

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 19, 2013

**TIME:** 8:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/  
EXCUSED:** None.

**GUESTS:** The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes of the Legislative Services Library.

**Chairman Loertscher** called the meeting to order at 8:01 a.m.

**HCR 22:** A continuation of the March 18, 2013 meeting on **HCR 22** was conducted. Individuals signed up at the original meeting and who were unable to be accommodated due to time constraints were afforded the opportunity to testify.

**John Robison**, Idaho Public Conservation Committee, stated he **is opposed** to **HCR 22** because he believes the fire management costs would bankrupt Idaho. He also stated the mining companies would not be regulated as tightly if not by the federal government.

In response to committee questions, **Mr. Robison** stated he believes the long term management of federal lands in Idaho would be expensive and difficult.

**Mike Midbury**, representing himself, stated he **is opposed** to **HCR 22** because under the federal management all of the citizens of the United States have access to the lands of Idaho and it should not belong only to Idahoans.

In response to committee questions, **Mr. Midbury** stated the smaller communities should find other ways to get money and there are better ways to get more funds than taking over federal lands.

**Walter Butler**, Range and Livestock Specialist for the Idaho Farm Bureau, is **in support** of **HCR 22** and stated the point of the resolution is to set up an interim committee to study the subject.

**Betty Richardson**, former U.S. Attorney in Idaho, stated she **is opposed** to **HCR 22** because it is very costly to represent all of the issues the federal lands have in regards to enforcing the laws and any tort claims. She stated the federal government currently has the responsibility to investigate and prosecute crimes on federal lands; and also defends agents and agencies in lawsuits. She stated the effective operations of federal lands requires a large workforce not only to manage the lands, but to protect them as well.

**Rep. Denney** stated **HCR 21 and HCR 22** are not an attempt to sell the land to the highest bidder. He stated the collaboratives are only a small portion of the land in question and that an interim committee would be able to find concrete figures.

**MOTION:** **Rep. Monks** made a motion to send **HCR 22** to the floor with a **DO PASS** recommendation.

**ROLL CALL VOTE:** Roll call vote was requested. **Motion carried by a vote of 13 AYE and 3 NAY.** **Voting in favor** of the motion: **Reps. Loertscher, Batt, Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, and Packer.** **Voting in opposition** to the motion: **Reps. Gannon, Smith and Woodings.** **Rep. Denney** will sponsor the bill on the floor.

**HCR 21:** **Rep. Denney** presented **HCR 21**, a concurrent resolution authorizing the Legislative Council to appoint a study committee to ascertain the process for the State of Idaho to acquire title to and control of public lands controlled by the federal government in the State of Idaho.

**MOTION:** **Rep. Packer** made a motion to send **HCR 21** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Gannon, Smith, and Woodings** requested to be recorded as voting **NAY.** **Rep. Denney** will sponsor the bill on the floor.

**S 1105:** **Jeff Youtz**, Director of Legislative Services Office, presented **S 1105** a bill that changes the audit cycle of the legislative branch from an annual audit to a two year, biennial audit. He stated it also places management of the biennial audit under the Legislative Council, rather than the Board of Examiners. He said the biennial audit will be a more efficient use of the legislative fiscal staff resources, tie the audit to a legislative term, and also save the State money, with no loss of transparency and accountability. He stated the current annual costs from a private CPA firm are about \$15,000, plus additional indirect costs of inhouse staff providing support. He said moving to a biennial budget would save time and money and reduce the overall costs by about one-third.

**MOTION:** **Rep. Woodings** made a motion to send **S 1105** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Woodings** will sponsor the bill on the floor.

**SCR 112:** **Senator Winder** presented **SCR 112**, a concurrent resolution that states the Idaho Legislature's opposition to the legalization of marijuana for any purpose in the State of Idaho. He stated that only 4% of users in other states are using it for cancer-related purposes, all others are using it for recreational purposes.

**Rep. Gannon** proposed an amendment to line 31, "except prescribed by a cancer specialist doctor for a patient that is terminally ill with cancer."

**Chairman Loertscher** stated the House cannot make amendments to a Senate Concurrent Resolution.

**Lindsey Rinehart**, Compassionate International, stated she **is opposed** to the resolution. She stated Compassionate International is launching a medical marijuana initiative for patients with terminal cancer. She said there is legislation in the process which will change Cannabis into a Schedule 2 drug instead of a Schedule 1. She said some people need the drug to help make them more comfortable in their last days. She stated that medical marijuana should be allowed for terminally ill patients. She said there are other people who are in need of the drug as well who have diseases like Crohns disease and Multiple Sclerosis. She stated that patients with those diseases are on the front line fighting for the use of the drug.

In response to committee questions, **Ms. Rinehart** stated that Cannabis has not been approved by the FDA, but a similar drug called "Marinol" is being used. She stated it costs between \$400 and \$2,400 a month.

**Alisha Figuira**, Administrator, Office of Drug Policy, stated she is **in support** of **SCR 112** because marijuana is classified as a Schedule 1 drug and is addictive. She stated it is linked to public danger and is related to mental illness. She said no drug is more correlated to poor school performance and issues in school-aged children. She stated that other states like Washington, California, Colorado, and Montana were surprised when they discovered they had been defrauded into believing the legalization of marijuana would not have any negative effects. She stated the average user with a license to use marijuana in those states is a 32 year-old white male. She said society is obligated to protect our children and future generations and urged the committee to approve the resolution.

