

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, March 23, 2017

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan (Ringo)

**ABSENT/
EXCUSED:** None

GUESTS: Ralph Powell, Idaho State Police; David Ripley, Idaho Chooses Life; Russ Wheatley, Idaho State Police; Stephen Altig, Idaho State Police/Attorney General; Patrick Dentog, Idaho State Police/Attorney General; Cynthia Yee-Wallace, Office of Attorney General; Joe Stegner, University of Idaho; Stan Olsen, Office of Attorney General; Roger Brown, Boise State University.

Chairman Loertscher called the meeting to order at 8:34 a.m.

MOTION: **Rep. Armstrong** made a motion to approve the minutes of the March 17, 20 and 21, 2017 meetings. **Motion carried by voice vote.**

S 1196: **Senator Bayer** presented **S 1196**, a bill that provides for technical changes and legal clarification regarding exceptions for applicable materials used in research. He stated pro-life advocates agree with the changes.

In response to committee questions, **Sen. Bayer** stated the changes were made after discussions with the universities in Idaho, who came forward regarding medical research they were conducting and how it related to the Unborn Infants Dignity Act that was passed by the Legislature last year. He stated the passing of the Unborn Infants Dignity Act prohibited any new research projects that violate the Act, which is why the language was taken out, as well as, prohibits any new research after July 1, 2016.

David Ripley, Executive Director, Idaho Chooses Life, spoke **in support of S 1196** and stated the new language deals with research projects at universities in Idaho. He stated if the research is unethical according to the Act, it is prohibited. He stated some universities across the country were buying harvested fetal tissue and organs from abortions for research. He stated the Act allows for continued research for babies that were miscarried. He stated the bill establishes intent for future research, allows for the two universities in Idaho to continue their research of two cell lines from 1973, called HEK cells.

In response to committee questions, **Mr. Ripley** stated the pro-life community accepted the new language based on the knowledge of the universities inventory that was provided, which does not include materials harvested from an aborted baby. He stated he personally received letters from Boise State University, University of Idaho and the Department of Education regarding the issue and outlining their current research.

Bruce Newcomb, Boise State University, was called upon to answer questions. He stated the bill provides clarity regarding the cells acquired in 1973 that the universities have been using in research. He stated the university has issued a cease and desist letter to the research departments that no more grants will be given after July 1, 2016. He stated the legislation allows for the HEK cells from 1973 to continue to be researched.

Joe Stegner, University of Idaho, spoke in support of **S 1196** and stated University of Idaho uses HEK cells from 1973 to research viruses and birth defects.

MOTION:

Rep. Crane made a motion to send **S 1196** to the floor with a **DO PASS** recommendation. He spoke to the motion and stated a mistake was made when the Unborn Infants Dignity Act was enacted tying research and grants, not the materials, so the change is needed. He stated they will only be able to continue to do their research on the two cell lines.

Rep. Giddings spoke about the motion and stated the language does not specifically speak about the strains or research being done. She stated there is a lack of transparency and she was not provided with enough information.

Rep. Monks spoke in support of the motion. **Rep. Luker** spoke in support of the motion and stated there is a potential problem by not changing the current language. **Rep. Ringo** spoke in support of the motion and stated research is important. **Rep. Manwaring** spoke in support of the motion and stated some of the changes are difficult to understand without all of the history but he will trust the consensus.

VOTE ON MOTION:

Chairman Loertscher called for a vote on the motion to send **S 1196** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Trujillo** will sponsor the bill on the floor.

S 1144:

Cynthia Yee-Wallace, Deputy Attorney General, Idaho State Police, presented **S 1144**, a bill that repeals and replaces Idaho Code § 23-614. It is the intent of the State of Idaho to enact this statute to ameliorate the secondary effects at or near establishments whose predominate business is selling alcohol and, as part of that business, offering entertainment by or employing individuals who appear in a state of nudity or partial nudity or who engage in actual or simulated sexual activity. She stated the secondary effects from such establishments are detrimental to the public health and safety and welfare of Idaho citizens, and include an increase in criminal activity (including public sexual contact between entertainers and patrons, prostitution, gang activity, sex offenses, drug use, and assaults), the potential depreciation in the value of real property, and disruption of the peace and harm to the economic welfare of the community.

In response to committee questions, **Ms. Yee-Wallace** stated there are two lawsuits that the issue stems from: Meridian Cinemas v. Idaho State Police and Visual Arts Collective v. Idaho State Police. She stated the purpose of the changes is not to appease the plaintiffs but to make the statute more constitutional as that is the question of law in both cases. She stated the current statute is overbroad, the new language carves out an exception for the constitutionality of free speech. She stated in a former case, the Court ruled that the 21st Amendment does not trump 1st Amendment rights, and those rights must be analyzed.

Captain Russ Wheatley, Idaho State Police, Alcohol Beverage Control, spoke in support of **S 1144** and stated it is the duty of law enforcement to enforce the law relating to alcohol statutes. He stated secondary effects occur when alcohol is served at certain establishments that offer adult erotic entertainment.

Russell Westerberg, Idaho License and Beverage Association, spoke in support of **S 1144** and stated the Legislature is liable for the laws issuing and regulating liquor licenses.

MOTION:

Rep. Manwaring made a motion to send **S 1144** to the floor with a **DO PASS** recommendation.

**ROLL CALL
VOTE:**

A Roll Call Vote was requested. **Motion carried by a vote of 8 AYE, 6 NAY, 1 Absent/Excused. Voting in favor of the motion: Chairman Loertscher, Reps. Luker, Armstrong, Manwaring, Zito, Scott, Smith and Ringo. Voting in opposition to the motion: Reps. Monks, Crane, Barbieri, Holtzclaw, Harris, Giddings. Absent/Excused: Rep. Palmer. Rep. Manwaring will sponsor the bill on the floor.**

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 10:32 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary