



Legislative Update

March 16, 2020

The annual Utah Legislative Session beginning today, Monday, January 27 and concluding midnight, March 12 - 45 total days. It's anticipated the 104 member part-time legislature will consider nearly 900 bills and balance a \$20 billion budget. Utah Farm Bureau will have a full-time presence at Utah's Capitol Hill representing its members and grassroots developed policy.

Here's a list of initial bills directly impacting Utah's farmers and ranchers. Updates will be emailed to interested Farm Bureau members Monday morning for eight consecutive weeks. Please make every effort to regularly communicate to your respective Representative and Senator your support and concerns regarding this list of bills. This regular communication, combined with Utah Farm Bureau's activity on Capitol Hill, will strengthen our voice, unify our efforts and increase our effectiveness in policy implementation.

This Utah Farm Bureau Legislative Update is made available to Farm Bureau members via email or on the Utah Farm Bureau website - www.utahfarmbureau.org. For additional information about these bills, contact Wade Garrett, VP Strategic Relationships & Advocacy at wade.garrett@fbfs.com or 435-660-9292. Contact information for your respective legislator is found online at <https://le.utah.gov>.

****Updates will be indicated using red text.**

House Bills

Appropriation Requests:

\$3,000,000 Water optimization **Denied**

\$3,000,000 Water Quality **Denied**

\$300,000 Veterinary Diagnostics Lab **Approved**

HB 10 Boards and Commissions Amendments, Rep. Roberts (R) Utah, - Places sunset provisions on many state boards and commissions including many boards and commissions important to agriculture. Requires these boards and commissions to be reauthorized by the legislature for a defined period of time. Farm Bureau is working with the sponsor and believes his motive is commendable, there are literally hundreds of state boards and committees spending valuable time and resources. The intention is to evaluate the importance of each, keep those that are needed and discontinue any that may have outlived their usefulness. **Passed**

HB 18 Industrial Hemp Program Amendments, Rep. Daw (R) Utah, - Directs the Department of Agriculture and Food to develop a state industrial hemp production plan; makes changes to the industrial hemp producer license; establishes requirements for: an industrial hemp retail permit; and an industrial hemp laboratory permit; establishes a process for enforcement of legal provisions relating to industrial hemp. **Passed (Farm Bureau has no policy regarding hemp production, we have not taken a position on this bill)**

HB 27 Waste Tire Recycling Act Amendments, Rep. Chew (R) Uintah, - Modifies definitions related to waste tire piles; increases the number of whole waste tires a person may transfer at one time to a

landfill or any other location in the state authorized by the director to receive waste tires; addresses storage of whole waste tires. Exempts tires used to maintain covers on agricultural materials, silage.

Passed (Farm Bureau supports)

HB 28 Legislative Water Development Commission Sunset Amendments, Rep. Stratton (R) Utah - Extends the sunset date of the Legislative Water Development Commission; corrects references to the name of the commission to be the Legislative Water Development Commission; addresses appointment of nonvoting members of the commission; addresses duties of the commission. This committee deals with funding project to develop Utah's undeveloped water in the Bear and Colorado river systems. **Passed (Farm Bureau supports)**

HB 39 Agricultural Water Optimization Task Force Amendments, Rep. Snider (R) Cache - Defines and expands task force membership to include three individuals whose primary source of income comes from the production of agricultural commodities. Allows the Task Force to make legislative recommendations. **Passed (Farm Bureau supports)**

HB 40 Water Loss Accounting Act, Rep. Ballard (R) Davis - Mandates an annual water loss accounting report for all municipal water suppliers (3,300 individuals). **Passed**

HB 41 State Water Policy Amendments, Rep. Stratton (R) Utah - Outlines the water policies of the state; encourages state agencies to follow the state policy; and requires an annual review of the policy. **Passed (Farm Bureau supports)**

HB 85 Federal Designation Amendments, Rep. Albrecht (R) Emery/Grand/Sanpete/Sevier - Amends the definitions related to federal designations and requires a governmental entity that intends to advocate for a federal designation within the state to notify certain legislative committee chairs. Does not apply to designations of 5000 acres or less. **Passed**

HB 94 Water Application Amendments, Rep. Hawkes (R) Davis - Addresses applications for small amounts of water, allows the state engineer to issue a certificate meeting certain requirements before evaluating a claim in a general adjudication. **Passed (Farm Bureau supports)**

