

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 19, 2020

TIME: 9:00 A.M.

PLACE: Room EW42

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 9:01 AM.

RS 27777: **Rep. Zollinger** said **RS 27777** was very similar to the legislation he previously presented to the committee. He said **RS 27777** included additional language from the Attorney General's office. Rep. Zollinger said the hospital association had also expressed concern but **RS 27777** includes language for hospitals in emergencies and it is not the legislative intent of **RS 27777** to get hospitals in trouble.

In response to committee questions about Medicaid providers who also provide abortions, **Rep. Zollinger** said language from the Attorney General was added to make the bill defensible in court. Rep. Zollinger said the exceptions for Medicaid providers were included without specific references to particular sections of Medicaid. He said the Hyde Amendment already prohibits federal funding for abortion so **RS 27777** does not specifically refer to it. Rep. Zollinger said even for abortions that are eligible for public funding, the state legislature still decides where those public funds go. He said this language already exists in Idaho Code and **RS 27777** by no means opens the door for more funds to go toward abortions; but restricts what counties can do.

MOTION: **Rep. Crane** made a motion to introduce **RS 27777**.

In response to committee questions, **Rep. Zollinger** said the state interest in protecting life is under higher scrutiny than providing a flu shot. He said there are exceptions for abortions that are considered legal and lawful and no county can redefine abortion.

Committee members expressed concern about potential legal ramifications of the bill.

**VOTE ON
MOTION:** **Motion carried by voice vote.**

H 500: **Rep. Ehardt** said the intent of **H 500** is to protect opportunities for women and girls in sports. **H 500** states there are inherent physiological, chromosomal, and hormonal differences between males and females. Rep. Ehardt introduced **Sen. Souza**. Sen. Souza explained several physiological, chromosomal, and hormonal differences between males and females and how those differences impact athletic ability and performance.

In response to committee questions, **Rep. Ehardt** said when athletes go to the doctor to receive a physical, they can also get a signed note that confirms their sex after completing a noninvasive blood, urine, or saliva test. Rep. Ehardt said **H 500** is not similar to the policies of the Idaho High School Athletic Association, NCAA, or the Olympic committee. She said **H 500** is a preemptive bill and no one has used the appeal process in the existing IHSAA policy.

In response to committee questions about legal fees, **Steve Sherer**, attorney from Meridian, Idaho, said shifting legal fees can act as a deterrent to lawsuits.

Kathy Griesmyer, ACLU, **Annie Hightower**, Idaho Coalition Against Domestic and Sexual Violence, and **Lori Burelle**, Southwest Idaho Chapter of the National Organization of Women, testified **in opposition** of **H 500**. Testifiers emphasized legal concerns of discrimination, equal protection, and invasion of privacy. They said **H 500** solves a problem that does not exist and harms students.

Testimony provided on behalf of **Chris Mozier** expressed frustration that his identity was being used to push an agenda and said when the government debates the validity of people's existence, it sends a dangerous message to transgender youth.

Oliver Cowen testified **in opposition** to **H 500** because the transition process is already difficult and has a checks and balances system. Mr. Cowen said taking away sports harms students more than it helps and schools should continue to be trusted.

Mollie Kafka testified **in opposition** to **H 500** because it creates an unsafe environment and singles out transgender athletes.

Megan Carter, Add the Words, testified **in opposition** to **H 500** and cited the harm of outing people before they are ready.

Jen Moore, Idaho Association of LGBT Issues in Counseling, emphasized **H 500** puts transgender people at risk of bullying, discrimination and suicide.

Lindsey Zea, **Amanda Penrod**, **Ray Hackey**, Pacific Justice Institute, and **Brian Stutzman** spoke **in support** of **H 500**. They emphasized the differences between men and women in athletic performance and said **H 500** ensures an equal playing field and fairness for girls.

Ty Jones, Executive Director of the Idaho High School Activities Association, made himself available for committee questions regarding current policy.

In response to committee questions, **Mr. Jones** said no students have used the current appeal process and the current policy does provide a way for transgender athletes to participate in sports. Mr. Jones said some school districts have additional components to the policy but there is a baseline policy requirement.

Due to time constraints, **H 500** will be carried over to the meeting of February 20, 2020 at 8:00 AM.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 10:58 AM.

Representative Harris
Chair

Devon Powers
Secretary