

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, February 20, 2020

**TIME:** 8:00 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 with the minutes 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 Services Library.

**Chairman Harris** called the meeting to order at 8:00 AM.

**RS 27581:** **Rep. Goesling** said **RS 27581** was brought to him by the Idaho School Board Association and would allow public governing boards to enter executive session to discuss minimal acceptable bid amounts for the sale of real estate. Currently the bid process must be done in open meetings.

In response to committee questions and concerns about transparency, **Rep. Goesling** said the intent of **RS 27581** is to bring appraisers into the process to ensure a fair price for the property in question. Rep. Goesling said **RS 27581** would allow competition to set the price.

**MOTION:** **Rep. Andrus** made a motion to introduce **RS 27581**. **Motion carried by voice vote.**

**Chairman Harris** said the committee would continue hearing testimony from the previous meeting on **H 500**, but no new testimony would be taken.

**Lucas Neil, Diane Terhune, Saga Christian, Donna Harwood**, Executive Director of Lion's Pride, **Nicole LeFavour, Josie Kohler, Hannah Brass Greer, Mars Allen**, and **Jessica Duval** testified **in opposition** to **H 500**. They said **H 500** would negatively impact intersex children, children who are disfigured and those who are raped. They emphasized **H 500** targets and labels transgender people and puts discrimination into law. They said the transgender population is already a vulnerable population and sports often provides a safe environment, lifeline and sense of belonging to transgender students. Those who testified also spoke to concerns about invasion of privacy, potential for bullying, and ambiguity in the bill. Testifiers also expressed concern about the government implementation of a pelvic examination and genetic testing.

**Mistie Tolman**, Planned Parenthood, and **Chelsea Lincoln**, Legal Voice and Add the Words Idaho, testified **in opposition** to **H 500**. Ms. Tolman said **H 500** denies students fair access to participate in school activities. They said **H 500** could apply to any student who is questioned, not just transgender students and female athletes should not be subjected to pelvic examinations and **H 500** leads to more bullying of transgender students.

**Blaine Konzatti**, Family Policy Alliance of Idaho, and **Christian Welp**, Catholic Conference, testified **in support** of **H 500**. They said **H 500** is not exclusionary but recognizes and cherishes the differences between biological males and females.

**Michelle Fayant**, female powerlifting champion, testified **in support** of **H 500**. She said competing has helped her find passion and self-worth and that should not be taken away from girls.

**Rep. Ehardt** closed testimony and said the intent of **H 500** is to preserve opportunity in sports for girls as defined by Title IX. She said the bill does not interfere with how people feel or identify but simply puts standards in place. Rep. Ehardt said the school only gets involved when questions are asked and then they handle it. She reiterated **H 500** is preemptive.

**ORIGINAL MOTION:**

**Rep. Scott** made a motion to send **H 500** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:**

**Rep. Gannon** made a substitute motion to send **H 500** to General Orders. Speaking to his motion, Rep. Gannon said **H 500** appears to only apply to women, which is discriminatory and expressed concern about the fee-shifting statute.

**AMENDED SUBSTITUTE MOTION:**

**Rep. Smith** made an amended substitute motion to **HOLD H 500** in committee. Speaking to her motion, Rep. Smith said the Idaho High School Activities Association already has a policy that addresses this topic and said **H 500** is unnecessary and does not specify who can dispute sex or limit the dispute to transgender people.

**Rep. Green** and **Rep. Gannon** spoke **in support** of the amended substitute motion. They said **H 500** was an egregious attack on one particular segment of the community and it was a legal quagmire.

**VOTE ON AMENDED SUBSTITUTE MOTION:**

**Motion failed by voice vote.**

**VOTE ON SUBSTITUTE MOTION:**

**Motion failed by voice vote.**

**VOTE ON ORIGINAL MOTION:**

**Motion carried by voice vote. Rep. Smith** requested to be recorded as voting **NAY**. **Rep. Ehardt** will sponsor the bill on the floor.

**H 414:**

**Rep. Barbieri** said **H 414** allows for liquor sampling at state-run liquor stores. Under **H 414** a sample is a quarter of an ounce. **H 414** restricts sampling to state liquor stores. Rep. Barbieri yielded to **Kate Haas** representing the Distilled Spirits Council to speak to **H 414**.

**Ms. Haas** said **H 414** is similar to a bill previously brought before the committee. She said **H 414** does not include contract stores and the intent of **H 414** is to restrict sampling to a safe environment. Ms. Haas said the intent is not to expand access or promote sampling outside the store. She said the vendors control distribution and are liable.

In response to committee questions, **Ms. Haas** said **H 414** restricts sampling to state-run liquor stores which children are not allowed to enter.

**Jeff Anderson**, Director of the Idaho Liquor Division testified **in support** of **H 414**. He said the liquor division can responsibly administer **H 414**.

In response to committee questions, **Mr. Anderson** said the liquor division does not advertise but would let people who have indicated interest know about sampling opportunities. Mr. Anderson said liquor stores do not have shoppers, they have buyers.

**MOTION:** **Rep. Smith** made a motion to send **H 414** to the floor with a **DO PASS** recommendation

**Scott Kelch**, owner of Northstar Spirits, testified **in support** of **H 414** because as a liquor broker, he introduces new products regularly and this is a good way to introduce people to new products in a controlled environment.

During discussion on the motion, committee members spoke **in support** of the original motion and said **H 414** was not an attempt to lure people, but gives people an opportunity to sample before committing to a product.

**SUBSTITUTE MOTION:** **Rep. Crane** made a motion to **HOLD H 414** until Friday, February 28, 2020. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:05 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary