

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, March 06, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Vice Chairman Harris** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:04 a.m.

MINUTES APPROVAL: **Senator Buckner-Webb** moved to approve the Minutes of February 3, 2020. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

Senator Hill moved to approve the Minutes of February 19, 2020. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

Senator Souza moved to approve the Minutes of February 14, 2020. **Senator Hill** seconded the motion. The motion carried by **voice vote**.

Senator Anthon moved to approve the Minutes of February 10, 2020. **Senator Hill** seconded the motion. The motion carried by **voice vote**.

RS 27924 **UNANIMOUS CONSENT REQUEST** from the Senate Transportation Committee relating to motorist's responsibilities at a railroad crossing.

Vice Chairman Harris announced that he had received a unanimous consent request from Senator Brackett, Chairman of the Senate Transportation Committee, to print **RS 27924**, relating to a motorist's responsibilities at a railroad crossing.

MOTION: **Senator Stennett** moved to send **RS 27924** to print. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

RS 27912 **RELATING TO THE ANTI-BOYCOTT AGAINST ISRAEL** to prohibit a public entity from entering into certain contracts that boycott Israel.

Senator Winder explained that **RS 27912** relates to the anti-boycott against Israel, to prohibit a public entity from entering into certain contracts that boycott Israel. It prohibits anyone with a contract over \$100,000 in the State of Idaho to agree to not provide any kind of a boycott against Israel. **Senator Winder** stated that this legislation was brought by the local Jewish community. **Senator Stennett** asked if this type of protection is provided for any other country. **Senator Winder** said he would have to do some research regarding that.

MOTION: **Senator Hill** moved to send **RS 27912** to print. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Harris passed the gavel to Chairwoman Lodge.

RELATING TO FAIRNESS IN WOMEN'S SPORTS ACT.

Senator Souza, presented **H 500** which relates to fairness in women's sports. She stated that girls and women deserve to compete on a level playing field. Title IX became law in 1972 and, over time, it began to balance out the great divide between men and women's sports.

Senator Souza said when biological boys compete in girls sports, equal opportunity is destroyed. She provided a packet of information, including an anatomical graphic published in the Washington Post in 2014 titled "Fit But Unequal" comparing the physical scientific attributes of males versus females (see Attachment 1). She also referred to a letter from Beth Seltzer, founder of Save Women's Sports, who wrote that the physical advantages that males have over females is very real and unchangeable, resulting in performance differentials of up to over 30 percent, depending on the activity. The letter was signed by 25 women from all kinds of different backgrounds (see Attachment 2). She added that studies have confirmed that after 12 months of hormone therapy, male bodies do not lose these advantages. Fairness, privacy, and safety for females must be ensured and protected.

Senator Stennett provided a scenario that emphasized how someone, without cause, could instigate a complaint questioning the biological sex of a girl athlete that would result in extreme internal and external testing with the resulting analysis confirming she was a girl. There is nothing in this bill to preclude this type of incident happening. There are many questions to be answered. **Senator Stennett** stated that what this bill does or doesn't do regarding legislative language comes from an Attorney General's opinion.

Representative Ehardt, District 33, cosponsor of **H 500**, said this bill is about one thing, protecting opportunities for girls and women in sports. There have been gross misunderstandings and misrepresentations directed at this bill. This bill preserves girls opportunities to excel in athletics. She emphasized that women have fought too long and too hard for opportunities that, in many respects, are still not on a level playing field with boys and men.

Representative Ehardt said this legislation acknowledges that there are inherent differences between males and females (see Attachment 3). She then referred to the health examination and consent form issued by the Idaho High School Activities Association (see Attachment 4). She discussed the form regarding questions relating to the bill and how they were used by the athletic directors at the schools. The athletic directors are in charge and a disgruntled person cannot make accusations, it is up to those athletic directors to determine what should be done. **Representative Ehardt** met with Ty Jones, Executive Director of the Idaho High School Activities Association, to review standards and requirements. She referred back to Title IX stating that it was designed to eliminate discrimination against girls and women

Representative Ehardt quoted Martina Navratilova, a tennis player. Ms. Navratilova tries not to exclude trans people from living a full, healthy life, but tries to make sure girls and women who are born female, are competing on a level playing field within their sport. **Representative Ehardt** then explained the NCAA policy for transgenders and what they must go through to play in sports.

Senator Stennett read page 3, lines 15-20 of the bill and noted that testosterone levels fluctuate and are not the same; she asked what level is considered normal in this bill and who pays for all of these tests. **Representative Erhardt** responded that the added two options are there but will seldom be used. Like any other physicals, these can be paid by the student athlete or, in some cases,

a donor. In regards to testosterone levels, this is for high school or college students. The differences in the levels of testosterone between males and females are very significant.

Senator Souza interjected that there are normal values within normal ranges which can fluctuate. Normal ranges for males are quite different from girls in that age group. **Senator Stennett** noted that the bill does not indicate that range. **Senator Souza** said that is why a physician's signature is required for the physician's exam.

Representative Erhardt also responded that this is based only on biological sex and only when there is a question would other testing be involved.

Chairwoman Lodge opened testimony and explained the time limit would be three minutes.

TESTIMONY IN OPPOSITION:

The following testified in opposition to **H 500**: Paul Rolig; Kristen Linzmeye; Emilie Jackson-Edney; Mary Anne McGrory; Claire Paschke; Erin Hudson, Speedy Foundation; Diane Terhune, Tracy Olson, Liz Fuller, BSU Amnesty Intl.; Miranda Markovitz; Lindsay Hecox; Kayla McNay; and Tre'Anna Cussins.

Issues and concerns that were addressed included:

- The government should not do what the free market and private organizations can do.
- Debating this issue is a waste of taxpayers money.
- It discriminates against Idaho citizens who identify as transgender.
- A mechanism for harassment of female athletes is created.
- It does not allow transgender people to live a normal life.
- This bill is an affront to Idaho values.
- It prevents student athletes from participating according to their authentic gender identity.

TESTIMONY IN FAVOR:

Testifying in favor of **H 500** were Robin Ray; Christian Welp, Catholic Church; KaDee Hammond-Gomez, Brian Stutzman; Lori Woodland; Lindsey Zea; Blain Conzatti, Family Policy Alliance; and Alyssa Gilmore.

In closing, **Senator Souza** said the remarks made against the bill are unfair, and the bill is only about fairness in women's sports and creating a level playing field.

Chairwoman Lodge announced that testimony on **H 500** would resume on Monday, March 9 and encouraged the public to submit written testimony. An e-mail address was provided.

ADJOURNED:

There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 10:25 a.m.

Senator Lodge, Chair

Twyla Melton, Secretary

Juanita Budell
Assistant Secretary