

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 561

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 CHAPTER 65, TITLE 67, IDAHO CODE, BY THE
3 ADDITION OF A NEW SECTION 67-6539, IDAHO CODE, TO PROVIDE LEGISLATIVE
4 FINDINGS AND INTENT, TO PROVIDE A MORATORIUM FOR A TIME CERTAIN ON THE
5 PERMITTING, LICENSING OR CONSTRUCTION OF CERTAIN INDUSTRIAL WIND FARMS
6 AND WIND TURBINES AND TO PROVIDE FOR CREATION OF A LEGISLATIVE TASK
7 FORCE; 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 Chapter 65, Title 67, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 67-6539, Idaho Code, and to read as follows:

13 67-6539. MORATORIUM ON CONSTRUCTION OF CERTAIN INDUSTRIAL WIND FARMS
14 AND WIND TURBINES FOR A TIME CERTAIN. (1) The legislature finds that indus-
15 trial wind farms and wind turbines are having a significant negative impact
16 upon Idaho's citizens, wildlife, aesthetic values, taxpayers, power rates,
17 property values and the operations of Idaho's electrical utilities. Current
18 wind development is outstripping the capacity of the utilities in Idaho to
19 integrate the intermittent power provided by wind turbines. Local officials
20 in Idaho have been overwhelmed with requests for the approval of wind devel-
21 opment. However, the rate of development has not allowed proper analyses to
22 be completed as to the impacts of large wind turbines in areas frequented by
23 wildlife. For instance, wind turbines are being considered for construction
24 in areas known to be utilized by sage grouse, a species currently under con-
25 sideration for listing as an endangered species by the U.S. fish and wildlife
26 service, which could have immediate and far-reaching effects on Idaho. Ad-
27 ditionally, court action and claims of negative effects of wind turbines on
28 private property and nearby residents are frequent. To properly address and
29 better understand the operational questions, as well as the environmental
30 and economic effects of wind energy, the legislature is placing a ban on the
31 approval and construction of industrial wind farms and wind turbines until
32 an analysis of such effects is completed by a legislative task force that
33 shall present a report on or before January 10, 2014, to the Idaho legisla-
34 ture.

35 (2) From the effective date of this act until July 1, 2014, municipal-
36 ities, counties and state agencies are prohibited from granting approval or
37 issuing any new licenses or permits for the construction or operation of wind
38 turbines that exceed one hundred (100) feet in height and have a nameplate
39 capacity that exceeds one hundred (100) kilowatts. Projects that have been
40 approved and against which no legal proceedings have been filed as of Feb-
41 ruary 1, 2012, shall be allowed to be constructed. Projects for which legal
42 proceedings are pending as of February 1, 2012, shall not be allowed to be

1 constructed until the legal proceedings are complete and a court of compe-
2 tent jurisdiction finds that construction may proceed.

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

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

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