

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Wednesday, January 08, 2020

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Organizational meeting	

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris      Rep Holtzclaw  
Vice Chairman Armstrong      Rep Monks  
Rep Crane      Rep Zito  
Rep Palmer      Rep Scott  
Rep Barbieri      Rep Andrus

Rep Hartgen  
Rep Young  
Rep Smith  
Rep Gannon  
Rep Green(18)

COMMITTEE SECRETARY

Maresa Shaw  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, January 08, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green(18)

**ABSENT/  
EXCUSED:** None

**GUESTS:** None

**Chairman Harris** called the meeting to order at 9:04 AM.

**Chairman Harris** welcomed the committee members, and introduce the secretary, **Mars Shaw**, and the page assigned to the committee, **Asher Dixon**.

**Chairman Harris** explained that the estimated end of session would be March 20th. He reviewed how omnibus rules differ from the regular rules in previous years, and he reviewed the temporary and reauthorized rules that the House State Affairs will be going through.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:23 AM.

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Representative Harris  
Chair

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Maresa Shaw  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
 Upon Adjournment  
 Room EW40  
 Friday, January 10, 2020

SUBJECT	DESCRIPTION	PRESENTER
<b>DOCKET NO:</b>		
<a href="#">34-0000-1900</a> & <a href="#">34-0000-1900F</a>	Rules of the Office of Secretary of State, Notice on the Omnibus Rulemaking and Pending Fee and Non-Fee Rules	Chad Houck, Deputy Secretary of the State, Administrative Division
<a href="#">34-0701-2001</a>	Temporary Rule of the Secretary of State, Rules Governing Notarial Acts Performed for Remotely Located Individuals	Chad Houck
<a href="#">15-0600-1900</a> & <a href="#">15-0600-1900F</a>	Rules of the Office of the Governor, Idaho Military Division, Pending Fee and Non-Fee Rules	Cassidy Moorelock, Office of the Governor
<a href="#">04-0000-1900</a> & <a href="#">04-0000-1900F</a>	Rules of the Office of the Attorney General, Pending Fee and Non-Fee Rules	Brett DeLange, Division Chief Consumer Protection Division, Office of the Attorney General

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COMMITTEE MEMBERS

Chairman Harris      Rep Holtzclaw  
 Vice Chairman Armstrong      Rep Monks  
 Rep Crane      Rep Zito  
 Rep Palmer      Rep Scott  
 Rep Barbieri      Rep Andrus

Rep Hartgen  
 Rep Young  
 Rep Smith  
 Rep Gannon  
 Rep Green(18)

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, January 10, 2020  
**TIME:** Upon Adjournment  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green(18)  
**ABSENT/  
EXCUSED:** Representative Barbieri  
**GUESTS:** Brett DeLange, Attorney General; Jay Shaw, Office of Administrative Rules

**Chairman Harris** called the meeting to order at 8:20 AM. **Rep. Gannon** and **Rep. Andrus** were assigned as the committee minute proof readers.

**Chairman Harris** turned the gavel over to **Vice Chairman Armstrong**.

**DOCKET NO. 34-0000-1900:** **Chad Houck**, Deputy Secretary of the State, Administrative Division, presented **Docket No. 34-0000-1900** on the omnibus rules. He gave an overview of the docket, talking about the administrative procedures. The docket had no changes to it; however, there were redundancies taken out and certain grammar and formatting was fixed. He discussed the consolidation of a fee rule with a pending non-fee rule, stating it is not a renewal from the pervious year.

In response to committee questions, **Mr. Houck** said reports and files are uploaded and placed online the same day.

**MOTION:** **Rep. Scott** made a motion to approve omnibus **Docket No. 34-0000-1900**. **Motion is carried by voice vote.**

**DOCKET NO. 34-0000-1900F:** **Chad Houck** presented **Docket No. 34-0000-1900F**, and said nothing was added into the fee rule. Any duplicated statements were removed. Mr. Houck hoped to further reduce these rules in the next year.

In response to committee questions **Chad Houck** explained that the download fee to cover storage, updates, and access for the public.

**MOTION:** **Rep. Scott** made a motion to approve **Docket No. 34-0000-1900F**. **Motion carried by voice vote.**

**DOCKET NO. 34-0701-2001:** **Chad Houck** presented **Temporary Rule Docket No. 34-0701-2001**, which governs remote notarial acts, stating it will help with communicative technology and is modeled after another bill in other states. Mr. Houck and his staff removed all redundant definitions. The software that is utilized has access to depository of information to help created questions that the user will be able to answer with a higher percentage rate.

**MOTION:** **Chairman Harris** made a motion to approve **Docket No. 34-0701-2001** .

In response to committee questions, **Mr. Houck** said there are several companies that use this software, and stated that it is the notary's responsibility to have the companies correct software, and to meet the standardized criteria.

**VOTE ON  
MOTION:** **Motion carried by voice vote.**

**DOCKET NO. 04-0000-1900:** **Brett DeLange**, Division Chief Consumer Protection Division, presented **Docket No. 04-0000-1900**, which included administrative procedures for the Attorney General's Office, consumer protection, administrative procedures for health care, and rules implementing the Idaho Tobacco Master Settlement Contemporary Act. Mr. DeLange states all redundancies and grammatical errors were eliminated from the docket, which simplified the rules.

**MOTION:** **Chairman Harris** made a motion to approve **Docket No. 04-0000-1900**. **Motion carried by voice vote.**

**DOCKET NO. 04-0000-1900F:** **Brett DeLange** presented **Docket No. 04-0000-1900F** regarding telephone solicitation for the office of the Attorney General; any calls seeking to sell products must pay an annual fee of \$50 to keep the registration policy in order for the Telephone Solicitation Act.

In response to committee questions, **Mr. DeLange** replied that calls offering charity services or donations wouldn't need to pay this annual fee.

**MOTION:** **Rep. Monks** made a motion to approve **Docket No. 04-0000-1900F**. **Motion carried by voice vote**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 9:05 AM.

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Representative Armstrong  
Vice Chair

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Maresa Shaw  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Monday, January 13, 2020**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS27317C1</a>	Liquor, Plazas, Theatre	Rep. Scott Symes,
Docket No. <a href="#">38-0000-1900&amp;</a> <a href="#">38-0000-1900F</a>	Rules of the Department of Administration, Pending Fee (Page 186) and Non-Fee Rules (Page 394)	Keith Reynolds, Deputy Director, Department of Administration
Docket No. <a href="#">32-0000-1900F</a>	Rules of the Endowment Fund Investment Board, Pending Fee Rule Governing the Credit Enhancement Program for School Districts (Page 141)	Christ Anton, Manager of Investment, Endowment Fund Investment Board
Docket No. <a href="#">45-0101-1900</a>	Rules of the Idaho Human Rights Commission, Pending Non-Fee (Page 451)	Ben Erkwenger, Human Rights Commission
Docket No. <a href="#">40-0101-1900</a>	Rules of the Commission on the Arts, Pending Non-Fee Rule (Page 444)	Michael Faison, Executive Director, Idaho Commission on the Arts

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris      Rep Holtzclaw  
Vice Chairman Armstrong      Rep Monks  
Rep Crane      Rep Zito  
Rep Palmer      Rep Scott  
Rep Barbieri      Rep Andrus

Rep Hartgen  
Rep Young  
Rep Smith  
Rep Gannon  
Rep Green(18)

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, January 13, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green(18)

**ABSENT/  
EXCUSED:** None

**GUESTS:** Ben Earwicker, Human Rights Commission; Lindsey Glick, Human Rights Commission; Valerie Bollinger, Division of Purchasing; Steve Bailey, Division of Purchasing; Bryan Mooney, Department of Administration; Chris Anton, Endowment Fund Investment Board; Colby Cameron, Department of Financial Management

**Chairman Harris** called the meeting to order at 9:00 AM. He said **RS 27317C1** and **Docket No. 45-0101-1900** will be postponed until tomorrow's committee meeting.

**Chairman Harris** turned the gavel over to **Vice Chairman Armstrong**.

**DOCKET NO. 38-0000-1900:** **Keith Reynolds**, Deputy Director of the Department of Administration, presented **Docket No. 38-0000-1900** and gave a brief overview about the state capitol interior and exterior property and rules governing the use of the Chinden Office Complex. Mr. Reynolds explained that there were no additional changes made, other than grammatical changes and eliminations from the chapter to help avoid any redundancies.

In response to committee questions, **Mr. Reynolds** said that the purpose of **Chapter 38.04.06**, was to help secure the safety of occupants and guests by having suspicious baggage or purses checked by capitol mall security, if given proper motive to search.

**MOTION:** **Rep. Hartgen** made a motion to approve **Docket No. 38-0000-1900**.

**SUBSTITUTE MOTION:** **Rep. Scott** made a substitute motion to approve **Docket No. 38-0000-1900**, with the exception of 38-04-06 section 311.02; 38-04-07, section 309.02; 38.04.08, section 312.02; 38.04.09, section 311.02. Rep. Scott said that it is unconstitutional to check items that are not bags or packages without reason or suspicion, and is uncomfortable with this procedure.

**Chairman Harris** said that it's concerning to check baggage with the possibility of a gun or weapon, and that there may be no need to check in the first place.

In response to the committee questions, **Mr. Reynolds** said that he had no knowledge of who had the authority for checking baggage, and reiterated that it would only be inspection of the baggage if necessary.

**AMENDED SUBSTITUTE MOTION:** **Rep. Zito** made an amended substitute motion to include chapter 38.04.09, section 200.02.a.iii with the exceptions proposed by **Rep. Scott**.

**Rep. Barbieri** spoke in support of the amended substitute motion. **Rep. Crane** and **Chairman Harris** spoke in opposition to the amended substitute motion.

**ROLL CALL VOTE ON AMENDED SUBSTITUTE MOTION:** Roll call vote was requested on the amended substitute motion. **Motion failed by a vote of 4 AYE, 11 Nay, 0 Absent/Excused. Voting in favor of the motion: Vice Chairman Armstrong, Reps. Barbieri, Zito, Scott. Voting in opposition to the motion: Chairman Harris, Reps. Crane, Palmer, Holtzclaw, Monks, Andrus, Hartgen, Young, Smith, Gannon, Green.**

**VOTE ON SUBSTITUTE MOTION:** Substitute motion carried by voice vote.

**DOCKET NO. 38-0000-1900F:** Mr. Reynolds presented **Docket No. 38-0000-1900F**, and gave a brief overview of the rule governing capitol mall parking fee reduction. Mr. Reynolds said that there have been no additional changes, besides all redundant statements and grammatical errors that have been eliminated from the docket.

**MOTION:** Chairman Harris made a motion to approve **Docket No. 38-0000-1900F. Motion carried by voice vote.**

**DOCKET NO. 32-0000-1900F:** Chris Anton, Manager of Investment for the Endowment Fund Investment Board, presented **Docket No. 32-0000-1900F**, the pending fee rule governing credit enhancement program for school districts. Mr. Anton stated nothing had been added, except eliminations of redundancies and grammatical errors.

**MOTION:** Rep. Monks made a motion to approve **Docket No. 38-0000-1900F. Motion carried by voice vote.**

**DOCKET NO. 40-0101-1900:** Michael Faison, Executive Director of the Idaho Commission on the Arts, presented **Docket No. 40-0101-1900**, previously approved in last year's session. Mr. Faison wished to have the prohibition lifted from the art therapy program created to help with mental health therapy.

**MOTION:** Rep. Palmer made a motion to approve **Docket No. 40-0101-1900.**

In response to a question, Mr. Faison stated that permanent residents of the state of Idaho for more than five years and legal refugees will be given the ability to receive treatment and that there is a section in the chapter that states this.

**VOTE ON MOTION:** Motion carried by voice vote.

Vice Chairman Armstrong returned the gavel to Chairman Harris.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 10:12 AM

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Representative Harris  
Chair

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Maresa Shaw  
Secretary



AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Tuesday, January 14, 2020**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS27317C1</a>	Liquor, Plazas, Theatre	Rep. Scott Syme
<a href="#">RS27343</a>	Presidential Primary, Party Change	Rep. Doug Ricks
Docket No. <a href="#">11-0400-1900</a> & <a href="#">11-0400-1900F</a>	Rule for the Idaho State Police, Racing Commission for Pending Fee (Page 19) and Non-Fee Rules (Page 94)	Ardie Noyes, Idaho State Police
Docket No. <a href="#">45-0101-1900</a>	Rules of the Idaho Human Rights Commission, Pending Non-Fee (Page 451)	Ben Earwicker, Idaho Human Rights Commission
Docket No. <a href="#">15-1000-1900F</a>	Rules on the Idaho State Liquor Division, Pending Fee Rules (Page 82)	Jeffrey Anderson, Director, Idaho Liquor Division
Docket No. <a href="#">52-0000-1900F</a>	Rules on the Idaho State Lottery Commission, Rules Governing Operations of the Idaho State Lottery (Page 197)	Jeffrey Anderson, Director, Idaho State Lottery

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COMMITTEE MEMBERS

Chairman Harris      Rep Holtzclaw  
Vice Chairman Armstrong      Rep Monks  
Rep Crane      Rep Zito  
Rep Palmer      Rep Scott  
Rep Barbieri      Rep Andrus

Rep Hartgen  
Rep Young  
Rep Smith  
Rep Gannon  
Rep Green(18)

COMMITTEE SECRETARY

Maresa Shaw  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, January 14, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green(18)

**ABSENT/  
EXCUSED:** None

**GUESTS:** Ardie Noyes, Idaho State Racing Commission; Charlie Spencer, Idaho State Police; Brad Doty; Becky Schroeder, Idaho Lottery; Jeff Anderson, Idaho State Liquor Division and Idaho State Lottery; Ben Earwicker, Idaho Human Rights Commission; Lindsay Glick, Idaho Human Rights Commission; Abby Schwartz; Doug Worth, Office of the Attorney General and Idaho Human Rights Commission; Patrick Denton, Office of the Attorney and Idaho State Police; Russell Westerberg; Tony Faraca, Idaho State Liquor Division; Chelsea Wilson; Meaghan Sheppard, Office of the Governor; Jay Shaw, Office of Administrative Rule and DFM

**Chairman Harris** called the meeting to order at 9:00 AM.

**Chairman Harris** calls **Rep. Scott Syme** to the podium.

**RS 27317C1:** **Rep. Scott Syme** presented **RS 27317C1**, to correct the placement of the word plaza so that a plaza does not have to be presenting a live performance in order to serve alcoholic beverages (wine and beer) with persons under the age of 21 present while retaining that requirement for theater.

**MOTION:** **Rep. Crane** made a motion to introduce **RS 27317C1. Motion carried by voice vote.**

**RS 27343:** **Rep. Doug Ricks** presented **RS 27343**, which stated that citizens will be given the ability to change their political affiliation before the primary presidential elections.

In response to committee questions, **Rep. Ricks** stated that while the registration time has passed for this year, citizens will still have the ability to change affiliation upon the final determined date for the RS.

**MOTION:** **Rep. Palmer** made a motion to introduce **RS 27343. Motion carried by voice vote.**

**Chairman Harris** passed the gavel to **Vice Chairman Armstrong**.

**DOCKET NO. 11-0400-1900:** **Ardie Noyes**, with the Racing Commission, joined by **Charlie Spencer**, presented **Docket No. 11-0400-1900**. The docket was approved by the legislature in previous years; there have been no additions, except for eliminations of redundant text, phrasing in chapters, and grammatical errors.

**MOTION:** **Rep. Gannon** made a motion to approve **Docket No. 11-0400-1900. Motion carried by voice vote.**

**DOCKET NO. 11-0400-1900F:** **Ms. Noyes** presented **Docket No. 11-0400-1900F**; she stated that there were no additional changes to the docket, eliminations were made to redundant text and grammatical errors, and that the fees within the chapter were unchangeable.

**MOTION:** **Rep. Smith** made a motion to approve **Docket No. 11-0400-1900F. Motion carried by voice vote.**

**DOCKET NO. 45-0101-1900:** **Ben Earwicker**, Administrator for the Idaho Human Rights Commission, presented **Docket No. 45-0101-1900** and stated there are no substitutions or additions, except the elimination of 3.5 pages and grammatical errors.

In response to a committee question, **Mr. Earwicker** explained that the content of 54.004 is the process of evaluating complaints towards discrimination in the work place; the authority in the situation would be determined on the legislature in compiling the complaint. However, if there is probable reason for the cause, it would be possible to bring the issue to court, giving the right to sue. It would be impractical if the situation was unnecessary, therefore there would be probable determination of the cause.

**Doug Worth**, Attorney General for the Human Rights Commission, stated the rules were being liberally construed and the language being used is often used. The rules provide the Commission with the ability to waive rules at their discretion.

**MOTION:** **Rep. Gannon** made a motion to approve **Docket No. 45-0101-1900**. **Motion failed by voice vote.**

**DOCKET NO. 15-1000-1900F:** **Jeffrey Anderson**, Director of the Idaho Liquor Division, presented **Docket No. 15-1000-1900F** and stated there were no additions or new fees, except the redundant or contradicting sections were eliminated as well as grammatical errors.

**MOTION:** **Rep. Palmer** made a motion to approve **Docket No. 15-1000-1900F**. **Motion carried by voice vote.**

**DOCKET NO. 52-0000-1900F:** **Mr. Anderson**, Director of the Idaho State Lottery Commission with **Becky Shoder**, presented **Docket No. 52-0000-1900F**. He stated the docket was consolidated into one chapter, eliminated duplicated procedures with no additional changes.

In response to committee questions, **Mr. Anderson** stated that there were no new chapters added to the docket, and that the chapters that had no date next to the section were because of the reauthorization for the combined chapters.

**MOTION:** **Rep. Smith** made a motion to approve **Docket No. 52-0000-1900F**. **Motion carried by voice vote.**

**Vice Chairman Armstrong** returned the gavel to **Chairman Harris**.

**MOTION:** In accordance to the previous committee meeting, **Chairman Harris** said that the motion for **Docket No. 38-0000-1900** did not cover certain sections, therefore, made a new motion. Chairman Harris moved to approve Docket No. 38-0000-1900 Chapter 38.04.06, Chapter 38.04.07, Chapter 38.04.08, and Chapter 38.04.09 with the exceptions of Chapter 38.04.06 Section 311.02, Chapter 38.04.07 Section 309.02, Chapter 38.04.08 Section 309.02, Chapter 38.04.09 Section 311.02. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 10:14 AM.

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Representative Harris  
Chair

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Maresa Shaw  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Wednesday, January 15, 2020

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
Docket No. <a href="#">15-0600-1900</a> & <a href="#">15-0600-1900F</a>	Rules of the Office of the Governor, Idaho Military Division, Pending Non-Fee (Page 199) and Fee (Page 78) Rules	Major Lauren Tchampl, Staff Judge Advocate, Idaho Military Division
Docket No. <a href="#">31-0000-1900</a>	Rules of the Idaho Public Utilities Commission, Pending Non-Fee Rules (Page 218)	Commissioner Paul Kjellander, Idaho Public Utilites

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COMMITTEE MEMBERS

Chairman Harris      Rep Holtzclaw  
Vice Chairman Armstrong      Rep Monks  
Rep Crane      Rep Zito  
Rep Palmer      Rep Scott  
Rep Barbieri      Rep Andrus

Rep Hartgen  
Rep Young  
Rep Smith  
Rep Gannon  
Rep Green(18)

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, January 15, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green(18)

**ABSENT/  
EXCUSED:** Gannon

**GUESTS:** Collier Lipple, Wayne Harris, Tim Donnellan, Ben Call, Lauren Tschampl, IMD; Craig Logan, IPSCC; Stephen Goodson, PUC; Jay Shaw, DFM

**Chairman Harris** called the meeting to order at 9:00 AM.

**Chairman Harris** welcomed the committee members and guests and introduced the secretary, **Devon Powers**.

**Chairman Harris** turned the gavel over to **Vice Chairman Armstrong**.

**DOCKET NO. 15-0600-1900:** **Major Lauren Tschampl**, Staff Judge Advocate at the Idaho Military Division, presented the rules in **Docket No. 15-0600-1900**. She introduced other colleagues present from the Idaho Military Division.

**MOTION:** **Chairman Harris** made a motion to approve **Docket No. 15-0600-1900**. **Motion carried by voice vote.**

**DOCKET NO. 15-0600-1900F:** **Major Lauren Tschampl** invited **Ben Call** from Public Safety Communications to present information on **Docket No. 15-0600-1900F**. Mr. Call explained that they interact primarily with state agencies. He said that the fee schedule has become obsolete because most fees are negotiated by contract now.

In answer to committee questions, **Mr. Call** said that they outfit several different kinds of vehicles, but typically charge around \$1,200 for 40 hours of work. He said this estimate did not include the time or money other agencies spent working on the vehicles as well. Mr. Call said they are very transparent about their costs and have completed jobs below cost over the past few years. In response to a follow-up question, Mr. Call said other agencies purchase the equipment and give it to them to install. He added that it was difficult to give a broader estimate without knowing what equipment agencies will buy.

Responding to a question of clarification, **Mr. Call** said the agency will keep the fee schedule for agencies for reference and budget guidance.

**MOTION:** **Rep. Palmer** made a motion to approve **Docket No. 15-0600-1900F**. **Motion carried by voice vote.**

**DOCKET NO. 31-0000-1900:** **Commissioner Paul Kjellander**, Idaho Public Utilities, presented **Docket No. 31-0000-1900**. Key issues addressed in these rules include customer relations rules, railroad safety, and pay telephones. Commissioner Kjellander said the new rule requires companies to contact the agency if there is a natural gas leak.

**MOTION:** **Rep. Holtzclaw** made a motion to approve **Docket No. 31-0000-1900**. **Motion carried by voice vote.**

**Vice Chairman Armstrong** returned the gavel to **Chairman Harris**.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:23 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Monday, January 20, 2020

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 321</u></a>	Liquor, plazas, theaters	Rep. Scott Syme
<a href="#"><u>RS27219</u></a>	Authorization of establishment of third-party businesses for handling and storing wine	Roger Batt, Idaho Grape Growers & Wine Producers Commission
<a href="#"><u>RS27262</u></a>	Department name change and elimination of duplicated information records	Rep. Jason Monks
<a href="#"><u>H 322</u></a>	Presidential primary, party change	Rep. Doug Ricks

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COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green(18)

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, January 20, 2020  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green  
**ABSENT/  
EXCUSED:** None  
**GUESTS:** Elinor Chehey, Roger Batt, Idaho Grape Growers and Wine Producers Commission

**Chairman Harris** called the meeting to order at 9:00 AM.

**MOTION:** **Rep. Andrus** made a motion to approve the minutes of the January 8, 2020 meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Andrus** made a motion to approve the minutes of the January 15, 2020 meeting. **Motion carried by voice vote.**

**H 321:** **Rep. Syme** explained that **H 321** minimizes paperwork necessary to receive alcohol licensing and adds a word to the bill to clarify intent.

In response to committee questions, **Rep. Syme** said there does not need to be a live event happening for alcohol to be served, but there is usually an event occurring anyway.

**MOTION:** **Rep. Green** made a motion to send **H 321** to the floor with a **DO PASS** recommendation.

Discussion on the motion was held. Committee members expressed concern about changing intent from the original law and said they believed this was a positive change. **Rep. Syme** said the Idaho State Police suggested the change and that the word addition does not give more authority to any party.

**VOTE ON MOTION:** **Motion carried by voice vote. Rep. Syme** will sponsor the bill on the floor.

**RS 27219** **Mr. Batt** said if wineries overproduce, they are forced to ship the product out of state because no winery can store wine from another winery. Mr. Batt explained that **RS 27219** would allow the establishment of bonded third-party wine warehouses that handle and store wine until a winery has room again.

**MOTION:** **Rep. Smith** made a motion to introduce **RS 27219**.

In response to committee questions, **Mr. Batt** said **RS 27219** does not restrict wineries from building storage, but a warehouse is more cost effective. Mr. Batt explained at least three wineries are spending thousands of dollars on storing wine in out-of-state warehouses. Mr. Batt did not speculate on building costs. **Rep. Green** spoke **in support** of this legislation because it encourages business growth for the state.

**VOTE ON MOTION:** **Motion carried by voice vote.**



**RS 27262:** **Rep. Monks** explained the purpose of the proposed legislation is to remove an outdated reference and to update the law to reflect current practices of keeping personal records of substitute representatives with the Secretary of State and not in House journals.

In response to committee questions, **Rep. Monks** said the proposed change does not reflect any shift in state or federal control, but only changes the wording.

**MOTION:** **Rep. Crane** made a motion to introduce **RS 27262. Motion carried by voice vote.**

**H 322:** **Rep. Ricks** said **H 322** corrects **S 1066**. **Rep. Ricks** said the language used in **S 1066** to address party affiliation does not specifically mention the presidential primary. The Secretary of State and Attorney General decided that presidential primaries differed from primaries and the language in **S 1066** allows the upcoming presidential primary to be considered an open primary, instead of a closed primary. **H 322** corrects this and includes the presidential primary in the timeline for declaring party affiliation.

In response to committee questions, **Rep. Ricks** said the bill does have an emergency clause for voters who move to Idaho after the deadline to declare party affiliation to change their affiliation at any time until the presidential primary is held on March 10th. **Rep. Ricks** said there is a window for Idaho residents to change their affiliation. **Rep. Ricks** said the Republican Party put out a press release about the ability for voters to change their party affiliation.

In response to committee questions about communications from the Secretary of State's office, **Rep. Ricks** deferred to **Secretary of State Lawrence Denney**.

**Secretary Denney** said his office did not send a letter to the public, but did communicate with county clerks. **Secretary Denney** said that because this is a policy issue, the Secretary of State's office cannot know when it will pass the House and Senate. However, when it does, there will be time to make the public aware before **Governor Little** signs it into effect.

**MOTION:** **Rep. Crane** made a motion to send **H 322** to the floor with a **DO PASS** recommendation. **Rep. Crane** noted that this legislation does not prevent voters from switching parties.

Committee members commented with concern that the bill appeared to be a voter suppression bill advocated for by political parties and this bill discourages participation in the party system. Committee members also noted that it is the responsibility of the Secretary of State to communicate with the public in a timely manner and that people should not look to parties for what is appropriate.

**Elinor Chehey** of Ada County testified **in opposition** to **H 322**, particularly questioning the effect of the emergency clause on out-of-state voters and part-time residents.

**VOTE ON MOTION:** **Motion carried by voice vote. Rep. Ricks** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:52 AM

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Representative Harris  
Chair

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Devon Powers  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Tuesday, January 21, 2020**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>Docket No. 54-0000-1900</u></a>	College savings program, unclaimed property	Christie Stoll, Executive Director, Ideal ID College Savings Program;  Ingrid Bolen, Administrator, ID Unclaimed Property
<a href="#"><u>RS27359</u></a>	Bond election cycles	Rep. Heather Scott

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris      Rep Holtzclaw  
Vice Chairman Armstrong      Rep Monks  
Rep Crane      Rep Zito  
Rep Palmer      Rep Scott  
Rep Barbieri      Rep Andrus

Rep Hartgen  
Rep Young  
Rep Smith  
Rep Gannon  
Rep Green(18)

COMMITTEE SECRETARY

Devon Powers  
Room: EW46  
Phone: 332-1145  
email: hstaf@house.idaho.gov

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, January 21, 2020  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green  
**ABSENT/  
EXCUSED:** None  
**GUESTS:** Ingrid Bolen, Laura Steffler, Megan Gregory, State Treasurer's Office  
**Chairman Harris** called the meeting to order at 9:00 AM.  
**DOCKET NO. 54-0000-1900:** **Christie Stoll**, Executive Director of Ideal ID College Savings program said the rules under review are already statute at either the state or federal level. Ms. Stoll said none of the removed rules changed the governance of the rules.  
**Ingrid Bolen**, Administrator, ID Unclaimed Property said the rule changes included minor housekeeping and grammatical changes.  
In response to committee questions, **Ms. Bolen** said people do not pay interest on unclaimed property, but the agency pays them any interest that property accrues.  
**MOTION:** **Rep. Armstrong** made a motion to approve **Docket No. 54-0000-1900. Motion carried by voice vote.**  
**RS 27359:** **Rep. Heather Scott** explained that **RS 27359** would require tax districts to wait eleven months after a failed bond election to run another one of the same kind or subject.  
In response to committee questions, **Rep. Scott** said **RS 27359** does not include levies.  
**MOTION:** **Rep. Crane** made a motion to introduce **RS 27359 . Motion carried by voice vote.**  
**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:08 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Thursday, January 23, 2020**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS27369</u></a>	Daylight Savings	Rep. Christy Zito
<a href="#"><u>RS27379</u></a>	Religious Freedom Resolution	Rep. Jake Ellis
<a href="#"><u>H 343</u></a>	Bonded Wine Warehouses	Rep. Caroline Troy
<a href="#"><u>H 344</u></a>	Emergency Interim Successor	Rep. Jason Monks

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, January 23, 2020  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green  
**ABSENT/  
EXCUSED:** None  
**GUESTS:** Roger Batt, Earl Sullivan, Idaho Grape Growers and Wine Producers Commission

**Chairman Harris** called the meeting to order at 9:00 AM.

**RS 27369:** **Rep. Zito** explained that **RS 27369** would abolish Daylight Savings Time and cited safety concerns.

**MOTION:** **Rep. Barbieri** made a motion to introduce **RS 27369**. **Motion carried by voice vote.**

**RS 27379:** **Rep. Jake Ellis** said that **RS 27379** marks January 16th as a day recognizing and commemorating religious liberty. Rep. Ellis said that **RS 27379** does not contradict the Idaho Constitution or the United States Constitution.

In response to committee questions, **Rep. Ellis** said that many people feel their religious beliefs are under attack and because Rep. Ellis believes that religious freedom is an absolute right, the government should make decisions with this right in mind. The principles delineated in **RS 27379** are the principles of the Bill of Rights, the Idaho Constitution, and Article 1 of the US Constitution.

**MOTION:** **Rep. Green** made a motion to introduce **RS 27379**.

During discussion on the motion, committee members noticed that there was a typo in the SOP. It was requested that the motion be amended to include the correction in the SOP.

**AMENDED  
MOTION:** **Rep. Green** made an amended motion to introduce **RS 27379** with the updated SOP. **Motion carried by voice vote.**

**H 343:** **Rep. Troy** presented **H 343** and turned over the presentation to **Roger Batt**, Idaho Grape Growers and Wine Producers Association. Mr. Batt explained that the wine industry is highly regulated and wineries cannot store wine from other wineries even if they overproduce and run out of storage. Wineries who overproduce and do not have adequate storage spend tens of thousands of dollars a year to ship wine out of state to store it. This bill allows bonded wine warehouses that can store wine from multiple wineries to be built in Idaho. The bill includes two new definitions of bonded wine warehouse and a bonded wine warehouse license. The licensing process is similar to that for wineries. Bonded wine warehouses must get a federal permit.

In response to committee questions, **Mr. Batt** said wineries with off-site storage would need a winery or wine warehouse license. Members of the Idaho Grape Growers and Wine Producers Association will be apprised of the new rules should they pass, and currently licensed wineries will be able to get a license easily. Mr. Batt explained that under current statutes, wineries can only store as much wine as they have room for, so when they overproduce and run out of space, they are required to send the excess wine to a wine warehouse for storage. It is illegal to store wine without proper licensing, so if people are doing that, it is illegal regardless of this law, and they still need to go through a licensing process. This legislation does not affect current wineries unless they have excess wine they need to store off-site. The only product these warehouses can store is wine because this bill was written for the purpose of storing wine according to federal rules. The bond is necessary to cover federal taxes.

In response to concerns about over-regulation, **Mr. Batt** said the association is following federal standards as well as mirroring similar standards other states use.

**Earl Sullivan**, Chairman of the Idaho Grape Growers and Wine Producers Association and winery owner, testified the regulations in the wine industry do make it impossible for wineries to store wine at another winery's facility and there is a compliance industry that helps navigate state and federal rules. Wine warehouses create logistics and storage industries and regulations need to evolve with those industries. Mr. Sullivan emphasized that most regulation comes from the federal level, not the state itself.

**MOTION:** **Rep. Green** made a motion to send **H 343** to the floor with a **DO PASS** recommendation.

During discussion on the motion, committee members supported sending the bill to the floor but voiced concerns about the regulation that could potentially have a negative impact on the industry in the future.

**VOTE ON MOTION:** **Motion carried by voice vote. Rep. Troy** will sponsor the bill on the floor.

**H 344:** **Rep. Monks** explained **H 344** is a cleanup bill that changes outdated language and removes the requirement to list emergency interim successor information in House Journals. This reflects the current practice of submitting interim successor information to the Secretary of State, who will in turn inform the governor, the Bureau of Homeland Security, and the presiding officer of the House.

In response to committee questions, **Rep. Monks** said that the Bureau of Homeland Security is a federal agency and **H 344** simply reflects the name change of the agency. Committee members expressed uncertainty about the reporting structure with the changed name of the agency.

In response to committee questions and uncertainty, **Rep. Monks** said he was only carrying the legislation and recommended that the committee hold **H 344** until time certain so the original author of **H 344** could be present for questions.

**MOTION:** **Rep. Crane** made a motion to **HOLD H 344** for time certain until Monday, January 27, 2020. **Motion carried by voice vote.**

**MOTION:** **Rep. Gannon** made a motion to approve the minutes of the January 10, 2020 meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Gannon** made a motion to approve the minutes of the January 20, 2020 meeting. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 9:54 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Monday, January 27, 2020

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<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 344</u></a>	Emergency Interim Successor, Publishing	Rep. Jason Monks
<a href="#"><u>RS27458</u></a>	Department Name Change, Duplicated Records	Rep. Jason Monks
<a href="#"><u>H 347</u></a>	Bond Election Cycles	Rep. Heather Scott

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, January 27, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** None

**GUESTS:** Karen Echeverria, Idaho School Board Association; Philip Neuhoff, Jonathan Gillen, Steve Smylie, West Ada County; Patrick Charlton, Vallivue School District; Craig Woods, Emmett School District; Jayme Sullivan, City of Boise; Russ Johnson, Canyon County School District; Fred Birnbaum, Idaho Freedom Foundation; Marilyn Whitney, State Department of Education; Russell Westerberg, Bob Van Armen, Lindsey Zea

**Chairman Harris** called the meeting to order at 9:00 AM.

**MOTION:** **Rep. Andrus** made a motion to approve the minutes of the meeting on January 21, 2020. **Motion carried by voice vote.**

**H 344:** **Rep. Monks** said **H 344** is incomplete and inaccurate and requested it be returned to sponsor or held in committee.

**MOTION:** **Rep. Palmer** made a motion to **HOLD H 344** in committee. **Motion carried by voice vote.**

**RS 27458:** **Rep. Monks** said **RS 27458** reflects the fact that the name of the Department of Disaster Relief and Civil Defense was changed to the Bureau of Homeland Security and subsequently changed again to the Office of Emergency Management, which is its current name. This proposed legislation clarifies the reporting structure used to file information on emergency interim successors for legislators.

**MOTION:** **Rep. Palmer** made a motion to introduce **RS 27458** and recommend it be sent directly to the second reading calendar. **Motion carried by voice vote. Rep. Monks** will sponsor the bill on the floor.

**H 347:** **Rep. Scott** said **H 347** would prohibit a taxing district from rerunning a bond election within 11 months of a previous failed bond election of the same kind or subject. **H 347** protects voters from aggressive taxing districts and saves taxpayer money.

In response to committee concerns about infringing on local control, **Rep. Scott** said ignoring the decisions of the voters is ignoring local decision-making and the ballot box should be respected.

In response to committee questions, **Rep. Scott** said taxing districts disrespect the voice of the people by timing elections. Rep. Scott said she was not aware of any other election process in which the results are not respected. Emergencies are determined by the directors of the agencies as well as the voters.

**Karen Echeverria**, Executive Director of the Idaho School Board Association testified in opposition to **H 347**. Ms. Echeverria explained that **H 347** addresses only a small percentage of school districts. If school were prevented from running bonds, they cannot choose their interest rate. In addition to the primary and general election dates, the school district can use two other dates. Ms. Echeverria expressed concern with wording in **H 347** that may impact interpretation of the bill and requested the bill be held in committee.

In response to committee questions, **Ms. Echeverria** said the reason for the extra election dates is timing. Schools need to set budgets, salaries and benefits before May. Bond money is typically spent on building upkeep and housing for a growing student population.

**Philip Neuhoff**, a school trustee in West Ada School District, testified in opposition to **H 347**. Mr. Neuhoff said he did not believe **H 347** was in the best interest of children and was just unnecessary. He said the only mechanism the district has to build new facilities is through bond elections and even after bonds are passed, they take time to implement. Mr. Neuhoff said when they bring bonds to voters, there is a pressing need and they do not bring a new bond every few months.

In response to committee questions, **Mr. Neuhoff** said the bond process is not quite as nimble as they need it to be and while they do not put bonds forward every few months, running a bond election in nine months instead of 11 months can get a school open maybe a year earlier.

**Jonathan Gillen**, CFO for West Ada County testified that waiting 11 months could mean additional construction costs and interest rates. Mr. Gillen said that districts meet with multiple stakeholders before putting a bond forward and the bond process already requires a 2/3 majority to pass.

In response to committee questions, **Mr. Gillen** said they can refinance bonds if interest rates change.

**Patrick Charlton**, Superintendent of Vallivue School District, said the district was building schools about every two years and has the lowest tax rate it has had. Mr. Charlton is concerned that if a bond election did fail and they were required to wait eleven months, they would fall behind in the construction necessary to keep up with the growing population.

In response to committee questions, **Mr. Charlton** said if a bond failed, they would go back to the taxpayers and gather feedback to restructure the bond and put it forward again the next year. Mr. Charlton said they are strategic in the best time to pass bonds and they also rely on a supplemental levy.

**Craig Woods**, Superintendent of the Emmett School District, testified that a school building in his district has been determined unsafe for students to be in and they are planning on running a bond election in May. Mr. Woods said that while this repair is necessary, it does not constitute an emergency. He said he believed this bill was unnecessary.

**Steve Smylie**, West Ada School Board Trustee, said the government that is closest to the people is the most effective. Mr. Smylie said running bond elections is a practical matter for districts who are experiencing overcrowding in schools. He said the state already has a very high standard for passing bonds and this bill creates a burden.

**Bob Van Arnem**, self, testified about the impact of bond elections on property taxes.

**Russ Johnson** from Canyon County School District said if there was a problem with an aggressive taxing district, the voters have a chance to replace them.

**Fred Birnbaum**, Idaho Freedom Foundation, testified in support of **H 347** because he believes it is logical. Mr. Birnbaum said funding schools is important, but this is not the way to do it.

In response to committee questions, **Mr. Birnbaum** said the bond elections as a tool would not disappear, but the districts are using them differently. He said those who support rerunning bond elections within a few months are betting that a lower voter turnout will allow the bond to pass. This isn't a perfect answer, but it is an improvement on the current plan.

**Lindsay Zea**, self, testified that taxpayers pay for elections to be run while the districts ask for more and more money.

**Rep. Scott** testified in closing that although there are not many aggressive taxing districts, they should be held accountable. The taxing districts should be shouldering the costs of educating the public, not the school boards or the counties. She argued that schools are not growing as quickly as reported and they can plan ahead to run bonds.

**MOTION:** **Rep. Gannon** made a motion to **HOLD H 347** in committee.

During discussion, committee members noted that the system was working well for those who wanted to serve their constituents and those who were misusing it could be voted out of office.

**SUBSTITUTE MOTION:** **Rep. Zito** made a substitute motion to send **H 347** to the floor with a **DO PASS** recommendation.

During discussion on the motion, committee members indicated they were in favor of local control and did not want to tie the hands of local government. Constituents have expressed voter fatigue. Members supported the motion to send **H 347** to the floor, but reserved their right to vote differently on the floor.

**ROLL CALL VOTE:** **Rep. Smith** requested a roll call vote on **H 347**. **Motion carried by a vote of 12 AYE and 3 NAY. Voting in favor** of the motion: **Reps. Harris, Armstrong, Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young. Voting in opposition** to the motion: **Reps. Smith, Gannon, Green. Rep. Scott** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 10:34 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Wednesday, January 29, 2020

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS27447</u></a>	Process For Filling Vacancies in the Legislature	Rep. Dorothy Moon
<a href="#"><u>RS27477</u></a>	Presidential Primaries, Party Affiliation	Rep. Doug Ricks
<a href="#"><u>HCR 28</u></a>	Religious Freedom Day	Rep. Jake Ellis
<a href="#"><u>H 358</u></a>	Daylight Savings Time	Rep. Christy Zito
<a href="#"><u>S 1233</u></a>	Campaign Finance Reporting	Rep. Steven Harris

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, January 29, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** Crane

**GUESTS:** Hollie Lawrence, LSO

**Vice Chairman Armstrong** called the meeting to order at 9:00 AM.

**MOTION:** **Rep. Andrus** made a motion to approve the minutes of the January 13, 2020 meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Andrus** made a motion to approve the minutes of the January 14, 2020 meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Andrus** made a motion to approve the minutes of the January 23, 2020 meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Andrus** made a motion to approve the minutes of the January 27, 2020 meeting. **Motion carried by voice vote.**

**RS 27447:** **Rep. Moon** said **RS 27447** limits names submitted to the governor to fill vacancies in the legislature to one name.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 27447**.

In response to committee questions, **Rep. Moon** said **RS 27447** allows local committees to submit the best candidate to the governor.

**VOTE ON  
MOTION:** **Motion carried by voice vote.**

**RS 27477:** **Rep. Ricks** said **RS 27477** removes an emergency clause included in a previous bill. **RS 27477** applies the same party affiliation rules of the primary system to presidential primaries. **RS 27477** will not impact the presidential primary this year, but would go into effect this summer.

**MOTION:** **Rep. Gannon** made a motion to introduce **RS 27477**. **Motion carried by voice vote.**

**Vice Chairman Armstrong** turned the gavel over to **Chairman Harris**.

**HCR 28:** **Rep. Ellis** said **HCR 28** establishes a day of recognition for religious freedom and introduced **Sen. Burgoyne** as his cosponsor. **Sen. Burgoyne** said **HCR 28** is based on the Virginia Statute of Religious Freedom, the United States Constitution and Idaho statutes.

In response to committee questions, **Rep. Ellis** said **HCR 28** reflects the values of the US Constitution. Sen. Burgoyne said he does not believe the language is too broad and said it is consistent with the Virginia Statute of Religious Freedom. Sen. Burgoyne said the freedom from religion can be found in the First Amendment of the US Constitution. Sen. Burgoyne emphasized the importance of respecting everyone's beliefs, disagreeing honestly, speaking civilly and respecting one another. Religious discrimination is already covered under statute. Rep. Ellis said while his intent was only to appreciate the US Constitution, he believes the discussions this resolution has led to are positive.

**MOTION:** **Rep. Smith** made a motion to send **HCR 28** to the floor with a **DO PASS** recommendation

**SUBSTITUTE MOTION:** **Rep. Barbieri** made a substitute motion to **HOLD HCR 28** in committee.

During discussion on the substitute motion, committee members said they believe the resolution does more than designate a day for religious freedom and were concerned that courts may take **HCR 28** to the extreme. Members also said **HCR 28** was redundant because there is already an annual Presidential Proclamation.

**VOTE ON SUBSTITUTE MOTION:** **Motion carried by voice vote.**

**H 358:** **Rep. Zito** said **H 358** would abolish Daylight Savings Time and cited physical health, safety and mental health concerns as well as impact on interactions with countries that do not participate in the time change. Rep. Zito said any other actions regarding changing time zones require federal approval.

In response to questions from the committee, **Rep. Zito** said northern Idaho, which follows Pacific Standard Time, can apply to change time zones, but Daylight Savings Time would be abolished in the whole state.

**MOTION:** **Rep. Scott** made a motion to send **H 358** to the floor with a **DO PASS** recommendation.

During discussion on the motion, committee members shared concerns about the implementation and effects of **H 358**. Members also emphasized that while abolishing Daylight Savings Time affects regional interactions, the state legislature represents and is accountable to the people of Idaho first.

**VOTE ON MOTION:** **Motion carried by voice vote. Rep. Zito** will sponsor the bill on the floor.

**Chairman Harris** turned the gavel over to **Vice Chairman Armstrong**.

**S 1233:** **Rep. Harris** said **S 1233** allows candidates or political committees to file campaign finance reports if their secretary or treasurer is not available.

**MOTION:** **Rep. Palmer** made a motion to send **S 1233** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Harris** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:02 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Monday, February 03, 2020

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS27505</u></a>	Election Dates	Rep. Wendy Horman
<a href="#"><u>RS27308</u></a>	Constitutional Carry	Rep. Christy Zito
<a href="#"><u>SCR 118</u></a>	Idaho Women's Day	Rep. Linda Hartgen
<a href="#"><u>H 379</u></a>	Presidential Primaries; Party Affiliation	Rep. Doug Ricks

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

Devon Powers  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, February 03, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** Crane

**GUESTS:** Janet Gallimore, Idaho State Historical Society; JM Henry, Dave Sasser, Maria Schubin, Nicole Brown, Diane Scwartz, Carolyn Zeller, Cynthia White, Iris Prisament, Rick Shackelford, Moms Demand Action; Quinn Perry, Idaho School Boards Association; Kelli D. Brassfield

**Chairman Harris** called the meeting to order at 9:00 AM.

**RS 27505:** **Rep. Horman**, after discussion with constituents, discovered that turnout for off-cycle elections is very low. **RS 27505** removes the two extra dates that school boards are allowed to run bonds and levies and consolidates elections to occur on the regular May and November dates.

**MOTION:** **Rep. Palmer** made a motion to introduce **RS 27505**.

In response to committee questions, **Rep. Horman** said **RS 27505** only applies to bond and levy elections. People often do not know where to find information about the elections or what was on the ballot. Rep. Horman drafted **RS 27505** based on voter turnout and the opinions of constituents but did not contact school districts, the Idaho School Boards Association or similar organizations.

**VOTE ON MOTION:** **Motion carried by voice vote.**

**RS 27308:** **Rep. Zito** said **RS 27308** brings uniformity and clarity to how the law regarding concealed and open carry is applied. **RS 27308** would allow everyone who can legally carry a firearm to open carry or concealed carry within city limits.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 27308**.

In response to committee questions, **Rep. Zito** said she had spoken to local law enforcement and believed that **RS 27308** would not unduly impact or burden local law enforcement but said she would be happy to look into the potential for burden. Rep. Zito said she had not spoken to the Idaho Sherriffs Association and the Idaho Chiefs of Police Association said they would not actively oppose the legislation, but they would not support it either. Rep. Zito said **RS 27308** would clarify the law and allow people who can legally carry a firearm to concealed carry within city limits.

**SUBSTITUTE MOTION:** **Rep. Gannon** made a motion to return **RS 27308** to sponsor. **Motion failed by voice vote.**

**VOTE ON ORIGINAL MOTION:** **Motion carried by voice vote.**



**SCR 118:** **Rep. Hartgen** said **SCR 118** establishes March 14 as Idaho Women's Day. Rep. Hartgen introduced **Janet Gallimore**, the Executive Director of the Idaho State Historical Society. Ms. Gallimore recounted a brief history of women in Idaho and said **SCR 118** commemorates 100 years of women's suffrage and recognizes the contributions of women.

**MOTION:** **Rep. Smith** made a motion to send **SCR 118** to the floor with a **DO PASS** recommendation. **Motion passed by voice vote.** **Rep. Hartgen** will sponsor the bill on the floor.

**H 379:** **Rep. Ricks** said **H 379** was similar to the previous bill he presented to the committee, but the emergency clause had been removed. **H 379** will take effect in July 2020 and therefore will not affect the upcoming presidential primary. People will be able to change party at any time until they vote.

