PUBLIC HEARING
Idaho Department of Health and Welfare

*****PLEASE SIGN IN*****

ISSUE: COMPLETION AND CORRECTION OF CERTIFICATES

DOCKET NO.: 16-0208-1901 DATE: Friday, September 20, 2019 TIME: 9:00 a.m. PDT

LOCATION: Region 1 Office, 1120 Ironwood Drive, Coeur d'Alene, Idaho, Large Conference Room
*If possible, please provide us a written copy of your comments to be included in the official record.

NAME (Please Print)	ADDRESS	ORGANIZATION REPRESENTED	DO YOU WISH TO TESTIFY?
✓ John Pfarmann		SELF	N
✓ Rick Whitehead	Post Falls	SELF	YES
✓ Beverly Yuenette	Coeur d'Alene	Self	?
✓ Mike Lundy	"	"	?
✓ Jerry Hurell	SAGLE	"	?
✓ Grace Bauer	Kootenai/Bonner County	Self	✓
✓ Jonna Plante	Sagle ID	Self	?
✓ Rob Barrans	5710 N Kayla Ct. #1 Cd'A	Self	?
✓ Summer Bushnell	5006 E. Portside Ct, Post Falls, ID	Self	Yes
✓ Leslie Duncan	903 UNIVERSITY 123 Hayden	self	maybe

9/20 CDA

NAME (Please Print)	ADDRESS	ORGANIZATION REPRESENTED	DO YOU WISH TO TESTIFY?
✓ Elizabeth Hunt	PO Box 661, Athol, ID 83801	none	Y
✓ Krista Duncan	9030 N Hess St 125 Hayden	Self	yes
✓ Karen States	2279 Fish Creek Rd Cocolalla	self	maybe
✓ Newton States	2279 fish Creek Rd Cocolalla	Self	No
✓ KATHRYN Mazza	5727 N. Valley St. Dalton Gardens	SELF	Maybe
✓ Norma White	P. O. Box 1053, Athol	NONE	yes
✓ Robert White	P.O. Box 1053, Athol	NONE	MAYBE
✓ ROGER BERRY	PO BX 370 BLANCHARD	NONE	YES
✓ Kristopher Kord	9077 N Tresdale Ct, Hayden	None	No
✓ CAROL GOODMAN	POST FALLS, ID	SELF	YES
✓ Tim Kastning	1250 W. Ironwood Dr. CDA 83814	Self	Yes.
✓ Scott Grunsted	1360 E. Lacey Ave Hayden 83835	Self	NO
✓ Sheila Waller	PO Box 1563 Post Falls, ID 83877	self	NO
✓ SUSAN GALLO	186 Gallop Cir. Sagle, Id 83860	Self	No
✓ Peg Perrin	11844 N Strahorn, Hayden	self	Maybe
✓ Amy Roemelen	6851 Kanikku St. Bonners Ferry	Self	yes
✓ Doug MacLean	6639 N. Goshawk LN CDA	self	NO
✓ Rosalie Ingraham	3877 S. Capview Ct. CDA	self	Yes
✓ Kara Claridge	6733 N. Rendezvous Drive CDA	self	maybe
✓ Kay Jorissen	104 Fry Crk Sagle	Self	yes

9/20 CDA

NAME (Please Print)	ADDRESS	ORGANIZATION REPRESENTED	DO YOU WISH TO TESTIFY?
✓ Robin Moore	1999 Paradise Valley Rd, Bonners Ferry ID		No
✓ Darrell Moore	Bonners Ferry		Yes
✓ Lynn Knapp	3676 Evergreen Dr CDA.	Self	?
✓ Robert K Whitehead	1151 E Warm Springs Ave	Self	yes
✓ Lanae Groover	9794 N Glen Hollow Ln Hauser	self	no
✓ Mary Berens	1660 W. Westminster Ave Coeur d'Alene	self	no
✓ Diane Stockton	477 Upper Humbird Dr. Sandpoint	Life Choices Pregnancy Centers	no
✓ Betty Doering	6205 N Sunrise Terrace	self	NO
✓ SAM GALLO	186 GALLOP CIR. SAGLE	SELF	YES
✓ RL Perrin	11844 N Stirhorn Rd	Self	
✓ Marguerite Macheam	16639 N. Goshawk LN CDA 83815	Self	NO
✓ Jeanette Brown	46 E. Ridge rd Coeur d'Alene 83809	Self	?
✓ Jordan Howard	1814 N Spokane #A5 Post Falls	self	no
✓ Anna Britt	655 N. Frosty Pine Trail, CDA ID 83814	self	
✓ Maureen Paterson	Priest River	self	yes
✓ Doug Paterson	"	self	yes
✓ Rick & Jen Cramer	31 E Evergreen Rd Sagle	self	yes
✓ Chad Stevens	3700 N Government Way, CDA, ID 83815	Self / LIFE SUPPORT STUDENTS	NO
✓ Eric Seeley	26749 N. Rourke Rd. Spirit Lake, ID 83869	self	Yes
✓ Rebecca Huseby	2192 Blue Sky Rd. BF-	USA-	yes

9/20 CDA

NAME (Please Print)	ADDRESS	ORGANIZATION REPRESENTED	DO YOU WISH TO TESTIFY?
✓ Brianne Pitt	4476 E. Kit Fox Ln Post Falls ID	Self	no
✓ ERIC REDMAN	35 Po Box 40 Athol, ID	self	no
✓ Alixandra Taylor	1807 Culvers Dr. Sandpoint, ID	Self	Yes
✓ Linda L. Whitehead	1151 E. Warm Springs Ave Post Falls, ID	self	NO
✓ Alana Cook	9794 N Glen Hollow Ln Post Falls ID	self	no
✓ Barbara Hedden	6630 N Spurwing loop CDA	self	no
✓ HOWARD KUHNS	1416 N. 12th St. CDA.	Self	Yes
✓ MARY SWOBODA	13353 N FREIGHT TRAIN CT Rathdrum	Self	Maybe
✓ Dian Welle	2619 Bandy Rd. Priest River ID.	Self	NO
✓ Susan Martin	75 Judy Ln Priest River	self	no
✓ Cheryl Ingraham	2652 E Mullan #133, Post Falls	self	NO
✓ Rachelle Ottosen	12735 W. Winch Ave Rathdrum	self	yes
✓ James Shove	2107 A N Spokane st Post Falls	self	no
✓ Doug Duncan	9030 N Hess ST Hayden	Self	Yes
✓ Kate Locke	310 E Iowa Ave.	Self	no
✓ Dixie Brewer	6550 N. Bavilan	self	no
✓ Thad Huseby	2192 Blue Sky Rd	self	No
✓ Nancy McAninch	205 Santa Marie Woods St Maries	self	No
✓ LEE CASEY-TELLES	1652 W. DOLAN RD. RATHDRUM, ID	SELF	NO
✓ VINCENT TELLES	" " " "	SELF	NO
✓ Melanie VanderFeer	27823 N. Silver Meadows Athol I	self	NO

9/20 CDA

NAME (Please Print)	ADDRESS	ORGANIZATION REPRESENTED	DO YOU WISH TO TESTIFY?
✓ Scott Dredge	1526 Quail Run Dr Lewiston	Self	No
✓ Philip McGuire	PO Box 1055 Bf, ID	self	Yes
✓ Abby Reiter	310 E Iowa Ave. Hayden	self	no
Rep. John Greed	P.O. Box 817	Dist 2	yes
✓ Tina Stevens	5402 N. Parkwood Cir. CDA 83815	self	yes
✓ Elizabeth Green	(P.O. Box 817)	self	no
✓ Elsbeth Roach	PO Box 53	self	no
✓ Janice Coquillard	PO Box 33 Hayden	self	no
✓ Ray Millard	42303 Hwy 200, Hope, ID	Self	?
✓ Carol Millard	42303 - Hwy 200 Hope 83836	self	no
✓ Heike Jahnert	202 Regency Ct 83815	self	?
✓ Stacy Rodriguez	370 Winding Way Sandpoint, ID 83864	self	yes
✓ Kirsten LeBlanc	473 Konnioth Lane, Sandpoint	self	yes
✓ Ed MacBurnie	P.O. Box 1251, Hayden ID	Trinity	?
✓ Jeremy Lowery	3120 W Gooseberry Ct Hayden	self	yes
✓ Julie Cave	2503 Selkirk Sandpoint	self	no
✓ Sharon M. Shire	297 Lakeview Dr. Cocolalla	self	no

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NAME (Please Print)	ADDRESS	ORGANIZATION REPRESENTED	DO YOU WISH TO TESTIFY?
✓ Steve Tanner	P.O. Box Bonners Ferry	Self	Yes
✓ Roger Schroeder	12076 W. Coyote Rd	Self	No
✓ Alex Barron	12201 W Hayden	Self	YES
✓ Paul Kressin	Blanchard, ID	Self	?
✓ Ruth Townsend	596 W. Kentucky Hayden	self	No.

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PUBLIC HEARING
Idaho Department of Health and Welfare

ISSUE: VITAL STATISTICS RULES DOCKET NO.: 16-0208-1901

Full Name:	Robin Moore
Contact Info	
Email:	rcdiamond3@msn.com
Phone:	208-304-0021
Comment: (Please use the back if you need more room.)	There is no way to change your God given sex. It is child abuse to change a child's sex. They should be encouraged to live in the sex they were born in. You should not change their birth certificate. To change a birth certificate later is fraud.

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PUBLIC HEARING
Idaho Department of Health and Welfare

ISSUE: VITAL STATISTICS RULES DOCKET NO.: 16-0208-1901

Full Name:	MARQUETTA KILGORE MACLEAN
Contact Info	6639 N. Goshawk Ln CDA 83815
Email:	marquettamaclean@gmail.com
Phone:	951-226-6991
Comment: (Please use the back if you need more room.)	The changing of one's birth gender can have a negative and unfair effect on sports competions. A male-born person should not be able to compete with/against female persons. They have a natural advantage. If their birth certificate does not reflect the real gender no one can stop this unfair advantage. —Marquetta MacLean

22/b

9/20

September 20, 2019 Coeur d'Alene

IDAPA 16.02.08 Section 201.06 (a)(b)(c) Amendment of Indicator of Gender

I wish to address IDAPA 16.02.08 Section 201.06 (a)(b)(c) Amendment of Indicator of Gender.

This Department of Health & Welfare rule is problematic for the following reasons.

1.) It will hinder law enforcement investigations.
2.) It will hinder provision of medical care. (Reference the recent case of a woman who identified as a man. She went to a hospital for a medical emergency and was treated as a man. Turns out SHE was pregnant, and HER child DIED because of her misrepresentation of her sex and the hospital staff conforming to her stated identity rather than observable facts.)
3.) Conforming administrative rules--which have the force of law--to a person's state of mind or emotion regarding a matter (which can, and often does change) undermines the validity of the state's vital statistics collection and documentation, and actually perpetuates a lie in every case, except those for whom there is an actual, verifiable, unchanging, chromosomal anomaly affecting their sexuality.
4.) At its core, this rule represents social engineering. Conforming state regulations to a political agenda bent upon transforming societal norms that have successfully guided human society for millennia will wreak cultural and psychological instability, and ultimately, destruction, upon that society. The State of Idaho should not be participating in that transformation at any level or for any reason.

If I am to understand this rule, it is predicated upon the situation of a person who believes his or her gender doesn't match the sex stated on his or her birth certificate. Hence, the person is allowed to change verifiable facts documented on said certificate. Moreover, the fact that the certificate has been changed will be hidden from the public, from law enforcement, from medical providers, from someone who may be the victim of a crime committed by a perpetrator who, at the time of the crime, was documented as being of one sex, and later is documented as the opposite sex. In other words, this rule could be misused by a criminal endeavoring to cover up his or her identity.

Consider the following examples of people identifying as "other" than they were born.

There are now adults who are convinced they are not adults at all; in their minds, they are small children (See stories in major news outlets about Canadian Stefonkee Wolscht, a man who thinks he's a six-year old girl.) Is Health & Welfare next going to write rules allowing people to change their birth certificates to reflect a new birth date?

September 20, 2019

There are people who identify as a person of a "race" other than that documented on their birth certificates. Rachel Dolezal, a Caucasian woman who identifies as African American, comes to mind.

In addition, there are people who identify as animals. Is the state next going to officially exchange a birth certificate for an AKC registration if a person believes he or she is a Labrador retriever or a Siamese cat? Will the Dept. of Health & Welfare then require rabies vaccines and animal licensure for those who identify as animals?

What if a person believes he is a refrigerator? Will he be required to obtain Energy Star ratings from the EPA? If a person believes she is an automobile, should she be required to hang a license plate around her neck and conform to Federal emissions standards?

Some of these questions seem absurd; but then, so would changing one's sex on a birth certificate seem a few short years ago.

Should people be able to change any designation whatsoever, for whatever reason, or just people who have powerful interests with deep pockets who sue the state for not conforming to their agenda?

I strongly oppose this rule and believe it should be eliminated in its entirety. If not, however, it should definitely be changed to require that such a birth certificate be identified as having been amended.

Respectfully submitted,

Norma White
Kootenai County

Facilitator: With that, my name is Duca Disney Spencer (ph). I work with the Department of Health and Welfare. Ryan Socup (ph) is also with the Department. We are both with the Division of Public Health. I will now read the introductory statements for this hearing: Let the record show that I am Duca Disney Spencer (ph), designated as the Facilitator for this public hearing by the Administrator for the Division of Public Health and the Department of Health and Welfare. It is 2:06 on Thursday, September 19, 2019.

Participants: 1:06.

Facilitator: 1:06. Excuse me.

Co-Facilitator: Way too fast.

Facilitator: Pardon me. I read my watch. Let me restate that. It is 1:06 p.m. on Thursday, September 19, 2019. We are in the third floor conference room of the Lewiston State Office Building in Lewiston, Idaho. This is the time and place set to receive oral and written comments as provided for in §67-5222, Idaho Code, for the proposed rule making under IDAPA 16.02.08, Vital Statistics Rules found in Docket #16-0208-1901. The purpose of this proceeding… Thank you. As you come in would you please just walk around and sign in. Thank you very much. The purpose of this proceeding is to gather facts, views and arguments from all interested persons relative to the proposed rule so that they may receive consideration by the Department of Health and Welfare. I will accept written statements or documents today of relevant and signed by the persons presenting them. The materials will be included as exhibits in the recording for this hearing, which I will submit to the Administrative Rules Unit following the close of this hearing. Let the record show that the Notice of this Hearing was published in the Administrative Bulletin on Wednesday, July 3, 2019, as required by 67-5221, Idaho Code. This publication was timely made and other necessary notice requirements have been met. This public hearing is an informal proceeding. There is no right to cross-examine a person offering comments nor is there a right to counsel or subpoena. No objections or procedures of a technically legal nature will be accepted. As the facilitator, I am the sole regulator of the course of the presentations including but not limited to determination that the comments are outside the scope of the Rule or that comments are unduly repetitious. I am not here to answer questions or to explain any part of the proposed rule. If you have questions or concerns regarding this rule making, I will ask that you please contact Elkie Shaw-Talak (ph) and we will provide her phone number up here. At 208-334-5950. 208-334-5950, for those of you writing. All of those interested persons attending this proceeding are asked to sign in on the roster on this side of the room indicating a desire, if any, to make an oral presentation. After a brief statement made by the Department of Health and Welfare summarizing the information upon which the proposed action is based, each person will be given an opportunity to speak at least once prior to any person being heard a second time. If public attendance is high and time does not permit second testimonies, the facilitator will limit testimonies to one per person. At this time, the Department of Health and Welfare statement will be read into the record followed by the

opportunity for oral comments. There have been two rules in place relating to gender change since early 2018. The first Rule was implemented in 2018 in response to a Federal Court Order that required the Department of Health and Welfare to allow people to change their gender on a birth certificate. This rule was in affect as of April 6, 2018 and remains in effect. The second rule, the Rule pertaining to today's public meeting, requires that those who want to change the gender on a minor's birth certificate, those under age 18, to submit a letter from a medical or mental health professional confirming the gender change request is consistent with the gender the minor identifies with. This comment is called an "Attestation". The second Rule is currently a temporary rule and is in the process of public comment. Following a series of public hearings this month, the Rule will be presented for legislative review during the next legislative session starting in January in 2020. Accordingly, today's hearing provides members of the public with an opportunity to provide public comments regarding Docket #16-0208-1901, the Medical Attestation Rule for Minors. We ask that everyone adhere to a set of ground rules established to ensure a smooth, orderly process for a hearing from everyone wishing to comment.

The ground rule are as follows:

1. Remain respectful of everyone, including those testifying with opinions or perspectives with which you may disagree by not interrupting testimonies or expressing disruptive verbal displays of agreement or disagreement after testimonies.
2. Do not applaud any speaker's comments as this will limit the number of verbal comments that will be able to be heard.
3. Please turn cellphones off or to vibrate mode during the hearing to avoid distracting others that may be testifying, and please step outside to make any personal phone call.
4. Members of the public testifying will need to keep their testimonies to a maximum length of 3 minutes, and Ryan is the timer for that rule.
5. Keep comments relevant to the rule at hand, the Medical Attestation Rule for Minors.
6. Lastly, due to the timeframe allotted to receive public comments, we also have paper forms available for members of the public to submit written comments which hold the same weight as verbal testimony.

This concludes the Department's statement. Next, I will call upon those persons who have indicated on the sign-in roster wish to comment. Actually, Ryan will be calling the names. Welcome, sign in please. Thank you. Ryan will call the names in the order of those who signed in wishing to comment. Since these proceedings will be recorded, we ask that those who wish to speak will please come forward, up here where I am, and speak in this general area so that the microphones pick up your recording and that the people on the phone can also hear you as clearly as possible. So, please come forward to the microphone, speak clearly, provide your name and please spell your sir name prior to beginning you comment. Let me check and make sure we have no one else in the hallways. No one? Okay. No one else is in the hallway wishing to sign in. This public hearing is now starting at about 12, excuse me, at 1:14. Thank you.