In response to committee questions, **Ms. Figuira** stated her office is in support of the FDA process. She stated they will not support the legalization of a street drug that does not have the approval of the FDA.

**Holly Koole**, Legal Counsel for the Idaho Prosecuting Attorney's Association, stated she is **in support** of **SCR 112**. She stated sentencing for marijuana possession is not very strict unless you possess large amounts of the drug or are growing and/or selling the drug.

**Officer Darren Hurst**, Meridian Police Department, former D.U.I. Task Force member, and current Resource Officer, stated his office is **in support** of **SCR 112** because marijuana is an impairing drug. He stated he has worked on special task forces dealing with drugs and alcohol. He said he has learned and seen the negative effects of drugs especially on school-age children. He stated the most largely used drug by school-age youth is marijuana, the second is prescription drugs. He said the State already has a difficult time regulating the use and abuse of prescription drugs and believes marijuana would be just as difficult, if not even more so. He said he believes if the State legalizes marijuana, that will send a message to the youth that it is okay to participate and will only bring negative results.

**Shane Anderson**, representing himself, stated he is **in support** of **SCR 112**. He stated he was a lifelong user of marijuana and because of it his life was wasted. He stated his drug use caused him a great deal of legal trouble and led to a lifestyle that was not productive. He stated he knows from experience that marijuana is a gateway drug to other harder drugs. He said that after he became drug-free, he tried to teach his children not to use drugs. He said that both of his children ended up using drugs and his son actually overdosed from drug abuse. He stated young people think that marijuana is not harmful, but that is a lie. He stated there is a high number of youth who are headed down a dangerous path that starts with marijuana.

**Mayor Tammy DeWeerd**, representing the City of Meridian and the Association of Cities, stated she is **in support** of **SCR 112**. She stated that Idaho is a compassionate state, but wonders at what cost. She stated many people have been paying attention to the other states who have legalized the use of marijuana for medicinal purposes. She said marijuana use has affected families, communities, and the safety of our roads. She said we can see the results of marijuana use in the rise in crime, especially property crime and domestic abuse. She said the purpose of the legislation is to send a strong message to the State that we will not support drug legislation. She stated we should work with the FDA to assist terminally ill patients in getting the medicine they need.

**Monte Stiles**, representing himself, stated he is **in support** of **SCR 112** because he is a former prosecuting attorney who worked for 28 years on cases of drug use. He stated youth today are being taught that tobacco smoke will harm you but marijuana smoke will heal you. He said there are massive amounts of fraud after drug legislation is passed which causes litigation regarding individuals rights. He said the costs are too high for the community.

**William Esbensen**, representing himself, stated he **is opposed** to **SCR 112** because it has been used for thousands of years to heal people. He stated it is currently used for Cancer, Multiple Sclerosis, brain tumors and is helping people with their illnesses. He stated there are already laws against marijuana use in Idaho and that this concurrent resolution is not needed.

**Jeff Lavey**, Meridian Police Department, Chief of Police, stated he is **in support** of **SCR 112** and he is in opposition of all forms of legalizing of marijuana unless it is accepted after testing to be an FDA approved drug.

**David Potts**, Pastor of Treasure Valley Baptist Church, stated he is **in support** of **SCR 112**. He stated he has been a rehabilitation counselor for people with drug and alcohol problems for years. He stated that marijuana is a gateway drug and he has known many people who have lost their lives to drug use, who all started using marijuana before they used harder drugs. He stated medical marijuana has changed to reflect a party life and is not for medical purposes.

**Cody Snell**, a high school student from Meridian representing herself, stated she is **in support** of **SCR 112**. She stated marijuana is harmful to young people and drops their IQ by 8%. She posed the question, why would society want to hurt the futures of young people by allowing the legalization of marijuana.

**MOTION:** **Rep. Palmer** made a motion to send **SCR 112** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Woodings** requested to be recorded as voting **NAY**. **Rep. Monks** will sponsor the bill on the floor.

**H 281:** **Rep. Luker** presented **H 281**, a bill that amends existing law relating to the election of city councilmen to require certain cities to establish districts and to provide for the election of councilmen by districts.

In response to committee questions, **Rep. Luker** stated that some councilmen feel disenfranchised. He stated that there are approximately five cities that would be affected by the legislation: Boise, Meridian, Nampa, Idaho Falls, and Pocatello.

**Bobby Sanchez**, City of Nampa, stated he **is opposed** to **H 281** because he believes it is not necessary. He stated the cities and counties have the ability to vote-in whom they want to elect. He said the cities and counties need the flexibility that is currently provided under the law.

**Mayor Brian Blad**, City of Pocatello, stated he **is opposed** to **H 281**. He stated the same issue was on the ballot in 1989, which brought into question representing a population "at large." The legislation also discovered it would cost \$300,000 to complete the re-districting process. He said citizens need the best representation, not more representation. He asked that the bill is held in committee.

**MOTION:** **Rep. Palmer** made a motion to **HOLD H 281** in committee per the Call of the Chair. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 10:32 a.m.

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Representative Loertscher  
Chair

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Kasey Perkins  
Secretary