

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 12, 2020

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/
EXCUSED:** None

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

Chairman Harris called the meeting to order at 9:00 AM.

HJR 4: **Rep. Bedke**, Speaker of the House of Representatives, explained **HJR 4** sets the number of state districts at 35.

In response to committee questions, **Rep. Bedke** said commissioners felt like their hands had been tied and were frustrated by the lack of flexibility they had in determining districts and no plans had been put forth to create fewer districts. **HJR 4** would keep the state in line with previous court decisions.

MOTION: **Rep. Crane** made a motion to send **HJR 4** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Bedke** will sponsor the bill on the floor.

RS 27614: **Rep. McCrostie** said **RS 27614** removes the requirement that native-grown product be used in the production of home-brewed beer. **RS 27614** also defines the amount of beer that can be produced by home brewers for personal use.

MOTION: **Rep. Scott** made a motion to introduce **RS 27614**. **Motion carried by voice vote.**

RS 27300C1: **Rep. Troy** said **RS 27300C1** does not allow any homeowners' association to prohibit the display of a political sign or certain types of flags such as the US, Idaho, POW, or a military branch flag. Homeowners' associations can adopt reasonable rules that regulate the time, size, place, number and manner of displaying signs. Homeowners' associations must also provide three days' notice before removing a sign or imposing a fine or penalty.

MOTION: **Rep. Holtzclaw** made a motion to introduce **RS 27300C1**. **Motion carried by voice vote.**

H 440: **Rep. Scott** said **H 440** amends the Idaho Human Rights Commission to prohibit discrimination and preferential treatment based on race, sex, color, ethnicity, or national origin in state hiring and contracting practices.

Rep. Gannon and other committee members asked if sexual orientation was included in **H 440** and asked how sex was defined. **Chairman Harris** deemed these questions not relevant to the bill at hand.

In response to further committee questions, **Rep. Scott** said the bill allows for sex-specific positions to be filled in situations like detention homes that conduct strip searches of children or in battered women's shelters. Rep. Scott said **H 440** does not violate the Constitution and has been upheld in a number of court cases. Rep. Scott clarified it was not her intention to return and define characteristics listed in **H 440** at a later date.

Kathy Griesmeyer, ACLU of Idaho, testified **in opposition** to **H 440**. Ms. Griesmeyer said **H 440** rolls back protections and does the opposite of what people have been asking for, for many years. Ms. Griesmeyer said affirmative action is one of the most effective tools in leveling a historically uneven playing field.

In response to committee questions, **Ms. Griesmeyer** said **H 440** misrepresents the discrimination in hiring principles and is a fallacy.

Reverend Sara LaWall, Boise Unitarian Universalist Fellowship, testified **in opposition** to **H 440** because it does not follow values of justice and equality. Rev. LaWall said institutions are biased even if people wished they weren't and access to equality is important.

Mistie Tolman, Planned Parenthood, testified **in opposition** to **H 440**. She highlighted the commitment of Planned Parenthood to reducing disparities and pursuing equality. Ms. Tolman said affirmative action ensures certain characteristics are not barriers to opportunity and said disadvantaged backgrounds should not hinder people.

Rep. Gannon asked **Ms. Tolman** if she thought any group was left out of the bill. **Chairman Harris** stated he would not allow that question as it was not relevant to the bill.

MOTION: **Rep. Gannon** made a motion to have the committee consider whether his question to **Ms. Tolman** was appropriate. **Chairman Harris** ruled the motion out of order because it was invalid.

MOTION: **Rep. Green** made a motion to put the committee at ease to consult with the House Parliamentarian. **Chairman Harris** said the motion was out of order but said Rep. Green could send someone upstairs to consult with the House Parliamentarian if she chose.

Lori Burelle, National Organization of Women, Southwest Idaho Chapter, testified **in opposition** to **H 440**. Ms. Burelle said **H 440** fails to account for bias and people have a bad habit of hiring people who look like them.

Rabbi Dan Fink, Interfaith Alliance, said affirmative action ensures more diverse participation in our democracy and evens the playing field.

Annie Hightower, Idaho Coalition Against Sexual and Domestic Violence, said if everyone doesn't succeed, then no one does. Ms. Hightower said affirmative action practices mean an applicant must be otherwise qualified for the job. She said there is systemic bias and discrimination in the country.

Scott Yenor, National Association of Scholars, testified **in support** of **H 440**. Mr. Yenor said diversity hires hurt the candidate's pride and implies they were not as qualified. Mr. Yenor said the claim that inequality is traceable to bias and discrimination does not hold up and inequality does come from differences between men and women and differences in subcultures.

Chelsea Lincoln, Legal Voice, testified **in opposition** to **H 440**. Ms. Lincoln said racism and sexism have not been eradicated and disparities do exist. She mentioned she did not see religion mentioned in **H 440**. Ms. Lincoln said she does not see anyone who represents her on the committee who looks like her and people should be able to reach their full potential.

In response to committee questions, **Ms. Lincoln** clarified that she did not see religion in the bill and religion has more protection than she does as a minority. She said even if religion was added, she would not support the bill because racism and sexism have not been eradicated.

Rep. Scott closed testimony by saying **H 440** does not end affirmative action and is a civil rights bill.

MOTION: **Rep. Zito** made a motion to send **H 440** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Gannon** made a substitute motion to send **H 440** to General Orders. Speaking to the motion, Rep. Gannon said **H 440** legislates discrimination, is offensive and is fake news. He said it implies picking and choosing when discrimination is appropriate and is not the kind of legislation the committee should engage with.

Rep. Green spoke **in support** of the substitute motion. She said hypocrisy was on full display and people have been asking for protections for years and she would continue to speak up for her constituents.

Rep. Scott spoke **in opposition** to the substitute motion, stating the state cannot ask someone about their religion or sexual orientation during the hiring process

VOTE ON SUBSTITUTE MOTION: **Substitute motion failed by voice vote.**

ROLL CALL VOTE ON ORIGINAL MOTION: **Rep. Green** requested a roll call vote on the original motion. **Motion carried by a vote of 12 AYES and 3 NAYS. Voting in favor of the motion: Reps. Harris, Armstrong, Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young. Voting in opposition to the motion: Reps. Smith, Gannon, Green. Rep. Scott** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 10:18 AM.

Representative Harris
Chair

Devon Powers
Secretary