

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 20, 2013

TIME: 8:00 A.M.

PLACE: Room WW02

MEMBERS PRESENT: Chairman McKenzie, Senators Davis, Fulcher, Hill, Winder, Lodge, Siddoway, Stennett and Werk

**ABSENT/
EXCUSED:**

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 McKenzie** called the Senate State Affairs Committee (Committee) meeting to order at 8:00 a.m. with a quorum present and welcomed the Committee.

S 1058 Relating to the Sale of Keg Beer to revise the size of a keg of beer that a dealer or wholesaler is allowed to sell, presented by **Senator Patrick**.

Senator Patrick called the Committee's attention to Section 23-1007, Idaho Code, which reduces the size of a keg of beer that a dealer or wholesaler is allowed to sell to a consumer at his licensed premises, from seven and three-quarters gallons to five gallons. The smaller size keg is more popular and the change would promote Idaho business, be revenue neutral and would not affect the General Fund.

Mr. Jeremy Pisca, Risch-Pisca law firm representing Idaho Beer & Wine Distributors Association, testified in support of **S 1058**. Mr. Pisca provided an overview of how the three tier system worked between manufacturers, distributors and retailers with two exceptions: 1) When a distributor sells a keg and 2) Breweries selling under 30,000 barrels. The Association supports this change because it will not affect the three tier system since it involves only keg sales to individuals that are not licensed and these types of sales are heavily regulated.

Ms. Sheila Francis, President, Idaho Brewer's Guild, spoke in support of updating the code to allow wholesalers to conduct business in a way that is legal and benefits brewers and their customers.

MOTION: **Senator Werk** moved to send **S 1058** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.

Chairman McKenzie addressed the next order of business: **SCR 112** and **SJM 101**, reviewed the testimony process and time limitations that were due to the significant amount of public interest and the large number of individuals wishing to testify. **Chairman McKenzie** then recognized Senator Winder for introduction of both bills.

SCR 112 A Senate Concurrent Resolution to oppose the legalization of marijuana for any purpose in the State of Idaho.

SJM 101 A Senate Joint Memorial seeking to notify the governing bodies of the federal government to take appropriate action to ensure that the federal drug-free policy is upheld in all states.

Senator Winder presented **SCR 112** and **SJM 101** explaining that they were brought forward by the Association of Idaho Cities (AIC). The joint memorial deals with a request by Idaho that the federal government enforce federal law relating to drug trafficking; especially interstate trafficking of drugs. **SCR 112** was patterned

after a resolution developed at AIC's annual meeting requesting the legislature to make a statement opposing any possible efforts to legalize marijuana in the state of Idaho.

John Evans, Mayor of Garden City, and current President of the AIC, stated AIC's support of **SCR 112** and **SJM 101**. AIC has a very large anti drug task force with membership made up of city officials across the state of Idaho that is concerned with the negative impact of substance abuse on local communities. Legalization of marijuana in any form is a threat to communities, on the roads, in the workplace and in the classroom. The financial cost is significant and the cost in human suffering is tragic. It is also important to discuss the message that is being sent to our youth; that marijuana use is acceptable. AIC has compassion for those with true medical need and the drug task force wants to work with them to address those needs. **Mr. Evans** deferred to Elisha Figueroa, Administrator, Governor's Office of Drug Policy.

Ms. Figueroa first established what these bills will and will not do. **SCR 112** will express the opinion of the Idaho legislature that marijuana legalization for any purpose is not good for Idaho and the majority of its residents. It does not enact a law to ban medical marijuana from the state of Idaho. **SJM 101** will urge the federal government to enforce federal drug law reflective of international treaties which the United States entered into agreeing that marijuana will not be legalized. Idaho citizens are being harmed by laws passed in neighboring states allowing the use of marijuana for medical purposes. Marijuana use by teenagers has skyrocketed causing reduced mental development and could lead to mental illness. The concurrent resolution and joint memorial are reflective of what Idaho citizens want as shared through the AIC. Other organizations such as the Idaho Chiefs of Police Association and the Community Coalitions of Idaho are requesting the legislature to protect us from what they see happening in other states as the result of drug legalization.

Jeff Lavey, Idaho Chiefs of Police Association, stated the support of the membership for **SCR 112** and **SJM 101**. They oppose all forms of legalization of marijuana in the state of Idaho. Mr. Lavey went on to quote several statistics that show how harmful marijuana is to the human body and the harm it causes in adults and children as well as the societal issues.

TESTIMONY:

Those testifying in support of **SCR 112** and **SJM 101**:

Cady Snell, Mayors Youth Advisory Council and Youth Representative for Anti Drug Coalition

Major Kevin Hudgens, President, Idaho State Police

Dr. David McClusky, Idaho Board of Medicine

Holly Koole, Idaho Prosecuting Attorneys Association

Marianne King, Director, Drug-Free Idaho

Nick Chaffin, Bonneville Youth Development Council

Corporal Casey Hancuff, Boise Police Department

Darren Taylor, Mayor, City of Middleton

Darren Hurst, Meridian Police Department

Jewell Mapes, Mayor's Anti Drug Coalition

The following testified as private citizens:

Ron Harriman

Payton Raples

David Potts

Sam Lyon

Primary arguments in support of **SCR 112** and **SJM 101**:
Greater health risks and aggression tendencies.
Negative impact on Communities.
Increased cost to the workplace and decreased productivity.
Risky social behaviors.
Impaired driving.
Proliferation of drug trafficking organizations.

Those testifying in opposition to **SCR 112** and **SJM 101**:
Monica Hopkins, Executive Director, American Civil Liberties Union (ACLU), urged the Committee to vote no on **SJM 101** and **SCR 112** because Idaho should be allowed to decide its own drug policy without interference from the federal government and should focus more on local law enforcement priority. **Ms Hopkins** compared making marijuana illegal to the prohibition of alcohol stating that there was not less crime but more; cost of monitoring was greater, not smaller. **Ms. Hopkins** emphasized that the federal government should not adhere to the federal government's failed drug policy which amounts to war on the marijuana user. She related some statistics supporting her statements. If Idaho's drug laws shifted to a more rational approach based on abuse and addiction prevention and education and other public health considerations, dollars could be saved and then the focus could be on the criminals who are in our communities. Idaho should focus on its own drug policies.

Senator Davis asked Ms. Hopkins if marijuana consumption was pro family. **Ms. Hopkins** responded that enforcement of marijuana laws for low level, non violent offenders causes high incarceration rates and that it is anti family by breaking up families.

Senator Hill asked if the ACLU's position is that all or some illegal drugs should be legalized, or were you specifically referring to marijuana. **Ms. Hopkins** answered that alcohol is a drug. The ACLU's position has been to work for legalization of marijuana and in this case, the ACLU's position is that this is bad public policy that the possibility of decriminalization of some types of things that end up putting people in high incarceration units. **Senator Hill** asked if Ms. Hopkins' comments only referred to marijuana versus the term "drugs". Is it an overall philosophy of legalizing more drugs across the nation or is it restricted to marijuana? **Ms. Hopkins** answered that the ACLU's position with marijuana is that it should move toward legalization. With respect to other drugs, the ACLU has worked at the federal level, for fair and just sentencing programs by adjusting disparity in substances such as crack cocaine and cocaine use to ensure that those sentences are fair; not pushing for legalization of all drugs, but fair sentencing.

Senator Winder asked if the ACLU used the federal system to protect what it thought was the rights of individuals. **Ms. Hopkins** agreed that they do use the federal system to enforce and she would not agree that the ACLU would not continue to do that. However, enforcement of marijuana laws is done 95 percent of the time by local and state officials and the federal government has made it clear that the effort is not a high priority.

Lindsey Rinehart, Executive Director, Compassionate Idaho
Jennifer Bennett, Idaho Moms for Marijuana (pseudonym Sarah Frank)
Payton Rebholz, Idaho Drug Free Youth

The following testified as private citizens:

Tim Teater
Christine Taylor
Rachel Raue
Gari deBoard
William Esbensen
Matt Wilcox
David Benjamin Hall
David Potts
Cody Ternes
Brian Lumas
Darek Acheson
Carl William Edens
Theresa Knox

Primary arguments in opposition to **SCR 112** and **SJM 101**:
Provides pain relief benefits and other medical efficacies.
Alternative to overcrowded jails.
Relieves overworked law enforcement.
Reduces gang-related crime.

Monte Stiles, Mayors Anti-Drug Coalition, concluded testimony in support of **SCR 112** and **SJM 101**. He said his years with state and federal drug task force agencies convinced him of both the destructive influence of marijuana and the effectiveness of education. He said this legislation will help combat the pro-marijuana organizations when they target Idaho with a massive amount of money. He said in Washington state alone, \$6 million was spent on pro-drug legalization. **Mr. Stiles** urged the Committee to vote in favor of **SCR 112** and **SJM 101**.

Senator Winder reiterated that laws are not being changed with these two pieces of legislation but it does open up conversation which is appropriate. Idaho will continue to be targeted by pro-marijuana groups and this is a way to be proactive.

MOTION: **Senator Hill** moved to send **SCR 112** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion.

Senator Werk commented that it was a good day for Idaho to have this discussion but said he believes this legislation lacks specificity and that much of the testimony seemed to be contradictory. He also said there has been no reference to personal responsibility and, for these reasons, he would not vote in favor of the legislation.

The motion carried by **voice vote**. Senator Werk was recorded as voting no.

MOTION: **Senator Hill** moved to send **SJM 101** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice vote**. Senator Werk was recorded as voting no.

ADJOURNED: There being no further business to come before the Committee, **Chairman McKenzie** adjourned the meeting at 10:32 a.m.

Senator McKenzie
Chairman

Twyla Melton, Secretary
Assisted by Jeanne' Clayton