

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, January 22, 2025

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

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane(13), Vice Chairman Scott, Representatives Palmer, Barbieri, Holtzclaw, Skaug, Alfieri, Crane(12), Boyle, Dygert, Hostetler, Mickelsen, Pohanka, Achilles, Green

**ABSENT/  
EXCUSED:** None

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

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

**RS 32005:** **Rep. Josh Tanner** presented **RS 32005** which states that former **President Biden's** federal pardon of **Dr. Anthony Fauci** does not shield him from prosecution for potential state-level crimes he has committed. The resolution states the State of Idaho does not recognize the pardon, and its rights as a State in pursuing legal and criminal actions against Dr. Anthony Fauci.

Committee member asked if there is a current criminal investigation happening now.

**MOTION:** **Rep. Skaug** made a motion to introduce **RS 32005** and recommend it be sent directly to the second reading calendar. **Motion carried by voice vote. Rep. Tanner (14)** will sponsor the bill on the floor.

**Rep. Achilles** and **Rep. Morley** requested to be recorded as **NAY** on **RS 32005**.

**HJM 1:** **Rep. Scott** presented **HJM 1** which urges the Supreme Court to reconsider the Obergefell v. Hodges decision and return authority over marriage laws to the state's and their citizens.

**Rep. Scott** cleared up any misunderstanding about this bill as it is not defining marriage but upholding federalism and a state's right to make their own decision.

**Rep. Scott** gave some history on the 2015 US Supreme Court ruling on Obergefell v. Hodges exceeded its constitutional authority and disrupted the democratic process taking authority away from the states. The legislation calls for a reversal of the ruling calling for the Supreme Court to restore the states authority, and asks the Chief Clerk to send a resolution to the Supreme Court in hopes they will take up a case addressing this issue.

Committee members had concerns around state rights, the line between illegitimate marriages, fundamental rights, protecting individual freedoms from government action, principals of liberty, and state interference with marriages. A member of the committee wanted clarity around understanding citizens seeking dignity from the state and governments over reach, restricting the right of marriage in Idaho. Also asked, if the Supreme Court returns the decision back to the states to decide, could progressive states expand their definition of marriages as in the case of polygamy.

Committee members asked questions around privacy in the home and equal protections, the regulation of interracial and regular marriage, federal constitution v. state constitution, and if the ruling was overturned, would the previous Latta ruling of same sex marriage be reinstated. The financial impact of various benefits if Obergefell v. Hodges is overturned was discussed was also a concern with committee members.

**Sue Latta**, Self; **Sarah Lawall**, Unitarian Universalist Fellowship; **Josh Lee**, First United Church of Christ; **Misty Tolman**, Self; **Vaun Archibald**, Physician; **Connie Winter Eulberg**, Luthern Church; **Connor Allen**, Self; **Isaac Craghtten**, Self; **Lucia Greer**, Self; **Sharon Fritz**, Self; **Eric Gironda**, Self; **Paul Robought**, Self; **Coby Lerkeson**, Self; **John Howell**, Self; **Marita Curby**, Self; **Cecilia Vega**, Self; and **Owen Niece**, Self; **spoke in opposition to HJM 1**.

Issues brought up with this opposing group were quality, dignity, and liberty for gay marriages, religious freedoms, protection of rights of all people, family values for the gay married couples with children, medical care and benefits, and mental health issues.

Members of the Committee had questions for the opposing group around separation of church and state, definition of morality, and how policy decisions should be made.

**Edward Clerk**, Policy Assistant; **Julianne Young**, Self; **Katherine Hartley**, Attorney; **Arthur Schlaper**, Field Director for Mass Resistance (International Group) **spoke in support of HJM 1**.

Issues brought up by this group were the protection rights of authority, holding the courts accountable, the cost of positive rights, defining marriage as a state issue as per the Constitution, the error of the Supreme Court taking away the right for the states to vote on their own issues.

In closing, **Rep. Scott** stated this resolution is about federalism, judicial activism and voters who have lost their voice when the federal government makes a decision.

**MOTION:** **Rep. Crane (12)** made a motion to send **HJM 1** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Rep. Achilles** made a substitute motion to **HOLD HJM 1** in committee.

**Rep. Achilles** spoke to the motion citing marriage equality, anti-LGBTQ support organization, stripping liberty away from same-sex couples, prior same sex marriage law should be part of the bill and **HJM 1** will have no effect according to judges and attorneys.

**Rep. Scott** spoke **in opposition** to the motion.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:** Roll call vote was requested. **Substitute motion failed by a vote of 2 AYE and 13 NAY. Voting in favor of the motion: Reps. Achilles, Morley. Voting in opposition to the motion: Chairman Crane (13), Rep. Scott, Palmer, Barbieri, Holtzclaw, Skaug, Alfieri, Crane (12), Boyle, Dygert, Hostetler, Mickelsen, Pohanka,**

**VOTE ON ORIGINAL MOTION:** **Chairman Crane** called for a vote to send **HJM 1** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Achilles and Rep. Morley** requested to be recorded as **NAY. Rep. Scott** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 10:45 AM.

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Representative Crane (13)  
Chair

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Liaza Richardson  
Secretary