



CAPITOL REVIEW

A WEEKLY LEGISLATIVE REPORT

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A Weekly Legislative Report

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GOVERNOR'S ACTION

As we draw closer to the end of the session, the Office of the Governor and his decisions become much more prominent. Governor Little addressed the state and the legislature at the beginning of January and laid out his proposed state budget for FY 25. Ever since, the House and Senate have been adjusting, adding to and reducing that budget along with working on legislation for the state. As bills have piled up and passed both houses, the last few weeks have seen the governor make many final decisions.

When the Governor receives a bill passed by both the House and Senate, the Governor may:

1) **Approve the bill by signing it** within five days after its receipt (except Sundays), or within ten days after the Legislature adjourns at the end of the session ("sine die"). 2) **Allow the bill to become law without his approval** by not signing it within the five days allowed. 3) **Disapprove (veto) the bill** within five days and return it to the house of origin giving his reason for disapproval, or within ten days after the Legislature adjourns "sine die."

What happens after the Governor signs a bill into law? When a bill is approved by the Governor, becomes law without his approval, or through a veto override, it is transmitted to the Secretary of State for assignment of a chapter number in the Idaho Session Laws. **Most bills become law on July 1, except in the case of a bill containing an emergency clause or other specific date of enactment.** The final step is the addition of new laws to the Idaho Code, which contains all Idaho statutes.

NEW IMMIGRATION BILLS

Two new bills were introduced this week in the House addressing the nation's flawed immigration system and Idaho's response to illegal immigration

inside our state's borders. Unlike earlier House Joint Memorials that would only direct the federal government to take action in specific ways, the two new bills would be enshrined in Idaho Code if they were to pass and be signed by the governor. The legislation undoubtedly has been in response to the national crisis at the border and the recent Supreme Court ruling allowing the state of Texas to enforce immigration law within its borders. Idaho's agricultural industry has been steadfast and unwavering in their call for enforcement of immigration law, control and protection of U.S. borders, and for implementation of immigration reforms to meet domestic labor needs. This consistent message reflects market-based realities and solutions and concepts that have been key to American prosperity and agriculture for generations. Agriculture has had to approach these issues from a position of practicality and frankness and that the federal government, not individual states, has the duty and obligation to regulate immigration and to secure national borders. **A state by state approach is not the solution to our nation's immigration problems, rather, comprehensive federal reform is the answer and is needed.**

H753 establishes a new state crime of illegal entry from a foreign nation though illegal entry is already a federal crime. **The proposed crime would exist where a person that is not a citizen enters or attempts to enter Idaho "directly from a foreign nation" at any location other than a lawful point of entry.** Some exceptions exist, for example for those that have been granted lawful presence in the United States by the federal government, for asylum cases, and some of those with DACA status. The bill excludes from exemption other aliens that may have lawful status to enter by executive or other actions. In other words, the bill attempts to re-write federal immigration policy,

picking and choosing what policies to enforce. H753 also creates a crime for illegal re-entry. The first offenses would be a misdemeanor, except for certain re-entry offenses, with the second offense being a felony. It would give magistrates the authority to issue orders requiring aliens to return to a foreign nation and a violation of such an order would become a felony. Return orders can require law enforcement to transport the alien to the person's point of entry with no provision made to fund this activity or compensate cities or counties burdened with this duty. Without state funding, this will likely become an obligation of the local government's taxpayers. H753 was introduced, received a bill number, passed out of House State Affairs and passed the House on a 53-15-2 vote, all in this last week of March.

H756 states that the United States has failed in its mandated duties of protecting our country from illegal immigration and that Idaho has been directly harmed with the influx of drugs, gangs, and financial burdens. The measure **seeks to define a number of situations where public and private employers must act and establish provisions regarding the curtailment of illegal immigration.**

Among many other specifications addressed, H756 establishes that employers must verify each new employee's employment eligibility within three business days after the first day that the new employee begins working through e-verify. Every public agency must use the e-verify system to verify a new employee's employment eligibility. **A private employer with twenty or more employees must use the e-verify system to verify a new employee's employment eligibility.** Each employer required to use the e-verify system must certify on its first return each calendar year to the Idaho Department of Labor that it is in compliance when making contributions to or reimbursing the employment security fund. If the e-verify system is unavailable for three business days after the first day that the new employee begins working for pay and an employer cannot access the system to verify a new employee's employment eligibility, the employer must verify employment eligibility using form I-9, the employment eligibility verification form from United States citizenship and immigration services. An employer must also provide any documentation for the verification of a new employee's employment eligibility if requested by a law enforcement agency, the Idaho Attorney General, the Idaho Department of Labor, the Idaho State Department of Agriculture, or the Idaho Department of Health and Welfare. H753 passed out of the House State Affairs Committee this week.

[SINE DIE - WHAT DOES IT MEAN?](#)

This is a Latin term **ADJOURN SINE DIE**. To conclude a regular or special session without setting a day to reconvene. There are several factors that enter into the adjournment for a legislative session. Sometimes they will take a recess, go home and wait out the 5 days for the Governor and then return (as they did in 2023) and then Sine Die. They don't have to both recess at the exact same time but Sine Die happens often within minutes or hours of each other. There is a bit of a ceremony which includes a designated delegation from both parties and both Chambers being sent to the Governor's office to inform the Governor that the work of the legislature has been completed. In Idaho, a provision is in place that allows the legislature to call themselves back into Special Session should the need arise.

[RETIREMENTS](#)

The end of the 2024 Legislative session will bring the end of the legislative career for some legislators who have chosen not to run for re-election. The list includes: **Rep. Sage Dixon**, District 1; **Rep. Mike Kingsley**, District 7; **Senator Abby Lee**, District 9; **Rep. Chris Algood**, District 11; **Rep. Colin Nash**, District 16; **Rep. Sue Chew**, District 17; and **Rep. Lauren Necochea**, District 19 have not filed for reelection for a variety of reasons.

[GOODBYE AND THANKS](#)

Many of you have seen and visited with Benjamin Kelly during the legislative session at various events and activities. Benjamin now resides in San Juan Capistrano, Orange County with his wife (Rebecca), two stepsons (Noah, age 12 & Luke, age 10). There were many factors that led to Benjamin coming to Idaho for the session. I had tried unsuccessfully to find an intern and we were starting some new staff members at AMG among a host of other reasons. Benjamin was willing to work during the week and fly back and forth each weekend to spend time with his family. He walked back in with knowledge from his 14 years at AMG and was a big help. He wrote letters, helped to create Capitol Review and assisted with many of the legislative events and activities during the three months - plus, convention and board meetings for clients. He and Rebecca are expecting a daughter in late June and we are excited for this new chapter in their life. **Thanks, Benjamin, for all of your help and assistance.**

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