LEGISLATURE OF THE STATE OF IDAHO
Sixty-fifth Legislature Second Regular Session - 2020

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 440

BY STATE AFFAIRS COMMITTEE

AN ACT
RELATING TO THE COMMISSION ON HUMAN RIGHTS; AMENDING CHAPTER 59, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5909A, IDAHO CODE, TO PROVIDE THAT THE STATE SHALL NOT DISCRIMINATE IN CERTAIN INSTANCES, TO PROVIDE APPLICABILITY, TO PROVIDE CERTAIN EXCEPTIONS, TO DEFINE A TERM, TO PROVIDE FOR REMEDIES, AND TO PROVIDE SEVERABILITY.

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

SECTION 1. That Chapter 59, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5909A, Idaho Code, and to read as follows:

67-5909A. ACTS PROHIBITED -- PUBLIC EMPLOYMENT -- PUBLIC EDUCATION -- PUBLIC CONTRACTING. (1) The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.
(2) The provisions of this section shall apply only to action taken after the effective date of this section.
(3) Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex that are reasonably necessary to the normal operation of public employment, public education, or public contracting.
(4) Nothing in this section shall be interpreted as invalidating any court order or consent decree that is in force as of the effective date of this section.
(5) For the purposes of this section, "state" shall include but not necessarily be limited to the state itself, any city, county, city and county, public university or community college, school district, special district, or any other political subdivision or governmental instrumentality of or within the state.
(6) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of this chapter.
(7) If any part or parts of this section are found to be in conflict with the United States Constitution, the section shall be implemented to the maximum extent that the United States Constitution permits. Any provision held invalid shall be severable from the remaining portions of this section.