

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, March 11, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug (Andrew), Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheet shall 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 in the Legislative Services Library.

**Chairman Crane** called the meeting to order at 9:00 a.m.

**Chairman Crane** introduced **Matt Andrew** who will be substituting for **Rep. Skaug**.

**HJR 4:** **Rep. DeMordaunt** introduced **HJR 4**, proposing a constitutional amendment to prohibit the legalization of controlled substances unless approved by 2/3 of the Idaho legislature. It relates to Schedule 1 and Schedule 2 drugs.

**Rep. DeMordaunt** said this legislation is about the safety and protection of our teens, families and communities and will preserve and protect Idaho's quality of life. To date, 133 amendments and statutes have not protected other states. Idaho needs to set the highest standard when making these decisions about topics of this magnitude. She said there are multiple studies on the impact and ill effects of illegal drugs. The way children have begun to talk about drugs and drug abuse has changed in the past few years. There is a need to buttress the state against policies that would impact children, families, and communities.

**Sen. Grow** recognized supporters of **HJR 4** and stated the 2/3 vote was approved in the Senate. This is a simple bill to remove drugs from Schedule 1 and Schedule 2, and to make them lawful in Idaho, a 2/3 majority vote would be required in both houses. Drugs in Schedule 1 and 2 are in most part highly addictive drugs with little medical benefit.

If passed the ballot question will ask, "Shall Section 26, Article III, of the Constitution of the State of Idaho be amended to prohibit the legalization of unlawful drugs unless approved by two-thirds of the Idaho Legislature?"

**Lorna Mitsen, Paula Rowton, Russ Belville, Joe Evens, Margie Baker, Monica, Adrian Arkoo, and Eva Selik** testified in opposition to **HJR 4**. Some said they do not support drug use but still oppose the legislation as it appears to be a federal supremacy bill that will invite out of state interests to interfere with election integrity. Some said this resolution is a bait-and-switch designed to trump the majority opinion. Disagreements with temperance were expressed. Comparisons to revenue from alcohol sales were made.

There were questions about the Idaho Legislature changing the constitution. It was stated that adults should be allowed to make their own decisions. The constitutionality of the legislature passing this was questioned. Some believe this bill would set a bad precedent; it should be in statute and code and is contradictory. This is going to continue the failed war on drugs, be difficult to change in the future and lead to more jail overcrowding. Using the constitution for drug policy was cited as wrong. Language of the bill was said to be confusing.

**Dr. John Livingston** and **Fred Burnbaum** of Idaho Freedom Foundation, testified **in support** of **HRJ 4**. Differences between how marijuana and alcohol are processed by the body were discussed. They told a story of a son who was lost to Marijuana. It was stated medical marijuana is available to people in Idaho through their physicians and that it does help with pain but can create mental health problems. Idaho needs to take the road less travelled by putting this on the ballot.

**Ann Little Roberts** of Meridian Anti-Drug Coalition, testified **in support** of **HJR 4**. She learned how prevalent drug use is in the community during city council meetings. MADC is working to get the public to understand the dangers of drug use but there is no way to outpace the multi-million-dollar campaigns to promote drug use.

**Ed Humphries, David Phillips, Kim Wickstrum, Daniel Wickstrom, Brett Kalber** and **Kendall Nagy** testified **in support** of **HJR 4**. They discussed personal and family experiences with marijuana and its addictive qualities. Some believe legalizing it would create more drunk drivers among other trickle-down social issues like stealing and greater access for school children. Opinions on how drugs will never help anyone reach the heights of their potential were discussed. Fetal drug exposure has been linked to birth defects and problems. Long-term drug exposure is devastating. Considerations of the next generation for those who take drugs and bear children were represented. The impact of having a parent with mental illness and addiction was shared. Some believe this initiative allows voices of more Idahoans to be present and heard.

**Braden Jenson** of Idaho Farm Bureau Federation, testified **in support** of **HJR 4**. Members of the organization have long held a policy position opposing illegal drugs and drug use.

**Keith Graves, James Rewald, Roger Kenyon** of Code 3 for 1, testified **in support** of **HJR 4**. It was stated that many veterans have drug addictions. They believe if drugs are allowed in Idaho, it will be damaging and no state legalizing marijuana has thrived. After medical marijuana was legalized, crime skyrocketed. Horror stories about responding to drug related incidents were shared. These individuals do not want officers to spend time enforcing marijuana laws.

**John Thompson**, a retired law enforcement agent, testified **in support** of **HJR 4**. This will do what is right but not what is popular. He served in Silicon Valley field operations where drugs and alcohol were at the center of most crimes from robberies to murders.

**Sheldon Kelly**, Department Director of Idaho State Police, testified **in support** of **HJR 4**. She said drugs are a real problem in Idaho. He has seen Methamphetamine, Cocaine, and opiates seized off the road, increasingly. Traffickers are actively working in the state and have been tracked to foreign countries. He has witnessed first-hand the harm.

**Christian Welp**, of the Catholic Church in Idaho, testified **in support** of **HJR 4**. He stated Bishop Christensen, the head of the Catholic Church in Idaho is grateful for work by **Sen. Grow** and **Rep. DeMordaunt**. He acknowledges some people benefit from medical marijuana but there are greater benefits to not allowing legalization of controlled substances.

**Blaine Conzotti**, Executive Director of Family Policy Alliance of Idaho, testified in support of **HJR 4**. Believes this version is far superior to the previous version of the bill. He said the 10th Amendment guarantees states can determine how they govern.

**Rep. DeMordaunt** closed by saying she appreciated the strong support received from business and industry. She said the effect of drugs on employers, employees and families is significant and reminded the committee the legislation deals with Schedule 1 and Schedule 2 drugs. These powerful drugs deserve careful consideration. This is going to a vote of the people. Please support **HJR 4**.

**MOTION:** **Rep. Armstrong** made a motion to send **HJR 4** to the floor with a **DO PASS** recommendation.

Committee members were grateful to all who testified and shared their difficult stories. A committee member said he does not want to see Idaho become California, but Utah has a better path to addressing the drug issue and is a good middle ground, therefore, he cannot support this legislation.

**ROLL CALL VOTE:** A Roll Call vote was requested. **Motion carried by a vote of 10 AYE and 4 NAY.** **Voting in favor** of the motion: **Reps. Crane, Armstrong, Palmer, Holtzclaw, Monks, Andrus, Young, Furniss, Hanks, Andrews.** **Voting in opposition** to the motion: **Reps. Barbieri, Scott, Gannon, and Mathias.** **Rep. DeMordaunt** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:23 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary