

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, February 19, 2015

TIME: 8:30 A.M.

PLACE: Room EW40

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: Chris Yamamoto, Canyon County Clerk; Brad Jackson, Canyon County Clerk; Scott Woodruff, ParentalRights.org; Holly Kool, IPPA; Phil McGrane, Ada County Clerk's Office; Michael Henderson, Supreme Court; Mike Kane, Property Casualty Insurers Association; Paul Rolig, self; Julie Lynde, Cornerstone Family Council; Ben Wilson, Interfaith Alliance of Idaho; Emily Walton, self; Jesse Taylor, self; Sarah Fuhrman, State Farm; Benjamin Monaghan, self; Barry Peters, Idaho Coalition of Home Educators; Astrid Wilde, self; Anjela Richards, Allstate, American, Farm Bureau Insurance; Woody Richards, Allstate, American, Farm Bureau Insurance, Judy Cross, Interfaith Alliance of Idaho.

Chairman Loertscher called the meeting to order at 8:31 a.m.

MOTION: **Rep. Sims** made a motion to approve the minutes of the February 12, 16, and 17, 2015 meetings. **Motion carried by voice vote.**

RS 23463C1: **Michael Kane**, Property Casualty Insurers, presented **RS 23463C1**, proposed legislation which enacts requirements for liability insurance coverage for transportation network companies and their participating drivers. He explained a network company is a company that provides prearranged transportation services for compensation using an online-enabled application or platform to connect passengers with drivers using their personal vehicle. He stated the legislation also clarifies the fact that a participating driver's or vehicle owner's personal automobile insurance policy does not provide coverage to the participating driver, vehicle owner, or any third party unless the policy so states. The legislation requires transportation network companies to provide information to their participating drivers on the statutory requirement for insurance, the insurance coverage provided by the company and to advise that the driver's personal automobile insurance policy will not provide coverage.

In response to committee questions, **Mr. Kane** stated there is other proposed legislation out this session that deals with regulations not insurance policies. He stated the public usually does not know what type of coverage they have and this legislation helps to remedy that problem.

MOTION: **Rep. Smith** made a motion to introduce **RS 23463C1**. **Motion carried by voice vote.** **Rep. Batt** requested to be recorded as voting **NAY**.

H 113: **Rep. Trujillo** presented **H 113**, legislation that emphasizes the rights of parents. She stated parents and legal guardians who have legal custody of minor children have a fundamental right to make decisions concerning the care, custody, education and control of their children and this should be codified into State law. She stated this right is protected by the Fourteenth Amendment but is not in the Idaho Code.

MOTION: **Rep. Bateman** made a motion to send **H 113** to the floor with a **DO PASS** recommendation.

In response to committee questions, **Rep. Trujillo** stated the term "education" is included in the legislation because parents and legal guardians have the right to make decisions regarding their child's education.

Holly Kool, Idaho Prosecuting Attorney's Association, spoke **in opposition** to **H 113** and stated the terms "education" and "legal guardian" are problematic because it does not accurately reflect the U.S. and Idaho Supreme Court decisions regarding the issue of parental rights. She said this will cause conflicts with other Rules and Statutes in Idaho.

In response to committee questions, **Ms. Kool** stated the current case law only includes parents and not the term "legal guardians". She stated when the Department of Health and Welfare is the legal guardian this legislation will cause problems. She said that defining "legal guardians" would not fix the problem, she suggested it be taken out of the bill language. She said that parental rights and legal guardian's rights are different. She stated her office is worried about how the law would be interpreted in the Courts. She stated parents do not have the right to keep children from school, there are laws in place that require an education in Idaho.

Chairman Loertscher invoked Rule 38 stating a possible conflict of interest but that he would be voting on the legislation.

Michael Henderson, Idaho Supreme Court, spoke **in opposition** to **H 113** and stated the language in the bill does not reflect current case law. He stated if the purpose of the bill is to codify what the Courts have ruled then the language should reflect that. He stated that guardianships are different from parental rights and the U.S. Supreme Court has ruled the rights only cover parents. He stated guardianships is defined in Idaho Code which includes rights and responsibilities. He stated the Courts have the right to appoint guardians to children based on the best interest of the child. He said the bill goes beyond what the current case law says.

In response to committee questions, **Mr. Henderson** stated he is testifying on what the Courts have actually said and wants to be sure the bill doesn't conflict with current laws. He stated the term "education" could also pose problems because it is not covered under parental rights in case law. He stated Article 9 of the Idaho Constitution speaks to education but the problem is in where to draw the line. He said there could be new cases filed that challenge the education system if this bill is passed.

Scott Woodruff, Senior Counsel, Parentalrights.org, spoke **in support** of **H 113** and stated that parental rights and education have been defined in case law since 1923. He stated in 2005 the Ninth Circuit Court of Appeals ruled that it is the parents' fundamental right to decide what school their child shall attend. He said Idaho Courts have not spoken about the fundamental rights of parents in regards to education and that is why this legislation is needed. He stated parents in Idaho do not currently have the right to direct the education of their children when they attend public schools and this legislation would not interfere with that. He stated that parental rights can and are taken away in cases of neglect and abuse, the fundamental right is not an absolute right.

In response to committee questions, **Mr. Woodruff** stated the term "education" should be added because it has been in jurisprudence since 1923 and Idaho Law should reflect that.

Paul Rolig, representing himself, spoke **in opposition** to **H 113** and stated the bill has unintended consequences. **Ben Wilson**, Interfaith Alliance of Idaho, spoke **in opposition** to **H 113** and stated parents rights are protected by law and as such neglectful parents have had no consequences for the cause of many children's deaths, i.e. not vaccinating, withholding medical care, etc. **Emily Walton**, representing herself, spoke **in opposition** to **H 113** and stated her parents denied medical services to her sister who has suffered for years. She stated parents should not be allowed to deny medical care for their children and it is important we protect the lives of children. **Astrig Wilde**, representing himself, spoke **in opposition** to **H 113** and stated there are over 200 graves of children at a Canyon County graveyard that represent parental neglect. They were the children of parents who denied medical treatment of their children. He stated none of the parents of the children were ever prosecuted because they were protected due to current parental rights. **Judy Cross**, Interfaith Alliance, spoke **in opposition** to **H 113** and stated the language in the bill is too broad. She stated children need to be protected and this legislation could affect the ability of the State to protect them.

Julie Lynde, Cornerstone Family Council, spoke **in support** of **H 113** and stated parents should have the fundamental right to make decisions in regards to their children. She said state statute should support the family and it is good for society. She stated legal guardians should also have the right to provide for the child just as a natural parent would. **Benjamin Monaghan**, representing himself, spoke **in support** of **H 113** and stated he is thankful his parents had the right to choose the type of education he would receive which was home schooling. He said there were several benefits to his at-home education. He said we need to be diligent in protecting parental rights. **Barry Peters**, President, Idaho Coalition of Home Educators, spoke **in support** of **H 113** and stated the Legislature needs to firm up parental rights in the law. He stated case law has indeed included "legal guardians" and "education" under parental rights since 1925.

**UNANIMOUS
CONSENT
REQUEST:**

Chairman Loertscher made a unanimous consent request to vote on the motion to send **H 113** to the floor with a **DO PASS** recommendation and to hear the remaining agenda items at tomorrow's meeting of February 20, 2015. There being no objection, the request was granted.

Chairman Loertscher gave special recognition to the Legislative Page, **Audra Curtis**, for the excellent service she provided to the committee the first half of the session. She was presented with a special Resolution thanking her for many hours of dedicated service and bidding her a fond farewell.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 10:42 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary