

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, January 28, 2015

**TIME:** 3:00 P.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 3:04 p.m.

**H 002:** Continuation of the meeting of January 28, 2015 at 8:00 a.m.

**Christine Antonio**, self; **Anne Hausrath**, self; **Patricia McKernan**, self; **Guy Perkins**, self; **Matthew Montoya**, self; **Marie Leviton**, self; **Scott Nickolson**, self; **Fiana Kilfoyle**, self; **Kari Wilson**, self; **Julie Hoefnagels**, self; **Jessica McCafferty**, self; **Nicole Favor**, self; **Pamela Piper**, self; **Matthew Melton**, self; **Karen McMillan**, self; **Danae Carson**, self; **Evangeline Beechler**, self; **Ty Carson**, self; **Nicholas Eisele**, self; **Erin Nelson**, self; **Caleb Hansen**, self; **Ashley Thompson**, self; **Cecilia Jordsan**, self; **Wendy Irwin**, self; **Christy Cottle**, self; **Rachel Rave**, self; **April Hoy**, self; **Maryn Axtell**, self; **Lauren Doty**, self; **Kris Imorg**, self; **Ryan Gregg**, self; **Joseph Giddie**, self, spoke in support of **H 002**. They were of the opinion that this legislation is needed to stop discrimination against people in the LGBT community.

In response to committee questions, **Rep. Rubel** stated the Attorney General has released a statement regarding **H 002**. She stated the opinion was there is no current state law in Idaho that exists which protects gay/transgender people from discrimination in employment and housing and public services/accommodations. Idaho anti-discrimination statutes do not contain a specific prohibition with respect to sexual orientation or gender identity as reflected by **H 002**. She stated the Fair Housing Act prohibits various forms of discrimination, including on the basis of sex and in connection with the sale or rental dwellings, but the issue is whether the term "sex" extends to discrimination on the basis of sexual orientation or gender identity. She also stated there is a relaxed standard, as a whole, in regards to prohibited discrimination on people who are gay/transgender and the bill would incorporate an extended meaning to the Idaho Human Rights Act which would clarify the standard.

**Rep. Rubel** also stated the initial step in any report of discrimination is mediation by the Human Rights Commission in which most cases are settled. She said that although the language in the Idaho Free Exercise of Religion Act (I.F.E.R.A.) speaks of asserting the violation of the act as a claim or defense in a judicial proceeding and obtaining appropriate judicial relief against a government, the I.F.E.R.A does not inherently restrict a claim or defense between private parties. She said it is up to the parties to assert their own defenses, if necessary, and no legal counsel will be provided for private citizens or businesses.

**David Stout**, self; **Jere Webb**, self, spoke **in opposition** to **H 002**. They were of the opinion that the government should not be involved because this legislation gives special rights to a small group.

**Wayne Hoffman**, President, Idaho Freedom Foundation, spoke **in opposition** to **H 002**. He stated the legislation will not stop discrimination. He stated the issue need to be addressed in the free market not by the government. He said if businesses want to have anti-discrimination policies they are free to write their own.

**ADJOURN:** Due to time constraints, **H 002** will be carried over to the meeting of January 29, 2015 at 8:00 a.m. The meeting was adjourned at 5:36 p.m.

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Representative Loertscher  
Chair

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Kasey Winder  
Secretary