

IN THE SENATE

SENATE BILL NO. 1273

BY KELLY, WERK, MALEPEAI, BILYEU, LEFAVOUR, BOCK, STENNETT

AN ACT

RELATING TO RENEWABLE ENERGY PROJECTS; AMENDING TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 18, TITLE 61, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR AN EXPEDITED PERMITTING AND APPROVAL PROCESS, TO PROVIDE CONSTRUCTION STANDARDS, TO PROVIDE FOR PUBLIC WORKSHOPS AND EFFECT OF THE CHAPTER; DECLARING AN EMERGENCY, PROVIDING A SUNSET DATE AND PROVIDING APPLICATION.

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

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

CHAPTER 18

GROW GREEN IDAHO JOBS ACT

61-1801. LEGISLATIVE INTENT. The purpose of this act is to speed the creation of green jobs in Idaho by requiring local governments and the state to expedite permits for renewable energy projects. It is the intent of this act that local units of government and state agencies expedite permit applications and provide for public meetings on these applications in an accelerated and timely fashion.

61-1802. DEFINITIONS. As used in this chapter:

(1) "Fuel cell" means an electrochemical reaction that generates electricity by combining atoms of hydrogen and oxygen in the presence of a catalyst;

(2) "Landfill gas" means biomass fuel of the type qualified for federal tax credits under 26 U.S.C. section 29 collected from a landfill. "Landfill" means a landfill as defined in section 39-7403, Idaho Code;

(3) "Low impact hydro" means an electric generating facility utilizing water for the generation of electricity, housed in existing canals or existing reservoirs and having a power production capacity twenty-five (25) kilowatts or greater.

(4) "Machinery and equipment" means industrial fixtures, devices, and support facilities that are integral and necessary to the generation of electricity using fuel cells, low impact hydro, wind, geothermal resources, biomass, cogeneration, sun, or landfill gas as the principal source of power. "Machinery and equipment" includes all operating property as described in section 63-3501(h), Idaho Code;

(a) Notwithstanding the provisions of this subsection, "machinery and equipment" does not include: Hand-powered tools; property with a useful life of less than one (1) year; repair parts required to restore machinery and equipment to normal working order; replacement parts that

1 do not increase productivity, improve efficiency, or extend the useful  
2 life of machinery and equipment; buildings; or building fixtures that  
3 are not integral and necessary to the generation of electricity that are  
4 permanently affixed to and become a physical part of a building;

5 (b) Machinery and equipment is "used directly" in generating  
6 electricity with fuel cells or by low impact hydro, wind energy,  
7 geothermal resources, biomass, cogeneration, solar energy or landfill  
8 gas power if it provides any part of the process that captures the  
9 energy of the fuel cells, low impact hydro, wind, geothermal resources,  
10 biomass, cogeneration, sun, or landfill gas, converts that energy to  
11 electricity, and stores, transforms or transmits that electricity for  
12 entry into or operation in parallel with electric transmission and  
13 distribution systems;

14 61-1803. EXPEDITED PERMITTING AND APPROVAL PROCESS. Notwithstanding  
15 the provisions of titles 39, 42, 58, 61 and 62 and chapter 65, title 67, Idaho  
16 Code, any state agency or political subdivision shall expedite permitting  
17 and approval for the siting and location of machinery and equipment used  
18 directly in generating electricity using fuel cells, low impact hydro,  
19 wind, geothermal resources, biomass, cogeneration, sun or landfill gas  
20 as the principal source of power within its jurisdictional or regulatory  
21 authority. The permitting and approval of such projects shall be a priority  
22 of each state agency or political subdivision.

23 61-1804. CONSTRUCTION STANDARDS. In order to receive preference  
24 pursuant to this chapter, every person proposing to site a renewable  
25 energy project shall certify the will to construct, install, operate,  
26 and maintain its facility in compliance with the current edition of the  
27 national electrical safety code published by the institute of electrical  
28 and electronic engineers, inc. Projects shall be constructed and operated  
29 in a manner to best accommodate the public and to prevent interference with  
30 service furnished by other public utilities insofar as practical.

31 61-1805. PUBLIC WORKSHOPS -- EFFECT OF CHAPTER. (1) In order to  
32 receive preference pursuant to this chapter every person desiring to  
33 site a renewable energy project shall conduct informal public workshops  
34 at location(s) along or near the proposed facility. The purpose of the  
35 workshops is to provide information about the project and the process for  
36 obtaining construction authority.

37 (2) The purpose of the public workshop is for the developer and state  
38 or political subdivision staff to dispense information concerning the  
39 renewable energy project application and to advise interested persons on how  
40 to participate in the state or local unit of government's review proceeding.

41 (3) Notice of the public workshops shall be issued a minimum of fourteen  
42 (14) days prior to the workshop to newspapers of general circulation and  
43 radio and television stations in the affected area.

44 (4) Issuance of a certificate or approval pursuant to this chapter  
45 shall not be construed to preempt jurisdiction of any state agency or  
46 local government over matters that are not included in and governed by the  
47 certificate including, but not limited to, employee health and safety, wage

1 and hour or other labor regulations, or other design and operational issues  
2 that do not relate to the siting of the renewable energy facilities.

3 SECTION 2. An emergency existing therefor, which emergency is hereby  
4 declared to exist, this act shall be in full force and effect on and after  
5 its passage and approval. The provisions of Section 1 of this act shall be  
6 null, void and of no force and effect on and after January 1, 2013. If an  
7 application for a renewable energy project has been filed before January 1,  
8 2013, the provisions of this act shall still be in full force and effect until  
9 the application has been finally acted upon.