



local highway jurisdiction is to bear.

(2) For the purpose of defraying the costs and expenses incurred under the provisions of this section, the commissioners of the respective ~~counties~~ local highway jurisdictions are empowered to levy upon all taxable property of each ~~county~~ local highway jurisdiction, in addition to all other taxes, an annual tax not exceeding twenty-four ten thousandths ~~per--cent~~ percent (0.0024%) of the market value for assessment purposes of the property. ~~The~~ The entire proceeds of the levy ~~to shall~~ be used solely for the purposes of this section.

SECTION 3. That Section 40-1202, Idaho Code, be, and the same is hereby amended to read as follows:

40-1202. PETITION FOR CONSTRUCTING -- NOTICE OF HEARING. When the construction of a new bridge, ~~the cost of for which the expenditure contemplated~~ will exceed twenty-five hundred thousand dollars (\$25,000), ~~is--necessary;--any~~ five percent (5%) or more--taxpayers twenty-five (25) qualified voters, whichever is greater, of a county highway system or highway district system interested in it may petition the respective highway commissioners for the erection of the needed bridge. The commissioners shall then advertise the petition, in accordance with the provisions of section 40-206, Idaho Code, giving the location and notify the director of highways to attend at a certain time and place to hear the petition.

SECTION 4. That Section 40-1204, Idaho Code, be, and the same is hereby repealed.

Approved March 20, 1998.

#### CHAPTER 155

(S.B. No. 1360, As Amended)

#### AN ACT

RELATING TO THE HUMAN RIGHTS COMMISSION; AMENDING SECTION 67-5907, IDAHO CODE, TO REVISE PROCEDURES ON COMPLAINTS, TO PROVIDE THAT A COMPLAINANT MAY REQUEST DISMISSAL OF AN ADMINISTRATIVE COMPLAINT AT ANY TIME AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 59, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5907A, IDAHO CODE, TO PROVIDE FOR COMPLIANCE WITH THE IDAHO TORT CLAIMS ACT; AMENDING SECTION 67-5908, IDAHO CODE, TO PROVIDE THAT A COMPLAINT MUST BE FILED WITH THE HUMAN RIGHTS COMMISSION AS A CONDITION PRECEDENT TO LITIGATION AND TO REVISE PROCEDURES; AND REPEALING SECTION 67-5908a, IDAHO CODE.

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

SECTION 1. That Section 67-5907, Idaho Code, be, and the same is hereby amended to read as follows:

67-5907. COMPLAINTS -- PROCEDURE ON COMPLAINT. (1) Any person who

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believes he or she has been subject to unlawful discrimination, or a member of the commission, may file a complaint under oath with the commission stating the facts concerning the alleged discrimination within one (1) year of the alleged unlawful discrimination.

(2) Upon receipt of such a complaint, the commission or its delegated investigator shall endeavor to resolve the matter by informal means prior to a determination of whether there are reasonable grounds to believe that unlawful discrimination has occurred. The commission or its delegated investigator shall conduct such investigation as may be necessary to resolve the issues raised by the facts set forth in the complaint.

(3) If the commission does not find reasonable grounds to believe that unlawful discrimination has occurred, it shall enter an order so finding, and dismiss the proceeding, and shall notify the complainant and the respondent of its action.

(4) If the commission finds reasonable grounds to believe that unlawful discrimination has occurred, it shall endeavor to eliminate such discrimination by informal means such as conference, conciliation and persuasion. No offer or counter offer of conciliation nor the terms of any conciliation agreement may be made public without the written consent of all the parties to the proceeding, nor used as evidence in any subsequent proceeding, civil or criminal. If the case is disposed of by such informal means in a manner satisfactory to the commission, the commission shall dismiss the proceeding, and shall notify the complainant and the respondent.

(5) If the commission finds reasonable grounds to believe that unlawful discrimination has occurred, and further believes that irreparable injury or great inconvenience will be caused the victim of such discrimination if relief is not immediately granted, or if conciliation efforts under subsection (4) have not succeeded, the commission may file a civil action seeking appropriate legal and equitable relief.

(6) A complainant may request dismissal of an administrative complaint at any time. Dismissals requested before three hundred sixty-five (365) calendar days from the date of filing of the administrative complaint may be granted at the discretion of the staff director who will attempt to contact all parties who have appeared in the proceeding and consider their interests. After three hundred sixty-five (365) calendar days, if the complaint has not been dismissed pursuant to subsection (3) of this section or the parties have not entered into a settlement or conciliation agreement pursuant to subsection (2) or (4) of this section or other administrative dismissal has not occurred, the commission shall, upon request of the complainant, dismiss the complaint and notify the parties.

SECTION 2. That Chapter 59, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5907A, Idaho Code, and to read as follows:

67-5907A. COMPLIANCE WITH THE IDAHO TORT CLAIMS ACT. Compliance with section 67-5907(1), Idaho Code, satisfies the notice requirements of sections 6-905 and 6-906, Idaho Code, as to the allegations of the

administrative complaint arising under chapter 59, title 67, Idaho Code.

SECTION 3. That Section 67-5908, Idaho Code, be, and the same is hereby amended to read as follows:

67-5908. PROCEDURE IN DISTRICT COURT. (1) Any action filed by the commission shall be heard by the district court unless either party shall move for a jury trial. Except as otherwise provided herein, the court shall hear the case and grant relief as in other civil actions. Any such action shall be brought in the name of the commission for the use of the person alleging discrimination or a described class, and the commission shall furnish counsel for the prosecution thereof. Any person aggrieved by the alleged discrimination may intervene in such an action.

(2) ~~Nothing contained in this chapter shall prohibit a person who has been subject to alleged unlawful discrimination from filing an action in the district court on his or her own behalf, but such action shall be commenced not more than two (2) years after the act of alleged unlawful discrimination complained of~~ A complaint must be filed with the commission as a condition precedent to litigation. A complainant may file a civil action in district court within ninety (90) days of issuance of the notice of administrative dismissal pursuant to section 67-5907(6), Idaho Code.

(3) In a civil action filed by the commission or filed directly by the person alleging unlawful discrimination, if the court finds that unlawful discrimination has occurred, its judgment shall specify an appropriate remedy or remedies therefor. Such remedies may include, but are not limited to:

(a) An order to cease and desist from the unlawful practice specified in the order;

(b) An order to employ, reinstate, promote or grant other employment benefits to a victim of unlawful employment discrimination;

(c) An order for actual damages including lost wages and benefits, provided that such back pay liability shall not accrue from a date more than two (2) years prior to the filing of the complaint with the commission or the district court, whichever occurs first;

(d) An order to accept or reinstate such a person in a union;

(e) An order for punitive damages, not to exceed one thousand dollars (\$1,000) for each willful violation of this chapter.

(4) Any civil action filed by the commission under this section shall commence not more than one (1) year after a complaint of discrimination under oath is filed with the commission; ~~provided, however, that the commission shall commence its actions not more than one (1) year after the effective date of this act for sworn complaints already pending before the commission upon passage and approval of this act.~~

(5) In any civil action under this chapter, the burden of proof shall be on the person seeking relief.

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SECTION 4. That Section 67-5908a, Idaho Code, be, and the same is hereby repealed.

Approved March 20, 1998.

CHAPTER 156  
(S.B. No. 1350)

AN ACT

RELATING TO DEALER AND MANUFACTURER LICENSE PLATES; AMENDING SECTION 49-411, IDAHO CODE, TO INCREASE THE FEE FOR VEHICLE DEALER OR MANUFACTURER LICENSE PLATES OR REGISTRATION STICKERS; AND PROVIDING LEGISLATIVE INTENT.

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

SECTION 1. That Section 49-411, Idaho Code, be, and the same is hereby amended to read as follows:

49-411. DEALER AND MANUFACTURER PLATE -- FEES. (1) Any person conducting the business of manufacturing, buying, selling or dealing in vehicles, and licensed as a manufacturer of or a dealer in vehicles, and owning and operating any such vehicle upon any highway may, in lieu of registering each vehicle obtain from the department upon application on the proper form and payment of the required fee, and attach to each vehicle, one (1) number plate as required for different classes of vehicles in section 49-434, Idaho Code. The special number plate shall bear a distinctive number assigned to the manufacturer or dealer, the name of this state, which may be abbreviated, and the year for which the plate is issued, together with words which may be abbreviated or a distinguishing symbol indicating that the plate is issued to a manufacturer or dealer.

(2) The fee for a dealer or manufacturer number plate or registration sticker shall be five twelve dollars (\$512.00) for each plate or sticker.

(3) All such fees shall be paid to the state treasurer and deposited to the state highway account.

SECTION 2. It is the intent of the Legislature that the increase in fees provided in Section 1 of this act shall apply to registration periods which begin on and after January 1, 1999.

Approved March 20, 1998.

CHAPTER 157  
(S.B. No. 1325)

AN ACT

RELATING TO THE IDAHO BOARD OF HEARING AID DEALERS AND FITTERS; AMENDING CHAPTER 29, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW





local highway jurisdiction is to bear.

(2) For the purpose of defraying the costs and expenses incurred under the provisions of this section, the commissioners of the respective ~~counties~~ local highway jurisdictions are empowered to levy upon all taxable property of each ~~county~~ local highway jurisdiction, in addition to all other taxes, an annual tax not exceeding twenty-four ten thousandths ~~per-cent~~ percent (0.0024%) of the market value for assessment purposes of the property; ~~The~~ entire proceeds of the levy ~~to~~ shall be used solely for the purposes of this section.

SECTION 3. That Section 40-1202, Idaho Code, be, and the same is hereby amended to read as follows:

40-1202. PETITION FOR CONSTRUCTING -- NOTICE OF HEARING. When the construction of a new bridge, the cost of for which the expenditure contemplated will exceed twenty-five hundred thousand dollars (\$25,000), is--necessary,--any five percent (5%) or more--taxpayers twenty-five (25) qualified voters, whichever is greater, of a county highway system or highway district system interested in it may petition the respective highway commissioners for the erection of the needed bridge. The commissioners shall then advertise the petition, in accordance with the provisions of section 40-206, Idaho Code, giving the location and notify the director of highways to attend at a certain time and place to hear the petition.

SECTION 4. That Section 40-1204, Idaho Code, be, and the same is hereby repealed.

Approved March 20, 1998.

#### CHAPTER 155

(S.B. No. 1360, As Amended)

#### AN ACT

RELATING TO THE HUMAN RIGHTS COMMISSION; AMENDING SECTION 67-5907, IDAHO CODE, TO REVISE PROCEDURES ON COMPLAINTS, TO PROVIDE THAT A COMPLAINANT MAY REQUEST DISMISSAL OF AN ADMINISTRATIVE COMPLAINT AT ANY TIME AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 59, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5907A, IDAHO CODE, TO PROVIDE FOR COMPLIANCE WITH THE IDAHO TORT CLAIMS ACT; AMENDING SECTION 67-5908, IDAHO CODE, TO PROVIDE THAT A COMPLAINT MUST BE FILED WITH THE HUMAN RIGHTS COMMISSION AS A CONDITION PRECEDENT TO LITIGATION AND TO REVISE PROCEDURES; AND REPEALING SECTION 67-5908a, IDAHO CODE.

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

SECTION 1. That Section 67-5907, Idaho Code, be, and the same is hereby amended to read as follows:

67-5907. COMPLAINTS -- PROCEDURE ON COMPLAINT. (1) Any person who



believes he or she has been subject to unlawful discrimination, or a member of the commission, may file a complaint under oath with the commission stating the facts concerning the alleged discrimination within one (1) year of the alleged unlawful discrimination.

(2) Upon receipt of such a complaint, the commission or its delegated investigator shall endeavor to resolve the matter by informal means prior to a determination of whether there are reasonable grounds to believe that unlawful discrimination has occurred. The commission or its delegated investigator shall conduct such investigation as may be necessary to resolve the issues raised by the facts set forth in the complaint.

(3) If the commission does not find reasonable grounds to believe that unlawful discrimination has occurred, it shall enter an order so finding, and dismiss the proceeding, and shall notify the complainant and the respondent of its action.

(4) If the commission finds reasonable grounds to believe that unlawful discrimination has occurred, it shall endeavor to eliminate such discrimination by informal means such as conference, conciliation and persuasion. No offer or counter offer of conciliation nor the terms of any conciliation agreement may be made public without the written consent of all the parties to the proceeding, nor used as evidence in any subsequent proceeding, civil or criminal. If the case is disposed of by such informal means in a manner satisfactory to the commission, the commission shall dismiss the proceeding, and shall notify the complainant and the respondent.

(5) If the commission finds reasonable grounds to believe that unlawful discrimination has occurred, and further believes that irreparable injury or great inconvenience will be caused the victim of such discrimination if relief is not immediately granted, or if conciliation efforts under subsection (4) have not succeeded, the commission may file a civil action seeking appropriate legal and equitable relief.

(6) A complainant may request dismissal of an administrative complaint at any time. Dismissals requested before three hundred sixty-five (365) calendar days from the date of filing of the administrative complaint may be granted at the discretion of the staff director who will attempt to contact all parties who have appeared in the proceeding and consider their interests. After three hundred sixty-five (365) calendar days, if the complaint has not been dismissed pursuant to subsection (3) of this section or the parties have not entered into a settlement or conciliation agreement pursuant to subsection (2) or (4) of this section or other administrative dismissal has not occurred, the commission shall, upon request of the complainant, dismiss the complaint and notify the parties.

