

MINUTES  
**HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE**

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

**TIME:** 1:30 P.M.

**PLACE:** Room EW42

**MEMBERS:** Chairman Chaney, Acting Vice Chairman Monks, Representatives Kerby, Amador, Zito, Zollinger, Ehardt, Scott, Goesling, Hartgen, Marshall, Ricks, Troy, Young, Gannon, McCrostie, Wintrow, Davis

**ABSENT/  
EXCUSED:** Representative Monks

**GUESTS:** The sign-in sheets 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 sheets will be filed with the minutes in the Legislative Services Library.

**Chairman Chaney** called the meeting to order at 1:30 p.m.

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

**H 433:** **Chairman Chaney** brought the bill back to Committee for consideration. This bill allows citizens who have lost their driver's license because of non-payment of child support to petition the courts and show good cause for a restricted driver's license.

**MOTION:** **Rep. Scott** made a motion to send **H 433** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Troy** will sponsor the bill on the floor.

**H 435:** **Chairman Chaney** brought the bill back to Committee for consideration. This bill clarifies the consent necessary for adoption of an adult.

**MOTION:** **Rep. Zollinger** made a motion to send **H 435** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Zito** will sponsor the bill on the floor.

**H 404:** **Chairman Chaney** brought the bill back to Committee for consideration. This bill addresses financial exploitation of an elder.

**MOTION:** **Rep. McCrostie** made a motion to send **H 404** to General Orders. Speaking to the motion Rep. McCrostie said he spoke with the sponsor about a recommended amendment and incorporating the bill's language into the section of Title 18 that was discussed during the hearing.

**Rep. Kerby** expressed concern the bill did not provide allowances for situations where a person with dementia or Alzheimer's may have authorized a family member to manage their financial affairs and then forgets. He stated he would support the bill going to General Orders, but reserved his right to not support it on the floor if these concerns weren't addressed.

**Rep. Zito**, explained the purpose of the bill is to support people who are in the early stages of dementia when they are most vulnerable, and would expect there to be a burden of proof for family members. She stated she supported **Rep. McCrostie's** amendments and sending the bill to General Orders.

**VOTE ON  
MOTION:** **Chairman Chaney** called for a vote on the motion to send **H 404** to General Orders. **Motion carried by voice vote.** **Rep. Zito** will sponsor the bill on the floor.

**H 466:** **Chairman Chaney** brought the bill back to Committee for consideration. This bill sets the minimum age for marriage at 16 years old, and provides for a maximum age difference of three years, if one of the parties is under the age of 18.

**MOTION:** **Rep. Davis** made a motion to send **H 466** to the floor with a **DO PASS** recommendation. Speaking to the motion, she stated she had reservations about the lack of written consent from the children, but this bill is a step in the right direction.

Debate among Committee members focused on the issue of consent, same sex marriage and possible conflict with **H 434** if both bills were to be adopted. Committee members agreed it was better to have a minimum age restriction of 16 years old rather than no age restriction.

**VOTE ON MOTION:** **Chairman Chaney** called for vote on the motion. **Motion carried by voice vote.** **Reps. Ehardt** and **Zollinger** will sponsor the bill on the floor.

**H 434:** **Chairman Chaney** brought the bill back to Committee for consideration. This bill repeals the marriage license requirement and replaces it with a certificate of solemnization.

**MOTION:** **Rep. Scott** made a motion to send **H 434** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Rep. Gannon** made a substitute motion to **HOLD H 434** in committee.

**Reps. Hartgen, Troy** and **Wintrow** spoke **in support** of the substitute motion. Concerns were discussed about eliminating funding for the Council on Domestic Violence & Victim Assistance, the impact it would have on services to Idahoans, especially in small counties, and no need for change.

**Rep. Zito** spoke **in support** of the bill and explained she would like to send it to General Orders. She stated smaller counties are having difficulty getting the support they need. It's an imposition for victims to travel to bigger cities because that is where the domestic violence shelters are. She proposed increasing the divorce fee by \$15 to compensate for the funds lost from marriage licenses.

**AMENDED SUBSTITUTE MOTION:** **Rep. Zito** made an amended substitute motion to send **H 434** to General Orders.

**Reps. Amador, Ricks, McCrostie, Marshall** and **Gannon** spoke **in support** of the substitute motion. Committee members discussed the need for maintaining the sanctity of the marriage license for historical purposes and protecting Idahoans from fraud. **Rep. Gannon** explained current law for marriage licenses requires the parties to provide their social security number and applicants to swear to the accuracy of the information provided. This language would be repealed under the bill and could put people at risk for fraud.

**Rep. Zollinger** spoke **in support** of sending the bill to General Orders. He stated people shouldn't need to ask the government to enter into private contracts for marriage. He said he was open to separating the funding portion from the certificate portion and leaving the funding as it is in current law.

**ROLL CALL VOTE ON AMENDED SUBSTITUTE MOTION:** **Chairman Chaney** called for a roll call vote to send **H 434** to General Orders. **Motion failed by a vote of 6 AYE, 11 NAY, 1 Absent/Excused. Voting in favor** of the motion: **Reps. Kerby, Zito, Zollinger, Ehardt, Scott** and **Young. Voting in opposition** to the motion: **Reps. Amador, Goesling, Hartgen, Marshall, Ricks, Troy, Gannon, McCrostie, Wintrow, Davis** and **Chairman Chaney. Rep. Monks** was **Absent/Excused.**

**ROLL CALL  
VOTE ON  
SUBSTITUTE  
MOTION:**

**Chairman Chaney** called for a roll call vote to **HOLD H 434** in Committee. **Motion carried by a vote of 11 AYE, 6 NAY, 1 Absent Excused. Voting in favor** of the motion: **Reps. Amador, Goesling, Hartgen, Marshall, Ricks, Troy, Gannon, McCrostie, Wintrow, Davis and Chairman Chaney. Voting in opposition** to the motion: **Reps. Kerby, Zito, Zollinger, Ehardt, Scott and Young. Rep. Monks was Absent/Excused.**

**Chairman Chaney** turned over the gavel to senior Majority Committee member **Rep. Kerby.**

**H 468:**

**Chairman Chaney** presented the bill that provides a mechanism for the restoration of rights under certain instances in a manner that conforms with federal firearms statutes. He explained many stakeholders have been involved with the bill and have reached agreement on some aspects, but there is more work to be done as it relates to expungement. Therefore, he requested the bill be sent to General Orders to remove Section 2 of the bill and make a few language changes. In answer to Committee questions, Chairman Chaney explained currently there is no provision for firearms restoration for convictions of misdemeanor offenses and yet there is for certain felonies as a matter of right. The current process requires a request for restoration through the Commission on Pardons and Parole, which is excessive for misdemeanors.

**Mark Manweiler**, attorney, and **Tom Arkoosh**, Idaho Association of Criminal Defense Lawyers, spoke **in support** of the bill, but stated their disappointment in the proposed removal of the section detailing provisions for expungement. They explained it could go a long way in reducing recidivism and helping those with misdemeanors find gainful employment.

**Holly Koole Rebholtz**, Idaho Prosecuting Attorney's Association, testified the association could not support the bill as written. She stated they hoped the bill could be supported with the amendments, but the association would not commit support until a final bill is presented. She yielded her time to **Jeff Phillips** to answer Committee questions.

**Jeff Phillips**, Owyhee County Prosecutor, explained the three sections of the bill which have conflicts. The bill drafters are working to bring state law into congruence with federal law as it relates to felony firearms restoration. The second section needs further clarification around victim rights and addressing concerns from the courts. The third section deals with post conviction relief. He stated restoration of firearms related to domestic abuse has been discussed, but it was not the focus at this time.

**Judge Barry Wood**, Administrative Office of the Courts, Idaho Supreme Court, explained the concerns of the courts relating to language throughout the bill. He stated the removal of Section 2 addresses some concern, but language regarding "by reason of insanity," and the provision regarding juveniles are problematic. The section regarding discharge of defendant is concerning and he encouraged a policy statement on whether eligibility for relief requires a defendant to have met all legal, financial obligations. Judge Wood stated he would provide a list of his concerns to the Committee, as requested.

**Chairman Chaney** emphasized that amending from a felony down to a misdemeanor will not necessarily lead to restoration of firearms rights. He said there is attention to ensuring the bill does not run afoul of federal law.

**Rep. Kerby** turned the gavel over to **Chairman Chaney.**

**H 463:** **Rep. Hartgen** presented the bill to create a new section in the juvenile corrections code authorizing counties to create a juvenile pretrial supervision program and to collect associated fees. The legislation also authorizes counties to collect other fees such as electronic monitoring and drug and alcohol testing fees and adult pretrial supervision fees for a withheld judgement. Some of these fees have already been authorized to be collected by the counties, but they currently are collected outside of Odyssey. This bill authorizes these fees to be collected within Odyssey. She yielded her time to **Kelli Brassfield**.

**Kelli Brassfield**, Idaho Association of Counties, stated this is a clean up bill to clarify the counties could collect certain fees through the court's Odyssey system and it clarified county authority to collect fees for juvenile pretrial supervision. The counties worked with the courts on the language.

**Angela Barkell**, Owyhee County Clerk, spoke in support of **H 463**.

**Chairman Chaney** called for a recess at 2:45 p.m.

**Chairman Chaney** reconvened the meeting at 2:55 p.m.

**H 546:** **Rep. Crane** presented the bill which imposes a financial penalty for patronizing a prostitute. He explained the section detailing 50 percent of fines collected would go to victim compensation was accidentally removed from the bill, so he requested the Committee send the bill to General Orders.

In answer to Committee questions, **Rep. Crane** explained he chose a penalty amount that was significant enough to get the attention of the offender and the second offense results in a felony. He stated the intent of the legislation was to curb the demand for services and human trafficking. The state does a good job of going after the prostitute and the pimp, but research has shown that targeting the buyer can help.

**H 465:** **Rep. Zito** presented the bill to prohibit surgeries or engage in practices to change a child's gender to match his or her perception if the child is under the age of 18 years old. It results in a penalty of a felony. **Rep. Zito** explained she approached this with concern and the bill is not intended to degrade anyone. She stated she was acting in response to information from the American College of Pediatrics (ACP) that indicates most incongruent perceptions of gender by young children are resolved by the time they reach adulthood. She also stated cross-sex drug therapy can lead to other health problems and there are no long-term studies of the long-term effects of puberty blockers. She yielded her time to **Dr. Jud Miller**, **Misty Pierce**, and **Dr. William Malone**.

**Dr. Jud Miller**, Family Medicine/ER, M.D. reiterated **Rep. Zito's** comments and explained he supports the research of the ACP and his own research has not resulted in any contrary results. He stated a person over 18 may choose gender transition as a fully informed decision, but it is important to protect minors who may not know the long term effects. He explained the treatment process that is generally followed for gender transition in children. In answer to questions from the Committee, **Dr. Miller** explained the ACP is the conservative alternative of the American Academy of Pediatrics and he has not treated any children going through the process. He responded that puberty blocking medicines are reversible.

**Misty Pierce**, private researcher, stated her concern about the medications used because of the lack of long-term research on health impacts. She explained the drugs are used and approved for treatment of adult cancer, but they are not approved as puberty blockers. She stated the side effects of the drugs.

**Dr. William Malone**, endocrinologist, stated there are only two sexes and it is binary. He defined gender dysphoria and while it can be treated the long-term consequence are unknown. Those treated with testosterone are five times more likely to get heart disease. He stated there is no evidence that treatment reduces suicide and halting puberty interferes with the natural process of coming to terms with gender during adolescence. There is an increasing number of children presenting with gender dysphoria and more study is needed.

