

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, January 16, 2023

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Guthrie, Vice Chairman Bernt, Senators Harris, Toews, Wintrow, and Ruchti

ABSENT/ EXCUSED: Senators Winder, 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: **Chairman Guthrie** called the meeting to order at 8:00 A.M.

RS 29974 **Relating to Abortion.** **Senator Herndon** advised Idaho currently had two criminal abortion bans and this legislation would impact both. He referenced Idaho Code § 18-622, which provided abortion was accessible if the pregnancy resulted from a case of rape or incest. The second ban was known as the heartbeat ban, found in Idaho Code § 18-8801-8808, which also provided accessibility to abortion in the case of rape or incest. The legislation sought to offer equal protection under the law to all children conceived to advance the constitutional right to life for all persons.

DISCUSSION: **Senator Wintrow** expressed concern the legislation provided no exceptions. For instance, a 13-year-old victim would be forced to carry a pregnancy and not be permitted to get an abortion. **Senator Herndon** explained the legislation controlled criminal prohibitions and law, not to force anything on anyone. **Senator Ruchti** suggested the psychologist of a young rape victim might find her continuing a pregnancy would be detrimental. He asked the consequences if the victim proceeded with a procedure. **Senator Herndon** stated it was presently a felony to abort a child in the State of Idaho, except in the case of rape or incest. If this legislation passed, it would exclude those exceptions. **Senator Bernt** asked if the victim might have to go through a court process for a ruling of rape before termination could take place. **Senator Herndon** clarified no court process had to happen; all a mother had to do was file a police report alleging a rape occurred. Under **RS 29974**, the exception of allegation would be removed so there would be no legal process to get an abortion for any circumstance except to save the life of the mother.

Chairman Guthrie was asked what options the Committee had and he responded it could choose to return **RS 29974** to its sponsor or vote to have it printed. He added that a vote to have it printed was not a guarantee of a hearing.

MOTION: **Senator Ruchti** moved that **RS 29974** be returned to the sponsor. **Senator Wintrow** seconded the motion. The motion carried by **voice vote** with **Senator Toews** requesting to be recorded as voting no.

RS 29982 **Relating to Abortion.** **Senator Herndon** presented **RS 29982** and stated it changed the definition of abortion in criminal law as found in Idaho Code § 18-604. This legislation would shift the focus from the termination of a clinically diagnosable pregnancy to the intentional killing of a living human embryo or fetus. He referenced Idaho Code § 18-622 and said lines 10-17 were stricken because they no longer applied. On line 19 he inserted a definition of abortion and changed wording from intentionally terminating a clinically diagnosable pregnancy to include the unintentional death of any human embryo or fetus. He provided a definition of embryo or fetus to mean any human in utero and noted ectopic pregnancy was considered outside of the uterus so would not relate to criminal abortion law. Senator Herndon claimed the language was reviewed by a number of pro-life physicians, who agreed this offered clarity for them as to the exception in the law to assure any person who provided care to a pregnant woman, and attempted to save her life, would not be held liable under the criminal abortion law.

MOTION: **Senator Harris** moved that **RS 29982** be sent to print. **Senator Toews** seconded the motion. The motion carried by **voice vote** with **Senators Ruchti and Wintrow** requested to be recorded as voting no.

RS 29983 **Relating to Purchasing by Political Subdivision.** **Senator Herndon** described a perceived problem by public works contracts in the State, noting sexual orientation and gender identity were added to the Civil Rights Act (Act) of 1964. An effect was to guarantee multi-use restroom and/or locker room facilities would not segregate employees based on protected class and would affirm biological males who identified as women could use biological female restrooms or changing facilities. **RS 29983** added lines that, pursuant to applicable law, a public works bidder would not be required to provide access to a multiple occupancy restroom, shower facility, or changing room based on other biological sex, defined as being male or female as stated on a person's birth certificate. He referenced the Bostock decision related to the Equal Employment Opportunity Commission (EEO) and advised if the project involved Federal funds, conformity was required. However, money controlled by the State of Idaho (State) and at the local level sourced by the State or political subdivisions, the provisions in **RS 29983** would apply.

MOTION: **Senator Harris** moved that **RS 29983** be sent to print. **Senator Toews** seconded the motion. **Senator Wintrow** opposed the motion. The motion carried by **voice vote**.

RS 30000 **Relating to Self-Defense.** **Senator Herndon** gave the principles of the Stand Your Ground and the Castle Doctrine currently codified in Idaho law. He provided that an Idahoan lawfully using a firearm to protect himself or his property had no duty to retreat and that anyone unlawfully attempting to enter a habitation or vehicle was presumed to be attempting to commit a felony. This legislation added verbiage to Idaho Code § 19-202 to address the possible arrest of a person claiming self-defense to provide for a pre-trial immunity, self-defense hearing within 14 days. Depending on the decision of the jury and the court, a judge would have the ability, not the requirement, to grant the defendant the opportunity to move for recovery of costs of defense.

DISCUSSION: **Senator Wintrow** asked what agencies Senator Herndon collaborated with regarding the proposals in **RS 30000**. **Senator Herndon** responded his contacts included his local Prosecutors, Sheriff's office, and a number of retired law enforcement organization within his district.

Senator Toews moved that **RS 30000** be sent to print. **Senator Harris** seconded the motion. **Senator Wintrow** commented she would vote to introduce to print but had questions about how this might impact the courts and law enforcement. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT: **Chairman Guthrie** introduced Russell Ludlow, who appeared virtually. **Russell Ludlow** shared that as the Post Commander of his local Veterans of Foreign Wars (VFW), he conducted bingo-raffle events for nine years. He stated he had been on the Bingo-Raffle Advisory Board (Board) for three years and was pleased with its progress. He hoped to continue expanding bingo-raffle participation on newer platforms. **Chairman Guthrie** invited questions from the Committee.

Senator Wintrow noted the importance of Gubernatorial appointments and asked Mr. Ludlow why he sought reappointment. **Russell Ludlow** stated his time on the Board afforded him better knowledge of the laws and questions about best practices to stay in line with policies and licensure. **Senator Harris** asked about improvements Mr. Ludlow might consider. **Mr. Ludlow** suggested trying to remove the voting requirements for a specific number of political affiliations. He repeated his desire to bring in newer style bingo games. **Chairman Guthrie** informed Mr. Ludlow's reappointment would be voted on at the January 18, 2023 meeting.

GUBERNATORIAL REAPPOINTMENT: **Chairman Gurthrie** shared that Joe McNeal was ill and unable to attend today's meeting. He will be put on a later agenda.

GUBERNATORIAL REAPPOINTMENT VOTE: **Chairman Guthrie** asked for a vote on the reappointment of Megan Ronk to the Idaho Commission on Human Rights. **Senator Harris** moved to send the application to the full Senate with the recommendation that she be confirmed. **Senator Bernt** seconded the motion. The motion carried by **voice vote**. **Senator Wintrow** will carry the reappointment to the Senate.

GUBERNATORIAL REAPPOINTMENT VOTE: **Chairman Guthrie** asked for a vote on the reappointment of Richard Stover as Administrator of the Office of Energy and Mineral Resources.

Senator Bernt moved to send the application to the full Senate with the recommendation that he be confirmed. **Senator Bernt** volunteered to carry the application in the Senate. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Wintrow** moved to approve the Minutes of January 11, 2023. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Guthrie** adjourned the meeting at 9:00 a.m.

Senator Guthrie
Chair

Joyce Brewer
Secretary