

IN THE SENATE

SENATE BILL NO. 1035

BY MALEPEAI, BOCK, STENNETT, WERK, BILYEU

AN ACT

RELATING TO RENEWABLE ENERGY PROJECTS; AMENDING TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 18, TITLE 61, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR AN EXPEDITED PERMITTING AND APPROVAL PROCESS, TO PROVIDE CONSTRUCTION STANDARDS, TO PROVIDE FOR PUBLIC WORKSHOPS AND EFFECT OF THE CHAPTER; DECLARING AN EMERGENCY, PROVIDING A SUNSET DATE AND PROVIDING APPLICATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 61, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 18, Title 61, Idaho Code, and to read as follows:

CHAPTER 18
GROW GREEN IDAHO JOBS ACT

61-1801. LEGISLATIVE INTENT. The purpose of this chapter is to speed the creation of green jobs in Idaho by requiring local governments and the state to expedite permits for renewable energy projects. It is the intent of this chapter that local units of government and state agencies expedite permit applications and provide for public meetings on these applications in an accelerated and timely fashion.

61-1802. DEFINITIONS. As used in this chapter:

(1) "Fuel cell" means an electrochemical reaction that generates electricity by combining atoms of hydrogen and oxygen in the presence of a catalyst;

(2) "Landfill gas" means biomass fuel of the type qualified for federal tax credits under 26 U.S.C. section 29 collected from a landfill. "Landfill" means a landfill as defined in section 39-7403, Idaho Code;

(3) "Low impact hydro" means an electric generating facility utilizing water for the generation of electricity, housed in existing canals or existing reservoirs and having a power production capacity twenty-five (25) kilowatts or greater.

(4) "Machinery and equipment" means industrial fixtures, devices, and support facilities that are integral and necessary to the generation of electricity using fuel cells, low impact hydro, wind, geothermal resources, biomass, cogeneration, sun, or landfill gas as the principal source of power. Machinery and equipment includes all operating property as described in section 63-3501(h), Idaho Code;

(a) Notwithstanding the provisions of this subsection, machinery and equipment does not include: Hand-powered tools; property with a useful life of less than one (1) year; repair parts required to restore machinery and equipment to normal working order; replacement parts that do not

1 increase productivity, improve efficiency, or extend the useful life of
2 machinery and equipment; buildings; or building fixtures that are not
3 integral and necessary to the generation of electricity that are perma-
4 nently affixed to and become a physical part of a building;

5 (b) Machinery and equipment is used directly in generating electric-
6 ity with fuel cells or by low impact hydro, wind energy, geothermal re-
7 sources, biomass, cogeneration, solar energy or landfill gas power if
8 it provides any part of the process that captures the energy of the fuel
9 cells, low impact hydro, wind, geothermal resources, biomass, cogener-
10 ation, sun, or landfill gas, converts that energy to electricity, and
11 stores, transforms or transmits that electricity for entry into or op-
12 eration in parallel with electric transmission and distribution sys-
13 tems.

14 61-1803. EXPEDITED PERMITTING AND APPROVAL PROCESS. Notwithstanding
15 the provisions of titles 39, 42, 58, 61 and 62 and chapter 65, title 67, Idaho
16 Code, any state agency or political subdivision shall expedite permitting
17 and approval for the siting and location of machinery and equipment used
18 directly in generating electricity using fuel cells, low impact hydro, wind,
19 geothermal resources, biomass, cogeneration, sun or landfill gas as the
20 principal source of power within its jurisdictional or regulatory author-
21 ity. The permitting and approval of such projects shall be a priority of each
22 state agency or political subdivision.

23 61-1804. CONSTRUCTION STANDARDS. In order to receive preference pur-
24 suant to this chapter, every person proposing to site a renewable energy
25 project shall certify the will to construct, install, operate, and maintain
26 its facility in compliance with the current edition of the national elec-
27 trical safety code published by the institute of electrical and electronic
28 engineers, inc. Projects shall be constructed and operated in a manner to
29 best accommodate the public and to prevent interference with service fur-
30 nished by other public utilities insofar as practical.

31 61-1805. PUBLIC WORKSHOPS -- EFFECT OF CHAPTER. (1) In order to re-
32 ceive preference pursuant to this chapter, every person desiring to site a
33 renewable energy project shall conduct informal public workshops at loca-
34 tion(s) along or near the proposed facility. The purpose of the workshops
35 is to provide information about the project and the process for obtaining
36 construction authority.

37 (2) The purpose of the public workshop is for the developer and state or
38 political subdivision staff to dispense information concerning the renew-
39 able energy project application and to advise interested persons on how to
40 participate in the state or local unit of government's review proceeding.

41 (3) Notice of the public workshops shall be issued a minimum of fourteen
42 (14) days prior to the workshop to newspapers of general circulation and ra-
43 dio and television stations in the affected area.

44 (4) Issuance of a certificate or approval pursuant to this chapter
45 shall not be construed to preempt jurisdiction of any state agency or local
46 government over matters that are not included in and governed by the certifi-
47 cate including, but not limited to, employee health and safety, wage and hour

1 or other labor regulations, or other design and operational issues that do
2 not relate to the siting of the renewable energy facilities.

3 SECTION 2. An emergency existing therefor, which emergency is hereby
4 declared to exist, this act shall be in full force and effect on and after its
5 passage and approval. The provisions of Section 1 of this act shall be null,
6 void and of no force and effect on and after January 1, 2014. If an appli-
7 cation for a renewable energy project has been filed before January 1, 2014,
8 the provisions of this act shall still be in full force and effect until the
9 application has been finally acted upon.