

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

- DATE:** Tuesday, January 28, 2014
- TIME:** 9:00 A.M.
- PLACE:** Room EW40
- MEMBERS:** Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings
- ABSENT/
EXCUSED:** None
- GUESTS:** Julie Lynde, Cornerstone Family Council; Amanda Crane, Government; Raeleen Welton, Westerberg and Associates.
- Chairman Loertscher** called the meeting to order at 9:01 a.m.
- RS 22495:** **Rep. Luker** presented **RS 22495**, proposed legislation that prohibits government from denying or suspending any professional or occupational license or registration based upon actions involving the exercise or expression of sincerely held religious beliefs. He explained the history of the First Amendment to protect religious freedom and that the government shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. He stated there has been tension for over forty years between government mandates and the freedom to exercise religion. He said there have been multiple instances in which the government has dictated who religious organizations hire, as well as penalize people for their religious beliefs, putting their professional licenses at risk. He stated the proposed legislation does not pertain to employment issues. However, it does protect any individual who has a professional license or registration from having their license refused or revoked because of their religious beliefs. He stated the intent is to make it clear that the exercise of a person's religious beliefs is not unprofessional conduct. He also said there is similar legislation in Arizona.
- In response to committee questions, **Rep. Luker** stated a person's religious belief is based on the definition in the dictionary and the exact verbage "sincerely held religious beliefs" is from Court decisions that discuss the issue. He also said persons whose religious beliefs are questionable will be called in to prove their sincerity. He stated the term "intentional infliction" is a clearly defined tort in the law.
- MOTION:** **Rep. Barbieri** made a motion to introduce **RS 22495**. **Motion carried by voice vote.**
- SCR 132:** **Senator Davis** presented **SCR 132**, a concurrent resolution honoring the remarkable fifty years of service of **Judge Edward J. Lodge**. He stated Judge Lodge has a long history of public service working on behalf of the State of Idaho and the United States Court that he took very seriously. He said Judge Lodge is the longest-serving judge in Idaho's history and the longest-serving active Federal District Judge in the district of Idaho.
- MOTION:** **Rep. Batt** made a motion to send **SCR 132** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Batt** will sponsor the bill on the floor.

RS 22446C1: **Rep. Luker** presented **RS 22446C1**, proposed legislation that amends the Idaho Free Exercise of Religion Act to make it applicable in any judicial action where the burdening of the exercise of religion is an issue when based upon government action, regardless of whether the government is a party to the action. He stated the intent of the proposed legislation is to restore the strict scrutiny standard which shows there is a compelling interest and therefore would apply whether the government is a party or if it is just between private parties.

MOTION: **Rep. Barbieri** made a motion to introduce **RS 22446C1**. **Motion carried by voice vote.**

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

Representative Loertscher
Chair

Kasey Perkins
Secretary