Facilitator: Do you have a question regarding process?

Female 1: Yes, I do. You said we are talking about two rules and that the first Rule was a Federal Court Order in 2018 in which, to allow people to change their gender on the birth certificate. Which court was that?

Facilitator: That was the Federal District Court in Boise.

Female 1: Right. Was that judge [unintelligible], or who, which --

Co-Facilitator: You talking about March 2018?

Facilitator: Yeah, that was Candy Dale.

Co-Facilitator: Candy Dale.

Female 1: -- Candy Dale. Ok, and then the second Rule that, I just want to make sure that I have right, is the minors are required to have a professional opinion to change their gender if they want to without their parents to change the gender on their birth certificate or is it with parents?

Co-Facilitator: For minors.

Facilitator: For minors.

Co-Facilitator: Under the age of 18.

Female 1: Do they require it too?

Facilitator: Yes. The minors--

Female 1: With the parent's permission or without the parent's permission?

Facilitator: --With.

Co-Facilitator: With. So, you would get a medical sign off, and they still need parent's permission. I guess that's what you're asking, right?

Female 1: Right.

Facilitator: I believe that's correct. You'll have to give me a minute. I think I do have that with me.

[background conversation]
[shuffling of papers]

Facilitator: This is Duca Disney Spencer (ph), the facilitator of this proceeding. The docket reads as… Let me take that back. The Rule, "The docket

is only those portions which are to be changed." So, the Rule in full is that, "The consent of all parents listed on the certificate of live birth or the consent of the registrant's legal guardian is required." The Attestation piece that is in Docket #616-0208-1901, that attestation reads as follows: It is a "Signed form from one of the following licensed professionals: physician, medical or osteopathic; psychiatrist; nurse practitioner; physician's assistant; psychologist; or professional counselor stating that, in their professional judgement, the requested change of sex designation accurately reflects the gender to which the registrant identifies." It then further states: "The signed form from one of the following licensed professionals: physician, medical or osteopathic; nurse practitioner; psychiatrist; physician's assistant; psychologist; or professional counselor for registrant's under 18 will also be placed in the sealed file which may only be opened by order from an Idaho court of competent jurisdiction."

Female 1: So, the parents have to have [inaudible].

Facilitator: Yes. They do. Consent of the parents is required.

Female 1: Thank you very much.

Facilitator: Thank you. Your welcome. So, with that clarification, we will begin the proceedings. Ryan, if you would please call the name?

Co-Facilitator: Dan first.

Dan Coburn: Good afternoon. My name is Dan Coburn, C-O-B-U-R-N. I am the pastor of Emanuel Baptist Church in Cottonwood and it all but breaks my heart that we have to be here discussing something like this at all. I am going to approach things from three fronts. The first one, some would discount offhand. From a religious basis, and I am not going to quote a bunch of scripture or present a case, I'm just going to say that the road that we're going down here today is tantamount to a state-sponsored declaration that God is not only capable of but is currently making mistakes and so I dismiss that offhand. He is an inerrant God. From a scientific perspective, twas always thus, there are two genders with very little exception. There are exemptions, very, very small percentage, there are only two. Twas always been that way. The third perspective that I would like to approach is just strictly on an emotional level. My wife and I moved to Idaho in fall of 1977, and we have lived in Cottonwood for 15 years. For 14 years of that I have been helping people out in Prairie Harvest. I do not own any ground, was never a farmer but it's something that I like to do. I don't have any right to but I take ownership in that. I want to confess to you that sometimes when I am standing on the truck watching the wheat come in, whether it is out of the shoot or the combine or out of a bank out wagon or when I am at the elevators and there is a truck ahead of me dumping and he raises his bed up and then trip that gate and I literally watched millions and millions of bushels of wheat go into that. I picture these commercials that we all used see for Feed The Children and it occurs to me that we do not recognize who blessed we are, how may millions of people we feed, from just the stuff that is grown here in Idaho. It is absolutely staggering and I fear that, as we go down this road, that we may well lose that hedge of protection.

Obedience is the pipeline for which God's blessing flow. You think of the prairie, we are not irrigated and yet year after year after year God supplies the right amount of water for us to have crops that are just incomparable. I fear that that might change. What we're talking about here is emotions and emotions or feelings, thoughts… Emotions follow thoughts and then our actions follow our emotions. Sometimes my feelings do not line up with God's word, I will be honest. At that point I have to ask myself one of them is lying to me. Is it my feelings or is it the word of God? It's never the word of God. So, I'm vehemently against this. Thank you for your time.

Co-Facilitator: Next we have Steven.

Steven Nissen: Steven Nissen, N-I-S-S-E-N. Actually, I had questions but I was told I can't ask. I guess, to take my questions and try to put them into statement form is it? I maybe have grandchildren. Being a Veteran myself, when I am 18 and when my grandchildren, grandson, turns to be 18, he is [unintelligible] 30 days to register for Selective Service. If he opts or the parents, prior to his 18th birthday, opt to change his identity he's no longer required to sign up for Selective Service, which I think is just bias and unfair. Two: When I opened up my business in 2000, we put it in my wife's name because we were able to bid contracts, not trying to offend the ladies here, we would bid contracts because we're a small business, female owned. We put everything in her name just to give us opportunity that we didn't have if a male owned the company. Three: Then my final question I guess or statement [unintelligible] is, say, I go out and make this heinous crime today. I beat up some fella, I raped some gal. I go down tomorrow and change my identity. Police catch up to me in 6 months say, "We got your DNA. We are going to try it." Am I tried as a female now or male? If so, if I am tried as a female, where am I imprisoned? How are we going to facilitate, having a daughter that works in a corrections facility, how are we going to facilitate these folks that are capable of beating the living daylights out of a female but yet placed in this nowhere land in between people? What are we going to do with people that actually use this as an out to being tried for their proper gender? I've been trying to get those into questions, but this is my statement. Thank you.

Facilitator: Thank you.

Co-Facilitator: Next we have Charlie.

