



# Legislative Update

February 24, 2023

🎵 It's the final countdown 🎵 There is just one week left of the 2023 legislative session. The session ends next Friday, March 3. Over 850 bills have been introduced in the House and the Senate and 189 bills have passed.

Although it was a short week due to the holiday, the legislature packed a lot of items onto committee agendas. On Tuesday morning, the Utah Farm Bureau testified before the Senate Business and Labor Committee in support of [H.B. 371, Working Farm and Ranch Protection Fund](#) (Rep. Snider). This bill would rename the LeRay McAllister Critical Land Conservation Program, the LeRay McAllister Working Farm and Ranch Fund. The bill also requires that counties deposit 20% of rollback tax funds into an account set aside for preserving or restoring open land and agricultural land. The bill provides that rollback funding may not be used to purchase property in public land counties (counties in which over 50% of the land area is publicly), unless the governmental entity purchasing the property transfers to private ownership property, in the same county, that is roughly equivalent in size to the property to be purchased. The bill also requires that properties purchased be no more than 20 acres in size and prohibits parcels of land larger than 20 acres from being divided to create parcels that are smaller than 20 acres to qualify under this law. The bill was favorably reported by the committee and will soon be voted on in the Senate.

Later in the afternoon on Tuesday, we also testified before the Senate Natural Resources, Agriculture, and Environment Committee. We joined Cache County President Chris Chambers in testifying in support of [S.B. 251 Secondary Water Metering Requirements](#) (Sen. Hinkins). This bill provides exemptions for secondary water suppliers from metering every connection if: 1) the system has no storage and relies on stream flow; 2) the majority of secondary water users on the system are associated with agriculture use or power generation use; and 3) less than 50% of the secondary water is used by residential secondary water users. The bill also provides for an exemption if the system has 1,000 or fewer users and a mix of pressurized lines and open ditches. These water suppliers will still be required to meter strategic points of the system. Additionally, the bill authorizes secondary water suppliers to receive grants or convert a previously issued secondary water metering grant to a project that is an alternative to metering such as lining ditches or improving headgates. We believe this bill provides important flexibility to rural water suppliers and helps to reduce unnecessary costs that won't result in any water savings.

At the same hearing we also testified in support of [H.B. 208, Criminal Trespass Amendments](#) (Rep. Chew). This bill will enhance property rights by establishing the elements of and penalty for criminal trespass on private property for recreational purposes.

Finally, we also supported [S.B. 259, Department of Agriculture and Food Amendments](#) (Sen. Owens). This bill is the Department of Agriculture and Food's so-called "cleanup bill." The bill contains a wide variety of provisions that affect agriculture in the state of Utah. We supported a change in the bill to

allow the state veterinarian to continue in private practice outside of hours spent working for the state. In recent years, the Department has struggled to recruit and retain state veterinarians. The Department feels that this provision will provide the ability for the state veterinarian to sufficiently supplement their salary while serving in the position. The bill also changes a requirement related to branding. Specifically, the bill states that cattle harvested within 60 days after the date of sale or other transfer of ownership are not required to be rebranded. We also testified in support of a provision that will make it easier for producers of homemade pet treats to comply with packaging and labeling requirements for retail sale within the state, such as at farmers markets.

On Wednesday, we once again testified in support of [S.B. 144, Water Instream Flow Amendments](#) (Sen. Hinkins) before the House Natural Resources, Agriculture, and Environment Committee. This bill will help Utah water stay under Utah control by ensuring that conserved water has legal protection to reach a reservoir. Recent federal legislation gives Utah the opportunity to voluntarily conserve water and store the savings in Lake Powell or another reservoir if a program is established in the Upper Colorado River Basin. The conserved water could later be released to offset mandatory reductions required under the Colorado River Compact. If the water supply in the Colorado River does not improve soon, Colorado River Compact provisions could trigger a mandatory reduction in Utah water use, known as “curtailment.” Curtailment follows Utah’s “first-in-time, first-in-right” system, meaning water rights established last are cut off first. This bill will provide Utah water managers flexibility to provide the best possible outcome for our farmers and ranchers along the Colorado River. This bill was reported favorably by the Committee and was passed unanimously by the House of Representatives on Thursday. The bill will now head to the governor’s desk.

Yesterday, the Farm Bureau testified before the House Natural Resources, Agriculture and Environment Committee in opposition to certain provisions of [H.B. 469, Wildlife Related Amendments](#) (Rep. Snider). Specifically, the Farm Bureau opposed provisions related to establishment and funding of a new Wildlife Land and Water Acquisition Fund. This fund would be used by the state to acquire additional public lands to protect and enhance wildlife populations; provide the public the opportunity to hunt, trap, or fish; and conserve, protect, and enhance wildlife habitat. We stated that our policy book opposes the net loss of privately owned lands in the state and opposes the Division of Wildlife Resources purchasing private agriculture or range ground and/or grazing permits. We noted that if the committee advanced the bill that we wanted to work with the sponsor to increase oversight of the lands that are acquired, protect grazing allotments on parcels that are acquired where grazing previously was authorized, and require the Division of Wildlife Resources to consider authorizing grazing on all parcels it acquires, regardless of whether grazing occurred on the parcel prior to the transfer. Despite our objections to this provision, the Committee favorably reported the bill by a vote of 9-3-2. We will continue to communicate with Representative Snider regarding our requested amendments to the bill.

Finally, we wanted to highlight [S.B. 277, Water Conservation and Augmentation Amendments](#) (Sen. Sandall). This bill is included on the Senate Natural Resources, Agriculture, and Environment Committee agenda this afternoon at 4 p.m. This bill is the culmination of many years of work by the Farm Bureau and our members. This bill makes important changes to the agriculture water optimization program. Specifically, the bill establishes a new Agricultural Water Optimization Committee, with a majority of agriculture representatives, to provide oversight of existing and future agricultural water optimization grants and make rules for the grant program within parameters set by the bill. The bill also provides a

process by which a water right holder may file a change application in connection with an agricultural water optimization project. This important provision ensures that water rights holders will not risk losing a portion of their water right for conserving water. The bill also appropriates \$200 million for optimization projects. There is a lot to this bill and we are happy to answer any questions.

As a reminder, we are regularly updating our [legislative tracker](#) under the policy section of our website ([UtahFarmBureau.org](http://UtahFarmBureau.org)), which provides further details for each specific bill. We encourage you to actively communicate with our policy team with questions or comments on topics of concern.

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