

IN THE SENATE

SENATE BILL NO. 1346

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO BEEF CATTLE ANIMAL FEEDING OPERATIONS; AMENDING SECTION
2 22-4909A, IDAHO CODE, TO PROVIDE THAT THE IDAHO DEPARTMENT OF
3 AGRICULTURE SHALL HAVE AUTHORITY TO ADMINISTER WATER QUALITY LAWS
4 IN REGARD TO CERTAIN BEEF CATTLE ANIMAL FEEDING OPERATIONS AND TO
5 PROVIDE THAT INFORMATION RELATING TO NUTRIENT MANAGEMENT PLANS SHALL BE
6 CONFIDENTIAL.
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8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 22-4909A, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 22-4909A. EFFECT OF FEDERAL ENVIRONMENTAL PROTECTION AGENCY
12 ENFORCEMENT ACTION. The Idaho department of agriculture shall have
13 authority to administer all laws to protect the quality of water within
14 the confines of a beef cattle animal feeding operation that is not under
15 permit issued by the federal environmental protection agency. In addition,
16 the nutrient management plan, and all information generated as a result of
17 such plan, shall be deemed to be trade secrets, production records or other
18 proprietary information, shall be kept confidential and shall be exempt from
19 disclosure pursuant to section 9-340D, Idaho Code. In any case in which
20 the United States environmental protection agency initiates an enforcement
21 action regarding an alleged noncompliance at a beef cattle animal feeding
22 operation, any pending administrative or civil enforcement action initiated
23 by the director regarding the same alleged noncompliance shall be deemed
24 void. If a compliance order addressing the alleged noncompliance has
25 already been issued by the director, that order shall remain in full force
26 and effect.