Charlie Olson: My name is Charlie Olson, O-L-S-O-N. I'm the pastor of Southwest Bible Church in Kendrick. I have three points I'd like to address. Number One: This rule change attempts to change the past. Despite any subsequent decision by the individual, when the birth certificate was created, the individual was identified as a specific biological sex. This identification was not made based on personal preference but on biological and medical fact. X and Y chromosomes determine male or female and those genders are readily identifiable at birth by the reproductive organs produced by the genetic markers. The court decision differentiates identification of biological sex and identity of gender, as gender identity may differ from the sex observed and assigned at birth. However true that statement may be, when a child is born that child is unaware of and

unable to express any intrinsic sense of male, female or other. A subsequent decision to take medical or other actions to create a different gender identity does not have any bearing on the initial fact. The Court's own ruling acknowledges that the State's birth records do not identify gender but only sex. In the decision by the Court, the IDHW is permanently enjoined from practicing or enforcing the policy of automatically rejecting applicants from transgender people to change the sex listed on their birth certificates. The constitutional violation was automatically denying the request. The State is required to provide a constitutionally sound approval process. The next parts of the Court's ruling are troubling and I think violations of laws in themselves. The second point is that the rule change prohibits a factual record of the changes requested. It is indeed an amended record and to deny such is falsification of a legal document. If the individual chooses to change their gender identity reflecting that fact in legal records is simply stating the truth not violating some right of the individual. The Court's decision is based on the Equal Protection Clause of the U.S. Constitution in that some classes of people, such as adoptive parents, can make amendments to birth certificates without record of the amendment on the reissued certificate. This is to protect the privacy of the birth parents and the parental rights of the adoptive parents. I find it hard to equate this with an individual wanting to change their legal identity. The court found there was rational basis for denying transgender individuals birth certificates that reflect their gender identity. The rational basis is that the identity at birth was based on observed biological and medical fact not on personal preference of feeling. Third point: The rule change prohibits name changes from showing revision history or being marked as amended. As with the previous point, this is simply a factual record not a judgement on the individual. If other legal name changes such as through marriage, divorce, etc. are recorded and tracked for purposes of legal identification, this legal name change must also be tracked. The given name at the time of birth is a fact and accomplished at in the past. If the individual desires a change of name to accompany a change of identity it does not remove the prior factual identity. Fourthly, aside from the circumstances of this particular case, there is a problem with the administrate rule process as I understand it. If a law can be enacted by means of writing and administrative rule, then blocking that rule from being submitted for legislative oversight in the following session, we do not have governance, we have tyranny. A few well pleased individuals are able to forcibly create laws without the due process demanded by the Constitution. A rule that is not taken up for legislative oversight should never automatically become law. It should either be suspended from action or be placed on a docket for review in the next session without the possibility of being locked away or refused critique. Thank you.

Co-Facilitator: Cheryl is next.

Facilitator: As facilitator, I would like to ask… I believe a gentleman came in a joined us. If you come in, please just sign in. If you would please state your name for the record, spelling your last name. Thank you.

Cheryl Nuxoll: Okay. Are we ready?

Facilitator: Yes.

Cheryl Nuxoll: I'm Cheryl Nuxoll and my last name is N-U-X-O-L-L and I'm from Cottonwood. I have also three points. First of all, we are a Christian nation. Our beliefs are based upon the bible. God said he had created male and female. For two-thousand years, we've been male and female. Why are we so civilized or so proud that we think that we can change this now? The second thing is this is all a result of victimization. We are losing our identity and a lot of what's happening now with the gender issue is because of abuse. There is a lot of need for healing in this issue. This isn't helping the healing; this is promoting the victim part of the person. It is making them feel they can't get out of it. We need to know ourselves and we need to get the proper help that we need for this. The third thing is, this is going to ruin families. This is a family issue. The Court ruling in Boise is wrong and immoral and so it needs to go to the Supreme Court. That's my testimony. Thank you.

Co-Facilitator: I think I have this right. Glenda?

Glenda Freii: Yes. My name is Glenda Frei from Greensville, Idaho. F-R-E-I. I understand that May 2008, the Idaho Department of Health and Welfare published this temporary Rule to allow the indicator of gender to be changed on the birth certificate. It was also pointed out that 22 counties had gathered signatures and requested public hearings to voice concerns about this. Bureaucrats decided only five counties would be worthy of having a hearing, this being one of them. We aren't hearing from very many citizens about this. I think one of the big issues here too, besides what has already been said, which I agree with, is the fact that we are talking about taxpayer money promoting and paying for a lot of this to happen. I think that it should be up to the entire citizens to decide whether this is a good idea or not; because, I certainly agree with the people who have already spoken about the purpose and the outcome that this can cause. I think the financial factor should be added to this. Thank you.

Co-Facilitator: Jim.

Jim Schmelic (ph): Thank you. My name is Jim Schmelic (ph). I'm from Cottonwood, Idaho. I want to actually use this book. It is a special report, it's the *Journal of Technology and Society* from *The New Atlantis*. I personally wish I would have come across this book, because I've dealt with this on a personal level. I lost a very dear family member. It was my cousin Tom. He died at 51 from AIDS. Tom constantly cried out, "Jim, I want to get out of this but I don't know how." He was constantly bullied to stay where he was, like the stuff that's happening today in our society. I have to wonder, based on what I've read in this book, is our government really trying to address the issue and solve the problem and really help the people who are in the LBGT community? Because what we're talking about here, and we don't want to use the words, but it is a mental disorder and these people are crying for help and we're not doing anything about it except obliging it [unintelligible] I think we would be working going into. I'm going to read a few things out of this. These are facts. This is a scientific study completely peer reviewed, so this is not me talking. "Compared to heterosexuals, non-heterosexuals are about two to three times as likely to experience childhood sexual abuse." That's a major issue today.

Today, in the world of pedophilia, we are trying to make this a legal… To legalize it and it's just going further and further and further. "Compared to the general population, nonheterosexual subpopulation are at elevated risk for a variety of adverse health and mental outcomes. Members of the nonheterosexual population are estimated to have about 1.5 higher times the risk of experiencing anxiety disorders than members of the heterosexual population as well as roughly double the risk of depression, 1.5 time the risk of substance abuse and nearly 2.5 times the risk of suicide. Members of the transgender population are also at a higher risk of a variety of mental health problems compared to members of the nontransgender population. These outcomes include depression, anxiety, substance abuse and most alarmingly", as I stated before, "suicide." That transgender suicide rate is recorded at 41% of their population compared to 5% of the overall U.S. population. Now, if you just take the Idaho population, you're talking about 9,000 people, 0.006, is what they estimated at, and we're putting at risk almost 3,700 people with the potential of killing themselves. We are not addressing the issues. "Studies comparing the brain structures of transgender and non-transgender individuals have demonstrated weak correlations between brain structures in cross gender identification. These correlations do not provide any evidence for neurobiological basis for cross gender identification." We have a mental health crisis, Department of Health. That is what I'm concerned about and we're not addressing that. I think advancing something like this is just going to exasperate the problem and we're not reaching out to these people. These people have dignity and they deserve our respect and they also need our help and we're not helping them by a rule like this. Thank you for your time.

Co-Facilitator: Diana.

Diana Kirk: Hi. I'm Diana Kirk, K-I-R-K, and I'm from Julietta. God made man and He made woman. We haven't done that. So far, we haven't been able to do that except in the prescribed way. There is no other way. A man and a woman each have different chromosomes so someone can say that they're a different a sex if they would like to, but inside they are not different. There are what they were prescribed at when they were born. I use the Bible as my text for authority. In Genesis 1:26 and 28 it says, "And let us make man in our image and God blessed them and God said unto them, be fruitful and multiple and replenish the earth." Then, in Genesis 5:2 it says, "Male and female created He them and He blessed them." Also, in Romans 1:22, during the Roman times, Paul wrote this, "Professing themselves to be wise," he's talking about the people of that day, "they became fools. Wherefore God also gave them up to uncleanliness through the loss of their own hearts to dishonor their own bodies between themselves." I see that happening in our society now that people are just doing a lot of bad things and it's not good. In Proverbs, the Proverbs was written by King Solomon, who has been called the wisest man on earth. So far, no one has been wiser than him except for God, of course. In Proverbs 12:15, it says, "The way of a fool is right in his own eyes but he that listens to counsel is wise." Then Proverbs 15:14 also says, "The heart of him that has understanding seeks knowledge but the mouth of fools feed on foolishness." Also, I have one more, Proverbs 28:26 says, "He that trusts in his own heart is a fool but those who walk wisely shall be delivered." What I think is if this State decides to allow a person to the documentation on the birth certificate, at

least note that that person or those persons made the change, that it was not done by the hand of God. Outside, a persons body may change but inside it doesn't change. The brain doesn't change. The chromosomes don't change. Thank you.

Co-Facilitator: You're next if you want to go up there.

Sherry Fisher: Thank you. I am doctor Sherry Fisher, F-I-S-H-E-R. I didn't prepare any comments because I was waiting to see what we were all discussing. I do have one point to contribute. Before I do my contribution, I simply want to reiterate that as a citizen in this wonderful state of Idaho, I am grossly offended by the overzealous bureaucracy and dictatorship that this is representative of. I do believe that such issues are necessary to be brought before the people not simply overzealously regulated, as I believe this particular hearing is even being overzealously regulated by bureaucrats who wish to control the citizenry. This is a topic that I agree completely with the gentleman who talked about the compassionate need to address a mental health issue such as this and it has other affects, which I will save for my personal contribution. This is a mental health issue that the State as the Department of Health and Welfare should be addressing far more effectively than overzealous bullying and ternary in slamming this through. This is not helpful. This is not inclusive. This is very divisive. The techniques used here you can go back to Saul Alinsky's *Rule for Radicles*. People go to *The Star Principle* where these groups that seated people in different ways and tried to bully things through. This is the bureaucratic version of [unintelligible] state legislator in both the Senate and House able to stick this in a drawer and turn it into law. That's ridiculous. All right. Aside from that, my one contribution now is to put on the hat of me being what sometimes euphemistically called the soccer mom. I have kids that have been involved. My husband has been a coach. I have been on the sidelines doing many a mom thing for a long, long time. As someone involved in observing children's sports, I agree that there are so many benefits and so many wonderful attributes that sports brings into our lives. Yet, as a scientist and physicist, I agree with the comments about the genetics behind our physical bodies. We have in our DNA X and Y chromosomes. On the sports field, it really doesn't affect people who have a Y chromosome to have an individual who's identifying more with the gender identity of the genetic Y chromosome crowd because that person with XX is not going to be able to be as affective at the high end of competition. However, as a mom and watching my daughter coach girl's teams, it's the Title 9, it's a problem to have someone who has the genetic capability of being X and Y come on the field and dominate the sports teams. You can see this has already become a major issue. There are many states around the country who's top one and two and even more placeholders for girl's in high school sports championships, the stakes have become a problem because you get both one, two and other champions now with the Y chromosome. This is ridiculously unfair. It completely goes against any of the supposed benefits that we've supposed to have received with the Title 9 program. I am not for Title 9 but I am talking it in general that it has opened up a diversity of sports and physical competitions that have great benefits for our society and for teaching people certain attributes of how to behave and building character. This is something that is going to be very adversely affected in the future if we don't address the genetic composition of the competitors.

Co-Facilitator: Is it Kaleb or --

Kaleb Douma: Oh, yeah. That's me. I'm Kaleb, last name is Douma, D-O-U-M-A. I have a couple comments prepared here. From Moscow, Idaho. To those in the Idaho Department of Health and Welfare and to our Governor and to my fellow citizens here, I would like to give my input on the proposed rule. My wife couldn't come so she and I worked together on this. She helped me write it, so she agrees 100% with this as well. In my estimation, we have let ourselves get carried away. By we, I do mean the Department of Health and Welfare. But it's a cultural thing that we're going through right now. We've gone way beyond the original scope of the case and beyond what is best for the welfare of society, including transgender people and legitimate government interests. As currently written, our new Rule has no requirements for transgender people to furnish any evidence of actual sex change or medical gender treatment. It also confuses sex and gender as though they are the same thing. Which, the LGBTQ movement, they're always saying, "Stop confusing us. Stop confusing us." but that is exactly what we've done. The birth certificates designate sex, which is by definition biological. At the very least, we should include both sex and gender on birth certificates and no be guilty of confounding the two. With the new Rule, anyone can change their legal sex on a whim if they want. Now that's a far cry from the stated basis of Judge Cannondale's Ruling, which was that the old Rule violated the Equal Protection Clause. I quote, "Failing minimum scrutiny or review because a 'prohibition against changing the sex designation in the birth certificate of a transgender individual who has undergone clinically appropriate treatment to permanently change his or her sex' bears no rational relationship to a conceivable government interest.' " That was all from page 2 of the Memorandum and Decision. Notice that phrase, Prohibition against a transgender individual who has undergone clinically appropriate treatment to permanently change his or her sex. That was the basis of the decision. You could not prevent someone, in that case, from changing their birth certificate. That is the self-described basis for the ruling that transgender people should be able to change their birth certificate. But what our new Rule allows go well beyond the scope of the judgement in this case, completely ignoring the part about undergoing clinically appropriate treatment to permanently change sex. My concerns are as follows: As a husband to a wonderful woman and father to a beautiful little girl, I care very much about their future rights, opportunities and legal protection and of our women in general. The current rule fails to protect women by opening them up to unfair competition from biological males for everything from scholarships to sororities to sports. That is just the beginning. Imagine the headline, Court Orders U of I Sorority to Admit Biological Male. All that guy would have to do is get an F put on his birth certificate and threaten the sorority with a discrimination lawsuit. I don't want that to be the context in which my daughter grows up. When we treat exceptions as the rule, we set ourselves up for pain down the road. Judge Dale's memo stated, "A rule providing an avenue to obtain a birth certificate with the listed sex that aligns with an individual's gender identity promotes the heath, wellbeing and safety of transgender people without impacting the rights of others." That's wishful thinking. This will impact the rights of women. It essentially removes all rights of women to form or protect a truly woman's anything from sororities to dorm showers. By throwing away the most

basic definitions and biological realities we are not only taking a huge step backwards in women's rights we are ensuring many expensive legal battles in the future to sort out a Pandora's box of grey areas that this Rule creates. What about the emotional pain of women who are truly women will feel when a biological male/legal female takes their State [unintelligible] championship away or their college women's basketball full-ride scholarship. This is about emotional pain, isn't it? Don't think colleges will have a leg to stand on when you cut it off from under them like this. They'll want to protect their women but if we let this current Rule stand, they'll fail in court, and painfully so. Maybe this Rule will get overturned eventually in one of those cases but why go through all that pain? I say, why not let our Legislative Branch do their rightful job of making law. This critical legal change was implemented not at the discretion of our duly elected officials but by unelected government bureaucrats who claim that they are just complying with the District Court Ruling. As I pointed out, when they made the changes possible without any medical or physiologic requirement they went well beyond the scope of the Ruling. We really need to refer this issue back to our elected representatives. Either the law should be debated and reviewed and written by elected representatives not legislated by a lone federal judge. There are so many implications and downstream effects. Let our elected officials do their job and protect the rights and opportunities of Idaho's biological women.

Co-Facilitator: Gresham?

Gresham Boughma (ph): Hello. I'm Gresham Boughma (ph). I am from Potlatch, Idaho. I just found out about this today so I don't have anything prepared. But I think there are some obvious issues here related to free speech, ultimately related to self-governance and related to the whole… This whole issue has become pretty oppressive to people that oppose it. To have the State agencies line up on one side of this and use their power against us without going through the proper system of government that we have here in Idaho is very disturbing. I think the free speech issue is involved because, first of all, we don't even hear about this. This is a radical change to our law and I find out about this meeting just by chance. This should be debated at the highest levels of our government. We should have opportunity to have input into this. The Founding Fathers said that the First Amendment was related to reason. They meant by that that reason only occurs when we have public dialog when we are able to reason with one another. If we don't have free speech rights and we can't even talk about the legitimacy of gender confusion or gender changing or gender… If it becomes something that, because of politically correct speech restrictions, we can't even publically discuss without being in danger from our own government then our free speech rights are done. There's two reasons why free speech is impinged. First of all, the bureaucracy did it behind our back without our knowing because we are not omniscient, we can't be there. Secondly, it's ultimately going to be used to squelch public dialog in the area. That's my belief. Then the confusion that will follow from letting people, at their own discretion, change their gender identity… It goes into so many areas we really can't count them all. Whether it's police work, record keeping, public records, I think we're opening a Pandora's box that we cannot really define at this point. So, those are some of my concerns not all of them. Thank you very much.

Co-Facilitator: That's the end of the list of people that we have signed up to testify unless I missed anyone or someone did not sign in.

Facilitator: This is Duca Disney Spencer (ph), for the record, as Facilitator of this hearing, since we still have ample time on the clock, if there's anybody who would like to make further testimony, about equal time that we just had, we would allow that if anybody is interested in making a second--

Male 2: One comment at this point, [unintelligible]. One of my granddaughters just recently went to a girls soccer camp at WSU. We're the proud grandparents. There were all these boys playing and the boys just dominated the game. At the end they're supposed being trained and learn [unintelligible] competitions of this team versus that team, five on five. Those boys, they had four or five boys on one team, just kicked everybody's butt. They were hitting the girls, knocking them over. My granddaughter, she accidentally bumps into another girl, she's in tears helping her up. These boys were just bowling these girls over. To me, we're going down an avenue that, as an ex-wrestler and football guy at school, I didn't want to fight the young lady. I would put forth my best effort and it wouldn't be fair, to me, I would think, that level of competition could do that. Like I say, I don't want female sports… My granddaughter is in gymnastics. I don't want her competing against a guys. Sorry, but is following up on your point that it is going to make the playing field unlevel for our children.

Facilitator: Thank you.

Gresham Boughma: I would like to add--

Facilitator: Could you please come up and state your name for the record? Thank you.

Gresham Boughma: -- I think that, Gresham Bouma, Potlatch… Princeton, Idaho. I think he brought up another important point. This is one of the most anti-woman things we could possibly do. Women are, once again, going to end up the losers in this whole move. I think it's just a new angle on oppression, depriving women of their rights and ultimately it will hurt them. I just wanted to add that.

