

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Tuesday, March 12, 2024

TIME: 8:00 A.M.

PLACE: Room WW55

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

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: **Chairman Guthrie** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:00 a.m.

WELCOME: **Chairman Guthrie** welcomed all to the Committee meeting.

GUBERNATORIAL REAPPOINTMENT VOTE: **Committee vote on the Gubernatorial Reappointment of Richelle Sugiyama to the Treasurer's Investment Advisory Board.**

MOTION: **Senator Winder** moved to send the Gubernatorial reappointment of Richelle Sugiyama to the Treasurer's Investment Advisory Board to the Senate with the recommendation that she be confirmed. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT VOTE: **Committee vote on the Gubernatorial Reappointment of Evelyn Johnson to the Commission on Human Rights.**

MOTION: **Senator Lee** moved to send the Gubernatorial reappointment of Evelyn Johnson to the Commission on Human Rights to the Senate with the recommendation that she be confirmed. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

S 1415 **ELECTIONS - Adds to existing law to establish a presidential preference primary election.** **Senator Winder** stated that **S 1415** established a presidential preference primary in Idaho. He quoted from **S 1415** that "a political party may use the results for candidate nomination at its national convention, and nothing in this chapter shall be construed as mandating a political party adopt the results of the presidential preference primary". He stated that political parties could caucus if desired. He remarked that **S 1415** provided flexibility to adjust the dates for the primary election.

DISCUSSION: **Senator Anthon** stated that the State parties decided how to proceed with nominees for President of the United States. He remarked that the caucus system was not working for his constituents. He stated that citizens should have a chance to go to the polls.

MOTION: **Senator Lee** moved to send **S 1415** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

INTERSTATE COMPACT FOR BORDER SECURITY - Adds to existing law to authorize the Governor to develop and execute an interstate compact for border security, to provide that congressional approval shall not be required, and to require certain provisions be included in an interstate compact. **Senator Hart** stated that **H 464** provided for an interstate compact for border security. He remarked that the U. S. Constitution required congressional approval before a compact between states was allowed, except when the states were invaded or in imminent danger that would not allow delay. He remarked that **H 464** fell into the exception in the compact laws because border security posed the threat of an emergency.

Senator Hart stated that Idaho could have both border security and a guest worker program that met the needs of Idaho businesses. He remarked that **H 464** was permissive and did not require the Governor to act. He stated that **H 464** empowered the Governor to take action when necessary and a delay in response was detrimental to Idaho or the state with which this compact was entered. He remarked that border crossings had reached an industrial scale. He stated that there was a humanitarian crisis at the border, and that border areas were controlled by drug cartels.

Representative Wisniewski stated that the Idaho governor had already sent some Idaho State Patrol officers to the southern border of the U.S. He remarked that **H 464** allowed the Governor to form a compact with states in times of invasion. He stated that invasion meant physical entry into the country with intent to do harm. He remarked that there were between 11 million and 17 million undocumented immigrants in the U.S. He stated that in 2023, 400 members of the terrorist watch list were intercepted at the border. He stated that industrial espionage, cyber attacks, social costs, and drug trafficking all increased due to illegal immigration.

DISCUSSION:

Senator Winder stated that there was a high level of concern in his district regarding immigration. He asked what was the difference between this compact and one that was defeated earlier in the session. **Senator Hart** replied that the last compact required Idaho to relinquish State sovereignty and did not line up with Idaho values.

Vice Chairman Bernt remarked that the fiscal note was not realistic. He stated that there would be a cost as a result of **H 464** and asked for an estimate.

Representative Wisniewski responded that he did not know and deferred to Senator Hart. **Senator Hart** replied that there was no fiscal note because **H 464** dealt with an emergency, and the governor's response was unknown.

Senator Winder expressed support for **H 464**, but was concerned about giving the Governor authority to enter into an interstate compact for border security without approval of the Legislature. **Senator Hart** responded that there was incentive to address the issue of border security and that the Legislature could address any concerns with the Governor's use of this authority next session.

Representative Wisniewski asked for trust in the Governor and noted that it would take several weeks to call the Legislature into session.

Senator Wintrow also expressed concern regarding granting the Governor such broad authority to enter into an interstate compact. The Legislature was generally able to review an interstate compact and all of its details. She asked why they were taking state action rather than seeking federal action. **Senator Hart** noted that there were federal laws, but they were not being enforced; therefore, it was incumbent on the states to take action.

Vice Chairman Bernt asked Senator Hart whether there was a difference between giving the Governor authority to send troops to the border and giving him broad authority over the border. **Senator Hart** replied that there was. This compact encouraged the Governor to take action to secure the border.

MOTION:

Senator Winder moved to send **H 464** to the floor with a **do pass** recommendation. **Senator Harris** seconded the motion.

TESTIMONY:

Julianne Donnelly Tzul, American Civil Liberties Union of Idaho, testified in opposition to **H 464**. She stressed that immigrants were an important part of Idaho communities. She argued that referring to the arrival of immigrants as an invasion fostered hatred and racism.

A letter from the American Civil Liberties Union of Idaho in opposition to **H 464** appears in Attachment 1.

An executive summary from the American Civil Liberties Union appears in Attachment 2.

A letter from the Federation for American Immigration Reform in support of **H 464** appears in Attachment 3.

DISCUSSION:

Senator Hart gave closing remarks. He noted the importance of guest workers to many businesses in Idaho. He remarked that the U.S. needed a secure border, but it was also important to have a process to allow immigrants to come in a dignified, legal way. The situation at the border was a humanitarian crisis. He cited statistics provided by the Americans for Immigration Reform (Attachment 3) regarding individuals on the terrorist list who were entering the country.

Chairman Guthrie asked Senator Hart and Representative Wisniewski to comment on the provision on page 1, lines 17 through 19 that authorized the Governor to enter into an interstate compact for border security, "when either this state or another state with whom the compact is executed is subject to an invasion or is in imminent danger as will not allow delay". **Senator Hart** responded that he did think there were those who wanted to do us harm.

Chairman Guthrie asked, while we could trust the current Governor, whether we could trust a Governor in the future to make decisions such as building a physical barrier or providing comprehensive surveillance technology which committed Idaho to expenditures into the billions of dollars. **Senator Hart** replied that the cost of securing the border was less than caring for those who had entered the country illegally.

Senator Lee was concerned about granting such broad authority to the Governor. She questioned whether the Governor would need legislative approval to send troops to the border. She asked whether the intent of **H 464** was to grant authority to the Governor or simply send him a message regarding the need to secure the border. **Senator Hart** stated that they were doing both.

SUBSTITUTE MOTION:

Vice Chairman Bernt moved to send **H 464** to the **14th Order of Business** for possible amendment. **Senator Lee** seconded the motion.

DISCUSSION: **Vice Chairman Bernt** explained that he was concerned with granting the Governor such broad authority and supported an amendment granting more reasonable authority.

Senator Winder spoke against the substitute motion, stating that it would be difficult to draft the language in the amending order. He remarked that the Legislature had Constitutional authority to call themselves into session to address any concerns.

Chairman Guthrie also expressed concern with the broad authority this bill granted the Governor. In addition, the bill required the compact to be in existence prior to an invasion.

ROLL CALL VOTE: **Chairman Guthrie** called for a roll call vote on the substitute motion. **Vice Chairman Bernt and Senators Lee and Wintrow** voted aye. **Chairman Guthrie and Senators Winder, Anthon, Harris, Toews, and Ruchti** voted nay. The substitute motion failed.

ROLL CALL VOTE: **Chairman Guthrie** called for a roll call vote on the original motion. **Senators Winder, Anthon, Harris, and Toews** voted aye. **Chairman Guthrie, Vice Chairman Bernt and Senators Lee, Wintrow, and Ruchti** voted nay. The motion failed.

PASSED THE GAVEL: Chairman Guthrie passed the gavel to Vice Chairman Bernt.

H 570 **ALCOHOLIC BEVERAGES - Amends existing law to provide that certain special distributors of liquor shall be allowed to continue to operate.** **Chairman Guthrie** stated that **H 570** provided that a special distributor (contract) liquor store that had operated historically in a municipality could continue to do so, even if a State liquor store operated in the municipality. He remarked that the distributor operated in compliance with State requirements. He remarked that distributor liquor stores operated in areas in which the population did not support a full liquor store. He stated that examples included grocery and convenience stores. He stated that **H 570** permitted distributor stores to continue to operate, even after the municipalities grew to a population that supported a State liquor store. He recommended that **H 570** be sent to the 14th Order of Business to address stakeholder concerns, including requiring compliance with the special distributor agreement and specifying that the operations were not assignable or transferable.

TESTIMONY: **Jeremy Pisca** testified on behalf of Jackson's in Middleton, Idaho. He remarked that Jackson's supported **H 570** and the proposed amendments because it protected their existing investment.

MOTION: **Senator Anthon** moved to send **H 570** to the **14th Order of Business** for possible amendment. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Vice Chairman Bernt** adjourned the meeting at 8:58 a.m.

Senator Guthrie
Chair

Peggy Caraway
Secretary

Meg Lawless
Secretary