

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 466

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,
3 TO PROVIDE FOR THE CONFINED ANIMAL FEEDING OPERATIONS IMPROVEMENT FUND,
4 TO PROVIDE FOR THE EXPENDITURE AND GRANTS OF MONEYS IN THE FUND, TO PRO-
5 VIDE FOR AN ANNUAL REPORT TO THE LEGISLATURE, TO PROVIDE THAT CERTAIN
6 LAW SHALL NOT APPLY TO THE FUND, TO PROVIDE FOR THE CAFO IMPROVEMENT FUND
7 COMMITTEE, AND TO PROVIDE THAT THE DEPARTMENT OF ENVIRONMENTAL QUALITY
8 SHALL PROVIDE STAFF ASSISTANCE AND SUPPORT; AND DECLARING AN EMERGENCY
9 AND PROVIDING AN EFFECTIVE DATE.
10

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

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

15 39-3628B. CONFINED ANIMAL FEEDING OPERATIONS (CAFO) IMPROVEMENT FUND
16 ESTABLISHED. (1) There is hereby created and established in the state trea-
17 sury the confined animal feeding operations (CAFO) improvement fund. The
18 state treasurer shall invest the idle moneys of the fund, and the interest
19 earned on such investments shall be retained by the fund. All moneys in the
20 fund are appropriated continuously to the department of environmental qual-
21 ity to be used and administered by it for the purposes specified in subsec-
22 tion (3) of this section and shall not be subject to the provisions of chapter
23 36, title 67, Idaho Code, or section 67-3516, Idaho Code.

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

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

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

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

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

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

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

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

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

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

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

17 (iv) Two (2) representatives selected by and appointed by the
18 Idaho cattle association; and

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

22 (b) Each member shall be appointed to serve a three (3) year term, ex-
23 cept that the term of the initial appointees shall commence on the date
24 of appointment and shall be staggered such that at least two (2) posi-
25 tions are up for appointment each year. Appointments to fill vacancies
26 shall be for the balance of the unexpired term. The director may also
27 name as may be needed those who have expertise necessary to assist in the
28 work of the committee to serve as technical nonvoting advisers to the
29 committee. Members of the committee shall be compensated pursuant to
30 section 59-509(c), Idaho Code. The members of the committee shall ap-
31 point a chairperson from among its members. The committee shall meet
32 as necessary to conduct its business and provide general direction to
33 the director for administration of the funds under this section, but not
34 less frequently than annually.

35 (7) Duties of the CAFO improvement fund committee shall include but are
36 not limited to:

37 (a) Soliciting and reviewing applications for qualifying programs as
38 described in subsection (3) of this section;

39 (b) Scoring, ranking, and awarding funds to applicants for qualifying
40 programs that have been reviewed by the committee; and

41 (c) Other duties as necessary to coordinate administration of the pro-
42 visions of this section by the director.

43 (8) The department of environmental quality shall provide staff
44 assistance and support for the committee and administration of the CAFO im-
45 provement fund. The cost of administration of the provisions of this section
46 shall be paid from legislative appropriations to the CAFO improvement fund.

47 SECTION 2. An emergency existing therefor, which emergency is hereby
48 declared to exist, this act shall be in full force and effect on and after
49 July 1, 2022.