

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, February 16, 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

**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.

**MOTION:** **Rep. Crane (12)** made a motion to approve minutes of February 13th, 2024. **Motion carried by voice vote.**

**RS 31367:** **Rep. Mitchell** presented **RS 31367** explaining this proposed legislation is in conjunction with **H 340** which was passed last session. This would amend the voter ID laws by changing the 90 day deadline for turning in an old licence to a 30 day deadline. This will make it more consistent with other deadlines.

**MOTION:** **Rep. Palmer** made a motion to introduce **RS 31367**. **Motion carried by voice vote.**

**RS 30948C1:** **Rep. Alfieri** presented **RS 30948C1** explaining this proposed legislation would keep the state on standard time all year long. He clarified it is unhealthy to continually switch our clocks. This legislation would go into effect when at least two neighboring states have done the same. In response to committee questions, he explained this would not change Idaho's time zone.

**MOTION:** **Rep. Crane (12)** made a motion to introduce **RS 30948C1**. **Motion carried by voice vote.**

**RS 31183:** **Rep. Price** presented **RS 31183** explaining this proposed legislation is looking to prohibit punitive taxes and regulations on digital mining and virtual currency transactions. It further clarifies what constitutes a virtual transaction and provides protections as well as defines central bank digital currency.

**Rep. Manwaring** continued the presentation explaining the Idaho Digital Assets Act explains digital assets in Idaho and how the law around them is tied to private property rights. This proposed legislation adds more definitions to the act, primarily around self-custody terms, taxation, and discriminatory rate making. In response to committee questions, Rep. Manwaring clarified the portion about central bank digital currency states if the federal government introduces such a currency it will not be recognized in Idaho as money. He further clarified this proposed legislation does not impact consumer rights. He explained a money transmitters licence is not required within the draft legislation if a person is simply mining, as a creation of digital assets is the same as creating private property. He lastly clarified for the committee mining happens when servers compete against other servers for a piece of blockchain by quickly solving algorithms.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 31183**.

**Rep. Gannon** spoke to the motion stating he would like to see protection against bad actors included and voiced concern about digital assets not falling in the uniform commercial code.

**Rep. Barbieri** spoke to the motion asking for a better explanation of the impacts this could have on private transactions.

**Rep. Scott** spoke in favor of the motion stating legislators must learn these terms if they are going to stay in government.

**VOTE ON  
MOTION:**

**Motion carried by voice vote.**

**H 538:**

**Rep. Hill** presented **H 538** explaining the United States Supreme Court clearly held compelled speech is outside the Constitution. There has been significant pressure in Idaho for employees to recognize gender pronouns with fear of reprisal. This legislation prohibits any government entity from compelling anyone to use preferred pronouns which do not align with someone's biological sex. He stated teachers are fearful of losing their jobs over this. He referenced a piece of draft legislation in the Michigan House which would charge dismissal of preferred pronouns as a felony with a 10,000 fine, the legislation did not pass the House. He stated 24 states have legislation to address preferred pronouns and 10 of those states are in alignment with this legislation. In response to committee questions, Rep. Hill clarified he did not have data on if this has been an issue in courts and explained this does not prevent anyone from using preferred pronouns, it states if a pronoun mistake is made the employee cannot be held responsible.

**Mistie Dellacarpini-Tolman**, Planned Parenthood Alliance Advocates Idaho, testified **in opposition** to **H 538** stating it harms LGBTQ community members by ignoring preferred pronouns and speech and poses risks to the wellbeing and safety of students and employees by making schools hostile and unwelcoming environments. She affirmed her belief in free speech, but clarified compelled speech refers to political speech enforced by a government. In response to committee questions, Ms. Dellacarpini-Tolman clarified they/them pronouns have been used to address a single person for a long time and honoring the way someone self-identifies is a small thing to show courtesy. She further clarified no one is being asked to identify in a way which makes them uncomfortable, nor are they being asked to say what they do or don't believe or take any kind of oath. People are instead being asked to honor others self-identification.

**Liliana Rauer** testified **in opposition** to **H 538** stating she is a student in Boise who uses preferred pronouns and highlighted the transgender community in Idaho will continue to persevere.

**Chairman Crane** turned the gavel over to **Vice Chairman Young**.

**Gretchen Rauer and Revered Sara LaWall**, Boise Unitarian Universalist Fellowship, testified **in opposition** to **H 538** as mothers of a transgender children who are thriving in school because they are being welcomed for who they are. In response to committee questions, Ms. Rauer explained concerns about this setting a dangerous precedent and beginning a slippery slope of disrespecting pronouns.

**Amy Dundon**, American Civil Liberties Union Idaho, testified **in opposition** to **H 538** explaining it distorts constitutional protections, undermines privacy rights, and threatens parental rights. In response to committee questions, Ms. Dundon explained while the bill creates a provision for parents to grant permission for their children to use preferred names and pronouns, it does not grant permission for other government officials and employees.

**Merrick Collins**, Trans Homing Project, and **Kathy Dawes** testified in **opposition** to **H 538** expressing concerns regarding the private course of action for employees. In response to committee questions, Ms. Dawes also shared concerns about there being no included definition of coercion in the bill.

**Steve Bender** and **Heidi Hill** testified in **support** of **H 538** explaining as employees of schools they use names on the roll sheet and do not use alternate pronouns without a parents permission. Ms. Hill stated she respects her students and hopes this respect can be reciprocated.

**Kristy Hardy**, Parents for Policy Change, and **Peggy McFarland** testified in **support** of **H 538** stating this is protecting a small demographic while many other students are being bullied or disciplined for not using others' preferred pronouns. In response to committee questions, Ms. Hardy stated she often considers removing her children from public school.

**Robin Olson** testified in **opposition** to **H 538** quoting a court ruling which stated 'government should have a compelling interest in preventing discrimination' and highlighting schools are public buildings, not businesses. In response to committee questions, Robin Olson explained how gender, race, and national origin are suspect classes making them inherently different from job positions or titles which are granted through credentials and are much more meritocratic. They further explained there is an assumption preferred pronouns come from a place of authenticity. In that same way, if someone states they are African American, even if they are white presenting, they could be ethnically or biologically African American and it can be assumed they are saying that from a place of authenticity. They lastly spoke to the thousands of different sexes in animals, birds, and insects and clarified reproductive features is a difficult way to determine gender because it excludes intersex people.

**Rep. Hill** closed debate of **H 538** clarifying the Michigan draft legislation he referenced was H 4474 and reminding the committee this legislation does not prevent the use of preferred pronouns, it prevents coercion of public employees and compelled speech.

**MOTION:**

**Rep. Skaug** made a motion to send to **H 538** the floor with a **DO PASS** recommendation.

**Rep. Scott** spoke in **support** of the motion stating there are over 120 pronouns.

**Rep. Skaug** spoke in **support** of the motion citing a judge from the 6th Circuit Court who upheld that pronoun usage falls under political speech.

**Rep. Gannon** spoke in **opposition** to the motion stating pronoun is not defined in the bill, and there is confusion between what is a pronoun and what is a title. These definitions become vital when there is private right of action involved. He also raised concerns about confusion surrounding this bill's implementation.

**VOTE ON MOTION:**

**Motion carried by voice vote. Rep. Gannon** asked to be recorded as voting **NAY. Rep. Hill** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 10:39 AM.

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Representative Crane (13)  
Chair

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Kennedy Jones  
Secretary