve the quality and opportunity in the lives of women in Idaho, and to that end.

B. We ask for your support for S 1064 which would expand the jurisdiction of the Human Rights Commission to almost all workers and employees in Idaho.

II. The proposal

A. We propose doing this by changing the definition of "employer" as found in the portion of the Idaho Code that deals with the Human Rights Commission. Idaho Code Section 67-5902, Sub-part (6) states: "'employer' means a person who has ten (10) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year."

B. We propose the more inclusive definition of "employer" as "a person, wherever situated, who hires one or more employees whose services are to be partially or wholly performed in the state of Idaho, except for domestic servants hired to work in and about the person's household." We excluded "domestic servants" to make a distinction between people employed in a business and people employed to meet your personal needs in your home.

C. Currently, 35 states have language that is more inclusive than Idaho's. Fifteen states, including our border states of Oregon and Montana, require a business to have only one employee; five require only two employees.

D. If this bill had been in effect last year, the Human Rights Commission estimates that they would have had 45 more cases, or an increase of 15% in their caseload. For this reason, the bill has a fiscal impact of \$15,500, which is needed to hire a half-time investigator. It should be noted that the Commission has doubled its caseload since 1978, but added only one staff person in that time, so it can hardly be accused of being expansionary.

III. Why do we need to be more inclusive?

2

A. To begin, I would like to share the story of two women who first alerted us to this problem back in August. They work in a small business in Idaho Falls owned by a man who has an all-female staff. They described constant demeaning and lewd behavior by their employer -- ~~daily comments about who is~~

~~prettier, how they should wear their clothes (tighter and shorter), what he would like to do if he could get them on a "date".~~ They had gotten together and decided they were not going to just put up with the abuse anymore, and they called the Human Rights Commission. They were declined because of lack of jurisdiction -- the employer was too small. They were outraged! It made no sense to them, and it makes no sense to us.

B. These young women said that a number of other women had worked there before them and quit in frustration. One of the two I talked to has since quit and is now working odd jobs for some friends until she can find another full-time job. And this points out the second reason we need to cover all employees: discrimination and sexual harassment are costly to our economy and to taxpayers.

1. Workers who are fired for not "playing along" or who quit in anger or who are denied a job for which they are qualified because of discrimination may become dependent on unemployment benefits, food stamps or welfare to survive -- when what they want to do is work. An employer who never learns to be a better manager or never suffers the consequences of his or her behavior not only causes economic and emotional havoc in the worker; that manager hurts us all.

2. A study by Fortune 500 Companies estimates that sexual harassment alone costs an average of \$6.7 million per company annually in absenteeism, employee turnover, low morale and less productivity. That is why big companies spend so much money trying to train managers to stop this sort of behavior. Discrimination is bad business.

C. Finally, the opportunities for conflict are going to increase. Demographics tell us that in the very near future, the majority of the workforce will be women and minorities. We need a process like that of the Human Rights Commission to attempt to settle these conflicts simply and quickly and to help us adjust

to a new era and the dramatic changes we are facing in our workforce.

IV. So if it is good for the economy to stop discrimination, why do we exempt any business from the Commission's jurisdiction?

A. My members, which include a number of small employers, wondered the same thing and we attempted to find the justification for defining "employer" in such a way that nearly 60,000 employees are left out. Why is 10 employees the cut off?

The understandable reason is that the state doesn't want to hurt small employers because they cannot afford to hire personnel directors and lawyers to guide them in personnel decisions. Well, we don't want to hurt small businesses either. And, this proposal won't hurt them; it might even help them.

B. First of all, the Human Rights Commission already covers small employers. People that have 10 to 20 employees -- or even 50 employees -- are not much more likely to have personnel directors or lawyers on contract to advise and defend them than those excluded from the Act. And they have not been hurt by being under the jurisdiction of the Human Rights Commission in Idaho! Nor have the small businesses in the states that are more inclusive than Idaho. Does Oregon and Montana have a worse climate than Idaho for small businesses because of their Commission's jurisdiction? Not likely.

1. In fact, we looked up the number of complaints brought against employers with 10 to 15 employees in FY 1991. There were ^{six} handled by the Commission: one case was withdrawn by the complainants; two were settled in mediation where no fault was found; and in two cases, "cause" was found and the case was settled. In one of the latter situations, ~~I would like to point out~~, the Commission had a history of complaints about the employer, who, in this case, engaged in constant, aggressive sexual behavior toward a female employee not only at work but at home in front of her children and in frequent late-night calls when he was drunk.

2. The truth is, businesses that are poorly managed --

and complaints of discrimination and harassment are indicators of bad management -- are likely to go out of business regardless of the jurisdiction of the Human Rights Commission. The Commission simply gives the employee, whose dignity as well as income have been damaged, an opportunity to regain a portion of what was lost. The Commission does not put anyone out of business -- bad management does. An employer may learn important lessons from dealing with a complaint through the commission that could help him in the future be a better manager.

C. Furthermore, it does not seem fair or make sense to exclude from jurisdiction a lawyer's or dentist's office with three or four clerical workers and include a house painter who hires crews of ten day ~~workers~~ ^{laborers}. The former professionals are much more likely to have more resources and access to management information than the house painter. Yet, under Idaho law, the painter's employees have access to the commission and the lawyer's secretaries do not.

D. Finally, the chance of a conflict being resolved through litigation is greatly decreased if the mediation and conciliation process of the Human Rights Commission is used. Any employer can be sued for discrimination. Complainants give up that right when their grievance is resolved through the commission.

V. Commission's process: It might be helpful to review quickly the process followed by the Commission and how their cases were handled in FY 1990. I have handed out a couple of diagrams that outline this, and I will just touch on a few points here.

A. The first is a flow chart on the process, with the number of cases in parenthesis and the amount of time allotted for each step. You will see that most are resolved in less than three months and in the worst cases they are settled in less than a year, unless they go to court. This is far more timely than civil suits.

B. The second graph ~~visually~~ depicts how the cases are resolved. Note that 54% are never investigated because they are mediated - or settled with no fault determined - or administratively closed, which primarily means the complainant dropped the case. ~~40% of those~~ ^{of those} investigated, "no fault" is found in 32%. Only a tiny percent are ever litigated, and most of those

of the total cases (tho that does not mean the complaint had no merit, only that the complainant could not prove the case.

in the top 13

5
are settled out of court.

In fact, in the six years between 1983 and 1989, only 2 cases went to court. The process used by the Commission is fair & quick.

VI. Conclusion: In conclusion, I urge you to support S1064 because:

A. It is the right thing to do. When people decide they do not want to take abuse anymore, and have the courage to stand up against what is wrong so that others will not have to suffer after them, when people want to regain a little of the dignity they have lost, we should not deny them that right!

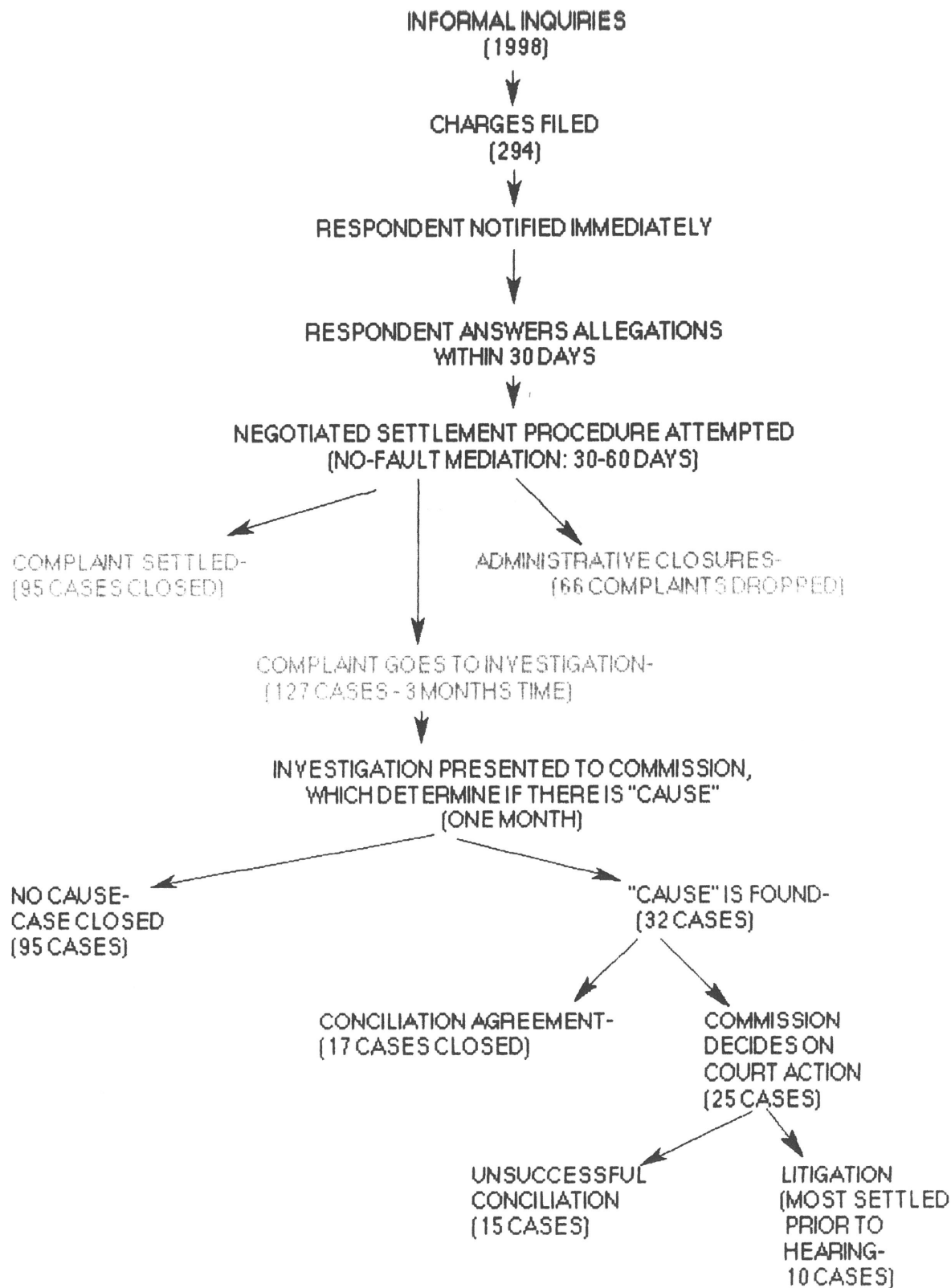
You shld support 1064
B. Because, it is, in fact, good for the economy. It is good to stem the tide of employees who have bad experiences with a bad manager. It is good to reduce the number of possible law suits. It is good to increase our productivity.

voters
C. And, finally, you should support S 1064 because so many people support this bill. ~~I want to point out that~~ many of our member groups went to extra effort to bring this bill before their leadership and have sent letters expressing their support. These include: AAUW, several YWCA's, the Business and Professional Women, Church Women United, the Idaho Education Association, and the National Association of Social Workers. Other groups which do not belong to our coalition such as the Senior Lobby, AARP, the Idaho Migrant Council, and others, support our bill.

