

MINUTES
**SENATE STATE AFFAIRS COMMITTEE
HOUSE STATE AFFAIRS COMMITTEE
JOINT MEETING**

- DATE:** Wednesday, March 20, 2013
- TIME:** 8:00 A.M.
- PLACE:** WW02 - Abraham Lincoln Auditorium
- MEMBERS PRESENT:** Chairman McKenzie, Senators Davis, Fulcher, Hill, Winder, Lodge, Siddoway, Stennett and Werk. See House State Affairs Committee Minutes for that Committee's attendance.
- ABSENT/
EXCUSED:**
- NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- CONVENED:** **Chairman McKenzie** convened the Joint Meeting of the House and Senate State Affairs Committees (Committees) at 8:01 a.m. with quorums present.
- The informational meeting related to adding language to the Idaho Human Rights Act to state that discrimination against sexual orientation or gender identity is a criminal offense and to prohibit discrimination against a person because of sexual orientation or gender identity.
- Chairman McKenzie** recognized Senator Buckner-Webb and Representative Burgoyne, cosponsors of the proposed legislation, along with Monica Hopkins, ACLU of Idaho, and Hannah Brass Greer, Planned Parenthood Votes Northwest, all of whom were instrumental in organizing this presentation to the Committees.
- Chairman McKenzie** invited Senator Buckner-Webb to introduce the legislation. **Senator Buckner-Webb** read a letter from Representative Burgoyne, after which she asked that the Committees hear presentations from the scheduled speakers.
- PRESENTATIONS:** **Don Curtis, Sr.**, Boise, Idaho, took the podium and outlined his background as a former employee of Hewlett-Packard, serviceman and father. He said he and his wife, both of whom are retired, are volunteers for the Idaho Human Rights Education Center and its Anne Frank Human Rights Memorial, where they serve as docents. **Mr. Curtis** spoke of his earlier preconceptions about the lesbian, bisexual, gay and transgender (LBG T) society, but said he had worked for Hewlett-Packard, which is a very enlightened company that regards every employee with equal respect regardless of gender orientation.
- He said his son revealed he was gay at the age of 24 when he could no longer live his life as a heterosexual. **Mr. Curtis** said behind every historical violation of human rights lies a fundamental myth that is used to justify those actions. He said failure to grant fellow citizens their full rights under the law simply because of sexual orientation or gender is a case in point.

Ms. Mistie Tolman, co-chair and sponsor of Add the Words, Idaho, spoke about the large numbers of people who think this type of nondiscrimination legislation is good for business, good for families, and generally supported by Idahoans, and why it makes smart legal sense. She said no one should have to live in daily fear of losing their jobs because of sexual orientation. **Ms. Tolman** said the tide of public opinion has turned in favor of fairness and equality, but there are a great many citizens who still do not feel safe in Idaho because of discrimination. She said it would cost nothing to add the words and put Idaho on the right side of history.

Mike Masterson, Chief of Police, Boise, Idaho, said the amendment to the Idaho Human Rights Act (IHRA), would be an important step in advancing trust in the community. He related his experiences with new service providers when he first moved to Boise and said his chiropractor happens to be gay and that he chose this particular chiropractor, not because of his gender orientation, but because he trusted that the chiropractor would relieve his back pain. He said amending IHRA would allow people to trust and feel safe reporting crimes to law enforcement. He said unreported crime perpetuates crimes and nurtures a culture where offenders believe crime is tolerated. He spoke of equality, liberty and justice, with the word "justice" connoting fairness. **Chief Masterson** urged legislators to amend IHRA to provide equality among all Idahoans and ensure trust, safety and justice for all Idaho's citizens.

Jennifer Miesbach, Operations, Hiring and Training Manager at a Fortune 500 Treasure Valley company, spoke of her years working with LGBT employees and illustrated, as an example, an employee who had changed genders and that the change had been fully accepted by coworkers without fanfare. **Ms. Miesbach** said at the end of the day at her company it's the work that matters but, she said, unfortunately not every workplace in Idaho has the same outlook. She stated that just as Idaho protects employees from being discriminated against because of race, creed, religion, sex, age and national origin, Idaho should protect sexual orientation and gender equality as well.

Clark Krause, Executive Director, Boise Valley Economic Partnership (BVEP), reported that last year BVEP was asked to endorse the City of Boise's efforts to ensure that all citizens of the city were protected against discrimination. He said people and families who come to Idaho want to know they will feel welcome and safe. He emphasized his strong belief that protecting people from active discrimination ensures a safe place to work, live and play for all citizens, and said a policy of nondiscrimination is a critical factor for any healthy business community and enormously important in attracting new business to Idaho.

Chairman McKenzie paused in the proceedings to welcome students of government study from the Borah and Eagle High Schools who were in the audience.

Chairman McKenzie asked Dodds Hayden, Hayden Beverage, to speak about his experiences with discrimination as a business owner. **Mr. Hayden** said he has at least two gay employees, both of whom are good workers and fully accepted. He expressed his belief that respect and tolerance are important in the workplace. He spoke of a gay family member and said he has learned that being gay isn't a choice. He said anything an employer can do to make sure all employees are treated equally is good business and good for everyone.

Senator Werk asked Mr. Curtis to explain how the antidiscrimination policy came about at Hewlett-Packard, and the impact it had on employees. **Mr. Curtis** said the policy came about from the highest levels, the Executive Committee and Board of Directors, and that the policy progressed smoothly throughout the company.

Senator Winder asked Chief Masterson about discrimination as it relates to criminal activities. **Chief Masterson** said crimes among the LGBT community are vastly under-reported because of the fear of being "outed" at work or at home. He said it is important that legislators send a message to their constituents about the values of justice and trust.

Senator Winder asked Pamela Parks, Idaho Human Rights Commission, for statistics on discrimination complaints. **Ms. Parks** said data had not been tracked until 2009-2010, and at that time approximately 21 people had contacted their office on discrimination issues. Of those 21 people, about 16 did not file charges because of fear of reprisal. **Senator Winder** asked Senator Lodge if she had gained information on discrimination from her time as Chair of the Health and Welfare Committee. **Senator Lodge** cited the Equal Employment Opportunity statute, Title 7, which protects people from discrimination as far as housing is concerned.

Other questions posed for Ms. Park, Ms. Tolman and Ms. Hopkins related to discrimination complaints and the characteristics of special rights. **Ms. Hopkins** referred to President Linden B. Johnson's statement after enforcing the 1962 Civil Rights Act: "...civil rights is not special treatment but equal rights."

Chairman McKenzie thanked Senator Buckner-Webb and the other organizers of the meeting, as well as the presenters and the audience, stating he understands the passions people feel about this issue and he respects the process of having an open dialogue.

Senator Hill offered his special appreciation and said he believes discrimination is more a matter of heart rather than statute.

ADJOURNED:

There being no further business, **Chairman McKenzie** adjourned the meeting at 9:05 a.m.

Chairman Curt McKenzie
Chairman, Senate State Affairs

Twyla Melton, Secretary
Assisted by Jeanne' Clayton