

# 2009 Legislative Session Wrap-up

## Environmental & Natural Resources Activities

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There were 933 pieces of legislation drafted, 624 bills introduced, 374 bills passed both bodies, and 338 bills signed into law.

The House and Senate reviewed 264 individual rule making dockets, totaling 2,843 pages. A few rules were rejected, but the overwhelming majority of the rules were affirmed.

The Governor vetoed 36 bills. Three of the bills were vetoed for substantive or policy reasons: an identity theft bill, a bill regarding the parents as teachers program and a bill regarding bighorn sheep management. The first two bills did not become law. A replacement bighorn sheep bill was adopted with some changes. Thirty-three appropriation bills were vetoed by the Governor over transportation funding. While the vetoes were not overridden, the Legislature drafted new, mostly identical appropriation bills, took them through the process and they eventually became law.

The length of the 2009 legislative session was 117 days, the second longest in history. For perspective, the 2008 legislative session was 87 days (or 30 days shorter than 2009) which was about average for recent years.

### Agriculture

**S 1070.** Amends the agricultural code to provide that when an enforcement action is initiated by EPA regarding an alleged noncompliance at a beef cattle animal feeding operation, any pending administrative or civil enforcement action initiated by the ISDA director regarding the same alleged noncompliance will be deemed void. The provision doesn't impact ISDA noncompliance orders already in place. **Law.**

**HCR 255.** Authorizes the appointment of a legislative committee to undertake and complete a study of the statutory provisions and rules relating to the Soil Conservation Commission and Soil Conservation Districts. **Adopted.**

**S 1071.** Authorizes ISDA director to administer a range program including the provision of technical expertise and support to state and industry entities in reviewing various federal environmental impact statements, federal environmental assessments and other state and federal proposals that impact grazing, vegetation management or other rangeland resources or uses important to the livestock industry. **Law.**

**S1213.** This legislation directs the coordination between ISDA and DEQ to comprehensively manage and regulate dairy farm nutrient management, water and air quality. It also preempts local governments from imposing requirements within the confines of "agricultural operations" to regulate nutrient management, or air or water quality. **Held in Senate Agricultural Affairs Committee without a hearing.**

**S 1223.** This bill transfers the authority of the Department of Environmental Quality to make rules for the permitting of large swine and poultry feeding operations to the Department of Agriculture. Likewise, the bill transfers the administrative functions of the Department of Environmental Quality regarding the Local Option Swine Facilities Siting Act to the Department of Agriculture. **Held in Senate Agricultural Affairs Committee without a hearing.**

## **Invasive Species**

**S 1225.** Appropriates \$1,515,000 to the Invasive Species Fund for ISDA to use in the current fiscal year and in 2010 for costs associated with the prevention, detection, control and management of zebra and quagga mussels. **Law.**

**SCR 109.** Declares an emergency confronting Idaho in the form of zebra and quagga mussels and authorizes ISDA to use up to \$5 million in deficiency warrant spending to address the issue consistent with the Idaho Invasive Species Act of 2008. **Adopted.**

**H 213.** Imposes a fee on vessels to be paid each calendar year as follows: (a) Motorized vessels - \$10/vessel for in-state boats, - \$20/vessel if from out of state. (b) Non-motorized vessels except small rafts and inflatables less than 10 feet in length - \$5/vessel. (c) Commercial outfitters with non-motorized fleets get a group discount. Fees collected will be deposited in the invasive species fund. The bill estimates that there are about 200,000 vessels that will be required to pay the fee. **Law.**

## **Energy**

**S 1132.** Adopts incentives for school districts to construct energy efficient buildings. **Law.**

**S 1231.** Provides the FY 2010 appropriation for the Office of Energy Resources in the Office of the Governor in the amount of \$18,850,800. Of the total, \$15,786,000 is spending authority for federal American Recovery and Reinvestment Act moneys for Energy Efficiency and Conservation Block Grants and State Energy Programs. **Law.**

**H 075.** Authorizes developers of high capacity electric transmission facilities – and associated substations and switchyards - to apply to the Public Utilities Commission for designation to receive priority processing by state agencies. If the Commission issues an order granting priority designation, state agencies subsequently involved in the permitting or siting processes for such electric transmission facilities shall be required to give the application priority or immediate attention as it relates to reviews, permits, reports, studies or comments. **Law.**

**S 1123.** Allows the Public Utilities Commission to issue preconstruction, binding ratemaking treatments to include the projected capital costs of certain new electric generation facilities or transmission lines. **Law.**

**S 1119.** Amends the rate discrimination law to give authority to the Public Utilities Commission to approve low income bill payment assistance, and other programs that gas and electric utilities voluntarily propose to assist these customers. **Failed on Senate floor.**

**H 525.** Amends the rate discrimination law to allow a public utility to apply to the Public Utilities Commission to set fees for new customers to partially recover the cost of new capital investment needed to serve customer growth. A change in customers at a location with existing service is not a "new customer" for purposes of this legislation. **Held in House State Affairs Committee.**