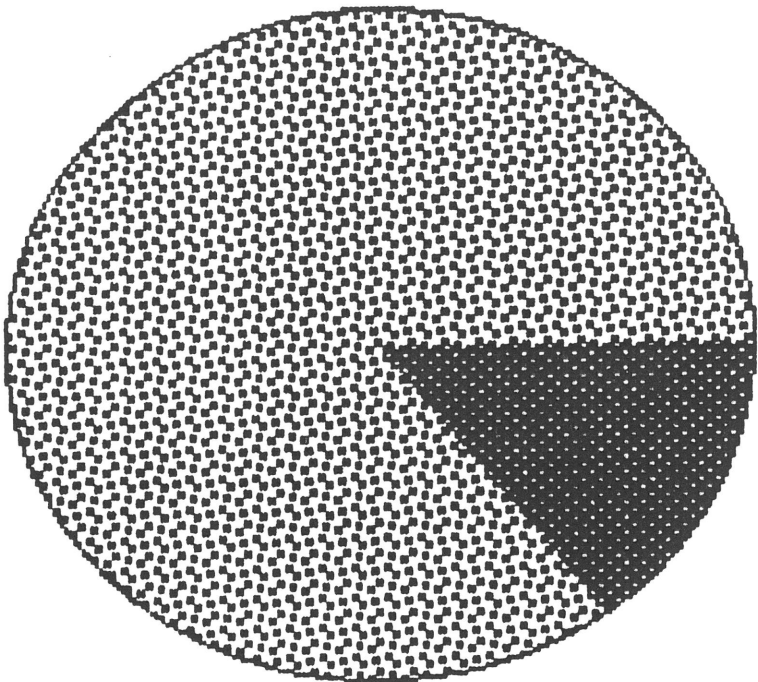
small employers
D. There is nothing to fear from working for justice and everything to gain. When we talked to the Commissioner in Wyoming to see if ~~they~~ had any problems with ~~small employers~~, the response was, "Of course not, Wyoming is the Equality State!" That is the attitude I hope we can exemplify in the great ~~and free~~ state of Idaho.

VII. Thank you for your attention. I would be pleased to answer any questions.

**IDAHO HUMAN RIGHTS COMMISSION
COMPLAINT RESOLUTION PROCEDURE - FY 1990**

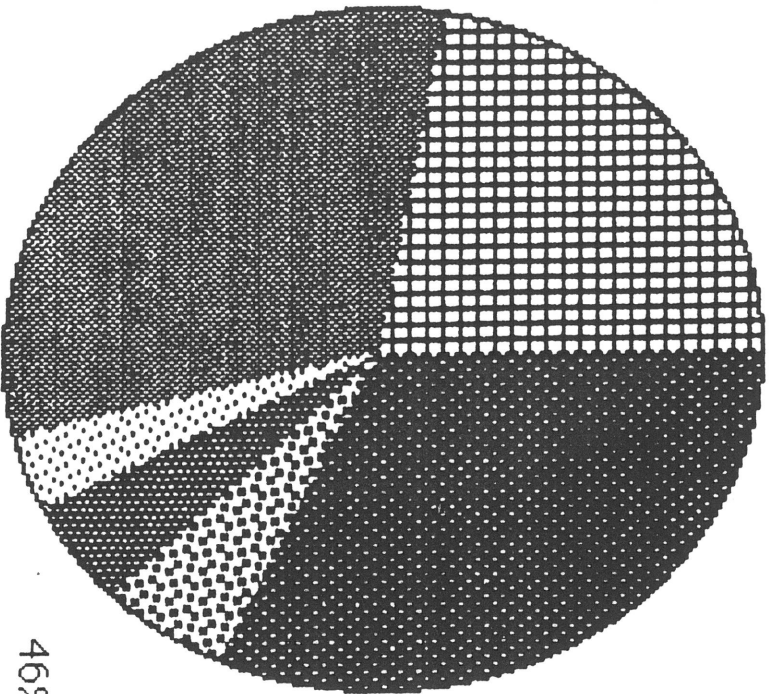


FY 1990 HRC INQUIRIES= 1998 CALLS









■	COMPLAINTS FILED	14.7%
▨	COMPLAINTS NOT FILED	85.3%

Human Rights Commission Complaints: FY 90



46% investigated

54% not investigated: complaint dropped or case mediated

	No discrimination found	31.9%
	Conciliated settlement	5.7%
	Unsuccessful conciliation	5.0%
	Litigation	3.4%
	No fault settlements	31.9%
	Administratively closed	22.1%



American Civil Liberties Union of Idaho
February 19, 1991

P.O. Box 1897
Boise, ID 83701
[208] 344-5243

Senator Mark Ricks
Senate State Affairs Committee

Dear Senator Ricks and Members of the Senate State Affairs Committee:

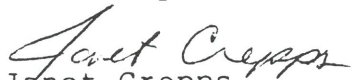
The Idaho Human Rights Commission provides a valuable service to the people of Idaho. Senate Bill 1064 will improve that service by expanding the jurisdiction of the Commission to include people in small businesses with less than ten employees. I hope that you will support SB 1064 and send it to the full Senate with a recommendation for passage.

The American Civil Liberties Union of Idaho supports the right of all persons to enjoy equal employment opportunities free from discrimination based on race, sex or handicap. The Human Rights Commission furthers this goal by providing a mechanism for handling discrimination claims that is less expensive and less adversarial than going to court. The Commission's ability to resolve claims informally and through conciliation benefits both employees and employers. It is logical to extend this program to small businesses and their employees because they are less able to handle the time and expense of litigation.

Every week our office receives calls from people seeking help for claimed employment discrimination. Last week alone, I received calls from three people whose complaints included sexual harrassment, racial bias and religious discrimination. In most cases I can refer these calls to the Commission. I have received calls, however, from people in small businesses who are not within the Commission's present jurisdiction. For these people the options are very limited. Most feel that it will be difficult, if not impossible, to hire a private attorney. As a result, many of these problems are never addressed although they are apparently just as serious as those faced by employees in larger businesses.

Thank you for your time in consideration of this issue. I once again urge you to support SB 1064.

Sincerely,


Janet Crepps
Legislative Coordinator

STATE AFFAIRS COMMITTEE

DATE: March 18, 1991

TIME: 8:30 a.m.

PLACE: Statehouse, Room 412

PRESENT: Bengson Ahrens, Peters, Stoicheff, Crane, Stone, Loertscher, Vandenberg, Tippetts, Sorensen, Barnes, White, Danielson, Stennett, Deal, Alexander, Lance, Judd, Jenkins, and Newcomb

**ABSENT/
EXCUSED:** Wood.

The meeting was called to order by Chairman Bengson Ahrens at 8:37 a.m.

MOTION: Rep. Barnes, seconded by Rep. Peters, the minutes of March 15, 1991, were approved as written.

HB 299 Rep. Lance explained the premise of HB 299. This legislation relating to Veteran's preference in public employment is to maintain uniformity in definitions used in the Idaho Code and for the purpose of clarification of terms. Currently, 65-511, Idaho Code, does not specify the number of years an individual could serve in the military and still be entitled to reemployment with their pre-military employer.

Rob Wilson, representing the Department of Employment, testified on behalf of HB 299 and answered questions from the committee regarding this legislation.

MOTION: Chairman Ahrens, seconded by Rep. Alexander, moved to hold HB 299 in committee until Tuesday, March 19, 1991 upon which, testimony of Dick Hutchinson and Alan Winkle will be heard. The motion passed.

SB 1064 Betsy Dunklin, representing the Idaho Women's Network, testified on behalf of SB 1064 and urged the committee to look favorably upon this legislation. At this time, Ms. Dunklin distributed a handout to the committee, illustrating the Idaho Human Rights Commission Complaint Resolution Procedure.

Marilyn Shuler, Director Idaho Human Rights Commission, testified on behalf of SB 1064 and answered questions from the committee.

Pat Dorman, a small business owner, also testified on behalf of SB 1064, giving the perspective of a business owner.

Pete Skamser, representing the National Federation of Independent Business, testified against SB 1064. Mr. Skamser also distributed a handout showing a special state ballot taken regarding several issues, one of which being SB 1064. 82% of the ballots indicated a "no" vote for SB 1064.

Barbara Beekner-Kane, an attorney representing the Business and Professional Women's Association, spoke in favor of SB 1064.

Louise O. Regelin, an attorney representing the American Association of University Women, testified on behalf of SB 1064.

Kelly Buckland, Director of Living Independent Network Corporation (LINC), testified on behalf of SB 1064.

Jesse Berain, a retired citizen, spoke in support of SB 1064.

Bertha Edwards, President of the Boise chapter of NAACP, also spoke in support of SB 1064.

MOTION:

Rep. Alexander, seconded by Rep. Sorensen, moved to send SB 1064 to the floor with a "Do Pass" recommendation.

SUBSTITUTE
MOTION:

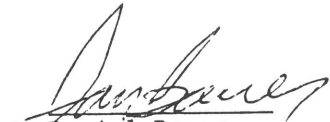
Rep. Newcomb, seconded by Rep. Danielson, moved to send SB 1064 to General Orders. A roll call vote was asked for. The motion failed. AYES: Reps. Barnes, Crane, Danielson, Lance, Loertscher, Newcomb, Peters, Sutton, and Tippetts. NAYS: Reps. Ahrens, Alexander, Deal, Jenkins, Judd, Sorensen, Stennett, Stoicheff, Stone, Vandenberg and White.

A division was called for in voting on the original motion, the motion passed. Representatives wishing to go on record as voting "nay" include: Tippetts, Crane, Loertscher, Deal, and Lance.

There being no further business, the committee adjourned at 9:45.



Pamela Bengson Ahrens
Chairperson



Daniel Bauer
Secretary



IDAHO EDUCATION ASSOCIATION

620 NORTH SIXTH STREET, P.O. BOX 2638, BOISE, IDAHO 83701

208/344-1341

RICHARD C. CHILCOTE
President

CHARLES N. LENTZ
Executive Director

February 20, 1991

Senator Mark Ricks
Idaho State Senate
Boise, Idaho

Dear Senator Ricks,

I am writing in support of a measure before the Senate State Affairs Committee, **SB 1064**.

This measure would amend Idaho Code 67-5901 to extend certain services to victims of discrimination who are employees of small businesses.

Currently, employees in businesses of fewer than ten individuals are denied the mediation services of the Idaho Human Rights Commission. The amendment to the code would alleviate that discriminatory policy.

Not only would the amendment benefit employees, but employers would receive a cost saving. Mediation through the Human Rights Commission is less expensive than if an employee should seek redress for an alleged rights violation through litigation in the courts.

The IEA feels that the basic rights of a person should receive the same consideration regardless of the size of the business in which that person is employed.

The IEA encourages the Committee to act favorably toward this code amendment and support SB 1064.

Sincerely,

Richard C. Chilcote
President

RCC/jh



IDAHO STATE NATIONAL ORGANIZATION FOR WOMEN

Dear Senator Ricks,

I am writing to request your support and affirmative vote on SB 1064. You may be aware of the extensive work the National Organization for Women has done in an effort to eliminate work-related discrimination and sexual harassment. The lack of protection from sexual harassment redress through the Human Rights Commission at businesses with less than 10 employees is a gap which should be eliminated in Idaho. Passage of SB 1064 will correct this injustice. Idaho NOW members urge passage of this bill.

I had personal experience with the trouble and disruption of sexual harassment at my last employment position. I was the manager at a small business with less than 10 employees. My boss, the business owner, and an employee became involved in a sexual harassment disagreement. The owner believed that he had the right to fire any employee for any reason he deemed legitimate. The employee worked at this job to live, and believed that she had a right to work in an environment free from unwanted sexual attention. This occurrence affected us all because the dispute could not be settled and put to rest through the Idaho Human Rights Commission. Other employees voiced fears about favoritism, unequal treatment, and lack of protection through a state commission on account of the size of the business. The monetary cost of obtaining justice through a civil court action is prohibitive to the vast majority of small business employees. That is a clear, undisputable fact.

This time consuming, work disrupting, emotion evoking incident could have been investigated and settled for much less cost to all of us if SB 1064 had been in effect. This discrimination in coverage must be erased.

Thank you for your time and effort.

Bonnie Sharp
Coordinator, Idaho National Organization
for Women

IDAHO NOW
P O Box 949
Mountain Home, Idaho 83647
(208) 587-7050

YWCA OF LEWISTON / CLARKSTON

300 Main Street - Lewiston, Idaho 83501

(208) 743-1535

24-Hour Crisis Services Line

(208) 746-9655

February 15, 1991

House State Affairs Committee
Chairman Bengson Ahrens
Statehouse Mail
Boise, ID 83720

Dear Chairman Ahrens and Committee Members:

The YWCA of Lewiston-Clarkston supports SB 1064 to extend the services of the Human Rights Commission. We find the legislation to be consistent with our national policies regarding civil rights.

It seems ludicrous that employees working for larger businesses are provided mediation services and other employees are not. Protection from discrimination or sexual harassment is needed by all employees. The size of the organization is irrelevant when civil rights are at stake.

On behalf of the Board, staff and membership I urge you to support SB 1046. It strengthens a cornerstone measure to preserve and promote human dignity.

Sincerely,



Tina Alexanderson
Executive Director

CS



IDAHO DIVISION

American Association of University Women

P. O. Box 9512
Moscow, Idaho 83843
208-882-7181
8 March 1991

Rep. Pam Bengson Ahrens
Chair, State Affairs Committee
Statehouse
Boise, Idaho 83720

Re: SB 1064

Dear Rep. Ahrens:

This letter will serve to state and reinforce the support of the Idaho Division of the American Association of University Women for **Senate Bill 1064**. This bill will assist many employees who presently work for small employers and in addition, will make available to small employers those services and facilities of the Human Rights Commission presently available only to large employers.

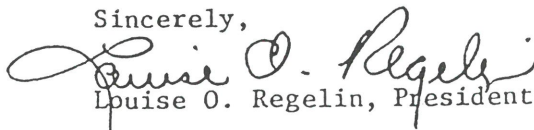
As I'm sure you are aware, the Human Rights Commission has established a very good record of resolving employer-employee complaints. To prevent someone from utilizing this valuable service simply because they work for an employer with nine employees as opposed to ten, is not very rational.

A further point of particular concern is that a disproportionate number of Idahoans working for small (less than ten employees) employers are women. This means failure to approve SB 1064 will have a greater impact on women. In addition, it also means that women who are small employers will not have available to them the services of the Human Rights Commission--a service for which their tax dollars are presently being spent without return. Thirty-five states already provide for their Human Rights Commissions to handle cases from smaller employers than Idaho--including our sister states of Oregon and Montana.

Sexual harassment and other similar complaints are real and serious. All of our Idaho citizens (employers and employees) deserve to have recourse available to them for such complaints. All of our employers deserve to have the services of the Human Rights Commission to assist in resolving these cases available to them. It is a fair and reasonable solution to a real problem. Costs of expanding the services would be minimal and expenses saved by employers and employees could be significant.

Thank you for your attention and consideration. This bill is a priority for the Idaho Division of the American Association of University Women this year and the members of our fifteen branches are concerned and interested in the success of this bill.

Sincerely,


Louise O. Regelin, President

HERS/West:
Higher Education Resource Services
BSU Chapter

March 11, 1991

Ch. Pamela Bengson Ahrens
& the House State Affairs Committee
Idaho Legislature
Statehouse
Boise ID 83720

Dear People:

I would like to encourage your support of SB 1064, relating to the Human Rights Commission and amending Idaho Code 67-5902 to redefine the term "employer." Our organization strongly supports the Idaho Women's Network position on this bill. As you are doubtless aware, 80% of Idaho's employers are at present exempt from the jurisdiction of the Human Rights Commission, simply because of the number of employees they have. I'm sure you will agree that discriminatory practices are as unacceptable in small offices, agencies, and organizations as they are in larger ones. In fact, the ill-effects of such practices, now widely recognized by enlightened employers everywhere, are often more keenly felt, by both the individual and the organization, in small employment settings. Idaho owes it to its businesses, services, and public offices, to insist on the same high standards of fairness and morality in all employer-employee relations within the state.

Your positive consideration of this legislation is very much appreciated.

Sincerely,



Beverly Miller,
IWN representative,
BSU HERS/West



IDAHO CHAPTER

NATIONAL ASSOCIATION OF SOCIAL WORKERS

March 12, 1991

The Honorable Pam Bengson-Ahrens
House State Affairs Committee
Statehouse Mail
Boise, ID 83720

Dear Madam Chairman and Members of the Committee:

The Idaho Chapter of the National Association of Social Workers urges your full support of S 1064 which proposes to extend the jurisdiction of the Human Rights Commission to small businesses.

Our Chapter office is a small business and we would wish to avail our employees of the services of the Commission. Number of employees should not determine whether one can be served in a case involving human rights violations and/or discrimination.

Our national Delegate Assembly passed the following priority goal for the association last summer: "To promote and advance sound public policies and programs aimed at human need and improved quality of life." This bill focuses Idaho policy in the direction of our goal. Please support S1064 and send it to the floor with a Do-Pass recommendation. Thank you for your concern.

Sincerely,

Maria Eschen, PhD

Maria Eschen, PhD
Executive Director

da



Idaho Women Lawyers, Inc.

February 19, 1991

P.O. Box 1385 • Boise, Idaho 83701 • (208) 344-0375

Senator Mark G. Ricks
Statehouse Mail
Boise, Idaho 83720

RE: SB 1064

On behalf of the Idaho Women Lawyers, I encourage you to vote to pass SB 1064, which would extend the services of the Human Rights Commission to employees of small businesses, who are now exempt. It is not appropriate to provide no protection for the majority of Idaho residents to be unprotected from sexual harassment or other discrimination merely because that employee works in an establishment that has few employees.

Please act to change this arbitrary and unfair treatment of the employees in Idaho.

Sincerely

Susan M. Graham
Attorney at Law
Legislative Chairperson

cc Louise O. Regelin, President

North Idaho Alliance for Women

P.O. Box 1831

Coeur d'Alene, Idaho 83814

March 7, 1991

Representative Pam Bengson Ahrens, Chair
and members of the House State Affairs Committee
Idaho State Legislature
State Capital Building
Boise, Id 83720

Dear Representative Bengson Ahrens,

We are writing to express our support for #SB 1064. Workers in the State of Idaho should have equal access to the representation of the Idaho Human Rights Commission in charges of sexual harassment/sexual discrimination and and not be excluded because of number of employees.

We urge your positive consideration of this bill - hoping for a "Do Pass" recommendation to the House of Representatives.

in appreciation,



Star Euthene
President
North Idaho Alliance for Women

cc: Betsy Dunklin



American Civil Liberties Union of Idaho
March 12, 1991

P.O. Box 1897
Boise, ID 83701
(208) 344-5243

Representative Pam Ahrens
House State Affairs Committee

Dear Representative Ahrens and Memebers of the House State
Affairs Committee:

The Idaho Human Rights Commission provides a valuable service to the people of Idaho. **Senate Bill 1064** will improve that service by expanding the jurisidction of the Commission to include businesses with less than ten employees. I hope that you will support SB 1064 and send it to the full House with a do pass recommendation.

The American Civil Liberties Union of Idaho supports the right of all persons to enjoy equal employment opportunities free from discrimination based on race, sex or handicap. The Human Rights Commission furthers this goal by providing a mechanism for handling discrimination claims that is less expensive and less adversarial than going to court. The Commission's ability to resolve claims informally and through conciliation benefits both employees and employers. It is logical to extend this program to small businesses and their employees because they are less able to handle the time and expense of litigation.

Every week our office receives calls from people seeking help for claimed employment discrimination. In most cases we refer these callers to the Commission. I have received calls, however, from people in small businesses who are not within the Commission's present jurisdiction. For these people the options are very limited. Most feel that it will be difficult, if not impossible, to hire a private attorney. As a result, many of these problems are never addressed, although they appear to be just as serious as those faced by employees in larger businesses.

Thank you for your time in consideration of this issue. I once again urge you to support SB 1064.

Sincerely,

A handwritten signature in cursive script, reading "Janet Crepps". The ink is dark and the signature is fluid, with a prominent loop at the end of the last name.

Janet Crepps
Legislative Coordinator

LIVING
INDEPENDENCE
NETWORK
CORPORATION



...people connecting people to independence.

January 18, 1991

Karen Hess, Chair
IWN Work-Place Task Force
817 West Franklin Street
P.O. Box 1385
Boise, ID. 83701

Dear Karen,

I am writing in response to your letter dated January 5, 1991 regarding the IWN's legislative proposal to reduce the number of employees a business needs in order for its employees to receive services through the Human Rights Commission.

Living Independence Network Corporation - LINC advocates for the rights of all citizens. However LINC specifically focuses its advocacy efforts on the rights of people with disabilities.

Your legislative proposal is very important for people who are victims of sexual harassment. It is equally as important for people with disabilities. People with disabilities have experienced wide spread discrimination for centuries. The anti-discrimination law in Idaho, Section 504 of the Vocational Rehabilitation Act and most recently the Americans with Disabilities Act were all attempts to guarantee people with disabilities equal rights in employment as well as other areas of life.

The Americans with Disabilities Act, requires that an employer have fifteen (15) employees before they are required to adhere to the anti-discrimination provisions of the law regarding hiring, firing, and promotion of people with disabilities. Like the Idaho law this excludes a majority of the employers in Idaho.

LINC is very supportive of the efforts of the Idaho Womens Network and your legislative proposal. If there is any way that we can be of assistance in your efforts please do not hesitate to contact me.

In the interests of
people with disabilities,


Kelly Buckland
Executive Director

THE
WOMEN'S
CENTER



101 Government Way
Professional Bldg., Suite L
Burien, ID 83814
(208) 664-9303

On Line
1443

Crisis
17273

Alternatives to
Domestic Violence
19303
1443

Alternatives to
Child Abuse
19303

Victim Assistance
19303

March 7, 1991

Representative Pam Bengson Ahrens, Chair
and members of the House State Affairs Committee
Idaho State Legislature
State Capital Building
Boise, Id 83720

Dear Representative Bengson Ahrens,

We are writing to express our support for **#SB 1064**.
Workers in the State of Idaho should have equal access to
the representation of the Idaho Human Rights Commission
in charges of sexual harassment/sexual discrimination and
not be excluded because of number of employees.

We urge your positive consideration of this bill -
hoping for a "Do Pass" recommendation to the House of
Representatives.

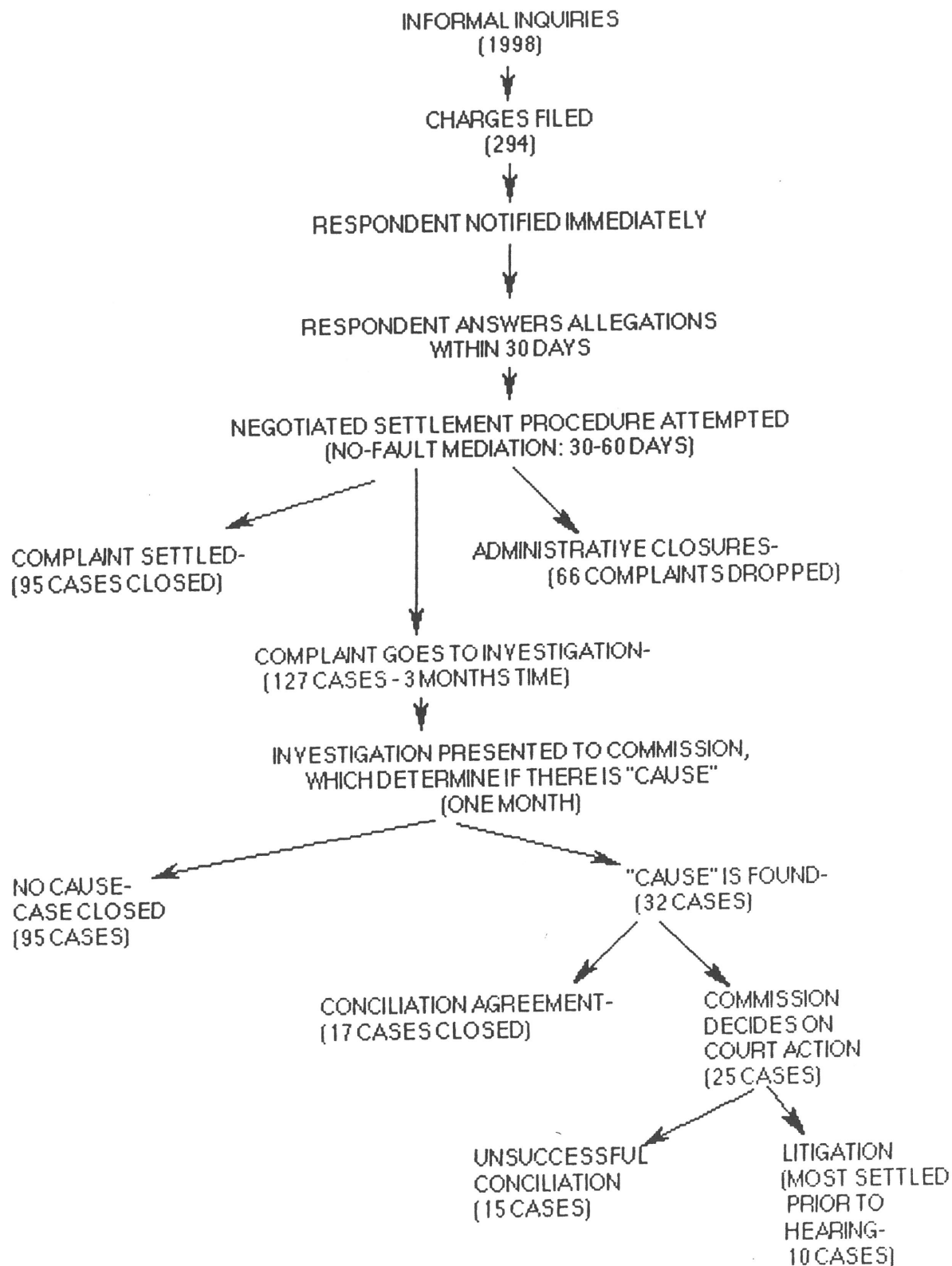
in appreciation,

A handwritten signature in cursive script, appearing to read "Star Euthene". The signature is written in dark ink and is positioned above the typed name.

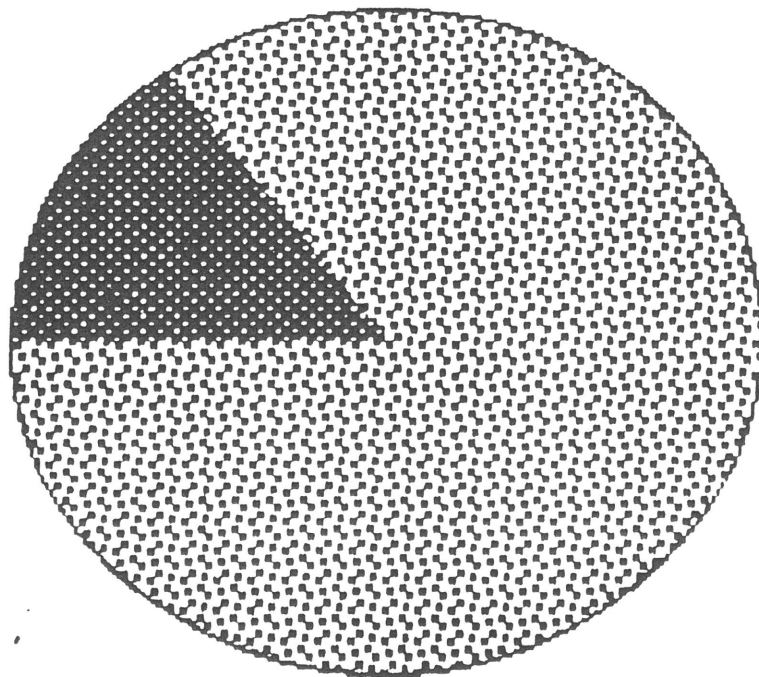
Star Euthene
Exec. Director
Women's Center

cc: Betsy Dunklin

**IDAHO HUMAN RIGHTS COMMISSION
COMPLAINT RESOLUTION PROCEDURE - FY 1990**



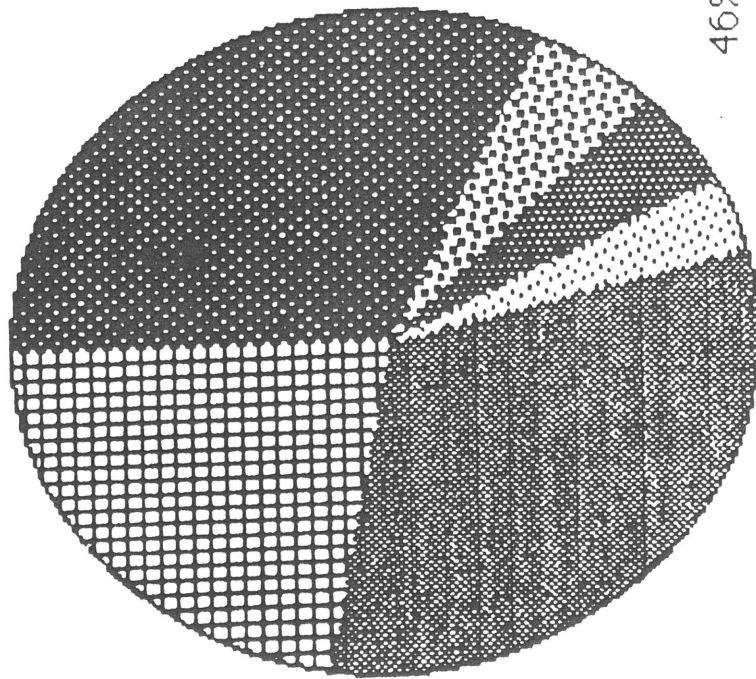
FY 1990 HRC INQUIRIES= 1998 CALLS



COMPLAINTS FILED 85.3%

COMPLAINTS NOT FILED 14.7%

Human Rights Commission Complaints: FY 90



46% investigated

54% not investigated: complaint dropped or case mediated



Idaho Federation of Business and Professional
Women's Clubs • MEMBER National Federation
of Business and Professional Women's Clubs, Inc.
of the United States of America

March 13, 1991

Chairman Bengson and Members of the House
State Affairs Committee:

Idaho Business and Professional Women's Association supports passage of SB 1064. We are a state organization which has currently 20 local organizations throughout Idaho. We have local active organizations in Burley, Buhl, Montpelier, Meridian, and Boise to name a few.

We have adopted a state legislative platform which requires us "to assist local and state government efforts to promote personal civil rights for all Idaho citizens." The passage of SB 1064 will be an effective first step.

The limitation of ten employees before the state Civil Rights Act is applicable is arbitrary. No one should be discriminated against or sexually harassed; regardless of how many others are employed.

On the national level our organization is made up of approximately one-fourth employers/business women. The Idaho state organization makeup is comparable. These are the women who are seeking passage of this bill.

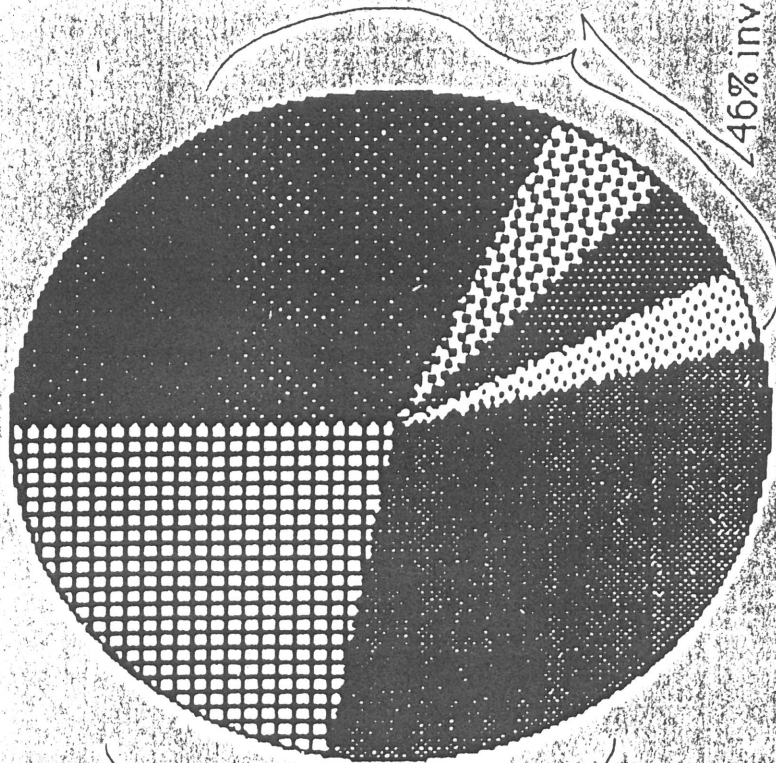
I encourage you to vote in favor of SB 1064.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Beehner-Kane".

BARBARA BEEHNER-KANE
1991 BUSINESS AND PROFESSIONAL WOMEN'S ASSOCIATION
IDAHO STATE LEGISLATIVE CHAIRMAN

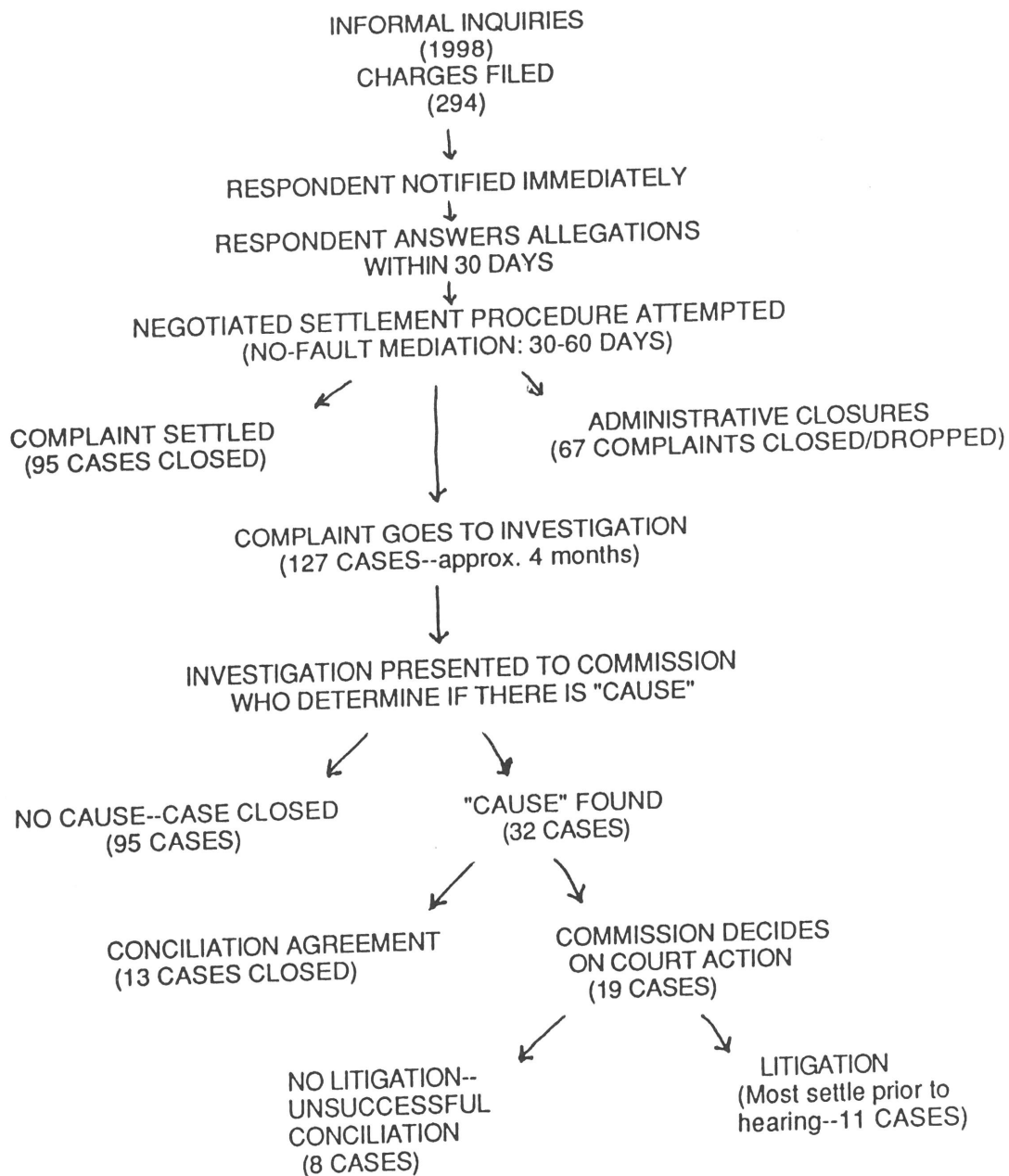
Human Rights Commission Complaints: FY 90



46% investigated

54% not investigated: complaint dropped or case mediated

**IDAHO HUMAN RIGHTS COMMISSION
COMPLAINT RESOLUTION PROCEDURE
CHARGES FILED AND CLOSED--FY 1990**



[In FY90, 294 charges filed; 289 cases closed. Administrative case processing must be completed within one year of filing. Closures do not reflect the same charges filed, as some closures are from previous fiscal years and some FY90 cases are not yet closed.]



IDAHO SENIOR CITIZENS LOBBY, INC.

817 West Franklin Street

— Boise, Idaho 83702 —

Phone (208) 343-1781

March 15, 1991

To: Members of the House State Affairs Committee

From: The Idaho Senior Citizens Lobby

Subject: **SB 1064** Human Rights Commission, Amending Section 67-5902,
Idaho Code

The Idaho Senior Citizens Lobby urges a do-pass recommendation on this bill. Many of us have seen or been the victims of discrimination during our years of employment. There has been a vast improvement over the years in protection from discrimination and harassment.

We believe that protection, through the Human Rights Commission, should be extended to all employees regardless of the size of the business. In this day and age employers should be civilized enough not to discriminate or harass even when they have only one employee. Employers with fewer than ten employees should not be exempt from the jurisdiction of the Human Rights Commission. Thank you for your consideration.

Sincerely,



Herbert R. Pember

President

HOUSE INDEX

<u>Senate Bill No.</u>	<u>Introduced By</u>	<u>Intro- duction Page</u>	<u>Subject Matter</u>	<u>Final Vote Page</u>	<u>Final Action Page</u>	<u>Final Disposition</u>	<u>Senate Bill No.</u>
1047	Human Resources	284	WORKER'S COMPENSATION Clarifies the time for filing an application requesting a hearing for additional income benefits, and that payment of medical benefits for more than five years shall not extend the limitation periods for filing a claim or an application for additional income benefits	340	362	LAW	1068
1050	Human Resources	293	WORKER'S COMPENSATION Increases income benefits for a disabled worker, removes payments for dependent children, provides death benefits are subject to annual adjustment, and provides for a lump sum payment to a widow or widower upon remarriage under the worker's compensation statutes (S.A. - see Senate Journal)	343	362	LAW	1070
1052	Education	219	LIBRARIES - SCHOOL - UNITY - Allows school-community libraries to join an existing library district	--	219	House Education	1071
1057	Judiciary and Rules	231	DIVORCE - CHILD SUPPORT - Pro- vides for continuance of child support guidelines beyond July 1, 1991 (House Amendments - p. 296)	316	362	LAW	1072
1060	Resources and Environment	212	WATER - RIGHTS - Shortens time for filing notices of claims to water rights after the second round of the commencement notice	298	317	LAW	1074
1061	Resources and Environment	212	WATER - DISTRICTS - Revises the method of voting at annual water district meetings, provides for the assessment and voting rights for nonconsumptive water rights, and provides for the extension of a watermaster's term of service	321	329	LAW	1081
1062	Local Government and Taxation	136	COUNTIES - SELF-GOVERNMENT Allows counties to exercise all powers of local self-government which are not specifically prohibited	--	136	House Local Government	1083
1064	State Affairs	183	HUMAN RIGHTS - Redefines em- ployer under human rights statutes . (House Amendments - p. 352)	368 ✓	387 ✓	LAW	1084
1066	Health and Welfare	301	MENTAL HEALTH - PROFES- SIONAL'S LIABILITY - Provides a limitation, and immunity from liabil- ity, of a duty to warn of violent behavior of a patient of a mental health professional (S.A. - see Senate Journal)	358	375	LAW	1087
							1088

HOUSE BILL NO. 344
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO INSURANCE; AMENDING CHAPTER 41, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1333, IDAHO CODE, TO PROVIDE THAT ANY FINANCIAL INSTITUTION OR FINANCIAL INSTITUTION AGENCY BE PROHIBITED FROM USING CERTAIN PRIVILEGED AND CONFIDENTIAL CLIENT FINANCIAL INSTITUTION INFORMATION OBTAINED THROUGH FINANCIAL INSTITUTION ACTIVITIES, FOR PURPOSES OF SOLICITING OR OTHERWISE ENGAGING IN INSURANCE AGENCY ACTIVITIES.

HOUSE BILL NO. 345
BY RESOURCES AND CONSERVATION COMMITTEE
 AN ACT

RELATING TO IRRIGATION DISTRICT ELECTIONS; AMENDING SECTION 43-111, IDAHO CODE, TO PROVIDE THAT PERSONS MUST BE ASSESSED TAXES LEVIED BY AN IRRIGATION DISTRICT FOR DELIVERY OF WATER BEFORE THEY ARE ELIGIBLE TO VOTE IN IRRIGATION DISTRICT ELECTIONS.

HOUSE BILL NO. 346
BY RESOURCES AND CONSERVATION COMMITTEE
 AN ACT

RELATING TO LIMITATIONS OF ACTIONS; AMENDING CHAPTER 2, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-246, IDAHO CODE, TO PROVIDE FOR PRESCRIPTIVE EASEMENTS FOR DAM OPERATIONS, TO PROVIDE TIME LIMITS FOR ACTIONS SIMILAR TO THOSE FOR OTHER PRESCRIPTIVE EASEMENTS, TO PROVIDE SAID EASEMENT MAY NOT BE SUBJECT TO FORFEITURE IF THE FAILURE TO EXERCISE IS CAUSED BY LACK OF WATER, TO PROVIDE ONE YEAR FOR PROPERTY OWNERS TO INITIATE ACTIONS RELATED TO OVERFLOW OF LANDS BY DAM OPERATIONS OCCURRING IN THE PREVIOUS FIVE YEARS, TO LIMIT CERTAIN PRIVATE AND STATE PROPERTY, AND TO PROVIDE THE EFFECT ON PRESCRIPTIVE OVERFLOW EASEMENTS PREVIOUSLY REQUIRED UNDER COMMON LAW.

HOUSE BILL NO. 347
BY APPROPRIATIONS COMMITTEE
 AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE ATTORNEY GENERAL FOR FISCAL YEAR 1992; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES; REAPPROPRIATING CERTAIN EXPENDED AND UNENCUMBERED BALANCES; APPROPRIATING MONEYS TO THE ATTORNEY GENERAL IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 186, LAWS OF 1990; AND DECLARING AN EMERGENCY FOR SECTION 6 OF THE ACT.

HOUSE BILL NO. 348
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO LIMITATIONS ON TAXING DISTRICTS BUDGETS; AMENDING SECTION 63-2220, IDAHO CODE, TO CLARIFY THE BUDGET REQUEST

PROCESS FOR HIGHWAY DISTRICTS AND COUNTY HIGHWAY SYSTEMS; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

HOUSE BILL NO. 349
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO CEMETERIES; AMENDING SECTION 27-116, IDAHO CODE, TO AUTHORIZE CEMETERY MAINTENANCE DISTRICTS TO ACQUIRE CEMETERIES FROM COUNTIES AND TO DELETE AN ARCHAIC TERM; AMENDING SECTION 31-808, IDAHO CODE, TO AUTHORIZE COUNTIES TO DISPOSE OF CEMETERIES TO CEMETERY MAINTENANCE DISTRICTS AND TO CORRECT A TYPOGRAPHICAL ERROR; AND DECLARING AN EMERGENCY.

H 339, H 340, H 341, H 342, H 343, H 344, H 345, H 346, H 347, H 348 and H 349 were introduced, read the first time by title and referred to the Judiciary, Rules and Administration Committee for printing.

S 1064 and S 1166, by State Affairs Committee, were introduced, read the first time by title, and referred to the State Affairs Committee.

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

Second Reading of Bills and Joint Resolutions

Mrs. Bell asked unanimous consent that H 100 be placed on General Orders for consideration. There being no objection, it was so ordered.

H 327, H 329 and H 330, by Appropriations Committee, were read the second time by title and filed for third reading.

H 211, by Education Committee, was read the second time by title and filed for third reading.

HJM 4, by Business Committee, was read the second time by title and filed for third reading.

H 148, by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

H 194, H 195 and H 228, by Local Government Committee, were read the second time by title and filed for third reading.

H 243, H 247 and H 162, by Transportation and Defense Committee, were read the second time by title and filed for third reading.

H 197, H 214 and H 291, by Health and Welfare Committee, were read the second time by title and filed for third reading.

H 324, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

H 332, by Ways and Means Committee, was read the second time by title and filed for third reading.

Jones(10), Jones(23), Jones(29), Judd(8), Judd(3), Lance, Lasuen, Lazechko, Linford, Loertscher, Loosli, McEvoy, Mortensen(Mortensen), Nafziger, Newcomb, Parks(Goodwin), Peters, Pomeroy, Reynolds, Richardson, Robison, Sali, Schaefer, Sessions, Simpson, Sorensen, Steger, Stennett, Stoicheff, Stone, Sutton, Taylor, Tilman, Tippetts, Vandenberg, Vickers, White, Wilde, Wood, Wright, Mr. Speaker. Total - 71.

NAYS - None.

Absent and excused - Adams, Childers(Beck), Davis, Gurnsey, Kempton, Loveland, Lucas, Mahoney, Montgomery, Reid, Steele, Stubbs, Vincent. Total - 13.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1064**, as amended in the House, was read the first time by title, second time by title and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Sorensen and Mr. Alexander to open debate.

The question being, "Shall **S 1064**, as amended in the House, pass?"

Roll call resulted as follows:

AYES - Adams, Alexander, Antone, Beaudoin, Bengson Ahrens, Black(27), Black(23), Chamberlain, Crane, Danielson, Deal, Decelle, Duncan, Field, Flandro, Frasure, Gannon, Gurnsey, Hall, Hansen(20), Hansen(32), Hofman, Horvath, Jenkins, Johnson, Jones(10), Jones(23), Judd(8), Judd(3), Kempton, Lance, Lasuen, Lazechko, Loosli, Lucas, Montgomery, Nafziger, Peters, Pomeroy, Reid, Reynolds, Robison, Sessions, Simpson, Sorensen, Steger, Stennett, Stoicheff, Stone, Tilman, Vandenberg, Vickers, Vincent, White, Wilde, Wright, Mr. Speaker. Total - 57.

NAYS - Barnes, Bell, Crow, Denney, Geddes, Gould, Infanger, Jones(29), Linford, Loertscher, Mahoney, McEvoy, Mortensen(Mortensen), Nafziger, Parks(Goodwin), Richardson, Sali, Schaefer, Sutton, Taylor, Tippetts, Wood. Total - 21.

Absent and excused - Childers(Beck), Davis, Loveland, Newcomb, Steele, Stubbs. Total - 6.

Total - 84.

Whereupon the Speaker declared **S 1064**, as amended in the House, passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Montgomery moved that all rules of the House interfering with the immediate consideration of **S 1083**, 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 1083**, 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 placed before the House for final consideration. Seconded by Mr. Stoicheff.

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

Roll call resulted as follows:

AYES - Alexander, Antone, Barnes, Beaudoin, Bell, Bengson Ahrens, Black(27), Black(23), Chamberlain, Crane, Crow, Danielson, Deal, Decelle, Denney, Duncan, Field, Flandro, Frasure, Gannon, Geddes, Gould, Hall, Hansen(20),

Hansen(32), Hofman, Horvath, Infanger, Jenkins, Johnson, Jones(10), Jones(23), Jones(29), Judd(8), Judd(3), Lance, Lasuen, Lazechko, Linford, Loertscher, Loosli, McEvoy, Mortensen(Mortensen), Nafziger, Newcomb, Parks(Goodwin), Peters, Pomeroy, Reynolds, Richardson, Robison, Sali, Schaefer, Sessions, Simpson, Sorensen, Steger, Stennett, Stoicheff, Stone, Sutton, Taylor, Tilman, Tippetts, Vandenberg, Vickers, White, Wilde, Wood, Wright, Mr. Speaker. Total - 71.

NAYS - None.

Absent and excused - Adams, Childers(Beck), Davis, Gurnsey, Kempton, Loveland, Lucas, Mahoney, Montgomery, Reid, Steele, Stubbs, Vincent. Total - 13.

Total - 84.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1083**, as amended in the House, was read the first time by title, second time by title and third time at length, section by section, and placed before the House, for final consideration.

At this time, the Speaker recognized Mr. White to open debate.

The question being, "Shall **S 1083**, as amended in the House, pass?"

Roll call resulted as follows:

AYES - Adams, Alexander, Antone, Barnes, Beaudoin, Bell, Bengson Ahrens, Black(27), Black(23), Chamberlain, Danielson, Deal, Decelle, Denney, Duncan, Field, Flandro, Gannon, Gould, Gurnsey, Hall, Hansen(20), Hansen(32), Hofman, Horvath, Jenkins, Johnson, Jones(10), Jones(23), Judd(8), Judd(3), Kempton, Lance, Lasuen, Lazechko, Linford, Loertscher, Loosli, Lucas, Mahoney, Montgomery, Mortensen(Mortensen), Nafziger, Parks(Goodwin), Peters, Pomeroy, Reid, Reynolds, Richardson, Robison, Sali, Schaefer, Sessions, Simpson, Sorensen, Steger, Stennett, Stoicheff, Stone, Sutton, Taylor, Tilman, Vandenberg, Vickers, Vincent, White, Wright, Mr. Speaker. Total - 66.

NAYS - Crane, Crow, Frasure, Geddes, Infanger, Jones(29), McEvoy, Sali, Sessions, Taylor, Tippetts, Wood. Total - 12.

Absent and excused - Childers(Beck), Davis, Loveland, Newcomb, Steele, Stubbs. Total - 6.

Total - 84.

Whereupon the Speaker declared **S 1083**, as amended in the House, passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Montgomery moved that all rules of the House interfering with the immediate consideration of **H 333**, as amended, as amended, 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 **H 333**, as amended, as amended, be read the first time by title, second time by title and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Stoicheff.

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

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Consideration of General Orders

Mr. Montgomery moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Black(27). Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for consideration of General Orders with Mr. Newcomb in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

March 27, 1991

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **S 1008, H 333**, as amended, **S 1064, S 1083** and **S 1160**, as amended, and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO S 1008

AMENDMENTS TO SECTION 1

On page 1, line 10 of the printed bill delete "any library or gallery, museum, collection or exhibition," and insert: "a publicly funded lending facility"; in line 23, following "a", insert: "petty"; and in line 24, following "Code.", insert: "For purposes of this section, a "publicly funded lending facility" includes any library, gallery, museum, collection or exhibit supported by public funds."

HOUSE AMENDMENT TO H 333, as amended

AMENDMENT TO THE BILL

On page 6 of the engrossed bill following line 17 insert:

"SECTION 6. That Chapter 30, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3030B, Idaho Code, and to read as follows:

63-3030B. County of residence. Whenever a resident taxpayer other than a corporation files a return pursuant to this chapter, the taxpayer shall indicate on the return what his county of residence is. If the taxpayer does not indicate a county of residence the state tax commission shall assign one. If a taxpayer falsely puts, fails to put or causes to be falsely put, his county of residence on the income tax return, and such falsehood or failure results in the underpayment or nonpayment of a tax lawfully due pursuant to this title, such falsehood shall subject the taxpayer to any taxes, penalties, interest and other remedies available to the state tax commission pursuant to this chapter as if the tax for which an underpayment or nonpayment was made was a tax, assessment or estimated tax to be collected pursuant to this chapter. All moneys collected from a taxpayer pursuant to this section shall be remitted to the entity imposing a local option income tax."

CORRECTIONS TO TITLE

On page 1 of the engrossed bill, at the beginning of line 14, delete "AND"; in line 16 following "VALUE" insert: "; AND AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3030B, IDAHO CODE, TO REQUIRE A DESIGNATION OF A COUNTY OF RESIDENCE ON STATE INCOME TAX RETURNS".

HOUSE AMENDMENT TO S 1064

AMENDMENT TO SECTION 1

On page 1, line 19 of the printed bill delete "one" and insert: "five (5)".

AMENDMENT TO SECTION 1

On page 1, line 19 of the printed bill, following "employees" delete the remainder of line 19 and delete line 20 and insert: "for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year whose services are to".

