

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, March 16, 2020

**TIME:** 8:00 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 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 9:00 AM.

**MOTION:** **Rep. Andrus** made a motion to approve the minutes from the February 20, 2020 meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Andrus** made a motion to approve the minutes from the February 27, 2020 meeting. **Motion carried by voice vote.**

**H 440aaS:** **Rep. Scott** said **H 440aaS** prohibits discrimination in public employment, education and contracting. The amendments move the section about public contracting to a different section of code and adds a section that was supposed to be included in the original bill. Rep. Scott said the amendments are friendly and asked the committee to concur with these amendments.

In response to committee questions, **Rep. Scott** said the governor, Department of Labor, Idaho Human Rights Commission, contractors, and Department of Transportation had input in the amendments.

**MOTION:** **Rep. Holtzclaw** made a motion to recommend the committee concur with the amendments by the Senate to **H 440aaS**.

Speaking **in opposition** to the motion, **Rep. Green** said she was not in favor of the original bill and no amount of edits will change her mind.

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

**S 1309:** **Rep. Zito** said **S 1309** amends the process for receiving an emergency absentee ballots and deferred to **Chad Houck**, Chief Deputy Secretary, Secretary of State's Office. Mr. Houck said **S 1309** is a restatement of Idaho Code that adjusts the emergency absentee ballot timeline. Mr. Houck said **S 1309** allows an application for an emergency absentee ballot to be submitted up to 5 days before the election.

In response to committee questions, **Mr. Houck** said in light of the current situation, the Secretary of State's office is activating a statewide campaign to get people to vote early within current guidelines and promote ways to increase participation in absentee voting. He said the specificity of someone having to be in the hospital is a matter of logistically getting ballots to people. He said this legislation was begun well before the current public health concerns and election dates cannot be changed. Mr. Houck said the window for emergency absentee ballots is 11 days prior to the election and the timeline for the request is 5 days prior to the election.

**MOTION:** **Rep. Holtzclaw** made a motion to send **S 1309** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Zito** will sponsor the bill on the floor.

**Chairman Harris** put the committee at ease.

**S 1385:** **Sen. Lakey** said **S 1385** bans abortions with exceptions but only goes into effect under two circumstances. If the US Supreme Court restored the right to decide whether abortion was legal or not to the state or if a constitutional amendment was passed doing the same, **S 1385** would go into effect. **S 1385** makes the performance of an abortion a felony for the provider. **S 1385** includes exceptions for the life of the mother, rape and incest, and provides the best opportunity for the unborn child to survive without hurting the mother.

In response to committee questions, **Sen. Lakey** said **S 1385** does not go into effect until either the Supreme Court makes a decision or a constitutional amendment is passed. **Sen. Lakey** said the title of the bill reflects that abortion would be a crime. He said **S 1385** is a balancing of interests and it tries to find common ground. **Sen. Lakey** said this kind of language is not new for Idaho and other states have similar bills. He said if the Supreme Court hands down a more nuanced ruling than simply returning the right to decide the legality of abortion to the states, the law would require some adjustments. **Sen. Lakey** said the life of the mother is different from the health of the mother and **S 1385** weighs the life of the baby as more important than the health of the mother, but not her life.

**Rick Small, Roger Canyon, Scott Watson, Shane Warmac, and Aaron Grandine** testified in opposition to **S 1385**. They said all lives are created equal and the legislature should consider a full ban of abortion. They spoke to the innocence of unborn children who would pay for the crimes of their fathers. They said this bill sacrifices babies and is not in line with the Bible or the Constitution.

**Jackie Wakefield**, in place of **Keri Uhlenkotte** of Right to Life Idaho, **Blaine Konzatti**, Family Policy Alliance of Idaho, and **David Ripley**, Idaho Chooses Life testified in support of **S 1385**. They emphasized the importance of saving as many lives as possible and paves the way for more pro-life legislation.

**David McGarra** and **Lindsay Zea** testified in support of **S 1385**. They said this bill will stop abortions, save lives and makes Idaho a pro-life state again.

**Kelly Walton** testified on behalf of **Jim Halbert** in support of **S 1385**. He said he is engaged in helping people find better options and providing counseling for those who have had abortions and under **S 1385** Idahoans will provide life-giving support for vulnerable women.

**Kathy Griesmyer**, ACLU, and **Mistie Tolman**, Planned Parenthood, testified in opposition to **S 1385**. They said **S 1385** was an attack on personal rights and lack of access to safe procedures will lead women to choose unsafe methods. They said abortion is healthcare, not a crime and **S 1385** intrudes on the doctor-patient relationship.

In closing, **Rep. Blanksma** asked the committee to send **S 1385** to the floor with a **DO PASS** recommendation.

**MOTION:** **Rep. Crane** made a motion to send **S 1385** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Rep. Scott** made a motion to **HOLD S 1385** in committee.

Speaking to the motion, **Rep. Scott** expressed concerns **S 1385** does not treat all life or murder equal, which is unconstitutional and the issue of judicial supremacy. **Rep. Green** spoke **in support** of the substitute motion. She said patient-centered health care is the right of the patient, whether man or woman. She said **S 1385** takes that right away and the place of the government is not with the woman, her doctor, or her god and should not be making the decision for women.

**VOTE ON  
SUBSTITUTE  
MOTION:**

**Motion failed by voice vote.**

**VOTE ON  
ORIGINAL  
MOTION:**

**Motion carried by voice vote. Rep. Blanksma** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business before the committee, the meeting was adjourned at 9:50 AM.

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Representative Harris  
Chair

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Devon Powers  
Secretary