

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 559

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO CONFINED ANIMAL FEEDING OPERATIONS; AMENDING CHAPTER 36, TITLE
2 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3628B, IDAHO CODE, TO
3 PROVIDE FOR THE CONFINED ANIMAL FEEDING OPERATIONS IMPROVEMENT FUND, TO
4 PROVIDE FOR THE EXPENDITURE AND GRANTS OF MONEYS IN THE FUND, TO PROVIDE
5 FOR AN ANNUAL REPORT TO THE LEGISLATURE, TO PROVIDE THAT CERTAIN LAW
6 SHALL NOT APPLY TO THE FUND, TO PROVIDE FOR THE CAFO IMPROVEMENT FUND
7 COMMITTEE, TO PROVIDE FOR THE RESPONSIBILITY AND AUTHORITY OF THE CAFO
8 IMPROVEMENT FUND, AND TO PROVIDE THAT THE DEPARTMENT OF ENVIRONMENTAL
9 QUALITY SHALL PROVIDE STAFF ASSISTANCE AND SUPPORT; AND DECLARING AN
10 EMERGENCY.
11

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

13 SECTION 1. That Chapter 36, Title 39, Idaho Code, be, and the same is
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
15 ignated as Section 39-3628B, Idaho Code, and to read as follows:

16 39-3628B. CONFINED ANIMAL FEEDING OPERATIONS (CAFO) IMPROVEMENT FUND
17 ESTABLISHED. (1) There is hereby created and established in the state trea-
18 sury the confined animal feeding operations (CAFO) improvement fund. The
19 state treasurer shall invest the idle moneys of the fund, and the interest
20 earned on such investments shall be retained by the fund. All moneys in the
21 fund are appropriated continuously to the department of environmental qual-
22 ity to be used and administered by it for the purposes specified in subsec-
23 tion (3) of this section and shall not be subject to the provisions of chapter
24 36, title 67, Idaho Code, or section 67-3516, Idaho Code.

25 (2) The fund shall have paid into it any gifts or grants from any source
26 when the same are made for purposes consistent with those for which the fund
27 is established, interest due to the investment of moneys in the fund, or any
28 other appropriation provided by the legislature.

29 (3) The department must expend or grant moneys from the CAFO im-
30 provement fund, as directed by the CAFO improvement fund committee, for
31 a statewide grant program to support implementation of environmental im-
32 provement programs on confined animal feeding operations for the purpose of
33 improving or implementing: by-product, waste, nutrient, and water manage-
34 ment; application and storage systems; energy-efficiency projects related
35 to processing of livestock by-products and waste; and renewable energy
36 projects using livestock by-products or waste as a feedstock. The following
37 are eligible for grants from the CAFO improvement fund:

38 (a) Owners and operators of a dairy farm as defined in section 37-604,
39 Idaho Code;

40 (b) Owners and operators of a beef cattle animal feeding operation as
41 defined in section 22-4904, Idaho Code; and

1 (c) Owners and operators of a concentrated animal feeding operation as
2 defined in section 25-4002, Idaho Code.

3 (4) On or before the first day of each regular legislative session, the
4 department must submit to the legislature a report of any moneys expended or
5 obligated and any work begun or completed in the prior fiscal year pursuant
6 to subsection (3) of this section.

7 (5) The CAFO improvement fund established under this section, and the
8 administration of such fund, shall not be subject to the provisions of sec-
9 tion 39-3614, Idaho Code.

10 (6) (a) There is hereby established the CAFO improvement fund committee
11 to administer the CAFO improvement fund. The committee shall consist of
12 seven (7) members as follows:

13 (i) One (1) representative selected by and appointed by the di-
14 rector of the Idaho department of environmental quality;

15 (ii) One (1) representative selected by and appointed by the di-
16 rector of the Idaho state department of agriculture;

17 (iii) Two (2) representatives selected by and appointed by the
18 Idaho dairymen's association;

19 (iv) Two (2) representatives selected by and appointed by the
20 Idaho cattle association; and

21 (v) One (1) representative selected by and appointed by the dean
22 of the college of agricultural and life sciences, university of
23 Idaho.

24 (b) Each member shall be appointed to serve a three (3) year term, ex-
25 cept that the term of the initial appointees shall commence on the date
26 of appointment and shall be staggered such that at least two (2) posi-
27 tions are up for appointment each year. Appointments to fill vacancies
28 shall be for the balance of the unexpired term. The director of the
29 Idaho department of environmental quality may also name as may be needed
30 those who have expertise necessary to assist in the work of the commit-
31 tee to serve as technical nonvoting advisers to the committee. Members
32 of the committee shall be compensated pursuant to section 59-509(c),
33 Idaho Code. The members of the committee shall appoint a chairperson
34 from among its members. The committee shall meet as necessary to con-
35 duct its business and provide general direction to the director for
36 administration of the funds under this section, but not less frequently
37 than annually, provided that no annual meeting is required if there are
38 no funds available under this section for administration.

39 (7) The CAFO improvement fund committee shall have sole responsibility
40 and authority to:

41 (a) Establish the criteria for eligibility to receive a grant from the
42 CAFO improvement fund, which shall include but not be limited to:

43 (i) That any application must be for a project that meets the pur-
44 pose for which the CAFO improvement fund moneys may be expended, as
45 described in subsection (3) of this section;

46 (ii) That any applicant must be of the class eligible to receive
47 funds from the CAFO improvement fund, as described in subsection
48 (3) of this section;

49 (iii) That the applicant for a project must contribute or obtain,
50 in kind or in cash, no less than forty percent (40%) of the total

- 1 project cost from sources other than the CAFO improvement fund;
2 and
3 (iv) That no single project may receive in grant funding from the
4 CAFO improvement fund more than twenty percent (20%) of the to-
5 tal funds appropriated to the CAFO improvement fund in any fiscal
6 year.
- 7 (b) Solicit and review applications for qualifying projects as de-
8 scribed in subsection (3) of this section;
- 9 (c) Establish the criteria to score and rank applications, which may
10 include separating applications among classes based on CAFO size in or-
11 der to ensure grant funding is made available to CAFOs of varying opera-
12 tional size;
- 13 (d) Score and rank project applications and determine the award of
14 grants to applicants for qualifying projects that have been reviewed by
15 the committee, and then direct the department accordingly;
- 16 (e) Monitor the completion of projects that receive a grant award and
17 the results of projects after implementation; and
- 18 (f) Other duties as necessary to coordinate and implement administra-
19 tion of the provisions of this section by the director.
- 20 (8) The department of environmental quality shall provide staff
21 assistance and support for the committee and administration of the CAFO im-
22 provement fund. The cost of administration of the provisions of this section
23 shall be paid from legislative appropriations to the CAFO improvement fund.

24 SECTION 2. An emergency existing therefor, which emergency is hereby
25 declared to exist, this act shall be in full force and effect on and after its
26 passage and approval.