HB 95 General Adjudication Water Amendments, Rep. Hawkes (R) Davis - Addresses objections to state engineer adjudication determinations (how to object); prohibits claims after completion of a final summons. **Passed (Farm Bureau supports)**

HB 96 Water Forfeiture Amendments, Rep. Hawkes (R) Davis - This bill addresses issues related to forfeiture of water rights. Modifies the exemptions related to a lease; a water right in a surface reservoir if storage is limited by safety, regulatory, or engineering restraints; and addresses the requirement that a public water supplier meets the reasonable future water requirement. **Passed (Farm Bureau supports)**

HB 105 Water Facilities Amendments, Rep. Wilde (R) Daggett/Duchesne/Morgan/Rich/Summit - This bill addresses water facilities, imposes criminal penalties for persons who maliciously interfere with or damage a water facility, makes a connection to a water facility without consent of the owner; or unlawfully interferes with an individual authorized to apportion water while in the discharge of the individual's duties. **Passed (Farm Bureau supports)**

HB 125 Division of Wildlife Resource Amendments, Rep. Albrecht (R) Emery/Grand/Sanpete/Sevier - Directs DWR to take immediate action under certain circumstances when a big game population is under the established herd size objective for a management unit by reducing the numbers of predators. **Passed (Farm Bureau supports)**

HB 130 Water Use Amendments, Rep. Hawkes (R) Davis - Addresses the state engineer's actions related to split season or other potentially complicated changes; addresses change application for instream flow; and makes technical and conforming amendments. **Passed (Farm Bureau has not policy relating to split season water use)**

HB 133 Trail Improvement Amendments, Rep Winder (R) Salt Lake – Allows the use of eminent domain to acquire land for trails in certain situations. **Did not pass, the Sponsor agreed to hold the bill. (Farm Bureau opposes)**

HB 134 Raw Milk Products Amendments, Rep. Coleman (R) Salt Lake - Allows the manufacturing, distribution, and sale of certain products (Cream and Butter) produced from raw milk under certain circumstances. **Passed both House and Senate, waiting the Governor's signature. (Farm Bureau supports)**

HB 138 Transportation Corridor Preservation Amendments, Rep. Anderson (R) Weber - Establishes certain notice requirements before the Department of Transportation, a county, or a municipality purchases property for corridor preservation. If a land owner voluntarily sales their land for a transportation corridor the landowner must pay rollback taxes, if the property is taken through eminent domain for a transportation corridor then rollback taxes do not need to be payed. **Passed (Farm Bureau is working with the sponsor to correct the problem of land owners having to a pay role back taxes when land it taken for a transportation corridor.)**

HB 156 Water Amendments and Education Entities, Rep Handy (R) Davis - Provides that an institution of higher education is a public entity. Public entities are not required to put their water rights to beneficial use. **Did not pass**

HB 163 Cultural Stewardship Amendments, Rep Hawkes (R) Davis - creates the Cultural Site Stewardship Program to create a list of cultural sites suitable for monitoring by volunteers and provide education to the public about protecting these sites. **Passed**

HB 166 Watershed Councils, Rep. Hawkes (R) Davis – Watershed Council Act, creates local and state watershed councils to serve as a forum to facilitate discussion and collaboration between stakeholders and to provide advice to the governor and Legislature on water issues. **Passed**

- State council: Director DNR, Director DEQ, Commissioner of AG, Director of Indian affairs, USU Extension VP, Rep UAC, Rep League of cities and towns, Rep Association of Special districts, Rep reclamation projects, Rep AG, Per conservation interests, Rep Business and water interests, Rep local watershed council.
- Local councils: agriculture, industry, Indian tribes, public water suppliers, water planning and research institutions, water quality, fish and wildlife, water dependent habitat and environments, watershed managers, mutual irrigation companies; and local sponsors of reclamation projects.

