

MINUTES  
**SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 23, 2022

**TIME:** 8:00 A.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairwoman Lodge, Vice Chairman Guthrie, Senators Winder, Anthon, Harris, Lee, Heider, Stennett, and Burgoyne

**ABSENT/  
EXCUSED:** None

**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 Senate State Affairs Committee (Committee) to order at 8:04 a.m.

**INTRODUCTION OF PAGE:** **WELCOME TO PAGE KATELYN BERRY** to serve for the 2nd Half of the 2nd Regular Session of the 66th Idaho Legislature.

**Chairwoman Lodge** welcomed Katelyn and asked her to tell the Committee about herself and why she wanted to spend this time with the Legislature.

**Katelyn Berry** said she attended Borah High School and lived in the Boise area. She joined the Page Program to open herself up to new opportunities and try to discover what she wanted to do after high school. **Chairwoman Lodge** asked Katelyn what she expected to learn here. **Katelyn** responded that she had already learned so much. She is looking forward to learning about Idaho, and what was going on in Boise and throughout the State. **Chairwoman Lodge** thanked Katelyn for joining the program and informed her she will be asked to speak at the end of the session.

**INTRODUCTION:** **Chairwoman Lodge** welcomed a school group and asked that a representative come forward to introduce them.

**Jason Richardson**, Headteacher, Deseret Study Abroad Academy, stated he was here with a group from the school located in Eastern Idaho with students from Idaho Falls, Rigby, Blackfoot, and Shelley. Spending a week at the Capitol is part of their educational experience. Last year students traveled 7,000 miles across the United States studying U. S. history. These students have been earning their own financing for a trip to England, Scotland, Wales, and Ireland and will be traveling this year from late April through the month of May. **Mr. Richardson** brings students to the Capitol each year. He was very familiar with activities here since his daughter, Shayanne Richardson, is a Senate Page as have her siblings been before her.

**Chairwoman Lodge** thanked Mr. Richardson for bringing this group because they learn about government, and also for the trips made available to them; travel enriches lives.

**RS 29512** **RELATING TO BALLOTS** regarding timely release of ballot counts.

**Jason Hancock**, Deputy Secretary of State, said this bill covers one issue, the timing when county clerks report election results. Under current law, county clerks are required to wait until after all the polls in the State have been closed before

they can report any results. This bill continues with current policy when counties have issues on the ballot involving both time zones. The change affects those counties that do not have issues on the ballot related to both time zones. Those counties will be able to report anytime after the local polls close; polls close at 8:00 p.m. Most county elections are very small and are not in both time zones.

**DISCUSSION:** **Senator Stennett** asked what percentage of the State does this impact. **Mr. Hancock** said it is roughly one-fifth of the State.

**MOTION:** **Senator Guthrie** moved to send **RS 29512** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**RS 29615** **RELATING TO ALCOHOLIC BEVERAGES** to provide a requirement for a license issued to a theatre.

**Senator Anthon** introduced Josh Scholar to present **RS 29615**.

**Josh Scholer**, Legal Extern for Senator Anthon, explained that **RS 29615** does two things: 1) Allows cities that acquire a liquor license up to one year before they must put it into actual use. 2) it allows historic theatres to be compliant with actual use requirements if the theatre offers and sells alcohol at least twice in a calendar year.

**DISCUSSION:** **Senator Stennett** stated that legislation passed last year for historical theatres did not designate the number of times for usage. This legislation requires that they must use the license twice a year. **Mr. Scholer** said the actual use for a liquor license in administrative code was six days a week, eight hours a day with actual sales. This legislation allows for twice a year use for historical theatres.

**MOTION:** **Senator Winder** moved to send **RS 29615** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**RS 29617** **RELATING TO THE FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT** to revise the provision regarding costs and attorney's fees, and remove a provision regarding an affirmative defense.

**Blaine Conzatti**, President, Idaho Family Policy Center, explained that during the hearing for S 1309, the Idaho Medical Association recommended a change in some language pertaining to attorney's fees and affirmative defense. **RS 29617** is a trailer bill to accomplish that with the following changes: On page 1, subsection 4, added lines 35-37 and removed subsection 5. These two changes allows the court to award costs or attorney's fees if the prevailing defendant complied with the law.

**MOTION:** **Senator Harris** moved to send **RS 29617** to print. **Senator Guthrie** seconded the motion.

**Senator Burgoyne** stated he would be voting no on the motion. There must be someone to show evidence the defendant has complied and by striking subsection five, the defense is removed that someone sued under this statute would have; that is not appropriate.

**VOICE VOTE:** The motion carried by **voice vote**. Senator Stennett and Senator Burgoyne were recorded as voting nay.

**RS 29620C2** **RELATING TO RURAL VETERINARIANS LOAN REPAYMENT PROGRAM** to add a new chapter and to establish provisions for such program.

**Senator Stennett** explained that this bill was brought to her by the Idaho Department of Agriculture (Department) because of the extraordinary difficulty in encouraging veterinarians, particularly large animal veterinarians, to reside in

Idaho. This bill creates the Rural Veterinarians Loan Repayment Program that would be administered the by the Department. Money would be allocated to the fund to pay education debt for veterinarians committing to provide care primarily to large animals in a rural area. Payments are capped at \$25,000 per year with a maximum of \$75,000 per qualified applicant.

**MOTION:** **Senator Guthrie** moved to send **RS 29620C2** to print. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**RS 29634** **RELATED TO FENCES** to update current provisions for careless exposure of barb wire fences.

**Senator Harris** stated that people are abusing Idaho's open range statute by neglecting their fences so cattle and horses are allowed to get out on public roads and into farmer's fields. The current statute is thorough but needs an update. **Senator Harris** worked with both prosecutors and sheriffs to add language that would allow them to look at fences and decide if there were grounds to write a ticket or prosecute. This legislation updates current provisions for careless exposure of barbed wire fences. It further revises provisions regarding property owner's liability after receiving notice and also adjusts penalties.

**Chairwoman Lodge** asked what the liability would be if someone else cut the fence. **Senator Harris** responded that if the fence was discovered by the sheriff, notice would be sent out and the owner would have seven days to respond.

**MOTION:** **Senator Burgoyne** moved to send **RS 29634** to print. **Senator Anthon** seconded the motion.

**Senator Stennett** asked what would happen if someone cut the fence and was caught; what would be penalties be. **Senator Harris** said that would probably fall under destruction of property and would be in a different code.

**VOICE VOTE:** The motion carried by **voice vote**.

**ADJOURNED:** There being no further business, **Chairwoman Lodge** adjourned the meeting at 8:30 a.m.

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Senator Lodge  
Chair

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Twyla Melton  
Secretary