**S1027.** 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 Senate State Affairs Committee without hearing.**

**H122.** Governor's bill to create Renewable Energy Enterprise Zones to use incentives and tax benefits to encourage dairy waste conversion to energy in the Magic Valley, and biomass, wind, solar, geothermal, or low-impact hydro in Northern Idaho bounded by judicial districts one and two and in Eastern Idaho within judicial districts six and seven. **Held in House Revenue and Taxation Committee.**

**H 200.** Amends existing law to provide additional powers of the state treasurer to invest state funds or other funds in fixed or variable rate bonds of the Idaho Energy Resources Authority for certain renewable energy projects upon certain conditions. **Held in House Energy and Environment Committee.**

**H 208.** Exempts the value of a renewable energy device on a residential property from the calculation for property taxes. **Held in House Revenue and Taxation Committee.**

**H 209.** Exempts the value of facilities used to produce energy from low-impact hydropower, geothermal or wind heating from the calculation for non-residential property taxes. **Held in House Revenue and Taxation Committee.**

**H 233.** Exempts the value of a renewable energy device on both residential and nonresidential property on the calculation from property taxes. **Passed House, held in Senate Local Government & Taxation Committee.**

**H 203.** Allows all producers – large and small – of wind energy, geothermal resources, biomass, low-impact hydro, solar energy, and landfill gas power to pay a kilowatt production tax in lieu of the property tax. The existing law is limited to commercial scale producers of wind and geothermal power. **Passed House, held in Senate Local Government & Taxation Committee.**

## **Water & Water Quality**

**SCR 103.** Rejects a pending DEQ rule to revise the method for determining wastewater flow and capacity for the design, installation and use of septic tanks at residential structures. **Adopted by both House and Senate.**

**H 264.** Approves the Eastern Snake Plain Aquifer (ESPA) Comprehensive Aquifer Management Plan (CAMP) as a component of the Comprehensive State Water Plan and provides that the Idaho Water Resource Board prepare and submit for approval to the legislature a funding mechanism needed to implement Phase One of the CAMP. **Law.**

**S 1169.** Recognizes the Framework Reaffirming the Swan Falls Settlement dated March 25, 2009 and addresses the jurisdiction of the Public Utilities Commission with regard thereto. **Law.**

**S 1167.** Requires the Idaho Water Resource Board approve any managed recharge project in excess of ten thousand (10,000) acre feet on an average annual basis. **Law.**

**S 1185.** Clarifies that the Swan Falls Agreement does not preclude use of water for aquifer recharge and affirms that ground water recharge rights will be issued in compliance with Idaho law and the state water plan, and that the IDWR director may regulate the methods of operation of recharge projects to prevent the creation of conditions adverse to the beneficial use of water under existing water rights. **Law.**

**S1162.** Strikes a requirement in Idaho Code section 50- 323 that prohibits cities from providing for the storage, treatment, and transmission of domestic water to inhabitants outside of the city. **Passed Senate, held at desk in House.**

**S 1002.** Adopts the same amendment as Senate Bill 1162 and, also allows the water service area for a municipality to include areas outside of the state where authorized by the laws of the state and the municipality in which such service area lies, and where such permitted service area is adjacent to the municipality's corporate limits. **Passed the Senate, held in the Resource and Conservation Committee in the House.**

**HJM 065.** Sets forth the Legislature's opposition to a 2007 federal bill which would purportedly expand the scope of waters subject to federal jurisdiction. **Adopted, sent to Congress and the President.**

## **Miscellaneous Environmental & Natural Resource Measures**

**H 065.** Amends the existing provisions relating to the management, leasing or disposal of property at the Bunker Hill Superfund Site. **Law.**

**S 1055.** Requires vehicles hauling material to cover their loads when traveling on public highways. **Held on the Senate floor.**

**H 288.** Makes several amendments to the community infrastructure district (CID) law found at Chapter 31, Title 50, and adopted in the 2008 session. **Held in House without a hearing.**

**H 259.** Provides for the state treasurer to accept Idaho manufactured silver medallions and bars for the payment of fees and taxes as a way to encourage silver mining and processing in northern Idaho. This legislation provides a 20-year real and personal property tax exemption and a 10-year exemption from corporate income taxes to anyone or any firm who builds a new silver production facility in Idaho. **Held in the House Revenue and Taxation Committee.**

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To view the specific bills discussed above and the others considered by the 2009 Legislature, go to <http://www.legislature.idaho.gov/legislation/2009/legIndex.htm>. The link titled "Mini-Data Bill Status Information" will allow you to pull up bills by number. The link titled "Legislative Subject Index to Bills" will allow you to pull up the bills by topic.

The minutes from the committee meetings, legislative floor journals, and significant other information regarding legislative history can be found on the Legislature's website.