

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, February 14, 2024

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lakey, Vice Chairman Foreman, Senators Lee, Anthon, Ricks, Hart, Hartgen, Wintrow, and Shea (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 Lakey** called the meeting of the Senate Judiciary and Rules Committee (Committee) to order at 1:30 p.m.

PASSED THE GAVEL: Chairman Lakey passed the gavel to Vice Chairman Foreman.

SCR 112 **Chairman Lakey** presented **SCR 112** relating to an application to Congress to call for a Convention of States under Article V. He stated the founding fathers were inspired as they developed the United States Constitution. It had been emulated and used as a basis for governments around the world since its inception. The founding fathers created Article V in the Constitution which provided two ways to amend the Constitution. First, Congress could propose amendments to the Constitution. Second, the states had the right to apply to have a convention to propose amendments to the Constitution. Two-thirds of the states must support the proposal. There was a three-fourths ratification requirement on amendments produced by the Convention. **Chairman Lakey** added the founding fathers anticipated that there may come a time when a congressional bypass was required.

SCR 112 had three main topics. The first was fiscal restraint commonly known as a balanced budget. The second was placing limits on federal jurisdiction. The third was term limits.

Chairman Lakey stated he had an opportunity to represent Idaho in a simulated Constitutional Convention. Forty-nine of the fifty states participated. They elected a chairman and established committees based on the three topics found in **SCR 112**. **Chairman Lakey** added that the process functioned very similarly to how the Legislature functioned.

DISCUSSION: **Senator Wintrow** questioned if there were rules to govern the Convention. **Chairman Lakey** responded the rules were adopted by the Convention and were similar to "Mason's Rules."

Senator Wintrow asked how the members were selected. **Chairman Lakey** said they passed a resolution, and adopted a process for delegate selection either in code or resolution. The resolution stated the number of delegates and the process being used. He added the selection would likely come from either the Speaker of the House or the President pro tempore of the Senate and be approved through confirmation of their respective bodies.

Rick Santorum, former Senator from Pennsylvania and presidential candidate, explained he had a wonderful opportunity to visit with people about the Article V Convention, and received much input from people on both sides of the issue. He added that he was not a proponent for **SCR 112**, but after serving in Congress and running for president, he decided things were not going to change. **Mr. Santorum** added the founding fathers put the people in charge of taking care of the United States in two ways. The first was to allow us to elect the United States senators to protect our interests. That worked for 140 years, but that was no longer working. The second was to use the Constitutional Convention Article V amendment. **Mr. Santorum** asked the Committee to represent their constituents and do what was necessary to get the United States back on track.

TESTIMONY:

Kendal Shaber, League of Women Voters of Idaho, testified against **SCR 112**. **Ms. Shaber** testified there were many unresolved questions about the powers and processes of the Article V Constitutional Convention. She quoted the late Supreme Court Justice Scalia as stating, "I certainly would not want a constitutional convention."

Jeff Perley testified in favor of **SCR 112**. **Mr. Perley** had concerns about the growing spending and federal overreach of power in Washington, DC. He stated the founding fathers knew there would be a need to restrain federal power and Article V was drafted for the purpose of proposing amendments to the Constitution.

McKay Cunningham, Boise Constitutional Law Professor, testified against **SCR 112**. **Mr. Cunningham** stated the country was deeply divided and it seemed ill-advised to expose the Constitution to any kind of revision. He added the language in the proposed legislation invited revision of the Constitution at a precarious time. **Mr. Cunningham** stated Americans would be risking the identity of the system of representational democracy.

Senator Wintrow questioned how one could keep the Convention within the bounds that were stated. **Mr. Cunningham** explained that it was important to study the bill itself to make sure it stated exactly what needed to be done. He added there was not enough history to suggest a convention would abide by the scope set forth in 1787. **Senator Wintrow** asked how she would be assured of equal representation. **Mr. Cunningham** responded that it was unclear how to protect minorities or otherwise marginalized people in the community any better than was being done.

Robert Baker testified in favor of **SCR 112**. **Mr. Baker** stated he had a financial background to assist him in his decision making concerning this legislation. He testified he was convinced that the United States had more inflation and higher interest rates on the way. He explained that interest rates were a pricing mechanism for debt and excessive deficit spending on debt also caused interest rates to rise. **Mr. Baker** was very concerned about the amount of debt this generation would leave for others who followed. He stated an Article V Convention of States would address and help solve the issues.

Andrew Anderson testified in favor of **SCR 112**. **Mr. Anderson** stated our founders created Article V to help reign in government overreach. He reiterated it was owed to our children, to the founders, and to the future of the country to give serious consideration to the use of the Article V Constitutional Convention.

Christy Zito, Volunteer Political Advisor, Idaho Second Amendment Alliance, testified against **SCR 112**. **Ms. Zito** explained her organization did not oppose the founders' intent of the Convention of States. Their concern was a Convention held in the current political climate and the potential threats to the Second Amendment. She stated they believed a Convention of States would pose a risk to freedoms far greater than any potential reward. **Ms. Zito** added that they would have no control over the process and no way to keep it from getting out of control.

Debbie Delaney testified in favor of **SCR 112**. She realized the federal government was too powerful when her special education preschool decided paperwork was more important than interacting and teaching her students. **Ms. Delaney** was a volunteer for the Convention of States and became much more aware of what was going on in Washington, D.C. She did not like the amount of power and control the members of Congress had. **Ms. Delaney** added she felt that passage of this resolution was the first step in giving control back to the people.