SECTION 2. That Chapter 59, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5907A, Idaho Code, and to read as follows:

**67-5907A. COMPLIANCE WITH THE IDAHO TORT CLAIMS ACT.** Compliance with section 67-5907(1), Idaho Code, satisfies the notice requirements of sections 6-905 and 6-906, Idaho Code, as to the allegations of the



administrative complaint arising under chapter 59, title 67, Idaho Code.

SECTION 3. That Section 67-5908, Idaho Code, be, and the same is hereby amended to read as follows:

**67-5908. PROCEDURE IN DISTRICT COURT.** (1) Any action filed by the commission shall be heard by the district court unless either party shall move for a jury trial. Except as otherwise provided herein, the court shall hear the case and grant relief as in other civil actions. Any such action shall be brought in the name of the commission for the use of the person alleging discrimination or a described class, and the commission shall furnish counsel for the prosecution thereof. Any person aggrieved by the alleged discrimination may intervene in such an action.

(2) ~~Nothing contained in this chapter shall prohibit a person who has been subject to alleged unlawful discrimination from filing an action in the district court on his or her own behalf, but such action shall be commenced not more than two (2) years after the act of alleged unlawful discrimination complained of.~~ A complaint must be filed with the commission as a condition precedent to litigation. A complainant may file a civil action in district court within ninety (90) days of issuance of the notice of administrative dismissal pursuant to section 67-5907(6), Idaho Code.

(3) In a civil action filed by the commission or filed directly by the person alleging unlawful discrimination, if the court finds that unlawful discrimination has occurred, its judgment shall specify an appropriate remedy or remedies therefor. Such remedies may include, but are not limited to:

- (a) An order to cease and desist from the unlawful practice specified in the order;
- (b) An order to employ, reinstate, promote or grant other employment benefits to a victim of unlawful employment discrimination;
- (c) An order for actual damages including lost wages and benefits, provided that such back pay liability shall not accrue from a date more than two (2) years prior to the filing of the complaint with the commission or the district court, whichever occurs first;
- (d) An order to accept or reinstate such a person in a union;
- (e) An order for punitive damages, not to exceed one thousand dollars (\$1,000) for each willful violation of this chapter.

(4) Any civil action filed by the commission under this section shall commence not more than one (1) year after a complaint of discrimination under oath is filed with the commission; ~~provided, however, that the commission shall commence its actions not more than one (1) year after the effective date of this act for sworn complaints already pending before the commission upon passage and approval of this act.~~

(5) In any civil action under this chapter, the burden of proof shall be on the person seeking relief.



SECTION 4. That Section 67-5908a, Idaho Code, be, and the same is hereby repealed.

Approved March 20, 1998.

CHAPTER 156  
(S.B. No. 1350)

AN ACT

RELATING TO DEALER AND MANUFACTURER LICENSE PLATES; AMENDING SECTION 49-411, IDAHO CODE, TO INCREASE THE FEE FOR VEHICLE DEALER OR MANUFACTURER LICENSE PLATES OR REGISTRATION STICKERS; AND PROVIDING LEGISLATIVE INTENT.

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

SECTION 1. That Section 49-411, Idaho Code, be, and the same is hereby amended to read as follows:

49-411. DEALER AND MANUFACTURER PLATE -- FEES. (1) Any person conducting the business of manufacturing, buying, selling or dealing in vehicles, and licensed as a manufacturer of or a dealer in vehicles, and owning and operating any such vehicle upon any highway may, in lieu of registering each vehicle obtain from the department upon application on the proper form and payment of the required fee, and attach to each vehicle, one (1) number plate as required for different classes of vehicles in section 49-434, Idaho Code. The special number plate shall bear a distinctive number assigned to the manufacturer or dealer, the name of this state, which may be abbreviated, and the year for which the plate is issued, together with words which may be abbreviated or a distinguishing symbol indicating that the plate is issued to a manufacturer or dealer.

(2) The fee for a dealer or manufacturer number plate or registration sticker shall be five twelve dollars (\$512.00) for each plate or sticker.

(3) All such fees shall be paid to the state treasurer and deposited to the state highway account.

SECTION 2. It is the intent of the Legislature that the increase in fees provided in Section 1 of this act shall apply to registration periods which begin on and after January 1, 1999.

Approved March 20, 1998.

CHAPTER 157  
(S.B. No. 1325)

AN ACT

RELATING TO THE IDAHO BOARD OF HEARING AID DEALERS AND FITTERS; AMENDING CHAPTER 29, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW



## SENATE BILL NO. 1360, As Amended

 [legislature.idaho.gov/sessioninfo/1998/legislation/S1360/](http://legislature.idaho.gov/sessioninfo/1998/legislation/S1360/)

[View Daily Data Tracking History](#)

[View Bill Text](#)

[View Statement of Purpose / Fiscal Impact](#)

Text to be added within a bill has been marked with Bold and Underline. Text to be removed has been marked with Strikethrough and Italic. How these codes are actually displayed will vary based on the browser software you are using.

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~~*This sentence is marked with strikethrough and italic, indicating text to be removed.*~~

### Daily Data Tracking History

S1360aa.....by STATE AFFAIRS  
HUMAN RIGHTS COMMISSION - Amends, adds to and repeals existing law to revise procedures on complaints before the Human Rights Commission, to provide that a complainant may request dismissal of an administrative complaint at any time, to provide for compliance with the Idaho Tort Claims Act by filing a complaint with the Human Rights Commission, to provide that a complaint must be filed with the Human Rights Commission as a condition precedent to litigation and to revise procedures before the Human Rights Commission.

01/29<sup>2d</sup> Senate intro - 1st rdg - to printing  
01/30 Rpt prt - to St Aff  
02/12 Rpt out - to 14th Ord  
02/19 Rpt out amen - to engros  
02/20 Rpt engros - 1st rdg - to 2nd rdg as amen  
02/23 2nd rdg - to 3rd rdg as amen  
02/27 3rd rdg as amen - PASSED - 35-0-0

AYES -- Andreason, Boatright, Branch, Bunderson, Burtenshaw, Cameron, Crow, Danielson, Darrington, Diede, Dunklin, Frasure, Geddes, Hansen, Hawkins, Ingram, Ipsen, Keough, King, Lee, McLaughlin, Noh, Parry, Richardson, Riggs, Risch, Sandy, Schroeder, Sorensen, Stennett, Sweeney, Thorne, Twiggs, Wheeler, Whitworth  
NAYS -- None

Absent and excused -- None

Floor Sponsor - Stennett

Title apvd - to House

03/02 ✓ House intro - 1st rdg as amen - to St Aff

03/11 ✓ Rpt out - rec d/p - to 2nd rdg as amen

03/12 2nd rdg - to 3rd rdg as amen

03/13 ✓ 3rd rdg as amen - PASSED - 61-0-9

AYES -- Alltus, Barraclough, Bell, Bieter, Bivens, Black(15),  
Black(23), Boe, Bruneel, Callister, Campbell, Clark, Cuddy, Deal,  
Denney, Ellsworth, Field(13), Field(20), Gagner, Geddes, Gould,  
Hadley, Henbest, Hornbeck, Jaquet, Jones(20), Judd, Kempton, Kendell,  
Kjellander, Kunz, Lake, Loertscher, Mader, Marley, McKague, Meyer,  
Miller, Mortensen, Newcomb, Pischner, Pomeroy, Reynolds, Richman,  
Ridinger, Robison, Sali, Schaefer, Stevenson, Stoicheff, Stone,  
Stubbs, Taylor, Tilman, Tippets, Trail, Watson, Wheeler, Wood,  
Zimmermann, Mr Speaker

NAYS -- None

Absent and excused -- Barrett, Chase, Crane, Crow, Hansen, Jones(9),  
Jones(22), Kellogg, Linford,

Floor Sponsor - Alltus

Title apvd - to Senate

03/16 To enrol

03/17 Rpt enrol - Pres signed

03/18 Sp signed

03/19 To Governor

03/20 Governor signed

Session Law Chapter 155

Effective: 07/01/98

## Bill Text

S1360

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	LEGISLATURE OF THE STATE OF IDAHO	
Fifty-fourth Legislature		Second Regular Session - 1998

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IN THE SENATE

SENATE BILL NO. 1360, As Amended

BY STATE AFFAIRS COMMITTEE

1

AN ACT

2

RELATING TO THE HUMAN RIGHTS COMMISSION; AMENDING SECTION 67-5907, IDAHO

CODE,

3 TO REVISE PROCEDURES ON COMPLAINTS, TO PROVIDE THAT A COMPLAINANT  
MAY  
4 REQUEST DISMISSAL OF AN ADMINISTRATIVE COMPLAINT AT ANY TIME AND TO  
MAKE A  
5 TECHNICAL CORRECTION; AMENDING CHAPTER 59, TITLE 67, IDAHO CODE,  
BY THE  
6 ADDITION OF A NEW SECTION 67-5907A, IDAHO CODE, TO PROVIDE FOR  
COMPLIANCE  
7 WITH THE IDAHO TORT CLAIMS ACT; AMENDING SECTION 67-5908, IDAHO  
CODE, TO  
8 PROVIDE THAT A COMPLAINT MUST BE FILED WITH THE HUMAN RIGHTS  
COMMISSION AS  
9 A CONDITION PRECEDENT TO LITIGATION AND TO REVISE PROCEDURES; AND  
REPEAL-  
10 ING SECTION 67-5908a, IDAHO CODE.

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

12 SECTION 1. That Section 67-5907, Idaho Code, be, and the same is  
hereby  
13 amended to read as follows:

14 67-5907. COMPLAINTS -- PROCEDURE ON COMPLAINT. (1) Any person  
who  
15 believes he or she has been subject to unlawful discrimination, or a  
member of  
16 the commission, may file a complaint under oath with the commission  
stating  
17 the facts concerning the alleged discrimination within one (1) year of  
18 the alleged unlawful discrimination .  
19 (2) Upon receipt of such a complaint, the commission or its  
delegated  
20 investigator shall endeavor to resolve the matter by informal means prior  
to a  
21 determination of whether there are reasonable grounds to believe that  
unlawful  
22 discrimination has occurred. The commission or its delegated  
investigator  
23 shall conduct such investigation as may be necessary to resolve the  
issues  
24 raised by the facts set forth in the complaint.  
25 (3) If the commission does not find reasonable grounds to believe  
that  
26 unlawful discrimination has occurred, it shall enter an order so finding,  
and  
27 dismiss the proceeding, and shall notify the complainant and the

respondent of

28 its action.

29 (4) If the commission finds reasonable grounds to believe that  
unlawful

30 discrimination has occurred, it shall endeavor to eliminate such  
discrimina-

31 tion by informal means such as conference, conciliation and  
persuasion. No

32 offer or counter offer of conciliation nor the terms of any  
conciliation

33 agreement may be made public without the written consent of all the  
parties to

34 the proceeding, nor used as evidence in any subsequent proceeding,  
civil or

35 criminal. If the case is disposed of by such informal means in a manner  
satis-

36 factory to the commission, the commission shall dismiss the proceeding,  
and

37 shall notify the complainant and the respondent.

38 (5) If the commission finds reasonable grounds to believe that  
unlawful

39 discrimination has occurred, and further believes that irreparable  
injury or

40 great inconvenience will be caused the victim of such discrimination if  
relief

41 is not immediately granted, or if conciliation efforts under  
subsection (4)

42 have not succeeded, the commission may file a civil action seeking  
appropriate

43 legal and equitable relief.

2

1 (6) A complainant may request dismissal of an administrative com-  
2 plaint at any time. Dismissals requested before three hundred sixty-five  
3 (365)

4 calendar days from the date of filing of the administrative complaint  
5 may be

6 granted at the discretion of the staff director who will attempt to  
7 contact

8 all parties who have appeared in the proceeding and consider their  
9 interests.

10 After three hundred sixty-five (365) calendar days, if the complaint has  
11 not

12 been dismissed pursuant to subsection (3) of this section or the parties  
13 have

8 not entered into a settlement or conciliation agreement pursuant to  
9 subsection  
10 (2) or (4) of this section or other administrative dismissal has not  
11 occurred,  
12 the commission shall, upon request of the complainant, dismiss the  
13 complaint  
14 and notify the parties.

15 SECTION 2. That Chapter 59, Title 67, Idaho Code, be, and the  
16 same is  
17 hereby amended by the addition thereto of a NEW SECTION, to be  
18 known and designated as Section 67-5907A, Idaho Code, and to read as  
19 follows:

20 67-5907A. COMPLIANCE WITH THE IDAHO TORT CLAIMS ACT. Compliance with  
21 sec-  
22 tion 67-5907(1), Idaho Code, satisfies the notice requirements of  
23 sections  
24 6-905 and 6-906, Idaho Code, as to the allegations of the administrative  
25 com-  
26 plaint arising under chapter 59, title 67, Idaho Code.

