

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, January 29, 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 8:05 a.m.

H 002: Continuation of the meeting of January 28, 2015 at 3:00 p.m.

Senator Buckner-Webb was recognized to close testimony on **H 002**. She clarified that **H 002** updates the Idaho Human Rights Act to include "sexual orientation and gender identity" as a means to discriminate against someone in regards to employment and housing.

MOTION: **Rep. Andrus** made a motion to **HOLD H 002** in committee. **In support** of the motion, **Rep. Andrus** stated the legislation was not the correct way to address the problem. He said the concerns with people's religious rights as well as discrimination need to be addressed. He stated that he sympathizes with the LGBT community and the fears they face. He said the bill does not address the whole picture. He said if the bill is passed as it is worded, a barrier will be created between the LGBT community and others.

SUBSTITUTE MOTION: **Rep. Wintrow** made a substitute motion to send **H 002** to the floor with a **DO PASS** recommendation. **In support** of the substitute motion, **Rep. Wintrow** stated that for the past nine years people have been careful in drafting this legislation. She stated they are good human beings who deserve the same rights as everyone else.

AMENDED SUBSTITUTE MOTION: **Rep. Smith** made an amended substitute motion to send **H 002** to the floor with no recommendation. **In support** of the amended substitute motion, **Rep. Smith** stated the poll was 67% of people in Idaho want equal rights so it would be right to have the whole House debate and vote on the issue as they represent the entire state.

Rep. Jordan spoke to the substitute motion and stated all people should be free from discrimination and the exercise of freedom should not be dictated.

Rep. Bateman spoke to the original motion and stated he was inspired after hearing testimony to be a kinder person to those who carry heavy burdens. He said he will not support the bill as written but will support a compromise that will also protect everyone's religious rights.

Rep. McCrostie spoke to the amended substitute motion and stated he casts his votes for his constituents. He stated he represents the LGBT community and understands civil rights in a very personal way. He stated freedom starts when you wake up and ends when you impose your beliefs on others. He said everyone deserves equal treatment under the law, regardless of their religious beliefs.

Rep. Crane spoke to the original motion and stated definitions do matter and better definitions are needed in this legislation because when the law is vague it is easily torn apart. He stated there is a tension that exists between the LGBT community and others' religious rights and this bill does not effectively help that.

Rep. Barbieri spoke to the original motion and stated that after hearing testimony there is no question that abuse against the LGBT community occurs but the bill does not correct that part of bad behavior. He stated there is no compromise because there are mutually exclusive points on both sides. He said it is impossible to ignore that there are predators who will use this legislation as a loophole. He stated when we carve our protections for one group, we take away the rights of others.

Rep. Nielsen spoke to the original motion and stated there is not a family who is not touched by a member of the LGBT community. He said you cannot legislate morals, we have to teach that to our children and show that example to others. He stated that 9 to 1 of his constituents are opposed to the legislation.

Rep. Sims spoke to the original motion and stated that mediation and compassion work and that definitions in the law are very important. She said we cannot legislate self-worth to people.

Rep. Wintrow spoke to the amended substitute motion and stated that it is government's responsibility to say who needs protections in society. She stated it should go to the floor so that all the representatives can vote on it.

Chairman Loertscher spoke to the original motion and stated the committee has heard a lot of testimony. He stated he has experienced discrimination himself so he understands and empathizes. He said that every member of the committee has changed after hearing the testimony. He stated there is no excuse for this type of cruelty against people and calls on the people of Idaho to stop the cruelty. He said we need to be kind to people who you may perceive as different from you. He stated he does not think the government should force people to use their money to defend themselves against the government or private citizens.

**VOTE ON
AMENDED
SUBSTITUTE
MOTION:**

A roll call vote was requested on the amended substitute motion. **Motion failed by a vote of 13 NAY, 4 AYE. Voting in favor** of the motion: **Reps. Smith, Jordan, McCrostie and Wintrow.** **Voting in opposition** to the motion: **Chairman Loertscher, Reps. Batt, Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, and Nielsen.**

**VOTE ON
SUBSTITUTE
MOTION:**

A roll call vote was requested on the substitute motion. **Motion failed by a vote of 13 NAY, 4 AYE. Voting in favor** of the motion: **Reps. Smith, Jordan, McCrostie and Wintrow.** **Voting in opposition** to the motion: **Chairman Loertscher, Reps. Batt, Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, and Nielsen.**

**VOTE ON
ORIGINAL
MOTION:**

A roll call vote was requested on the original motion. **Motion carried by a vote of 13 AYE, 4 NAY. Voting in favor** of the motion: **Chairman Loertscher, Reps. Batt, Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, and Nielsen.** **Voting in opposition** to the motion: **Reps. Smith, Jordan, McCrostie and Wintrow.**

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 9:18 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary