

examiners, board of chiropractic physicians, board of cosmetology, counselor licensing board, state board of dentistry, speech and hearing services licensure board, ~~of hearing aid dealers and fitters~~, board of landscape architects, board of morticians, board of examiners of nursing home administrators, board of optometry, board of podiatrists, board of psychologist examiners, real estate appraiser board, board of examiners of residential care facility administrators, board of social work examiners, and such other professional and occupational licensing boards or commodity commissions as may request such services. The bureau may charge a reasonable fee for such services provided any agency not otherwise provided for by law and shall maintain proper accounting methods for all funds under its jurisdiction.

(2) Notwithstanding the statutes governing specific boards, for any board that contracts with the bureau of occupational licenses, each board member shall hold office until a successor has been duly appointed and qualified.

(3) The department of self-governing agencies, by and through the bureau of occupational licenses, shall be empowered to provide administrative or other services for the administration of chapter 48, title 54, Idaho Code, to issue, suspend, revoke or refuse to renew certificates of registration, to issue subpoenas, to prescribe and impose fees and to assess administrative penalties pursuant to the provisions of chapter 48, title 54, Idaho Code.

Approved April 5, 2005.

CHAPTER 278
(H.B. No. 249)

AN ACT

RELATING TO PROHIBITIONS AGAINST DISCRIMINATORY PRACTICES; AMENDING SECTION 67-5901, IDAHO CODE, TO INCLUDE WITHIN PURPOSES OF THE CHAPTER PROHIBITIONS AGAINST DISCRIMINATION AGAINST PERSONS WITH DISABILITIES; AMENDING SECTION 67-5902, IDAHO CODE, TO DEFINE ADDITIONAL TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5903, IDAHO CODE, TO STRIKE OBSOLETE PROVISIONS AND TO PROVIDE FOR DIVERSE REPRESENTATION AMONG MEMBERS OF THE COMMISSION; AMENDING SECTION 67-5909, IDAHO CODE, TO INCLUDE DISCRIMINATION AGAINST A PERSON WITH A DISABILITY IN ACTS PROHIBITED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5910, IDAHO CODE, TO PROVIDE ADDITIONAL LIMITATIONS ON THE APPLICATION OF THIS CHAPTER AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 67-5911, IDAHO CODE, TO PROHIBIT REPRISALS FOR TAKING ACTIONS PURSUANT TO THIS CHAPTER AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 67-5901, Idaho Code, be, and the same is hereby amended to read as follows:

67-5901. PURPOSE OF ~~ACT~~ CHAPTER. The general purposes of this ~~act~~ chapter are:

(1) To provide for execution within the state of the policies embodied in the federal Civil Rights Act of 1964, as amended, and the Age Discrimination in Employment Act of 1967, as amended, and Titles I and III of the Americans with Disabilities Act.

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

SECTION 2. That Section 67-5902, Idaho Code, be, and the same is hereby amended to read as follows:

67-5902. DEFINITIONS. In this ~~act~~ chapter, unless the context otherwise requires:

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

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

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

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

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

(6) "Employer" means a person, wherever situated, who hires five (5) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year whose services are to be partially or wholly performed in the state of Idaho, except for domestic servants hired to work in and about the person's household. The term also means:

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

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

(c) ~~a~~Any agent of such employer.

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

(8) "Labor organization" includes:

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

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

(c) ~~a~~An agent of a labor organization.

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

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

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

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

(13) "Housing accommodation" includes any improved or unimproved real property, or part thereof, which is used or occupied, or as the home or residence of one (1) or more individuals;

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

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

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

(17) "Readily achievable" means easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include (a) the nature and cost of the action needed under this chapter, (b) the overall financial resources of the facility or facilities involved in the action, the number of persons employed at the facility, the effect on expenses and resources, or the impact otherwise of the action upon the operation of the facility, (c) the overall financial resources of the covered entity, the overall size of the business of a

covered entity with respect to the number of its employees, the number, type, and location of its facilities, and (d) the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of the entity, the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity.

SECTION 3. That Section 67-5903, Idaho Code, be, and the same is hereby amended to read as follows:

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

~~On and after July 1, 1976, the governor shall appoint members of the commission as terms of existing members expire so that t~~The commission shall be comprised as follows: one (1) member shall be representative of industry; one (1) member shall be representative of labor; and seven (7) members shall be appointed at large. Members shall be appointed to obtain, to the extent possible, broad representation of the diversity of individuals who comprise the population of the state of Idaho.

SECTION 4. That Section 67-5909, Idaho Code, be, and the same is hereby amended to read as follows:

67-5909. ACTS PROHIBITED. It shall be a prohibited act to discriminate against a person because of, or on a basis of, race, color, religion, sex or national origin, in any of the following and subsections. It shall be a prohibited act to discriminate against a person because of, or on the basis of, age or disability in subsections (1), (2), (3) and (4) of this section. It shall be a prohibited act to discriminate against a person because of, or on the basis of, disability in subsections (1), (2), (3) and (4) of this section, provided that the prohibition against discrimination because of disability shall not apply if the particular disability, even with a reasonable accommodation, by the employer, prevents the performance of the work required by the employer in that job, and in subsections (6), (8), (9), (10) and (11) of this section. The prohibition to discriminate shall also apply to persons with disabilities in real property transactions in subsections (7), (8), (9) and (10) of this section, and to those individuals without disabilities who are associated with a person with a disability.

(1) For an employer to fail or refuse to hire, to discharge, or to otherwise discriminate against an individual with respect to compensation or the terms, conditions or privileges of employment or to reduce the wage of any employee in order to comply with this act chapter;

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

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or refer an individual for employment;

(3) For a labor organization:

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

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

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

2. Which would limit employment opportunities or adversely affect the status of an employee or of an applicant for employment, or

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

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

(5) For a person:

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

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

(6) For a person who owns, leases or operates a place of public accommodation:

(a) To deny an individual on the basis of disability the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of a place of public accommodation;

(b) To impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages or accommodations of a place of public accommodation, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages or accommodations being offered;

(c) To fail to make reasonable modifications in policies, practices, or procedures when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages or accommodations;

(d) To fail to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregate,

gated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or would result in an undue burden;

(e) To fail to remove architectural barriers and communication barriers that are structural in nature, in existing facilities and transportation barriers in existing vehicles used by an establishment for transporting individuals (not including barriers that can only be removed through retrofitting of vehicles), where such removal is readily achievable; or

(f) Where an entity can demonstrate that the removal of a barrier under paragraph (e) of this subsection is not readily achievable, to fail to make such goods, services, facilities, privileges, advantages or accommodations available through alternative methods if such methods are readily achievable.

(7) For an educational institution:

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

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

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

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

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

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

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

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

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

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

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

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(g) ~~to~~To offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith, or

(h) ~~to~~To refuse to permit, at the expense of a person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if the modifications may be necessary to afford such person full enjoyment of the premises. Provided, that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior, exterior, or both, of the premises, to the condition that existed before the modification, reasonable wear and tear excepted. The provision for restoration shall be included in any lease or rental agreement.

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

(a) ~~to~~To discriminate against the applicant,

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

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

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

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

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

SECTION 5. That Section 67-5910, Idaho Code, be, and the same is hereby amended to read as follows:

67-5910. LIMITATIONS. (1) This ~~act~~ chapter does not apply to a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by the corporation, association, or society of its religious activities.

(2) It is not a discriminatory practice:

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

(b) fFor an employer, employment agency, or labor organization to observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this ~~act~~ chapter, except that no such employee benefit plan shall excuse the failure to hire any individual, and no such seniority system or employee benefit plan shall require or permit involuntary retirement of any individual specified in subsection (79) of this section because of the age of such individual; however, the prohibition against age discrimination contained in this ~~act~~ chapter shall not be construed to prohibit compulsory retirement if such retirement is permitted under the terms of 29 U.S.C., section 631(c)(1) and (2), or

(c) fFor a religious educational institution or an educational organization to limit employment or give preference to members of the same religion, or

(d) fFor an employer, employment agency, or labor organization to discriminate against a person with a disability which, under the circumstances, poses a ~~serious~~ direct threat to the health or safety of the person with a disability or others. The burden of proving this defense is upon the employer, labor organization, or employment agency.

(3) Nothing in this chapter shall require a person who owns, leases or operates a place of public accommodation, to permit an individual with a disability to participate in or benefit from the goods, services, facilities, privileges, advantages and accommodations of such place of public accommodation, where such individual poses a direct threat to the health or safety of others. The burden of proving this defense is upon the person who owns, leases or operates a place of public accommodation.

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

(5) The provisions of section 67-5909(6), Idaho Code, do not apply to:

- (a) Any agency of or any governmental entity within the state; or
- (b) Religious organizations or entities controlled by religious organizations, including places of worship.

(46) Notwithstanding any other provisions of this ~~act~~ chapter, it is not a discriminatory practice for:

- (a) ~~a~~A religious educational institution or an educational institution operated, supervised, or controlled by a religious institution ~~(operated,--supervised,--or--controlled--by--a--religious--institution)~~ or organization to limit admission or give preference to applicants of the same religion, or
- (b) ~~a~~An educational institution to accept and administer an inter vivos or testamentary gift upon the terms and conditions prescribed by the donor.

(57) The provisions of section 67-5909(78), Idaho Code, do not apply:

- (a) ~~t~~To the rental of a housing accommodation in a building which contains housing accommodations for not more than two (2) families

living independently of each other, if the lessor or a member of his family resides in one (1) of the housing accommodations, or

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

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

(79) The prohibitions against discrimination based on age contained in this ~~act~~ chapter shall be limited to individuals who are at least forty (40) years of age.

SECTION 6. That Section 67-5911, Idaho Code, be, and the same is hereby amended to read as follows:

67-5911. REPRISALS FOR OPPOSING UNLAWFUL PRACTICES. It shall be unlawful for ~~an employer, employment agency, or labor organization~~ a person or any business entity subject to regulation by this chapter to discriminate against any individual because he or she has opposed any practice made unlawful by this ~~act~~ chapter or because such individual has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or litigation under this ~~act~~ chapter.

Approved April 5, 2005.

CHAPTER 279
(H.B. No. 253)

AN ACT

RELATING TO EXEMPTION FROM PROPERTY TAXATION; AMENDING CHAPTER 6, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-602HH, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM PROPERTY TAX FOR UNUSED INFRASTRUCTURE.

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

SECTION 1. That Chapter 6, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-602HH, Idaho Code, and to read as follows:

63-602HH. PROPERTY EXEMPT FROM TAXATION -- UNUSED INFRASTRUCTURE.

(1) It is the intent of this section to preserve infrastructure and encourage economic development in the limited circumstances when a business or other commercial entity ceases to operate on property within a county.

(2) Following notice as prescribed in section 31-710, Idaho Code, and public hearings, the board of county commissioners of any county shall have the authority to exempt from taxation the unused infrastructure of a business, provided that the business states that such infrastructure is nonoperational under penalty of perjury.

(3) The exemption shall be for a period of up to five (5) years,

HOUSE BILL NO. 249 – Idaho State Legislature

 legislature.idaho.gov/sessioninfo/2005/legislation/H0249/

HOUSE BILL NO. 249

[View Bill Status](#)

[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.*~~

Bill Status

H0249.....by STATE AFFAIRS
PERSONS WITH DISABILITIES - Amends existing law relating to prohibitions against discriminatory practices to include prohibitions against discrimination against persons with disabilities; to define additional terms; to provide for diverse representation among members of the Human Rights Commission; to provide additional limitations on the application of this act; and to prohibit reprisals for taking actions pursuant to this act.

02/18 House intro - 1st rdg - to printing

02/21 Rpt prt - to St Aff

03/01 Rpt out - rec d/p - to 2nd rdg

03/02 2nd rdg - to 3rd rdg

03/07 3rd rdg - PASSED - 64-3-3

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sayler,

Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30),
Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker

NAYS -- Barrett, Harwood, Sali

Absent and excused -- Cannon, Lake, Stevenson

Floor Sponsors - Garrett & Pasley-Stuart

Title apvd - to Senate

03/08 Senate intro - 1st rdg - to St Aff

03/21 Rpt out - rec d/p - to 2nd rdg

03/22 2nd rdg - to 3rd rdg

03/23 3rd rdg - PASSED - 34-0-0, 1 vacancy

AYES -- Andreason, Brandt, Broadsword, Bunderson, Burkett,
Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis,
Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst,
Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson,
Schroeder, Stegner, Stennett, Sweet, Werk, Williams

NAYS -- None

Absent and excused -- (District 21 seat vacant)

Floor Sponsor - Davis

Title apvd - to House

03/24 To enrol

03/28 Rpt enrol - Sp signed

03/29 Pres signed

03/30 To Governor

04/05 Governor signed

Session Law Chapter 278

Effective: 07/01/05

Bill Text

]]]]	LEGISLATURE OF THE STATE OF IDAHO]]]]
Fifty-eighth Legislature	First Regular Session - 2005	

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 249

BY STATE AFFAIRS COMMITTEE

1 AN ACT

2 RELATING TO PROHIBITIONS AGAINST DISCRIMINATORY PRACTICES; AMENDING
SECTION

3 67-5901, IDAHO CODE, TO INCLUDE WITHIN PURPOSES OF THE CHAPTER
PROHIBI-

4 TIONS AGAINST DISCRIMINATION AGAINST PERSONS WITH DISABILITIES;

AMENDING

5 SECTION 67-5902, IDAHO CODE, TO DEFINE ADDITIONAL TERMS AND TO MAKE
TECH-
6 NICAL CORRECTIONS; AMENDING SECTION 67-5903, IDAHO CODE, TO STRIKE
OBSO-
7 LETE PROVISIONS AND TO PROVIDE FOR DIVERSE REPRESENTATION AMONG
MEMBERS OF
8 THE COMMISSION; AMENDING SECTION 67-5909, IDAHO CODE, TO INCLUDE
DISCRIMI-
9 NATION AGAINST A PERSON WITH A DISABILITY IN ACTS PROHIBITED AND
TO MAKE
10 TECHNICAL CORRECTIONS; AMENDING SECTION 67-5910, IDAHO CODE, TO
PROVIDE
11 ADDITIONAL LIMITATIONS ON THE APPLICATION OF THIS CHAPTER AND
TO MAKE
12 TECHNICAL CORRECTIONS; AND AMENDING SECTION 67-5911, IDAHO CODE, TO
PRO-
13 HIBIT REPRISALS FOR TAKING ACTIONS PURSUANT TO THIS CHAPTER AND
TO MAKE
14 TECHNICAL CORRECTIONS.

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

16 SECTION 1. That Section 67-5901, Idaho Code, be, and the same is
hereby
17 amended to read as follows:

18 67-5901. PURPOSE OF ~~ACT~~ **CHAPTER**. The general purposes of this ~~act~~
chapter

19 are:

20 (1) To provide for execution within the state of the policies
embodied in

21 the federal Civil Rights Act of 1964, as amended, and the Age
Discrimination

22 in Employment Act of 1967, as amended, and Titles I and III of the
Americans

23 with Disabilities Act.

24 (2) To secure for all individuals within the state freedom from
discrimi-

25 nation because of race, color, religion, sex or national origin or
disability

26 in connection with employment, public accommodations, ~~education~~ and real
prop-

27 erty transactions, discrimination because of race, color, religion,
sex or

28 national origin in connection with education, discrimination because of
age ~~or~~

29 ~~disability~~ in connection with employment, ~~and discrimination because~~
30 ~~of dis-~~
31 ~~ability in real property transactions,~~ and thereby to protect their
interest
32 in personal dignity, to make available to the state their full
productive
33 capacities, to secure the state against domestic strife and unrest, to
pre-
34 serve the public safety, health, and general welfare, and to
promote the
interests, rights and privileges of individuals within the state.

35 SECTION 2. That Section 67-5902, Idaho Code, be, and the same is
hereby
36 amended to read as follows:

37 67-5902. DEFINITIONS. In this ~~act~~ chapter, unless the context
otherwise

38 requires:

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

40 chapter;

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

2

1 (3) "Discriminatory practice" means a practice designated as
discrimina-

2 tory under the terms of this ~~act~~ chapter;

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

4 (5) "Person" includes an individual, association, corporation,
joint

5 apprenticeship committee, joint-stock company, labor union, legal
representa-

6 tive, mutual company, partnership, any other legal or commercial
entity, the

7 state, or any governmental entity or agency;

8 (6) "Employer" means a person, wherever situated, who hires five
(5) or

9 more employees for each working day in each of twenty (20) or more
calendar

10 weeks in the current or preceding calendar year whose services are to be
par-

11 tially or wholly performed in the state of Idaho, except for domestic
servants

12 hired to work in and about the person's household. The term also means:

13 (a) ~~a~~ person who as contractor or subcontractor is furnishing

material

14 or performing work for the state;
15 (b) ~~a~~Any agency of or any governmental entity within the state; and
16 (c) ~~a~~Any agent of such employer.
17 (7) "Employment agency" means a person regularly undertaking
with or
18 without compensation to procure employees for an employer or to
procure for
19 employees opportunities to work for an employer and includes an agent of
such
20 a person;
21 (8) "Labor organization" includes:
22 (a) ~~a~~An organization of any kind, an agency or employee
representation
23 committee, group, association, or plan in which employees
participate and
24 which exists for the purpose, in whole or in part, of dealing with
employ-
25 ers concerning grievance, labor disputes, wages, rates of pay,
hours, or
26 other terms or conditions of employment;
27 (b) ~~a~~A conference, general committee, joint or system board, or
joint
28 council which is subordinate to a national or international labor
organi-
29 zation; or
30 (c) ~~a~~An agent of a labor organization.
31 (9) "Place of public accommodation" means a business,
accommodation,
32 refreshment, entertainment, recreation, or transportation facility
of any
33 kind, whether licensed or not, whose goods, services, facilities,
privileges,
34 advantages or accommodations are extended, offered, sold, or
otherwise made
35 available to the public;
36 (10) "Educational institution" means a public or private
institution and
37 includes an academy, college, elementary or secondary school,
extension
38 course, kindergarten, nursery, school system, or university and a
business,
39 nursing, professional, secretarial, technical, or vocational
school and
40 includes an agent of an educational institution;
41 (11) "Real property" includes buildings, structures, real estate,
lands,

42 tenements, leaseholds, interests in real estate cooperatives,
condominiums,
43 and hereditaments, corporeal and incorporeal or any interest therein;
44 (12) "Real estate transaction" includes the sale, exchange,
rental or
45 lease of real property;
46 (13) "Housing accommodation" includes any improved or unimproved
real
47 property, or part thereof, which is used or occupied, or as the home or
resi-
48 dence of one (1) or more individuals;
49 (14) "Real estate broker or salesman" means a person, whether
licensed or
50 not, who, for or with the expectation of receiving a consideration,
lists,
51 sells, purchases, exchanges, rents, or leases real property, or who
negotiates
52 or attempts to negotiate any of these activities, or who holds himself
out as
53 engaged in these activities, or who negotiates or attempts to negotiate
a loan
54 secured or to be secured by mortgage or other encumbrance upon real
property,
55 or who is engaged in the business of listing real property in a
publication;

3

1 or a person employed by or acting on behalf of any of these;
2 (15) "Disability" means a physical or mental condition of a
person,
3 whether congenital or acquired, which constitutes a substantial
limitation to
4 that person and is demonstrable by medically accepted clinical or
laboratory
5 diagnostic techniques. A person with a disability is one who (a) has
such a
6 disability, or (b) has a record of such a disability, or (c) is
regarded as
7 having such a disability;
8 (16) "Reasonable accommodation" means an adjustment which does
not (a)
9 unduly disrupt or interfere with the employer's normal
operations, (b)
10 threaten the health or safety of the person with the disability or
others, (c)
11 contradict a business necessity of the employer, or (d) impose undue

hardship

12 on the employer based on the size of the employer's business, the
type of

13 business, the financial resources, and the estimated cost and extent
of the

14 adjustment;

15 (17) "Readily achievable" means easily accomplishable and able to
be car-

16 ried out without much difficulty or expense. In determining whether an
action

17 is readily achievable, factors to be considered include (a) the
nature and

18 cost of the action needed under this chapter, (b) the overall
financial

19 resources of the facility or facilities involved in the action, the
number of

20 persons employed at the facility, the effect on expenses and resources,
or the

21 impact otherwise of the action upon the operation of the facility,
(c) the

22 overall financial resources of the covered entity, the overall size
of the

23 business of a covered entity with respect to the number of its
employees, the

24 number, type, and location of its facilities, and (d) the type of
operation

25 or operations of the covered entity, including the composition,
structure, and

26 functions of the workforce of the entity, the geographic separateness,
admin-

27 istrative or fiscal relationship of the facility or facilities in
question to

28 the covered entity.

29 SECTION 3. That Section 67-5903, Idaho Code, be, and the same is
hereby

30 amended to read as follows:

31 67-5903. CREATION OF COMMISSION ON HUMAN RIGHTS -- MEMBERS --
APPOINT-

32 MENT. There is hereby created in the office of the governor the Idaho
commis-

33 sion on human rights to consist of nine (9) members, all of whom
shall be

34 appointed by the governor, with the advice and consent of the senate,
each for

35 a term of three (3) years. ~~In making the first appointments, the~~

~~governor~~

36 ~~shall specify the term of each member, so that the terms of three (3)~~
~~members~~

37 ~~expire each year. The terms of office of members of the commission~~
~~holding~~

38 ~~office prior to July 1, 1974, shall terminate on July 1, 1974, and~~
~~within~~

39 ~~thirty (30) days thereafter the governor shall appoint the members of~~
~~the com-~~

40 ~~mission who shall serve staggered terms as provided by this section.~~

41 ~~On and after July 1, 1976, the governor shall appoint members of the~~
~~com-~~

42 ~~mission as terms of existing members expire so that t~~The commission
 shall be

43 comprised as follows: one (1) member shall be representative of
 industry; one

44 (1) member shall be representative of labor; and seven (7) members
 shall be

45 appointed at large. Members shall be appointed to obtain, to the extent
possi-

46 ble, broad representation of the diversity of individuals who
comprise the

47 population of the state of Idaho.

48 SECTION 4. That Section 67-5909, Idaho Code, be, and the same is
 hereby

49 amended to read as follows:

50 67-5909. ACTS PROHIBITED. It shall be a prohibited act to
 discriminate

51 against a person because of, or on a basis of, race, color, religion,
 sex or

4

1 national origin, in any of the following ~~and~~ subsections. It shall be a
pro-

2 hibited act to discriminate against a person because of, or on the
 basis of,

3 age ~~or disability~~ in subsections (1), (2), (3) and (4) of this
section. It

4 shall be a prohibited act to discriminate against a person because of,
or on

5 the basis of, disability in subsections (1), (2), (3) and (4) of this
section,

6 provided that the prohibition against discrimination because of
 disability

7 shall not apply if the particular disability, even with a reasonable accommo-

8 dation, ~~by the employer~~, prevents the performance of the work required ~~by the~~

9 employer in that job, and in subsections (6), (8), (9), (10) and (11)
10 of this

11 section. The prohibition to discriminate shall also apply to ~~persons~~
~~with dis-~~

12 ~~abilities in real property transactions in subsections (7), (8), (9) and~~
~~(10)~~

13 ~~of this section, and to~~ those individuals without disabilities who are associ-

14 ated with a person with a disability.

15 (1) For an employer to fail or refuse to hire, to discharge, or to other-

16 wise discriminate against an individual with respect to compensation or the

17 terms, conditions or privileges of employment or to reduce the wage of any

18 employee in order to comply with this ~~act~~ chapter;

19 (2) For an employment agency to fail or refuse to refer for employment,

20 or otherwise to discriminate against an individual or to classify or refer an

21 individual for employment;

22 (3) For a labor organization~~+~~:

23 (a) ~~to~~ to exclude or to expel from membership, or to otherwise discriminate

24 against, a member or applicant for membership,

25 (b) ~~to~~ to limit, segregate or classify membership, or to fail or refuse to

26 refer for employment an individual in any way,

27 1. ~~which~~ which would deprive an individual of employment opportunities,

28 or

29 2. ~~which~~ which would limit employment opportunities or adversely affect

30 the status of an employee or of an applicant for employment, or

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

32 chapter.

33 (4) For an employer labor organization or employment agency to print or

34 publish or cause to be printed or published a notice or advertisement relating

to employment by the employer or membership in or a classification or referral

35 for employment by the labor organization, or relating to a
classification or

36 referral for employment by an employment agency, indicating a
preference, lim-

37 itation, specification or discrimination; but a notice or
advertisement may

38 indicate a preference limitation, specification, or discrimination when
such

39 is a bona fide occupational qualification for employment;

40 (5) For a person~~+~~:

41 (a) ~~+~~To deny an individual the full and equal enjoyment of the
goods,

42 services, facilities, privileges, advantages and accommodations of a
place

43 of public accommodation, or

44 (b) ~~+~~To print, circulate, post, or mail or otherwise cause to be
pub-

45 lished a statement, advertisement or sign which indicates that
the full

46 and equal enjoyment of the goods, services, facilities, privileges,
advan-

47 tages of a place of public accommodation will be refused, withheld
from,

48 or denied an individual or that an individual's patronage of or
presence

49 at a place of public accommodation is objectionable, unwelcome,
unaccept-

50 able, or undesirable.

51 (6) For a person who owns, leases or operates a place of public
accommo-

52 dation:

53 (a) To deny an individual on the basis of disability the full and
equal

54 enjoyment of the goods, services, facilities, privileges,
advantages or

55 accommodations of a place of public accommodation;

5

1 (b) To impose or apply eligibility criteria that screen out or
tend to

2 screen out an individual with a disability or any class of
individuals

3 with disabilities from fully and equally enjoying any goods,
services,

4 facilities, privileges, advantages or accommodations of a place of
public

5 accommodation, unless such criteria can be shown to be necessary
6 for the
7 provision of the goods, services, facilities, privileges,
8 advantages or
9 accommodations being offered;
10 (c) To fail to make reasonable modifications in policies,
11 practices, or
12 procedures when such modifications are necessary to afford such
13 goods,
14 services, facilities, privileges, advantages, or accommodations to
15 indi-
16 viduals with disabilities, unless the entity can demonstrate that
17 making
18 such modifications would fundamentally alter the nature of such
19 goods,
20 services, facilities, privileges, advantages or accommodations;
21 (d) To fail to take such steps as may be necessary to ensure
22 that no
23 individual with a disability is excluded, denied services,
24 segregated or
25 otherwise treated differently than other individuals because
26 of the
27 absence of auxiliary aids and services, unless the entity can
28 demonstrate
29 that taking such steps would fundamentally alter the nature of the
30 goods,
31 services, facilities, privileges, advantages, or accommodations
32 being
33 offered or would result in an undue burden;
34 (e) To fail to remove architectural barriers and communication
35 barriers
36 that are structural in nature, in existing facilities and
37 transportation
38 barriers in existing vehicles used by an establishment for
39 transporting
40 individuals (not including barriers that can only be removed
41 through
42 retrofitting of vehicles), where such removal is readily achievable;
43 or
44 (f) Where an entity can demonstrate that the removal of a barrier
45 under
46 paragraph (e) of this subsection is not readily achievable, to
47 fail to
48 make such goods, services, facilities, privileges, advantages or
49 accommo-
50 dations available through alternative methods if such methods are
51 readily

30 achievable.
31 (7) For an educational institution~~+~~:
32 (a) ~~#~~To exclude, expel, limit, or otherwise discriminate against an
indi-
33 vidual seeking admission as a student or an individual enrolled as
a stu-
34 dent in the terms, conditions, and privileges of the institution, or
35 (b) ~~#~~To make or use a written or oral inquiry or form of
application for
36 admission that elicits or attempts to elicit information, or to
make or
37 keep a record, of an applicant for admission, except as permitted
by the
38 regulations of the commission,
39 (c) ~~#~~To print or publish or cause to be printed or published a
catalogue
40 or other notice or advertisement indicating a preference,
limitation,
41 specification, discrimination of an applicant for admission, or
42 (d) ~~#~~To announce or follow a policy of denial or limitation
through a
43 quota or otherwise of educational opportunities of a group or its
members.
44 (~~7~~8) For an owner or any other person engaging in a real estate
transac-
45 tion, or for a real estate broker or salesman~~+~~:
46 (a) ~~#~~To refuse to engage in a real estate transaction with a
person,
47 (b) ~~#~~To discriminate against a person in the terms, conditions or
privi-
48 leges of a real estate transaction or in the furnishing of
facilities or
49 services in connection therewith,
50 (c) ~~#~~To refuse to receive or to fail to transmit a bona fide
offer to
51 engage in a real estate transaction from a person,
52 (d) ~~#~~To refuse to negotiate a real estate transaction with a
person,
53 (e) ~~#~~To represent to a person that real property is not
available for
54 inspection, sale, rental, or lease when in fact it is so available,
or to
55 fail to bring a property listing to his attention, or to refuse to
permit

1 him to inspect real property,
2 (f) ~~#T~~To print, circulate, post or mail or cause to be so
published a
3 statement, advertisement or sign, or to use a form of application
for a
4 real estate transaction, or to make a record or inquiry in
connection
5 with a prospective real estate transaction, which indicates,
directly or
6 indirectly, an intent to make a limitation, specification, or
discrimina-
7 tion with respect thereto,
8 (g) ~~#T~~To offer, solicit, accept, use or retain a listing of real
property
9 with the understanding that a person may be discriminated
against in a
10 real estate transaction or in the furnishing of facilities or
services in
11 connection therewith, or
12 (h) ~~#T~~To refuse to permit, at the expense of a person with a
disability,
13 reasonable modifications of existing premises occupied or to be
occupied
14 by such person if the modifications may be necessary to afford such
person
15 full enjoyment of the premises. Provided, that, in the case of a
rental,
16 the landlord may, where it is reasonable to do so, condition
permission
17 for a modification on the renter agreeing to restore the interior,
exte-
18 rior, or both, of the premises, to the condition that existed
before the
19 modification, reasonable wear and tear excepted. The provision for
restor-
20 ation shall be included in any lease or rental agreement.
21 (~~g9~~) For a person to whom application is made for financial
assistance in
22 connection with a real estate transaction or for the construction,
rehabilita-
23 tion, repair, maintenance, or improvement of real property, or a
representa-
24 tive of such a person~~;~~:
25 (a) ~~#T~~To discriminate against the applicant,
26 (b) ~~#T~~To use a form of application for financial assistance or to
make or
27 keep a record or inquiry in connection with applications for

financial

28 assistance which indicates directly or indirectly, an intent to
make a

29 limitation, specification, or discrimination.

30 (~~910~~) To insert in a written instrument relating to real property a
provi-

31 sion which purports to forbid or restrict the conveyance, encumbrance,
occu-

32 pancy or lease thereof;

33 (~~101~~) For a person for the purpose of inducing a real estate
transaction

34 from which he may benefit financially+:

35 (a) ~~to~~ represent that a change has occurred or will or may occur
in the

36 composition of the owners or occupants in the block, neighborhood,
or area

37 in which the real property is located, or

38 (b) ~~to~~ represent that this change will or may result in the
lowering of

39 property values, an increase in criminal or ~~anti-social~~ **antisocial**
behav-

40 ior, or a decline in the quality of schools in the block,
neighborhood, or

41 area in which the real property is located.

42 SECTION 5. That Section 67-5910, Idaho Code, be, and the same is
hereby

43 amended to read as follows:

44 67-5910. LIMITATIONS. (1) This ~~act~~ **chapter** does not apply to a
religious

45 corporation, association, or society with respect to the employment of
indi-

46 viduals of a particular religion to perform work connected with the
carrying

47 on by the corporation, association, or society of its religious
activities.

48 (2) It is not a discriminatory practice+:

49 (a) ~~For~~ an employer to employ an employee, or an employment
agency to

50 classify or refer for employment an individual, for a labor
organization

51 to classify its membership or to classify or refer for employment an
indi-

52 vidual, or for an employer, labor organization, or joint labor-
management

53 committee controlling an apprenticeship or other training or

retraining

7

1 program, on the basis of his religion, sex, national origin, or
age if
2 religion, sex, national origin, or age is a bona fide occupational
quali-
3 fication reasonably necessary to the normal operation of the
business or
4 enterprise, or
5 (b) ~~For~~ an employer, employment agency, or labor organization to
observe
6 the terms of a bona fide seniority system or any bona fide employee
bene-
7 fit plan such as a retirement, pension, or insurance plan, which is
not a
8 subterfuge to evade the purposes of this ~~act~~ **chapter**, except that
no such
9 employee benefit plan shall excuse the failure to hire any
individual, and
10 no such seniority system or employee benefit plan shall require or
permit
11 involuntary retirement of any individual specified in subsection
(~~79~~) of
12 this section because of the age of such individual; however, the
prohibi-
13 tion against age discrimination contained in this ~~act~~ **chapter** shall
not be
14 construed to prohibit compulsory retirement if such retirement is
permit-
15 ted under the terms of 29 U.S.C., section 631(c)(1) and (2), or
16 (c) ~~For~~ a religious educational institution or an educational
organiza-
17 tion to limit employment or give preference to members of the same
reli-
18 gion, or
19 (d) ~~For~~ an employer, employment agency, or labor organization to
dis-
20 criminate against a person with a disability which, under the
circum-
21 stances, poses a ~~serious~~ **direct** threat to the health or safety of
the per-
22 son with a disability or others. The burden of proving this
defense is
23 upon the employer, labor organization, or employment agency.
24 (3) **Nothing in this chapter shall require a person who owns,**

leases or

25 operates a place of public accommodation, to permit an individual with a
dis-

26 ability to participate in or benefit from the goods, services,
facilities,

27 privileges, advantages and accommodations of such place of public
accommoda-

28 tion, where such individual poses a direct threat to the health or
safety of

29 others. The burden of proving this defense is upon the person who owns,
leases

30 or operates a place of public accommodation.

31 (4) This ~~act~~ chapter does not apply to a private club, or other
 estab-

32 lishment not in fact open to the public, except to the extent that the
 goods,

33 services, facilities, privileges, advantages or accommodations of the
 estab-

34 lishment are made available to the customers or patrons of another
 establish-

35 ment that is a place of public accommodation.

36 (5) The provisions of section 67-5909(6), Idaho Code, do not apply
to:

37 (a) Any agency of or any governmental entity within the state; or

38 (b) Religious organizations or entities controlled by religious

organiza-

39 tions, including places of worship.

40 (46) Notwithstanding any other provisions of this ~~act~~ chapter, it
 is not

41 a discriminatory practice for ~~+~~:

42 (a) ~~a~~A religious educational institution or an educational
 institution

43 operated, supervised, or controlled by a religious institution
~~(operated,~~

44 ~~supervised, or controlled by a religious institution)~~ or
 organization to

45 limit admission or give preference to applicants of the same
 religion, or

46 (b) ~~a~~An educational institution to accept and administer an inter
 vivos

47 or testamentary gift upon the terms and conditions prescribed
 by the

48 donor.

49 (57) The provisions of section 67-5909(~~78~~), Idaho Code, do not
 apply ~~+~~:

50 (a) ~~#~~To the rental of a housing accommodation in a building which
 con-

51 tains housing accommodations for not more than two (2) families
living
52 independently of each other, if the lessor or a member of his
family
53 resides in one (1) of the housing accommodations, or
54 (b) ~~to~~ the rental of a room or rooms in a housing accommodation
by an
55 individual if he or a member of his family resides therein.

8

1 (~~68~~) It is not a discriminatory practice for a religious
institution or
2 organization or a charitable or educational organization operated,
supervised
3 or controlled by a religious institution or organization to give
preference to
4 members of the same religion in a real property transaction.
5 (~~79~~) The prohibitions against discrimination based on age
contained in
6 this ~~act~~ **chapter** shall be limited to individuals who are at least
forty (40)
7 years of age.

8 SECTION 6. That Section 67-5911, Idaho Code, be, and the same is
hereby
9 amended to read as follows:

10 67-5911. REPRISALS FOR OPPOSING UNLAWFUL PRACTICES. It shall be
unlawful
11 for ~~an employer, employment agency, or labor organization~~ **a person**
or any
12 **business entity subject to regulation by this chapter** to discriminate
against
13 any individual because he or she has opposed any practice made
unlawful by
14 this ~~act~~ **chapter** or because such individual has made a charge,
testified,
15 assisted, or participated in any manner in an investigation,
proceeding, or
16 litigation under this ~~act~~ **chapter**.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE

RS 15014

A task force, spearheaded by the Idaho State Independent Living Council (SILC) and the Idaho Task Force on the Americans with Disabilities Act (ADA), with members drawn from disability organizations, the state legislature, state government, city and county representatives, businesses, employers, and the Governor's office, has worked on developing this legislation over the past year and a half. The legislation would do the following:

Strengthen the Human Rights Act by adding disability to the current prohibitions of discrimination in connection with public accommodations (private businesses).

Provide a user friendly, one-stop destination for businesses and people with disabilities to easily access mediation and/or enforcement on a local level, through the Human Rights Commission.

Allow better access to persons with disabilities while recognizing the legitimate needs of Idaho's private businesses.

Define "readily achievable" as something that a private business can do without much difficulty or expense.

The proposed changes add to state law those obligations already applicable to private businesses under federal law. Government entities are not affected by the changes regarding places of public accommodation.

FISCAL NOTE

The fiscal impact will be \$20,000 per year. This figure was calculated based on average statistics provided to the Idaho Human Rights Commission by Washington, Alaska and Oregon.

Contact

Name: Kelly Buckland
Phone: 208-334-3800

STATEMENT OF PURPOSE/FISCAL NOTE

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Ho249

RS15014

House State Affairs 2-18; 3-01;
Senate State Affairs 3-18.