Facilitator: Yes. If you could please come up--

Sherry Fisher: I'll follow his lead.

Facilitator: --Thank you.

Sherry Fisher: Thank you. Again, doctor Sherry Fisher, F-I-S-H-E-R, from Moscow. I'm not sure I said that the last time. Thanks. I appreciate that. I want to take it one level up in that what we're seeing, we can all agree, is tyranny, is bullying, if you want to be slightly more polite. It's very inappropriate in what we

consider to be representative government. It's inappropriate for the reasons that we're talking about. It has major impact on a lot of our society, particularly women. And, thank you for the men that are supportive of us women. I appreciate that. The people who are deliberately doing this, whether they know it or not, they're following a syntactics, principles that are being pushed into our society at all different levels not just here on this one issue in the State. It has to do with what we, I referred to it before with Saul Alinsky's *Rules for Radicals*. There are many variations that take that and run with it. Part of this, as I think it was Gresham who mentioned, is breaking this system of protection in sports, particularly for women. Girls' sports are much more impacted by this than boys' sports will be and the reason is that you need to break the system before you put in place another system. So, what's going on is the classic examples that are being used all over the country in different ways from the bottom-up pressure to the top-down pressures. You get the system so agitated, so confused, so upset and so ineffectual then it breaks. Then you come in with another system right on top of it that's not like the freedom that we've been gifted with for the couple hundred years plus that we have been allowed to have, in my opinion, the God given freedoms that this country has enjoyed. When we let that fall, whether it's in the small, little area of this which is very detrimental to woman in the sports things in general and to the individuals who are dealing with gender confusion, gender fluidity, whatever you want to call it, very disrespectful and it is not a solution. These two groups, women in general, people with gender confusion/fluidity issues, are not being helped at all. This is part of why the system is being agitated like this. In this one issue, I am grateful to see other people who understand this and are here. I simply want to irritate to the record that we know this isn't just about this small, little area. We are very offended as people who care about our other individuals in society that the Idaho Department of Welfare and the two people who put this thing in their drawers down in our legislative body have done this great offense to both women in this case and the gender confused. Thank you.

Male 3: Who put it in the drawers?

Sherry Fisher: The [unintelligible] of the Idaho Department of Health and Welfare in
both the House and the Senate. They had to do it, both putting it in the drawers to keep it automatically getting pushed into law as opposed to allowing for any public debate. I don't know those people's names.

Facilitator: This is Duca Disney Spencer (ph), facilitator, and I think you were inquiring as to the names of the chairs of the Health and Welfare Committees. It would be Senator Fred Martin and Representative Fred Wood.

Sherry Fisher: Fred Martin and Fred Wood?

Facilitator: Yes ma'am.

Male 3: Thank you.

Facilitator: Thank you. I believe we have had someone else join us. If you would like to--

Male 4: [inaudible] testimony.

Facilitator: --Okay. Is there anyone else in the room who would like to testify or has second comment?

Kaleb Douma: Yeah.

Facilitator: If you would come up please and state your name again. Thank you.

Kaleb Douma: Kaleb Douma from Moscow, Idaho. Since we are all here talking, I just wanted to encourage you all. Thank you for coming. Thank you for speaking the truth. I just want to encourage us to not stop at this but to continue to speak the truth in love to our neighbors and to get others involved so that this can't continue and other things like this can't be done in the future. Let's do it in a winsome, loving but honest way. Thank you all for coming. I just wanted to encourage you with that.

Facilitator: Yes?

Cheryl Nuxell: Cheryl Nuxell from Cottonwood, Idaho. Just to add, listening to testimony again, has just been awesome. But it would be great if the Department of Health and Welfare would come up with a rule that would encourage these people who are hurting, who have probably been abused, to go to counselors to help them overcome this identity crisis. There are counsels out there. It is sad to see that New York State is not allowing this. Hopefully, our state doesn't go that way but that we promote going to the mental health counselors that can help them even before adolescence, during adolescence and after adolescence to overcome this crisis they're going though.

Facilitator: Thank you. Any other comments? I'm going to get it right this time. It is 2:02. We have no further comments wishing to be made with the people in the room here. However, we are obligated to remain here for 30 minutes. If anyone does come that would like to testify, we wanted to be sure that we can accommodate them. We will remain here. I will leave the phone line open so that if others come in, I'll be sure to hear that. I don't want to break it and then try and get it back. We will lose folks. I want them to have that opportunity. You are welcome to stay and wait with us or… Did I see that someone else wanted to make a second comment?

Male 5: No. I was just going to ask you if we're required to stay here?

Facilitator: No, you are not, but I do appreciate you coming.

Female 2: Can I just a comment?

Facilitator: Yes. Okay. We'll go ahead and let Ryan call you up for a comment if you showed in late. That is what we would do if anyone else were to come in. If you would please come up and just state your name for the record and spell your surname for us, please. Watch that cord. Thank you.

Shirley Stubers: My name is Shirley Stubers. I just want to state that I am opposed to this. I don't think the State needs to be paying for this. I think that we need to be paying attention to what is truth and what is basic science. That's my statement. Thank you.

Facilitator: Thank you. We will now start our 30 minutes and that would put us at 2:33. You are welcome to stay or you certainly may leave if you have other things to do. Thank you all very much for coming.

This is Duca Disney Spenser (ph), Facilitator for this public hearing regarding Docket #16-0208-1901, Public Hearing in Lewiston, Idaho at the Lewiston State Office Building on September 19th and the time is now 3:33. No additional members of the public came to testify. The meeting is now closed. This public hearing started at 1:00 p.m. and is now closed. The time is 3, excuse me, 2:34 p.m. The record of this hearing together with submitted written comments will be transmitted to the Department Administrative Rules Unit. Anyone may submit further written comments to the Administrative Rules Unit of the Department of Health and Welfare, P.O. Box 2083720, Boise, Idaho, 83720-0036 or dhwrules@dhw.idaho.gov. All written comments must be received by Wednesday, September 25th. This meeting is now adjourned.