

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Thursday, February 20, 2020

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

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Guthrie, Vice Chairman Den Hartog, Senators Patrick, Harris, Mortimer, Lent, Bayer, Jordan, and Nelson

**ABSENT/ EXCUSED:** None

**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 Guthrie** called the Senate Agricultural Affairs Committee (Committee) to order at 8:00 a.m.

**MINUTES APPROVAL:** **Senator Jordan** moved to approve the Minutes of January 28, 2020. **Senator Mortimer** seconded the motion. The motion passed by **voice vote**.

**Senator Mortimer** moved to approve the Minutes of February 4, 2020. **Senator Jordan** seconded the motion. The motion passed by **voice vote**.

**GUBERNATORIAL APPOINTMENT VOTE:** **Senator Nelson** moved to send the Gubernatorial appointment of Wendy Pratt, to the State Soil and Water Conservation Commission to the floor with the recommendation that she be confirmed by the Senate. **Senator Lent** seconded the motion. The motion passed by **voice vote**.

**H 356** **Senator Harris** presented **H 356**; Relating to Beef Cattle; Nutrient Plans. This is to determine the nutrient management plan (NMP) for livestock waste for a cattle or confined animal feeding operation. He detailed the 2005 NPM requirements and reporting options which are submitted to the Idaho State Department of Agriculture (ISDA) for approval and then returned to the feeding operations to be filed and made available anytime to the administrator for review. He said the plans are considered production records and are confidential. He explained the ISDA electronic server and software updates which have made online reporting available and efficient. He said **H 356** allows for the use of ISDA's web-based planner while ensuring that production records are proprietary and remain confidential. The option is voluntary. The language is consistent with other statutes, including Idaho's transparent and ethical government public records act.

**DISCUSSION:** **Vice Chairwoman Den Hartog** asked if all the NMPs, regardless of the form used for their submittal, are proprietary. **Senator Harris** replied in the affirmative.

**MOTION:** **Vice Chairwoman Den Hartog** moved to send **H 356** to the floor with a **do pass** recommendation. **Senator Mortimer** seconded the motion. The motion passed by **voice vote**.

## S 1345

**Senator Lee** presented **S 1345**; Relating to Industrial Hemp; Amend and Add New Sections. She said the federal farm bill legalized hemp at the federal level but allowed the states to create their own rules and plans as to how they would grow hemp. She said the proposed legislation adds a new chapter to Idaho Code; the Industrial Hemp Research and Development Act. She said that based on the actions of the federal government, taking an act of Congress, hemp is a different commodity. She emphasized that this bill speaks to an industrial hemp growing program which necessitates a state plan that requires a license to grow hemp.

**Senator Lee** said the proposed legislation is to place in statute that Idaho intends to legally grow hemp. She reviewed for the Committee the language in the proposed legislation and explained the details which outline the federal requirements for who is included in drafting the state plan: the governor's office, the state's chief law enforcement officer, and the state's department of agriculture. She stated that Idaho's plan will also include hemp growers and producers. She pointed out the time certain date with the expectation that the program be in place by the 2020 or 2021 growing season and that the plan should not be anymore stringent than the federal government's plan. She explained the funding and fee component of the proposed legislation and the emergency clause for resources.

**Senator Lee** stated that hemp is not marijuana. She addressed the differences as outlined in the proposed legislation. She said while **S 1345** does not accomplish every request from growers and producers, it does set a path forward to making hemp a commodity that can be grown in Idaho. She spoke to the requirements of interstate commerce and the ability of legal commodities to be transported across the state. **Senator Lee** stated that because legislation failed in December 2019, an executive order was made which details how hemp can legally be transported through the state. She explained some of the legal ramifications to transporters under the executive order. She stated that if this legislation is not approved, the state must operate within the confines of the current executive order, which has challenges for the transporters and growers.

**Senator Lee** walked the Committee through the definitions and the violations written in **S 1345**. She explained the penalties if caught transporting hemp without a license and the reasons that legal hemp could be seized. She said **S 1345** allows hemp to be recognized as something different than marijuana. She said this still preserves law enforcements' ability to have probable cause to test for marijuana and stated that the proposed legislation gives law enforcement guidelines. She discussed the work she did with law enforcement to arrive at the current language.

## DISCUSSION:

**Senator Jordan** asked if the permitting and transporting of hemp, housed in the federal farm bill, is standard state to state. **Senator Lee** replied in the affirmative. She said this legislation has more discretion as it specifies that it is not to be more stringent than the federal farm bill.

In further detail, **Senator Lee** discussed probable cause when a transporter is pulled over by law enforcement. She said with the proposed legislation states that hemp is legal in Idaho under certain circumstances; carriers must have the proper permitting and paperwork.

In response to questions from Senator Harris and Senator Bayer, **Senator Lee** discussed the testing methods and the partnership requirements with the USDA. She said Idaho must have a state hemp plan to be able to grow industrial hemp.

- TESTIMONY:** **Lindsay Atkinson**, Policy Analyst, Idaho Freedom Foundation (Foundation), spoke in opposition to **S 1345**. She said the Foundation is concerned with the delegation of power when setting the sidebars and referenced the federal farm bill's restrictions. She asked the Committee to hold the bill.
- DISCUSSION:** **Senator Jordan** asked if the Foundation has an alternative solution. **Ms. Atkinson** replied that an occupational license could be issued and that the legislature could set the criteria for the ISDA to formulate a plan with the USDA. She said the Foundation would like more of a specific separation between marijuana and hemp in the controlled substance act.
- In response to Senator Harris's question, **Ms. Atkinson** said the Foundation is not concerned about the specific regulations, but with how the state sets regulations.
- TESTIMONY:** **Tim Cornie**, organic farmer, 1,000 Springs Mill, Buhl, Idaho, spoke in favor of **S 1345**. He explained his work as an organic farmer, the variety of products they grow and the importance of hemp being a versatile commodity. He reported what he learned from his visit to a hemp farm in Canada and stated Idaho farmers need support without any more delay. He asked the Committee to pass this legislation.
- DISCUSSION:** **Senator Mortimer** asked if Mr. Cornie knew the return on investment for hemp. **Mr. Cornie** replied this product would help subsidize the lower priced commodities and would be good for the field rotation. He discussed the many uses of the hemp plant.
- TESTIMONY:** **Braden Jensen**, Deputy Director of Government Affairs, Idaho Farm Bureau (Bureau), spoke in favor of **S 1345**. He reported the Bureau's policy which supports legalizing the production of industrial grade hemp. He said the policy has been in their policy books for over two decades and believes that farmers should have a choice. He asked the Committee to support **S 1345**.
- Douglas Jones**, grower, Twin Falls, Idaho, spoke in support of **S 1345**. He said this legislation does not include everything to make growing hemp easier, but it is the first step. He asked the Committee to support **S 1345**.
- Madison Richards**, grower, Oregon, said her family's farm grows about 500 acres of hemp. She explained how they planted the commodity, the cost involved, and the results from the harvest.
- DISCUSSION:** **Senator Lee** said the legislation is needed to advance legal hemp production and transportation. She expressed her confidence in the growers and producers to make sure this is a workable plan. She said this is also a constituent bill and explained the difficulties of growing hemp across the state line. She said growing this commodity is not for all growers but for those who would like to grow hemp, they should have the ability.
- In response to questions, **Senator Lee** clarified that this legislation does not remove hemp from being a schedule one product. She said the proposed legislation states that hemp will be treated differently and that hemp is legal under certain circumstances. The proposed legislation outlines those circumstances. She then discussed the permitting issues and the penalties.
- Senator Bayer** asked if law enforcement will eventually be removed from overseeing the commodity. **Senator Lee** replied that the federal level platform requires the chief law enforcement officer to participate in formulating the state plan. She said as the state becomes more comfortable with the commodity, the legal scrutiny may be reduced.

**MOTION:** **Senator Lent** moved to send **S 1345** to the floor with a **do pass** recommendation. **Senator Patrick** seconded the motion.

**DISCUSSION:** **Chairman Guthrie** reminded the Committee that brand inspectors are part of the Idaho State Police.

**Senator Bayer** said she has some reservations about the proposed legislation and will not be supporting **S 1345**.

**VOICE VOTE:** The motion to send **S 1345** to the floor with a **do pass** recommendation passed by **voice vote**. **Senator Bayer** asked to be recorded as voting nay.

**ADJOURNED:** There being no further business at this time, **Chairman Guthrie** adjourned the meeting at 9:10 a.m.

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Senator Jim Guthrie  
Chair

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LeAnn Mohr  
Secretary