HOUSE AMENDMENT TO S 1083

AMENDMENT TO BILL

On page 2 of the printed bill delete lines 22, 23 and 24.

CORRECTION TO TITLE

On page 1, line 7, delete "; AND DECLARING AN EMERGENCY".

HOUSE AMENDMENT TO S 1160, As Amended

AMENDMENTS TO SECTION 1

On page 2 of the engrossed bill, following line 1 insert:

"(3) Each plan shall include a process for evaluating student achievement in reading and math skills at the close of the third grade. The assessment plan may be for all students in third grade or a reasonable random sample."; in line 6, delete "(3)" and insert: "(4)"; and in line 16, delete "(4)" and insert: "(5)".

AMENDMENT TO THE BILL

On page 2 of the engrossed bill following line 18 insert:

"SECTION 2. This act shall be in full force and effect on and after July 1, 1993."

AMENDMENTS TO SECTION 1

On page 1, line 36 of the engrossed bill delete "by rule"; and on page 2 in lines 14 and 15 delete "as may be established by rules promulgated by the superintendent of public instruction".

CORRECTIONS TO TITLE

On page 1 of the engrossed bill, line 6, delete "RULE OF". On line 7 following "INSTRUCTION" insert: "AND PROVIDING AN EFFECTIVE DATE".

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length, section by section, and placed before the House for final consideration. Seconded by Mr. Stoicheff.

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

Roll call resulted as follows:

AYES -- Adams, Alexander, Beaudoin, Bell, Bengson Ahrens, Black(27), Black(23), Chamberlain, Crow, Danielson, Deal, Decelle, Denney, Duncan, Field, Flandro, Frasure, Gannon, Gould, Gurnsey, Hall, Hansen(20), Hansen(32), Hofman, Horvath, Infanger, Jenkins, Johnson, Jones(10), Jones(23), Jones(29), Judd(8), Judd(3), Lance, Lasuen, Lazechko, Linford, Loertscher, Lucas, Mahoney, Montgomery, Mortensen(Mortensen), Nafziger, Newcomb, Peters, Pomeroy, Reid, Reynolds, Richardson, Robison, Sessions, Simpson, Sorensen, Steele, Steger, Stennett, Stoicheff, Stone, Stubbs, Sutton, Tilman, Vandenberg, Vickers, Vincent, White, Wilde, Wood, Wright, Mr. Speaker. Total -- 69.

NAYS -- Geddes, McEvoy, Parks(Goodwin), Sali, Schaefer, Tippetts. Total -- 6.

Absent and excused -- Antone, Barnes, Childers(Beck), Crane, Davis, Kempton, Loosli, Loveland, Taylor. Total -- 9. Total -- 84.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and H 434 was read the first time by title, second time by title and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Duncan to open debate.

The question being, "Shall H 434 pass?"

Roll call resulted as follows:

AYES -- Adams, Alexander, Beaudoin, Bell, Bengson Ahrens, Black(27), Black(23), Chamberlain, Crow, Danielson, Deal, Decelle, Denney, Duncan, Field, Flandro, Frasure, Gannon, Gould, Gurnsey, Hall, Hansen(20), Hansen(32), Hofman, Horvath, Jenkins, Johnson, Jones(10), Jones(23), Judd(8), Judd(3), Lance, Lasuen, Lazechko, Loertscher, Lucas, Mahoney, Montgomery, Nafziger, Newcomb, Peters, Pomeroy, Reid, Robison, Simpson, Sorensen, Steele, Steger, Stennett, Stoicheff, Stone, Stubbs, Sutton, Tilman, Vandenberg, Vickers, Vincent, White, Wilde, Wright, Mr. Speaker. Total -- 61.

NAYS -- Crane, Geddes, Infanger, Jones(29), Linford, McEvoy, Mortensen(Mortensen), Parks(Goodwin), Reynolds, Richardson, Sali, Schaefer, Sessions, Tippetts, Wood. Total -- 15.

Absent and excused -- Antone, Barnes, Childers(Beck), Davis, Kempton, Loosli, Loveland, Taylor. Total -- 8.

Paired Vote:

AYE -- Tilman NAY -- Crane
(Pair enumerated in roll call above.)
Total -- 84.

Whereupon the Speaker declared H 434 passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Montgomery asked unanimous consent that committees be appointed by the Speaker to notify the Governor and the Senate that the House is now ready to

adjourn Sine Die. There being no objection, it was so ordered.

The Speaker appointed Representatives Mahoney, Lance and Nafziger as the committee to wait upon the Governor and Representatives Sorensen, Deal and Black(27) to wait upon the Senate.

The committees were excused.

The committee appointed to notify the Governor reported that they had delivered the message to the Governor and he extended his best wishes and appreciation and wished the members a safe journey home. The committee was thanked and discharged by the Speaker.

The committee appointed to notify the Senate reported that they had delivered the message to the Senate, and the Senate wished the House members a safe journey home. The committee was thanked and discharged by the Speaker.

At this time Senators Vance, Osborne, Lloyd and Snodgrass, acting as a committee from the Senate, entered the House Chamber and reported that the Senate was ready to adjourn Sine Die. The Speaker thanked the committee and wished the members of the Senate a safe trip home.

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

Adjournment

Mr. Montgomery moved that the House of Representatives of the First Regular Session of the Fifty-first Legislative of the State of Idaho adjourn Sine Die. Seconded by Mr. Black(27).

Whereupon the Speaker declared the motion carried and the House of Representatives of the First Regular Session of the Fifty-first Legislature of the State of Idaho adjourned Sine Die at 9:08 p.m., March 29, 1991.

TOM BOYD, Speaker

ATTEST:

PHYLLIS WATSON, Chief Clerk

H 308, as amended, which failed to pass the Senate, was returned from the Senate.

Enrolled S 1250, S 1251, S 1140, as amended, S 1008, as amended in the House, S 1064, as amended in the House, S 1068, as amended, as amended in the House, S 1083, as amended in the House, S 1249 and SCR 114 were received from the Senate, signed by the Speaker and returned to the Senate.

Enrolled H 32, as amended, as amended in the Senate, as amended in the Senate, H 87, H 110, as amended, as amended, H 111, H 123, as amended, H 129, H 153, as amended in the Senate, H 175, as amended, H 181, H 182, H 190, H 192, as amended in the Senate, H 239, H 262, as amended, H 276, as amended, H 280, as amended, H 284, H 286, H 297, H 303, H 394 and H 411

SENATE INDEX

Senate Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1058	Judiciary & Rules	Senate Judiciary & Rules	DIVORCE - CHILD SUPPORT - Amends existing law to provide for the modification of child support and maintenance decrees and orders in accordance with the Idaho child support guidelines.	62	--	205
1059	Judiciary & Rules	Senate Judiciary & Rules	PUBLIC ASSISTANCE - SUPPORT ORDERS - Amends existing law to clarify that the Department of Health and Welfare represents the state in its authority to establish, modify and enforce child support obligations, and to provide for the enforcement of valid debts owed to children who have reached adulthood.	62	174	174
1060	Resources & Environment	Law	WATER - RIGHTS - Amends existing law to shorten the time for filing notices of claims to water rights after the second round of the commencement notice.	62	157	290
1061	Resources & Environment	Law	WATER - DISTRICTS - Amends and adds to existing law to revise the method of voting at annual water district meetings, to provide for the assessment and voting rights for nonconsumptive water rights, and to provide for the extension of a watermaster's term of service.	62	157	309
1062	Local Government & Taxation	House Local Government & Taxation	COUNTIES - SELF-GOVERNMENT - Amends existing law to allow counties to exercise all powers of local self-government which is not specifically prohibited.	62	109	109
1063	State Affairs	Senate State Affairs	CONTROLLED SUBSTANCES (DRUGS) - PEYOTE USE - Adds to existing law to permit the use of peyote (genus Lophophora) in religious rites of native American religious ceremonies.	62	--	64
1064	State Affairs	Law	HUMAN RIGHTS - Amends existing law to redefine employer under the human rights statutes. A.H. (See House Journal)	62 ✓	337 ✓	344 ✓
1065	State Affairs	Senate State Affairs	CITIZENS' COMMITTEE ON LEGISLATIVE COMPENSATION - Amends existing law to establish a rate of compensation for members who serve on the Citizens' Commission on Legislative Compensation.	62	--	64
1066	Health & Welfare	Law	MENTAL HEALTH - PROFESSIONAL'S LIABILITY - Adds to existing law to provide a limitation, and immunity from liability, of a duty to warn of violent behavior of and threat to a person by a patient of a mental health professional. A.S.	62 201	227	342
1067	Health & Welfare	Senate Health & Welfare	INSURANCE - DAY CARE - Adds to and amends existing law to require day care centers to have proof of casualty insurance for licensure as a day care center.	63	--	64
1068	Health & Welfare	Law	ADULTS - VULNERABLE - Amends and adds to existing law to ensure that the adult population of the state is protected from abuse, neglect and exploitation, and to further provide that protective services are provided in the least restrictive environment for the maximum independence of the persons served. A.S. A.H. (See House Journal)	63 196	334	343

S 1056
BY JUDICIARY AND RULES COMMITTEE

AN ACT
RELATING TO THE EFFECT OF A RELEASE OF
TORTFEASORS; AMENDING SECTION 6-805, IDAHO
CODE, TO COMPORT WITH CHANGES MADE IN
IDAHO'S JOINT LIABILITY LAW BY PREVIOUS
SESSIONS OF THE IDAHO LEGISLATURE.

S 1057
BY JUDICIARY AND RULES COMMITTEE

AN ACT
RELATING TO THE CONTINUATION OF CHILD
SUPPORT GUIDELINES; REPEALING SECTION 3,
CHAPTER 411, LAWS OF 1989; AND DECLARING AN
EMERGENCY.

S 1058
BY JUDICIARY AND RULES COMMITTEE

AN ACT
RELATING TO MAINTENANCE AND SUPPORT
PAYMENTS; AMENDING SECTION 32-709, IDAHO
CODE, TO PROVIDE FOR MODIFICATION OF
MAINTENANCE AND SUPPORT ORDERS.

S 1059
BY JUDICIARY AND RULES COMMITTEE

AN ACT
RELATING TO SUPPORT ORDERS; AMENDING
SECTION 56-203A, IDAHO CODE, TO PROVIDE THAT
THE AUTHORITY TO ENFORCE SUPPORT ORDERS
IS ON BEHALF OF THE STATE OF IDAHO;
AMENDING SECTION 56-203C, IDAHO CODE, TO
CLARIFY THE POWERS OF THE DEPARTMENT OF
HEALTH AND WELFARE; AMENDING SECTION
7-1049, IDAHO CODE, TO REDEFINE TERMS;
AMENDING SECTION 7-1059, IDAHO CODE, TO
PROVIDE THAT THE STATE IS TO REPRESENT AN
OBLIGEE; AMENDING SECTION 7-1065, IDAHO CODE,
TO PROVIDE DUTIES OF THE DEPARTMENT OF
HEALTH AND WELFARE; AMENDING SECTION
7-1202, IDAHO CODE, TO PROVIDE AN ADDITIONAL
DEFINITION AND TO REDEFINE TERMS; AND
AMENDING SECTION 32-1202, IDAHO CODE, TO
REDEFINE TERMS.

S 1060
BY RESOURCES AND ENVIRONMENT
COMMITTEE

AN ACT
RELATING TO ADJUDICATION OF WATER RIGHTS;
AMENDING SECTION 42-1408A, IDAHO CODE, TO
SHORTEN THE PERIOD FOR FILING NOTICES OF
CLAIMS TO WATER RIGHTS FOLLOWING THE
SECOND ROUND OF SERVICE OF THE
COMMENCEMENT NOTICE; AND DECLARING AN
EMERGENCY.

S 1061
BY RESOURCES AND ENVIRONMENT
COMMITTEE

AN ACT
RELATING TO WATER DISTRICTS; AMENDING
SECTION 42-605, IDAHO CODE, TO DELETE THE
WORD IRRIGATION AND TO REVISE THE METHOD
OF VOTING AT ANNUAL WATER DISTRICT

MEETINGS BASED UPON THE AVERAGE ANNUAL
DOLLAR AMOUNT BILLED FOR A PERSON'S
QUALIFYING WATER RIGHT IN PREVIOUS YEARS;
AMENDING CHAPTER 6, TITLE 42, IDAHO CODE,
BY THE ADDITION OF A NEW SECTION 42-605A,
IDAHO CODE, TO PROVIDE A PROCEDURE FOR
DETERMINING ANNUAL WATER DISTRICT
ASSESSMENTS AND VOTING RIGHTS FOR
NONCONSUMPTIVE WATER RIGHTS ADMINISTERED
BY THE WATERMASTER, TO EXEMPT INSTREAM
FLOW WATER RIGHTS FROM THE PAYMENT OF
ASSESSMENTS, AND TO PROVIDE A PROCEDURE
FOR CONTESTING THE AMOUNT OF AN
ASSESSMENT FOR A NONCONSUMPTIVE WATER
RIGHT; AMENDING SECTION 42-608, IDAHO CODE,
TO PROVIDE A PROCEDURE FOR EXTENSION OF
THE WATERMASTER'S TERM OF SERVICE BY
ORDER OF THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES, AND TO MAKE CERTAIN
ORGANIZATIONAL AND WORD USAGE CHANGES;
AND DECLARING AN EMERGENCY.

S 1062
BY LOCAL GOVERNMENT AND TAXATION
COMMITTEE

AN ACT
RELATING TO COUNTIES; AMENDING SECTION
31-601, IDAHO CODE, TO PROVIDE THAT COUNTIES
MAY EXERCISE ALL POWERS AND PERFORM ALL
FUNCTIONS OF LOCAL SELF-GOVERNMENT NOT
SPECIFICALLY PROHIBITED.

S 1063
BY STATE AFFAIRS COMMITTEE

AN ACT
RELATING TO THE UNIFORM CONTROLLED
SUBSTANCE ACT; AMENDING CHAPTER 27, TITLE
37, IDAHO CODE, BY THE ADDITION OF A NEW
SECTION 37-2732A, IDAHO CODE, TO PERMIT THE
SACRAMENTAL USE OF PEYOTE IN RELIGIOUS
RITES OF NATIVE AMERICAN RELIGIOUS
CEREMONIES.

S 1064
BY STATE AFFAIRS COMMITTEE

AN ACT
RELATING TO THE HUMAN RIGHTS COMMISSION;
AMENDING SECTION 67-5902, IDAHO CODE, TO
REDEFINE EMPLOYER.

S 1065
BY STATE AFFAIRS COMMITTEE

AN ACT
RELATING TO THE CITIZENS' COMMITTEE ON
LEGISLATIVE COMPENSATION; AMENDING SECTION
67-406a, IDAHO CODE, TO PROVIDE A RATE OF
DAILY COMPENSATION FOR MEMBERS OF THE
CITIZENS' COMMITTEE ON LEGISLATIVE
COMPENSATION.

S 1066
BY HEALTH AND WELFARE COMMITTEE

AN ACT
RELATING TO A MENTAL HEALTH
PROFESSIONAL'S DUTY TO WARN; AMENDING
TITLE 6, IDAHO CODE, BY THE ADDITION OF A

The question being, "Shall **S 1008**, as amended in the House, pass?"

Roll call resulted as follows:

AYES--Beitelspacher, Benson, Bilyeu, Blackbird, Brooks, Burkett, Calabretta, Carlson, Crapo, Darrington, Davis, Donesley, Furness, John Hansen, Hartung, Haun, Kerrick, Lloyd, McDermott, McLaughlin, McRoberts, Newcomb, Noh, Osborne, Parry, Peavey, Reed, Reents, Ricks, Scanlin, Snodgrass, Sweeney, Thorne, Tominaga, Tucker, Twiggs, Wetherell. Total - 37.

NAYS--None.

Absent and excused--Dennis Hansen, Hawkins, Larsen, Staker, Vance. Total - 5.

Total - 42.

Whereupon the Acting President declared **S 1008**, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

Motion to Suspend Rules

Moved by Senator Twiggs, seconded by Senator Sweeney, that all rules of the Senate interfering with the immediate passage of **S 1064**, 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 1064**, 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 be put upon its final passage.

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

Roll call resulted as follows:

AYES--Beitelspacher, Benson, Bilyeu, Blackbird, Brooks, Burkett, Calabretta, Carlson, Crapo, Davis, Donesley, Furness, Dennis Hansen, John Hansen, Hartung, Haun, Hawkins, Kerrick, Lloyd, McDermott, McLaughlin, McRoberts, Newcomb, Noh, Osborne, Parry, Peavey, Reed, Reents, Ricks, Scanlin, Snodgrass, Staker, Sweeney, Thorne, Tominaga, Tucker, Twiggs, Vance, Wetherell. Total - 40.

NAYS--None.

Absent and excused--Darrington, Larsen. Total - 2.

Total - 42.

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

S 1064, 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. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Beitelspacher, Benson, Bilyeu, Blackbird, Brooks, Burkett, Calabretta, Carlson, Crapo, Davis, Donesley, Dennis Hansen, John Hansen, Hartung, Haun, Lloyd, McDermott, McLaughlin, Osborne, Peavey, Reed, Reents, Scanlin, Snodgrass, Staker, Sweeney, Tominaga, Tucker, Wetherell. Total - 29.

NAYS--Darrington, Furness, Kerrick, Larsen, Newcomb, Noh, Parry, Ricks, Thorne, Twiggs. Total - 10.

Absent and excused--Hawkins, McRoberts, Vance. Total - 3.

Paired and voting included in roll call:

AYE--Peavey NAY--Larsen

Total - 42.

Whereupon the Acting President declared **S 1064**, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

Motion to Suspend Rules

Moved by Senator Twiggs, seconded by Senator Sweeney, that all rules of the Senate interfering with the immediate passage of **S 1083**, 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 1083**, 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 be put upon its final passage.

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

Roll call resulted as follows:

AYES--Beitelspacher, Benson, Bilyeu, Blackbird, Brooks, Burkett, Calabretta, Carlson, Crapo, Davis, Donesley, Furness, Dennis Hansen, John Hansen, Hartung, Haun, Hawkins, Kerrick, Lloyd, McDermott, McLaughlin, McRoberts, Newcomb, Noh, Osborne, Parry, Peavey, Reed, Reents, Ricks, Scanlin, Snodgrass, Staker, Sweeney, Thorne, Tominaga, Tucker, Twiggs, Vance, Wetherell. Total - 40.

NAYS--None.

Absent and excused--Darrington, Larsen. Total - 2.

Total - 42.

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

S 1083, 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. Senators Calabretta and Reed arose as cosponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

impact of this legislation is unacceptable. It would simply leave the community service worker without protection in case of injury. In some cases, the expense created by the injury would fall on the juvenile's parents, assuming they have coverage of some sort. In many other cases, the expense will be passed to a governmental agency. Moreover, if the bill becomes law, governmental entities accepting juvenile community service workers could be subject to tort liability for the negligent supervision or training of an injured juvenile.

The Governor's Advisory Committee on Worker's Compensation unanimously opposed the bill. The committee and I are sympathetic to those units of local government that have been presented with the cost of covering juvenile community service workers under the worker's compensation system, but **Senate Bill 1169**, as amended, is the wrong answer to the problem. We must not remove worker's compensation coverage without more thought as to the ramifications.

Senate Concurrent Resolution 113 establishes an interim committee of the Legislature to study various aspects of Idaho's worker's compensation law. It makes more sense for the Legislature to carefully study and make recommendations on issues addressed by bills such as **Senate Bill 1169**, as amended, rather than to attempt piecemeal changes to this important law, which has served Idaho well for many years.

Sincerely,
/s/ Cecil D. Andrus
Governor

April 9, 1991

The Honorable C. L. "Butch" Otter
President of the Senate
Idaho State Senate

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1064, as amended in the House

Sincerely,
/s/ Cecil D. Andrus
Governor

April 10, 1991

The Honorable C. L. "Butch" Otter
President of the Senate
Idaho State Senate

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1181, as amended

Sincerely,
/s/ Cecil D. Andrus
Governor

C. L. "BUTCH" OTTER, President

Attest: JEANNINE WOOD, Secretary

CERTIFICATE

State of Idaho)
Senate Chamber, Boise, Idaho)

We, C. L. "BUTCH" OTTER, President of the Senate, and JEANNINE WOOD, Secretary of the Senate, do hereby certify and attest as follows:

That the daily Senate Journal of the proceedings of March 29, 1991, has been read and approved as corrected; and, that we have carefully compiled in the Senate Journal of the First Regular Session of the Fifty-first Idaho legislature all of the proceedings of the Eighty-second Legislative Day, and that said Journal contains a full, true, and correct record of all the proceedings of said Senate for said day and final actions upon all legislation occurring after adjournment Sine Die.

IN WITNESS WHEREOF, we have hereunto set our hands this 12th day of April 1991.

/s/ C. L. "BUTCH" OTTER, President

ATTEST: /s/ JEANNINE WOOD, Secretary

Idaho Human Rights Act 1991 Legislative History Check Lists

S.B. 1064
67-5902

Item	Included	Notes
Session Law	✓ PR	
Bill	✓ PR	
Bill Status	✓ PR	
Statement of Purpose	✓ PR	
Committee Minutes		
- House	✓ PR	All letters are included Betsy Dunham memo is exact copy - No cleaner copy in file
- Senate	✓ PR	
Journal		
- House	✓ PR	
- Senate	✓ PR	
Interim Committee Minutes	N/A PR	