

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, January 31, 2024

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane(13), Vice Chairman Young, Representatives Palmer, Barbieri, Holtzclaw, Scott, Andrus, Skaug, Alfieri, Allgood, Crane(12), Gannon, Nash (Coberly)

**ABSENT/
EXCUSED:** None

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

Chairman Crane (13) called the meeting to order at 9:00 AM.

RS 30835: **Rep. Scott** presented **RS 30835** explaining this is a piece of proposed legislation brought every year to make technical corrections in Idaho Code. At the end of each year drafters read through legislation to correct irregular grammar, punctuation, inconsistent numbering. These changes included technical clean up only and include no substantial changes in words or meaning.

MOTION: **Rep. Gannon** made a motion to introduce **RS 30835**. **Motion carried by voice vote.**

RS 31074: **Rep. Scott** presented **RS 31074** explaining this proposed legislation is in response to legislation passed through this committee last year requiring state agencies to keep a record of agreements and memorandums in the state. This record is printed and reported online on the State Controller's Website. This proposed legislation allows for a policy to be created to outline how those agencies would do this reporting. The new policy would be published by the State Controller's Office in the same location as the reports. In response to committee questions, Rep. Scott explained until these agencies are all reporting properly, there is a lack of understanding. She explained how changing from a policy to an official administrative rule, while allowing more legislative control, would drastically slow down the correct reporting of these agencies. Lastly, she explained in relation to redaction in contracts, all the legislation requires of reporting is a list of contracts with a contact name for each one.

MOTION: **Rep. Barbieri** made a motion to introduce **RS 31074**. **Motion carried by voice vote.**

H 421: **Rep. Young** presented **H 421** explaining having clear definitions is critical to the legislature's ability to create legislation. She stated the term male is used 54 times in Idaho Code, female 88 times, father 147 times, mother 133 times, and gender 32 times. There has been assumption that those terms have clear meanings, but it has become increasingly evident they need to be officially defined. The definitions proposed in this legislation tie the terms male and female to their reproductive functions, and defines the remaining terms in relation to those original two terms. She described how gender entomologically stems from 'a person who reproduces.' Lastly, she stated the definition of biological sex occurring in code is also amended in this legislation to be consistent with the new definition proposed in this bill. In response to committee questions, Rep. Young explained the new definition for biological sex is more clear and consist than the previous ones in statute, and the

sponsors of the legislation creating those definitions are in support of this new language. She clarified the new definitions of male and female include the term 'human' while the other definitions do not because male and female is also often used in Idaho Statute to refer to livestock.

Emily Jackson-Edney and **William Mitchell**, Legal Voice, testified in opposition to **H 421** citing *Bostock vs Clayton County* as an example of transgender status being protected from discrimination and voicing concern about potential costly lawsuits involving this legislation. William Mitchell further stated according to the Legislative Services Office drafting standards, proposed legislation with regard to gender or race should aim to be neutral and use the word 'person' when possible.

Nickson Mathews and **Carmen Broesder** testified in opposition to **H 421** highlighting that oversimplification of language can be harmful to individuals who identify outside of the proposed language. They explained gender identity is something which takes a long time to figure out within oneself, and that work is disregarded in this language. In response to committee questions, Nickson Matthews stated it is not anyone's job to define how others identify, and this legislation limits people's ability to make decisions about their own bodies. In response to committee questions about school sports, Nickson Matthews stated transgender girls should have the opportunity to participate in girls sports.

Rachel Bazzet and **Mistie Dellacarpini-Tolman** testified in opposition to **H 421** explaining this legislation is causing fear, stress, and worry in the transgender community. Rachel Bazzet further stated mental health work regarding identity often centers around handling pain and trauma, and bills of this nature have caused an increase in depression and suicidal thoughts. In response to earlier committee questions about sports, Mistie Tolman added while some transgender youth participate in sports, far more are too scared to compete.

Merrick Collins, **Sam Sandmire**, and **Sydney Madsen** testified in opposition to **H 421** highlighting the exclusion of intersex people in this legislation. Many states already recognize intersex as a gender on birth certificates and highlight it is not a matter of choice. In response to committee questions, Sydney Madsen clarified that intersex includes all people outside of the established norms of biological sex.

Kellan Brown and **Sean Craft** testified in opposition to **H 421** stating transgender people and members of the LGBTQ+ community have always existed and will continue to exist in Idaho, even when excluded from the language of this bill.

Joanna Schaffer testified in opposition to **H 421** saying the best representative of who a person is includes their neurology, lived experience, and how they report who they are. In response to committee questions, Joanna Schaffer clarified the binary of the creation story in the bible can be understood to be inclusive of the space between binaries. As example, it is understood God created day and night but can be interpreted to include the times between sunrise and sunset. In the same way, God created man and woman and one can interpret this to include everything in between that binary.

Sara LaWall, Boise Unitarian Universalist Fellowship, testified in opposition to **H 421** stating this legislation places one religious doctrine above another and is a slippery slope to reducing religious freedoms. In response to committee questions, Sara LaWall clarified her church uses readings from a variety of sources and texts.

Amy Dundon, ACLU of Idaho, testified in opposition to **H 421** citing similar legislation in other states which has been tied up in lengthy and expensive litigation for threatening civil liberties.

Dylan Goldale testified in opposition to **H 421** stating this legislation includes biased language and highlighting entomology does not always inform meaning as it often changes over time.

Jazzmin Lindsay, Planned Parenthood Alliance Advocates of Idaho, testified in **opposition** to **H 421** explaining the harm this could cause transgender people by requiring them to disclose their sex assigned at birth anytime they use their licence. She expressed further concern regarding how this bill may harm same sex couples and their children through it's narrow definitions of mother and father.

Rep. Young closed stating there must be fact-based definitions and discussions to make policy clear and understandable and referenced a quote stating legally redefining female as anyone who claims to be female results in the erasure of the female people as a class.

MOTION:

Rep. Andrus made a motion to send **H 421** to the floor with a **DO PASS** recommendation.

Rep. Skaug spoke in **support** of the motion stating he supports the constitutional rights of all and these common sense definitions are not new and include both science and faith.

Rep. Gannon spoke in **opposition** to the motion explaining one in every 200 people is intersex and the proposed new definitions need work to include these people.

Rep. Young stated the policy pieces in the bill address rare disorders of sexual development.

VOTE ON MOTION:

Motion carried by voice vote. Reps. Gannon and Coberly requested to be recorded as voting **NAY. Rep. Young** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 10:30 AM.

Representative Crane (13)
Chair

Kennedy Jones
Secretary