

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, January 26, 2015

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

**PLACE:** Room WW02

**MEMBERS:** Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

**ABSENT/  
EXCUSED:** None

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

**Chairman Loertscher** called the meeting to order at 8:08 a.m.

He announced the hearing will continue until approximately 11:15 a.m. so the committee members can attend the floor session. He stated the meeting will reconvene at 5:00 p.m. this evening until approximately 8:00 p.m.

**H 002:** **Rep. Rusche** introduced **Bill Roden** who presented **H 002** which amends Section 18-7301, Idaho Code to provide that discrimination because of sexual orientation or gender identity is a criminal offense; amending Section 67-5901, Idaho Code to provide that freedom from discrimination because of sexual orientation or gender identity is a civil right; and amending Section 67-5909, Idaho Code to prohibit discrimination against a person because of sexual orientation or gender identity and to make technical corrections.

In response to committee questions, **Mr. Roden** stated he has no definition for the terms "sexual orientation and gender identity". He stated he would not draw the line on the meaning as long as the discriminated person is not breaking the law. He stated that "race, creed, or religion" is not currently defined in the Idaho Code.

**Heather Disselkuen**, self; **Peter Sprigg**, Family Research Council, Washington D.C.; **Arvell Bajema**, self; **Julie Staley**, self; **Robert Spiel**, self; **Kent Davis**, self; **Sonya Davis**, self; **Allen Marsh**, self; **Barbara Ehardt**, City of Idaho Falls City Council; **Russ Matthews**, self; **Isaac Best**, self; **Paul Thompson**, self; **Doyle Beck**, self; **Parson Rayphe**, self; **M.C. Chick Heilesen**, self; **Kevin Snell**, self; **Bonnie Sterling**, self, spoke in opposition to **H 002**. They were of the opinion that the bill infringes on their religious freedom and would give special protections to certain persons.

**Ken Colley**, Alliance Defending Freedom, spoke in opposition to **H 002**. He stated that the bill would cause discrimination against people of different religious beliefs. He stated there are several problems with the language because there is no way to confine the reach of its protection. He stated it could create illicit situations which does not protect the privacy of all citizens.

In response to committee questions, **Mr. Colley** stated similar lawsuits are being filed regarding the refusal of services by using their First Amendment rights. He said this bill would give the protected class special rights over the First Amendment rights of others. He stated businesses shouldn't have to defend themselves in a legal battle from the Human Rights Act. He stated the bill only protects co-religions and not beliefs of the people.

**Laura Bunker**, President of United Families International, spoke **in opposition** of **H 002**. She stated the bill gives special rights to some, at the expense of others. She stated the bill discriminates against business owners.

In response to committee questions, **Linda Goodman**, Idaho Human Rights Commission, stated there are cases of discrimination based on religious freedom currently filed with the Commission.

**Julie Zicha**, self; **James Hannah**, self; **Sylvia Chariton**, American Association of University Women of Idaho; **Nik Dumas**, Integrity Idaho; **Mey Rude**, self; **Juli Stratton**, self; **Emily Jackson**, self; **Diane Terhune**, self; **Jenny Serbriet**, self; **Sawyer Johnson**, self; **Cameron McCaven**, self; **Cammie Pavesic**, self, spoke **in support** of **H 002**. They were of the opinion that every person should be treated equally and other cities in Idaho have already passed similar ordinances and have not had any issues.

**ADJOURN:** Due to time constraints, **H 002** will be carried over to the meeting of January 26, 2015 at 5:00 p.m. The meeting was adjourned at 11:30 a.m.

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Representative Loertscher  
Chair

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Kasey Winder  
Secretary