

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 527

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO A MORATORIUM ON CERTAIN INDUSTRIAL WIND FARMS AND WIND TURBINES  
2 FOR A TIME CERTAIN; AMENDING TITLE 61, IDAHO CODE, BY THE ADDITION OF A  
3 NEW CHAPTER 18, TITLE 61, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS  
4 AND INTENT, TO PROVIDE A MORATORIUM FOR A TIME CERTAIN ON THE PERMIT-  
5 TING OR LICENSING OR CONSTRUCTION OF CERTAIN INDUSTRIAL WIND FARMS AND  
6 WIND TURBINES AND TO PROVIDE FOR CREATION OF A LEGISLATIVE TASK FORCE;  
7 DECLARING AN EMERGENCY AND PROVIDING A SUNSET DATE.  
8

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

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

13 CHAPTER 18

14 MORATORIUM ON CERTAIN INDUSTRIAL WIND FARMS AND WIND TURBINES FOR A TIME  
15 CERTAIN

16 61-1801. LEGISLATIVE FINDINGS -- INTENT. The legislature finds that  
17 industrial wind farms and wind turbines are having a significant negative  
18 impact upon Idaho's citizens, wildlife, aesthetic values, taxpayers, power  
19 rates, property values and the operations of Idaho's electrical utilities.  
20 Current wind development is outstripping the capacity of the utilities in  
21 Idaho to integrate the intermittent power provided by wind turbines. Local  
22 officials in Idaho have been overwhelmed with requests for the approval of  
23 wind development. However, the rate of development has not allowed proper  
24 analyses to be completed as to the impacts of large wind turbines in areas  
25 frequented by wildlife. For instance, wind turbines are being considered  
26 for construction in areas known to be utilized by sage grouse, a species cur-  
27 rently under consideration for listing as an endangered species by the U.S.  
28 fish and wildlife service, which could have immediate and far-reaching ef-  
29 fects on Idaho. Additionally, court action and claims of negative effects  
30 of wind turbines on private property and nearby residents are frequent. To  
31 properly address and better understand the operational questions, environ-  
32 mental and economic effects of wind energy, the legislature is placing a ban  
33 on the approval and construction of industrial wind farms and wind turbines  
34 until an analysis of such effects is completed by a legislative task force  
35 which shall present a report on or before January 10, 2014, to the Idaho leg-  
36 islature.

37 61-1802. MORATORIUM ON CONSTRUCTION OF CERTAIN INDUSTRIAL WIND FARMS  
38 AND WIND TURBINES FOR A TIME CERTAIN. (1) From the effective date of this  
39 act until July 1, 2014, municipalities, counties and state agencies are pro-  
40 hibited from granting approval or issuing any new licenses or permits for

1 the construction or operation of wind turbines that exceed one hundred (100)  
2 feet in height and have a nameplate capacity that exceeds one hundred (100)  
3 kilowatts. Projects that have been approved and against which no legal pro-  
4 ceedings have been filed as of February 1, 2012, shall be allowed to be con-  
5 structed. Projects for which legal proceedings are pending as of February 1,  
6 2012, shall not be allowed to be constructed until the legal proceedings are  
7 complete and a court of competent jurisdiction finds that construction may  
8 proceed.

9 (2) The provisions of this section do not apply to a facility owned or  
10 controlled by the United States government, or the Bonneville power adminis-  
11 tration for the purpose of providing power to the citizens of Idaho.

12 (3) There is created an eight (8) member legislative task force with  
13 four (4) members of the senate appointed by the senate president pro tem-  
14 pore and four (4) members of the house of representatives appointed by the  
15 speaker of the house of representatives to study the effects of wind energy  
16 and to provide recommendations to the legislature and the governor. The task  
17 force's analysis shall address, but not be limited to, issues related to the  
18 effect that wind development is having on power rates, the ability of Idaho's  
19 utilities to integrate more intermittent wind power into their systems, the  
20 effect wind turbines are having on wildlife and species that could be listed  
21 as endangered, the effect that wind turbines have on private property values  
22 and uses, the range of tax issues regarding wind power development and any  
23 other issues found to be pertinent. Members of the legislative task force  
24 shall be reimbursed for per diem and travel expenses from the legislative ac-  
25 count.

26 SECTION 2. An emergency existing therefor, which emergency is hereby  
27 declared to exist, this act shall be in full force and effect on and after its  
28 passage and approval, and this act shall be null, void and of no force and  
29 effect on and after July 1, 2014.