

Moved by Chaney

Seconded by Zollinger (33)

IN THE HOUSE OF REPRESENTATIVES  
HOUSE AMENDMENT TO S.B. NO. 1318

AMENDMENT TO THE BILL

On page 2 of the printed bill, following line 18, insert:

"SECTION 2. That Section 67-5910, Idaho Code, be, and the same is hereby amended to read as follows:

67-5910. LIMITATIONS. (1) This 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 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) For 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 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 (9) of this section because of the age of such individual; however, the prohibition against age discrimination contained in this 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) For a religious educational institution or an educational organization to limit employment or give preference to members of the same religion, or

(d) For an employer, employment agency, or labor organization to discriminate against a person with a disability which, under the circumstances, poses a 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.

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

8 (4) This chapter does not apply to a private club, or other establish-  
9 ment not in fact open to the public, except to the extent that the goods,  
10 services, facilities, privileges, advantages or accommodations of the es-  
11 tablishment are made available to the customers or patrons of another estab-  
12 lishment that is a place of public accommodation.

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

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

15 (b) Religious organizations or entities controlled by religious orga-  
16 nizations, including places of worship.

17 (6) Notwithstanding any other provisions of this chapter, it is not a  
18 discriminatory practice for:

19 (a) A religious educational institution or an educational institution  
20 operated, supervised, or controlled by a religious institution or or-  
21 ganization to limit admission or give preference to applicants of the  
22 same religion, or

23 (b) An educational institution to accept and administer an inter vivos  
24 or testamentary gift upon the terms and conditions prescribed by the  
25 donor.

26 (7) The provisions of section 67-5909(8), Idaho Code, do not apply:

27 (a) To the rental of a housing accommodation in a building which con-  
28 tains housing accommodations for not more than two (2) families living  
29 independently of each other, if the lessor or a member of his family re-  
30 sides in one (1) of the housing accommodations, or

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

33 (8) It is not a discriminatory practice for a religious institution or  
34 organization or a charitable or educational organization operated, super-  
35 vised or controlled by a religious institution or organization to give pref-  
36 erence to members of the same religion in a real property transaction.

37 (9) The prohibitions against discrimination based on age contained  
38 in this chapter shall be limited to individuals who are at least forty (40)  
39 years of age.

40 (10) The legislature finds that uniform laws regulating protected clas-  
41 sifications of persons in employment, housing, and public accommodations  
42 are necessary to protect the individual citizen's rights and uniformity and  
43 predictability for employers. It is the legislature's intent to wholly oc-  
44 cupy the field of protected class protections and the protection thereof in  
45 matters of employment, housing, and public accommodation within this state.  
46 Except as expressly authorized by state statute, no county, city, agency,  
47 board, or any other political subdivision of this state may adopt or enforce  
48 any law, rule, regulation, or ordinance that regulates in any manner the  
49 creation of protected classification of persons and the protections for such

1 persons in matters of employment, housing, and public accommodations other  
2 than contained in this chapter.".

3 CORRECTION TO TITLE

4 On page 1, in line 6, following "APPLICABILITY" insert: "; AND AMENDING  
5 SECTION 67-5910, IDAHO CODE, TO PROVIDE THAT THE LEGISLATURE SHALL WHOLLY  
6 OCCUPY THE FIELD OF PROTECTED CLASS PROTECTIONS IN MATTERS OF EMPLOYMENT,  
7 HOUSING, AND PUBLIC ACCOMMODATION".