

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, March 28, 2024

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane(13), Vice Chairman Young, Representatives Palmer, Barbieri, Holtzclaw (Johnson), Scott, Andrus, Skaug, Alfieri, Allgood, Crane(12), Gannon, Achilles

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Crane (13) called the meeting to order at 9:00 AM.

MOTION: **Rep. Achilles** made a motion to approve the minutes of March 26, 2024. **Motion carried by voice vote.**

H 753: **Rep. Crane (12)** presented **H 753** explaining there is an updated fiscal note which includes a \$250,000 2024 appropriation and \$1 million 2025 appropriation with additional costs to county governments which cannot be reliably predicted at this time. This legislation creates a new crime known as illegal entry which is a misdemeanor for a first offense and a felony for the second offense. This is based on legislation from Texas which was upheld in their supreme court though there has been a stay in the implementation of it. Idaho has three ports of entry through which people can legally enter the country, this legislation empowers law enforcement to ask the necessary questions when that is not the case. If people are found to be in the state illegally they can choose to stay and receive penalty or leave the country. In response to committee questions, Rep. Crane (12) stated law enforcement will still do their due diligence to not misuse the powers given to them in this legislation. He also clarified this legislation would allow judges to issue a removal order which would demand the person return to their country of origin. He highlighted it is identical to legislation from Texas with the exception of sections which were omitted because they were already part of Idaho code.

Jullianne Donelly Tzul, ACLU of Idaho, and **Estefania Mondragon**, PODER of Idaho, spoke **in opposition** to **H 753** highlighting the humanity of immigrants in the United States and pushing back against the misconceptions about undocumented people who are in the US to work and contribute to their communities. In response to committee questions, Ms. Mondragon clarified immigrants are able to get a I10 number and pay income tax. She also highlighted the issues at the southern boarder in the US are thirty-five years in the making.

Robert Gillis, Idaho Tough on Crime, testified **in support** of **H 753** listing examples of people being killed by undocumented immigrants and voicing concerns about cartels.

Rick Naerebout, Idaho Farm Bureau, testified **in opposition** to **H 753** stating it grows government, has an uncertain fiscal note, and is unconstitutional citing the 5th Circuit Court's stay on enforcement. He expressed deep concern about the expenses and litigations which will follow this legislation. In response to committee questions, Mr. Naerebout explained the roll of the Idaho Farm Bureau and agreed the US government is failing to secure the boarders.

Robert Norris, Kootenai County Sheriff, testified **in support** of **H 753** stating this gives law enforcement more tools to address this problem. In response to committee questions, Sheriff Norris explained the foreign national inmate population in his county is higher than ever before. He stated many sheriffs support this though the Association of Idaho Sheriffs has not yet had a chance to vote on it. He also stated they do not believe anything will be done at the national level to address this problem.

Mariella Del Pilar Diaz, Idaho Immigration Lawyers Association, testified **in opposition** to **H 753** stating this bill is unconstitutional as the federal government has the power to address immigration and voiced concerns surrounding the stay issued in Texas and the huge expenses in this bill. In response to committee questions Ms. Diaz affirmed this is a federal problem, not an Idaho problem and explained this will prevent immigrants from access to immigration lawyers under international law. She also affirmed the constitution protects all people and clarified asylum seekers are not only protected in the first country they enter. She stated her organization is in conversations with the federal government addressing immigration.

Rep. Crane (12) closed debate stating Article 1 Section 10 of the US Constitution grants states power to address invasion. He highlighted the legislative fund for litigation already exists and is not included in the fiscal note. He expressed immigrants are welcome here, but they must come here legally. In response to committee questions, Rep. Crane (12) explained there are statistics surrounding immigrants coming from Canada published by the Department of Homeland Security.

MOTION: **Rep. Scott** made a motion to send **H 753** to the floor with a **DO PASS** recommendation.

Rep. Gannon spoke **in opposition** to the motion expressing concern with the concept of invasion which would need to be from a neighboring country which could pose further legality issues.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Gannon** requested to be recorded as voting **NAY. Rep Crane (12) and Rep. Skaug** will sponsor on the floor.

RS 31553: **Rep. Boyle** presented **RS 31553** explaining this proposed legislation adds immigration definitions and restrictions as well as establishes E-Verify in Idaho. It does not take anyone out of the country, but creates future roadblocks to discourage illegal immigration.

MOTION: **Rep. Scott** made a motion to introduce **RS 31553. Motion carried by voice vote.**

S 1323: **Norman Semanko** presented **S 1323** explaining this legislation updates definitions in the code of the Public Utility Commission (PUC) eliminating certain entities which are not regulated by the PUC. This would codify the one customer rule which states the furnishing of water to one person or corporation under a contract does not constitute a delivery of water to the public meaning it is not regulated by the PUC. In response to committee questions Mr. Semanko explained if multiple people are receiving water they are not exempt from regulation, this legislation only addresses cases which are not regulated by codifying their exemption.

Eric Anderson, Idaho PUC Director, testified **in opposition** to **S 1323** stating this legislation would not allow the commission to regulate many companies which they do currently regulate and would deny customers access to the commission's customer protection resources. He stated the PUC is not looking for things to regulate and this legislation is coming in response to one company's problem. In response to committee questions, Director Anderson clarified when the commission issues orders they can always be reconsidered or taken to the supreme court. He clarified there are many complaints they receive which do not result in them taking up regulation, but any contract supplying water to more than one party is subject to regulation.

Albert Barker testified **in support** of **S 1323** stating it is intended to conform to the existing law and existing PUC guidance which states non-profits are not regulated by the PUC, including homeowner's associations. In response to committee questions, Mr. Barker explained this would not deny service as it is simply codifying an existing structure.

MOTION: **Rep. Skaug** made a motion to send **S 1323** to the floor with a **DO PASS** recommendation.

SUB MOTION: **Rep. Gannon** made a substitute motion to **HOLD S 1323** for one legislative day.

AMENDED SUB MOTION **Rep. Barbieri** made an amended substitute motion to **HOLD S 1323** in committee.

Rep. Barbieri spoke to his motion stating it is difficult to see how carving out a single contract is within the purview of the existing law, which means there is a change and seeing there are major impacts from this legislation he would rather it be handled when there is more time.

VOTE ON AMENDED SUBSTITUTE MOTION: **Amended substitute motion failed by voice vote.**

VOTE ON SUBSTITUTE MOTION: **Substitute motion failed by voice vote.**

VOTE ON MOTION: **Motion carried by voice vote. Reps. Gannon, Barbieri, and Allgood** requested to be recorded as voting **NAY. Rep. Skaug** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 10:17 AM.

Representative Crane (13)
Chair

Kennedy Jones
Secretary