H0234	RS15010	House State Affairs 2-17; House Business 3-03; Senate Commerce/Human Resources 3-17.
H0235	RS15011	House State Affairs 2-17; House Health/Welfare 2-22; 2-24; Senate Health/Welfare 3-08.
H0236	RS14841	House State Affairs 2-17
H0237	RS14894	House State Affairs 2-17; 3-02.
H0238	RS15002C1	House State Affairs 2-17; 3-04; Senate State Affairs 3-21.
H0239	RS14992	House State Affairs 2-17; 3-03.
H0240	RS14995	House State Affairs 2-17; 3-03; Senate State Affairs 3-23.
H0241	RS14856	House Revenue/Taxation 2-17; 3-4 (subcomm); 3-9 (subcomm); 3-15
H0242	RS14920	House Revenue/Taxation 2-17; 3-4 (subcomm); 3-9 (subcomm); 3-15
H0243	RS15030	House Revenue/Taxation 2-17; 3-4 (subcomm); 3-9 (subcomm); 3-15
H0244	RS14899	House Revenue/Taxation 2-17; 3-21.
H0245	RS15008	House State Affairs 2-18; House Judiciary/Rules 3-01; Senate Judiciary/Rules 3-11.
H0246	RS14787C1	House State Affairs 2-18
H0247	RS14996	House State Affairs 2-18; House Health/Welfare 3-04; Senate Health/Welfare 3-17.
H0248	RS15003	House State Affairs 2-18; House Business 2-25 (replaced by H263)
H0249	RS15014	House State Affairs 2-18; 3-01, Senate State Affairs 3-18.
H0250	RS14911	House Education 2-18; House Health/Welfare 3-08.
H0251	RS14723C1	House Revenue/Taxation 2-21; 3-07 (replaced by H298)
H0252	RS14924	House Revenue/Taxation 2-21; 3-07; Senate Local Government/Taxation 3-16.
H0253	RS14939	House Revenue/Taxation 2-21; 3-04 (subcomm); 3-14; 3-15; Senate Local Government/Taxation 3-21.
H0254	RS15018C2	House Revenue/Taxation 2-21; 3-01; Senate Local Government/Taxation 3-10; 3-15; 3-17.
H0255	RS14676	House State Affairs 2-14; 2-22; 3-04; 3-10 (subcomm); 3-15.
H0256	RS14820	House State Affairs 2-14; 2-22; 3-04; 3-10 (subcomm); 3-15; 3-18
H0257	RS15033	House State Affairs 2-22; House Business 3-03; 3-07; 3-09.

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: February 18, 2005

TIME: 9:00 A.M.

PLACE: Room 412

MEMBERS: Chairman Deal, Vice Chairman Telleria (Smylie), Representatives Stevenson, Ellsworth, Black, Edmunson, Miller, Ring, Snodgrass, Jones, Garrett, Loertscher, Anderson, Andrus, Hart, Shepherd(2), Smith(30), Pasley-Stuart

**ABSENT/
EXCUSED:** Representatives Smylie and Ellsworth

GUESTS: Please see the Committee sign-in sheet and the presenters highlighted below.

Chairman Deal called the meeting to order at 9:03 A.M. with a quorum being present. There were no minutes to review. He thanked Sarah Dexter for her excellent work as Page for the Committee and wished her the best as she graduates.

RS 14787C1 **Mr. Bill Foxcroft**, representing the Idaho Primary Care Association, spoke in support of **RS 14787C1** and requested that it be printed and referred to the Health and Welfare Committee. This legislation amends Idaho Code to change the title of the Idaho Rural Health Care Access Program to the Idaho Primary Health Care Access Program.

This legislation also separates grants into two categories, system grants and service grants, and provides funding for both types. System grants are funds awarded for the purpose of recruiting primary care providers, telehealth projects, community development, and other activities determined to improve primary care in under-served areas. Service grants are awarded to increase access to primary care services or to create or augment existing services for uninsured or medically indigent patients.

MOTION: **Representative Black** made a motion to introduce **RS 14787C1** for printing and to refer it to the Health and Welfare Committee.

RS 15008 **Mr. Mike Henderson**, legal counsel for the Supreme Court, spoke in favor of **RS 15008**. He introduced Ms. Patricia Tobias, Administrative Director of the Courts. He explained that this legislation was worked on by Mr. Keller and local officials to simplify and update the procedures for identifying and summoning prospective jurors.

Currently, each county must maintain a master list of names compiled from voter registration lists and other sources. From this list, names are drawn for a master jury wheel, which is emptied and refilled at least every two years. This legislation would eliminate the intermediate step of the master jury wheel. Each county will maintain a master jury list, from which the names of prospective jurors will be randomly drawn. Counties would not be required to empty their lists every two years.

This legislation also permits prospective jurors to complete and return their qualification questionnaires by e-mail, fax or other reliable means of communication. Persons who are disqualified from jury service would be excused from serving for two years, or longer if warranted by the person's disability. Persons older than 70 could be permanently excused, but could be reinstated to the master jury list upon their request.

MOTION: **Representative Pasley-Stuart** made a motion to introduce **RS 15008** for printing and then refer the bill to the Judiciary and Rules Committee. The motion carried by voice vote.

RS 14996 **Mr. Jeremy Pisca**, Evans Keane Law Firm, representing the Idaho Speech-Language and Hearing Association, spoke in support of **RS 14996**. Hearing Aid Dealers and fitters are licensed under the Bureau of Occupational Licenses to fit and dispense hearing aids. Audiologists, if licensed under the same act, may also fit and dispense hearing aids.

This legislation repeals the Hearing Aid Dealers and Fitters Act and replaces it with the "Speech and Hearing Services Practice Act" and would include hearing aid dealers, audiologists and speech-language pathologists. Mr. Pisca has been working with Mr. Hales, Bureau of Occupational Licenses. The administrative procedures mirror current law. This legislation also sets forth the licensing requirements, defines terms and practice, and establishes the Speech and Hearing Services Licensure Board.

With the exception of audiologists who fit and dispense hearing aids, neither audiologists nor speech language pathologists are currently required to be licensed by the State of Idaho. Speech pathologists are onboard with this legislation.

MOTION: **Representative Garrett** made a motion to introduce **RS 14996** for printing and then refer the bill to the Health & Welfare Committee. The motion carried by voice vote.

RS 15014 **Mr. Kelly Buckland**, Executive Director, State Independent Living Council, spoke in support of **RS 15014**. This legislation is the result of efforts by a task force with members from the State Independent Living Council, Americans with Disabilities, the Human Rights Commission, businesses and several legislators. Mr. Buckland recognized several members who were on the task force including Pennie Cooper, Marilyn Sword, Roger Howard, Ken Harward, Leslie Goddard and Representatives Kathie Garrett, and Anne Pasley-Stuart.

This legislation takes the provision within the American's with Disabilities Act and incorporates them into the Idaho Disabilities Act (Attachment 1). This moves the jurisdiction under the purview of the Human Rights Act, which gives the agency a place to go to resolve complaints without having to go to the Justice Department. The legislation does not change the Federal rules that businesses follow.

Mr. Buckland requested this RS be printed so it could be brought back to the Committee for a full hearing.

MOTION: **Representative Garrett** made a motion to introduce **RS 15014** for printing.

She expressed what a privilege it was to work on the interim committee. The motion carried by voice vote.

RS 15003

Mr. Ken Harwood, Executive Director, Association of Idaho Cities, spoke in support of **RS 15003**, stating that he participated on a very large task force for over two years to develop this legislation (Attachment 2). The bill is lengthy because it unifies purchasing procedures that are scattered throughout Idaho Code and that pertain to all types of public works contracts, i.e. schools, highway projects, bridges, and state facilities. This unified system will serve the taxpayers much better and eliminate the frustrations of the public and the contractors under the current system, which has been in place for half a century.

Mr. David Bennion, professional engineer and Chairman of the task force, and **Mr. Michael Gifford**, Association of General Contractors were introduced as having played a key role in the development of this legislation.

In summary, this legislation was developed to serve the citizens of Idaho. Everyone will know the rules, it will make it easier for over 1,000 different entities to provide training, and it will help vendors and public works contractors. These changes will help qualified contractors operate in a competitive arena and provide the best products at the best price with the best results.

Mr. Bennion addressed the questions of whether this bill changes the licensing requirements, and whether a small, individual contractor would have to be bonded and go through the Board of Public Works. Mr. Bennion said it is not the intent of this bill to change the criteria for contract licensing. The bidding portion has been streamlined. There needs to be some level of protection on contracts over \$50,000. The threshold is set that projects costing \$10,000 or more require licensing.

MOTION:

Representative Miller moved to introduce **RS 15003** for printing and to refer the bill to the Business Committee. The motion carried by voice vote.

HB 149

Representative Frank Henderson, spoke in support of **HB 149**, which proposes to allow motor racing facilities the same opportunity to apply for a liquor license as is extended to race tracks and golf courses under section 23-953. The motor racing facility in Post Falls already has a wine and beer license. He addressed two questions raised at the print hearing: (1) licensing – this liquor license is not issued through a quota system, but is a special license reapplied for annually; and (2) drinking and driving – the present owner of sixteen years has had a beer and wine license, and there have been no incidences of careless dispensing.

This legislation will benefit more than one racing facility. The Post Falls Racing Track serves more than 176,000 attendees and may yield to Idaho some \$50,000.

PRO

Mr. Joe Dollefeld, Post Falls Motor Racing Track Owner, spoke in support of **HB 149**. This license would give them the opportunity to move into the 2000s. Sponsorships by large companies play an important part in this sport, and they would like to be able to serve liquor at their hospitality suites. Representative Hart referred to the question asked by Representative Smylie at the print hearing about mitigating measures being taken to prevent

someone from getting drunk and driving. He emphasized that they are very stringent on how alcohol is dispensed. Young people under the age of 21 are required to wear arm bands. He emphasized this track is enjoyed by family and corporate people.

MOTION: **Representative Anderson** moved to send **HB 149** to the floor with a DO PASS recommendation. Representative Loertscher stated he could not support this bill because they will be selling liquor to those who are driving. Representative Stevenson debated against the bill because it creates another special license. Representative Ring debated in favor of the bill because they are already selling wine and beer, and one can get as intoxicated as quickly on wine as mixed drinks.

VOTE ON THE MOTION: The motion carried by voice vote. **Representatives Loertscher, Stevenson and Andrus wished to be recorded as voting "no".**

Chairman Deal took a few minutes to thank the Committee for their hard work and timeliness on all of the legislation brought before them this week. He said this is an excellent Committee. and he is really enjoying working with each of them.

Representative Blas Telleria thanked the Committee members for their courteousness and assistance this past few days while he served on the Committee during Representative Smylie's absence.

Adjourn: There being no more business to come before the Committee, the meeting was adjourned at 9:44 A.M.

Representative Bill Deal
Chairman

Karen Daniels
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: March 1, 2005

TIME: 9:00 A.M.

PLACE: Room 412

MEMBERS: Chairman Deal, Vice Chairman Smylie, Representatives Stevenson, Ellsworth, Black, Edmunson, Miller, Ring, Snodgrass, Jones, Garrett, Loertscher, Anderson, Andrus, Hart, Shepherd(2), Smith(30), Pasley-Stuart

**ABSENT/
EXCUSED:** Representatives Smylie and Ellsworth

GUESTS: Please see the Committee sign-in sheet and the presenters highlighted below.

Chairman Deal called the meeting to order at 9:03 A.M. with a quorum being present. The minutes of February 25, 2005 and February 28, 2005 were reviewed.

MOTION: **Representative Shepherd (2)** made a motion to accept the minutes of February 25, 2005 as written. The motion carried by voice vote.

MOTION: **Representative Miller** pointed out that on Page 2, Paragraph 3 it should read that her son "is a partner at Hawley Troxell Ennis and Hawley LLP". The correction was so noted by the Secretary. **Representative Miller** made a motion to accept the minutes of February 28, 2005 with corrections. The motion carried by voice vote.

RS 15061 **Representative Tom Loertscher** presented **RS 15061** to the Committee, pointing out this bill is quite simple. It extends the time from three to five years for an individual to pay medical bills before becoming medically indigent. There are a lot of people who want to pay their own medical bills. It is estimated this legislation will save the county and the state approximately \$2 million, of which 60% would be county funds and 40% would be general funds.

MOTION: **Representative Stevenson** made a motion to introduce **RS 15061** for printing and to refer it to the Health and Welfare Committee. The motion carried by voice vote.

RS 15067 **Representative Stevenson** presented **RS 15067** to the Committee. This is a House Joint Memorial that memorializes to our Congressional delegation the economic impact to all of the state's industries, including agriculture. On Page 1, Lines 30-31 it refers to Idaho crops such as potatoes and onions that would be grown in place of sugar beets. Amalgamated Sugar just closed a plant in Oregon, because of the amount of sugar that is being imported.

Congressman Otter was recently asked how important these memorials really are, and he said they should be sent every year so they can be introduced and become part of the congressional record.

MOTION: **Representative Jones** made a motion to introduce **RS 15067** for printing and to refer the RS to the Agriculture Committee. The motion carried by voice vote.

RS 15068 **Mr. Tim Hurst**, representing the Secretary of State, spoke in support of **RS 15068**. He said the purpose of this legislation is to clear up the confusion that different states have created. Mr. Hurst reviewed subsections 5-7 on Page 2.

Subsection 5 provides that any voting system, including paper ballots, that was used in the 2004 general election will continue to be authorized for use as long as the voting system meets the requirements of the "Help America Vote Act of 2002". Subsection 6 specifies that direct recording electronic voting devices must have a voter verifiable paper audit trail. Subsection 7 authorizes the secretary of state to periodically review the various voting systems that have been certified for use. A voting system that does not meet such standards may be decertified after a public hearing.

This is good, clear legislation that will help instill voter confidence in the system.

Chairman Deal welcomed the secretary of state to the Committee.

MOTION: **Representative Miller** made a motion to introduce **RS 15068** for printing. The motion carried by voice vote.

HB 249 **Mr. Kelly Buckland**, Executive Director, Idaho State Independent Living Council (SILC), spoke in support of **HB 249**. This legislation is the result of work by a task force. Representatives serving on this task force were Representatives Kathie Garrett, Ann Pasley-Stuart, Debbie Field and Wendy Jaquet.

Mr. Buckland briefly went through the bill.

- Page 1 adds language to include the policies embodied in Titles I and III of the Americans with Disabilities Act and defines "commission" as the commission on human rights.

- Page 2 is cleanup language and page 3 adds the definition for "readily achievable" which means easily accomplishable and able to be carried out without much difficulty or expense.

- At the bottom of page 3 language is deleted that no longer serves a purpose, and language is added to ensure that the commission members represent the diversity in the state.

- At the top of page 4 it adds language to make it a prohibited act to discriminate against a person because of a disability.

- Page 7 excludes governmental entities and religious organizations.

Mr. Buckland yielded to Representative Garrett who said it was her pleasure to work on the task force. This legislation was created to protect basic civil rights and guarantee access to those with disabilities. This legislation provides a local forum where complaints can be resolved and it does not add requirements for businesses.

She mentioned three people who inspire her in her efforts. They are Skip Smyser who was instrumental in seeing that the capitol has automatic doors, President Bush who is a strong advocate for those with disabilities,

and her husband who has a positive outlook and has overcome many barriers. This legislation is a small step and makes good sense. People with disabilities need our support.

PRO

Ms. Leslie Goddard, Director, Human Rights Commission, stated the commission's support. She thanked Kelly for the inclusive way he got this legislation put together. They were involved in the first draft, and Kelly went the extra step by coming to a Saturday meeting with the commissioners to talk to them directly and answer questions. This legislation does not mandate, but encourages, diversity on the commission. Members are appointed by the Governor.

Regarding the fiscal impact, she had to rely on sister agencies because the Department of Justice didn't respond to her request in a timely manner. Washington, Alaska, the Seattle Fair Employment entity, and the Oregon Bureau of Labor estimated about 5% of their caseload is due to disability discrimination. Using their figures and looking at the fact that Idaho had 56 cases over the last six years, she determined that 10-15 cases per year would amount to about \$20,000. When the jurisdiction changes there may be an increase in cases, but once you make an area accessible for one person it is accessible for many.

PRO

Ms. Marty Durand, Attorney for the American Civil Liberties Union, spoke in support of **HB 249**. She said many people may face temporary or permanent disabilities. Persons with disabilities have long been discriminated against. They have the right to an education, an integrated environment, vote and access buildings. This legislation is an important step in ending discrimination.

PRO

Mr. Mike Keithly, retired Marine living northeast of Cascade, is the former SILC chair. On his drive down he thought about why this bill means so much to him. His late son, Ian, had Cerebral Palsy and was in a wheelchair for 19 years. Ian was six when the Americans with Disabilities Act was passed and it was thought this act would help Ian more easily integrate into society, but there is a growing sentiment in business circles that the ADA doesn't have to be complied with.

HB 249 has one very simple principle, that of restoring the civil rights of people with a disability to have equal access to places of public accommodation. It also provides one central place where people with disabilities and businesses can go to seek mediation or enforcement.

The first three words of our constitution, "WE THE PEOPLE" concisely demands that all citizens are to be guaranteed the same and equal rights and liberties. Idahoans with disabilities need to be brought back into the fold of "WE THE PEOPLE".

PRO

Mr. Roger Howard, Executive Director, Living Independence Network Corp, explained his organization provides services in the Treasure Valley and in Magic Valley. This legislation includes those with disabilities to further prohibit discrimination. It also limits the requirements for businesses to those that are "readily achievable" and can be carried out without difficulty and expense. Time-consuming litigation is limited by using the dispute process through the Human Rights Commission. Provides a way to address local problems in a local way.

- PRO** **Mr. Jim Baugh**, representing Comprehensive Advocacy, Inc., said their mission is to provide legal services for those with disabilities and advocate for them. He has personal experience with disabilities within his own family. Nothing in this bill changes accommodations or access to commerce and industry beyond the federal requirements. He carefully scrutinized the language to ensure there is no greater obligation.
- He handles five or six complaints a year, and he would rather refer people to the Human Rights Commission because their method of resolution is very effective, neutral, and friendly. This legislation is a benefit for Idaho businesses.
- MOTION:** **Representative Garrett** made a motion to send **HB 249** to the floor with a DO PASS recommendation. The motion carried by voice vote. Representative Garrett will sponsor HB 249 on the floor, and Representative Pasley-Stuart will be a co-sponsor.
- HB 218** **Representative Phil Hart**, presented **HB 218** to the Committee, explaining that this legislation adds a new section to existing code for public records. The language in the bill came out different than what was intended. Questions have been raised as to whether an agency would have to convert records to an electronic format.
- An amendment was prepared to address these concerns. On page 3 the reference to records being "converted to an electronic format using standard marketplace software" is being removed. Being inserted is language that requires the public agency or independent public body to identify the type of file or the format of the electronic record. Representative Hart read Idaho Code, Section 9-338 that identifies what public records are included. HB 218 does not change written records.
- CON** **Mr. Rod Leonard**, planner for Idaho Department of Corrections, said his agency can appreciate sending some records electronically. The Department deals with legal and very technical information and there are only some records they would be comfortable sending electronically. He expressed concerns about the impact of compatibility between systems, the conversion expenses, and the flexibility for agency discretion.
- CON** **Mr. Steve Walker**, State Archivist, Idaho Historical Society, and technical liaison for all state agencies, has heard from a number of people expressing concerns with this legislation. He was concerned about the cost to the agency. He showed the Committee a box of permanent records that were stored on numerous types of media and explained the cost of duplicating these items would be costly and special systems and software would be needed. The legislation needs to be reworked to take into account all different types of media.
- Mr. Walker clarified that they do not have any means of viewing most of the outdated media and would have to send it out of state.
- CON** **Ms. Linda Morten-Keithly**, Administrator, Idaho Historical Society, said she was standing in for Mr. Guerber who is out of town. She indicated that the amendment has helped to eliminate some concerns, but agencies must have the discretion to determine the best way to distribute records. These decisions should be based on resources, nature of the material, and the

associated costs.

Chairman Deal asked Representative Hart if he would have “heartburn” about getting together with these groups to further amend HB 218. He explained that this legislation is not intended to cover the types of media shown earlier, but agreed it is a good idea to work out the concerns. When asked what prompted this legislation, he said he has worked on lots of Freedom of Information requests, and the current state law is not up to date with technology.

MOTION: **Representative Jones** made a motion to hold **HB 218** for TIME CERTAIN until Monday, March 7, 2005. The motion carried by voice vote.

HB 226 **Representative George Eskridge** explained that at the time this statute was adopted there was one veterans home in Idaho and now there are three, plus the Office of Veterans Advocacy, and the veterans cemetery program. This legislation strikes the reference to veterans home and inserts the Division of Veteran Services to allow the flexibility to use Endowment Funds division-wide for programs. It does not ask for additional funds.

MOTION: **Representative Shepherd (2)** made a motion to send **HB 226** to the floor with a DO PASS recommendation. The motion carried by voice vote. Representative Eskridge will sponsor the bill.

HB 227 **Representative George Eskridge** presented **HB 227**, saying that it is somewhat similar to the previous bill. Sections 65-107 and 65-202 require that benefits paid by the US Department of Veterans Affairs for burial plot allowances be placed in fund 0211. This legislation merely directs that these funds be placed in fund 0439, the appropriate fund for these receipts.

PRO **Mr. Joe Bleymaier**, Director, Idaho State Veterans Cemetery, spoke in support of **HB 227**, indicating that this is strictly a clerical cleanup. He put a plug in for the cemetery and invited the Committee to visit this beautiful site. They now have 14,000 people pre-registered to be buried at this site.

MOTION: **Representative Stevenson** made a motion to send **HB 227** to the floor with a DO PASS recommendation. The motion carried by voice vote. Representative Eskridge will sponsor the bill.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:10 A.M.

Representative Bill Deal
Chairman

Karen Daniels
Secretary

MINUTES

SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, March 18, 2005

TIME: 8:00 a.m.

PLACE: Room 437

MEMBERS: Chairman Burtenshaw, Vice Chairman McKenzie, Senators Darrington, Geddes, Davis, Stegner, Little, Stennett, Malepeai.

**ABSENT/
EXCUSED:** None.

GUESTS: See attached sign in sheet.

CONVENE: Chairman Burtenshaw called the meeting to order at 8:06 a.m.

**APPROVAL OF
MINUTES 3/4/05:** **Senator McKenzie** made a motion to approve the minutes dated March 4, 2005. **Senator Little** seconded the motion.

The motion carried by unanimous voice vote.

**Gubernatorial
Appointment:** **Idaho Racing Commission
Judy Radin of Rigby. Serving a term commencing February 24, 2005
and expiring January 15, 2010.**

Ms. Judy Radin explained that she has been racing quarter horses in Idaho since 1991 and has been the Director for the Idaho Quarter Horse Breeders Association. She then provided the committee with personal background.

Senator Davis asked her if she was related to John Radin. **Ms. Radin** replied that she was his ex-wife. **Senator Davis** asked her if she was close to the industry. **Ms. Radin** answered that she was close, but not personally involved throughout the industry. She explained that her brother is a jockey who was injured a year ago on the track. She added that he works for UPS part-time. She further added that she can be fair and can stand up to whatever needs to be taken care of. She then recounted an incident in Idaho Falls where the purse money was not accounted for. She explained that she started the investigation herself.

Chairman Burtenshaw asked her how important is it to have good records and accountability in the industry. **Ms. Radin** replied that it is as important as safety and added that it is a business as well and needs integrity.

Chairman Burtenshaw thanked her for coming and announced that we would be voting on her appointment at the next meeting.

H 85 aa: **IDAHO STATE RACING COMMISSION - to clarify the content of the report to be filed.**

Representative Steve Smylie explained that he was a member of the House Subcommittee on horse racing six years ago. He stated that his intern conducted a search through news reports and found that since 2000, there were 64 articles about Les Bois. He reported that the 2003 report was filed in 2005, and the 2002 report was filed in 2004. He pointed out that under Idaho Code 54-2405, the reports are due by December 31st of each year, but noted that the reports aren't available until one full year after the season is over.

Representative Smylie stated that this bill tightens up the reporting and makes it due 90 days after the season is over. He added that this will provide more up-to-date information. He further added that this has an amendment to include "financial summary" showing on one page what comes in and what goes out. He reported that he shared this with the Ada County Commissioners and Capitol Racing who are in the process of taking over the Les Bois license.

Senator Malepeai asked who uses the information of a report that is delayed a year. **Representative Smylie** replied that the information is used by the track owners and various horsemen groups. **Senator Malepeai** asked if they were not getting the information in a timely manner. **Representative Smylie** answered that some information is available, but that we need better accountability.

Ms. Jacqueline Libengood with the Racing Commission explained that the annual report of the Commission shows \$400,000 for operating budget, and \$6,000 for the cost of reporting. She stated that the Governor's Office suggested posting this information on the Internet as a cost-saving measure and added that the posting is done by ISP. She further stated that these reports are done by the end of December, but due to various circumstances and staff vacations, this information wasn't posted by ISP until January 4th. She then explained that there are some problems with tracks submitting information such as the purse amounts, breeds, number of races, and so forth.

Ms. Libengood reported that under 9-304C, the Racing Commission has no authority to request financial statements since they are not public. She added that this would be an undo hardship for small licensees.

Senator Little asked who are the licensees. **Ms. Libengood** answered that 54-2502 defines the Associations and the HBPA, or Horsemen's Benevolent Protection Association. **Senator Little** asked if there was only one licensee, or if there was one for each county or contractee. **Ms. Libengood** replied that new tenants such as Capitol Racing, as well as the small fairs in Eastern Idaho, Cassia County, Rupert, Jerome and Idaho Falls. **Senator Little** asked if it was also Fair Boards and if this was really intended for Capitol Racing. **Ms. Libengood** noted that it is a requirement for them to have a summary to obtain a license. **Senator Little** asked if they renewed their license every year. **Ms. Libengood** replied that they do.

Mr. Earl Lilley of Emmett explained that this will cost money and will hurt the industry.

Representative Smylie explained that the amendments were done to address those concerns mentioned by Mr. Lilley. He stated that the summary should be included as part of the report and added that this summary is already done and should be made available. He further added that this is for paramutuel racing. He remarked that licensees are Capitol Racing and the small track, or county boards. He pointed out that they already turn in the information anyway, but added that it will be easier for them to compile this information fresh since some information gets stuffed into the back of the drawer. He likened it to income taxes and added that data becomes fuzzy overtime. He concluded that this will add more public confidence.

Senator Little noted the situation in Boise and that the Ada County Commission contracts with them. He stated that this appears to be casting a net over small tracks and added that it appears the Ada County problem is trying to lay over the rest of the state. **Representative Smylie** replied that this is not asking for new requirements over the counties, but is maybe speeding up the process. He added that the records are available but noted from personal experience, are hard to get. **Senator Little** asked if it was difficult to get the information from the one in Boise, or from all. **Representative Smylie** answered that there is a specific concern with the Boise track, but added that he didn't believe this would be projecting Boise over the whole state. **Senator Little** asked if the Ada County Commission could fix that within the contract. **Representative Smylie** answered that there is a breakdown with the County and the State regarding tracks. **Senator Little** stated that he is concerned that we are asking for a new layer of information with small tracks.

MOTION:

Senator Little made a motion to **HOLD H 85aa**. **Senator Darrington** seconded the motion.

**SUBSTITUTE
MOTION:**

Senator Davis made a motion to send H 85aa to the floor with a **DO PASS RECOMMENDATION**. **Senator Malepeai** seconded the motion.

**VOTE ON
SUBSTITUTE
MOTION:**

The motion carried by a 6-3-0 vote.

Senator Malepeai to carry on the floor.

H 49 aa:

TORT CLAIMS - to revise the definition of "employee", to provide that a governmental entity shall provide a defense and indemnification against any claims brought against an employee in the employee's individual capacity when the claims are related to the course and scope of employment and to provide for the right to a hearing following the dismissal of a claim.

Representative Bill Deal explained the bill and stated that this will include "Board member" as an employee on line 24 of page 1. He pointed out that page 2, lines 12 and 13 have an amendment, and added that 69-03c and d match the language in statute. He added that page 3 provides for the defendant to seek recovery of costs.

Senator Little asked what 12-123 is. **Representative Deal** answered that it provides the opportunity for the defendant to recover costs.

MOTION: **Senator Davis** made a motion to send H 49aa to the Floor with a **DO PASS RECOMMENDATION**. **Senator Little** seconded the motion.

VOTE: The motion carried by unanimous voice vote.

Senator Davis to carry on the floor.

H 23: **ELECTRONIC BINGO DEVICES - Amends and adds to existing law to provide that the Idaho State Lottery Commission shall regulate electronic bingo devices; the approval of electronic bingo devices and site systems; to authorize testing by the Lottery Commission; to specify requirements and duties of licensed distributors, including notification requirements and invoice requirements; and to govern operations of licensed organizations.**

Mr. Roger Simmons, Director of the Idaho Lottery deferred to Representative Rich Wills.

Representative Will explained that this comes from the Bingo Raffle Advisory Board who wants to have electronic bingo games available for their customers. He stated that this also makes the regulations and formulas clear and will be easier to track and follow. He added that the State Lottery will have easier accounting since it will be done electronically.

Senator McKenzie pointed out page 2, line 15, and asked if the manufacturer's are licensed in Idaho. **Representative Wills** answered that they are through the State Lottery systems and added that the game boards are stored in the device and cannot be changed or altered.

Mr. Roger Simmons stated that the Idaho Lottery is in favor of this and added that the Lottery serves as the regulatory agency over the bingo facilities. He further added that they want to make sure that the money is going to a charitable organization.

Senator Davis referred to electronic facsimile and added that this may provide additional arguments regarding gambling such as the tribal gaming devices which are also electronic facsimile. He asked them to compare the electronic workings of this device versus the tribal slot machines. **Director Simmons** replied that he was not qualified to provide such a comparison. **Ms. Amber French** explained the difference is that the indian gaming device is hooked to a random number generator. She explained that the bingo device is the same as any other bingo game, in that the caller inputs the number into the machine, but there is no dauber used since the operator enters the numbers in like a calculator. She added that this is great for the eyesight disabled. She further added that the player cannot win with just the device.

Senator Darrington noted that the device has numerous cards and asked if the player can choose which ones they play. **Ms. French** replied that they cannot since they are in a series of serial numbers and put into a mainframe in that order, just like the paper version. **Senator Darrington** asked if they can play them random. **Ms. French** answered that the serial numbers are sold in order.

Senator Malepeai asked if they classify this machine under the same category as the indian gaming machines. **Ms. French** replied that it isn't the same since it doesn't have a random number generator like the slot machine.

Senator Little asked Representative Wills what was the human cry behind this. **Representative Wills** answered that the Bingo organizations with groups with disabilities brought this. He reported that it is easier for older people to play, understand and enjoy.

Senator Stegner noted that no machine shall have more than 54 faces and added that it is impossible to run 54 games themselves, but asked if they can holding this device. **Representative Wills** reported that they are not increasing the games.

MOTION: **Senator Stegner** made a motion to send H 23 to the Floor with a **DO PASS RECOMMENDATION**. **Senator Little** seconded the motion.

VOTE: The motion carried by unanimous voice vote.

Senator Stegner to carry on the floor.

H 249: **PERSONS WITH DISABILITIES - Amends existing law relating to prohibitions against discriminatory practices to include prohibitions against discrimination against persons with disabilities; to provide for diverse representation among members of the Human Rights Commission; to provide additional limitations on the application of this act; and to prohibit reprisals for taking actions pursuant to this act.**

Mr. Kelly Buckland passed out a handout and explained that this bill gives the Human Rights Commission the opportunity to enforce Title 3 of the Americans with Disabilities Act. He stated that this provides one more option for complaints. He explained that a task force was formed a year and a half ago with Senators Davis, and Kennedy and Representatives Jaquet, Garrett and Paisley-Stuart.

Senator Darrington asked if this would preclude the organization coming in to ask for subpoena power in the future. **Mr. Buckland** replied that it would not. **Senator Darrington** asked if there had been any discussion of this. **Mr. Buckland** answered that it was mentioned once, but quickly tossed aside once the point was made that the Legislature hated it. **Senator Darrington** asked if he could provide any assurance, as long as he was involved, that they would not ask for subpoena power. **Mr. Buckland** replied that he gave his word.

Ms. Leslie Goddard, of the Human Rights Commission explained that the Commission is in favor of this and added that she was a member of the task force. She pointed out that the \$20,000 is not another FTP, but would be used to contract someone locally.

Senator Stennett asked about the definition of "readily available" on page 3 and if this was lifted from some other place because it seemed squishy. **Ms. Goddard** replied that it was taken from the Americans with

Disabilities Act and added that IACI suggested it.

Senator McKenzie noted pages 4 and 5 regarding the prohibitions and asked if there were any concerns by IACI or NFIB. **Ms. Goddard** replied that this language was taken from the Americans with Disabilities Act.

Senator Stennett asked if someone owns their own building that was a two-story without elevators, what would be the necessity to provide access. **Ms. Goddard** answered that elevators are very expensive and added that the ADA language doesn't require if it is expensive or changes the nature of the business. She added that an owner could accommodate by putting the services needed for access on the first floor of the building to satisfy the requirements.

Senator McKenzie noted that he works for a law firm in a building built in 1905 that you have to go up stairs to get into. He asked what would be the impact on such a building. **Ms. Goddard** commented that they could go and work with a client someplace else. **Mr. Buckland** added that this only applies to buildings over 3,000 square feet and further added that this is why "readily achievable" was added. He stated that this legislation allows that issued to be resolved by the Human Rights Commission and not the courts.

Mr. Jim Baugh, Executive Director of the Comprehensive Advocacy Corporation explained that this will tighten the language but added that IACI wanted to mirror the federal act and the Department of Justice regulations. He stated that this is mainly to address the problems such as snow piled in a handicapped space, a big flower pot placed in the middle of a ramp to the doors, or ramps on stairs.

Senator Stennett asked if the Human Rights Commission makes the decision, what is the next step if the owner doesn't agree. **Mr. Baugh** replied that they could file with the Department of Justice or a file suit in court.

Mr. Roger Howard testified in support.

Ms. Bobby Ball, Executive Director of the Americans with Disabilities Act Task Force explained that compliance is education and added that a local authority would be a huge benefit.

Mr. Mike Keithly provided the committee with printed comments and stated that this is a place for mediation and keeps the lawyers and courts out of it.

MOTION: **Senator Davis** made a motion to send H 249 to the Floor with a **DO PASS RECOMMENDATION**. **Senator Little** seconded the motion.

DISCUSSION: **Senator Darrington** shared that he has two family members and a son building a handicapped house. He noted that he is more sensitive than in the past and guessed that he will vote for it.

VOTE: The motion carried by unanimous voice vote.

Senator Davis will carry on the floor.

H 149:

LIQUOR LICENSES - Amends existing law to provide that a facility that has been authorized by the county to conduct motor sports racing shall qualify for a liquor by the drink license.

Senator Dick Compton introduced Representatives Nonini and Henderson.

Representative Henderson explained that this will extend to motor racing facilities a liquor license under Idaho Code 23-953. He added that the annual fee for this license will be \$400. He shared that the Post Falls Raceway has had a beer and wine license for 16 years and use a colorful wristband for those of age. He reported that they operate from March to October with an estimated 176,000 in annual attendance.

Senator Geddes asked how those 176,000 go home. **Representative Henderson** answered that they use Beck Road, Highway 53 or I-90 and added that they come from Idaho as well as Washington and Montana.

Chairman Burtenshaw asked if the bar at the race track was within the facility or used for other events. **Representative Henderson** replied that they do have dinners and food and added that recently the sponsors, such as Les Schwab, have wanted to entertain their guests and put up tents. **Chairman Burtenshaw** noted that a liquor license is hard to get and asked if there were other incidents where they have a tent set up. **Representative Henderson** answered that there has been once or twice, and added that there was another license with the dog racing facility that has expired since. He reported that this license would be assigned to this site only and not issued on a quota or per capita basis. **Chairman Burtenshaw** asked if they had talked with Dyke Nally at the State Liquor Dispensary. **Representative Henderson** answered that the Dispensary would have to inspect it and that the racing facility would have to follow the Dispensary rules.

Senator Davis remembered that there was a bill proposed a while ago to provide a liquor license to caterers and if Representative Henderson was familiar with that. **Representative Henderson** replied that he was not familiar with it and added that if this did exist, the businessman at the raceway would have used it. **Senator Davis** noted that if it did exist, we wouldn't need this. **Representative Henderson** reported that they run twice a week but would still need this legislation.

Senator Compton explained that the owner of the facility testified in the House committee but was unable to make it today. He reported that this man has an exemplary record and has been in business for over 25 years.

MOTION:

Senator Little made a motion to send H 149 to the Floor with a **DO PASS RECOMMENDATION**. **Senator Stegner** seconded the motion.

VOTE:

The motion failed 4-5-0.

H 283:

ELECTIONS - Amends existing law to provide that the voting

systems used in the 2004 election shall continue to be authorized for use as long as the voting system meets the requirements of the "Help America Vote Act of 2002".

Mr. Tim Hurst, with the Secretary of State's Office testified that this provides for a touch screen, prints out the vote, then casts the ballot in the machine. He added that this also provides for voter confidence.

Senator Davis is excused at this time.

Senator Darrington asked how much money this will cost. **Mr. Hurst** replied \$17 million. **Senator Darrington** asked if it would be disbursed to counties. **Mr. Hurst** replied that \$5 million will go for statewide voter registration, and \$10 million for new voting devices.

MOTION: **Senator Malepeai** made a motion to send H 283 to the Floor with a **DO PASS RECOMMENDATION** and to the **CONSENT CALENDAR**. **Senator Little** seconded the motion.

VOTE: The motion carried by unanimous voice vote.

Senator Malepeai to carry on the floor.

S 1192: **Relating to the Idaho Energy Resources Authority Act; to provide further declaration of necessity and purpose, define terms and to make a technical correction, additional powers to Idaho Energy Resources Authority, to authorize the Idaho Energy Resources Authority to undertake any renewable energy project for the benefit of one or more independent power producers and issues its bonds to finance the cost thereof and to provide application to an independent power producer.**

Senator Brent Hill explained that this is the trailer bill to H 106. He stated that it includes independent developers of renewable energy. He then explained the bill regarding the importance, facility definition, and independent power producers. He reported that Idaho Power is also pursuing renewable energy. He explained that this was part of the recommendations from the Interim committee but added that this was left out because it was a separate item.

Representative Eskridge explained that he was part of the Interim Committee who recommended this enhancement for the development of renewable energy in the state. He added that we will be able to enjoy the economic advantages and the clean energy resources. He thanked **Senator Stegner** for covering him the other day in the print hearing.

Representative Eric Anderson explained that this will provide more energy competition and a more stable rate structure.

Senator Darrington asked if this would apply in any way to individuals who want to set up wind farms. **Representative Anderson** replied that it would.

Mr. Ron Williams with the Idaho Consumer-Owned Utilities Association explained that he brought H 106 and is in support of this.

MOTION: **Senator Darrington** made a motion to send S 1192 to the Floor with a **DO PASS RECOMMENDATION**. **Senator Geddes** seconded the motion.

VOTE: The motion carried by unanimous voice vote.

DISCUSSION: **Chairman Burtenshaw** announced that the committee would be meeting at 7:00 a.m. on Monday.

ADJOURN: There being no further business before the committee, Chairman Burtenshaw adjourned the meeting at 9:38 a.m.

Senator Don Burtenshaw
Chairman

Lisa Lalliss-Skogsberg
Secretary

W.W. "BILL" DEAL
DISTRICT 13-B
CANYON COUNTY

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House of Representatives State of Idaho

RECEIVED
MAR 23 2005
IDAHO HUMAN RIGHTS
COMMISSION

March 22, 2005

Ms. Leslie Goddard, Director
Idaho Human Rights Commission
P.O. Box 83720
Boise, ID 83720-0040

Dear Director Goddard:

I cast my "AYE" vote for HB 249, Persons with Disability/Discrimination, with great apprehension. In this case, my vote was influenced by the hard work that Kelly Buckland had put into the issue and because it was the right thing to do.

On the off-side however, was the realization that the Idaho Human Rights Commission was given broader authority over Idaho's small employers. This troubles me! It troubles me because of a statement you made in your letter dated September 24, 2004, page 3 – and I quote, "All the investigators have heavy caseloads. They handle their cases in the order in which they are filed, and as quickly as they can get to them Unfortunately, there are limits to what we can do, given our resources and the caseload."

From your statement, I conclude you believe the Commission is underfunded and understaffed. It must be, because I had an occasion to visit with Pat Curran, JR Lumber, last week and find his case was finally closed in late January 2005. The JR Lumber case was open (even though it should not have been) for more than a year. This excessive length of time is NOT fair to either the employer or employee.

With the new responsibility added to the Commission by HB 249, I can only conclude that the time frame for all cases will be further extended.

Since the House State Affairs Committee is the oversight committee for the Idaho Human Rights Commission, please advise me of the following:

- (1) To meet the added responsibility regulated by HB 249 in a timely and fair manner, how will you restructure your staff and the potential increased caseload?
- (2) Send a monthly listing of cases that are "open and ongoing" to the State Affairs Committee Chairman.

Ms. Leslie Goddard

Page 2

March 22, 2005

- (3) Further, on a monthly basis, include specific reasons for cases that are "open and ongoing" for more than six months.

With the potential increased workload created by the passage of HB 249, it is only prudent that oversight on the timely resolution of cases be monitored.

If you have questions, please feel free to call me.

Best regards,

A handwritten signature in black ink, appearing to read "Deal", with a long horizontal flourish extending to the right.

Representative William Deal
Chairman, House State Affairs Committee

cc: Brian Whitlock, Chief of Staff, Governor Kempthorne's Office
Kelly Buckland, Director, Idaho State Assisted Living Council

Dirk Kempthorne, Governor

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IDAHO HUMAN RIGHTS COMMISSION

Leslie R. Goddard, Director

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Thursday, March 31, 2005

The Hon. W.W. Bill Deal
House of Representatives
State of Idaho
STATEHOUSE MAIL

Dear Rep. Deal:

In response to the three questions in your letter of March 22, 2005:

1. We are anticipating that the cases filed pursuant to HB 249 will not require extensive witness interviews or document reviews, both of which consume a lot of time in investigating employment, housing, or education discrimination cases. They will, however, probably require on-site inspections which hopefully can be done quickly and may resolve the dispute. For cases outside the Boise area, I am hoping to contract with individuals or groups already experienced with Title III of the ADA to do the on-site inspections and help parties figure out satisfactory solutions. That will save time and travel expenses for the staff.

2. I will send you a monthly computer print out of all open cases. The cases will be identified by case numbers; the names will be redacted. Where should that report be sent when the Legislature is not in session?

3. The Idaho Code anticipates that the administrative process, which is designed to provide a solid opportunity to resolve a dispute without a lawsuit and without multi-year litigation, may take up to a year for completion. See I.C. 67-5907 (6) and I.C. 67-5908 (4). A case may be open for six months or longer for a variety of reasons. Often it is just because the parties and the commission use all the steps provided by state law and rules, including no-fault mediation, a thorough investigation, legal analysis, and settlement efforts if "probable cause" is found. The IHRC administrative system is very effective in reducing litigation for parties, but achieving that end does take time. I am currently trying to design a report format that will not be overly burdensome for the staff to prepare each month but will also accurately advise you of the several actions taken in each case that has been open for at least six months.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ruth Goddard".

Leslie Ruth Goddard, Director

List of Administrative Actions Taken in Cases Open for Six Months or More:

- A. Case is being handled by EEOC; per contract with the EEOC, the IHRC case is stayed until EEOC work is completed in order to avoid duplication of work for agencies and parties.
- B. Respondent took additional time (beyond the std. 30 days) to submit an answer.
- C. Complainant took additional time (beyond the std. 21 days) to submit a rebuttal.
- D. Case was assigned for mediation; no settlement was reached.
- E. Investigator does not immediately begin investigation at time of transfer.
- F. Case presents multiple/complex/unique legal or factual issues.
- G. One or more of the parties is slow in producing evidence.
- H. IHRC temporarily loses contact with one or more of the parties.
- I. Witnesses are difficult to reach.
- J. A lot of evidence needs to be gathered and considered.
- K. Senior investigator, director, or legal counsel asks for additional work after reviewing a draft report.
- L. One or more of the parties submits significant evidence at the end of the investigation that may possibly change the outcome, and therefore, needs to be considered, perhaps prompting further investigation.
- M. Commissioners find probable cause to believe discrimination has occurred, so the case remains in the administrative system for conciliation efforts.
- N. One or more of the parties either hires or changes legal representation during the investigation, so the new attorney needs additional time to become familiar with the file.
- O. The same dispute is in the hands of federal agencies, such as HUD or OCR, and work by the IHRC is voluntarily stayed to avoid duplication
- P. Case goes into litigation.
- Q. Other (please specify)
- R. Charge is amended during administrative process
- S. A supplemental charge is filed during the administrative process, and the two charges are most efficiently handled concurrently.
- T. The senior investigator does not immediately transfer a case after mediation efforts have broken down.
- U. Extensive effort is made by the parties to mediate the dispute; both are motivated to settle rather than have the dispute continue.

Dirk Kempthorne, Governor



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Ruthie Johnson

Clarisse Maxwell

William L. Swift

Sandra Twiggs

Andrea Wassner

IDAHO HUMAN RIGHTS COMMISSION

Thursday, March 09, 2006

Leslie R. Goddard, Director

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The Hon. W.W. Bill Deal

917 2nd Street South

Nampa, Idaho 83651

Subject: Reports

Dear Rep. Deal:

Enclosed you will find copies of the February monthly staff reports that you have requested. Please let me know if you have any questions or need a new copy of our code sheet.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ruth Goddard".

Leslie Ruth Goddard

Director

Enc.

SENATE INDEX

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House Bill No.	Introduced by	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
247	State Affairs	Law	SPEECH/HEARING SERVICE ACT - To set forth provisions of the Speech and Hearing Service Practice Act; to provide a short title; to provide a declaration of policy; to define terms; to require licensure; to provide exemptions; to set forth provisions applicable to the dealing and fitting of hearing aids; to set forth provisions applicable to audiology, speech-language pathology, and hearing aid dealers and fitters support personnel, speech-language pathology aides and assistants; to provide for the Speech and Hearing Services Licensure Board; to set forth officer, meeting and compensation provisions; to set forth powers and duties; to provide for disposition of receipts and expenses; to set forth qualification for licensure; to provide for dual licensure; to set forth exceptions; to provide for provisional permits; to provide for the denial of applications; to provide for renewal and reinstatement of licenses; to require public display of licenses; to provide for inactive licenses; to require the reporting of name and address changes; to set forth grounds for disciplinary action and denial of licensure; to set forth provisions applicable to investigations and disciplinary actions; to provide for penalties; to provide judicial review; and to prohibit certain practices and penalties. Amended in the House (See House Journal)	197	248	273
249	State Affairs	Law	PERSONS WITH DISABILITIES - Amends existing law relating to prohibitions against discriminatory practices to include prohibitions against discrimination against persons with disabilities; to define additional terms; to provide for diverse representation among members of the Human Rights Commission; to provide additional limitations on the application of this act; and to prohibit reprisals for taking actions pursuant to this act.	171 ✓	248 ✓	273 ✓
252	Revenue & Taxation	Law	PROPERTY TAX RELIEF - to exclude benefits paid by the United States Department of Veterans Affairs to dependents of deceased veterans under the definition of income for circuit breaker property tax relief purposes.	177	234	265
253	Revenue & Taxation	Law	PROPERTY TAX EXEMPTION - Adds to existing law to provide an exemption from property taxation for unused infrastructure.	207	257	273
254	Revenue & Taxation	VETOED	PROPERTY TAX - Repeals, amends and adds to existing law to provide a partial property tax exemption for parcels of land in a rural residential subdivision plat in certain counties; to provide eligibility criteria; to provide for an application; and to provide for recovery of taxes. Amended in the Senate	171 243	313	319
261	Revenue & Taxation	Law	SALES TAX EXEMPTION - To exempt from the sales and use tax property which is used in research and development activities; to define "research and development"; to revise the definition of "clean room"; and to remove property used for research and development as an exclusion from the production exemption.	174	234	265

CRIMINAL PROCEEDINGS AND TO PROVIDE THAT DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEES SHALL HAVE ACCESS TO CERTAIN INFORMATION; AMENDING CHAPTER 52, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-5214E, IDAHO CODE, TO PROVIDE FOR SPECIFIED IMMUNITY FROM LIABILITY; AMENDING CHAPTER 52, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-5214F, IDAHO CODE, TO PROVIDE THAT ANY PROVISION OF SPECIFIED LAW SHALL BE DEEMED NULL AND VOID IF IN CONFLICT WITH FEDERAL REQUIREMENTS RELATING TO FUNDING; AMENDING SECTION 9-340B, IDAHO CODE, TO PROVIDE FOR THE CONFIDENTIALITY OF CERTAIN DOMESTIC VIOLENCE FATALITY REVIEW RECORDS; AMENDING SECTION 39-5204, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 39-5209, IDAHO CODE, TO CLARIFY RULEMAKING AUTHORITY; AND AMENDING SECTION 67-2342, IDAHO CODE, TO PROVIDE THAT CERTAIN MEETINGS RELATING TO DOMESTIC VIOLENCE FATALITY REVIEWS SHALL NOT BE OPEN TO THE PUBLIC.

S 1182, S 1183, S 1184, S 1185, and S 1186 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 88, by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 263, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 157, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 213, H 219, H 220, and H 221, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

H 165, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 193, H 182, and H 186, by Transportation and Defense Committee, were introduced, read the first time at length, and referred to the Transportation Committee.

H 226, H 227, and H 249, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

H 254, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 272, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 245, by State Affairs Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1175, S 1176, S 1177, and S 1178, by Finance Committee, were read the second time at length and filed for third reading.

H 50, as amended in the Senate, by Health and Welfare Committee, was read the second time at length and filed for third reading.

H 122, as amended in the Senate, by Business Committee, was read the second time at length and filed for third reading.

S 1154, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1086, as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

S 1136, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1130, as amended, by Transportation Committee, was read the second time at length and filed for third reading.

S 1044, as amended, by Schroeder, was read the second time at length and filed for third reading.

S 1161, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1169, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Cameron, Little, and Stennett 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, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Langhorst. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared S 1169 passed, title was approved, and the bill ordered transmitted to the House.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 31.

NAYS--Sweet. Total - 1.

Absent and excused--Compton, Little. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 49**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 23 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 30.

NAYS--Richardson, Williams. Total - 2.

Absent and excused--Compton, Little. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 23** passed, title was approved, and the bill ordered returned to the House.

H 249 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 249** passed, title was approved, and the bill ordered returned to the House.

H 247, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Corder, Darrington, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 27.

NAYS--Cameron, Davis, Geddes, Pearce, Sweet. Total - 5.

Absent and excused--Compton, Little. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 247**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 203, as amended, 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, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 203**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 207 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, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 207** passed, title was approved, and the bill ordered returned to the House.

H 208, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 208**, as amended, passed, title was approved, and the bill ordered returned to the House.

March 28, 2005

Mr. President:

I transmit herewith Enrolled **HJM 6, H 343, H 344, H 345, H 346, H 347, H 348, H 85**, as amended, **H 49**, as amended, **H 23, H 249, H 247**, as amended, **H 203**, as amended, **H 207, H 208**, as amended, **H 70, H 17, H 88, H 72, H 73, H 74, H 161, H 135, H 234, H 162, H 283, H 213, H 219, H 220, H 221, H 238, H 280, H 299, H 253, H 215, H 265**, as amended, **H 188**, as amended, **H 282, H 277**, and **H 319** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HJM 6, H 343, H 344, H 345, H 346, H 347, H 348, H 85**, as amended, **H 49**, as amended, **H 23, H 249, H 247**, as amended, **H 203**, as amended, **H 207, H 208**, as amended, **H 70, H 17, H 88, H 72, H 73, H 74, H 161, H 135, H 234, H 162, H 283, H 213, H 219, H 220, H 221, H 238, H 280, H 299, H 253, H 215, H 265**, as amended, **H 188**, as amended, **H 282, H 277**, and **H 319** and ordered them returned to the House.

March 28, 2005

Mr. President:

I return herewith Enrolled **S 1074**, as amended, **S 1165, S 1200, S 1202, S 1203, S 1204, S 1205, S 1206, S 1207, S 1208**, and **S 1209** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1074**, as amended, **S 1165, S 1200, S 1202, S 1203, S 1204, S 1205, S 1206, S 1207, S 1208**, and **S 1209** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Cameron was recorded present at this order of business.

The President announced the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Jay Nielsen was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Burkett, the Gubernatorial appointment of Jay Nielsen as a member of the State Board of Correction was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **HCR 20**, having been held, was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Goedde, seconded by Senator Burkett, **HCR 20** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **SCR 119** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Little, seconded by Senator Stennett, **SCR 119** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that **SJM 111** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator McGee, seconded by Senator Malepeai, **SJM 111** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The President announced that **SJM 112** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Stegner, seconded by Senator Malepeai, **SJM 112** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The President announced that **HCR 21** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Lodge, seconded by Senator Malepeai, **HCR 21** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that the House amendments to **S 1062**, as amended, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1062**, as amended, as amended in the House?"

On request by Senator Bunderson, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1062**, as amended, as amended in the House.

S 1062, as amended, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The President announced that the House amendments to **S 1164**, as amended, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1164**, as amended, as amended in the House?"

On request by Senator Darrington, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1164**, as amended, as amended in the House.

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<u>House Bill No.</u>	<u>Introduced by</u>	<u>Intro- duction Page</u>	<u>Subject Matter</u>	<u>Final Vote Page</u>	<u>Final Action Page</u>	<u>Final Disposition</u>
248	State Affairs	116	PUBLIC WORKS - Amends, repeals and adds to existing law relating to public works contracting to revise provisions applicable to the contracting and procurement of political subdivisions of the state	-	127	Business
249	State Affairs	118	PERSONS WITH DISABILITIES - Amends existing law relating to prohibitions against discriminatory practices to include prohibitions against discrimination against persons with disabilities; to define additional terms; to provide for diverse representation among members of the Human Rights Commission; to provide additional limitations on the application of this act; and to prohibit reprisals for taking actions pursuant to this act	187	400	LAW
250	Education	127	DAY CARE REQUIREMENTS - Amends and repeals existing law relating to basic day care licensure to revise definitions; to increase the minimum age of persons requiring a criminal history check; to specify a maximum fee for licensure; to govern standards for fire safety; to delete reference to group day care facilities; and to require pediatric rescue breathing and first aid certification of persons specified	-	130	Health and Welfare
251	Revenue and Taxation	127	PUBLIC INFRASTRUCTURE IMPROVEMENTS DISTRICTS - Adds to existing law to provide for the creation of Public Infrastructure Improvements Districts	-	130	Revenue and Taxation
252	Revenue and Taxation	128	PROPERTY TAX RELIEF - Amends existing law to exclude benefits paid by the United States Department of Veterans Affairs to dependents of deceased veterans under the definition of income for circuit breaker property tax relief purposes	202	388	LAW
253	Revenue and Taxation	128	PROPERTY TAX EXEMPTION - Adds to existing law to provide an exemption from property taxation for unused infrastructure	248	400	LAW
254 AAS	Revenue and Taxation	128	PROPERTY TAX - Repeals, amends and adds to existing law to provide a partial property tax exemption for parcels of land in a rural residential subdivision plat in certain counties; to provide eligibility criteria; to provide for an application; and to provide for recovery of taxes	408	410	VETOED
255	State Affairs	135	NEWSPAPERS - GENERAL CIRCULATION Amends existing law relating to newspapers to revise the definition of "newspaper of general circulation."	-	140	State Affairs
256	State Affairs	135	OFFICIAL NOTICES - Amends, repeals and adds to existing law to revise notice publication requirements; and to revise provisions applicable to rates for official notices	-	140	State Affairs

HOUSE BILL NO. 249
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO PROHIBITIONS AGAINST DISCRIMINATORY PRACTICES; AMENDING SECTION 67-5901, IDAHO CODE, TO INCLUDE WITHIN PURPOSES OF THE CHAPTER PROHIBITIONS AGAINST DISCRIMINATION AGAINST PERSONS WITH DISABILITIES; AMENDING SECTION 67-5902, IDAHO CODE, TO DEFINE ADDITIONAL TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5903, IDAHO CODE, TO STRIKE OBSOLETE PROVISIONS AND TO PROVIDE FOR DIVERSE REPRESENTATION AMONG MEMBERS OF THE COMMISSION; AMENDING SECTION 67-5909, IDAHO CODE, TO INCLUDE DISCRIMINATION AGAINST A PERSON WITH A DISABILITY IN ACTS PROHIBITED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5910, IDAHO CODE, TO PROVIDE ADDITIONAL LIMITATIONS ON THE APPLICATION OF THIS CHAPTER AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 67-5911, IDAHO CODE, TO PROHIBIT REPRISALS FOR TAKING ACTIONS PURSUANT TO THIS CHAPTER AND TO MAKE TECHNICAL CORRECTIONS.

H 245, H 246, H 247, H 248, and H 249 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Second Reading of Bills and Joint Resolutions

H 147, H 187, H 184, and H 181, by Transportation and Defense Committee, were read the second time by title and filed for third reading.

H 176 and H 145, as amended, by Environment, Energy, and Technology Committee, were read the second time by title and filed for third reading.

H 33, by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

SCR 106, by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

H 41 and HJM 3, by Health and Welfare Committee, were read the second time by title and filed for third reading.

H 150, H 49, as amended, and **H 85**, as amended, by State Affairs Committee, were read the second time by title and filed for third reading.

H 1, as amended, by Ring, Wills, Rusche, and Mitchell, was read the second time by title and filed for third reading.

H 63, as amended, by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 84 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Barrett to open debate.

The question being, "Shall **H 84** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie(Telleria), Snodgrass, Stevenson, Trail, Wills, Wood. Total -- 67.

NAYS -- None.

Absent and excused -- Harwood, Sali, Mr. Speaker. Total -- 3.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 84** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 170 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Field(23) to open debate.

The question being, "Shall **H 170** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie(Telleria), Snodgrass, Stevenson, Trail, Wills. Total -- 65.

NAYS -- None.

Absent and excused -- Harwood, Roberts, Sali, Wood, Mr. Speaker. Total -- 5.

Total -- 70.

NAYS -- Henbest, Jaquet, LeFavour, Martinez, Pasley-Stuart, Pence, Ringo, Sayler, Smith(30), Trail. Total -- 10.

Absent and excused -- Cannon, Lake, Stevenson. Total -- 3.
Total -- 70.

Whereupon the Speaker Pro Tem declared **H 186** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 226 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Eskridge to open debate.

The question being, "Shall **H 226** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Cannon, Lake, Stevenson. Total -- 3.
Total -- 70.

Whereupon the Speaker Pro Tem declared **H 226** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 227 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Eskridge to open debate.

The question being, "Shall **H 227** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler,

Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Cannon, Lake, Stevenson. Total -- 3.
Total -- 70.

Whereupon the Speaker Pro Tem declared **H 227** passed the House. Title was approved as corrected and the bill was ordered transmitted to the Senate.

H 249 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Garrett and Mrs. Pasley-Stuart to open debate.

The question being, "Shall **H 249** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- Barrett, Harwood, Sali. Total -- 3.

Absent and excused -- Cannon, Lake, Stevenson. Total -- 3.
Total -- 70.

Whereupon the Speaker Pro Tem declared **H 249** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 254 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Raybould and Mr. Roberts to open debate.

The question being, "Shall **H 254** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, LeFavour, Martinez, Mathews, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche,

IDAHO CODE, TO PROVIDE FOR A SCHOOL BUS ENDORSEMENT ON A DRIVER'S LICENSE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-306, IDAHO CODE, TO REQUIRE THAT EVERY APPLICATION FOR A CLASS A, B OR C DRIVER'S LICENSE SHALL STATE WHERE THE APPLICANT HAS BEEN LICENSED FOR THE PRECEDING TEN YEARS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-313, IDAHO CODE, TO REQUIRE AN APPLICANT FOR A SCHOOL BUS ENDORSEMENT TO PASS APPROPRIATE KNOWLEDGE AND SKILLS TESTS AND TO AUTHORIZE THE DEPARTMENT UNTIL A TIME CERTAIN TO WAIVE THE SKILLS TEST REQUIREMENT UNDER CERTAIN CONDITIONS; AMENDING SECTION 49-325, IDAHO CODE, TO CLARIFY THAT A TEMPORARY RESTRICTED PERMIT MAY BE ISSUED TO GRANT NONCOMMERCIAL DRIVING PRIVILEGES BUT SHALL NOT GRANT DRIVING PRIVILEGES TO OPERATE A COMMERCIAL MOTOR VEHICLE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-326, IDAHO CODE, TO PROVIDE THAT A TEMPORARY RESTRICTED PERMIT MAY BE ISSUED TO GRANT NONCOMMERCIAL DRIVING PRIVILEGES BUT SHALL NOT GRANT DRIVING PRIVILEGES TO OPERATE A COMMERCIAL MOTOR VEHICLE AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 49-335, IDAHO CODE, TO CLARIFY THE CONDITIONS FOR WHICH THE OPERATOR OF A COMMERCIAL MOTOR VEHICLE MAY BE DISQUALIFIED AND TO PROVIDE ADDITIONAL CONDITIONS FOR DISQUALIFICATION IN ACCORDANCE WITH FEDERAL REGULATIONS.

H 402 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Adjournment

Mr. Moyle moved that the House adjourn until 10 a.m., Wednesday, April 6, 2005. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Acting Speaker declared the House adjourned at 11:54 a.m.

LAWRENCE DENNEY, Acting Speaker

ATTEST:

PAMM JUKER, Chief Clerk

EIGHTY-SEVENTH LEGISLATIVE DAY WEDNESDAY, APRIL 6, 2005

House of Representatives

The House convened at 10 a.m., Mr. Denney in the Chair.

Roll call showed 69 members present.
Absent and excused -- Trail. Total -- 1.
Total -- 70.

Prayer was offered by Mr. Speaker.

The Pledge of Allegiance was led by Hannah Alexander, Page.

At this time, Mr. Speaker took the Chair.

Approval of Journal

April 6, 2005

Mr. Speaker:

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

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

April 5, 2005

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

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

H 17, H 23, H 49, as amended, **H 72, H 73, H 74, H 85**, as amended, **H 88, H 135, H 161, H 162, H 208**, as amended, **H 213, H 215, H 219, H 220, H 221, H 234, H 238, H 247**, as amended, **H 249, H 253, H 265**, as amended, **H 282, H 283, H 299, H 319, H 343, H 344, H 345, H 346, H 347**, and **H 348**

/s/ Very truly yours,
DIRK A. KEMPThorNE
Governor

HOUSE INDEX

House Bill No.	<u>Introduced By</u>	<u>Signed by Governor</u>	<u>Effective Date</u>	<u>Session Law Chapter No.</u>
208 AA	Judiciary, Rules And Administration	4/5/05	1/1/06	269
213	State Affairs	4/5/05	7/1/05	270
214 AA	State Affairs	3/28/05	3/28/05	189
215	Revenue And Taxation	4/5/05	1/1/05	271
219	State Affairs	4/5/05	7/1/05	272
220	State Affairs	4/5/05	7/1/05	273
221	State Affairs	4/5/05	7/1/05	274
222	State Affairs	3/15/05	3/15/05	58
224	State Affairs	3/29/05	7/1/05	200
226	State Affairs	4/11/05	7/1/05	336
227	State Affairs	4/11/05	7/1/05	337
229	State Affairs	3/29/05	7/1/05	201
230	State Affairs	4/6/05	7/1/05	292
231	Education	3/30/05	7/1/05	210
234	State Affairs	4/5/05	7/1/05	275
235	State Affairs	3/21/05	7/1/05	87
238	State Affairs	4/5/05	4/5/05	276
240	State Affairs	4/14/05	4/14/05	389
245	State Affairs	3/28/05	7/1/05	190
247 AA	State Affairs	4/5/05	7/1/05	277
249	State Affairs	4/5/05	7/1/05	278
252	Revenue And Taxation	4/1/05	1/1/05	241
253	Revenue And Taxation	4/5/05	7/1/05	279
261	Revenue And Taxation	4/1/05	4/1/05	242
262	Appropriations	3/15/05	3/15/05	59
263	State Affairs	3/31/05	7/1/05	213
264	Revenue And Taxation	3/28/05	7/1/05	191
265 AA	State Affairs	4/5/05	7/1/05	280
266	State Affairs	4/1/05	7/1/05	243

Idaho Human Rights Act 2005 Legislative History Check Lists

H.B. 249

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