

SENATE JOURNAL
OF THE
IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-FIFTH LEGISLATURE

NINETY-SECOND LEGISLATIVE DAY
MONDAY, APRIL 8, 2019

Senate Chamber

President McGeachin called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Harris and Thayn, absent and formally excused by the Chair; and Senators Rice and Souza, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Bret Bagley, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 5, 2019, was read and approved as corrected.

LAKEY, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

April 8, 2019

The JUDICIARY AND RULES Committee reports that S 1157, S 1184, and S 1204, as amended, as amended in the House, have been correctly enrolled.

LAKEY, Chairman

The President signed Enrolled S 1157, S 1184, and S 1204, as amended, as amended in the House, and ordered them transmitted to the House for the signature of the Speaker.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

April 5, 2019

The Honorable Janice McGeachin
President of the Senate
Idaho Legislature

Dear Madam President:

I have the honor to inform you that I have appointed Tracy Walton of Emmett, Idaho, to be Acting State Senator for Legislative District 8, State of Idaho.

This appointment is effective April 8, 2019, and will expire on April 12, 2019.

Sincerely,
/s/ Brad Little
Governor

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents, that pursuant to the provisions of Section 59-917, Idaho Code, Steven P. Thayn, State Senator, District 8, State of Idaho, has nominated Tracy Walton of Emmett, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 8.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Tracy Walton to the office of State Senator, District 8, county, State of Idaho, for a term commencing on April 8, 2019, and will expire on April 12, 2019.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this Fifth day of April, in the year of our Lord two thousand and nineteen and of the Independence of the United States of America, the two hundred and forty-third year.

/s/ BY THE GOVERNOR BRAD LITTLE
/s/ SECRETARY OF STATE LAWRENCE DENNEY

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The President announced that the Oath of Office had been administered previously to Acting Senator Walton, and he was recorded present at this order of business.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1210, S 1211, S 1212, and S 1213, by Finance Committee, were read the second time at length and filed for third reading.

On request by Senator Winder, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Winder, seconded by Senator Stennett, by voice vote the Senate recessed at 9:48 a.m. until the hour of 11:15 a.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 11:15 a.m., pursuant to recess, President McGeachin presiding.

Roll call showed all members present except Senator Souza, absent and formally excused by the Chair; and Senator Harris, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

April 8, 2019

The STATE AFFAIRS Committee reports out [H 300](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, [H 300](#) was referred to the Fourteenth Order of Business, General Calendar.

On motion by Senator Winder, seconded by Senator Stennett, by voice vote the Senate recessed at 11:34 a.m. until the hour of 2 p.m. of this day.

**RECESS  
AFTERNOON SESSION**

The Senate reconvened at 2 p.m., pursuant to recess, President McGeachin presiding.

Roll call showed all members present except Senator Ward-Engelking, absent and formally excused by the Chair; and Senators Grow, Harris, Rice, and Souza, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

**Messages from the Governor**

April 8, 2019

The Honorable Janice McGeachin  
President of the Senate  
Idaho Legislature

Dear Madam President:

I have the honor to inform you that I have appointed Beth Oppenheimer of Boise, Idaho, to be Acting State Senator for Legislative District 18, State of Idaho.

This appointment is effective April 8, 2019, and will continue for as long as necessary.

Sincerely,  
/s/ Brad Little  
Governor

**THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
BOISE, IDAHO  
CERTIFICATE OF APPOINTMENT**

KNOW ALL MEN, by these Presents, that pursuant to the provisions of Section 59-917, *Idaho Code*, Janie Ward-Engelking, State Senator, District 18, State of Idaho, has nominated Beth Oppenheimer of Boise, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 18.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Beth Oppenheimer to the office of State Senator, District 18, State of Idaho, for a term commencing on April 8, 2019, and will continue for as long as necessary.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this Eighth day of April, in the year of our Lord two thousand and nineteen and of the Independence of the United States of America, the two hundred and forty-third year.

/s/ BY THE GOVERNOR BRAD LITTLE  
/s/ SECRETARY OF STATE LAWERENCE DENNEY

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The President announced that the Oath of Office had been administered previously to Acting Senator Oppenheimer, and she was recorded present at this order of business.

The Senate advanced to the Ninth Order of Business.

**Messages from the House**

April 8, 2019

Dear Madam President:

I return herewith Enrolled [S 1157](#), [S 1184](#), and [S 1204](#), as amended, as amended in the House, which have been signed by the Speaker.

MAULIN, Chief Clerk

Enrolled [S 1157](#), [S 1184](#), and [S 1204](#), as amended, as amended in the House, were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

**General Calendar**

The President declared the Senate resolved into the Committee of the Whole and called Senator Vick to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

**Report of the Committee of the Whole**

Senator Vick, Chairman of the Committee of the Whole, reported out [H 300](#), without recommendation, amended as follows:

**SENATE AMENDMENT TO H 300  
AMENDMENT TO SECTION 1**

On page 1 of the printed bill, in line 10, following "OF" insert: "INDUSTRIAL"; in line 20, following "2018" insert: ", commonly known as industrial hemp"; in line 28, delete "hemp" and insert: "industrial hemp"; in line 30, following "state" insert: "or foreign country"; in line 31, delete "Hemp" and insert: "Industrial hemp"; in line 37, delete "hemp" and insert: "industrial hemp"; and in line 40, delete "hemp" and insert: "industrial hemp".

