

IN THE SENATE

SENATE BILL NO. 1146

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE OIL AND GAS CONSERVATION COMMISSION; AMENDING SECTION  
2 47-314, IDAHO CODE, TO REVISE A PROVISION REGARDING THE OIL AND GAS  
3 CONSERVATION COMMISSION; AND DECLARING AN EMERGENCY AND PROVIDING AN  
4 EFFECTIVE DATE.  
5

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

7 SECTION 1. That Section 47-314, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 47-314. OIL AND GAS CONSERVATION COMMISSION CREATED -- POWERS -- LIMIT  
10 ON LOCAL RESTRICTIONS -- ATTORNEY GENERAL. (1) There is hereby created an oil  
11 and gas conservation commission of the state of Idaho within the department  
12 of lands. The commission shall consist of a county commissioner as described  
13 in this section and four (4) members appointed by the governor with the ad-  
14 vice and consent of the senate.

15 (a) The county commissioner shall be from a county where oil and gas  
16 are being produced or have been produced within the last ten (10) years  
17 and shall be elected by a majority of the county commissioners from such  
18 producing counties. The county commissioner shall serve a four (4) year  
19 term. A vacancy shall be filled by election for the unexpired term in  
20 the same manner provided for election to a full term.

21 (b) The governor shall appoint four (4) members who shall serve at the  
22 pleasure of the governor. One (1) member shall be knowledgeable in oil  
23 and gas matters and shall have ~~a college degree in geosciences or engi-~~  
24 ~~neering and at least five (5) eight (8) years of experience in the oil~~  
25 and gas industry. One (1) member shall be a mineral interest owner with-  
26 out an oil and gas lease in a county where oil and gas have been produced.  
27 One (1) member shall be a resident of Idaho knowledgeable in land use  
28 matters and shall have at least five (5) years experience in land use  
29 matters. The term of office of each appointed member of the commission  
30 shall be four (4) years. A vacancy shall be filled by appointment for  
31 the unexpired term in the same manner provided for an appointment to the  
32 full term.

33 (2) The commission shall annually elect a chairman and a vice chairman  
34 from its membership. Such officers shall hold their respective offices un-  
35 til their successors are elected. If a vacancy occurs in either office, the  
36 commission shall elect a member to fill such office for the remainder of the  
37 term.

38 (3) The commission shall meet at least annually and thereafter on dates  
39 set by the commission. A majority of the members shall constitute a quorum.

40 (4) The members of the commission appointed by the governor or selected  
41 by the county commissioners shall be compensated as provided in section  
42 59-509(n), Idaho Code.

1 (5) The oil and gas administrator of the department of lands shall be  
2 the secretary for the commission.

3 (6) The department of lands shall have the power to exercise, under the  
4 general control and supervision of the commission, all of the rights, powers  
5 and duties vested by law in the commission, except those provided in sections  
6 47-328 and 47-329(3), Idaho Code.

7 (7) The commission shall have and is hereby given jurisdiction and au-  
8 thority over all persons and property, public and private, necessary to en-  
9 force the provisions of this act and shall have power and authority to make  
10 and enforce rules, regulations, and orders and to do whatever may reasonably  
11 be necessary to carry out the provisions of this act. Any delegation of au-  
12 thority to any other state officer, board or commission to administer any and  
13 all other laws of this state relating to the conservation of oil and gas is  
14 hereby rescinded and withdrawn and such authority is hereby unqualifiedly  
15 conferred upon the commission as herein provided. The commission shall fol-  
16 low procedures on applications as provided in section 47-328, Idaho Code,  
17 except as provided in sections 47-316(1) (a) and 47-329(3), Idaho Code.

18 (8) It is the intent of the legislature to occupy the field of the regu-  
19 lation of oil and gas exploration and production with the limited exception  
20 of the exercise of planning and zoning authority granted cities and counties  
21 pursuant to chapter 65, title 67, Idaho Code.

22 (9) To implement the purpose of the oil and gas conservation act, and  
23 to advance the public interest in the orderly development of the state's oil  
24 and gas resources, while at the same time recognizing the responsibility of  
25 local governments to protect the public health, safety and welfare, it is  
26 herein provided that:

27 (a) The commission will notify the respective city or county with ju-  
28 risdiction upon receipt of an application and will remit, electroni-  
29 cally, a copy of all application materials.

30 (b) No ordinance, resolution, requirement or standard of a city,  
31 county or political subdivision, except a state agency with authority,  
32 shall actually or operationally prohibit the extraction of oil and  
33 gas; provided however, that extraction may be subject to reasonable  
34 local ordinance provisions, not repugnant to law, that protect public  
35 health, public safety, and public order or that prevent harm to public  
36 infrastructure or degradation of the value, use and enjoyment of pri-  
37 vate property. Any ordinance regulating extraction enacted pursuant  
38 to chapter 65, title 67, Idaho Code, shall provide for administrative  
39 permitting under conditions established by ordinance, not to exceed  
40 twenty-one (21) days unless extended by agreement of the parties or upon  
41 good cause shown.

42 (c) No ordinance, resolution, requirement or standard of a city, county  
43 or political subdivision, except a state agency with authority, shall  
44 actually or operationally prohibit construction or operation of facil-  
45 ities and infrastructure needed for the post-extraction processing and  
46 transport of gas and oil. However, such facilities and infrastructure  
47 shall be subject to local ordinances, regulations and permitting re-  
48 quirements, not repugnant to law, as provided in chapter 65, title 67,  
49 Idaho Code.

1           (10) The commission may sue and be sued in its administration of this act  
2 in any state or federal district court in the state of Idaho having jurisdic-  
3 tion of the parties or of the subject matter.

4           (11) The attorney general shall act as the legal advisor of the commis-  
5 sion and represent the commission in all court proceedings, in all proceed-  
6 ings before the commission, and in any proceeding to which the commission may  
7 be a party before any department of the federal government. The commission  
8 may retain additional counsel to assist the attorney general and, for such  
9 purpose, may employ any funds available under this act.

10          SECTION 2. An emergency existing therefor, which emergency is hereby  
11 declared to exist, this act shall be in full force and effect on and after  
12 July 1, 2025.