**MOTION:** **Rep. Zito** made a motion to send **H 379** to the floor with a **DO PASS** recommendation.

During discussion, committee members expressed appreciation for the compromise in the bill, but still expressed concerns about potential voter suppression. Committee members acknowledged that primaries are designed for party members to choose their candidates for the general election.

**VOTE ON MOTION:** **Motion carried by voice vote.** **Rep. Ricks** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 9:37 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Wednesday, February 05, 2020**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS27392C2</u></a>	City Council Elections, Districts	Rep. Joe Palmer
<a href="#"><u>RS27459</u></a>	Liquor Stores, Sample Tastings	Rep. Vito Barbieri
<a href="#"><u>SCR 119</u></a>	Victims of Communism Memorial Day	Sen. Steve Vick

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

Devon Powers  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 05, 2020  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green  
**ABSENT/  
EXCUSED:** Smith  
**GUESTS:** Jeff Anderson, ISLD; Kathy Ackerman  
**Chairman Harris** called the meeting to order at 9:00 AM.  
**RS 27392C2:** **Rep. Palmer** said **RS 27392C2** allows cities to divide themselves into districts to eliminate voter confusion about which seats to vote for on city councils. Rep. Palmer said he envisions districts being created along precinct lines.  
**MOTION:** **Rep. Crane** made a motion to introduce **RS 27392C2**. **Motion carried by voice vote.**  
**RS 27459:** **Rep. Barbieri** said **RS 27459** is similar to legislation previously brought before the committee. He said **RS 27459** is designed to allow state-owned stores to set aside an area for sampling. State employees would not serve samples. **RS 27459** limits samples to a quarter of an ounce.  
**MOTION:** **Rep. Scott** made a motion to introduce **RS 27459**. **Motion carried by voice vote.**  
**SCR 119:** **Sen. Vick** said **SCR 119** designates November 7th as Victims of Communism Memorial Day. He referred to current events as well as recent polls reporting that a majority of young people in the United States would prefer to live in a communist or socialist society. Sen. Vick highlighted the historical bipartisan recognition of victims of communism.  
**MOTION:** **Rep. Barbieri** made a motion to send **SCR 119** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Dixon** will sponsor **SCR 119** on the floor.  
**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:14 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Thursday, February 06, 2020**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS27314</u></a>	Constitutional Amendment, Districts, Amendment	Rep. Scott Bedke, Speaker of the House of Representatives
<a href="#"><u>RS27561</u></a>	Public Notices, Electronic	Rep. Dorothy Moon
<a href="#"><u>H 378</u></a>	Legislature, Filling of Vacancies	Rep. Dorothy Moon
<a href="#"><u>RS27475</u></a>	State Discrimination, Public	Rep. Heather Scott

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

Devon Powers  
Room: EW46  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, February 06, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** None

**GUESTS:** Lynn Troxel, Parma Highway District; Dick Smith, Nampa Highway 1; Eliza Walton, CVI; Liz Halter, Veritas Advisors; Jerod Odoms, WCRB; Lori Burelle, Southwest Idaho Chapter of the National Organization for Women; David Levanger, Highway District 1; Rick Visser, Ada County Commission; Diane Schwan, Donald Williamson

**Chairman Harris** called the meeting to order at 9:00 AM.

**MOTION:** **Rep. Gannon** made a motion to approve minutes from the January 29, 2020 committee meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Andrus** made a motion to approve minutes from the February 3, 2020 committee meeting. **Motion carried by voice vote.**

**RS 27314:** **Rep. Bedke**, Speaker of the House of Representatives, said **RS 27314** is a joint resolution to amend the Idaho Constitution to fix the number of legislative districts at 35.

**MOTION:** **Rep. Palmer** made a motion to introduce **RS 27314**. **Motion carried by voice vote.**

**RS 27561:** **Rep. Moon** said **RS 27561** allows government announcements and notices to be posted on the appropriate agency websites. Circulation is down among local newspapers and advertising fees have risen. Some communities do not have the funds to pay for notices in newspapers.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 27561**. **Motion carried by voice vote.**

**H 378:** **Rep. Moon** said **H 378** would limit the names submitted to the governor to fill an open seat in the legislature to one name. Current practice includes the selection of three names by central committees and the selection of one by the governor. **Rep. Moon** said historically the first choice is not always chosen, even though the people have shared their opinions.

In response to committee questions, **Rep. Moon** said she was not aware of any legal background check requirement for nominees and nominees should not be held to a standard that other legislators are not. **H 378** would apply to both parties. **Rep. Moon** said she believed the first choice of the central committees is the candidate they believe is the strongest. If one name was sent to the governor and an issue came up, the process would start again. Historically, the governor has always chosen one of the three options, but many strong candidates were passed over. **Rep. Moon** also clarified that **H 378** applies only to vacancies in the state legislature.

Committee members expressed concerns over the lack of checks and balances in **H 378**.

**MOTION:** **Rep. Scott** made a motion to send **H 378** to the floor with a **DO PASS** recommendation.

During discussion on the motion, committee members questioned the role of lobbying in the process of submitting and choosing names.

**Lori Burelle**, Southwest Idaho Chapter of the National Organization for Women, testified **in opposition** to **H 378**. Ms. Burelle said most states have a check and balance process. She represents a nonpartisan organization that wants to ensure people who are appointed are willing to listen instead of being chosen by the most partisan group of people.

**Rep. Moon** closed testimony and said most people are appointed at the end of the first year or in the second year and if those appointees are not doing well, the voters can decide in the next election.

During further discussion on the motion, committee members said **H 378** would ensure bottom-up governance with little interference. Committee members also said they hoped local committees did their due diligence on all three candidates and only put forward good candidates. Members also said they did not think the executive should weigh in on the choice of local committees and the legislative branch should take care of the legislative branch.

**VOTE ON MOTION:** **Motion carried by voice vote. Rep. Moon will sponsor the bill on the floor.**

**RS 27475:** **Rep. Scott** said **RS 27475** would prohibit the discrimination of or preferential treatment of job applicants based on race, sex, color, ethnicity, or national origin unless reasonably necessary.

In response to committee questions, **Rep. Scott** gave an example of a battered women's shelter of a company or organization that would prefer to hire women over men.

**MOTION:** **Rep. Barbieri** made a motion to introduce **RS 27475**.

During discussion on the motion, committee members acknowledged the complexity of the issue and questioned the impact on other statutes.

**VOTE ON MOTION:** **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:40 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Monday, February 10, 2020

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS27336</u></a>	Joint Rule 23	Rep. Rick Youngblood
<a href="#"><u>H 413</u></a>	City Council Elections, Districts	Rep. Joe Palmer
<a href="#"><u>H 439</u></a>	Public Notices, Electronic	Rep. Dorothy Moon

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

Devon Powers  
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Phone: 332-1145  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, February 10, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** None

**GUESTS:** Daniel Malloy, Brandon Durst, Karen Danley, Angie Redford, Dave Kangas, George Moses, Chris Yamamoto, Canyon County, Travis Quast, Adams Publishing, Karen Echeverria, Idaho School Boards Association, Pam Morris, Idaho Mountain Express, Jim Phillips, Idaho Mountain Express, Patrick Bageant, Boise City, John Evans, Association of Idaho Counties, Brittany Scigliano, Rick Visser, Ada County Commission, Matt Davison, Idaho Press, Phil McGrane, Jeremy Pisca, Newspaper Association of Idaho, Wayne Hamm, ID AGC

**Chairman Harris** called the meeting to order at 9:01 AM.

**MOTION:** **Rep. Andrus** made a motion to approve the minutes from the February 5, 2020 meeting. **Motion carried by voice vote.**

**RS 27336:** **Rep. Youngblood** said **RS 27336** adds Joint Rule 23 to the rules of the House and Senate to place the national motto "In God We Trust" in the Idaho House and Senate chambers. Rep. Youngblood said placing the motto in the chambers will demonstrate its historical impact.

**MOTION:** **Rep. Monks** made a motion to introduce **RS 27336**.

**SUBSTITUTE  
MOTION:** **Rep. Holtzclaw** made a motion to introduce **RS 27336** and recommended it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Youngblood** will sponsor the bill on the floor.

**H 413:** **Rep. Palmer** said **H 413** allows people to elect the best people to represent them at the local level. Rep. Palmer said people currently do not know which city council members represent them, but dividing the city into districts would allow people to vote for someone from their area.

In response to committee questions, **Rep. Palmer** said the cities most likely to be impacted are Boise and probably Meridian. Rep. Palmer said citizens have the opportunity to bring the issue forward to the state legislature or the city council, but it is highly unlikely the city council would do it because they are already in office. **H 413** does not specify how any challenge would be addressed in the court system.

**Dan Malloy**, a resident of west Boise, testified **in support** of **H 413**. Mr. Malloy said large cities should be given the same kind of representation as the state. He said growth has made the segmentation of large cities necessary.

In response to committee questions, **Mr. Malloy** said he has not gone personally to the city council to address the issue, but has noticed the geographical distribution of city council members. He did have candidates running for office from his area.

**Brandon Durst**, a former legislator, said **H 413** was a long overdue change and the current system is highly problematic. Mr. Durst said people have the right to be represented by people in their area.



In response to committee questions, **Mr. Durst** gave a list of city council members he had approached about city districting, but said he had not brought up the issue in a formal meeting.

**Karen Danley**, a Boise resident, testified **in support of H 413**. Ms. Danley said she brought the issue to the city council repeatedly and this issue was part of her platform when she ran for city council. Ms. Danley said a change like this requires an external force.

**Patrick Bageant**, Boise City Council Member, said no one has brought up the issue with him since he was elected. Mr. Bageant said city councils should have the opportunity to address this issue on the local level before the state legislature addresses it. Mr. Bageant said **H 413** was a one-size-fits-all approach that only affects Boise. Mr. Bageant emphasized that voters choose candidates based on their views, not their addresses.

In response to committee questions, **Mr. Bageant** committed to bring the issue to the city council. He said in the last election candidates from areas that feel underrepresented still lost to candidates from other areas of the city. Mr. Bageant said he would not feel comfortable if the system used in Boise was used at the state level, but because Boise is relatively homogenous, people should not be unqualified to serve based on their address. Mr. Bageant expressed concern that he would feel uncomfortable advocating for people on his street at the expense of the whole city. Mr. Bageant said he believes the prominence of this issue depends on who is in office. He said **H 413** was not a bad idea, but he wants the local government to address it first.

**Angie Redford**, a Boise resident, testified **in support of H 413**. She said the conversation is fundamentally about a lack of representation.

**Dave Kangas**, a Boise resident, testified **in support of H 413**. Mr. Kangas said there is a disconnect between downtown Boise and other areas of the city and different levels of services for different areas. He said it is physically impossible to represent someone else in another area of town given how quickly the city is growing.

**George Moses**, an Idaho Redistricting Commissioner, testified **in support of H 413**. He said it was good public policy and the authority clearly resides with the state legislature based on existing statute. Mr. Moses said there will always be a risk of gerrymandering and districts are worth the difficulty of their implementation. He said city council members have already had the opportunity to discuss districting and some of its most vigorous opponents were elected.

**MOTION:**

**Rep. Gannon** made a motion to **HOLD H 413** for time certain in two weeks. Rep. Gannon said this time would allow city council members time to address the issue and create a plan of action and if they cannot do so, the committee will hear **H 413** again.

**SUBSTITUTE MOTION:**

**Rep. Crane** made a substitute motion to send **H 413** to the floor with a **DO PASS** recommendation.

**Rep. Palmer** closed testimony by emphasizing the importance of representative government.

During discussion on the substitute motion, some committee members said city council members have had time to address the issue and moving **H 413** forward puts pressure on them to find a solution before the state legislature does. Other committee members stated they did not believe it was in the purview of the state legislature to legislate individual cities on an issue. Committee members also noted that this bill does not regulate Boise alone, but every city that reaches a certain population.

**VOTE ON  
SUBSTITUTE  
MOTION:**

**Motion carried by voice vote. Rep. Palmer** will sponsor the bill on the floor.

**H 439:**

**Rep. Moon** explained that **H 439** allows the electronic publication of public notices on governmental websites. **H 439** would require government entities to archive notices online.

In response to committee questions, **Rep. Moon** said this bill does not prohibit publication of notices in newspapers, but gives agencies the option to post them online.

**Chris Yamamoto** of Canyon County testified **in support** of **H 439**, citing the expenses of publishing public notices in newspapers.

**Travis Quast**, Adams Publishing, testified he has reviewed all charges for specific cities within his area and notes that rates, which are determined by the legislature, have not changed. He said while there was no rate increase, there has been an increase in notices published. Mr. Quast asked the committee to oppose **H 439** and look for a forthcoming bill from **Rep. Raybould**.

**Pam Morris**, the publisher of the Idaho Mountain Express, testified the newspaper industry is not dead and **H 439** would remove notices from print and digital platforms that people use regularly. The current system is not broken and does not need to be fixed. **H 439** fails to standardize forms online as well.

In response to committee questions, **Ms. Morris** said local newspapers like the Idaho Mountain Express do print notices.

**Jim Phillips**, Idaho Mountain Express, testified **in opposition** to **H 439**. Mr. Phillips said this appears to be a good idea but allowing each agency, city, county, or district to publish their own notices, people would have to go to several different websites to find what they were looking for.

**Karen Echeverria**, Executive Director of the Idaho School Boards Association, said school districts already update websites regularly and strive for transparency. Ms. Echeverria said she wished the school districts had been involved in discussions about this issue.

**Matt Davison**, Idaho Press, testified **in opposition** to **H 439**. Mr. Davison said he is concerned **H 439** limits access to government notices. He was also concerned about the security of posting notices online and stated they already have a comprehensive system in place. Mr. Davison also referred to **Rep. Raybould's** forthcoming bill.

**Jeremy Pisca**, Newspaper Association of Idaho, testified **H 439** is imprecise and is flawed. Mr. Pisca said newspapers provide one convenient location for notices and **H 439** would cause confusion for the public. He also spoke to the progress being made on **Rep. Raybould's** bill.

**Rick Visser**, Ada County Commissioner, testified to the success of Ada County in implementing electronically published notices. Mr. Visser said he knows that people are reading notices online because the response rate is significant.

**Rep. Moon** closed testimony by responding to earlier comments. She said the price change depends on font size or ad size. Rep. Moon said her district does have internet and the Ada County website is a good example of how **H 439** could work. She emphasized the need to change with technology.

**MOTION:**

**Rep. Scott** made a motion to send **H 439** to the floor with a **DO PASS** recommendation.

During discussion on the motion, committee members noted it was not the government's job to keep the paper business viable. Several members also stated they had previously asked **Rep. Raybould** to address this problem and would like to see what she would bring before the committee. Some committee members expressed voter fatigue over seeing the same bill come before the committee several times previously.

**ROLL CALL  
VOTE ON  
MOTION:**

**Rep. Smith** requested a roll call vote on H 439. **Motion failed by a vote of 7 AYE, 7 NAY, 1 Absent/Excused. Voting in favor of the motion: Reps. Harris, Palmer, Holtzclaw, Monks, Zito, Scott, Young. Voting in opposition to the motion: Reps. Armstrong, Crane, Barbieri, Andrus, Hartgen, Smith, Green. Rep. Gannon was absent/excused.**

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 10:58 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Wednesday, February 12, 2020**

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<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>HJR 4</u></a>	Constitutional Amendment, District, Senate	Rep. Scott Bedke, Speaker of the House of Representatives
<a href="#"><u>RS27614</u></a>	Wine, Beer, Limitations	Rep. John McCrostie
<a href="#"><u>RS27300C1</u></a>	Homeowners' Association, Political Signs	Rep. Caroline Troy
<a href="#"><u>H 440</u></a>	State Discrimination, Public	Rep. Heather Scott

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 12, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Harris** called the meeting to order at 9:00 AM.

**HJR 4:** **Rep. Bedke**, Speaker of the House of Representatives, explained **HJR 4** sets the number of state districts at 35.

In response to committee questions, **Rep. Bedke** said commissioners felt like their hands had been tied and were frustrated by the lack of flexibility they had in determining districts and no plans had been put forth to create fewer districts. **HJR 4** would keep the state in line with previous court decisions.

**MOTION:** **Rep. Crane** made a motion to send **HJR 4** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Bedke** will sponsor the bill on the floor.

**RS 27614:** **Rep. McCrostie** said **RS 27614** removes the requirement that native-grown product be used in the production of home-brewed beer. **RS 27614** also defines the amount of beer that can be produced by home brewers for personal use.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 27614**. **Motion carried by voice vote.**

**RS 27300C1:** **Rep. Troy** said **RS 27300C1** does not allow any homeowners' association to prohibit the display of a political sign or certain types of flags such as the US, Idaho, POW, or a military branch flag. Homeowners' associations can adopt reasonable rules that regulate the time, size, place, number and manner of displaying signs. Homeowners' associations must also provide three days' notice before removing a sign or imposing a fine or penalty.

**MOTION:** **Rep. Holtzclaw** made a motion to introduce **RS 27300C1**. **Motion carried by voice vote.**

**H 440:** **Rep. Scott** said **H 440** amends the Idaho Human Rights Commission to prohibit discrimination and preferential treatment based on race, sex, color, ethnicity, or national origin in state hiring and contracting practices.

**Rep. Gannon** and other committee members asked if sexual orientation was included in **H 440** and asked how sex was defined. **Chairman Harris** deemed these questions not relevant to the bill at hand.

In response to further committee questions, **Rep. Scott** said the bill allows for sex-specific positions to be filled in situations like detention homes that conduct strip searches of children or in battered women's shelters. Rep. Scott said **H 440** does not violate the Constitution and has been upheld in a number of court cases. Rep. Scott clarified it was not her intention to return and define characteristics listed in **H 440** at a later date.

**Kathy Griesmeyer**, ACLU of Idaho, testified **in opposition** to **H 440**. Ms. Griesmeyer said **H 440** rolls back protections and does the opposite of what people have been asking for, for many years. Ms. Griesmeyer said affirmative action is one of the most effective tools in leveling a historically uneven playing field.

In response to committee questions, **Ms. Griesmeyer** said **H 440** misrepresents the discrimination in hiring principles and is a fallacy.

**Reverend Sara LaWall**, Boise Unitarian Universalist Fellowship, testified **in opposition** to **H 440** because it does not follow values of justice and equality. Rev. LaWall said institutions are biased even if people wished they weren't and access to equality is important.

**Mistie Tolman**, Planned Parenthood, testified **in opposition** to **H 440**. She highlighted the commitment of Planned Parenthood to reducing disparities and pursuing equality. Ms. Tolman said affirmative action ensures certain characteristics are not barriers to opportunity and said disadvantaged backgrounds should not hinder people.

**Rep. Gannon** asked **Ms. Tolman** if she thought any group was left out of the bill. **Chairman Harris** stated he would not allow that question as it was not relevant to the bill.

**MOTION:** **Rep. Gannon** made a motion to have the committee consider whether his question to **Ms. Tolman** was appropriate. **Chairman Harris** ruled the motion out of order because it was invalid.

**MOTION:** **Rep. Green** made a motion to put the committee at ease to consult with the House Parliamentarian. **Chairman Harris** said the motion was out of order but said Rep. Green could send someone upstairs to consult with the House Parliamentarian if she chose.

**Lori Burelle**, National Organization of Women, Southwest Idaho Chapter, testified **in opposition** to **H 440**. Ms. Burelle said **H 440** fails to account for bias and people have a bad habit of hiring people who look like them.

**Rabbi Dan Fink**, Interfaith Alliance, said affirmative action ensures more diverse participation in our democracy and evens the playing field.

**Annie Hightower**, Idaho Coalition Against Sexual and Domestic Violence, said if everyone doesn't succeed, then no one does. Ms. Hightower said affirmative action practices mean an applicant must be otherwise qualified for the job. She said there is systemic bias and discrimination in the country.

**Scott Yenor**, National Association of Scholars, testified **in support** of **H 440**. Mr. Yenor said diversity hires hurt the candidate's pride and implies they were not as qualified. Mr. Yenor said the claim that inequality is traceable to bias and discrimination does not hold up and inequality does come from differences between men and women and differences in subcultures.

**Chelsea Lincoln**, Legal Voice, testified **in opposition** to **H 440**. Ms. Lincoln said racism and sexism have not been eradicated and disparities do exist. She mentioned she did not see religion mentioned in **H 440**. Ms. Lincoln said she does not see anyone who represents her on the committee who looks like her and people should be able to reach their full potential.

In response to committee questions, **Ms. Lincoln** clarified that she did not see religion in the bill and religion has more protection than she does as a minority. She said even if religion was added, she would not support the bill because racism and sexism have not been eradicated.

**Rep. Scott** closed testimony by saying **H 440** does not end affirmative action and is a civil rights bill.

**MOTION:** **Rep. Zito** made a motion to send **H 440** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Rep. Gannon** made a substitute motion to send **H 440** to General Orders. Speaking to the motion, Rep. Gannon said **H 440** legislates discrimination, is offensive and is fake news. He said it implies picking and choosing when discrimination is appropriate and is not the kind of legislation the committee should engage with.

**Rep. Green** spoke **in support** of the substitute motion. She said hypocrisy was on full display and people have been asking for protections for years and she would continue to speak up for her constituents.

**Rep. Scott** spoke **in opposition** to the substitute motion, stating the state cannot ask someone about their religion or sexual orientation during the hiring process

**VOTE ON SUBSTITUTE MOTION:** **Substitute motion failed by voice vote.**

**ROLL CALL VOTE ON ORIGINAL MOTION:** **Rep. Green** requested a roll call vote on the original motion. **Motion carried by a vote of 12 AYES and 3 NAYS. Voting in favor of the motion: Reps. Harris, Armstrong, Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young. Voting in opposition to the motion: Reps. Smith, Gannon, Green. Rep. Scott** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 10:18 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Thursday, February 13, 2020

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<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS27624</u></a>	Public Moneys, Abortion Providers	Rep. Bryan Zollinger
<a href="#"><u>RS27640</u></a>	Eminent Domain, Damage Assessment	Rep. Jason Monks
<a href="#"><u>RS27702</u></a>	Birth Certificates	Rep. Julianne Young

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

Devon Powers  
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Phone: 332-1145  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, February 13, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** None

**GUESTS:** Kacee O'Connor, AAUW, Branden Durst, Emilie Jackson-Edney, Blaine Conzatti, Family Policy Alliance, Kerry Uhlenkott, Right to Life Idaho

**Chairman Harris** called the meeting to order at 9:02 AM.

**RS 27624:** **Rep. Zollinger** said **RS 27624** prevents abortion providers from receiving state funds.

**MOTION:** **Rep. Palmer** made a motion to introduce **RS 27624**.

In response to committee questions, **Rep. Zollinger** said abortion providers who provide other services must choose between providing abortion and receiving state funds. Rep. Zollinger also said he would be more than willing to share the Attorney General's opinion on **RS 27624** with any of the committee members before a bill hearing.

**VOTE ON  
MOTION:** **Motion carried by voice vote.**

**RS 27640:** **Rep. Monks** said **RS 27640** defines "just compensation" under eminent domain. Rep. Monks said the content of **RS 27640** has been upheld in court and **RS 27640** just puts court decisions in statute.

**MOTION:** **Rep. Armstrong** made a motion to introduce **RS 27640**. **Motion carried by voice vote.**

**RS 27702:** **Rep. Young** said **RS 27702** requires the collection of accurate vital statistics, including time of birth, date of birth, biological sex, birth weight, birth length, and place of birth. **RS 27702** also provides a method by which the material facts listed above may be changed if an error is made.

**MOTION:** **Rep. Crane** made a motion to introduce **RS 27702**

In response to committee questions, **Rep. Young** clarified where the amendment process is discussed in **RS 27702** and said the limit to amend the facts on the certificate is one year.

During discussion on the motion, committee members commented they believed the timeframe provided in **RS 27702** for amending the birth certificate was too short.

**VOTE ON  
MOTION:** **Motion carried by voice vote.**

**Chairman Harris** recognized committee page **Asher Dixon** for his hard work serving the committee.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 9:22 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Friday, February 14, 2020

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>HCR 32</u></a>	Joint Rule 23	Rep. Rick Youngblood
<a href="#"><u>RS27724</u></a>	Concealed Weapons, Citizens	Rep. Christy Zito
<a href="#"><u>RS27733</u></a>	Petitions, Initiatives, Signature Gathering	Rep. Jim Addis

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

Devon Powers  
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Phone: 332-1145  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, February 14, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** Representative(s) Holtzclaw, Monks

**GUESTS:** Lori Burrelle, Southwest Idaho NOW, Nicole Brown, Moms Demand Action, Eric Parker, The Real 3%, Elisha Hall, Matt Foxton, The Real 3%, Steven Hickey, Eliza Walter, CVI, Alicia Abbot, Hollie Lawrence

**Chairman Harris** called the meeting to order at 9:00 AM.

**HCR 32:** **Chairman Harris** said **HCR 32** needed to come back before the committee due to a technical processing error.

**MOTION:** **Rep. Crane** made a motion to send **HCR 32** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Youngblood** will sponsor the bill on the floor.

**RS 27733:** **Rep. Addis** said **RS 27733** amends Idaho initiative code to clarify the initiative process and make it more transparent.

In response to committee questions, **Rep. Addis** said **RS 27733** follows the majority of sunshine reporting rules.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 27733**.

During discussion, committee members questioned the intent of **RS 27733** and said it created a loophole for local initiatives because the effective date of July 1st would allow local officials who were voted out of office to thwart an initiative put forth by voters.

In response to questions, **Rep. Addis** said his intent with **RS 27733** was to mirror the legislative process by making the blanket effective date July 1st. **Rep. Addis** said **RS 27733** was intended to address statewide initiatives.

Committee members pointed out local initiatives follow general process so they would need to follow this effective date and it would impact them differently. **Rep. Addis** stated he would be willing to change the language of **RS 27733** to specify statewide initiatives.

**SUBSTITUTE  
MOTION:** **Rep. Crane** made a motion to return **RS 27733** to the sponsor. **Motion carried by voice vote.**

**RS 27724:** **Rep. Zito** said **RS 27724** is very similar to previous legislation she brought before the committee regarding concealed carry within city limits, but language was changed in one section.

In response to committee questions, **Rep. Zito** said she had not heard back from everyone who had provided input after she had updated the legislation.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 27724**.

During discussion on the motion, committee members said **RS 27724** was an improvement, but they still had concerns.

**VOTE ON  
MOTION:**

**Motion carried by voice vote.**

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 9:17 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

**AMENDED AGENDA #2**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Monday, February 17, 2020**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 502</u></a>	Wine, Beer, Limitations	Rep. John McCrostie
<a href="#"><u>S 1243</u></a>	State Budget, Overhead Expenses	Rep. Brent Crane
<a href="#"><u>S 1244</u></a>	Expenditure Object Codes	Rep. Kevin Andrus
<a href="#"><u>S 1245</u></a>	Public Officers, Deposits of Funds	Rep. Kevin Andrus

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, February 17, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** Representative(s) Palmer, Monks, Hartgen

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Harris** called the meeting to order at 9:02 AM.

**H 502:** **Rep. McCrostie** said **H 502** removes the "native-born" clause from current statute to allow home brewers to use foreign-grown plants in the brewing process. **H 502** also locks in the quantity of alcohol home brewers are able to produce.

In response to committee questions, **Rep. McCrostie** said part of **H 502** does quote federal code.

**David Reish**, Snake River Brewers, said there is currently a gray area of interpretation in the statute and gave a quick history of native and foreign plant use and craft beer. Mr. Reish said home brewers want to create a dialogue with the state and this amendment is the first step in doing so.

**MOTION:** **Rep. Smith** made a motion to send **H 502** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. McCrostie** will sponsor the bill on the floor.

**S 1243:** **Rep. Crane** said **S 1243** is a cleanup bill that removes a duplicate section of statute that addresses the equitable distribution of government overhead expenses.

**MOTION:** **Rep. Gannon** made a motion to send **S 1243** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Crane** will sponsor the bill on the floor.

**S 1244:** **Rep. Andrus** said **S 1244** was a cleanup bill that came from DFM and addresses purchases of equipment and ensures that all purchases and reports regarding those purchases comply with standards.

**MOTION:** **Rep. Gannon** made a motion to send **S 1244** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Andrus** will sponsor the bill on the floor.

**S 1245:** **Rep. Andrus** said **S 1245** is another cleanup bill from DFM that provides some exemptions for reporting public deposits of funds for some rural areas.

**MOTION:** **Rep. Crane** made a motion to send **S 1245** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Andrus** will sponsor the bill on the floor.

In response to a committee question, **Chairman Harris** said he could not tell the committee when **H 507** would be on the agenda and he would not hear testimony about it during this meeting.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 9:17 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary



**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW42**  
**Wednesday, February 19, 2020**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS27777</u></a>	Public Moneys, Abortion	Rep. Bryan Zollinger
<a href="#"><u>H 414</u></a>	Liquor Stores, Sample Tastings	Rep. Vito Barbieri
<a href="#"><u>H 500</u></a>	Fairness in Women's Sports Act	Rep. Barbara Ehardt

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 19, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW42

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Harris** called the meeting to order at 9:01 AM.

**RS 27777:** **Rep. Zollinger** said **RS 27777** was very similar to the legislation he previously presented to the committee. He said **RS 27777** included additional language from the Attorney General's office. Rep. Zollinger said the hospital association had also expressed concern but **RS 27777** includes language for hospitals in emergencies and it is not the legislative intent of **RS 27777** to get hospitals in trouble.

In response to committee questions about Medicaid providers who also provide abortions, **Rep. Zollinger** said language from the Attorney General was added to make the bill defensible in court. Rep. Zollinger said the exceptions for Medicaid providers were included without specific references to particular sections of Medicaid. He said the Hyde Amendment already prohibits federal funding for abortion so **RS 27777** does not specifically refer to it. Rep. Zollinger said even for abortions that are eligible for public funding, the state legislature still decides where those public funds go. He said this language already exists in Idaho Code and **RS 27777** by no means opens the door for more funds to go toward abortions; but restricts what counties can do.

**MOTION:** **Rep. Crane** made a motion to introduce **RS 27777**.

In response to committee questions, **Rep. Zollinger** said the state interest in protecting life is under higher scrutiny than providing a flu shot. He said there are exceptions for abortions that are considered legal and lawful and no county can redefine abortion.

Committee members expressed concern about potential legal ramifications of the bill.

**VOTE ON  
MOTION:** **Motion carried by voice vote.**

**H 500:** **Rep. Ehardt** said the intent of **H 500** is to protect opportunities for women and girls in sports. **H 500** states there are inherent physiological, chromosomal, and hormonal differences between males and females. Rep. Ehardt introduced **Sen. Souza**. Sen. Souza explained several physiological, chromosomal, and hormonal differences between males and females and how those differences impact athletic ability and performance.

In response to committee questions, **Rep. Ehardt** said when athletes go to the doctor to receive a physical, they can also get a signed note that confirms their sex after completing a noninvasive blood, urine, or saliva test. Rep. Ehardt said **H 500** is not similar to the policies of the Idaho High School Athletic Association, NCAA, or the Olympic committee. She said **H 500** is a preemptive bill and no one has used the appeal process in the existing IHSAA policy.

In response to committee questions about legal fees, **Steve Sherer**, attorney from Meridian, Idaho, said shifting legal fees can act as a deterrent to lawsuits.

**Kathy Griesmyer**, ACLU, **Annie Hightower**, Idaho Coalition Against Domestic and Sexual Violence, and **Lori Burelle**, Southwest Idaho Chapter of the National Organization of Women, testified **in opposition** of **H 500**. Testifiers emphasized legal concerns of discrimination, equal protection, and invasion of privacy. They said **H 500** solves a problem that does not exist and harms students.

Testimony provided on behalf of **Chris Mozier** expressed frustration that his identity was being used to push an agenda and said when the government debates the validity of people's existence, it sends a dangerous message to transgender youth.

**Oliver Cowen** testified **in opposition** to **H 500** because the transition process is already difficult and has a checks and balances system. Mr. Cowen said taking away sports harms students more than it helps and schools should continue to be trusted.

**Mollie Kafka** testified **in opposition** to **H 500** because it creates an unsafe environment and singles out transgender athletes.

**Megan Carter**, Add the Words, testified **in opposition** to **H 500** and cited the harm of outing people before they are ready.

**Jen Moore**, Idaho Association of LGBT Issues in Counseling, emphasized **H 500** puts transgender people at risk of bullying, discrimination and suicide.

**Lindsey Zea**, **Amanda Penrod**, **Ray Hackey**, Pacific Justice Institute, and **Brian Stutzman** spoke **in support** of **H 500**. They emphasized the differences between men and women in athletic performance and said **H 500** ensures an equal playing field and fairness for girls.

**Ty Jones**, Executive Director of the Idaho High School Activities Association, made himself available for committee questions regarding current policy.

In response to committee questions, **Mr. Jones** said no students have used the current appeal process and the current policy does provide a way for transgender athletes to participate in sports. Mr. Jones said some school districts have additional components to the policy but there is a baseline policy requirement.

Due to time constraints, **H 500** will be carried over to the meeting of February 20, 2020 at 8:00 AM.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 10:58 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
8:00 A.M.  
Room EW42  
Thursday, February 20, 2020

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS27581</u></a>	Open Meetings, Minimum Acceptable Bids	Rep. Bill Goesling
<a href="#"><u>H 500</u></a>	Fairness in Women's Sports Act	Rep. Barbara Ehardt
<a href="#"><u>H 414</u></a>	Liquor Stores, Sample Tastings	Rep. Vito Barbieri

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, February 20, 2020

**TIME:** 8:00 A.M.

**PLACE:** Room EW42

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman Harris** called the meeting to order at 8:00 AM.

**RS 27581:** **Rep. Goesling** said **RS 27581** was brought to him by the Idaho School Board Association and would allow public governing boards to enter executive session to discuss minimal acceptable bid amounts for the sale of real estate. Currently the bid process must be done in open meetings.

In response to committee questions and concerns about transparency, **Rep. Goesling** said the intent of **RS 27581** is to bring appraisers into the process to ensure a fair price for the property in question. Rep. Goesling said **RS 27581** would allow competition to set the price.

**MOTION:** **Rep. Andrus** made a motion to introduce **RS 27581**. **Motion carried by voice vote.**

**Chairman Harris** said the committee would continue hearing testimony from the previous meeting on **H 500**, but no new testimony would be taken.

**Lucas Neil, Diane Terhune, Saga Christian, Donna Harwood**, Executive Director of Lion's Pride, **Nicole LeFavour, Josie Kohler, Hannah Brass Greer, Mars Allen**, and **Jessica Duval** testified **in opposition** to **H 500**. They said **H 500** would negatively impact intersex children, children who are disfigured and those who are raped. They emphasized **H 500** targets and labels transgender people and puts discrimination into law. They said the transgender population is already a vulnerable population and sports often provides a safe environment, lifeline and sense of belonging to transgender students. Those who testified also spoke to concerns about invasion of privacy, potential for bullying, and ambiguity in the bill. Testifiers also expressed concern about the government implementation of a pelvic examination and genetic testing.

**Mistie Tolman**, Planned Parenthood, and **Chelsea Lincoln**, Legal Voice and Add the Words Idaho, testified **in opposition** to **H 500**. Ms. Tolman said **H 500** denies students fair access to participate in school activities. They said **H 500** could apply to any student who is questioned, not just transgender students and female athletes should not be subjected to pelvic examinations and **H 500** leads to more bullying of transgender students.

**Blaine Konzatti**, Family Policy Alliance of Idaho, and **Christian Welp**, Catholic Conference, testified **in support** of **H 500**. They said **H 500** is not exclusionary but recognizes and cherishes the differences between biological males and females.

**Michelle Fayant**, female powerlifting champion, testified **in support** of **H 500**. She said competing has helped her find passion and self-worth and that should not be taken away from girls.

**Rep. Ehardt** closed testimony and said the intent of **H 500** is to preserve opportunity in sports for girls as defined by Title IX. She said the bill does not interfere with how people feel or identify but simply puts standards in place. Rep. Ehardt said the school only gets involved when questions are asked and then they handle it. She reiterated **H 500** is preemptive.

**ORIGINAL MOTION:**

**Rep. Scott** made a motion to send **H 500** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:**

**Rep. Gannon** made a substitute motion to send **H 500** to General Orders. Speaking to his motion, Rep. Gannon said **H 500** appears to only apply to women, which is discriminatory and expressed concern about the fee-shifting statute.

**AMENDED SUBSTITUTE MOTION:**

**Rep. Smith** made an amended substitute motion to **HOLD H 500** in committee. Speaking to her motion, Rep. Smith said the Idaho High School Activities Association already has a policy that addresses this topic and said **H 500** is unnecessary and does not specify who can dispute sex or limit the dispute to transgender people.

**Rep. Green** and **Rep. Gannon** spoke **in support** of the amended substitute motion. They said **H 500** was an egregious attack on one particular segment of the community and it was a legal quagmire.

**VOTE ON AMENDED SUBSTITUTE MOTION:**

**Motion failed by voice vote.**

**VOTE ON SUBSTITUTE MOTION:**

**Motion failed by voice vote.**

**VOTE ON ORIGINAL MOTION:**

**Motion carried by voice vote.** **Rep. Smith** requested to be recorded as voting **NAY**. **Rep. Ehardt** will sponsor the bill on the floor.

**H 414:**

**Rep. Barbieri** said **H 414** allows for liquor sampling at state-run liquor stores. Under **H 414** a sample is a quarter of an ounce. **H 414** restricts sampling to state liquor stores. Rep. Barbieri yielded to **Kate Haas** representing the Distilled Spirits Council to speak to **H 414**.

**Ms. Haas** said **H 414** is similar to a bill previously brought before the committee. She said **H 414** does not include contract stores and the intent of **H 414** is to restrict sampling to a safe environment. Ms. Haas said the intent is not to expand access or promote sampling outside the store. She said the vendors control distribution and are liable.

In response to committee questions, **Ms. Haas** said **H 414** restricts sampling to state-run liquor stores which children are not allowed to enter.

**Jeff Anderson**, Director of the Idaho Liquor Division testified **in support** of **H 414**. He said the liquor division can responsibly administer **H 414**.

In response to committee questions, **Mr. Anderson** said the liquor division does not advertise but would let people who have indicated interest know about sampling opportunities. Mr. Anderson said liquor stores do not have shoppers, they have buyers.

**MOTION:** **Rep. Smith** made a motion to send **H 414** to the floor with a **DO PASS** recommendation

**Scott Kelch**, owner of Northstar Spirits, testified **in support** of **H 414** because as a liquor broker, he introduces new products regularly and this is a good way to introduce people to new products in a controlled environment.

During discussion on the motion, committee members spoke **in support** of the original motion and said **H 414** was not an attempt to lure people, but gives people an opportunity to sample before committing to a product.

**SUBSTITUTE MOTION:** **Rep. Crane** made a motion to **HOLD H 414** until Friday, February 28, 2020. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:05 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
8:00 A.M.  
Room EW42  
Friday, February 21, 2020

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 414</u></a>	Liquor Stores, Sampling	Rep. Vito Barbieri
<a href="#"><u>H 509</u></a>	Birth Certificates	Rep. Julianne Young

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, February 21, 2020

**TIME:** 8:00 A.M.

**PLACE:** Room EW42

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman Harris** called the meeting to order at 8:00 AM.

**H 414:** **Chairman Harris** said the committee would continue discussion on **H 414**.

**MOTION:** **Rep. Scott** made a motion to **HOLD H 414** in committee for time certain until Friday, February 28, 2020.

In response to questions from committee members about the motion, **Rep. Barbieri** said there were a few issues to fix and voiced his support for the motion as the sponsor.

**VOTE ON  
MOTION:** **Motion carried by voice vote.**

**MOTION:** **Rep. Gannon** made a motion to approve the minutes from the February 10, 2020 meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Gannon** made a motion to approve the minutes from the February 6, 2020 meeting. **Motion carried by voice vote.**

**H 509:** **Rep. Young** said **H 509**, the Idaho Vital Statistics Act, would prohibit the change or amendment of facts such as time of birth, date of birth, biological sex, birth weight, birth length, and place of birth on birth certificates. She highlighted the importance of accurate government records. Rep. Young emphasized the science of biological sex and said definitions matter. Rep. Young referred to *F. V. vs. Barron* to support the constitutionality of **H 509**.

In response to committee questions, **Rep. Young** said the court decision indicates it took into account the inaction of the legislature on this issue. She said she is not a lawyer so she cannot challenge the decision in court but she is a legislator so she has chosen this avenue. Rep. Young said there is always potential for laws to be litigated in court but the costs and balances must be weighed in the balance. Rep. Young said the court decision said the state must establish a process to review applications and the state cannot categorically deny applications but the court would not step on the state's ability to implement an application review process.

**Mistie Tolman**, Planned Parenthood, and **Lori Burelle**, Southwest Idaho National Organization for Women, testified **in opposition to H 509**. They said people need documents that match how they live in the world. Many LGBT people face obstacles to physical and medical care and the state should identify solutions that help, not provide more obstacles. They said **H 509** is cruel and violates court rulings.

**Kacie Hoch** testified in opposition to **H 509**. She said **H 509** puts transgender people at risk, invades privacy and increases discrimination.

**Lindsay Zea** testified in support of **H 509**. She said **H 509** protects a weak and vulnerable population, citing the potential for predators to misuse the current system.

**Monica Cockerille**, Lambda Legal, testified she was an attorney on counsel for F.V. vs. Barron. She said the state conceded there was no rational basis to deny people the opportunity to change their birth certificate. She said the arguments provided by the sponsor had been considered, but the court said transgender people needed the opportunity to change their birth certificates. She said the court issued a permanent injunction that currently applies to state officials and **H 509** enacts an old policy in which transgender people are categorically denied. State employees will be put in a place where they must decide whether to defy the court and be held in contempt or defy state law. She said there will be significant consequences for willfully violating the court decision. Currently transgender people face a lower rate of discrimination and violence because they have accurate legal documents.

In response to committee questions, **Ms. Cockerille** said to get a passport people need a birth certificate and driver's license so it is important they match. She said the legislative body can craft a rule within the confines of the court decision, but it is under heightened scrutiny.

**Kathy Griesmyer**, ACLU, testified in opposition to **H 509**. She said it is a direct violation of court rule, an attempt to circumvent the court order, and it blatantly ignores established case law. Ms. Griesmyer said there are no known complications with the current policy which is widely practiced across the country.

In response to legal questions from the committee, **Ms. Griesmyer** deferred to the ACLU legal director, **Richard Eppink**.

In response to committee questions, **Mr. Eppink** said the one-year restriction on changing gender in **H 509** would directly violate the court order and could be held in contempt of court. Mr. Eppink said the legislature can enact many unconstitutional policies but the state cannot enforce them. Citing the supremacy clause in the United States Constitution, Mr. Eppink said **H 509** would in effect automatically reject applications to change birth certificates.

**Blaine Konzatti**, Family Policy Alliance of Idaho, testified in support of **H 509**. He said **H 509** requires birth certificates to reflect objective facts as they existed at the time of birth and is within the government's interest. He said biological males could use the female marker to enter locker rooms, shelters or prisons, which makes women and children less safe.

**Janelle Wintersteen**, volunteer with Southwest Idaho NOW, testified in opposition to **H 509**. She said **H 509** did not match the Idaho values she has seen and experienced.

**Emilie Jackson-Edney** and **Oliver Cowen** testified in opposition to **H 509**. They emphasized the importance of having identification documents that match their identities. They highlighted the everyday consequences **H 509** would have on transgender people.

**Jennifer Martinez**, Idaho Coalition Against Sexual and Domestic Violence, testified in opposition to **H 509**. She emphasized the importance of documents like birth certificates in daily life and said **H 509** unnecessarily reveals trans people's identity, is more restrictive than federal requirements, and creates barriers to transgender people.

In closing, **Rep. Young** said **H 509** does not automatically deny applications, but provides a process to change their sex marker that requires a court order. She said she agrees wholeheartedly that individuals have full ability to define themselves as they want, but as government documents, birth certificates should reflect material fact. Rep. Young said the legislature has a constitutional right to choose the legal definitions that undergird state policy.

**MOTION:** **Rep. Andrus** made a motion to send **H 509** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Rep. Gannon** made a substitute motion to **HOLD H 509** in committee.

During discussion of the motion, **Rep. Smith** spoke **in support** of the substitute motion because **H 509** violates an existing court ruling. **Rep. Gannon** said **H 509** is a legal disaster and there is a process in place already that is working. **Rep. Green** said **H 509** deliberately flies in the face of the court and will place an undue burden on taxpayers.

**Rep. Gannon** requested the court opinion of *F.V. vs. Barron* be included with the official record.

**MOTION:** **Rep. Green** made a motion for a roll call vote on the substitute motion.

**MOTION:** **Rep. Green** made a motion for a roll call vote on the original motion.

During discussion on the motion, some representatives said they would support the bill in committee but would reserve their right to change their vote on the floor.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:** **Rep. Green** requested a roll call vote on the substitute motion. **Motion failed by a vote of 3 AYE and 12 NAY. Voting in favor** of the motion: **Reps. Smith, Gannon, Green. Voting in opposition** to the motion: **Reps. Harris, Armstrong, Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young.**

**ROLL CALL VOTE ON ORIGINAL MOTION:** **Rep. Green** requested a roll call vote on the original motion. **Motion carried by a vote of 12 AYE and 3 NAY. Voting in favor** of the motion: **Reps. Harris, Armstrong, Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young. Voting in opposition** to the motion: **Reps. Smith, Gannon, Green. Rep. Young** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:03 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

F.V. and DANI MARTIN,

Plaintiffs,

v.

RUSSELL BARRON,<sup>1</sup> in his official capacity as Director of the Idaho Department of Health and Welfare; ELKE SHAW-TULLOCH, in her official capacity as Administrator of the Division of Public Health for the Idaho Department of Health and Welfare; and JAMES AYDELOTTE, in his official capacity as State Registrar and Chief of the Bureau of Vital Records and Health Statistics,

Defendants.

Case No. 1:17-CV-00170-CWD

**MEMORANDUM DECISION AND ORDER (DKT. 28)**

**INTRODUCTION**

Transgender individuals born in Idaho cannot obtain a birth certificate with the listed sex matching their gender identity. The Idaho Department of Health and Welfare (IDHW) interprets state law to bar changes to the listed sex unless an applicant can show

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<sup>1</sup> Russell Barron is now the Director of the Idaho Department of Health and Welfare. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Russell Barron is substituted for Richard Armstrong as a defendant in this suit.

there was an error of identification at birth. Therefore, as a policy, IDHW categorically and automatically denies applications to change the listed sex for any other reason. The questions presented to the Court are whether IDHW's interpretation, as applied, violates the Equal Protection and Due Process clauses of the Fourteenth Amendment to the Constitution of the United States, and whether it impermissibly compels speech in violation of the First Amendment.

As a preliminary matter, the Court notes the rare posture of the case. Plaintiffs, two transgender women born in Idaho, bring this action under 42 U.S.C. § 1983, asking the Court for a declaration that IDHW's policy violates their constitutional rights and the rights of others similarly situated. Plaintiffs request that the Court apply heightened scrutiny review, and declare that IDHW's policy violates the Equal Protection Clause. They also seek a ruling that the policy infringes upon due process rights to informational privacy, individual liberty, autonomy, and dignity. Plaintiffs request further that the Court find that IDHW's policy impermissibly compels speech in violation of the First Amendment to the Constitution. Plaintiffs ask the Court to enjoin Defendants, and others subject to the injunction, from enforcing the policy.

In turn, Defendants do not defend the constitutionality of the policy. Instead, *they admit* it is unconstitutional. Specifically, that it violates the Equal Protection Clause, failing minimum scrutiny review because "a prohibition against changing the sex designation on the birth certificate of a transgender individual who has undergone clinically appropriate treatment to permanently change his or her sex" bears no rational relationship to a conceivable government interest. (Ans. to First Am. Compl., Dkt. 19 at

2-3 ¶ 5.) Defendants assert that, once they have an order from the Court in hand, they will create a new rule permitting transgender individuals to change the sex listed on their birth certificates. (Oral Argument at 9:50, *F.V. v. Armstrong et al.*, No. 1:17-CV-00170-CWD (February 1, 2018).) Defendants indicate also that the new rule will include a provision that any revision history related to changes to the listed sex or name changes will not be marked on the reissued birth certificates of transgender individuals. Defendants further indicate they cannot proceed to create a rule until they receive a court order (Oral Argument at 9:51, *F.V. v. Armstrong et al.*, No. 1:17-CV-00170-CWD (February 1, 2018).)

Defendants assert that, because they have made these concessions, the Court should exercise judicial restraint and decide the Plaintiffs' motion on the narrowest ground—that the current policy, as applied, is not rationally related to a legitimate government interest, violates the Plaintiffs' equal protection rights, and is thus unconstitutional under minimum scrutiny review.

Plaintiffs counter that, in the face of pervasive government discrimination against transgender individuals, the Court has a constitutional duty and inherent authority to define the level of scrutiny that should be applied to their equal protection claim, and should determine favorable judgment is warranted on the basis of the other constitutional claims—in addition to fashioning a remedy mandating equal treatment.

The Court will not reach Plaintiffs' Due Process or First Amendment claims for the following reasons. First, the Court finds resolution of the Equal Protection Clause claim captures “the essence of the right in a more accurate and comprehensive way” than

the Due Process Clause, “even as the two Clauses may converge in the identification and definition of the right.” *Obergefell v. Hodges*, 135 S. Ct. 2584, 2603 (2015). The substance of Plaintiffs’ First Amendment claim is that if a birth certificate is reissued to a transgender individual, and the reissued birth certificate includes the revision history, it will impermissibly compel speech—i.e. it will force an individual to disclose their transgender status when they would not ordinarily do so. Given Defendants’ concession and agreement, the compelled speech concern falls away, and the merits of this claim need not be addressed by the Court.

After careful consideration, the Court finds IDHW’s policy of categorically and automatically denying applications submitted by transgender individuals to change the sex listed on their birth certificates is unconstitutional under the Equal Protection Clause of the Fourteenth Amendment. The Court finds further that any constitutionally sound rule must not include the revision history as to sex or name to avoid impermissibly compelling speech and furthering the harms at issue. The Court notes also that the new rule should withstand heightened scrutiny review to fall within the contours of equal protection law. To reasonably assure the rule and remedy comply with such existing law, the Court will discuss the same after presenting the background, introducing the parties, and outlining the standard of review.

## **BACKGROUND**

### **1. Idaho Vital Statistics Laws**

States are responsible for the development and implementation of laws related to vital events such as recording births and deaths. However, most states, including Idaho,

use the Model State Vital Statistics Act published by the Centers for Disease Control and Prevention as a basis for state law.<sup>2</sup> The Idaho Vital Statistics Act (Act), Title 39, Chapter 2 of the Idaho Code, authorizes the Idaho Board of Health and Welfare (Board) to propose rules to carry out its provisions related to vital statistics—the Vital Statistics Rules (Rules). IDAPA 16.02.08.000. IDHW is the state agency responsible for enforcement of the Act and the Rules, (together, vital statistics laws) for providing the official interpretation of such laws, and for developing temporary and final proposed rules. State legislative approval is necessary to enact final proposed rules into law.

Idaho’s vital statistics laws require that all amended birth certificates be marked as “amended,” including a record of the nature of the change, unless the change is made under one of the following circumstances: (1) minor corrections made within one year after the date of the event necessitating the correction; (2) voluntary acknowledgements of paternity and non-paternity; and (3) for changes to name and paternal and maternal information in instances of adoption. Idaho Code §§ 39-250, 39-258-59; IDAPA 16.02.08.201. In these circumstances, the vital statistics laws require the amendments not be marked or noted on the birth certificate.<sup>3</sup> A catch-all provision applies to any

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<sup>2</sup> See *Model State Vital Statistics Act and Model State Vital Statistics Regulations*, 2011 Revision, Centers for Disease Control and Prevention. Idaho’s Vital Statistic Act is based in large part on the 1992 Revision of the model rules.

<sup>3</sup> For example: Idaho Code § 7-1106 allows a biological father to establish paternity via an affidavit of paternity. The affidavit must be signed by both the father and the birth mother. IDAPA 16.02.08.201.05.a. If the child’s birth certificate lists a different person as the father, a court order is required to change the father’s name. IDAPA 16.02.08.201.05.b. The reissued, amended birth certificate must not be marked amended or include any record of the paternity change. I.C. § 39-250(2), (3); IDAPA 16.02.08.201.05.c.



amendment not specifically provided for in the vital statistics laws. IDAPA

16.02.08.201.08. Notably, amendments made under the catch-all provision must be described on the birth certificate.

All applications to amend birth certificates are reviewed by the state registrar. The registrar's determination must serve the objectives of the vital statistics laws and the best interests of the public. IDAPA 16.02.08.201(e). When applications are denied, an individual has a right to petition a court for an order requiring the registrar make the requested amendment. Idaho Code § 39-250(5).

As explained above, IDHW interprets Idaho vital statistics law to prohibit changes to the listed sex unless there was an error in recording the sex at birth. Notably, IDHW asserts that Idaho birth certificates reflect the "sex" of a person at birth and do not contain a "gender marker" designation. (Ans. to First Am. Compl., Dkt. 23 at 2 ¶¶ 3-4.) From this interpretation comes IDHW's policy of automatically and categorically denying applications made by transgender individuals for the purpose of changing the listed sex to reflect their gender identity.<sup>4</sup>

## **2. Biological Sex, Gender Identity, Transition**

There is scientific consensus that biological sex is determined by numerous elements, which can include chromosomal composition, internal reproductive organs,

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<sup>4</sup> Idaho counts as one of only four remaining states that do not permit transgender individuals to change the sex listed on their birth certificate. The other three states are Kansas, Ohio, and Tennessee. (Pl.s' Mem. of Law in Support of Mot. for Summ. Jgmt., Dkt. 28-1 at 19 n. 4.)

external genitalia, hormone prevalence, and brain structure.<sup>5</sup> Sex determinations made at birth are most often based on the observation of external genitalia alone. World Professional Association for Transgender Health, *Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People* at 97 (7th Version, 2011) (hereinafter “WPATH *Standards of Care*”). For most people, this determination aligns with gender identity and gender expression. *Id.* Of importance here, however, are instances where it does not.

Gender identity, also known as core gender, is the intrinsic sense of being male, female, or an alternative gender. WPATH *Standards of Care* at 96. Transgender is an adjective used to designate “a person whose identity does not confirm unambiguously to conventional notions of male or female gender.”<sup>6</sup> Put another way, transgender is an adjective used to describe a person who has a gender identity that differs, in varying degrees, from the sex observed and assigned at birth. WPATH *Standards of Care* at 97.

Transgender individuals often suffer emotional distress in the process of recognizing and responding to the complex social and personal scenarios that result because their gender identity does not align with birth-assigned sex. (Dkt. 28-5 at 8; *See e.g.*, American Medical Association Resolution 122 (A-08) at 1 (2008)). A clinical

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<sup>5</sup> The American Psychology Association defines sex as “one’s biological status as either male or female” that “is associated primarily with physical attributes such as chromosomes, hormone prevalence, and external and internal anatomy.” Transgender People, Gender Identity and Gender Expression, American Psychological Association (2018), <http://www.apa.org/topics/lgbt/transgender.aspx> (last visited Mar. 3, 2018).

<sup>6</sup> *Transgender*, OXFORD ENGLISH DICTIONARY, <http://www.oed.com/view/Entry/247649?redirectedFrom=transgender#eid> (last visited Feb. 7, 2018).

medical condition, known as gender dysphoria, can result from such distress.<sup>7</sup> *Id.*

Symptoms include anxiety and depression, suicidality, and other serious mental health issues. *Id.*; WPATH *Standards of Care* at 25.

Transgender individuals, especially those suffering from gender dysphoria, often proceed through a process known as transition, defined as follows:

Transition is a period of time when individuals change from the gender role associated with their sex assigned at birth to a different gender role. For many people, this involves learning how to live socially in another gender role; for others this means finding a gender role and expression that is most comfortable for them. Transition may or may not include feminization or masculinization of the body through hormones or other medical procedures. The nature and duration of transition is variable and individualized.

WPATH *Standards of Care* at 97.

In other words, transition is the process where a person works to bring their lived experience and outer appearance into alignment with their gender identity. Transition can include medical treatments, such as hormone therapy and surgery, but is often limited to

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<sup>7</sup> The American Psychiatric Association describes gender dysphoria as follows:

People with gender dysphoria may often experience significant distress and/or problems functioning associated with this conflict between the way they feel and think of themselves (referred to as experienced or expressed gender) and their physical or assigned gender.

The gender conflict affects people in different ways. It can change the way a person wants to express their gender and can influence behavior, dress and self-image. Some people may cross-dress, some may want to socially transition, others may want to medically transition with sex-change surgery and/or hormone treatment. Socially transitioning primarily involves transitioning into the affirmed gender's pronouns and bathrooms.

*Gender Dysphoria*, American Psychiatric Association, Physician review by Ranna Parekh, M.D., M.P.H. (February 2016), <https://www.psychiatry.org/patients-families/gender-dysphoria/what-is-gender-dysphoria> (last visited Mar. 5, 2018).

social transition. WPATH *Standards of Care* at 71, 97. Not all transgender people choose to undergo surgery as a part of the transition process. This is due to numerous potential factors, including whether surgery is medically necessary, and personal and financial factors such as lack of insurance coverage. (See First Am. Compl., Dkt. 19 at 6 ¶ 24; see also Ans. to First Am. Compl., Dkt. 19 at 5 ¶ 24.)

Social transition includes changes in clothing, name, pronouns, hairstyle, and identity documents to reflect one's gender identity. *Id.* at 9-10. "A complete transition is one in which a person attains a sense of lasting personal comfort with their gendered self, thus maximizing overall health, well-being, and personal safety." (Decl. of Dr. Randi Ettner, Dkt. 28-5 at 10.)

### **3. Discrimination Against Transgender Individuals**

Mismatches between identification documents and outward gender presentation can create risks to the health and safety of transgender people. Transgender people who present mismatched identification are verbally harassed, physically assaulted, denied service or benefits, or asked to leave the premises. James et al., *The Report of the 2015 U.S. Transgender Survey*, Washington D.C., National Center for Transgender Equality at 7 (2016) (hereinafter *Transgender Survey*).<sup>8</sup> According to the Federal Bureau of

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<sup>8</sup> Defendants note the survey "acknowledges that respondents in the study 'were not randomly sampled and the actual population characteristics of transgender people in the U.S. are not known. Therefore, it is not appropriate to generalize the findings in this study to all transgender people.'" (Dkt. 19-6). The Court similarly acknowledges the limitations of the survey. Yet, the survey is also "the largest survey examining the experiences of transgender people in the United States, with 27,715 respondents from all fifty states ..." (*Transgender Survey* at 4.) Thus, the Court views the statistics presented in the report as a reliable indicator of harassment and violence across the population.

Investigation, 1.7 percent of all hate crimes reported by law enforcement agencies in the United States in 2015 were motivated by gender-identity bias. *2015 Hate Crime Statistics*, FBI, Criminal Justice Information Services Division, [https://ucr.fbi.gov/hate-crime/2015/topic-pages/victims\\_final.pdf](https://ucr.fbi.gov/hate-crime/2015/topic-pages/victims_final.pdf) (last visited Mar. 5, 2018).

Statistics regarding the ongoing discrimination transgender individuals face highlight why involuntary disclosure of transgender status creates these risks. For instance, nearly twenty-five percent of surveyed college students, when perceived as a transgender person, were verbally, physically, or sexually assaulted in 2015. *Transgender Survey* at 9. This figure tracks the percentage of workers reporting mistreatment in the workplace due to gender identity. *Id.* at 10. More than seventy-five percent of transgender workers take steps to avoid such mistreatment at work by hiding or delaying their gender transition, or by quitting their job. *Id.* at 11.

Across all environments, almost fifty percent of transgender people surveyed for the 2015 report responded that they had been verbally harassed due to their gender identity. *Id.* at 13. Nearly one in ten reported being physically assaulted because of their gender identity. *Id.* Notably, the reported lifetime suicide attempt rate for transgender people is nearly nine times the rate of the United States population on average. *Id.* at 8.

#### **4. The Plaintiffs**

Plaintiffs are two transgender women who were born in Idaho. Each Plaintiff has undergone the process of transition but is unable to obtain a birth certificate that reflects her gender identity.

F.V. is a 28-year-old woman born in Idaho. She is a transgender person who was assigned the sex of male at birth. Although F.V. states that she knew from approximately age 6 she was female, she began to live openly as a female when she was 15 years old. She has lived as a woman since that time, and asserts that doing so has been essential to her sense of self. F.V. relates that she “cannot imagine living life as a man” because she is not a man, and would be living a lie to try to do so. (Decl. of F.V., Dkt. 28-3 at 2.)

F.V. has taken steps, both medically and socially, to bring her body and expression of gender in line with her female gender identity.<sup>9</sup> Her social transition has included legally changing her name from a traditionally male name to a traditionally female one, and changing her name and gender on her driver’s license, passport, and in her social security records. On March 17, 2017, F.V. contacted the Idaho Bureau of Vital Records and Health Statistics to inquire about changing the sex listed on her birth certificate. She was informed that IDHW does not consider such applications.

F.V. asserts that living with a birth certificate declaring she is male is a permanent and painful reminder that Idaho does not recognize her as she is—as a woman. Beyond this, she states that presenting an identity document that conflicts with her gender identity is both humiliating and dangerous: it puts her at risk of violence by disclosing against her will and intentions that she is a transgender individual.

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<sup>9</sup> Defendants “admit that they are aware of no rational basis justifying a prohibition against changing the sex designation on the birth certificate of a transgender person who has undergone clinically appropriate treatment to permanently change his or her sex.” (Ans. to First Am. Compl., Dkt. 23 at 2-3.) Defendants concede also, “that no rational basis justifies treating transgender persons like Plaintiffs differently than other persons.” (Dkt. 23 ¶ 5.)

Dani Martin (Dani) is a 31-year-old woman born in Idaho. Dani is a transgender person who was assigned the sex of male at birth. Like F.V., Dani states that she knew from a young age she was female. However, fear of rejection and bullying prevented her from coming out when she was younger. With the support of her spouse and her family, Dani began to transition in 2014. She has lived her life openly as a woman since that time.

Like F.V., Dani has taken steps, both medically and socially, to bring her body and expression of gender in line with her female identity. Her social transition has included legally changing her name from a traditionally male name to a traditionally female one, and changing her name and gender on her driver's license and in her social security records. Like F.V., Dani has been unable to change the gender on her birth certificate due to Idaho's prohibitory policy.

The mismatch between Dani's gender identity and the sex listed on her birth certificate has exposed her to harassment and embarrassment. She asserts the mismatch has also prevented her from making the change in other important records—perpetuating instances where she is forced to disclose her transgender status, face embarrassment, harassment, and potential physical violence.

## **5. The Defendants**

The three Defendants are employees of IDHW. As supervisors and custodians of records, they are each variously responsible for the implementation, enforcement, development, and interpretation of Idaho's vital statistics laws.

Defendant Russell Barron is the Director of IDHW. He supervises the activities of IDHW, including the enforcement of the Vital Statistics Act, Vital Statistics Rules, and the agency's policies and interpretations of such laws.

Defendant Elke Shaw-Tullock is the Administrator of IDHW's Division of Public Health. The division includes the Bureau of Vital Records and Health Statistics. She supervises activities of the division, including enforcement of the Vital Statistics Act, Vital Statistics Rules, and the agency's policies and interpretations of such laws.

Defendant James Aydelotte is the State Registrar and Bureau Chief of the Bureau of Vital Records and Health Statistics at IDHW. He is the official custodian of vital records for the State of Idaho and also enforces the Vital Statistics Act, Vital Statistics Rules, and the agency's policies and interpretations of such laws.

## **STANDARD OF REVIEW**

### **1. Standard of Review for Summary Judgment Motions**

Summary judgment is appropriate where a party can show, as to any claim or defense, "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). One of the principal purposes of summary judgment "is to isolate and dispose of factually unsupported claims...." *Celotex Corp. v. Catrett*, 477 U.S. 317, 323-24 (1986). It is "not a disfavored procedural shortcut," but is instead a tool to prevent factually insufficient claims or defenses "from going to trial with the attendant unwarranted consumption of public and private resources." *Id.* at 327.



“The moving party is entitled to summary judgment if that party shows that each issue of material fact is not or cannot be disputed. To show the material facts are not in dispute, a party may cite to particular parts of materials in the record, or show that the materials cited do not establish the presence of a genuine dispute, or that the adverse party is unable to produce admissible evidence to support the fact.” *Ransier v. United States*, No. 2:12-CV-00538-EJL, 2014 WL 5305852, at \*2 (D. Idaho Oct. 15, 2014); Fed. R. Civ. P. 56(c)(1)(A) & (B).

Federal Rule of Civil Procedure 56(e)(3) authorizes a court to grant summary judgment for the moving party “if the motion and supporting materials—including the facts considered undisputed—show that the movant is entitled to it. The existence of a scintilla of evidence in support of the non-moving party’s position is insufficient. Rather, ‘there must be evidence on which the jury could reasonably find for the [non-moving party].’” *Ransier* at \*2 (citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 252 (1986)).

## **2. Standard for Permanent Injunction**

To prevail on a motion for a permanent injunction, plaintiffs must demonstrate: (1) they have suffered an irreparable injury or harm; (2) remedies available at law are inadequate to compensate for such injury or harm; (3) considering the balance of hardships between the parties, an equitable remedy is warranted; and (4) public interest is not disserved by a permanent injunction. *eBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 388, 391 (2006).

When a court grants injunctive relief, it must tailor the remedy to the specific harm shown by plaintiffs. *Hawaii v. Trump*, 859 F.3d 741, 785 (9th Cir.), *cert. granted sub nom. Trump v. Int'l Refugee Assistance Project*, 137 S. Ct. 2080, 198 L. Ed. 2d 643 (2017), and *cert. granted, judgment vacated*, 138 S. Ct. 377 (2017), and *vacated*, 874 F.3d 1112 (9th Cir. 2017); *Califano v. Tamasaki*, 422 U.S. 682, 702 (1979). The scope of the remedy fashioned by a court is dictated by the extent of the violation established by the plaintiffs. 859 F.3d 741, 785. Aside from these parameters, a court has significant discretion in fashioning an appropriate and proportionate remedy. *Id.*

## LEGAL FRAMEWORK

### 1. The Equal Protection Clause

The Equal Protection Clause of the Fourteenth Amendment requires that all similarly situated people be treated alike. *City of Cleburne v. Cleburne Living Ctr., Inc.*, 473 U.S. 432, 439 (1985). Equal protection requirements restrict state legislative action that is inconsistent with bedrock constitutional guarantees, such as equality in treatment. *See Obergefell v. Hodges*, 135 S. Ct. 2584, 2603 (2015). An equal protection claim is established when plaintiffs show they were treated differently than other similarly situated people. *City of Cleburne* at 439-440. Yet, states are given significant leeway to establish laws to effectively govern citizens and remedy societal ills. *Romer v. Evans*, 517 U.S. 620, 631 (1996). Because of this, successful equal protection claims additionally require plaintiffs to show the difference in treatment was the result of intentional or purposeful discrimination. *Stone v. Trump*, No. CV MJG-17-2459, 2017 WL 5589122, at \*15 (D. Md. Nov. 21, 2017).

In this matter, Plaintiffs, transgender individuals born in Idaho, have adequately alleged they were treated differently from non-transgender people born in Idaho. IDHW practices a policy of automatically and categorically denying applications made by transgender people to amend the birth-assigned sex on their birth certificates to align with their gender identity. Plaintiff F.V. contacted IDHW to inquire about amending her birth certificate to align with her gender identity. IDHW informed F.V., consistent with its policy, that it does not consider applications made on that basis. Plaintiff Dani Martin's experience was the same. The IDHW Defendants provide no justification for the policy.

Yet, in turn, IDHW permits some classes of people, adoptive parents for instance, to make amendments to birth certificates without record of the amendment on the reissued certificate. IDHW has similar laws and policies related to the change of paternal information. These laws give certain people access to birth certificates that accurately reflect who they are, while denying transgender people, as a class, access to birth certificates that accurately reflect their gender identity. Therefore, as Defendants concede, Plaintiffs' equal protection claims are valid.

The Supreme Court of the United States has set forth a framework of tiered review for equal protection claims. *Latta v. Otter*, 19 F. Supp. 3d 1054, 1073 (D. Idaho), *aff'd*, 771 F.3d 456 (9th Cir. 2014). Each tier of scrutiny requires a different level of justification for the challenged law. *Id.* The level of scrutiny applied to the law is determined by the type of classification at issue. *Id.* If a law classifies on the basis of a suspect class or a quasi-suspect class, it is subject to heightened scrutiny review—and, depending on the type of suspect classification, such laws are subject to either strict

scrutiny review or intermediate scrutiny review. If a law does not classify on the basis of a suspect or quasi-suspect class, it is subject to minimum scrutiny—commonly called rational basis review. *Heller v. Doe*, 509 U.S. 312, 319–21 (1993).

Therefore, the most stringent level of review is strict scrutiny. The Supreme Court has carefully defined the limits of this level of review. It is applied when laws impermissibly interfere with fundamental rights or to the disadvantage of a suspect class. *Latta*, 19 F. Supp.3d at 1073. Strict scrutiny applies to classifications based on race, alienage, and national origin. IDWH’s policy makes a classification based on transgender status. Therefore, under clear Supreme Court precedent, it does not trigger strict scrutiny review.

In contrast, the most lenient level of scrutiny is rational basis review. This level of review is applied to laws that impose a difference in treatment between groups but do not infringe upon a fundamental right, or target a suspect or quasi-suspect class. *Heller* at 319–21. In such instances, if a court can identify any rational basis supportive of the government’s need for the law, it is upheld. *Id.* In this matter, IDHW Defendants concede no rational basis exists to support the categorical denial of requests to amend sex-assigned birth on the basis of correcting it to match one’s gender identity.

The Court notes the importance and potential implications of restrictions and restraints IDHW may place on the ability of transgender people to apply for and receive approval of applications to change the sex listed on their birth certificates. Because the Court does not have a proposed rule before it, it will not extrapolate on the potential legal ramifications of such restrictions—such topics are not ripe for its consideration.

However, any new rule must not subject one class of people to any more onerous burdens than the burdens placed on others without constitutionally-appropriate justification—for instance, to apply for a change in paternity information the applicant is not required to submit medical evidence, such as DNA confirmation, to prove paternity or non-paternity. Yet, all applicants for name changes are required to obtain a court order—regardless of the reason for the change. (*See supra* note 3 and accompanying text.)

The Court agrees there is no rational basis to support IDHW’s policy. The following facts make this conclusion apparent: (1) IDHW already has a process in place for making amendments to birth certificates, as is evidenced by Idaho’s vital statistics laws; (2) the vital statistics laws make certain that amendments or corrections are kept confidential when they pertain to sensitive personal and potentially private information, such as paternity or adoptive status; and (3) the laws make room for the amendment of any other information on the birth certificate with the proper form of application and evidence.

Thus, under an alternative, constitutionally-sound reading of Idaho’s vital statistics laws, amendments to the listed sex are not only possible, but procedures are in place to facilitate such amendments—and the Act allows the Board to draft a rule that does just that.<sup>10</sup> As such, there is no rational basis for denying transgender individuals birth certificates that reflect their gender identity and IDHW’s policy, as applied, violates the Equal Protection Clause.

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<sup>10</sup> Idaho Code §§ 39-241(3); 39-250.

Yet, as explained above, Plaintiffs ask the Court to take a step further to find that IDHW's policy similarly fails to withstand heightened scrutiny, which includes the mid-tier of equal protection review—intermediate scrutiny. Historically, intermediate scrutiny applies to quasi-suspect classifications based on sex and illegitimacy. *Clark v. Jeter*, 486 U.S. 456, 461 (1988). For quasi-suspect classifications to be upheld, the state must show the classification is substantially related to an important governmental objective. “The purpose of this heightened level of scrutiny is to ensure quasi-suspect classifications do not perpetuate unfounded stereotypes or second-class treatment.” *Latta v. Otter*, 19 F. Supp. 3d 1054, 1073 (D. Idaho), *aff'd*, 771 F.3d 456 (9th Cir. 2014) (citing *United States v. Virginia*, 518 U.S. 515, 534 (1996)).

Plaintiffs argue that IDHW's refusal to treat transgender people like others of the same sex, i.e. other males or females, requires intermediate review because such treatment discriminates on the basis of sex or otherwise employs another quasi-suspect classification—transgender status. In other words, Plaintiffs suggest two ways for the Court to conclude that heightened scrutiny applies to government classifications based on transgender status. The first—the Court could find that discrimination based on transgender status is discrimination based on sex or gender. The second—the Court could conclude that transgender status is a suspect classification in and of itself. In either case, Plaintiffs contend IDHW's policy is not substantially related to an important governmental objective and fails intermediate scrutiny review. The merits of both prongs of the Plaintiffs' argument will be discussed in turn.

**A. *Discrimination Based on Sex and Gender***

In 1977, the United States Court of Appeals for the Ninth Circuit held rational basis review appropriately applied to classifications based on “transsexual” status, because sex-based discrimination in the context of Title VII included only discrimination based on one’s anatomical gender—not a change in one’s gender or gender identity. *Holloway v. Arthur Andersen & Co.*, 566 F.2d 659 (9th Cir. 1977). Although the Ninth Circuit has not revisited the question, the reasoning employed in *Holloway* relies on markedly outdated notions of sex and gender that strongly indicate, that should it be presented today, the same holding would not issue.<sup>11</sup>

The Supreme Court’s decision in *Price Waterhouse* is particularly important to the development of a more robust understanding of sex-based gender discrimination in the law. *Price Waterhouse*, 490 U.S. 228, 240 (1989). There, the Court held that Title VII bars discrimination based on the fact that a person is a woman or a man, *and* based on the fact that a person fails to act like a woman or a man—i.e. it protects people from discrimination based on their failure to adhere to society’s expectations of traditional gender roles. *Id.*

In 2000, the Ninth Circuit employed the reasoning from *Price Waterhouse* in a new statutory context. *Schwenk v. Hartford*, 204 F.3d 1187, 1202 (9th Cir. 2000). In *Schwenk*, the Ninth Circuit held that violence perpetrated against a transgender person,

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<sup>11</sup> At that time, the court found that “transsexuals” were not an insular minority, and found also that transsexuality was not a “immutable characteristic determined solely by accident of birth.” *Id.* at 663-64. The court remarked: “[T]he complexities involved merely in defining the term ‘transsexual’ would prohibit a determination of suspect classification for transsexuals.” *Holloway* at 663 (footnote omitted).

because they presented as a certain gender, was violence motivated by gender for purposes of the Gender Motivated Violence Act. *Id.* Since *Schwenk*, at least one court in the Ninth Circuit has held *Schwenk's* reasoning supports the follow-on conclusion that discrimination against transgender people is a form of sex discrimination subject to intermediate scrutiny review. *Norsworthy v. Beard*, 87 F. Supp. 3d 1104, 1121 (N.D. Cal. 2015) (where the court found that *Schwenk* overruled the specific conclusions on which the *Holloway* decision relied); *see also Olive v. Harrington*, 2016 WL 4899177, at \*5 (E.D. Cal. Sept. 14, 2016) and *Marlett v. Harrington*, No. 115CV01382MJSPC, 2015 WL 6123613, at \*4 (E.D. Cal. Oct. 16, 2015) (*pro se* screening orders citing *Norsworthy*, stating discrimination on the basis of transgender status is subject to intermediate scrutiny).

Of particular importance, significant changes in the medical understanding of gender identity call for a reexamination of its place in the equal protection context in relation to sex-based discrimination. *Duronslet v. Cty. of Los Angeles*, 266 F. Supp. 3d 1213, 1223 (C.D. Cal. 2017) (discussing advances since *Holloway v. Arthur Andersen & Co.*, 566 F. 2d 659 (9th Cir. 1977). “[I]t would not be inconsistent with *Holloway* ... to conclude, based on an adequately developed factual record, that our current understanding of transgenderism requires the application of heightened scrutiny.” *Id.*

Indeed, our medical understanding of biological sex and gender has advanced significantly in the forty-one years since *Holloway*. For instance, it is universally acknowledged in leading medical guidance that not all individuals identify as the sex they



are assigned at birth.<sup>12</sup> Despite the ongoing study to more fully understand the impact of differences in chromosomes, brain structure and chemistry, there is medical consensus that gender identity plays a role in an individual's determination of their own sex.

Therefore, to conclude discrimination based on gender identity or transsexual status is not discrimination based on sex is to depart from advanced medical understanding in favor of archaic reasoning.

***B. Defining New Suspect Qualifications – Transgender Status***

In the equal protection context, the Supreme Court “has recognized that new insights and societal understandings can reveal unjustified inequality [...] that once passed unnoticed and unchallenged.”<sup>13</sup> *Obergefell v. Hodges*, 135 S. Ct. 2584, 2603 (2015). The Supreme Court employs a four-factor test to determine whether a class qualifies as suspect or quasi-suspect. *United States v. Windsor*, 570 U.S. 744 (2013).

Heightened scrutiny is warranted where the state discriminates against a class that (1) has been “historically subjected to discrimination,” (2) has a defining characteristic bearing no “relation to ability to perform or contribute to society,” (3) has “obvious, immutable,

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<sup>12</sup> As set forth in WPATH *Standards of Care* protocols for the care of transgender and gender nonconforming people, including individuals with gender dysphoria. The WPATH protocols are endorsed by the following medical associations: The *American Medical Association*, the *Endocrine Society*, the *American Psychological Association*, the *American Psychiatric Association*, the *World Health Organization*, the *American Academy of Family Physicians*, the *National Commission of Correctional Health Care*, the *American Public Health Association*, the *National Association of Social Workers*, the *American College of Obstetrics and Gynecology*, the *American Society of Plastic Surgeons*, and *The American Society of Gender Surgeons*. (See Dkt. 28-5 at 8.)

<sup>13</sup> Responding to such insights and societal understandings, the Supreme Court has invalidated laws that imposed sex-based inequality in marriage, and inequalities in the institution of marriage arising from sex-based prohibitions. See *Obergefell v. Hodges*, 135 S. Ct. 2584, 2604 (2015).

or distinguishing characteristics,” and (4) is “a minority or is politically powerless.”

*Windsor v. United States*, 570 U.S. 744 (2013).

Courts have applied this test and have found that government discrimination based on transgender status is discrimination against a quasi-suspect class and thus is subject to intermediate scrutiny. *Adkins v. City of New York*, 143 F. Supp. 3d 134 (S.D.N.Y. 2015).<sup>14</sup> For example, in *Adkins*, a transgender person who had been arrested and imprisoned sued New York City and its officials, alleging equal protection violations based on discriminatory confinement conditions. *Id.* The court employed the test and found transgender people are a quasi-suspect class:

(1) Transgender people have suffered a history of persecution and discrimination (moreover this history of persecution and discrimination is not yet history); (2) Transgender status bears no relation to ability to contribute to society- i.e. simply by virtue of their status they are not any less productive than any member of society; (3) Transgender status is a sufficiently discernible characteristic to define a discrete minority class; (4) Transgender people are a politically powerless minority.

*Id.*

Similarly, in *Evancho v. Pine-Richland School Dist.*, the court concluded intermediate scrutiny applies to classifications based on transgender status. 237 F. Supp. 3d 267 (W.D. Pa. 2017). There, pursuant to a school board resolution, transgender high

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<sup>14</sup> See *Stone v. Trump*, No. CV MJG-17-2459, 2017 WL 5589122 (D. Md. Nov. 21, 2017) (finding transgender individuals appear to satisfy the criteria of at least a quasi-suspect classification, and that the classification at issue was a form of discrimination on the basis of gender); *A.H. v. Minersville Area School District*, No. 3:17-CV-391, 2017 WL 5632662, at \*7 (M.D. Pa. Nov. 22, 2017) (both the parties and the court agreed heightened scrutiny applied to a transgender girl’s equal protection claims when she was excluded from using the girl’s bathroom at school because the sex listed on her birth certificate was male).

school students were limited to using either single-user bathrooms or bathrooms matching their birth-assigned sex. The court acknowledged that the transgender students' gender identity was:

... deeply ingrained and inherent in their very beings. Like “sex,” [...] gender identity is neither transitory nor temporary. Further, what buttresses that conclusion is the fact that the school community as a whole treats these Plaintiffs in all other regards consistently with their stated gender identities, along with the reality that these Plaintiffs live all facets of their lives in a fashion consistent with their stated and experienced gender identities.

*Id.* at 289.

The findings in *Adkins* and *Evancho* echo findings made regarding homosexual people as a class and recognized by this Court in *Latta*, the Ninth Circuit in *SmithKline*, and the Supreme Court in *Windsor* and *Obergefell*. Applying the four factor analysis, the cases found: (1) homosexual people have endured persecution and discrimination; (2) sexual orientation has no relation to aptitude or ability to contribute to society; (3) homosexual people are a discernable group with non-obvious distinguishing characteristics; and (4) the class is a politically weakened minority.

The pervasive and extensive similarities in the discrimination faced by transgender people and homosexual people are hard to ignore: (1) transgender people have been the subject of a long history of discrimination that continues to this day; (2) transgender status as a defining characteristic bears no “relation to ability to perform or contribute to society; (3) transgender status and gender identity have been found to be “obvious, immutable, or distinguishing characteristic[s];” and (4) transgender people are unarguably a politically vulnerable minority. *Norsworthy*, 87 F. Supp. 3d at 1119 n.8;

*Adkins*, 143 F. Supp. 3d at 140; *See generally, SmithKline Beecham Corp. v. Abbott Labs.*, 740 F.3d 471, 481-84 (9th Cir. 2014). This is especially true in Idaho where transgender people have no state constitutional protections from discrimination based on their transgender status in relation to employment decisions, housing, and other services. Therefore, transgender people bear all of the characteristics of a quasi-suspect class and any rule developed and implemented by IDHW should withstand heightened scrutiny review to be constitutionally sound.

### CONCLUSION

Defendants, as conceded, violate the Equal Protection Clause by failing to provide an avenue for transgender people to amend the sex listed on their birth certificates. Plaintiffs have sufficiently demonstrated that they have suffered irreparable injury and harm that cannot be remedied by ordinary remedies at law—and by Defendants' acknowledgment, IDHW cannot proceed to create a new rule to remedy the harm without a court order. Furthermore, the balance of the hardships warrants an equitable remedy, because allowing such amendments would pose no new burden on Defendants: Idaho vital statistics laws allow IDHW to create and implement a constitutionally-sound rule, and IDHW already has in place processes and procedures to facilitate the amendment of birth certificates in the ordinary course of its everyday activities. Finally, the public interest is not disserved by a permanent injunction. A rule providing an avenue to obtain a birth certificate with a listed sex that aligns with an individual's gender identity promotes the health, well-being, and safety of transgender people without impacting the rights of others.

**ORDER**

**NOW THEREFORE IT IS HEREBY ORDERED:**

- 1) The Court **GRANTS in part** and **DENIES in part** Plaintiff's Motion for Summary Judgment. (Dkt. 28.)
- 2) The Court **PERMANENTLY ENJOINS** the IDHW Defendants and their officers, employees, and agents from practicing or enforcing the policy of automatically rejecting applications from transgender people to change the sex listed on their birth certificates.
- 3) IDHW Defendants and their officers, employees, and agents must begin accepting applications made by transgender people to change the sex listed on their birth certificates **on or before April 6, 2018**; such applications must be reviewed and considered through a constitutionally-sound approval process; upon approval, any reissued birth certificate must not include record of amendment to the listed sex; and where a concurrent application for a name change is submitted by a transgender individual, any reissued birth certificate must not include record of the name change.

**IT IS SO ORDERED.**



DATED: March 05, 2018

*Candy W. Dale*

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Candy W. Dale  
U.S. Magistrate Judge

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**8:00 A.M.**  
**Room EW42**  
**Monday, February 24, 2020**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS27733C1</u></a>	Petitions, Initiatives, Signature Gathering	Rep. James Addis
<a href="#"><u>H 516</u></a>	Concealed Weapons, Citizens	Rep. Christy Zito

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

Devon Powers  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, February 24, 2020

**TIME:** 8:00 A.M.

**PLACE:** Room EW42

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** Vice Chairman Armstrong

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Harris** called the meeting to order at 8:00 AM.

**RS 27733C1:** **Rep. Addis** said **RS 27733C1** was very similar to a previous RS that had been introduced to the committee but **RS 27733C1** included changes to address implementation dates for local initiatives.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 27733C1**. **Motion carried by voice vote.**

**H 516:** **Rep. Zito** said **H 516** was similar to a previous bill but included a change in language to include an allowance for all U.S. citizens to concealed carry in city limits.

**Diana David**, Every Town for Gun Safety, testified **in opposition** to **H 516**. She shared her personal experience with gun violence and said even gun owners are not immune to gun violence.

**Nicole Brown, Dr. Rick Shackelford, and Kathy Sasser**, Moms Demand Action, testified **in opposition** to **H 516** and spoke in support of permitting standards and the increased risk for Idahoans under **H 516**.

**Greg Pruett, David Lang**, Idaho Second Amendment Alliance, testified **H 516** makes the law less confusing and clears up confusion. They said **H 516** makes the law uniform across the state.

In response to committee questions, **Mr. Pruett** said people have a right to constitutional carry until they commit a crime. He said criminals are not prone to following the law but people who do follow the law should not be punished.

**Leigh Dyer** testified about the confusion caused by prior legislation regarding the ability of service members and their spouses to carry concealed weapons.

**MOTION:** **Rep. Young** made a motion to send **H 516** to the floor with a **DO PASS** recommendation.

**Kathleen DeGolia**, Moms Demand Automatics, testified **in support** of **H 516**. She said no visitor should end up breaking Idaho law because of inconsistencies and the issue is fixable. She said gun rights are women's rights and statistics demonstrate more crime in gun free zones.

**Dan Malloy** testified **in support** of **H 516**. He said the current law was inconsistent and does not stop criminals from carrying concealed weapons.

**Charles Nielsen** introduced his 11-year-old granddaughter, **Bailey**. He said she was carrying a loaded AR-15 and was responsible. He said people live in fear and make unreasonable demands of others to take care of those fears. He expressed offense that some consider constitutional carry a privilege.

During discussion on the motion, some committee members asked whether law enforcement agencies and associations would be testifying in support or opposition. The sponsor said only a few organizations responded to the new draft of the bill.

In closing, **Rep. Zito** said **H 516** does not have any effect on the permitting process and shared a personal story about how she almost had to use a firearm to protect her child.

**ROLL CALL  
VOTE ON  
ORIGINAL  
MOTION:**

**Rep. Young** requested a roll call vote on the original motion. **Motion carried by a vote of 11 AYE, 3 NAY, 1 ABSENT/EXCUSED. Voting in favor of the motion: Reps. Harris, Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young. Voting in opposition to the motion: Reps. Smith, Gannon, Green. Rep. Armstrong was ABSENT/EXCUSED. Rep. Zito will sponsor the bill on the floor.**

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 8:49 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary



**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**8:30 A.M.**  
**Room EW40**  
**Tuesday, February 25, 2020**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 393</u></a>	School Levy, Bond Elections, Dates	Rep. Wendy Horman
<a href="#"><u>S 1269</u></a>	Elections, Ballots Sealed, Recounts	Rep. Caroline Troy
<a href="#"><u>S 1306</u></a>	Uncontested City Elections	Rep. Caroline Troy

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

Devon Powers  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, February 25, 2020

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

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** Armstrong

**GUESTS:** Kevin Glenn, Michael Law, Rob Winslow, IHSA, Shawn Tiegu, Nez Perce School District, Kelli Brassfield, IAC, Justin Ruen, Association of Idaho Cities, Karen Echeverria, Paul Stark, Quinn Perry, Misty Swanson, ISBA, Jonathan Gillen, Brian Smith, West Ada School District, Russ Hendricks, Idaho Farm Bureau, Paula Kellerer, Randy Dewy, Allison Westfeld, Nampa School District, Devyn Hinson, Madison Cares, Jamie Anderson, BYU-Idaho

**Chairman Harris** called the meeting to order at 8:30 AM.

**H 393:** **Rep. Horman** said the effort for **H 393** started with frustrated voters who did not have good information about off-cycle elections. She said voter turnout for these off-cycle elections is low and people miss elections they wanted to vote in because they don't have the right information. Rep. Horman noted support for **H 393** exists across the political spectrum. Recognizing concerns about the effects of **H 393** on schools, she believes **H 393** will help create better community engagement on the issues.

**Sen. Lori Den Hartog**, a co-sponsor on **H 393**, said voter turnout is important for bonds and levies, which in turn affects property taxes. She said people should be involved in school issues but turnout is low. Sen. Den Hartog said schools have made a valiant attempt to educate the public but it can still be difficult for voters to find information. There is a cost benefit for consolidated elections.

In response to committee questions, **Sen. Den Hartog** said **H 393** focuses on types of questions that have the greatest impact for most voters. Sen. Den Hartog said off-cycle elections can cut across counties based on school districts. She said school district elections are not necessarily county-wide because school districts do not follow county lines. Sen. Den Hartog said she was unsure how **H 393** would affect recall elections but she would look into it. Sen. Den Hartog said **H 393** was primarily constituent-driven and **Rep. Horman** said she spoke with school districts and school boards after the print hearing.

**Rob Winslow**, Executive Director of the Idaho Association of School Administrators, and **Karen Echeverria**, Executive Director of the Idaho School Board Association testified in opposition to **H 393**. Mr. Winslow said school boards decide when to run elections and the association implements them. He testified information is posted on each school's website and Facebook and is communicated through emergency alert systems, posters in the community and public forums. Ms. Echeverria said the district goes to great lengths to make sure people know about elections and it is the voters' fault if they don't know the election dates. He said off-cycle elections often accommodate farmers in rural Idaho and the school boards do not enjoy running elections. Ms. Echeverria noted election dates are timed around teacher negotiations and budgets.

In response to committee questions, **Mr. Winslow** said each community picks the best time for themselves. Mr. Winslow said the challenge is disseminating information and that primarily depends on the community and its use of media because the association cannot lobby, just provide factual information.

In response to committee questions, **Ms. Echeverria** said elections were originally consolidated to address voter fatigue concerns and it is difficult to raise awareness about issues on the ballot with presidential, state and local elections. Ms. Echeverria said school boards were approached about the legislation but felt like there was little room for negotiation. She explained bonds go to facilities and levies typically go toward salaries and benefits.

**Shawn Tiegu**, Nez Perce School District Superintendent, testified **in opposition to H 393**. He said the timing of elections is critical for budgets. He said this legislation strips local control by consolidating election dates.

**Michael Law** and **Kevin Glenn** testified **in support of H 393**. Mr. Glenn said the school boards only market elections to certain parties and the process in place has been exploited. They said bonds and levies are run far too frequently and build animosity and frustration among voters. They emphasized the money this bill saves on running elections and suggested school districts would be more cognizant of the will of the people if they had less frequent elections.

**Paul Stark**, general counsel for the Idaho Education Association, testified **in opposition to H 393**. He said if the real issue is participation or a better-informed electorate, there are other ways to do it. Mr. Stark said the community decides whether they pay for bonds and levies and cutting funds cuts children's education.

**Allison Westfeld**, Vice Chair of the Nampa High School Board of Trustees, testified **in opposition to H 393**. She said the strongest participation has been in November and March and the district does look at voter demographics. She emphasized how the school district is working with voters to inform them and help them understand the issues and the four dates provide flexibility for districts.

**Russ Hendricks**, Idaho Farm Bureau, testified **in support of H 393**. He said **H 393** brings school districts into alignment with other local elections. **H 393** would not take away local control and many people said they have chosen to run their elections in May or November because it works well for them. Consolidating elections will help voters be better informed and allow a greater number of people to participate, but it won't necessarily change the outcome.

In response to committee questions, **Mr. Hendricks** said the Farm Bureau feels comfortable **H 393** leaves opportunities for recall elections to be held.

In closing, **Rep. Horman** said she did meet and listen to education lobby groups and did not hear any concerns unsolvable by running elections in May and November. She said her intent was not to have more levies fail but the current culture is one in which school districts run elections all the time.

**MOTION:**

**Rep. Palmer** made a motion to send **H 393** to the floor with a **DO PASS** recommendation.

During discussion on the motion, committee members expressed concern about eliminating election dates based on the impact they would have on rural districts and farmers as well as their effect on school planning.

**SUBSTITUTE MOTION:**

**Rep. Gannon** made a substitute motion to send **H 393** to General Orders. Speaking to his motion, Rep. Gannon said the real solution is to fund the education system adequately at the state level and **H 393** makes the situation worse by restricting education funding alternatives. He also expressed concern about the effect of **H 393** on recall elections.

**Rep. Crane** spoke in support of the original motion. He said the only voter fatigue he has heard about is people who are tired of voting over and over again on the same bond.

**ROLL CALL  
VOTE ON  
SUBSTITUTE  
MOTION:**

**Rep. Smith** requested a roll call vote on the substitute motion. **Motion failed by a vote of 3 AYE, 11 NAY, 1 ABSENT/EXCUSED. Voting in favor** of the substitute motion: **Reps. Smith, Gannon, Green. Voting in opposition** to the substitute motion: **Reps. Harris, Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young. Rep. Armstrong was ABSENT/EXCUSED.**

During discussion on the original motion, committee members expressed concern that school boards and school districts were not involved in the creation of the bill. Other committee members said the process has been exploited over the years and **H 393** addresses that issue.

**ROLL CALL  
VOTE ON  
ORIGINAL  
MOTION:**

**Rep. Smith** requested a roll call vote on the original motion. **Motion carried by a vote of 11 AYE, 3 NAY, 1 ABSENT/EXCUSED. Voting in favor** of the original motion: **Reps. Harris, Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young. Voting in opposition** to the motion: **Reps. Smith, Gannon, Green. Rep. Armstrong was ABSENT/EXCUSED. Rep. Horman** will sponsor the bill on the floor.

**S 1269:**

**Rep. Troy** said **S 1269** ensures ballots are secured until the recount opportunity window is closed.

**MOTION:**

**Rep. Andrus** made a motion to send **S 1269** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Troy** will sponsor the bill on the floor.

**S 1306:**

**Rep. Troy** said **S 1306** allows cities to not hold an election if it is an uncontested election.

In response to committee questions, **Rep. Troy** said it is her understanding cities are the only ones that cannot choose not to hold an election for an uncontested position.

**Justin Ruen**, Idaho Association of Counties, testified in support of **S 1306**.

**Kelly Brassfield**, Idaho Association of Counties, yielded to **Phil McGrane**, Ada County Clerk. He testified in support of the bill and said this process is mirrored in every other taxing district.