On page 2, in line 1, delete "hemp" and insert: "industrial hemp"; in line 2, following "Code" insert: ", which shall be enforced by the director"; in line 9, delete "hemp" and insert: "industrial hemp"; in line 11, delete "hemp" and insert: "industrial hemp"; in line 12, delete "hemp" and insert: "industrial hemp"; in line 20, delete "hemp" and insert: "industrial hemp"; in line 25, delete "hemp" and insert: "industrial hemp"; in line 26, delete "hemp" and insert: "industrial hemp"; in line 29, delete "hemp" and insert: "industrial hemp"; in line 30, delete "hemp" and insert: "industrial hemp"; in line 34, following "Code." insert:

"However, the provisions of this section shall not be construed to apply to any material or product derived from hemp that contains no quantity of delta-9 tetrahydrocannabinol concentration, as described in section 37-2705(d)(27), Idaho Code, and is not derived from the prohibited parts of the marijuana plant, as provided in section 37-2701(t), Idaho Code."; in line 36, delete "hemp" and insert: "industrial hemp"; and in line 37, following "fees and" insert: "civil".

#### AMENDMENT TO THE BILL

On page 2, following line 42, insert:

"SECTION 2. LEGISLATIVE INTENT. Because the federal Agriculture Improvement Act of 2018, P.L. 115-334, allows states to have primary regulatory authority over the production of industrial hemp, it is the intent of the Legislature that through the negotiated rulemaking process, and in consultation with the Governor and the director of the Idaho State Police, the director of the Idaho state Department of Agriculture shall develop and submit a state plan to the Secretary of Agriculture by November 1, 2019, or immediately upon the date after which the United States Department of Agriculture is ready to accept state plans, whichever is later, to allow for the research and production of industrial hemp in Idaho to the greatest extent allowed under federal law. As part of the state plan, the director of the Idaho state Department of Agriculture, in consultation with the Governor and the director of the Idaho State Police, shall prepare by rule and submit to the Secretary of Agriculture a corrective action plan consistent with the federal Agriculture Improvement Act of 2018.

SECTION 3. LEGISLATIVE INTENT. Because industrial hemp has numerous commercial uses, has the potential to be an alternate crop, and presents the possibility of creating jobs in production, processing, transportation, and research of industrial hemp in Idaho, the Idaho state Department of Agriculture and the Idaho State Police are authorized to take regulatory action in preparation to allow for the cultivation, growing, and production of industrial hemp in the 2020 growing season to the maximum extent allowed under federal law. Further, the University of Idaho, in fulfillment of its land grant mission, leads the nation in many areas of agricultural research and is encouraged to research and study this burgeoning field."; and renumber subsequent section accordingly.

#### CORRECTION TO TITLE

On page 1, in line 2, delete "HEMP" and insert: "INDUSTRIAL HEMP"; in line 4, delete "OF HEMP" and insert: "OF INDUSTRIAL HEMP"; also in line 4, delete "THE HEMP" and insert: "THE INDUSTRIAL HEMP"; and in line 5, following "FUND;" insert: "PROVIDING LEGISLATIVE INTENT;".

VICK, Chairman

On motion by Senator Vick, seconded by Senator Stennett, the report was adopted by voice vote.

**H 300**, as amended in the Senate, was filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Winder, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

#### Reports of Standing Committees

Senator Rice was recorded present at this order of business.

April 8, 2019

The JUDICIARY AND RULES Committee reports that Senate amendments to **H 300** have been correctly printed.

LAKEY, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 8, 2019

The JUDICIARY AND RULES Committee reports that Enrolled **S 1157**, **S 1184**, and **S 1204**, as amended, as amended in the House, were delivered to the Office of the Governor at 2:40 p.m., April 8, 2019.

LAKEY, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

#### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

**H 300**, as amended in the Senate, by Ways and Means Committee, was read the first time at length and filed for second reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

#### Third Reading of Bills

On request by Senator Bair, granted by unanimous consent, **S 1213** was referred to the Finance Committee.

On request by Senator Brackett, granted by unanimous consent, **S 1126**, as amended in the House, was referred to the Transportation Committee.

On request by Senator Winder, granted by unanimous consent, the Senate returned to the Fourth Order of Business.

#### Reading of Communications

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

#### Petitions, Resolutions, and Memorials

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### Miscellaneous Business

On motion by Senator Winder, seconded by Senator Stennett, by voice vote, the Senate adjourned at 3:30 p.m. until the hour of 10 a.m., Tuesday, April 9, 2019.

JANICE MCGEACHIN, President

Attest: JENNIFER NOVAK, Secretary