HB 182 Noise Pollution Amendments, Rep Wheatley (D) Salt Lake - Requires vehicles subject to an emissions inspection also be inspected for compliance with noise suppression equipment requirements. Implements of Husbandry and Farm Trucks are exempt. **Did not pass**

HB 191 Dairy Commission Amendments, Rep Snider (R) Cache - addresses the Dairy Commission's powers, duties, and functions, including selection of an administrator. Addresses collection of certain assessments if not paid on time. **Passed (Farm Bureau Supports)**

HB 198 Eminent Domain Limitations, Rep Pulsipher (R) Salt Lake - Prohibits a person from exercising the right of eminent domain for the purpose of establishing a public park on certain centu-

ry farm property; and consolidates uses for which the eminent domain right may not be exercised.

Passed (Farm Bureau supports efforts to limit the use of eminent domain)

HB 226 Storm Water Permitting Amendments, Rep Snider (R) Cache – Directs the Division of Water Quality to study storm water containment and report on the study of storm water containment.

Passed

HB 227 Motor Vehicle Insurance Revisions, Rep Waldrip (R) Weber - Amends the definition of “covered person” as related to uninsured and underinsured motorist coverage to include an individual operating a farm tractor on a highway. **Did not pass (Farm Bureau supports)**

HB 228 Livestock Predators Removal Amendments, Rep Snider (R) Cache – Allows a livestock owner, an immediate family member, or an employee of the owner to kill a predator within 96 hours of it harassing livestock. **Passed (Farm Bureau supports)**

HB 232 Food Revisions, Rep Roberts (R) Utah - Creates permitting guidelines for agritourism food establishments and clarifies the Home Consumption and Homemade Food Act. Allows a farm to obtain an Agritourism Food Establishment permit from the local health department. Agritourism food establishment” means a kitchen in a private residence which is located on a farm where food is handled, stored, prepared, sold, or offered for sale. Allows for limited inspection of the facility and allows the Health Department to charge a fee. **Passed (Farm Bureau supports)**

HB 233 Natural Resources Legacy Funding Amendments, Rep Snider (R) Cache – Creates the Utah Natural Resources Legacy Fund and governing board. Funding will come from the Radioactive waste facility disposal tax on depleted uranium and possible grant funding. Money from the fund will be used in the following manner: 40% for staffing and administration, 60% to preserving open spaces, wildlife habitat, and critical agricultural lands by purchase or acquisition of development rights or an easement on properties of 500 acres or more, and other land preservation and conservation strategies. The governing board will have 2 seats dedicated to agriculture. **Passed (Farm Bureau supports)**

HB 248 Agriculture Revisions, Rep Wilde (R) Daggett/Duchesne/Morgan/Rich/Summit - Addresses regulation of agriculture related activities. Addresses regulation of fertilizer or soil amendments; provides for the commissioner of agriculture and food to appoint members of the conservation board of supervisors; provides a vehicle for the commissioner of UDAF, and make technical changes. **Passed House, waiting for a Senate floor vote.**

HB 255 Boat Fees Amendments, Rep. Waldrip (R) Weber - Creates the Aquatic Invasive Species Interdiction Account funded through a boater registration fee. The Fund will be used for aquatic invasive species prevention and containment efforts. **Passed (Farm Bureau supports)**

HB 261 Eminent Domain Revisions, Rep. Lyman (R) Beaver, Garfield, Kane, Piute, San Juan, Sevier, Wayne - Revises provisions related to eminent domain. Forbids the use of eminent domain for parks and recreation, requires that initial plans have been approved and funding is available for the public use before land can be taken, gives the land owner first right of refusal to purchase the land, at the condemnation price, if the land is not used for the purpose it was taken for. **Did not pass (Farm Bureau strongly supports private property rights, Farm Bureau supports)**

HB 273 Property Rights Ombudsman Amendments, Rep Peterson (R), Utah - Provides that in a court

action involving a dispute related to land use law, the prevailing party may recover compensatory damages if the court resolves the dispute consistent with an advisory opinion issued on the same

facts and circumstances. **Passed**

HB 283 Outdoor Adventure Commission Amendments, Rep. Stenquist (R), Salt Lake - Creates the Outdoor Adventure Commission with representation from Agriculture; directs the commission to develop a strategic plan aimed at meeting the future needs of outdoor recreation within the state. **Passed**

HB 296 Limitations on Landowner Liability Amendments, Rep Snider (R), Cache – Limits liability for a landowner when allowing guests in a migratory bird production area. Waiting for a house committee hearing. **Did not pass**

HB 301 Horse Racing Amendments, Rep. McKell (R), Utah - Provides for rule making authority by the Utah Horse Racing Commission related to use of foreign substances and related penalties. **Did not pass**

HB 317 Nonroad Engine Study, Rep Handy (R), Davis - Directs the Division of Air Quality to conduct a study into the number and type of non-road compression-ignition (Diesel) engines in non-attainment areas of Utah. Appropriates \$50,000 to conduct the study. **Did not pass**

HB 327 Vaccination Requirement for Dogs, Rep Watkins (R), Carbon - Requires a person that sells a dog under the age of one year provide certification that the dog has been vaccinated against Parvovirus. **Waiting for a House committee hearing.**

HB 328 Division of Water Resources Study Update, Rep Ferry (R), Box Elder – Requires the Division of Water Resources to study the cost and impact of diverting water from the Green River to the Wasatch Front. **Did not pass**

HB 337 Brand Inspection Amendments, Rep Roberts, (R) Utah - Clarifies that cattle that do not forage in an open range are not required to bear a brand or mark; and exempts certain cattle from brand inspection fees. **Did not pass, the Sponsor agreed to hold the bill.**

HB 358 Poultry Amendments, Rep Roberts (R), Utah – Exempts persons who slaughter less than 20,000 birds/per year from regulations relating to the commercial slaughter of poultry. **Passed (Farm Bureau supports)**

HB 387 Shell Egg Producers Amendments, Rep Roberts (R), Utah - Allows small producers (3,000 layers of less) to sell to a retail outlet, currently small producers are only allowed to sell to the ultimate consumer. **Did not pass**

HB 398 Plant Pest Emergency Control, Rep Owen (R), Sanpete/Juab - Addresses commissioner's authority to address plant pest emergencies and creates the Plant Pest Fund. Give the commissioner of UDAF the ability to take immediate action to address Plant Pest emergencies. **Passed (Farm Bureau Supports)**

HB 424 Tax Exemptions Economic Impact Amendments, Rep, Spendlove (R), Salt Lake - Requires reporting on sales and use tax exemptions including the reported dollar amount of sales and use tax that the state forwent for each exemption category. **Did not pass**

HB 455 Veterinary Technician Certification Amendments, Rep McKell (R), Utah - Establish credentialing criteria for a state certified veterinary technician. **Passed**

HB 465 Climate and Air Quality Task Force, Rep Brisco (D), Salt Lake, Creates the Climate and Air

Quality Task Force, provides that the task force shall study and make recommendations on ways to address air quality and climate change. **Did not pass**

HCR 6 Concurrent Resolution Recognizing Luann Adams for Her Service as Commissioner of the Department of Agriculture and Food, Rep. Perry (R) Box Elder/Weber – Both House and Senate recognized Luann Adams for her service as commissioner. **Passed (Farm Bureau supports)**

HCR 19 Concurrent Resolution Opposing the Introduction of Wolves, Rep Wilde (R), Daggett/Duchesne/Morgan/Rich/Summit – States that the Legislature and Governor oppose the artificial human introduction of wolves into the Southern Rockies; and calls upon governmental entities to block efforts to force wolves on Utah. **Passed (Farm Bureau Supports)**

HCR 22 Concurrent Resolution Concerning the Protection, Development, and Beneficial Use of Utah's Colorado River Compact Allocation, Rep Last (R), Washington - Encourages the state to expeditiously develop and place to beneficial use, the water apportioned to Utah under the Compacts, consistent with the Law of the River. **Passed**

HCR 23 Concurrent Resolution Encouraging a Balanced Approach to the Release of Water from Flaming Gorge, Rep Chew (R), Uintah, Expresses support and recognition of the Green River Stakeholders and the need to reduce the adverse effects of current Flaming Gorge Dam operations to the local communities, recreational businesses, ranchers, farmers, landowners, and individuals who work and live within the river corridor. **Did not pass, held for interim study.**

HCR 24 Concurrent Resolution on Quagga Mussels Rep Wilde (R), Daggett/Duchesne/Morgan/Rich/Summit – addresses quagga mussels in the state and efforts to contain the spread of it. **Passed**

HJR 3 Proposal to Amend Utah Constitution -- Water Resources of Municipalities, Rep. Stratton (R) Utah - This resolution proposes to amend the Utah Constitution to: rewrite a provision relating to municipal water rights and sources of water supply; eliminate references to municipal waterworks; and specify the circumstances under which a municipality may supply water outside its boundary or commit to supply water outside its water service area. **Passed**

Senate Bills

SB 26 Water Banking Amendments, Sen Iwamoto (D) Salt Lake - This bill addresses transactional water right banking. Creates a water banking system that is voluntary, locally controlled and temporary. Water rights contracted in a water bank at considered as having been put to beneficially use and are protected from forfeiture. **Passed (Farm Bureau supports)**

SB 51 Pressurized Secondary Water Metering, Sen. Anderegg (R) SL/Utah – Provides exemptions from secondary water metering for counties for counties of the Third, Fourth fifth and sixth class, also exempts water systems where no meter manufacturer will warrant a meter due to water quality concerns. **Passed**

SB 52 Agricultural Water Use Amendments, Sen. Anderegg (R) SL/Utah - Required the division of Water Rights to prepare a report of agricultural use of water. The report will include the amount of water applied through different irrigation methods, the amount of water owned by different typed of entities (Special Service district, Municipality, Private entity). The report is to be completed by Nov 1, 2020. **Did not pass**

SB 63 Recreational Activities Related to Public Waters, Sen Sandall (R) Box Elder/Cache/Tooele - Addresses recreational activities related to public waters. Modifies general access provisions, including access related to navigable waters and provides penalties for trespass. **Did not pass (The**

sponsor pulled the bill waiting for ongoing legal action to take place.)

SB 84 Public Entity Water Users Amendments, Sen. Anderegg (R) SL/Utah - This bill addresses the use of water by specific public entities. Requires Public Entity Water Users to develop water plans that address water conservation and requires water metering. **Did not pass**

SB 95 Economic Development Amendments, Sen. Sandall (R), Box Elder/Cache/Tooele – Provides grant money for rural counties to use as matching funds for economic development. The rural partnership board shall award grants to rural counties to address the economic development needs of rural counties, needs may include:

- Business recruitment, development, and expansion
- Workforce training and development
- Infrastructure and capital facilities improvements for business development.

Passed

SB 106 Agricultural Amendments, Sen Sandall (R) Box Elder/Cache/Tooele – Prohibits a county from establishing a setback of greater than two miles for an agricultural operation if the operation complies with all applicable state and federal regulation and if the land where the operation is to be built is zoned as agriculture, range and forest, or other mixed use that allows any agricultural operation. Also prohibits a county from establishing regulations for agricultural operations that is more stringent than state and federal regulation. Does not apply to counties of the first and second class. Did not pass, sent to interim study. **(Farm Bureau strongly believes in the rights of property owners and believes that county land use ordinances should be based on the best available science, not emotion.)**

SB 134 Property Tax Exemption for Wildfire Prevention, Sen Hemmert (R), Utah - Enacts a property tax exemption that reduces a property owner's property tax liability for expenses paid or incurred for wildfire prevention. **Did not pass (Farm Bureau supports efforts/incentives to encourage wildfire prevention)**

SB 144 Water Related Process Amendments, Sen Okerland (R), Beaver, Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier, Utah, Wayne - Addresses judicial review of a state engineer order, establishes that filing a protest or judicial review action is not required to bring a judicial interference claim. **Passed**

SB 224 Dedication of Public Highways, Sen Weiler (R), Davis – Modifies the requirements for an interruption of continuous use of a highway as a public thoroughfare; provides that a property owner's interruption of continuous use of a highway as a public thoroughfare restarts the running of the 10-year period of continuous use required for the dedication of a public highway. **Passed (Farm Bureau supports)**

SCR 2 Concurrent Resolution Honoring Michael R. Styler, Sen Iwamoto (D) Salt Lake - Recognizes Michael Russell "Mike" Styler for his service as the Executive Director of the Department of Natural Resources. Mike Styler was recognized in both the House and Senate for his many years as the Commissioner of DNR. **Passed (Farm Bureau supports)**

SJR 10 Proposal to Amend Utah Constitution -- Property Tax Exemption for Wildfire Prevention, Sen Hemmert (R), Utah - Proposes to amend the Utah Constitution to enact a provision relating to a property tax exemption for wildfire prevention efforts. **Did not pass (Farm Bureau supports efforts/incentives to encourage wildfire prevention)**