**MOTION:**

**Rep. Hartgen** made a motion to send **S 1306** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Troy** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 9:57 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

**AMENDED AGENDA #2**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Wednesday, February 26, 2020**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS27820</u></a>	State Officials, Electronic Threats	Rep. Brent Crane
<a href="#"><u>H 548</u></a>	Petitions, Initiatives, Signature Gathering	Rep. James Addis

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

Devon Powers  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 26, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** None

**GUESTS:** None

**Chairman Harris** called the meeting to order at 9:00 AM.

**RS 27820:** **Rep. Crane** said **RS 27820** expands the current statute regarding verbal and written threats against public officials to include threats transmitted electronically.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 27820**. **Motion carried by voice vote.**

**H 548:** **Rep. Addis** said **H 548** addresses the initiative process and improves clarity, transparency, and integrity in the process. **H 548** states initiatives must have one subject and signers must be aware of the right to remove their signature. **H 548** establishes an effective date for statewide initiatives and provides that city and county initiatives follow local statutes. **H 548** also requires the initiative presenter to abide by campaign finance laws and disclose money paid to signers above a certain amount. **H 548** changes the filing date for initiatives and referendums to streamline standards.

In response to committee questions, **Rep. Addis** said he did consider requiring a cost estimate for initiatives but referred to another piece of pending legislation he was working on with another representative that addresses that issue. In regard to a question about disclosing payments, Rep. Addis did not believe employees would be required to disclose their entire salary if they gathered signatures while they were working.

**MOTION:** **Rep. Palmer** made a motion to send **H 548** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Addis** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:12 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Thursday, February 27, 2020**

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<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>S 1280</u></a>	Campaign Finance Reporting	Rep. Kevin Andrus
<a href="#"><u>S 1246</u></a>	Inactive Programs, Commissions	Rep. Steven Harris
<a href="#"><u>H 525</u></a>	Public Moneys, Abortion	Rep. Bryan Zollinger

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

Devon Powers  
Room: EW46  
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email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, February 27, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** Vice Chairman Armstrong

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Harris** called the meeting to order at 9:00 AM.

**MOTION:** **Rep. Andrus** made a motion to approve the minutes from the Wednesday, February 12, 2020 meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Andrus** made a motion to approve the minutes from the Thursday, February 13, 2020 meeting. **Motion carried by voice vote.**

**S 1280:** **Rep. Andrus** said **S 1280** includes judges in the same exemption that allows local government officials to not report any campaign-related expenditures of less than \$500.

**MOTION:** **Rep. Hartgen** made a motion to send **S 1280** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Armstrong** will sponsor the bill on the floor.

**Chairman Harris** turned the gavel over to **Rep. Crane**.

**S 1246:** **Rep. Harris** said **S 1246** removes obsolete commissions that are currently inactive.

**MOTION:** **Rep. Scott** made a motion to send **S 1246** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Harris** will sponsor the bill on the floor.

**Rep. Crane** turned the gavel over to **Chairman Harris**.

**H 525:** **Rep. Zollinger** said the purpose of **H 525** is to ensure no state taxpayer funds go to abortion providers. He said courts have found states have legitimate interest in protecting unborn lives. **H 525** includes the exceptions for abortions as delineated in the Hyde Amendment. Under federal law, federal money cannot be provided for abortions, but can be provided to abortion providers.

In response to committee questions, **Rep. Zollinger** said the abortion providers in Idaho do receive state funds for other services and **H 525** eliminates those funds to abortion providers. **Rep. Zollinger** said **H 525** includes all options the Attorney General laid out in his opinion and therefore it will be defensible in court. He said the state has the authority to withhold state funds. **Rep. Zollinger** said **H 525** defunds abortion providers through the fungibility of money because state money does go to facilities that provide abortions, often at a lower cost because they are getting funds from other sources for all their other services.



Committee members expressed concern **H 525** provides funding for abortions in cases of rape, incest or life of the mother at the local level. **Rep. Zollinger** stated the current law already allows public funding to be provided for abortions on a city or county level in those exceptions. He said nowhere in law are cities and counties prohibited from funding abortions and **H 525** actually limits their ability to fund abortions to the exceptions listed in the Hyde Amendment. He emphasized federal funds can still go to abortion providers but **H 525** would stop state funds from flowing to those facilities.

**Chandler Watson** testified **in opposition** to **H 525**. He said committee members had brought up legitimate questions and asked the committee to consider other legislation instead.

Committee members objected to the testimony and said testimony should keep to the bill at hand and not compare legislation.

**Silas Thompson** testified **in opposition** to **H 525**. He said abortion should be abolished completely and **H 525** did not go far enough. He said **H 525** should be amended to remove exceptions and evil should not be visited on the child for the evil of their parents.

**Chairman Harris** reminded committee members and guests of committee rules against assigning motives to legislation or sponsors.

**Andy de Ganahl, Bear Morton, David Pascal, Scott Watson, and Samuel Shaffer** testified **in opposition** to **H 525**. They said **H 525** will not protect babies and it is a pro-abortion bill that targets a minority. They said **H 525** is evil and against the word of God. They emphasized that abortion was wrong in any circumstance.

**Donna Harwood** testified **in opposition** to **H 525** because Planned Parenthood offers trauma-informed, high-quality health care.

**Kacie O'Connor** testified **in opposition** for **H 525** because her family has benefited from Planned Parenthood service when they did not have health insurance.

**David Ripley**, Executive Director of Idaho Chooses Life, and **Blaine Conzatti**, Family Policy Alliance, testified **in support** of **H 525**. They said the objective of **H 525** is to stop funds from going to the abortion industry and continued funding is an assault on the conscience of taxpayers. They said **H 525** prohibits any level of government from subsidizing abortions and complies with the Hyde Amendment. **H 525** does not create any new authorization for funds; in reality it revokes the current ability of local governments to send public money to abortion providers outside of exceptions.

In response to committee questions, **Mr. Ripley** said **H 525** was complicated because it deals with state and local government funds and expressed hope that Planned Parenthood would eventually be eliminated from the Medicaid system and would stop receiving those funds.

In response to committee questions, **Mr. Conzatti** said the exceptions listed in **H 525** are already in code and local governments are already allowed to provide funding for abortion under those exceptions.

**Michael Law** testified **in support** of **H 525**. He quoted the founding fathers and said the US Constitution protects the natural right to life and abortion is abhorrent.

**Lori Burelle**, Southwest Idaho National Organization for Women, testified **in opposition** to **H 525**. She said **H 525** will lead to more women dying. She said if the legislature was serious about reducing abortions, it would fund Planned Parenthood and other facilities that provide long-term birth control.

**Chairman Harris** reminded committee members and guests not to assign motives to legislation or sponsors or disparage any particular groups of people. He asked those giving testimony to keep to the bill at hand.

**Mistie Tolman**, Planned Parenthood, testified **in opposition to H 525**. She said Planned Parenthood provides high-quality, cost-effective health care to low-income patients that may not have anywhere else to go. **H 525** limits patients' choices and other care providers cannot fill the gap Planned Parenthood would leave. Ms. Tolman said the law already prohibits federal funding for abortion except in limited circumstances under the Hyde Amendment and **H 525** would cut care at all levels.

In response to committee questions, **Ms. Tolman** said funding cuts in other states contributed to the closing of Planned Parenthood clinics. She said she did not have exact numbers for the financial impact but she was looking at legal issues and the care provided by Planned Parenthood. Ms. Tolman said she expects financial impact because like any health provider, patients come with needs and they provide care for which they are reimbursed.

**Kathy Griesmyer**, ACLU, testified **in opposition to H 525** and said it was an attempt to defund Planned Parenthood and threatens opportunity for Idahoans to get quality care. Planned Parenthood is a critical safety net provider and restricting public funds for abortion has a disproportionate impact on low-income and minority women. Ms. Griesmyer also said attempts to penalize abortion providers for non-abortion care has not been held up in court.

**Paige McMahon** testified **in opposition to H 525**. She said **H 525** is a direct attack on Planned Parenthood and their patients. Cutting off public funding cuts off access to preventative health care services.

**Mark Steinmeyer** testified **in opposition to H 525**. He said there are two sources of authority-secular and religious. He encouraged committee members to recognize they are not above state or divine law. He asked them to reject **H 525**.

Due to time constraints, **H 525** will be carried over to the meeting of February 28, 2020 at 8:30 AM.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 10:28 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

**AMENDED AGENDA #2**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**8:30 A.M.**  
**Room EW40**  
**Friday, February 28, 2020**

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<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 414</u></a>	Liquor Stores, Sample Tastings	Rep. Vito Barbieri
<a href="#"><u>RS27848</u></a>	Liquor Stores, Sample Tastings	Rep. Vito Barbieri
<a href="#"><u>S 1268aa</u></a>	Elections, Write-Ins	Rep. Caroline Troy
<a href="#"><u>S 1307</u></a>	State Budget, Motor Vehicle Sales	Jordan Watters, Chief of Staff to the Lieutenant Governor
<a href="#"><u>H 525</u></a>	Public Moneys, Abortions Continuation from February 27, 2020	Rep. Bryan Zollinger

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

Devon Powers  
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Phone: 332-1145  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, February 28, 2020

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

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** Vice Chairman Armstrong, Gannon

**GUESTS:** Marsha Bravo, Patt Alpine, Sylvia Charitou, Mary Slaughter, Mary Ruckh, AAUW, Tanisha Newton, ACLU, Kelli Brassfield, IAC, Brody Aston, Enterprise Car Rental, Hauns Snyder, Azalea Rummeler, Allan Davison

**Chairman Harris** called the meeting to order at 8:30 AM.

**H 414:** **Rep. Barbieri** said **H 414** had previously been before the committee and asked the committee to hold **H 414** in committee.

**MOTION:** **Rep. Crane** made a motion to **HOLD 414** in committee. **Motion carried by voice vote.**

**RS 27848:** **Rep. Barbieri** said **RS 27848** replaces **H 414**. He said **RS 27848** requires ABC to be notified when there is a sampling and prohibits advertising for samplings.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 27848** and recommend it be sent directly to the second reading calendar.

**SUBSTITUTE MOTION:** **Rep. Crane** made a substitute motion to introduce **RS 27848**. Speaking to his motion, Rep. Crane expressed concern the Liquor Department was not present to testify about **RS 27848**.

Speaking **in opposition** to the motion, **Rep. Barbieri** said **RS 27848** is substantially similar to **H 414**, the department had testified during that hearing, and the committee should forego another hearing.

In response to a clarifying question from a committee member, **Rep. Barbieri** said **RS 27848** does restrict the division from advertising.

Committee members questioned whether it was possible to alert the Liquor Department and have someone come testify before the meeting adjourned. **Chairman Harris** said an impromptu hearing would be a violation of the original motion and there is still time for a hearing.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:** Roll call vote was requested. **The substitute motion carried by a vote of 7 AYE, 6 NAY, 2 ABSENT/EXCUSED. Voting in favor** of the substitute motion: **Reps. Harris, Crane, Holtzclaw, Monks, Zito, Andrus, Young. Voting in opposition** to the substitute motion: **Reps. Barbieri, Scott, Hartgen, Smith, Gannon, Green. Reps. Armstrong and Palmer were ABSENT/EXCUSED.**

**S 1268AA:** **Rep. Troy** said **S 1268aa** changes the deadline for write-in candidates to give clerks enough time to get ballots printed and mailed, requires write-in candidates to pay filing fees, and allows the Secretary of State to design ballots without write-in candidate lines if there has not been a declaration.

**MOTION:** **Rep. Hartgen** made a motion to send **S 1286aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Troy** will sponsor the bill on the floor.

**S 1307:** **Jordan Watters**, Chief of Staff to the Lieutenant Governor, said **S 1307** allows companies to use funds from the sale of a vehicle for operating expenses.

**MOTION:** **Rep. Hartgen** made a motion to send **S 1307** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Boyle** will sponsor the bill on the floor.

**H 525:** **Chairman Harris** said no new testimony for **H 525** would be taken, but the testimony from yesterday would be continued.

**Paul Thompson** testified **in opposition** to **H 525**. He said he wants a complete ban of abortions and **H 525** authorizes abortions under certain circumstances and has the potential to open up more causes for abortions. He said **H 525** says life by rape or incest is not as precious as other lives. Mr. Thompson said **H 525** is an attack against children and children only. He asked the committee not to show people that only some lives are worth defending.

**Christopher Folkerts** testified **in opposition** to **H 525**. He said this is the civil rights movement of the 21st century. He said **H 525** operates on the premise that life is sacred but shoots itself in the foot by allowing exceptions. Mr. Folkerts said **H 525** is a Trojan horse for abortions under certain circumstances. He argued **H 525** is unsound, unjust and unkind. He said it was not in the best interest of the mother to abort her child and allowing her to do so would answer evil with evil.

**Toni Lawson**, Vice President of Idaho Hospital Association, testified abortions are rarely even discussed among members of hospital leadership because they so rarely happen. She said the hospitals submitted language to exclude hospitals from **H 525** that was not accepted by the sponsors and therefore leaves hospitals at risk. She said if an abortion was performed under the exception of life of the mother or child, hospitals would be affected and could lose significant funding. She requested **H 525** be held in committee to allow hospitals and sponsors come to an agreement and add further clarifying language.

In response to committee questions, **Ms. Lawson** expressed concern if there were doubt in the interpretation of life of the mother the 46 hospitals in the state may lose all funding for all other services. Ms. Lawson said hospitals are not marketing abortions but there are cases where they may be necessary procedures to protect the life of the mother or for the futility of the fetus and if those abortions were performed, they would be reported as required.

**Jennifer Martinez**, Idaho Coalition Against Sexual and Domestic Violence, and **Chelsea Lincoln**, Add the Words Idaho and Legal Voice, testified **in opposition** to **H 525**. They said Planned Parenthood provides a reliable, trusted source of health care for low-income people and **H 525** cuts off access to a range of health care services. Ms. Martinez said the exceptions in **H 525** require proof from a court or law enforcement which compounds the trauma women may already be experiencing. Ms. Lincoln said **H 525** would create a public health crisis, lead to lawsuits and was discriminatory, harmful and irresponsible.

**Lindsay Zea** testified **in support** of **H 525**. She said the federal government has tied the hands of the states in protecting life under the Hyde Amendment and does not want her tax dollars to go to overhead costs for facilities that provide abortions. She said this bill does not win the pro-life war but it can save one life.

**Jackie Wakefield** on behalf of **Keri Uhlenkotte**, Right to Life Idaho, and **Christian Welp**, Catholic Church of Idaho, testified **in support of H 525**. Ms. Wakefield said abortion is not health care but a brutal procedure and human rights abuse that should not be paid for by the public. She said abortion funding restrictions save lives. Mr. Welp said while he does not believe in exceptions for abortions, they are already in statute.

In response to committee questions, **Mr. Welp** said it is his understanding that because those exceptions for abortions are already in statute, they can be funded.

**Hauns Snyder** testified his family cannot afford health insurance and use Planned Parenthood as a health care provider. He said **H 525** ensures and imposes religious authority on people who do not identify as Christians, which does not follow American values. He said he does not have respect for committee members.

**Chairman Harris** reminded committee members and guests that committee rules prohibit assigning motives to legislation or sponsors.

**Azalea Rumlmer** testified **in opposition to H 525**. She said the system cannot absorb the patients Planned Parenthood has and everyone should have access to health care.

In closing, **Rep. Zollinger** said the intent of **H 525** is to further the interest of the state in preserving lives of unborn children. He said **H 525** does not prohibit funds from going to abortion but it prevents other moneys from going to any abortion providers and the exceptions are already in statute. He said it was not his intention to exclude hospitals and the language added to protect them was more broad than he would have liked and **H 525** includes a definition for medical emergency. Rep. Zollinger said **H 525** does not accomplish everything he wished it did but the Supreme Court has the final say.

In closing, **Rep. Zito** said the issue of abortion is never easy and she believes it is unconstitutional but this bill is a step in the right direction.

**MOTION:**

**Rep. Andrus** made a motion to send **H 525** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:**

**Rep. Scott** made a substitute motion to **HOLD H 525** in committee. Speaking to her motion, Rep. Scott said she believed in the good intentions of **H 525** but it codifies using public moneys for abortions, which is not already in statute. She said committee members have sworn to uphold the constitution and by voting in favor of **H 525**, committee members are communicating that the lives of unborn babies in those exception circumstances do not matter. She said this bill would not stop anyone from setting up an abortion murder mill with public funds. She said if the goal is to defund Planned Parenthood, **H 525** is not the way to do so.

**Rep. Zito** said they spent a long time ensuring **H 525** would not add anything new to statute and their intent was to protect life. She said slavery and gun rights were not solved in one action but were and are being addressed over time and this is a step-by-step process.

**VOTE ON SUBSTITUTE MOTION:**

**Motion failed by voice vote.**

During discussion on the original motion, **Rep. Gannon** said **H 525** was a legal disaster that would result in another lawsuit and referred to the Attorney General opinion. He said **H 525** penalizes lawful acts, which in turn makes it unlawful. **Rep. Green** said she would not support the original motion because **H 525** may allow hospitals to be defunded. She reminded the committee that rape and incest does have a victim that all testimony has ignored and treated as irrelevant and no woman should be barred from having reproductive rights. **Rep. Scott** said **H 525** is a not a good bill and she believes abortion is murder and cannot vote for a bill that would codify using tax dollars to kill innocent lives because their fathers are criminals. She said voting for **H 525** means agreement with the exceptions in code.

**VOTE ON ORIGINAL MOTION:**

**Motion carried by voice vote. Rep. Zollinger** will carry the bill on the floor.

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 9:49 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Monday, March 02, 2020**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>S 1267</u></a>	Daylight Saving Time	Sen. Steve Vick
<a href="#"><u>S 1310</u></a>	Recall Elections, Petitions	Rep. Christy Zito
<a href="#"><u>S 1334</u></a>	Codifier's Corrections	Rep. Kevin Andrus

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris      Rep Holtzclaw  
Vice Chairman Armstrong      Rep Monks  
Rep Crane      Rep Zito  
Rep Palmer      Rep Scott  
Rep Barbieri      Rep Andrus

Rep Hartgen  
Rep Young  
Rep Smith  
Rep Gannon  
Rep Green

COMMITTEE SECRETARY

Devon Powers  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, March 02, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representative(s) Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** Representative(s) Crane, Young, Green

**GUESTS:** None

**Chairman Harris** called the meeting to order at 9:02 AM.

**S 1267:** **Sen. Vick** said **S 1267** would put northern Idaho on Daylight Savings Time permanently if Congress grants Washington, Oregon, and Idaho permission to do so. Northern Idaho is closely tied to Washington. **S 1267** does not take effect immediately because it requires an act of Congress to implement.

In response to committee questions, **Sen. Vick** said **S 1267** is the state's official request to change to Daylight Savings Time and it passed unanimously in the Senate. He said for four months of the year, northern Idaho and southern Idaho would have the same time. Committee members asked about the rest of the state. **Sen. Vick** referred to other pending legislation that would tie southern Idaho to Utah. He said the prime effect on commerce is time zones.

**MOTION:** **Rep. Zito** made a motion to send **S 1267** to the floor with a **DO PASS** recommendation.

**Rep. Gannon** supported the motion. Some committee members said it was important for the whole state to be in the same time zone of the capital city.

**VOTE ON  
MOTION:** **Motion carried by voice vote. Rep. Barbieri** will sponsor the bill on the floor.

**S 1310:** **Rep. Zito** said **S 1310** came from the Secretary of State's office and revises the process for ordering a recall election to ensure a non-conflicting officer oversees the ordering of a recall.

**MOTION:** **Rep. Hartgen** made a motion to send **S 1310** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Zito** will sponsor the bill on the floor.

**S 1334:** **Rep. Andrus** presented **S 1334** which includes grammatical corrections from the codifier.

**MOTION:** **Rep. Palmer** made a motion to send **S 1334** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Andrus** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:21 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Tuesday, March 03, 2020

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 559</u></a>	State Officials, Electronic Threats	Rep. Brent Crane
<a href="#"><u>S 1344</u></a>	State Agencies, Reports	Rep. Megan Blanksma
<a href="#"><u>SCR 135</u></a>	Adree Edmo, Gender Reassignment	Rep. Mike Kingsley

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

Devon Powers  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 03, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** None

**GUESTS:** None

**Chairman Harris** called the meeting to order at 9:00 AM.

**MOTION:** **Rep. Andrus** made a motion to approve the minutes from the February 14, 2020 meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Andrus** made a motion to approve the minutes from the February 19, 2020 meeting. **Motion carried by voice vote.**

**H 559:** **Rep. Crane** said **H 559** simply adds electronically transmitted threats against elected or appointed public officials to the types of threats prohibited in code.

**MOTION:** **Rep. Hartgen** made a motion to send **H 559** to the floor with a **DO PASS** recommendation.

During discussion on the motion, committee members questioned **Rep. Crane** further. **Rep. Crane** said in the past, there was no way for electronically transmitted threats to be prosecuted because it was only illegal to threaten officials verbally or in writing.

**VOTE ON MOTION:** **Motion carried by voice vote. Reps. Scott and Zito** requested to be recorded as voting **NAY**. **Rep. Crane** will sponsor the bill on the floor.

**S 1344:** **Rep. Blanksma** said **S 1344** was the product of the federalism committee and requires reports to DFM about federal grant money to include information about when the grants end and an exit plan for when they do. The purpose is to assist in tracking how grants are being applied for and used and provide more transparency.

**MOTION:** **Rep. Monks** made a motion to send **S 1344** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Blanksma** will sponsor the bill on the floor.

**SCR 135:** **Rep. Kingsley** said **SCR 135** states the support of the legislature for **Governor Little** and the Department of Correction in their opposition to the State of Idaho's decision to provide gender reassignment surgery to **Andree Edno**.

**MOTION:** **Rep. Crane** made a motion to send **SCR 135** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Kingsley** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:09 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Wednesday, March 04, 2020

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS27887</u></a>	Public Records, Legislature	Rep. Megan Blanksma
<a href="#"><u>H 575</u></a>	Liquor Stores, Sampling	Rep. Vito Barbieri
<a href="#"><u>S 1350</u></a>	Initiatives, Funding	Rep. Wendy Horman

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

Devon Powers  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, March 04, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** Representative(s) Smith

**GUESTS:** Jeff Anderson, ISLD; John Foster, DSCUS

**Chairman Harris** called the meeting to order at 9:00 AM.

**MOTION:** **Rep. Andrus** made a motion to approve the minutes of the Monday, February 17, 2020 meeting. **Motion carried by voice vote.**

**RS 27887:** **Rep. Blanksma** said **RS 27887** requires more detail in public record requests and defines personal notes, personal communication between legislators that does not relate to public business, and the drafting process not part of the public record.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 27887**. **Motion carried by voice vote.**

**H 575:** **Rep. Barbieri** said **H 575** only allows sampling within state-owned liquor stores. Workers may not consume samples in stores and the sample amount is a quarter of an ounce and someone may have no more than three samples in 24 hours. The sampling area is set aside and separate within the store.

In response to committee questions, **Rep. Barbieri** said the assumption is the worker would recognize someone who was repeatedly coming back for samples.

**John Foster**, representing the Distilled Spirits Council of the United States, testified **H 575** is a pro-temperance bill that allows the business community to compete. He emphasized tasting is not a form of consumption but of marketing.

**MOTION:** **Rep. Holtzclaw** made a motion to send **H 575** to the floor without recommendation. Speaking to his motion, Rep. Holtzclaw said temperance is very important and **H 575** would be good for business.

**VOTE ON MOTION:** **Motion carried by voice vote. Reps. Crane, Andrus, and Harris** requested to be recorded as voting **NAY**. **Rep. Barbieri** will sponsor the bill on the floor.

**S 1350:** **Rep. Horman** said **S 1350** adds a fiscal impact statement to all ballot initiatives. She said DFM already does the research so the only thing they need to do is produce the statement.

**MOTION:** **Rep. Crane** made a motion to send **S 1350** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Horman** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 9:27 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:30 A.M.  
Room EW40  
Friday, March 06, 2020

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 601</a>	Public Records, Legislature	Rep. Megan Blanksma

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris      Rep Holtzclaw  
Vice Chairman Armstrong      Rep Monks  
Rep Crane      Rep Zito  
Rep Palmer      Rep Scott  
Rep Barbieri      Rep Andrus

Rep Hartgen  
Rep Young  
Rep Smith  
Rep Gannon  
Rep Green

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, March 06, 2020

**TIME:** 9:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** None

**GUESTS:** Matt Davison, Idaho Newspaper Association, Ken Burgess, Idaho Press Club

**Chairman Harris** called the meeting to order at 9:30 AM.

**H 601:** **Rep. Blanksma** said **H 601** exempts personal notes not shared with others from the public record, tightens stipulations on what can be requested, and moves one section of code to another section. **H 601** also exempts requests for research and analysis to help the drafting process stay out of the public eye, exempts personal communication between legislators that is not related to public business, exempts personal identifying characteristics of private citizens, and exempts the working papers of legislative audits prior to the release of the final public audit.

In response to committee questions, **Rep. Blanksma** said individuals asking legislators to support legislation is exempt unless the person was representing a group. She said the legislation includes LSO staff and the drafting process. Rep. Blanksma said legislators currently have two options: legislators can pull private information before they send the public records request to the Legislative Services Office (LSO), or LSO can go through all the information. Rep. Blanksma said she does not think **H 601** will lead to more court cases for access to public records and she met with LSO to find the best and most efficient way to process requests and information. Rep. Blanksma said **H 601** did add draft redistricting plans to the exemptions as well as work papers created prior to the release of performance evaluations and legislative audits. She said any requirements that those work papers be preserved for public record would be an internal policy, not a code requirement.

**Matt Davison**, Idaho Newspaper Association, testified **in opposition** to **H 601**. He said the newspapers do not misuse the system and the system is working. He said **H 601** was unnecessary and Idaho already has a content-based standard. Mr. Davison asked who defines public business and said everyone wants transparency and to play by the same rules.

In response to committee questions, **Mr. Davison** emphasized his issue with **H 601** was primarily the lack of definition of public business. He asked the committee to let people like him hold their staff accountable. He said redacting the names of all private citizens would impact clarity and transparency because the public would not know if people with money or influence were lobbying for legislation. Committee members said they treat everyone equally, regardless of money or influence and to suggest that they were hiding anything from the public instead of protecting people is offensive.



**Ken Burgess**, Idaho Press Club, testified about several problems he saw in **H 601**. He said he was unsure of how the exemption for private notes meshed with open meeting laws. He was also concerned with the language regarding the drafting process of legislation.

**MOTION:** **Rep. Palmer** made a motion to send **H 601** to the floor with a **DO PASS** recommendation.

In closing, **Rep. Blanksma** said **H 601** is not intended to be a punitive piece of legislation. She said private citizens are private citizens, no matter who they are.

During discussion on the motion, committee members expressed concern about the exemption of working papers that are the basis for reviews and draft redistricting plans. They said some parts of **H 601** go too far and other parts do not go far enough.

**VOTE ON MOTION:** **Motion carried by voice vote. Rep. Crane** requested to be recorded as voting **NAY. Rep. Blanksma** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:15 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Monday, March 09, 2020

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>S 1265</u></a>	Local Governing Entities, Registry	Rep. Paul Amador
<a href="#"><u>S 1355</u></a>	Idaho Medal Of Honor	Rep. Jake Ellis

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, March 09, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** Representative(s) Palmer, Scott, Andrus

**GUESTS:** None

**Chairman Harris** called the meeting to order at 9:00 AM.

**S 1265:** **Rep. Amador** said **S 1265** registers all local entities, such as taxing districts, in a central registry to ensure everyone who needs to be audited is audited. He said the purpose of **S 1265** are to reduce burdensome administrative requirements for entities and removes obsolete language.

In response to committee questions, **April Renfro**, LSO Audit Division, said the department looks at expenditures to do audits and it is not necessary for entities to submit their expenditures and their budget. She said **S 1265** includes all local governing entities as defined in code.

**MOTION:** **Rep. Hartgen** made a motion to send **S 1265** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Amador** will sponsor the bill on the floor.

**S 1355:** **Rep. Ellis** said **S 1355** changes statute to reflect current process and rules of the Idaho Medal of Honor Commission. He said the biggest change was adding one designee chosen by the governor from the firefighters and the police.

**MOTION:** **Rep. Green** made a motion to send **S 1355** to the floor with a **DO PASS** recommendation.

In response to committee questions, **Rep. Ellis** said he thought the commission rules would fall under the oversight of the legislature. **Rep. Ellis** said the award is given during the legislative session so the legislators can appreciate the recipient. He said **S 1355** shifted rules into statute. **Rep. Ellis** said putting rules into statute does not limit the flexibility of the commission.

**VOTE ON  
MOTION:** **Motion carried by voice vote.** **Rep. Ellis** will sponsor the bill on the floor.

**ADJOURN:** There being no further business before the committee, the meeting was adjourned at 9:23 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Tuesday, March 10, 2020**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>S 1345</u></a>	Industrial Hemp	Rep. Caroline Troy

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 10, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** Young

**GUESTS:** The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman Harris** called the meeting to order at 9:00 AM.

**S 1345:** **Rep. Troy** presented **S 1345**. She provided a brief history of hemp production and noted the federal government regulations over the crop today. **S 1345** refers to **Governor Little's** executive order regarding interstate transportation of hemp and calls for a state plan to be implemented regarding the farming of hemp. Rep. Troy said hemp is a highly regulated commodity at the federal level. Rep. Troy said **S 1345** allows for samples to be taken and tested and states transporting hemp without the proper permits is a misdemeanor. Rep. Troy yielded time to **Rep. Raymond**. Rep. Raymond spoke **in support** of **S 1345** and said the Governor Little's executive order expires at Sine Die. He said **S 1345** allows farmers to dip their toe into the industry without shifting the focus of the Department of Agriculture from crops that are profitable. Rep. Troy said **S 1345** calls for a state plan that ensures state control over the hemp industry. Rep. Troy said **S 1345** does not legalize the buying or selling of hemp or hemp that has .3% or more THC. She said **S 1345** would allow the legislature to review rules regularly and provides farmers with an alternative crop.

In response to committee questions, **Rep. Troy** said hemp has a .3% THC or lower while marijuana has a higher percentage of THC. She said any hemp that is over the .3% threshold is called hot hemp, ineligible for crop insurance and must be destroyed. Rep. Troy said the farmer destroys the crop and the process would be laid out in rules. The hemp can be tested for THC by the State Department of Agriculture at any time in addition to a specific time before the hemp is harvested. She said the farmers submit the GPS coordinates of the fields to the Department of Agriculture. Rep. Troy said once hemp is identified as hot hemp there are procedures and guidelines to follow and referred to crop residue requirements. She said the regulations and processes laid out in **S 1345** are similar to those of other agricultural commodities and it is inspected, tested, tagged, and labeled before transport. Rep. Troy said transporting marijuana is a felony but transporting hemp with a license is not. Rep. Troy said much of the licensing process and fees will be established by the state plan that will require an application and a background check in addition to other federal and state guidelines. Rep. Troy said smoking hemp would be similar to smoking hay and it would make someone sick before they got high.

**Tim Cornie**, a farmer from Twin Falls, testified he traveled to Canada to learn the process of growing hemp and all of its uses. He said farmers are used to doing paperwork and this is nothing new. He said hemp helps farmers and adds value to the farming community.

**LaVerne Sessions** testified she opposed the legalization of marijuana and spoke about her recent experiences. She said she spoke to a former law enforcement officer from Florida, who told her it was difficult to regulate. She also spoke to a hemp farmer from Oregon who said Idaho does not want hemp because it brings drug cartels. He told her hemp cross-pollinates very easily and becomes hot hemp. She said this man also told her CBD oil was extremely difficult to work with and he moved to Idaho to get out of hemp. She said she supports farmers, this industry should be regulated for as long as possible and suggested doing national research and holding off on any legislative action. She said the only people excited about **S 1345** are people who want to legalize marijuana.

**Diana Serpa** testified the only difference between hemp and marijuana was a difference in THC levels. She said testing has to be done in state labs, which is expensive, and THC levels vary from plant to plant. Ms. Serpa said the regulations in **S 1345** cannot be held up. She said she is a refugee from California and she has seen what happened there and Idaho only has one chance to get it right.

**Drew Eggers** testified in support of **S 1345**. As a farmer, he believes that hemp could be beneficial for Idaho and help the farming industry.

Due to time constraints, **S 1345** will be carried over to the meeting of March 11, 2020.

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 10:00 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

**AMENDED AGENDA #2**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**8:00 A.M.**  
**Room EW40**  
**Wednesday, March 11, 2020**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 617</u></a>	Administrative Rules, Expiration	Rep. Mike Moyle
<a href="#"><u>S 1345</u></a>	Industrial Hemp Continuation from March 10, 2020	Rep. Caroline Troy

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, March 11, 2020

**TIME:** 8:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** None

**GUESTS:** Bonny Jo Peterson, Industrial Hemp Association of Washington, Stecey Satterlee, Idaho Grain and Food Producers, Clint Shock, Medicinal Botanical Seed and Scientific Ecological Services

**Chairman Harris** called the meeting to order at 8:01 AM.

**MOTION:** **Rep. Andrus** made a motion to approve the minutes from the February 25, 2020 meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Andrus** made a motion to approve the minutes from the February 28, 2020 meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Andrus** made a motion to approve the minutes from the March 2, 2020 meeting. **Motion carried by voice vote.**

**H 617:** **Rep. Moyle** said **H 617** changes the way rules are considered by the legislature. **H 617** states rules must pass through the House and the Senate in a series of concurrent resolutions the governor cannot veto. He said this bill was a path forward concurring with the Senate. **Rep. Moyle** said if **H 617** passes, there will no longer be one "going home bill" but a series of resolutions.

**MOTION:** **Rep. Palmer** made a motion to send **H 617** to the floor with a **DO PASS** recommendation.

In response to committee questions, **Rep. Moyle** said for a rule to be in effect, it must pass both bodies. He said LSO tracks rules that have been approved along with committee chairmen and committee members. **Rep. Moyle** said under **H 617** everyone looks at all the rules and it is easier to look at shorter resolutions than an omnibus bill. He said this bill follows the Idaho Constitution and is retroactive to include rules approved in the current legislative session.

**VOTE ON  
MOTION:** **Motion carried by voice vote.** **Rep. Smith** requested to be recorded as voting **NAY.** **Rep. Moyle** will sponsor the bill on the floor.

**Chairman Harris** said testimony for **S 1345** would continue from the March 10, 2020 meeting.

**S 1345:** **Dennis Shaver** testified he was hired to organize hemp co-ops in Colorado. He said a good industry needs good seed, good farmers with good land, good extractors, and a reliable market. He said Idaho had all those qualities but he was in opposition to **S 1345** because it is not a farm bill. He said hemp is a good crop but law enforcement should not be involved and is the wrong agency to deal with the issue. He strongly supports the hemp industry coming to Idaho but not as this kind of legislation.



In response to committee questions, **Mr. Shaver** said it would be very difficult to process and make other products in the state under **S 1345**. Mr. Shaver commended **Rep. Troy** for all her hard work but said **S 1345** appears to be a compromise with law enforcement about issues that existed a year ago but not today.

**Bonny Jo Peterson**, Industrial Hemp Association of Washington, testified she was involved in writing the state hemp plan for Washington. Ms. Peterson said she does not believe **S 1345** would allow the selling of hemp in Idaho but simply interstate transport and commerce. In response to committee questions, Ms. Peterson said the Department of Agriculture is much more prepared to monitor and implement **S 1345** than law enforcement. She said members of her association want any legislation but they would prefer the oversight of the Department of Agriculture.

**Scott Bandy**, Ada County Prosecutor's Office, testified **in support** of **S 1345**. He said **S 1345** is minimally intrusive and allows a hemp plan to be developed. He said this is not a law enforcement bill but any plant is grown in consultation with law enforcement. He said **S 1345** allows law enforcement to distinguish between hemp and marijuana.

**Randy Cox**, Hemp Industries Association of Idaho, testified **S 1345** allows the Department of Agriculture to develop a hemp program that keeps the state in charge. He said Idaho has an opportunity to get involved in the seed certification process for hemp. In response to committee questions, Mr. Cox said there is not a black market for hemp, only one for marijuana.

**Roger Canyon** testified he moved to Idaho because it does not have a hemp or marijuana culture. He said by legalizing hemp, the state will be welcoming cartels and gangs who will take advantage of loopholes and create a black market. He said once the door is open it will be almost impossible to shut.

**John Steiner** testified **in support** of **S 1345**. He said **S 1345** will provide jobs, revenue, and industry to the agricultural community.

**Clint Shock** testified **S 1345** is indirectly about pain and relief from chronic symptoms and the opioid crisis but it is directly about planting, growing, and processing hemp. He said he is working to design plants that are mechanized and fit environments and seasons. He said **S 1345** is intended to allow farmers to produce hemp competitively but it instead creates new ways for them to be prosecuted.

**Matt Dorsey** testified **in support** of **S 1345**. He said without **S 1345**, farmers would not be able to grow hemp until 2021. He said **S 1345** threads the needle and is a good compromise because everyone has given up something and no one is happy. In response to committee questions, Mr. Dorsey said infrastructure is necessary to produce hemp efficiently.

**Hari Heath** testified **in opposition** to **S 1345**. He said **S 1345** is unworkable and unfixable. He said he supports growing hemp but **S 1345** is a bad bill.

**Douglas Jones** testified **in support** of **S 1345**. He said there is not a perfect piece of legislation but this is the first step. He said Idaho already has seed research facilities and seed businesses and processing businesses. He said **S 1345** fixes transportation issues and instructs the ISDA to start the planning process for approval from USDA. Nothing will happen before that approval, which is contingent on direction from the legislature. In response to committee questions. Mr. Jones testified **S 1345** allows farmers to grow and sell seed but first infrastructure and a seed certification process is necessary.

**Monty Stiles** testified the hemp culture is the culture of marijuana. He said hemp and marijuana are the same plant with different characteristics. His concern is primarily regarding children and increased drug use. He said the hemp industry and the black market go hand in hand. Mr. Stiles said growing hemp in Idaho is not a legal requirement but a policy choice. He said the legislature can allow it but regulate it as well. He said the hemp industry is the marijuana industry with a better public relations campaign. In response to committee questions, Mr. Stiles said he is in favor of strong regulations but opposes the promotion of hemp on the state level.

**Brady Jensen**, Idaho Farm Bureau, testified in support of **S 1345** and it is a good compromise. He said if people have the proper licenses they will not face criminal action. In response to committee questions, Mr. Jensen said it would be difficult for marijuana growers to hide under this law because of testing and sample standards that would be implemented. He said the federal government sets minimum standards and **S 1345** just asks for a plan to be made. He said growers with licenses have a certain amount of protection but if it goes above the margin of error when tested, the crop still needs to be destroyed and will be by government personnel, which would be addressed in the state plan.

**Rod Skyles** testified in opposition of **S 1345**. He said there were not enough safeguards for farmers and hemp with THC levels between .3 percent and 10% is basically worthless.

**Corey Marshall** testified in support of **S 1345**. He said hops and hemp are closely genetically related and are handled similarly.

In closing, **Rep. Troy** said it has been challenging to find a bill that is just right. She said hemp culture is not the same as marijuana culture. **S 1345** addresses transportation issues and allows the Department of Agriculture to negotiate rules. She said they worked to make this the best for farmers and everyone involved.

**MOTION:** **Rep. Hartgen** made a motion to send **S 1345** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Rep. Scott** made a substitute motion to send **S 1345** to General Orders. Speaking to her motion, Rep. Scott said the legislature needs to move forward but not in this way.

During discussion on the substitute motion, committee members expressed opposition to the substitute motion and said the issue was too complex for General Orders.

**AMENDED SUBSTITUTE MOTION:** **Rep. Barbieri** made an amended substitute motion to **HOLD S 1345** in committee.

During discussion on the amended substitute motion, committee members expressed opposition to holding **S 1345** in committee because it was a significant compromise and it brings a commodity into the state.

**VOTE ON AMENDED SUBSTITUTE MOTION:** Roll call vote was requested. **Motion carried by a vote of 8 AYE, 7 NAY. Voting in favor** of the amended substitute motion: **Reps. Harris, Armstrong, Crane, Palmer, Barbieri, Holtzclaw, Scott, Young. Voting in opposition** to the amended substitute motion: **Reps. Monks, Zito, Andrus, Hartgen, Smith, Gannon, Green.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:04 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Friday, March 13, 2020

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>S 1372</u></a>	Fire Protection Districts, Division	Sen. Jim Guthrie

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris            Rep Holtzclaw  
Vice Chairman Armstrong    Rep Monks  
Rep Crane                    Rep Zito  
Rep Palmer                    Rep Scott  
Rep Barbieri                 Rep Andrus

Rep Hartgen  
Rep Young  
Rep Smith  
Rep Gannon  
Rep Green

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, March 13, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** Crane, Barbieri, Zito, Gannon

**GUESTS:** None

**Chairman Harris** called the meeting to order at 9:00 AM.

**MOTION:** **Rep. Andrus** made a motion to approve the minutes of the March 6, 2020 meeting.  
**Motion carried by voice vote.**

**MOTION:** **Rep. Andrus** made a motion to approve the minutes of the March 9, 2020 meeting.  
**Motion carried by voice vote.**

**S 1372:** **Sen. Guthrie** said **S 1372** allows fire districts to be split. He said if the fire protection district board wanted to split they need to prepare a resolution for the district board, hold a hearing and then have an election. **Sen. Guthrie** said when commissioners want to split the district they need a petition with signatures from 25% of the population. He said citizens can initiate a district split petition if they choose, which would require signatures from 10% of the population. If the fire district was split, it would be split 50/50 or as decided.

In response to committee questions, **Sen. Guthrie** said he believed the bill shared language with statutes explaining how districts divide and split. He said he never got definitive support from interested parties but there is not any active opposition. **Sen. Guthrie** said the people elect commissioners so if a petition is brought forward there is a perceived need and a public hearing is another way to persuade people. He said the threshold for citizens is set lower in case they do not feel like their commission is representing them. **Sen. Guthrie** said commissioners serve four-year terms that are staggered. **Sen. Guthrie** said public pressure would ensure the process of splitting the districts and their assets and debt is fair. He said if the splitting process was going to cost the districts more money they may not do it. **Sen. Guthrie** said because this is a local decision, different areas may make different decisions.

**MOTION:** **Rep. Armstrong** made a motion to send **S 1372** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Armstrong** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:14 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary

**AMENDED AGENDA #2**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**8:00 A.M.**  
**Room EW40**  
**Monday, March 16, 2020**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 440aaS</u></a>	Discrimination, Procurement, Public	Rep. Heather Scott
<a href="#"><u>S 1309</u></a>	Emergency Absentee Ballots	Rep. Christy Zito
<a href="#"><u>S 1385</u></a>	Criminal Abortion	Rep. Megan Blanksma

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

Devon Powers  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, March 16, 2020

**TIME:** 8:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman Harris** called the meeting to order at 9:00 AM.

**MOTION:** **Rep. Andrus** made a motion to approve the minutes from the February 20, 2020 meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Andrus** made a motion to approve the minutes from the February 27, 2020 meeting. **Motion carried by voice vote.**

**H 440aaS:** **Rep. Scott** said **H 440aaS** prohibits discrimination in public employment, education and contracting. The amendments move the section about public contracting to a different section of code and adds a section that was supposed to be included in the original bill. Rep. Scott said the amendments are friendly and asked the committee to concur with these amendments.

In response to committee questions, **Rep. Scott** said the governor, Department of Labor, Idaho Human Rights Commission, contractors, and Department of Transportation had input in the amendments.

**MOTION:** **Rep. Holtzclaw** made a motion to recommend the committee concur with the amendments by the Senate to **H 440aaS**.

Speaking **in opposition** to the motion, **Rep. Green** said she was not in favor of the original bill and no amount of edits will change her mind.

**VOTE ON  
ORIGINAL  
MOTION:** **Motion carried by voice vote.**

**S 1309:** **Rep. Zito** said **S 1309** amends the process for receiving an emergency absentee ballots and deferred to **Chad Houck**, Chief Deputy Secretary, Secretary of State's Office. Mr. Houck said **S 1309** is a restatement of Idaho Code that adjusts the emergency absentee ballot timeline. Mr. Houck said **S 1309** allows an application for an emergency absentee ballot to be submitted up to 5 days before the election.

In response to committee questions, **Mr. Houck** said in light of the current situation, the Secretary of State's office is activating a statewide campaign to get people to vote early within current guidelines and promote ways to increase participation in absentee voting. He said the specificity of someone having to be in the hospital is a matter of logistically getting ballots to people. He said this legislation was begun well before the current public health concerns and election dates cannot be changed. Mr. Houck said the window for emergency absentee ballots is 11 days prior to the election and the timeline for the request is 5 days prior to the election.

**MOTION:** **Rep. Holtzclaw** made a motion to send **S 1309** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Zito** will sponsor the bill on the floor.

**Chairman Harris** put the committee at ease.

**S 1385:** **Sen. Lakey** said **S 1385** bans abortions with exceptions but only goes into effect under two circumstances. If the US Supreme Court restored the right to decide whether abortion was legal or not to the state or if a constitutional amendment was passed doing the same, **S 1385** would go into effect. **S 1385** makes the performance of an abortion a felony for the provider. **S 1385** includes exceptions for the life of the mother, rape and incest, and provides the best opportunity for the unborn child to survive without hurting the mother.

In response to committee questions, **Sen. Lakey** said **S 1385** does not go into effect until either the Supreme Court makes a decision or a constitutional amendment is passed. **Sen. Lakey** said the title of the bill reflects that abortion would be a crime. He said **S 1385** is a balancing of interests and it tries to find common ground. **Sen. Lakey** said this kind of language is not new for Idaho and other states have similar bills. He said if the Supreme Court hands down a more nuanced ruling than simply returning the right to decide the legality of abortion to the states, the law would require some adjustments. **Sen. Lakey** said the life of the mother is different from the health of the mother and **S 1385** weighs the life of the baby as more important than the health of the mother, but not her life.

**Rick Small, Roger Canyon, Scott Watson, Shane Warmac, and Aaron Grandine** testified in opposition to **S 1385**. They said all lives are created equal and the legislature should consider a full ban of abortion. They spoke to the innocence of unborn children who would pay for the crimes of their fathers. They said this bill sacrifices babies and is not in line with the Bible or the Constitution.

**Jackie Wakefield**, in place of **Keri Uhlenkotte** of Right to Life Idaho, **Blaine Conzatti**, Family Policy Alliance of Idaho, and **David Ripley**, Idaho Chooses Life testified in support of **S 1385**. They emphasized the importance of saving as many lives as possible and paves the way for more pro-life legislation.

**David McGarra** and **Lindsay Zea** testified in support of **S 1385**. They said this bill will stop abortions, save lives and makes Idaho a pro-life state again.

**Kelly Walton** testified on behalf of **Jim Halbert** in support of **S 1385**. He said he is engaged in helping people find better options and providing counseling for those who have had abortions and under **S 1385** Idahoans will provide life-giving support for vulnerable women.

**Kathy Griesmyer**, ACLU, and **Mistie Tolman**, Planned Parenthood, testified in opposition to **S 1385**. They said **S 1385** was an attack on personal rights and lack of access to safe procedures will lead women to choose unsafe methods. They said abortion is healthcare, not a crime and **S 1385** intrudes on the doctor-patient relationship.

In closing, **Rep. Blanksma** asked the committee to send **S 1385** to the floor with a **DO PASS** recommendation.

**MOTION:** **Rep. Crane** made a motion to send **S 1385** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Rep. Scott** made a motion to **HOLD S 1385** in committee.

Speaking to the motion, **Rep. Scott** expressed concerns **S 1385** does not treat all life or murder equal, which is unconstitutional and the issue of judicial supremacy. **Rep. Green** spoke **in support** of the substitute motion. She said patient-centered health care is the right of the patient, whether man or woman. She said **S 1385** takes that right away and the place of the government is not with the woman, her doctor, or her god and should not be making the decision for women.

**VOTE ON  
SUBSTITUTE  
MOTION:**

**Motion failed by voice vote.**

**VOTE ON  
ORIGINAL  
MOTION:**

**Motion carried by voice vote. Rep. Blanksma** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business before the committee, the meeting was adjourned at 9:50 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary