

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 57

BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE

AN ACT

1 RELATING TO THE IDAHO COMMUNITY REINVESTMENT PILOT INITIATIVE; REPEALING  
2 SECTION 4, CHAPTER 308, LAWS OF 2006, TO REMOVE A CONTINGENT SUNSET  
3 DATE; AMENDING SECTION 39-7211, IDAHO CODE, TO REVISE A PROVISION RE-  
4 LATING TO MONEYS IN THE IDAHO COMMUNITY REINVESTMENT PILOT INITIATIVE  
5 FUND, TO PROVIDE THAT MONEYS IN THE FUND ARE PERPETUALLY APPROPRIATED TO  
6 THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR SPECIFIED  
7 PURPOSES UNTIL CERTAIN CONDITIONS ARE MET, TO AUTHORIZE THE DEPARTMENT  
8 TO NEGOTIATE LOWER FINANCIAL ASSISTANCE AMOUNTS WITH CERTAIN PROP-  
9 ERTY OWNERS WHEN SPECIFIED CONDITIONS ARE MET, TO PROVIDE FOR INTEREST  
10 EARNED ON MONEYS IN THE FUND, TO REVISE AUTHORIZED MAXIMUM OVERALL FI-  
11 NANCIAL ASSISTANCE PROVISIONS, TO REVISE THE NUMBER OF PROJECTS THAT  
12 MAY PARTICIPATE IN THE INITIATIVE, TO PROVIDE FOR THE ESTABLISHMENT  
13 OF ANNUAL PRIORITY LISTS OF CERTAIN PROJECTS UNTIL ALL FUNDS ARE AL-  
14 LOCATED, TO PROVIDE FOR ANNUAL PRIORITY LISTS OF THE FIFTEEN HIGHEST  
15 PRIORITY PROJECTS, TO PROVIDE THAT THE DEPARTMENT SHALL CONTACT CERTAIN  
16 ELIGIBLE PROPERTY OWNERS AND TO MAKE TECHNICAL CORRECTIONS; AND PROVID-  
17 ING A CONTINGENT SUNSET DATE.  
18

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

20 SECTION 1. That Section 4, Chapter 308, Laws of 2006, be, and the same is  
21 hereby repealed.

22 SECTION 2. That Section 39-7211, Idaho Code, be, and the same is hereby  
23 amended to read as follows:

24 39-7211. IDAHO COMMUNITY REINVESTMENT PILOT INITIATIVE. (1) There is  
25 hereby established in the state treasury a fund to be known as the Idaho com-  
26 munity reinvestment pilot initiative fund which shall consist of moneys ap-  
27 propriated to the fund, ~~donations, gifts and grants from any source~~ and any  
28 other moneys which may hereafter be provided by law. The state treasurer  
29 shall be the custodian of the fund and shall invest said moneys in accordance  
30 with law. Any interest earned on the moneys in the fund shall be deposited in  
31 the fund. Moneys in the fund shall be disbursed in accordance with the direc-  
32 tions of the director of the department of environmental quality. All moneys  
33 in the fund are perpetually appropriated to the director for expenditure in  
34 accordance with the provisions of this section until the director of the de-  
35 partment of environmental quality certifies to the secretary of state that  
36 the conditions in section 3 of this act have been met.

37 (2) The state of Idaho hereby authorizes financial assistance to el-  
38 igible property owners conducting voluntary cleanup actions pursuant to  
39 this chapter. The financial assistance authorized by this section shall not  
40 exceed one hundred fifty thousand dollars (\$150,000) per project and shall  
41 be limited to, subject to the one hundred fifty thousand dollars (\$150,000)

1 maximum, ~~seventy-percent~~ seventy percent (70%) of a project's qualifying  
2 remediation costs certified by the department pursuant to this section.  
3 After voluntary remediation agreements have been entered into by ten (10)  
4 eligible property owners, the department may negotiate lower financial  
5 assistance amounts with subsequent eligible property owners to avoid ex-  
6 ceeding the balance remaining in the fund.

7 (3) Pursuant to general fund appropriation and interest earned on the  
8 moneys in the fund, the maximum overall financial assistance authorized by  
9 this section is one million five hundred thousand dollars (\$1,500,000) in  
10 qualified remediation cost expenditures shall not exceed the balance in the  
11 fund. A maximum of ~~ten~~ fifteen (15) projects may participate in the initia-  
12 tive.

13 (4) The department shall establish an annual priority list for commu-  
14 nity revitalization projects, until all funds are allocated. The priority  
15 list shall be used as the method for allocating funds under this initiative.

16 (a) On an annual basis, the department shall establish, at a minimum,  
17 a continuous three (3) month calendar period in which eligible property  
18 owners may submit a written request, on a standard form developed by the  
19 department, to participate.

20 (b) On an annual basis, the department shall develop a priority list  
21 based on a weighted numerical points system established by the depart-  
22 ment. The rating system shall consider the following criteria wherein  
23 the department shall weigh each succeeding criteria less heavily than  
24 the preceding criteria:

25 (i) Whether the project is located in a city with a population of  
26 under twenty thousand (20,000) residents;

27 (ii) The level of social and economic benefit expected from the  
28 proposed reuse plan;

29 (iii) Whether contamination is preventing or complicating rede-  
30 velopment;

31 (iv) Whether a reuse plan meets local planning and reuse goals, is  
32 compatible with long-term plans, and is ready to proceed;

33 (v) The level of human health risks the cleanup will remedy;

34 (vi) Current property conditions, including building safety con-  
35 cerns, vacancy rates and the level of negative visual impact the  
36 property has on the community.

37 (c) The department shall maintain annual priority lists of the ~~twenty-~~  
38 ~~five~~ fifteen (215) highest priority projects.

39 (d) After finalizing the priority list, the department shall contact,  
40 in writing, the eligible property owners ~~that submitted the ten (10) of~~  
41 the highest ranked priority projects and will set a target date for the  
42 eligible property owners to enter into a voluntary remediation agree-  
43 ment as described in subsection (1) of section 39-7205, Idaho Code.

44 (e) The department may bypass a project, and submit in its place the  
45 next highest priority project on the project list, for any of the fol-  
46 lowing reasons:

47 (i) The eligible property owner fails to enter into a voluntary  
48 remediation agreement by the target date established by the de-  
49 partment;

1 (ii) The eligible property owner, in writing, withdraws its re-  
2 quest to participate; or

3 (iii) The voluntary remediation agreement is terminated or re-  
4 scinded by the department prior to commencement of remediation as  
5 described in the voluntary remediation agreement approved by the  
6 department.

7 The department shall notify the bypassed eligible property owner of the  
8 reason or reasons for the bypass.

9 (5) Eligible property owners may request a community investment rebate  
10 by submitting documentation and certifications enumerated in paragraphs (a)  
11 through (c) of this subsection to the department. Eligible property owners  
12 shall submit this information no more than sixty (60) days after the depart-  
13 ment issues a certificate of completion for the project. Eligible property  
14 owners must receive a written certificate of completion from the department  
15 before the department may certify qualifying remediation costs or provide a  
16 community reinvestment rebate. Information to be submitted includes:

17 (a) Copies of contracts and documentation of contract negotiations,  
18 accounts, invoices, sales tickets, or other payment records from pur-  
19 chases, sales, leases, or other transactions involving actual costs  
20 incurred completing remediation activities in accordance with the work  
21 plan approved by the department;

22 (b) Notarized documentation completed and signed by the participant  
23 certifying that all information contained in the application, includ-  
24 ing all records of claims, costs incurred, and costs paid, are true and  
25 correct and constitute qualifying remediation costs;

26 (c) Notarized documentation completed and signed by a technical pro-  
27 fessional certifying that a technical professional oversaw all remedi-  
28 ation work plan activities and that all costs associated with documents  
29 submitted pursuant to this subsection constitute qualifying remedia-  
30 tion costs.

31 (6) Community reinvestment rebate requests shall be reviewed and cer-  
32 tified as follows:

33 (a) The department shall review each community reinvestment rebate  
34 request and determine whether the request is complete. If the depart-  
35 ment determines the request is incomplete, the department shall return  
36 the request, with the deficiencies indicated, to the eligible property  
37 owner by certified mail;

38 (b) Once a community reinvestment rebate request is deemed complete,  
39 the department shall review the request and determine the project's  
40 qualifying remediation costs. The department shall then issue a certi-  
41 fication of the qualifying remediation costs for all those costs found  
42 to be reasonable by the department;

43 (c) The department shall issue the eligible property owner a community  
44 reinvestment rebate in the amount it certified as qualified remediation  
45 costs no more than thirty (30) days after department certification;

46 (d) Any eligible property owner or technical professional determined  
47 in a civil enforcement action to have submitted a false statement,  
48 representation or certification in any application, record, report,  
49 plan or other document submitted to the department, shall reimburse the  
50 state of Idaho for moneys wrongfully rebated and shall be liable for

1 civil penalties and expenses incurred by the department in accordance  
2 with chapter 1, title 39, Idaho Code.

3 (7) Eligible property owners that receive a community investment re-  
4 bate are not eligible to receive the property tax exemption established un-  
5 der section 63-602BB, Idaho Code.

6 SECTION 3. Section 2 of this act shall be null, void and of no force and  
7 effect on and after the date the director of the Department of Environmental  
8 Quality certifies to the Secretary of State that the department has expended  
9 all remaining funds in the account or fifteen (15) eligible property owners  
10 have been reimbursed pursuant to the provisions of Section 2 of this act.