27 SECTION 3. That Section 67-5908, Idaho Code, be, and the same is  
28 hereby  
29 amended to read as follows:

30 67-5908. PROCEDURE IN DISTRICT COURT. (1) Any action filed by the  
31 commis-  
32 sion shall be heard by the district court unless either party shall move  
33 for a  
34 jury trial. Except as otherwise provided herein, the court shall hear the  
35 case  
36 and grant relief as in other civil actions. Any such action shall be  
37 brought  
38 in the name of the commission for the use of the person alleging  
39 discrimina-  
40 tion or a described class, and the commission shall furnish counsel for  
41 the  
42 prosecution thereof. Any person aggrieved by the alleged  
43 discrimination may  
44 intervene in such an action.  
45 (2) ~~Nothing contained in this chapter shall prohibit a person who~~  
46 ~~has been subject to alleged unlawful discrimination from filing an~~  
47 ~~action in~~  
48 ~~the district court on his or her own behalf, but such action shall be~~  
49 ~~com-~~  
50 ~~menced not more than two (2) years after the act of alleged unlawful~~

~~discrimi-~~

33 ~~nation complained of~~ A complaint must be filed with the commis-  
 34 sion as a condition precedent to litigation. A complainant may file a  
 civil  
 35 action in district court within ninety (90) days of issuance of the  
notice of

36 administrative dismissal pursuant to section 67-5907(6), Idaho Code .

37 (3) In a civil action filed by the commission or filed directly by  
 the

38 person alleging unlawful discrimination, if the court finds that unlawful  
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39 crimination has occurred, its judgment shall specify an appropriate  
 remedy or

40 remedies therefor. Such remedies may include, but are not limited to:

41 (a) An order to cease and desist from the unlawful practice  
 specified in

42 the order;

43 (b) An order to employ, reinstate, promote or grant other employment  
 ben-

44 efits to a victim of unlawful employment discrimination;

45 (c) An order for actual damages including lost wages and benefits,  
 pro-

46 vided that such back pay liability shall not accrue from a date more  
 than

47 two (2) years prior to the filing of the complaint with the  
 commission or

48 the district court, whichever occurs first;

49 (d) An order to accept or reinstate such a person in a union;

50 (e) An order for punitive damages, not to exceed one thousand  
 dollars

51 (\$1,000) for each willful violation of this chapter.

3

1 (4) Any civil action filed by the commission under this section  
 shall

2 commence not more than one (1) year after a complaint of discrimination  
 under

3 oath is filed with the commission; ~~provided, however, that the commis-~~  
 4 ~~sion shall commence its actions not more than one (1) year after the~~  
 effective

5 ~~date of this act for sworn complaints already pending before the~~  
 commission

6 ~~upon passage and approval of this act.~~

7 (5) In any civil action under this chapter, the burden of proof  
 shall be

8 on the person seeking relief.

9 SECTION 4. That Section 67-5908a, Idaho Code, be, and the same is  
hereby  
10 repealed.

## Statement of Purpose / Fiscal Impact

### STATEMENT OF PURPOSE RS07409

To require plaintiffs to file administrative complaints with the human rights commission within one year of the occurrence of the allegedly discriminatory act as a prerequisite to filing a civil action in court; and to authorize the commission to issue a notice of right to sue at the close of the administrative process authorizing the complainant to file a civil action within 90 days of the notice. Complainants may also request a notice of the right to sue before the 365th day of administrative processing which may be granted at the discretion of the director. Requests made after the 365th day shall be granted.

To provide that compliance with the human rights commission process will satisfy the notice requirements of the tort claims act. This will have the effect of extending the time to notify public entities of a tort claim from six months to a year for discrimination claims only.

To remove outdated provisions and simplify certain sections.

### FISCAL IMPACT

None.

### CONTACT

Name: Daniel L. Steckel

Agency: Idaho Human Rights Commission

Phone: 334-2873

Statement of Purpose/Fiscal Impact

S1360

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## STATEMENT OF PURPOSE

RS07409

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## FISCAL IMPACT

None.

## CONTACT

Name: Daniel L. Steckel  
Agency: Idaho Human Rights Commission  
Phone: 334-2873

Statement of Purpose/Fiscal Impact

S 1360

S1344	RS07626C1	Senate Judiciary/Rules 1/26/98; 2/11/98 House State Affairs 2/9/98
S1345	RS07670	Senate Education 1/27/98
S1346	RS07550C1	Senate Local Government & Taxation 1/26/98
S1347	RS07619	Senate Local Government & Taxation 1/26/98; 2/11/98; 3/10/98
S1348	RS07758	
S1349	RS07346	Senate Transportation 1/27/98; 2/3/98 House Transportation/Defense 3/16/98
S1350	RS07403	Senate Transportation 1/27/98; 2/17/98 House Transportation/Defense 3/10/98
S1351	RS07314	Senate Transportation 1/27/98; 2/17/98 House Transportation/Defense 3/16/98
S1352	RS07340	Senate Transportation 1/27/98; 2/24/98 House Transportation/Defense 3/16/98
S1353	RS07539	Senate Commerce & Human Resources 1/27/98; 2/5/98 House Business 3/13/98
S1354	RS07538	Senate Commerce & Human Resources 1/27/98; 2/5/98 House Business 3/13/98
S1355	RS07343	Senate Commerce & Human Resources 1/27/98; 2/10/98; 2/12/98 House Business 3/17/98
S1356	RS07338C1	Senate Commerce & Human Resources 1/27/98; 2/5/98 House Human Resources 2/23/98
S1357	RS07316C1	Senate Commerce & Human Resources 1/27/98; 2/10/98 House Human Resources 3/11/98
S1358	RS07590	Senate Health/Welfare 1/28/98; 2/5/98 House Health/Welfare 3/6/98
S1359	RS07650C1	Senate State Affairs 1/28/98; 2/4/98; 2/24/98
S1360	RS07409	Senate State Affairs 1/28/98; 2/11/98 House State Affairs 3/11/98; 3/13/98 ✓
S1361	RS07410	Senate State Affairs 1/28/98; 2/11/98
S1362	RS07411	Senate State Affairs 1/28/98; 2/11/98
S1363	RS07706	Senate Education 1/29/98

Minutes

**STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, January 28, 1998

**TIME:** 3:00 p.m.

**PLACE:** Room 437

**MEMBERS:** Chairman John Hansen, Vice Chairman Sheila Sorensen, Jerry Twiggs, Denton Darrington, James Risch, Mel Richardson, John Sandy, Bruce Sweeney, and Clint Stennett.

**ABSENT/  
EXCUSED:** None.

**CONVENED:** Chairman Hansen brought the meeting to order at 3:20 p.m. by welcoming the members of the Committee and the public.

**Gubernatorial Appointment of Darrell V. Manning as the Administrator of the Division of Financial Management to serve a term commencing December 28, 1997, and expiring "at the pleasure of the Governor."**

**MOTION:** Senator Sweeney made the motion to recommend to the Senate that they confirm Mr. Manning as the Director of the Department of Financial Management. Senator Richardson seconded the motion.

The motion carried by **VOICE VOTE**.

Senator Sweeney will present this confirmation on the floor.

**MINUTES:** Senator Richardson moved and Senator Risch seconded the motion that the minutes of January 26th be approved as written.

The motion carried by **VOICE VOTE**.

**Gubernatorial Re-appointment of Jon W. Vestal as State Athletic Commissioner to serve a term commencing July 1, 1997 and expiring July 1, 2001.**

Mr. Vestal explained that he has been regulating boxing in Idaho as the Commissioner for the past four years. He was raised in Pocatello and attended Idaho State University. His background includes thirty years in boxing. He explained that there were ten events held in 1997 and added that they expect twenty events in 1998. Mr. Vestal reported that at the last event, the match with Kenny Keene, attendance was near 4,500 people. He explained that it was the highest rated event for ESPN.

Mr. Vestal commented that he is presently working on legislation with Senator Ipsen to request more funding and more staff.

Chairman Hansen asked why there was an increase in interest in the sport. He noted that a few years ago the interest was fairly low. Mr. Vestal replied that with local boxer, Kenny Keene, and the increase to twenty-five clubs in the state, as well as a new forum on an indian reservation, the interest and availability to the public has grown.



**Senator Risch** asked where the Commission's funding comes from. **Mr. Vestal** answered that they receive a 5% tax on the gross sales of each event. He added that the new legislation will allow an additional 5% tax on closed-circuit television events. **Senator Risch** asked how much they took in each year. **Mr. Vestal** replied that they took in about \$25,000 in 1997. The last event with Kenny Keene brought in about \$5,500. He added that they don't make any money on the club flights, but they still have to staff them. **Senator Risch** asked if they would receive any money from the ESPN events with the new legislation. **Mr. Vestal** answered that the legislation is geared only toward pay-per-view events.

**Senator Sweeney** asked if boxing was the only sport the Commission regulated. **Mr. Vestal** stated that they regulate Boxing, Wrestling, Tough Man contests and the like, but added that Idaho does not allow Tough Man contests.

**Chairman Hansen** asked if there were any Wrestling events in Idaho. **Mr. Vestal** answered that they have held one event in Northern Idaho. He added that they have received a number of applications for this year.

**Senator Sandy** asked if they must physically go to the events and oversee the proceedings. **Mr. Vestal** replied that they have a team of thirty-five people on staff. They generally send four people to do the licensing, check the federal identification and the doctors, oversee the weigh-in and physicals, and to supervise the fight.

**Chairman Hansen** stated that the committee would take action on this confirmation at the next committee meeting.

**Gubernatorial Re-appointment of Susan Pliler to the Human Rights Commission to serve a term commencing July 1, 1997 and expiring July 1, 2000.**

**Ms. Susan Pliler** thanked the committee for considering this re-confirmation. She explained that she was born in Malad and was raised in Twin Falls. She currently works for the Fort Boise Alternative Junior High School here in Boise. **Ms. Pliler** added that she takes this position very seriously and considers it a high honor to have been chosen for it.

**Chairman Hansen** stated again that the committee would take action on this confirmation at the next committee meeting.

**RS 07650 C1 Relating to the Idaho Potato Commission; amending Section 9-340, Idaho Code, to provide that investigative records, trademarks usage audits and purchase and sales information submitted to the Idaho Potato Commission are exempt from disclosure under certain circumstances, to provide application and to make a technical correction; amending Section 67-2342, Idaho Code, to provide that some deliberations of the Idaho Potato Commission may not be open to the public; and declaring an emergency.**

**Mr. Pat Kole**, Vice President of Legal and Government Affairs of the Idaho Potato Commission, explained that this legislation is designed to determine that only Idaho potatoes go into Idaho potato bags for resale in other states. He stated that they started using Deloitte and Touche about three years ago to look at the records of third parties. These third parties are the grocers who purchase the potatoes from the corporations (the second party), who then purchase from Idaho farmers. He reported that they had

an instance with a company in Chicago regarding 4.4 million containers of non-Idaho potatoes in Idaho potato bags. **Mr. Kole** stated that large grocery chains are reluctant to share the information of where they purchase the product out of fear that competitors will have access to where they buy the product and how they get the product to market. He added that currently the information isn't confidential, but that this legislation would make that change.

**Mr. Kole** reported that the Commission assessed a \$2 million fine against the Chicago company. During the proceedings, they weren't sure if they fit into the exceptions of an open meeting room. He explained that this legislation allows for an exchange of information and an executive session if necessary. He further explained that the emergency clause was because the Commission is currently involved in the same type of case with a New York company, this time for over 5 million containers of non-Idaho potatoes in Idaho potato bags.

**Senator Risch** asked if the Commission collaborated with the Federal Trade Commission. **Mr. Kole** answered that they work with the U.S. Department of Justice, the U.S. Department of Agriculture, the F.B.I., and the Perishable Agriculture Commodities Administration.

**Senator Twiggs** inquired as to how they decide who to audit. **Mr. Kole** replied that the system is to rotate the list every five years, but added that they are presently behind schedule. He added that they currently have a piece of legislation in the Agricultural Affairs Committee to clean up this system.

#### MOTION:

**Senator Sorensen** made the motion to send RS 07650 C1 to Print. **Senator Sweeney** seconded the motion.

The motion carried by **VOICE VOTE**.

#### RS 07409

Relating to the Human Rights Commission; Amending Section 67-5907, Idaho Code, to revise procedures on complaints, to provide that a complainant may request dismissal of an administrative complaint at any time and to make a technical correction; amending Chapter 59, Title 67, Idaho Code, by the addition of a new section 67-5907A, Idaho Code, to provide for compliance with the Idaho Tort Claims Act; amending Section 67-5908, Idaho Code, to provide that a complaint must be filed with the Human Rights Commission as a condition precedent to litigation and to revise procedures; and repealing Section 67-5908A, Idaho Code.

**Marilyn Shuler**, Executive Director of the Idaho Human Rights Commission, explained that this legislation requires people to file a claim with the Commission prior to going to court. She stated that people currently may go two years without filing a claim with the Commission and stated that this adds clear language regarding "withdrawal".

**Senator Risch** asked if this suspends the Statute of Limitations like in medical malpractice. **Ms. Shuler** responded that yes, it would suspend the statute if the person came to the Commission within one year from the date of harm. **Senator Risch** commented that the statute of limitations would then be two years for courts, but only one year for the Commission. **Ms. Shuler** replied that if an individual wants to go to



court, they must file with the Commission within one year from the date of harm instead of going directly to court.

**Ms. Shuler** explained that the second part of this legislation is for descrimination only and added that there has to be a Tort Claim filed from six months to one year. She stated that this will clarify that people don't have to file a public Tort Claim.

**MOTION:**

**Senator Twiggs** made a motion to send RS 07409 to Print. **Senator Sorensen** seconded the motion.

The motion carried by **VOICE VOTE**.

**RS 07410** Relating to the Human Rights Commission; amending Section 67-5906, Idaho Code, to allow the administering of oaths and affirmations and to allow the receiving of testimony under oath and to make technical corrections; and amending Chapter 9, Title 67, Idaho Code, by the addition of a new section 67-5906A, Idaho Code, to provide for perjury when a person makes any false statement as to material matter in any oath or affidavit provided to the Human Rights Commission or its authorized representative.

**Ms. Marilyn Shuler**, Executive Director of the Idaho Human Rights Commission, explained that this legislation protects the integrity of the investigatory process but doesn't give the Commission subpoena power. She added that they would be allowed to ask someone to swear to their testimony.

**Chairman Hansen** asked if they keep a record of testimony. **Ms. Shuler** responded that if this legislation is passed, they would have to amend their Rules to accommodate the changes for testimony. **Senator Sandy** commented that they currently don't keep records now. **Ms. Shuler** answered that they do a written testimony but added that if the individual had to swear under threat of perjury, the Commission would have to use a tape recording for testimony.

**Senator Darrington** asked if the Human Rights Commission had been granted Quasi-judicial Authority. **Ms. Shuler** said that it is limited. The staff doesn't have this authority, but the Commissioners do. **Senator Darrington** stated that he interprets this legislation to add to the judicial power of the Commission. **Ms. Shuler** remarked that the intention was to give them the tool to ascertain the truth.

**MOTION:**

**Senator Sweeney** made a motion to send RS 07410 to Print. **Senator Richardson** seconded the motion.

The motion carried by **VOICE VOTE**.

**RS 07411** Relating to the Human Rights Commission; amending Section 67-5908, Idaho Code, to provide for punitive damages for willful violations based on the number of employees an employer has and to provide a method for determining the number of employees.

**Ms. Marilyn Shuler**, Executive Director of the Idaho Human Rights Commission, explained that this attempts to amend punitive damages established in 1969. She stated that currently the maximum allowed for punishment of willful punitive damages is \$1,000. This legislation would allow for a sliding scale of \$5,000 to \$25,000 depending on the size of the employer.

**Senator Richardson** asked if this scale was sliding with a base of \$5,000 and added what if a judge wanted to assess a fine of \$1,000. **Ms. Shuler** replied that the judge could award \$1,000, but that the maximum would be \$5,000 if the employer was small, up to \$25,000 for a larger employer.

**Senator Risch** asked if the Commission had given any thought to defining what is "willful". He gave an example of a case regarding Patterson, that his partner was handling, with fifty incidents in a one-year time frame. **Ms. Shuler** responded that she was familiar with that case and commented that the Supreme Court found that this was really only one incident over a period of time. She pointed out that sexual harassment would be counted as one incident, a retaliation against would be counted as a second incident.

#### MOTION:

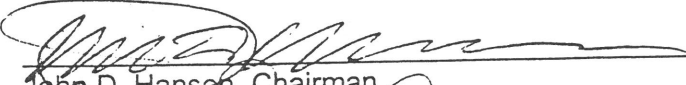
**Senator Sweeney** made a motion to send RS 07411 to Print. **Senator Sorensen** seconded the motion.

The motion carried by **VOICE VOTE**.

#### ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:50 p.m.

Respectfully submitted,

  
John D. Hansen, Chairman

  
Lisa Lalliss-Skogsberg, Secretary

# AGENDA

## SENATE STATE AFFAIRS COMMITTEE

3:00 P.M.

ROOM 437

Wednesday, February 11, 1998

BILL NO.	DESCRIPTION	SPONSOR
RS 07854	Relating to license to retail liquor; amending Section 23-903, Idaho Code, to authorize issuance of a license to a food and beverage facility located in a building listed on the National Register of Historic Places not later than 1997 and located in a National Register Warehouse District.	David Kerrick Senator Robbi King
RS 07855	Relating to license to retail liquor; amending Section 23-903, Idaho Code, to authorize issuance of a license to a food and beverage facility located in a building listed on the National Register of Historic Places and located in a National Register Warehouse District.	David Kerrick Senator Robbi King
S 1384	Relating to the Idaho Housing and Finance Association; amending Section 67-6206, Idaho Code, to provide powers for the Association to act as a clearinghouse for housing matters and to coordinate and develop a State Housing Policy; amending Section 67-6211, Idaho Code, to remove the limitation on the amount of bonds not secured by the State Sales Tax which may be issued by the Association and to make a technical correction; and declaring an emergency.	Rob Beck, Idaho Housing and Finance
S 1360	Relating to the Human Rights Commission; Amending Section 67-5907, Idaho Code, to revise procedures on complaints, to provide that a complainant may request dismissal of an administrative complaint at any time and to make a technical correction; amending Chapter 59, Title 67, Idaho Code, by the addition of a new section 67-5907A, Idaho Code, to provide for compliance with the Idaho Tort Claims Act; amending Section 67-5908, Idaho Code, to provide that a complaint must be filed with the Human Rights Commission as a condition precedent to litigation and to revise procedures; and repealing Section 67-5908A, Idaho Code.	Marilyn Shuler and Dan Steckel, Idaho Human Rights Commission



- S 1361 Relating to the Human Rights Commission; amending Section 67-5906, Idaho Code, to allow the administering of oaths and affirmations and to allow the receiving of testimony under oath and to make technical corrections; and amending Chapter 9, Title 67, Idaho Code, by the addition of a new Section 67-5906A, Idaho Code, to provide for perjury when a person makes any false statement as to material matter in any oath or affidavit provided to the Human Rights Commission or its authorized representative. Marilyn Shuler and Dan Steckel, Idaho Human Rights Commission
- S 1362 Relating to the Human Rights Commission; amending Section 67-5908, Idaho Code, to provide for punitive damages for willful violations based on the number of employees an employer has and to provide a method for determining the number of employees. Marilyn Shuler and Dan Steckel, Idaho Human Rights Commission
- SJR 104 Proposing an amendment to Section 1, Article VIII, of the Constitution of the State of Idaho, relating to limitations on Public Indebtedness and Liabilities, to provide for publication of notice to create state indebtedness, to except from the section ordinary operating expenses or liabilities arising by operation of law and debts or liabilities repaid within the fiscal year, to provide that debts and liabilities of certain independent public bodies corporate and politic created by law are not state debts and to provide this Constitutional amendment shall not make illegal those types of financial transactions that were legal on or before November 3, 1998; stating the question to be submitted to the electorate; directing the Legislative Council to prepare the statements required by law; and directing the Secretary of State to publish the amendment and arguments as required by law. Senator Hal Bunderson and Representative Mark Stubbs

Minutes

## STATE AFFAIRS COMMITTEE

**DATE:** Wednesday, February 11, 1998

**TIME:** 3:00 p.m.

**PLACE:** Room 437

**MEMBERS:** Chairman John Hansen, Vice Chairman Sheila Sorensen, Jerry Twiggs, Denton Darrington, James Risch, Mel Richardson, John Sandy, Bruce Sweeney, and Clint Stennett.

**ABSENT/  
EXCUSED:** None.

**CONVENED:** Chairman Hansen brought the meeting to order at 3:14 p.m. by welcoming the members of the Committee and the public.

**RS 07854** Relating to license to retail liquor; amending Section 23-903, Idaho Code, to authorize issuance of a license to a food and beverage facility located in a building listed on the National Register of Historic Places not later than 1997 and located in a National Register Warehouse District.

Mr. David Kerrick, with the Twin Falls Warehouse Building Association, testified that there are two RSes on the agenda which do essentially the same thing. However, they only need one printed. He stated that this would provide a special liquor license with criteria listed on the SOP.

Mr. Kerrick explained that the one difference was that RS 07854 includes "not later than 1997". He pointed out that there is only one building in Idaho to fit under that category currently. Without this criteria, there is potentially 3 - 6 that could also qualify under this criteria in the Twin Falls Warehouse District and another 3 - 6 in Pocatello's potential warehouse district.

Mr. Kerrick stated that the building in question is in the Old Town area of Twin Falls near the railroad tracks. Passing this legislation would be an asset and a benefit to the building and the area. He explained that in order to be considered under this legislation, the building has to have architectural significance and be restored to maintain the original building.

Senator Richardson noticed a typographical error in the SOP of "see" versus "sell" before liquor by the drink.

Senator Risch commented that one might pass and the other won't and asked which one would they request be printed. Mr. Kerrick replied that 07854 will only allow one license based on the date criteria.

**MOTION:**

Senator Sweeney moved to send RS 07854 to print with the typographical error in the SOP corrected. Senator Stennett seconded the motion.

The motion carried by **VOICE VOTE**. **Senator Darrington** and **Senator Twiggs** in opposition.

55 **Relating to license to retail liquor; amending Section 23-903, Idaho Code, to authorize issuance of a license to a food and beverage facility located in a building listed on the National Register of Historic Places and located in a National Register Warehouse District.**

N: **Senator Sweeney** made a motion to return RS 07855 to sponsor. **Senator Sorensen** seconded the motion.

The motion carried by **VOICE VOTE**.

**Relating to the Idaho Housing and Finance Association; amending Section 67-6206, Idaho Code, to provide powers for the Association to act as a clearinghouse for housing matters and to coordinate and develop a State Housing Policy; amending Section 67-6211, Idaho Code, to remove the limitation on the amount of bonds not secured by the State Sales Tax which may be issued by the Association and to make a technical correction; and declaring an emergency.**

**Mr. Rod Beck**, Executive Director of the Idaho Housing and Finance Association, testified that this legislation reflects three changes, two of which resulted from the Governor's Affordable Housing Task Force. He passed out a packet of information showing the object and tasks defined by this task force.

**Senator Sorensen** asked if all of the groups listed on page 3 agreed that the Association should be a clearing house. **Mr. Beck** responded that the list on page 3 is the list of the members of the task force and added that they were all in agreement that the Association become a clearing house. He then proceeded to explain the additions and deletions to the current legislation as listed in this bill. He explained that in 1997, the Association purchased \$242 million in mortgages and added that they represented 3, 264 families. **Mr. Beck** reported that the law doesn't prohibit more indebtedness than \$1.4 billion, it provides that they can't exceed \$1.4 billion in bonds.

**Mr. J.O. Cotant**, Bannock County Commissioner, stated that he was the Chairman of the Governor's Affordable Housing Task Force and spent seven months going throughout the State with Senator Sweeney and others discussing this issue. He reported that in these meetings, there was considerable testimony from people who had no idea whom to call with questions or problems with housing. **Mr. Cotant** pointed out that on Recommendation #2 on page 4 of the handout, the IHFA would be the developing agency to carry on the housing policy in the state.

**Ms. Sharon Ullman**, a resident of Ada County, testified that she has spent the past year and a half researching this issue. She stated that she supports the central location concept, but that she opposes this bill unless a few changes are made. She commented that the IHFA is not a private agency and read the definition of the agency from the Idaho Code. She further stated that the only other public agency exempt from the Public Records Act is the State Militia.

**Chairman Hansen** asked how S 1384 addresses the Public Records Act. **Ms. Ullman**

replied that it doesn't, but should. **Chairman Hansen** asked if she had any amendments. **Ms. Ullman** responded that before the Legislature gives the IHFA authority, this association should be accountable to the public under the Public Records Act. She then related that when she asked for copies of the association's job descriptions, they told her it would cost \$85. She felt that this was unreasonable.

**Chairman Hansen** asked if she was saying that there should be an amendment to add the association under the Public Records Act. **Ms. Ullman** answered that under 67-6226, Idaho Code, the disclosure of records shows that they are not included.

**Ms. Ullman** reported that the second problem with this is that the board members are not confirmed by the Legislature, which is not so. She thinks that they should be. The third problem that she discovered was that the association will not have regulatory control over the local housing agency.

**Senator Sweeney** remarked that comments need to be kept germane to the bill. **Chairman Hansen** added that if she could keep her comments to the bill, she could continue to testify.

**Ms. Ullman** pointed out that based on the Executive Order 98-01 issued January 20th, she thinks that the agency has more in mind and fears that there are limitations that will be placed on the locals. She stated that the language should be narrowed. She further added that the Executive Director's salary should have a cap on it and commented that he makes \$20,000 more than the Governor, yet supervises no one.

#### MOTION:

**Senator Sweeney** made a motion to send S 1384 to the floor with a Do Pass recommendation. **Senator Sorensen** seconded the motion.

**Senator Sweeney** stated that this is one of the most compelling things that he heard all over the state. He added that people want one place to call with questions.

**Senator Sorensen** asked Senator Sweeney if he saw that this could be limiting to other housing agencies. **Senator Sweeney** replied that this doesn't change the roles of any housing agencies. It gives the public a place to call to see who they need to contact with specific questions.

**Senator Risch** addressed Mr. Beck and stated that Ms. Ullman indicated that this would be used to supervise other agencies. He asked what was Mr. Beck's intent and if the association would become involved in local affairs. **Mr. Beck** responded that there was no intent to encroach on the authority or capability of the locals, they only want to help. **Senator Risch** commented that this would be a separate issue if they were trying to take over the locals.

**Senator Sweeney** stated that there was never any discussion where anyone suggested that this take place. The intent is to talk to each other, and nothing else.

**Senator Stennett** asked Mr. Beck if someone would have told Ms. Ullman that it would cost \$85 to fish out information. **Mr. Beck** responded that he can't tell about the specific request, but commented that they do have a direct appeal to the Executive Director on decisions made by the Communications Manager. He added that there has never been



an appeal filed. He further stated that they guarantee a hearing with the Board of Directors for all appeals. **Senator Stennett** asked if he could obtain a copy of the procedure. **Mr. Beck** said that he would get a copy to the Senator and added that this procedure was passed out with S 1296 last year. Until 1296 was passed, the Attorney General opined that the IHFA is not subject to the Public Disclosure Act. It gets into the State's responsibility. This was put into 1296 and passed last year.

**VOTE:**

The motion carried by **VOICE VOTE**.

**S 1360**

**Relating to the Human Rights Commission; Amending Section 67-5907, Idaho Code, to revise procedures on complaints, to provide that a complainant may request dismissal of an administrative complaint at any time and to make a technical correction; amending Chapter 59, Title 67, Idaho Code, by the addition of a new section 67-5907A, Idaho Code, to provide for compliance with the Idaho Tort Claims Act; amending Section 67-5908, Idaho Code, to provide that a complaint must be filed with the Human Rights Commission as a condition precedent to litigation and to revise procedures; and repealing Section 67-5908A, Idaho Code.**

**Ms. Marilyn Shuler**, with the Human Rights Commission, testified that this bill attempts to strengthen the administrative law process. She called it the "Speed Bump Bill" because it changes the portion of the statute where an individual doesn't have to file with the agency and has two years to file a claim in court. She explained that this changes the current law so that the individual must file with the Commission within one year from the date the act was committed, and allows for withdrawing of the claim within one year from the date of filing. She added that currently, a claimant can't withdraw a claim if they think that there will be an adverse decision.

**Ms. Shuler** pointed out that they did something miraculous prior to the meeting and that they do have language to address the objections. She further stated that this will remove 29-year old archaic language and adds a tort claims act for these cases. They would propose an amendment to page 2, line 4, following "director" and stating, "who will attempt to contact and consider the interest of all parties who will appear in the proceedings."

**Ms. Dawn Justice** testified that they are concerned with the ability of the complainant to withdraw a claim as well as the potential abuse of the process. She added that this amendment will allow an employer to be contacted if an employee withdraws a complaint.

**MOTION:**

**Senator Stennett** made a motion to send S 1360 to the 14th Order for amendment. **Senator Sandy** seconded the motion.

The motion carried by **VOICE VOTE**.

**RS 08552 C2 Relating to Minors' access to tobacco products; repealing Chapter 57, Title 39, Idaho Code; amending Title 39, Idaho Code, by the addition of a new Chapter 57, Title 39, Idaho Code, to provide Legislative findings and intent, to define terms, to**

provide for possession, distribution or use of tobacco by a minor with exceptions, to provide for permits for tobacco product retailers, to prohibit sale or distribution of tobacco products to minors, to provide for vendor assisted sales, to provide for opened packages and samples, to provide civil penalties for violations of a permit, to provide criminal penalties for violations without a permit, to provide for conduct of enforcement actions, to provide for funding and creation of a fund in the state treasury, to provide for compliance with federal regulations, to provide severability and to provide for local ordinances; providing an effective date and authorizing the Department of Health and Welfare to do certain acts to administer the provisions of this act.

**Chairman Hansen** remarked that regarding S 1299, heard by the committee last Monday, Senator Sorensen worked out a few kinks and has a new RS to present for printing. He added that he was waiting to discuss this until both Senators were present. He stated that it will not go directly to the floor. It will come back to the committee for Monday or Wednesday. He further stated that Senator Sorensen would not be present on Monday and added that he would work out the schedule.

**Senator Sorensen** commented that the parties interested met yesterday and decided that the bottom line was to change "license" to "permit" at no cost to the retailer. She stated that the Department of Health and Welfare has \$6 to \$8 million to curtail substance and tobacco abuse available to implement this.

**Senator Sorensen** reported that the second change was civil vs. criminal penalties with no open end and allowing a specific amount of fine.

**Chairman Hansen** commented that if this is printed today, there will be adequate time for people to obtain a copy of the bill.

**Senator Sorensen** stated that Caryn Esplin and the PTA agreed to putting this on the agenda for Monday. **Senator Sorensen** added that she didn't need to be here for the hearing.

#### **MOTION:**

**Senator Sweeney** made a motion to print RS 08552 C2. **Senator Richardson** seconded the motion.

The motion carried by **VOICE VOTE**.

#### **S 1361**

**Relating to the Human Rights Commission; amending Section 67-5906, Idaho Code, to allow the administering of oaths and affirmations and to allow the receiving of testimony under oath and to make technical corrections; and amending Chapter 9, Title 67, Idaho Code, by the addition of a new section 67-5906A, Idaho Code, to provide for perjury when a person makes any false statement as to material matter in any oath or affidavit provided to the Human Rights Commission or its authorized representative.**

**Ms. Marilyn Shuler**, with the Idaho Human Rights Commission, testified that this legislation attempts to strengthen the process. She stated that they can only penalize for perjury if a form is signed and added that some witnesses tell "whoppers". She stated that this legislation will cause people to think more carefully and to tell the truth in

sworn testimony.

**Senator Darrington** asked if she anticipated a formal hearing room with transcribed testimony. **Ms. Shuler** replied that the process is informal. The investigator writes down the statement and the claimant signs it under the penalty of perjury. She further added that if the testimony is verbal, they would want to record it.

**Ms. Dawn Justice**, testified that IACI opposes the legislation because of the abilities allowed may bring about problems. She added that this expands the testimony process to a more formal setting. They question the qualifications of the person taking the testimony or conducting the swearing in. With regard to the perjury issue, there will be testimony taken at the Commission and then again in court. The testimony taken at the Commission is done without legal counsel and could hurt the complainant in court.

**Senator Risch** to Ms. Shuler stated that he shares some points but added that there is a problem if there isn't a transcript of the testimony given under oath. **Ms. Shuler** responded that not ordinarily, they would only use a transcript if they suspected otherwise. **Senator Risch** stated that the bill interpretation is that the latitude is there and added that someone else in the future can change this. He feels that this needs to be more specific. **Ms. Shuler** commented that she has no objection to tightening this up when they use it.

**Mr. Dan Steckel**, Deputy Attorney General with the Human Rights Commission, testified that if they use it, they would want to be sure the testimony would hold up in court. He added that they would use what is legally sufficient.

**Senator Sweeney** asked Ms. Shuler if she anticipates this going beyond fact-finding. **Ms. Shuler** responded that they want to protect the integrity of the testimony. She stated that people fabricate documents or tell lies. She asked if there was another suggestion to stop people from telling lies.

**Ms. Justice** stated that she wasn't sure if they could get more accurate information than if the claim is a written statement, signed and notarized.

**Senator Risch** commented that he is not familiar with the Commission's operating procedures, but added that he is uncomfortable with this legislation.

**Senator Richardson** asked if IACI objected to the process of swearing in, or to the procedure itself. **Ms. Justice** replied that they object to the fact of swearing in, especially since this is to be an informal setting.

**Mr. Pete Skamser**, with NFIB, testified that "oath" means formal, whereas "fact finding" relates to informal. He stated that this is vague and doesn't match what the Commission currently does. He added that this will probably cause more confusion and problems in the future. He further added that he is uncomfortable with this legislation in its current form.

#### MOTION:

**Senator Darrington** made a motion to Hold S 1361 in committee. **Senator Sorensen** seconded the motion.

**Senator Darrington** stated that the Commission is not quasi-judicial based on Idaho statute. He explained that the Code refers to the Commission's employees as investigators, which is the same as police and Health and Welfare caseworkers, who are also not quasi-judicial.

**Senator Risch** stated that he feels the same way with the investigating aspects but added that these investigators are lied to constantly. He further stated that he is concerned with mixing the investigating stage with the determination stage.

**VOTE:**

The motion carried by **VOICE VOTE**.

**S 1362**

**Relating to the Human Rights Commission; amending Section 67-5908, Idaho Code, to provide for punitive damages for willful violations based on the number of employees an employer has and to provide a method for determining the number of employees.**

**Ms. Marilyn Shuler**, with the Idaho Human Rights Commission, testified that this gives the court authorities. She reported that twenty-nine years ago, the Legislature passed a bill allowing for up to \$1,000 in punitive damages. This legislation gives a maximum that the judge could assess. It would be at the judges discretion based on a sliding scale of the size of the employer.

**Ms. Dawn Justice** testified that IACI opposes this on two issues. The first issue is fairness. The Federal level links the damage to the ability to pay and asked if this was necessary to implement on the state level. The second issue is need. She reported that they oppose the punitive damages and that they don't support higher levels and the linking to a range based on the employer's size.

**Mr. Pete Skamser** testified that the sliding scale discriminates against the large employers. He stated that he has a problem with the scale and added that it should be based on the seriousness of the case, not the size of the employer.

**Senator Sorensen** asked Ms. Shuler if there has been people or businesses complaining of \$1,000 limit and requesting such a scale. **Ms. Shuler** answered that the punitive and compensatory damages are higher at the Federal level. She further stated that the Idaho Commission's laws are about the weakest in the United States and added that only employers with five or more employees would fall under their jurisdiction.

**MOTION;**

There was no motion made. Therefore, the legislation dies for the lack of a motion.

**SJR 104**

**Proposing an amendment to Section 1, Article VIII, of the Constitution of the State of Idaho, relating to limitations on Public Indebtedness and Liabilities, to provide for publication of notice to create state indebtedness, to except from the section ordinary operating expenses or liabilities arising by operation of law and debts or liabilities repaid within the fiscal year, to provide that debts and liabilities of certain independent public bodies corporate and politic created by law are not state debts and to provide this Constitutional amendment shall not make illegal those types of financial transactions that were legal on or before November 3, 1998; stating the question to be submitted to the electorate; directing the Legislative Council to prepare the statements required by law; and directing the**



**Secretary of State to publish the amendment and arguments as required by law.**

**Chairman Hansen** stated that the main question remaining following the previous meeting, was on page 2, regarding "ordinary" versus "ordinary and necessary". He pointed out that there was a copy of a letter from Bond Counsel, Mike Moore, in each packet.

**Senator Hal Bunderson** reported that he had a number of people review this legislation. They all agreed that it was acceptable.

**Senator Risch** asked Mike Moore if this passed, would it cause problems with the credit of the State. **Mr. Moore** replied that this will not create a problem with Idaho's credit rating. He stated that he is not here to oppose or support the legislation, he is only here to answer questions based on the analysis he was asked to conduct. He further added that there is nothing here to jeopardize the State.

**Mr. Moore** made a couple of points stating that the proposed amendment codifies the Constitution. He doesn't think that this is necessary since it is already established by a number of judicial decisions. The second point is on paragraph 4 of page 2 of his letter, regarding Article 8, Section 1 of the Constitution. There is no exception for ordinary and necessary expenses. He stated that by putting this in the Constitution, it opens up potential litigation. He suggested using "ordinary and necessary expense" language since this is interpreted in case law already. He did not suggest using "operating".

**Chairman Hansen** asked if using just "ordinary" would restrict it more. **Mr. Moore** said that no, there is already a large body of caselaw interpreting this and referred the committee to the third paragraph in his letter. He stated that there should be a couple of caveats such as, the body can't levy taxes and can't bind the State. He stated that this will possibly close a loophole allowing the creation of a taxing authority in the future.

**Senator Bunderson** stated that he has no objection to doing anything that it right.

**Mr. David High**, stated that with regard to issue 2 in paragraph 3, this would be a clarification to prevent problems in the future. He added that the other issue is a policy decision. He reported that "ordinary and necessary" language always goes to court for judgement and added that language under more accountant's terms may help. He then related that indebtedness for work on streets has been considered "ordinary", but construction of a bridge has been ruled "extraordinary". He added that the courts are all over the board on this and stated that the use of "operating expenses" would be a lesser exception. He concluded by saying that it makes sense to pick one or the other.

**Senator Risch** asked Senator Bunderson if he wanted to amend, hold for a new one, or run it as is. **Senator Bunderson** stated that he would like to amend it.

**MOTION:**

**Senator Risch** made a motion to send SJR 104 to the 14th Order for amendments. **Senator Sweeney** seconded the motion.

**Senator Darrington** stated to Senator Bunderson that he can't see where taking the historical language out is necessary. He stated that he objects to striking this language.

**Senator Bunderson** replied that the thrust of this is based on liabilities.

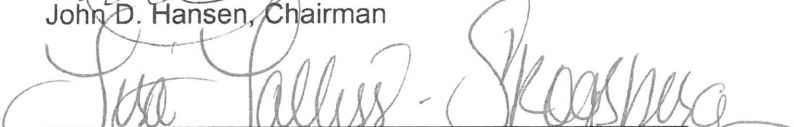
**VOTE:** The motion carried by **VOICE VOTE**.

**SPONSOR:** **Senator Bunderson** will sponsor in the 14th Order.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 5:58 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
John D. Hansen, Chairman  
\_\_\_\_\_  
Lisa Lalliss-Skogsberg, Secretary

# *SENATE STATE AFFAIRS COMMITTEE*

## *ROLL CALL*

DATE: February 11, 1998

MEMBER	PRESENT	ABSENT/EXCUSED
Sen. Hansen, Chairman	X	
Sen. Sorensen, Vice Chairman	X	
Sen. Twiggs	X	
Sen. Darrington	X	
Sen. Risch	X	
Sen. Richardson	X	
Sen. Sandy	X	
Sen. Sweeney	X	
Sen. Stennett	X	



SENATE STATE AFFAIRS COMMITTEE  
VISITOR SIGN-IN SHEET

Date: February 11, 1998

(PLEASE PRINT) Name & Agency Representing	Daytime Phone Number	Signature	Legislation interested in	For or Against	Testifying Yes / No
J.O. Cotter - Duwack Co Commissioner	236-7211	J.O. Cotter	S 1384	For	Yes
Sharon Wilson	362-0843	Sharon Wilson	S 1384	Comment	yes
Eric Wilson	362-0843	Eric Wilson			
Joe Post 10 Retailers Association		Joe Post			No
PETE SKAYSER	NFIB	Pete Skayser	S 1361, 1382	Against	yes
CARYN ESPLIN	344-0851	Caryn Espin	RS 08055 C2	For	
Kris Randall	344-0851	Kris Randall	"	"	
Red Buck	331-4889	Red Buck	1384	For	Yes
Rick Eus	737-8159	Rick Eus			
David Kerrick	459-4574	David Kerrick	RS 07854 07855	For	Yes



Date: Feb. 11, 1998

Feb. 11, 1998

[illegible]

Date: Feb. 11, 1998

Feb. 11, 1998

ADAM FINE

# **IACI** *Idaho Association of Commerce & Industry*

*The Voice of Business in Idaho®*

February 11, 1998

To: Senator John Hansen, Chairman Senate State Affairs Committee

From: Brent Olmstead, Idaho Association of Commerce & Industry

Re: IACI opposition to S1360, S1361, S1362

The Idaho Association of Commerce and Industry (IACI) would like to express to the Senate State Affairs Committee our opposition to three (3) bills on today's agenda. These bills are sponsored by the Idaho Human Rights Commission and directly impact the members of our Association.

**S1360:** This proposed legislation makes three changes to existing code. IACI agrees with two of these changes and believes that the third can be changed to make it fair to all parties in an administrative complaint.

1. Amends I.C. 67-5907 to require that complaints of discrimination be submitted within one (1) year.

**IACI believes that the one (1) year deadline is appropriate and in compliance with Idaho law.**

2. Amends I.C. 67-5907(6) to allow complainant to request dismissal of an administrative complaint. Such dismissals are to be granted at the discretion of staff director if the request for dismissal is less than three hundred and sixty-five (365) days of date of filing and by the commission if dismissal is requested after more than three hundred and sixty-five (365) days.

IACI is concerned with this change to existing code. We believe that this can and will allow abuse of the system in that a complainant would be able to request dismissal of a complaint immediately following the discovery process. At that point the complainant would be able to file suit with a distinct advantage over the defendant. This allows for the case to be dismissed without the merits of the case being determined.

IACI feels that our concern with this section can be corrected through an amendment. The request for dismissal should be a joint request. If both parties agree that a dismissal is in their best interest, an unfair advantage cannot be held by either party.

**If this change is made IACI will not oppose S1360.**



3. Amends I.C. 5908(2) to require that a complaint be filed with Idaho Human Rights Commission as a "conditional precedent" to litigation. Further requires that complainant may file civil action in district court within ninety (90) days of issuance of notice of administrative dismissal.

**IACI believes this is an appropriate and needed change in law.**

**S1361:** Amends I.C. 69-5906(3) to allow staff director or authorized representative of Idaho Human Rights Commission to administer oaths and receive testimony.

**IACI sees no reason for this provision, and does not believe the staff director is qualified or the appropriate person to have these functions. We feel that this is a broad expansion of authority for the commission. IACI opposes this legislation.**

**S1362:** Amends I.C. 67-5908(3)(e) by adding a table of punitive damages based upon a sliding scale. Damages begin at \$5,000.00 for employers with 15 employees to \$20,000.00 employers with 200 employees.

**IACI sees no reason or justification for this provision. We feel that this change discriminates against larger employers. A violation is a violation and should not be treated differently based on the number of persons employed at a particular business. This provision could also very well be unconstitutional. IACI opposes this legislation.**

Thank you for listening to our concerns with the above mentioned bills. Scheduling conflicts may preclude IACI staff from being present during today's hearing, but we do want the committee to be aware of our opposition.



## HOUSE STATE AFFAIRS

**DATE:** March 11, 1998

**TIME:** 8:30 A.M.

**PLACE:** Room 412

**MEMBERS:** Crane, Deal, Stone, Loertscher, Newcomb, Tippetts, Alltus, Hornbeck, Kjellander, Field, Stevenson, Denney, Ellsworth, Jones, Kunz, McKague, Wheeler, Stoicheff, Marley, Judd, Henbest.

**ABSENT/  
EXCUSED:**

Chairman Crane called the meeting to order at: 8:37 A.M.  
Representative Jones moved to approve the minutes as presented. Motion Carried.

*Any referenced attachments made available to the committee are attached to the secretary's book and the library copy for permanent record.*

**S1360AA** Marilyn Shuler, Director Human Rights Commission explained the changes to --one year for filing a complaint and 90 days for District Court. Representative Stoicheff: Why are we hearing this, what are we solving? Ms. Shuler: We believe this will handle disputes more efficiently without clogging courts.

**MOTION:** Representative Alltus moved to send to the floor with a do pass. Motion Carried.  
**SPONSOR:** Alltus

**H0775** Representative Watson explained the bill criteria for an establishment to qualify. He continued by explaining the intent of this legislation admitting it is not a complete solution but is a start. He's trying to get away from the value that a liquor license currently adds to a bar. Only about 43 places in Idaho will qualify under this statute. It doesn't effect very many places. Representative Kjellander: By non-transferable you mean they can't be sold? Representative Watson: Correct. Representative Kjellander: But what if the heir goes into business with a partner, this becomes an asset to "grow" the business.

**TESTIMONY:** Senator Riggs spoke in support and to provide some insight as to the differences between Beer/wine and alcohol. They are basically the same, the concentration is the only difference. This is the reason why Idaho separates their beer and wine and alcohol licensing criteria.

Cliff Rehart, Prichard, Idaho, bar owner, they also have a motel. When the Centennial licensing bill went into effect in 1990, 6 of the 8 establishments in his immediate area were issued liquor licenses, based on the criteria of being in business 75 years or more. Mr. Rehart had built a new building and therefore didn't qualify. Testimony attached. Mary Lou Shepard, Pritchard, Idaho. Testimony attached. In support. Jennifer Lindsey, Retailer's Assn. in opposition. She wants more research on impact of this.

**MOTION:** Representative Stoicheff moved to send to the floor without recommendation. Debate: Representative Stoicheff: There are points for and against this measure. I think members of the committee should be allowed to debate it openly on the floor. Representative Judd: to Representative Kjellander- would it solve your concerns if we put in "actively in the business" on page 4? Representative Kjellander: Actively involved would need to be defined in code or it wouldn't work. Representative Judd: What if they

## Minutes

# HOUSE STATE AFFAIRS

DATE: March 13, 1998

TIME: 7:45 A.M.

PLACE: Room 412

MEMBERS: Crane, Deal, Stone, Loertscher, Newcomb, Tippets, Alltus, Hornbeck, Kjellander, Field, Stevenson, Denney, Ellsworth, Jones, Kunz, McKague, Wheeler, Stoicheff, Marley, Judd, Henbest.

ABSENT/  
EXCUSED:

Chairman Crane called the meeting to order at: 7:47 A.M.  
Representative Jones moved to approve the minutes as presented. Motion Carried.

*Any referenced attachments made available to the committee are attached to the secretary's book and the library copy for permanent record.*

H806 Ben Ysursa, Secretary of State's Office. This changes the time required between holding elections.

MOTION: Representative Marley moved to send H806 to the floor with a do pass recommendation.

SJM-106 Senator Andreason explained that this is to avoid self serving legislation being tagged on to good legislation.

TESTIMONY Fritz Dixon spoke in support. Statements are attached.

MOTION: Representative Stoicheff moved to send SJM-106 to the floor with a do pass recommendation. SPONSOR: Stoicheff & Alltus

S1495 Pam Ahrens, Dir. Dept. of Administration. This is requested by the Governor and regarding the Information Technology Resource Management Council. To create a more efficient process for all state agencies to effectively manage large scale information technology projects.

MOTION: Representative Kjellander moved to send S1495 to the floor with a do pass recommendation. Motion Carried. SPONSOR: Kjellander

S1496 Pam Ahrens, Dir. Dept. of Administration. See attached sheet which was reviewed by Director Ahrens. This applies to all levels of Government and allows for electronic signature. To provide for electronic commerce to allow for EDI, EFT and EBT technology.

MOTION: Representative Kjellander moved to send S1496 to the floor with a do pass recommendation. Motion Carried. Representative Kjellander complimented Director Ahrens and INTRMC, which he serves on. SPONSOR: Crane

S1360

At the request of the chair this issue was re visited. Cynthia Ness, Risk Management Division of the Dept. of Administration spoke on her concerns regarding this bill, heard in committee earlier this week. She wanted to be sure the committee knew this would create a potential for an increase in tort claim filings. Marilyn Shuler, Director of The Human Rights Commission responded to the comments assuring the committee that the Dept. of administration has been in on the drafting of this legislation from the start.

HCR-48

Representative Stubbs outlined this resolution requesting a repeal of all 8 calls for a constitutional convention that have been issued by the State of Idaho. He further



## SENATE INDEX

409

Senate Bill No.	Introduced by	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
1358	Health & Welfare	Law	MENTAL HEALTH TREATMENT - Adopts a procedure allowing individuals to execute a declaration for mental health treatment which is intended to provide instructions for treatment of mental illness, and specifies a person or persons to act on their behalf in the event they are not competent to make such decisions. ....	45	76	278
1359	State Affairs	Vetoed	POTATO COMMISSION - Provides that investigative records, trademarks, usage audits, and purchase and sales information submitted to the Idaho Potato Commission are exempt from disclosure under certain circumstances; provides application; and provides that some deliberations of the Idaho Potato Commission may not be open to the public under the state's Open Meeting Law. .... Veto Message .....	45 221	75	221
1360	State Affairs	Law	HUMAN RIGHTS COMMISSION - Revises procedures on complaints before the Human Rights Commission; provides that a complainant may request dismissal of an administrative complaint at any time; provides for compliance with the Idaho Tort Claims Act by filing a complaint with the Human Rights Commission; provides that a complaint must be filed with the Human Rights Commission as a condition precedent to litigation; and revises procedures before the Human Rights Commission. .... Amended in the Senate .....	45 115	147	315
1361	State Affairs	State Affairs	HUMAN RIGHTS COMMISSION - Allows the administering of oaths and affirmations; allows the receiving of testimony under oath by the Human Rights Commission; and provides for perjury when a person makes any false statement as to material matter in any oath or affidavit provided to the Human Rights Commission or its authorized representative. ....	45	---	48
1362	State Affairs	State Affairs	HUMAN RIGHTS COMMISSION - Provides for punitive damages for willful violation of the Human Rights Commission Act, such violation based upon the number of employees an employer has; and provides a method for determining the number of employees. ....	46	---	48
1363	Education	State Affairs	LOTTERY MONEYS - Provides that the State Lottery shall transfer its net income to the School District Building Account. ....	48	---	51
1364	Transportation	Failed in Senate	DRIVER'S LICENSE - COMMERCIAL - Increases the fee for a commercial motor vehicle driver's license; dedicates the increase to the support of public professional truck driver training programs; and establishes a Professional Truck Driver Training Fund under the control of the State Board of Education. ....	49	110	110
1365	Transportation	Law	PURPLE HEART LICENSE PLATES - Allow the surviving spouse of a purple heart recipient to continue to display the purple heart license plate. .... Amended in the Senate .....	49 90	125	322

January 29, 1998

The JUDICIARY AND RULES Committee reports out S 1331 with the recommendation that it be referred to the Health and Welfare Committee.

DARRINGTON, Chairman

There being no objection, S 1331 was re-referred to the Health and Welfare Committee.

January 29, 1998

The FINANCE Committee reports out S 1348 with the recommendation that it do pass.

PARRY, Chairman

S 1348 was filed for second reading.

Senators Cameron, King, and Sorensen were recorded present at this order of business.

On request by Senator Risch, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

#### Messages from the House

January 29, 1998

Mr. President:

I transmit herewith H 502 and H 503 which have passed the House.

JUKER, Chief Clerk

H 502 and H 503 were filed for first reading.

On request by Senator Risch, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

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

Senators Parry and Sweeney, and President Pro Tempore Twigg were recorded present at this order of business.

#### S 1358

#### BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO DECLARATIONS FOR MENTAL HEALTH TREATMENT; AMENDING TITLE 66, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 6, TITLE 66, IDAHO CODE, TO PROVIDE FOR DECLARATIONS FOR MENTAL HEALTH TREATMENT, TO DEFINE TERMS, TO SPECIFY CONTENTS OF DECLARATIONS FOR MENTAL HEALTH TREATMENT, TO PROVIDE FOR DESIGNATION OF AN AGENT, TO REQUIRE SIGNATURES AND WITNESSES, TO GOVERN THE OPERATION OF A DECLARATION, TO SPECIFY THE POWERS OF AN AGENT, TO PROVIDE FOR

WITHDRAWAL OF AN AGENT, TO PROVIDE LIMITATIONS, TO ADDRESS ACTIONS CONTRARY TO A DECLARATION, TO GOVERN RELATION TO OTHER STATUTES, TO PROVIDE LIMITED IMMUNITY, TO PROVIDE PENALTIES, AND TO GOVERN THE FORM OF A DECLARATION; AND PROVIDING AN EFFECTIVE DATE.

#### S 1359

#### BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO THE IDAHO POTATO COMMISSION; AMENDING SECTION 9-340, IDAHO CODE, TO PROVIDE THAT INVESTIGATIVE RECORDS, TRADEMARKS USAGE AUDITS AND PURCHASE AND SALES INFORMATION SUBMITTED TO THE IDAHO POTATO COMMISSION ARE EXEMPT FROM DISCLOSURE UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE APPLICATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-2342, IDAHO CODE, TO PROVIDE THAT SOME DELIBERATIONS OF THE IDAHO POTATO COMMISSION MAY NOT BE OPEN TO THE PUBLIC; AND DECLARING AN EMERGENCY.

#### S 1360

#### BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO THE HUMAN RIGHTS COMMISSION; AMENDING SECTION 67-5907, IDAHO CODE, TO REVISE PROCEDURES ON COMPLAINTS, TO PROVIDE THAT A COMPLAINANT MAY REQUEST DISMISSAL OF AN ADMINISTRATIVE COMPLAINT AT ANY TIME AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 59, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5907A, IDAHO CODE, TO PROVIDE FOR COMPLIANCE WITH THE IDAHO TORT CLAIMS ACT; AMENDING SECTION 67-5908, IDAHO CODE, TO PROVIDE THAT A COMPLAINT MUST BE FILED WITH THE HUMAN RIGHTS COMMISSION AS A CONDITION PRECEDENT TO LITIGATION AND TO REVISE PROCEDURES; AND REPEALING SECTION 67-5908a, IDAHO CODE.

#### S 1361

#### BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO THE HUMAN RIGHTS COMMISSION; AMENDING SECTION 67-5906, IDAHO CODE, TO ALLOW THE ADMINISTERING OF OATHS AND AFFIRMATIONS AND TO ALLOW THE RECEIVING OF TESTIMONY UNDER OATH AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 9, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5906A, IDAHO CODE, TO PROVIDE FOR PERJURY WHEN A PERSON MAKES ANY FALSE STATEMENT AS TO MATERIAL MATTER IN ANY OATH OR AFFIDAVIT PROVIDED TO THE HUMAN RIGHTS COMMISSION OR ITS AUTHORIZED REPRESENTATIVE.



Roll call resulted as follows:

AYES--Andreason, Boatright, Branch, Bunderson, Burtenshaw, Cameron, Crow, Danielson, Darrington, Deide, Dunklin, Frasure, Hansen, Hawkins, Ingram, Ipsen, Keough, King, Lee, McLaughlin, Noh, Parry, Richardson, Risch, Sandy, Schroeder, Sorensen, Stennett, Sweeney, Thorne, Wheeler, Whitworth. Total - 32.

NAYS--None.

Absent and excused--Geddes, Riggs, Twiggs. Total - 3.

Total - 35.

Whereupon the Acting President declared S 1375 passed, title was approved, and the bill ordered transmitted to the House.

S 1357 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Danielson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Boatright, Branch, Bunderson, Burtenshaw, Cameron, Crow, Danielson, Darrington, Deide, Dunklin, Frasure, Hansen, Hawkins, Ingram, Ipsen, Keough, King, Lee, McLaughlin, Noh, Parry, Richardson, Risch, Sandy, Schroeder, Sorensen, Stennett, Sweeney, Thorne, Wheeler, Whitworth. Total - 32.

NAYS--None.

Absent and excused--Geddes, Riggs, Twiggs. Total - 3.

Total - 35.

Whereupon the Acting President declared S 1357 passed, title was approved, and the bill ordered transmitted to the House.

Senator Riggs was recorded present at this order of business.

S 1341 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Boatright, Branch, Bunderson, Burtenshaw, Cameron, Crow, Darrington, Deide, Dunklin, Frasure, Hansen, Hawkins, Ingram, Ipsen, Keough, King, Lee, McLaughlin, Noh, Parry, Richardson, Riggs, Risch, Sandy, Schroeder, Sorensen, Stennett, Sweeney, Thorne, Wheeler, Whitworth. Total - 32.

NAYS--None.

Absent and excused--Danielson, Geddes, Twiggs. Total - 3.

Total - 35.

Whereupon the Acting President declared S 1341 passed, title was approved, and the bill ordered transmitted to the House.

S 1355 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Andreason arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Boatright, Bunderson, Burtenshaw, Cameron, Crow, Danielson, Darrington, Deide, Dunklin, Ingram, Ipsen, Keough, McLaughlin, Noh, Richardson, Risch, Sandy, Schroeder, Sorensen, Stennett, Sweeney, Thorne, Wheeler. Total - 24.

NAYS--Branch, Frasure, Hansen, Hawkins, King, Lee, Parry, Riggs, Whitworth. Total - 9.

Absent and excused--Geddes, Twiggs. Total - 2.

Total - 35.

Whereupon the Acting President declared S 1355 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Sandy, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

#### General Calendar

The Acting President declared the Senate resolved into the Committee of the Whole and called Senator Sandy to the Chair to preside during the sitting of the Committee of the Whole.

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

#### Report of the Committee of the Whole

Senator Sandy, Chairman of the Committee of the Whole, reported out H 504 without amendments and with the recommendation that it be referred to the Twelfth Order of Business; and S 1340, S 1360, S 1344, as amended, S 1351, S 1420, and S 1403 without recommendation, and amended as follows:

#### SENATE AMENDMENT TO S 1340

##### AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 21, following "kind" insert: "excluding water rights not appurtenant to other facilities, and state endowment lands".

#### SENATE AMENDMENT TO S 1360

##### AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 4, following "director" insert: "who will attempt to contact all parties who have appeared in the proceeding and consider their interests".

### Second Reading of Bills

**H 517**, by Education Committee, was read the second time at length and filed for third reading.

**H 477** and **H 483**, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

**H 562** and **H 586**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

**S 1322**, by Schroeder, was read the second time at length and filed for third reading.

**S 1441**, by Resources and Environment Committee, was read the second time at length and filed for third reading.

**S 1499**, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1519**, by Finance Committee, was read the second time at length and filed for third reading.

**S 1495** and **S 1496**, by State Affairs Committee, were read the second time at length and filed for third reading.

**H 451**, by Mr. Speaker, was read the second time at length and filed for third reading.

**H 551**, as amended in the Senate, and **H 550**, as amended in the Senate, by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

**S 1401**, as amended, and **S 1422**, as amended, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

**S 1393**, as amended, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

**S 1310**, as amended, and **S 1311**, as amended, by Transportation Committee, were read the second time at length and filed for third reading.

**S 1457**, as amended, and **S 1458**, as amended, by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

### Third Reading of Bills

**S 1360**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll of the Senate was requested by Senators Parry, Risch, and Richardson.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present.

On request by Senator Parry, granted by unanimous consent, the Call was lifted.

The question being, "Shall **S 1360**, as amended, pass?"

Roll call resulted as follows:

AYES--Andreason, Boatright, Branch, Bunderson, Burtenshaw, Cameron, Crow, Danielson, Darrington, Deide, Dunklin, Frasure, Geddes, Hansen, Hawkins, Ingram, Ipsen, Keough, King, Lee, McLaughlin, Noh, Parry, Richardson, Riggs, Risch, Sandy, Schroeder, Sorensen, Stennett, Sweeney, Thorne, Twiggs, Wheeler, Whitworth. Total - 35.

Whereupon the President declared **S 1360**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1344**, as amended, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator King arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Boatright, Branch, Bunderson, Burtenshaw, Cameron, Crow, Danielson, Darrington, Deide, Dunklin, Frasure, Geddes, Hansen, Hawkins, Ingram, Ipsen, Keough, King, Lee, McLaughlin, Noh, Parry, Richardson, Riggs, Risch, Sandy, Schroeder, Sorensen, Stennett, Sweeney, Thorne, Twiggs, Wheeler, Whitworth. Total - 35.

Whereupon the President declared **S 1344**, as amended, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Schroeder, granted by unanimous consent, **S 1351**, as amended, retained its place on the Third Reading Calendar for one legislative day.

**S 1420**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Andreason and Richardson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Boatright, Branch, Bunderson, Burtenshaw, Cameron, Crow, Danielson, Darrington, Deide, Dunklin, Frasure, Geddes, Hansen, Hawkins, Ingram, Ipsen, Keough, King, Lee, McLaughlin, Noh, Parry, Richardson, Riggs, Risch, Sandy, Schroeder, Sorensen, Stennett, Sweeney, Thorne, Twiggs, Wheeler, Whitworth. Total - 35.

Whereupon the President declared **S 1420**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

Prayer was offered by Senator Geddes.

March 23, 1998

### Reading and Correction of the Journal

Senators Boatright, Danielson, and Noh were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 20, 1998, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Risch, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Enrolled S 1297, as amended, S 1298, S 1310, as amended, S 1311, as amended, S 1339, as amended in the House, S 1355, S 1371, S 1393, as amended, S 1408, S 1415, S 1434, as amended, S 1439, as amended, S 1515, as amended, S 1516, S 1517, S 1530, S 1535, S 1555, S 1556, S 1557, S 1558, S 1559, S 1560, S 1561, S 1562, SCR 136, SJR 107, S 1316, as amended in the House, S 1338, as amended in the House, and S 1446, as amended in the House, having been held at the desk for the signature of the President, were signed by the President and transmitted to the House for the signature of the Speaker.

Senators Cameron and Crow were recorded present at this order of business.

On request by Senator Risch, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

March 20, 1998

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

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 Bills, to wit:

S 1543	S 1454	S 1308
S 1540	S 1423	S 1464
S 1542	S 1388	S 1449
S 1541	S 1387	S 1465
S 1539	S 1386	S 1360, as amended
S 1538	S 1375	S 1350
S 1460	S 1325	S 1340, as amended
S 1459	S 1318	

Very truly yours,  
/s/ Philip E. Batt  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

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

Dear Mr. President:

Senator Dean Cameron, Chairman of the Senate Commerce and Human Resources Committee, has returned to this office the appointment of Dale R. Tankersley to the Personnel Commission unapproved. I, therefore, withdraw my appointment of Dale R. Tankersley to the Personnel Commission.

Very truly yours,  
/s/ Philip E. Batt  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

### Messages from the House

Enrolled HCR 44, HJM 13, H 629, H 735, as amended, H 748, as amended, H 652, H 808, H 809, H 807, H 462, as amended, as amended, H 708, H 736, H 742, as amended, H 567, as amended, H 723, as amended, H 776, H 512, as amended, H 660, as amended, H 701, H 577, as amended, as amended, H 690, as amended, H 803, H 812, H 815, H 816, H 813, H 814, H 817, H 659, as amended in the Senate, H 768, as amended in the Senate, and H 667, as amended, as amended in the Senate, having been held at the desk for the signature of the President, were signed by the President and returned to the House.

March 20, 1998

Mr. President:

I return herewith S 1402, S 1403, as amended, S 1322, S 1335, S 1444, S 1483, S 1484, as amended, S 1564, SCR 138, SCR 139, SCR 129, and S 1563 which have passed the House.

JUKER, Chief Clerk

S 1402, S 1403, as amended, S 1322, S 1335, S 1444, S 1483, S 1484, as amended, S 1564, SCR 138, SCR 139, SCR 129, and S 1563 were referred to the Judiciary and Rules Committee for enrolling.

Senators Hawkins, Riggs, and Sandy, and President Pro Tempore Twigg were recorded present at this order of business.

On request by Senator Risch, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

### General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Sandy to the Chair to preside during the sitting of the Committee of the Whole.



## HOUSE INDEX

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<u>Senate Bills 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>
1356	Commerce and Human Resources	123	PUBLIC EMPLOYEE RETIREMENT SYSTEM Amends and adds to existing law relating to the Public Employee Retirement System to provide for a domestic retirement order and establishment of a separate account for alternate payees named in the order . . . . .	200	217	LAW
1357	Commerce and Human Resources	156	HEALTH INSURANCE - Amends existing law to provide that the director of the Department of Administration has the authority to self-insure certain health insurance coverage and to provide the director flexibility to determine to self-insure group coverage . . . . .	313	349	LAW
1358	Health and Welfare	102	MENTAL HEALTH TREATMENT - Adds to existing law to adopt a procedure allowing individuals to execute a declaration for mental health treatment which is intended to provide instructions for treatment of mental illness and specify a person or persons to act on their behalf in the event that they are not competent to make such decisions . . . . .	278	306	LAW
1359	State Affairs	102	POTATO COMMISSION - Amends existing law to provide that investigative records, trademarks, usage audits and purchase and sales information submitted to the Idaho Potato Commission are exempt from disclosure under certain circumstances, to provide application and to provide that some deliberations of the Idaho Potato Commission may not be open to the public under the state's Open Meeting Law . . . . .	207	223	VETOED
1360 AA	State Affairs	205	HUMAN RIGHTS COMMISSION - Amends, adds to and repeals existing law to revise procedures on complaints before the Human Rights Commission, to provide that a complainant may request dismissal of an administrative complaint at any time, to provide for compliance with the Idaho Tort Claims Act by filing a complaint with the Human Rights Commission, to provide that a complaint must be filed with the Human Rights Commission as a condition precedent to litigation and to revise procedures before the Human Rights Commission . . (S.A. - See Senate Journal)	291 ✓	318 ✓	LAW
1365 AA	Transportation	171	PURPLE HEART LICENSE PLATES - Amends existing law to allow the surviving spouse of a purple heart recipient to continue to display the purple heart license plate . . . . . (S.A. - See Senate Journal)	288	318	LAW
1367	Transportation	181	PUBLIC RIGHTS-OF-WAY - Amends existing law to provide that by July 1, 2000, and every five years thereafter, the Board of County or Highway District Commissioners shall have published in map form and made readily available the location of all public rights-of-way under its jurisdiction and to provide for an extension of time . . . . .	314	349	LAW

At this time, the Governor memorialized the service of Secretary of State, Pete T. Cenarrusa, and dedicated a state building in his honor.

Prior to going at ease, the House was at the Seventh Order of Business.

**Motions, Memorials and Resolutions**

Mr. Newcomb moved that the House recess until 1:30 p.m. Seconded by Mr. Stoicheff. Motion carried.

Whereupon the Speaker declared the House at recess until 1:30 p.m.

**RECESS**

The House reconvened at 1:30 p.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prior to recess, the House was at the Seventh Order of Business.

**Motions, Memorials and Resolutions**

**Introduction, First Reading and Reference of Bills and Joint Resolutions**

**HOUSE BILL NO. 789  
BY WAYS AND MEANS COMMITTEE  
AN ACT**

RELATING TO WATER USE; AMENDING SECTION 42-202B, IDAHO CODE, TO DEFINE "WHOLLY CONSUMPTIVE USE" FOR PURPOSES OF WATER APPROPRIATION LAW.

**HOUSE BILL NO. 790  
BY WAYS AND MEANS COMMITTEE  
AN ACT**

RELATING TO HAZARDOUS WASTE; AMENDING SECTION 39-4427, IDAHO CODE, TO REDESIGNATE THE SECTION, AMEND THE CATCHLINE TO REFER TO COMMERCIAL DISPOSAL FEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 44, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4427B, IDAHO CODE, TO PROVIDE FEES FOR GENERATORS OF HAZARDOUS WASTE; AMENDING CHAPTER 44, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4427C, IDAHO CODE, TO PROVIDE A FEE FOR A HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITY; AMENDING CHAPTER 44, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4427D, IDAHO CODE, TO PROVIDE FOR DUPLICATION OF HAZARDOUS WASTE FEES; AMENDING SECTION 39-4428, IDAHO CODE, TO AMEND THE CATCHLINE AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION

39-4429, IDAHO CODE, TO PROVIDE CODE REFERENCES AND TO PROVIDE FOR APPLICATION OF APPLICABLE CODE PROVISIONS; AMENDING SECTION 39-4432, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO PROVIDE FOR THE DEPOSIT OF FEES IN THE HAZARDOUS WASTE MANAGEMENT ACCOUNT; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 791  
BY WAYS AND MEANS COMMITTEE  
AN ACT**

RELATING TO ACQUIRING SPECIFIED ENDOWMENT LANDS FOR PONDEROSA STATE PARK; AMENDING CHAPTER 5, TITLE 58, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 58-507, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSES, TO DESCRIBE CERTAIN ENDOWMENT LANDS LOCATED NEAR, ADJACENT TO, OR WITHIN PONDEROSA STATE PARK, TO DESCRIBE THE MANAGEMENT OF PONDEROSA STATE PARK, TO PROVIDE THAT THE STATE BOARD OF LAND COMMISSIONERS SHALL RECEIVE TITLE TO REAL PROPERTY OF EQUIVALENT VALUE THROUGH LAND EXCHANGE, TO PROVIDE THAT THE PARK AND RECREATION BOARD HAS AGREED TO ACQUIRE TITLE TO THE DESCRIBED ENDOWMENT LANDS AND TO PROVIDE THAT IT IS THE INTENT OF THE LEGISLATURE TO PROVIDE FUNDS FOR THE DESCRIBED LAND EXCHANGE.

H 789, H 790, and H 791 were introduced, read the first time by title, and referred to the Judiciary, Rules and Administration Committee for printing.

S 1360, as amended, S 1387, and S 1388, by State Affairs Committee, were introduced, read the first time by title, and referred to the State Affairs Committee.

S 1344, as amended, as amended, S 1403, as amended, S 1425, S 1442, S 1443, S 1444, and S 1483, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules and Administration Committee.

S 1420, as amended, by Education Committee, was introduced, read the first time by title, and referred to the Education Committee.

S 1339, S 1338, S 1416, and S 1381, by Resources and Environment Committee, were introduced, read the first time by title, and referred to the Resources and Conservation Committee.

S 1448, by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

S 1505, by Finance Committee, was read the first time by title and filed for second reading.

Prior to recess, the House was at the Eleventh Order of Business.

### Third Reading of Bills and Joint Resolutions

S 1338, as amended in the House, was read the third time at length, section by section, and placed before the House for final consideration.

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

The question being, "Shall S 1338, as amended in the House, pass?"

Roll call resulted as follows:

AYES -- Alltus, Barraclough, Bell, Bieter, Bivens, Black(15), Black(23), Boe, Bruneel, Callister, Campbell, Clark, Cuddy, Deal, Ellsworth, Field(13), Field(20), Gagner, Geddes, Gould, Hadley, Henbest, Hornbeck, Jaquet, Jones(20), Judd, Kempton, Kendell, Kjellander, Kunz, Lake, Loertscher, Mader, Marley, McKague, Meyer, Miller, Mortensen, Newcomb, Pischner, Pomeroy, Reynolds, Richman, Ridinger, Robison, Sali, Stevenson, Stoicheff, Stone, Stubbs, Taylor, Tilman, Trail, Watson, Wheeler, Zimmermann, Mr. Speaker. Total -- 57.

NAYS -- Denney, Schaefer, Tippetts, Wood. Total -- 4.  
Absent and excused -- Barrett, Chase, Crane, Crow, Hansen, Jones(9), Jones(22), Kellogg, Linford. Total -- 9.  
Total -- 70.

Whereupon the Speaker declared S 1338, as amended in the House, passed the House. Title was approved and the bill ordered returned to the Senate.

S 1360, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

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

The question being, "Shall S 1360, as amended, pass?"

Roll call resulted as follows:

AYES -- Alltus, Barraclough, Bell, Bieter, Bivens, Black(15), Black(23), Boe, Bruneel, Callister, Campbell, Clark, Cuddy, Deal, Denney, Ellsworth, Field(13), Field(20), Gagner, Geddes, Gould, Hadley, Henbest, Hornbeck, Jaquet, Jones(20), Judd, Kempton, Kendell, Kjellander, Kunz, Lake, Loertscher, Mader, Marley, McKague, Meyer, Miller, Mortensen, Newcomb, Pischner, Pomeroy, Reynolds, Richman, Ridinger, Robison, Sali, Schaefer, Stevenson, Stone, Stubbs, Taylor, Tilman, Tippetts, Trail, Watson, Wheeler, Wood, Zimmermann, Mr. Speaker. Total -- 61.

NAYS -- None.  
Absent and excused -- Barrett, Chase, Crane, Crow, Hansen, Jones(9), Jones(22), Kellogg, Linford. Total -- 9.  
Total -- 70.

Whereupon the Speaker declared S 1360, as amended, passed the House. Title was approved and the bill ordered returned to the Senate.

H 807 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Black(23) to open debate.

The question being, "Shall H 807 pass?"

Roll call resulted as follows:

AYES -- Barraclough, Bell, Bieter, Bivens, Black(15), Black(23), Boe, Bruneel, Callister, Campbell, Chase, Clark, Cuddy, Deal, Denney, Ellsworth, Field(13), Field(20), Gagner, Geddes, Gould, Hadley, Henbest, Hornbeck, Jaquet, Jones(20), Judd, Kempton, Kendell, Kjellander, Kunz, Lake, Loertscher, Mader, Marley, McKague, Meyer, Miller, Mortensen, Newcomb, Pischner, Pomeroy, Reynolds, Richman, Ridinger, Robison, Sali, Schaefer, Stevenson, Stoicheff, Stone, Stubbs, Taylor, Tilman, Tippetts, Trail, Watson, Wheeler, Wood, Zimmermann, Mr. Speaker. Total -- 61.

NAYS -- None.

Absent and excused -- Alltus, Barrett, Crane, Crow, Hansen, Jones(9), Jones(22), Kellogg, Linford. Total -- 9.  
Total -- 70.

Whereupon the Speaker declared H 807 passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

### Consideration of Messages from the Governor and the Senate

March 13, 1998

Mr. Speaker:

I transmit herewith SJP 101, S 1539, S 1540, S 1541, S 1542, S 1543, S 1535, S 1537, S 1500, as amended, S 1421, as amended, S 1478, as amended, and S 1467, as amended, as amended, which have passed the Senate.

WOOD, Secretary

SJP 101, S 1539, S 1540, S 1541, S 1542, S 1543, S 1535, S 1537, S 1500, as amended, S 1421, as amended, S 1478, as amended, and S 1467, as amended, as amended, were filed for first reading.

### Report of Standing Committees

March 13, 1998

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration H 806, HCR 48, SJM 106, S 1495, and S 1496 and recommend that they do pass.

CRANE, Chairman

H 806, HCR 48, SJM 106, S 1495, and S 1496 were filed for second reading.



## Report of Standing Committees

March 17, 1998

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have enrolled H 483, H 562, H 586, H 451, H 525, H 662, H 425, H 428, H 642, H 475, H 618, H 732, H 654, H 601, H 418, H 581, H 413, H 624, H 655, H 696, H 703, H 709, H 432, H 513, H 515, H 622, H 492, H 493, H 675, H 674, H 678, H 686, H 467, as amended, as amended, H 733, H 444, H 580, H 582, H 459, and H 412.

GOULD, Chairman

The Speaker Pro Tem announced the Speaker would sign enrolled H 483, H 562, H 586, H 451, H 525, H 662, H 425, H 428, H 642, H 475, H 618, H 732, H 654, H 601, H 418, H 581, H 413, H 624, H 655, H 696, H 703, H 709, H 432, H 513, H 515, H 622, H 492, H 493, H 675, H 674, H 678, H 686, H 467, as amended, as amended, H 733, H 444, H 580, H 582, H 459, and H 412, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 17, 1998

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration S 1497 and S 1528 and recommend that they do pass.

CRANE, Chairman

S 1497 and S 1528 were filed for second reading.

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

## Adjournment

Mr. Newcomb moved that the House adjourn until 9 a.m., Wednesday, March 18, 1998. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 2:20 p.m.

MICHAEL SIMPSON, Speaker

ATTEST:

PAMM JUKER, Chief Clerk

SIXTY-SIXTH LEGISLATIVE DAY  
WEDNESDAY, MARCH 18, 1998

House of Representatives

The House convened at 9 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused -- Crane, Hansen. Total -- 2.

Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

## Approval of Journal

March 18, 1998

Mr. Speaker:

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

GOULD, Chairman

Ms. Gould moved that the report be adopted. Seconded by Mrs. Judd. Report adopted.

## Consideration of Messages from the Governor and the Senate

March 17, 1998

Mr. Speaker:

I transmit herewith enrolled S 1324, S 1325, S 1347, as amended, S 1350, S 1360, as amended, S 1365, as amended, S 1420, as amended, S 1437, S 1449, S 1464, S 1465, S 1469, and SCR 124 for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled S 1324, S 1325, S 1347, as amended, S 1350, S 1360, as amended, S 1365, as amended, S 1420, as amended, S 1437, S 1449, S 1464, S 1465, S 1469, and SCR 124 and, when so signed, ordered them returned to the Senate.

March 17, 1998

Mr. Speaker:

I transmit herewith S 1557, S 1558, S 1559, S 1560, S 1561, S 1562, S 1555, and S 1556, and I return herewith HCR 38, HCR 41, HJM 9, H 643, as amended, HJR 6, HJR 8, H 598, H 460, H 530, H 531, H 568, H 514, H 563, H 449, H 633, H 778, H 779, H 780, H 781, H 782, H 783, H 784, H 600, H 423, as amended, H 630, H 666, H 668, H 727, H 785, H 569, H 573, H 749, H 440, H 644, H 415, H 511, H 564, H 626, and H 754 which have passed the Senate.

WOOD, Secretary

S 1557, S 1558, S 1559, S 1560, S 1561, S 1562, S 1555, and S 1556 were filed for first reading.

HCR 38, HCR 41, HJM 9, H 643, as amended, HJR 6, HJR 8, H 598, H 460, H 530, H 531, H 568, H 514, H 563, H 449, H 633, H 778, H 779, H 780, H 781, H 782, H 783, H 784, H 600, H 423, as amended, H 630, H 666, H 668, H 727, H 785, H 569, H 573, H 749, H 440, H 644, H 415, H 511, H 564, H 626, and H 754 were referred to the Judiciary, Rules and Administration Committee for enrolling.

## Report of Standing Committees

March 18, 1998

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have printed H 831 and House amendments to S 1339 and S 1352, as amended.

GOULD, Chairman

H 831 was filed for second reading.

# Idaho Human Rights Act 1998 Legislative History Check Lists

*S.B. 1360*

Item	Included	Notes
Session Law	✓ <i>OK</i>	
Bill	✓ <i>OK</i>	
Bill Status	✓ <i>OK</i>	
Statement of Purpose	✓ <i>OK</i>	
Committee Minutes		
- House	✓ <i>OK</i>	
- Senate	✓ <i>OK</i>	
Journal		
- House	✓ <i>OK</i>	
- Senate	✓ <i>OK</i>	
Interim Committee Minutes	<i>NA</i> ✓	