Dorothy Moon, Idaho Republican Party Chairwoman, testified against the passage of **SCR 112**. **Chairwoman Moon** stated the Republican National Committee opposed the convening of a convention for the purpose of proposing Constitutional amendments because the risk of loss far exceeded the possibility of gain from an uncontrolled and uncontrollable proceeding. She added this was a dangerous time to be having an Article V Convention.

Traci Grant testified in favor of **SCR 112**. **Ms. Grant** stated passage of **SCR 112** could stop the downward trend of the United States Federal Government. She commented that no politician had tried to stop the out of control spending going on in the government. **Ms. Grant** spoke in favor of term limits.

Jean Mollenkopf Moore testified against **SCR 112**. **Ms. Moore** stated the Article V Convention purpose was to correct errors or defects in the Constitution. She said the Constitution was not the problem, the elected officials were. She testified there were too many areas without a guarantee of what would happen, and it would open up the Constitution to too many risks.

Janice Hellman, volunteer Idaho State Director, Convention of States, testified in favor of **SCR 112**. **Ms. Hellman** stated seven years ago the national debt was \$21 trillion. The current debt was \$34 trillion with interest at \$276 per second. She added that Washington, D.C. regulated matters it should not regulate. **Ms. Hellman** was concerned about what kind of country the next generations would have. She added passage of **SCR 112** restored the Constitution's original intent and safeguarded the principles which defined the United States.

Steve Moore testified against passage of **SCR 112**. **Mr. Moore** stated he did not believe the potential "good intentions" people were speaking about were real. He believed there were forces ready to make our Constitution a worthless piece of paper.

Neil Harpster testified in favor of **SCR 112**. **Mr. Harpster** said the nation's problems were obvious and felt they were a result of the human lust for power and greed. He believed that need was being met through long term occupancy in federal positions. **Mr. Harpster** stated the Convention of States proposed amendments to the U.S. Constitution through Article V which bypassed federal legislation. He encouraged passage of **SCR 112**.

Daniel Murphy testified against **SCR 112**. **Mr. Murphy** was concerned about the lack of direction to limit the agendas by both parties. He felt that the lack of direction in who decided the state delegates and who elected them was a problem. In addition, he was concerned that those with a lot of money could end up swaying the Convention in whatever way met their needs. He asked the Committee to vote "no" on **SCR 112**.

Gloria Mayoh testified against **SCR 112**. **Ms. Mayoh** questioned what the Convention would look like, who/how the delegates were chosen, and lobbyists' involvement. She was concerned about the chance of there being demonstrations, protests, or even the potential for a mass shooting. **Ms. Mayoh** asked the Committee to consider the impact of her concerns when making their decision.

John Green testified in favor of the legislation. **Mr. Green** expressed his concern about the state of the nation and what would be left to future generations to deal with. He stated elections had not made a difference in making changes. **Mr. Green** suggested using the method provided by a Constitutional Convention.

Ronalee Linsenmann testified against **SCR 112**. **Ms. Linsenmann** felt strongly there were chances for abuse of the Article V Amendment and that possibility needed to be viewed against the danger to individual rights and freedoms. She also stated that doing nothing was not the answer to solving current issues.

Dede Glaser testified in favor of the legislation. **Ms. Glaser** explained it was time for our country to step up and take the lead to help the U.S. gain control of the unsustainable debt crisis, regulatory paralysis, and subsequent attacks on state sovereignty. She added it was time for a Convention of States.

Dale Pierce testified against **SCR 112**. **Mr. Pierce** said our Constitution had weathered every storm, endured every deprecation. She was our safe haven in this storm, never faltering and forever prevailing. He stated our elected officials should be true to their oaths and protect the Constitution against all enemies.

Walter Donovan testified against **SCR 112**. **Mr. Donovan** stated the main problem with the Convention was limiting. Three-fourths of the states did not include all of the states. What happened to the other 25 percent? **Mr. Donovan** was also concerned about the danger of violence.

Joanne Macomber testified in favor of **SCR 112**. **Ms. Macomber** explained she was concerned about the future of her children and grandchildren. She believed the founders decided the exact powers of Congress and left many other powers to the states. She added supporting Article V Convention of States would make it possible to be fiscally responsible in the long term. **Ms. Macomber** stated Article V would send the message to Congress that citizens were not supportive of their overspending and overreaching actions.

MOTION:

Senator Hart moved to hold **SCR 112** in Committee until the next meeting. He suggested more testimony could be heard at the next meeting. The motion died for lack of a second.

Chairman Lakey responded to a question about how the delegation was selected. He explained the states decided how their delegations were selected. They had the ability to replace a delegate who was not following the directives. A large degree of unity was shown with the two-thirds and three-fourths requirements to proceed with the Convention and the proposed amendments. **Chairman Lakey** stated the founding fathers were inspired to put Article V into the Constitution and they foresaw what was happening today. The Constitution provided an avenue to propose Amendments needed to make necessary changes.

MOTION:

Senator Ricks moved to send **SCR 112** to the floor with a **do pass** recommendation. **Senator Hartgen** seconded the motion.

Senator Wintrow spoke about the importance of compromise. She suggested people needed to look at each other as people and work toward what was best for all people and not just some people.

**ROLL CALL
VOTE:**

Chairman Lakey called for a roll call vote. **Chairman Lakey, Vice Chairman Foreman,** and **Senators Lee, Anthon, Ricks,** and **Hartgen** voted aye. **Senators Hart, Wintrow,** and **Ruchti** voted nay. The motion carried.

ADJOURNED:

There being no further business at this time, **Vice Chairman Foreman** adjourned the meeting at 2:55 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary