

2008 Legislative Session Wrap-up

Environmental & Natural Resources

- 413 bills passed the House and Senate.
- The House and the Senate were each asked to review 244 individual rule dockets totaling over 2,370 pages. A few rules were rejected, but the overwhelming majority were affirmed.
- The Governor vetoed three bills and vetoed line items in three other bills
- The length of the 2008 legislative session was 87 days which was about average for recent years.

Air Quality

SCR 137 – Urges the Chicago Climate Exchange's technical advisory committee to approve a designated "cropping region" for Idaho to assist the ongoing efforts of the Idaho Soil Conservation Commission and the Idaho Carbon Sequestration Committee to develop a Carbon Credit Exchange Framework for the state of Idaho. The exchange has already recognized rangeland, forest land and grassland acreages in Idaho. Adopted.

SCR 128 – Requests that the Idaho Department of Environmental Quality and the Office of Energy Resources identify opportunities and steps the legislature could take to prepare for the likelihood of future greenhouse gas regulation and another recommending policies which place the highest priority on the development of energy conservation and instate renewable resources future meet these Energy Plan goals. Failed on Senate floor.

H 557 – Repeals the field burning act administered by ISDA, transfers responsibilities relating to the administration of open burning crop residue to DEQ, and sets a \$2 per acre fee for burning agricultural fields. Law. Passed unanimously in House and Senate.

H 667 - Trailer appropriation bill to DEQ in the amount of \$606,400 to fund the responsibilities for agricultural smoke management and crop residue disposal. Funding includes \$296,000 in personnel costs for two new full-time staff positions, nine seasonal staff, and additional hours for meteorological staff and technical air monitoring staff. It provides \$190,200 in operating expenditures for media outreach, weather forecasting services, vehicle leases, and contract moneys to develop a web-based information system. It also provides \$120,200 for seven air quality monitors, laptop computers, and office furnishings. Law.

H 586 – Authorizes DEQ to establish a vehicle inspection and maintenance program to regulate and ensure control of the air pollutants and emissions from registered motor vehicles in airsheds that are approaching nonattainment of specified air quality standards; and exempts certain specified vehicles. Law.

Energy

RENEWABLE & EFFICIENCY

H 422aaS – Provides energy efficiency requirements for new state buildings beginning in 2009. Law.

S1412 Sets out incentives for school districts to construct energy efficient school buildings. Failed in Senate State Affairs Committee.

H 500 – Establishes new commercial purpose uses on school endowment lands and expands the identified renewable resources allowed to include fuel cells, low-impact hydro, sun or landfill gas, as well as wind and geothermal resources. Law.

H 529aa – Includes producers of geothermal energy under the identical tax provisions of Idaho Code as producers of wind energy. Law.

SITING

S1293. Provides for an energy facility siting panel made up of representatives of state agencies and local governments to review, and approve or disapprove, sites for the proposed construction and operation of large, merchant electric generation facilities. Held in committee without hearing.

S1289. Requires a advisory vote prior to construction of a nuclear facility in Idaho. Held in committee without hearing.

S1314. Places a two year moratorium on permits, licenses or construction of a merchant thermal power plant. Held in committee without hearing.

OFFICE OF ENERGY RESOURCES

S 1480. Provides the FY 2009 appropriation for the Office of Energy Resources in the Office of the Governor in the amount of \$3,116,600. The Office of Energy Resources was originally created by Governor Andrus through an Executive Order in 1975. Those responsibilities were later assigned to the Department of Water Resources in 1981. Then, in October 2007, Governor Otter issued an executive order reestablishing the Office of Energy Resources within the Governor's Office.

H 432 & 681. – Revises the distribution of the state's share of royalties paid by developers of renewable energy resources for federal leases, from the public schools income fund to a new Renewable Energy Resources Fund to be used by the Office of Energy Resources in the Governor's Office. Law.

Water & Water Quality

1449aa – Increases the civil penalty authority of the State Board of Land Commissioners for encroachment violations that cause substantive harm to a lake or to the public trust values associated with a lake (fisheries, water quality, etc). Law.

AQUIFER MANAGEMENT

H 428 – Authorizes a statewide comprehensive aquifer planning and management effort to be conducted over a 10-year period of time, with funding for technical studies, facilitation services, hydrologic monitoring, measurement and comprehensive plan development. Law.

H 644 – Appropriates \$20 million for the first six years of a statewide comprehensive aquifer management effort. Law.

MINING

S1375. Provides that naturally occurring substances won't be considered contamination in mining areas as long as the mining operation engages in the most effective and practical practices designed to achieve water quality goals and protect beneficial uses. Held in committee; DEQ rulemaking on this subject is ongoing.

S 1348 – Provides that, under certain conditions, water rights relating to mining, mineral processing or milling shall not be lost or forfeited for nonuse. Law.

NORTH IDAHO ADJUDICATION

S 1354 – Authorizes the director of the Department of Water Resources to petition the district court to commence water rights adjudications through initiation of proceedings for the Coeur d’Alene-Spokane, Palouse and Clark Fork-Pend Oreille river basins, provided that each petition includes a request for the deferral of the adjudication of domestic and stock water rights and a request that a commencement order be issued only if the court determines it is possible to defer the adjudication of domestic and stock water rights within the terms of the McCarran amendment. Law.

S 1418 – Removes the Kootenai River Basin from the Northern Idaho water rights adjudication; and clarifies that the Clark Fork-Pend Oreille river basins do not include Basin 98. Law.

DAMS

HJM 8 – Supports a study of additional water storage projects in the state of Idaho and encourages the Bureau of Reclamation, the United States Army Corps of Engineers, the Governor of the state of Idaho, the Idaho Water Resource Board, the Idaho Department of Water Resources, and other federal, state and local agencies to cooperate with the residents of the state of Idaho in initiating and completing the study of additional water storage projects. Adopted.

S 1511 – Appropriates \$10 million to the Water Resource Board to address water issues in the Magic Valley by facilitating the purchase of a large private fish hatchery near Twin Falls, and appropriates \$1.4 million to fund a feasibility study to raise Minidoka Dam by four to five feet and \$400,000 to study replacement of Teton Dam in Eastern Idaho.

General Environmental/Resource

H 643 – Adopts the Invasive Species Act of 2008 to prevent the introduction of invasive species and to address threats caused by invasive species infestations. Law.

SB 1402 - Eliminates the one mile primary residency requirement and ensure that affected persons can testify at local hearings regarding the siting of Confined Animal Feeding Operations. Passed Senate (third time), no hearing in House.

SB 1402 – Adopts the Ranch, Farm and Forest Protection Act to provide a tax credit to owners of agricultural and forestland who agree not to develop lands important for fish and wildlife. Supported by a broad coalition of stakeholders including the: Idaho Cattle Association, Idaho Conservation League, Idaho Farm Bureau, Idaho Forest Owners Association, Idaho Sportsmen’s Caucus Advisory Council, Idaho Woolgrowers Association, Intermountain Forest Association, Land Trusts in Idaho, Rocky Mountain Elk Foundation, Sportsmen for Fish and Wildlife, the Nature Conservancy, The Trust for Public Land..Failed in House tax committee.

H680. Creates a mechanism for the formation of Community Infrastructure Districts (CIDs) authorized to use taxes and assessments within the area of a development to secure bonds to fund regional community infrastructure such as highways, roads, bridges, sewer, and water treatment facilities, and police, fire, and other public safety facilities. The legislation also creates a mechanism for the prepayment of development impact fees.