

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Tuesday, April 20, 2021

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, and Senators Winder, Harris, Heider, Stennett, and Burgoyne

ABSENT/ EXCUSED: Vice Chairman Guthrie, and Senators Anthon and Lee

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: **Chairwoman Lodge** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:08 a.m.

RS 28943C1 **Pertaining to Fish and Game (F&G) to expand the options and opportunities for management of wolves.**

Senator Harris introduced **RS 28943C1** stating that the original agreement between Idaho and the federal government for the number of wolves that would be allowed in the State was 15 packs or 450 wolves; currently there are over 1,500 wolves seen on a consistent basis. About 300 wolves were killed in 2020. The large number of wolves is a growing concern for sheep and cattle producers. **Senator Harris** yielded his time to Senator Burtenshaw to explain the bill.

Senator Van Burtenshaw, District 35, stated that the final number of wolves shot last year was 500. The wolf population was 1,500 in 2019 and remained at 1,500 in 2020. He concluded that the number of wolves that were removed would equal the number of the pups that were born throughout the year. **Senator Burtenshaw** reported that F&G set up 500 cameras throughout the State and took pictures of the wolves that were then run through facial recognition along with identifying colors and markings of each animal. This process identified a little over 1,500 wolves.

Senator Burtenshaw explained each change to current law: page 1 made an addition to who the Idaho Wolf Depredation Control Board could authorize as a contractor; page 2 set out how the wolf control fund would be managed; page 3 described how wolves would be trapped both on private and public property; and page 9 outlined the reporting and disposition of wolves. **Senator Burtenshaw** also explained the process to obtain a hunting tag for wolves.

DISCUSSION: **Senator Stennett** commented on the statistics that show that the population remains at 1,500 wolves but the reasoning behind the bill is the "explosion" of the wolf population. She also asked who a private contractor might be who would contract to dispose of the wolves. **Senator Burtenshaw** responded that the population grew to over 2000 wolves. If 500 had not been killed, that would have been the growth. In answer to your question about private contractors, there are several in Northern Idaho. The current budget is exorbitant and engaging a contractor would reduce those expenditures.

Senator Burgoyne referred to page 3, lines 28-29 referring to the provision that allows for wolves to be taken in any manner that a wild canine can be taken and asked for an explanation of those provisions. **Senator Burtenshaw** said that would be the use of all-terrain vehicles or utility terrain vehicles in the taking of wolves.

Senator Harris commented on the lateness of this legislation. Senator Burtenshaw and others have been working on four different renditions of these bills all session. Unfortunately, the COVID outbreak slowed the process and that is the reason **RS 28943C1** is late.

MOTION: **Senator Harris** moved to send **RS 28943C1** to print and then refer it to the Senate Resources and Environment Committee. **Senator Heider** seconded the motion.

Senator Winder stated his support of **RS 28943C1** and acknowledged that Senator Siddoway substituted for Senator Burtenshaw during his absence and continued the work on this bill during that time.

Senator Burgoyne stated his intention to vote no on this bill and that it had nothing to do with the content of the bill; it was about managing the work for this session and there should not be any more bills printed.

VOTE: The motion to send **RS 28943C1** to print and then refer it to the Senate Resources and Environment Committee carried by **voice vote**. Senator Stennett and Senator Burgoyne were recorded as voting nay.

H 366 **Relating to the Fetal Heartbeat Pre-born Child Protection Act**

Blaine Konzatti, Family Policy Alliance of Idaho, explained that an error was made during a redrafting of **S 1085** to **S 1183** which was passed by the Senate. The language in **S 1183** read: "licensed health care professional who intentionally, knowingly, and recklessly performs or induces an abortion as defined in this chapter..." The wording was corrected in **H 366** to read: "a licensed health care professional who intentionally, knowingly, and recklessly performs or induces an abortion in violation of this chapter..." **Mr. Konzatti** stated it was never the intention of the authors that doctors would be exposed to criminal or civil liability for performing an abortion according to this chapter.

Mr. Konzatti noted that there has been talk in the Legislature and the media about restricting abortion access. There are a few principles for interpreting a constitution; **Mr. Konzatti** reviewed those principles. He also gave a brief history regarding the development of laws related to abortion.

TESTIMONY: The following testified in opposition to **H 366**:

- Scott Herndon, Abolish Abortions Idaho
- Mistie Tolman, Director, Planned Parenthood Alliance Advocates
- Lauren Bramwell, Policy Strategist, ACLU of Idaho (see Attachment A)
- Chelsea Gaona-Lincoln

Those in opposition to **H 366** provided the following reasons: exceptions should be removed; the trigger of the effective date of an appellate court was inappropriate; there is in the bill protecting survivors of sexual abuse; restricting abortion as early as six weeks is unconstitutional; abortion would be banned long before the point of viability of the child; the definition of medical emergency is vague; and it is not the Legislature's job to restrict medical choice.

MOTION: **Senator Winder** moved to send **H 366** to the Senate floor with a **do pass** recommendation. **Senator Harris** seconded the motion.

Senator Burgoyne commented on the exceptions in **H 366**. Timing is an issue because the investigation for either rape or incest will take longer than the time it would take to establish that a heartbeat exists. Also, it is questionable if the trigger of a ruling by any appellate court would be effective. It really triggers a financial liability for the State of Idaho to litigate an issue where the outcome is uncertain.

Senator Burgoyne said he will vote no because of these reasons in addition to the reasons stated during the hearings on the earlier bills.

VOTE:

The motion to send **H 366** to the Senate floor with a **do pass** recommendation carried by **voice vote**. Senator Stennett and Senator Burgoyne were recorded as voting nay.

Chairwoman Lodge postponed voting on the minutes.

ADJOURNED:

There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:50 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary