

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 440

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE COMMISSION ON HUMAN RIGHTS; AMENDING CHAPTER 59, TITLE 67,  
2 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5909A, IDAHO CODE, TO  
3 PROVIDE THAT THE STATE SHALL NOT DISCRIMINATE IN CERTAIN INSTANCES, TO  
4 PROVIDE APPLICABILITY, TO PROVIDE CERTAIN EXCEPTIONS, TO DEFINE A TERM,  
5 TO PROVIDE FOR REMEDIES, AND TO PROVIDE SEVERABILITY.  
6

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

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

11 67-5909A. ACTS PROHIBITED -- PUBLIC EMPLOYMENT -- PUBLIC EDUCATION --  
12 PUBLIC CONTRACTING. (1) The state shall not discriminate against, or grant  
13 preferential treatment to, any individual or group on the basis of race, sex,  
14 color, ethnicity, or national origin in the operation of public employment,  
15 public education, or public contracting.

16 (2) The provisions of this section shall apply only to action taken af-  
17 ter the effective date of this section.

18 (3) Nothing in this section shall be interpreted as prohibiting bona  
19 fide qualifications based on sex that are reasonably necessary to the normal  
20 operation of public employment, public education, or public contracting.

21 (4) Nothing in this section shall be interpreted as invalidating any  
22 court order or consent decree that is in force as of the effective date of  
23 this section.

24 (5) For the purposes of this section, "state" shall include but not nec-  
25 essarily be limited to the state itself, any city, county, city and county,  
26 public university or community college, school district, special district,  
27 or any other political subdivision or governmental instrumentality of or  
28 within the state.

29 (6) The remedies available for violations of this section shall be the  
30 same, regardless of the injured party's race, sex, color, ethnicity, or na-  
31 tional origin, as are otherwise available for violations of this chapter.

32 (7) If any part or parts of this section are found to be in conflict with  
33 the United States Constitution, the section shall be implemented to the max-  
34 imum extent that the United States Constitution permits. Any provision held  
35 invalid shall be severable from the remaining portions of this section.