**Rep. Troy** expressed disappointment this bill was piggybacking on the Female Genital Mutilation (FMG) law she has worked on the past two years. She stated FMG is a serious global issue and it was unfortunate to have attention diverted from the original purpose of the statute.

**Kathy Griesmeyer**, Policy Director, ACLU Idaho; **Steve Martin**, Pride Foundation; **Rev. Sara LaWall**, Interfaith Coalition; **Brian Thom**, Episcopel Church; **Mistie Tolman**, Planned Parenthood; **Melissa Rayne-Martin**, East Idaho Gender Spectrum Outreach; **Rev. Jenny Willison Hirst**, Boise Collister United Methodist Church; **Elizabeth Berendts**, **Rev. Marci Glass**, **Kacee O'Connor**, **Madison Allen**, **Kristin Stilton**, **Claire Gutierrez**, **Lucy Groves**, **Kelly Wagner**, **Jamie Lane**, **Dianne Piggott**, **Jen Moore**, **Oliver Cowan**, **Adriane Bang**, **Kelly Wagner**, and **Kacie Hoch**, spoke **in opposition** to the bill. Their comments included concern that transgender children are part of a vulnerable community and the bill would deny them of lifesaving care. Rates of suicide are high among this community. The information shared by bill proponents is not supported by the largest and well-respected medical associations in the country.

**Juan Carlos Duque** shared testimony on behalf of **Rabbi Daniel Fink** in **opposition** to the bill.

**Susie Pouloit**, CEO, Idaho Medical Association (IMA), and **Dr. Stephanie Long**, both representing the medical community, spoke **in opposition** to the bill. They explained the standards of care used with individuals being treated for gender conditions. Concern was expressed about criminalizing doctors and individuals within the medical community since decisions are always directed by parents. They stated the bill undermines parental rights and allows government interference. They stated information shared by bill proponents was not representative, nor supported by the American Academy of Pediatrics, the largest pediatric academy in the country. Ms. Pouloit also explained the IMA supports the FMG law, but this bill dismantles it.

**Lindsey Zea**, **Darrel Ford**, **Marcia Yiapan**, **Blaine Conzatti**, Family Policy Alliance, and **Christian Welp**, Catholic Conference, spoke **in support** of the bill. They reemphasized points from previous testimony and explained children do not have the capacity to make such monumental decisions. It was stated that gender transition does not relieve children of the depression that drives suicide.

**Chairman Chaney** called for a recess of the Committee at 5:42 p.m.

**Chairman Chaney** reconvened the meeting at 5:54 p.m.

**Chairman Chaney** stated the meeting would need to adjourn at 6:55 p.m. because the building locks at 7 p.m. Therefore the meeting would no longer be an open meeting. He explained the Committee's hearing and consideration policy and any remaining testimony would be allowed before a vote is taken.

**Gabby Shuldenfrei**, **Jyoni Shuler**, **Brandon Connolly**, **Diane Terhune**, **Casey Kellogg**, **Rachel Piscette**, **Josie Kohler**, **Dee Marie**, **James Watts**, **Elizabeth Allred**, **Ian Bott**, **Jeremy Nowland**, **Sage Christian**, **Juneau Olson** and **Mone' Miller**, Idaho Coalition Against Sexual and Domestic Abuse, spoke **in opposition** to the bill. Their comments were reflective of previous testimony.

**Dr. Joseph H. Williams**, President, Idaho Medical Association, **Dr. Neil Ragan, M.D., Dr. Ellen Richardson, Dr. Kelly Stanley, M.D., Dr. Daniel Flynn**, each representing the medical community, spoke **in opposition** to the bill. Their comments were reflective of previous testimony.

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 6:54 p.m.

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Representative Chaney  
Chair

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Wendy Carver-Herbert  
Secretary