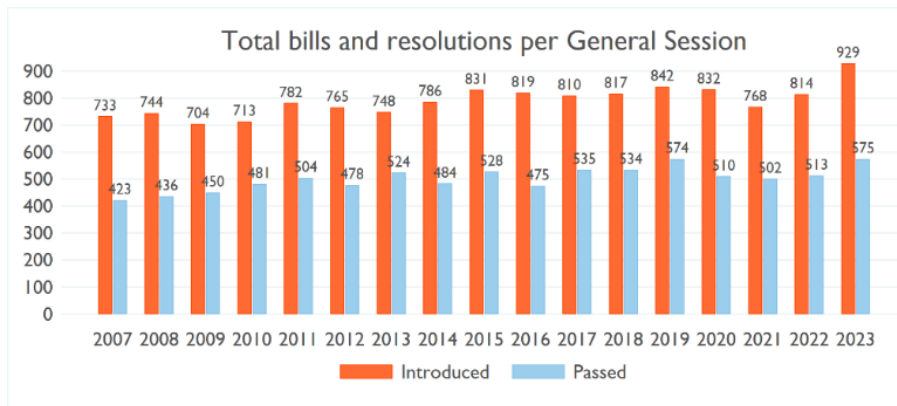




Legislative Update

March 10, 2023

The 2023 Utah State Legislature session wrapped up last Friday. The session was historic in many ways, including the number of bills passed. The legislature passed 575 bills with 929 introduced. The Farm Bureau’s policy efforts were very successful this session and we achieved many significant legislative victories, detailed below, that will serve farmers and ranchers well for years to come.



Credit: Adam Brown Twitter: @poliARB)

We enjoyed seeing so many of you for Farm Bureau Day on the Hill on February 24. We had the opportunity to hear from Representatives Chew, Albrecht, Owens, and Peterson, as well as Senators Winterton and Sandall and Commissioner Buttar. We loved having dairy cows and a tractor to show off to legislators and the public on the south side of the capitol. We are grateful for the many contributions from our members that made the day a huge success.





As we mentioned above, we achieved several important legislative wins. First, are the appropriations highlights. Each year the Legislature must pass a balanced state budget. This year’s budget was approximately \$29.4 billion. Agriculture fared very well receiving funding for many important new and existing programs including:

Funding Item	One-Time Funding	Ongoing Funding
Agricultural Water Optimization Grants	\$200 million	
Agriculture Infrastructure Development (GOEO) (Agri-Park)	\$8 million	
Snow College Innovation Agricultural Center	\$1.5 million	
Agricultural Water Optimization Loans for Matching Requirements (ARDL)	\$20 million	
Agriculture Voluntary Incentives Program Funds	\$1 million	
Emergency Water Shortages Amendments (H.B. 150)	\$5 million	
Food Security Processing Grants	\$1 million	

Grazing Improvement Program (GIP)	\$3 million	\$1 million
LeRay McAllister Critical Lands Conservation Fund	\$3 million	
Livestock Show	\$45,000	
Predator Control	\$136,000	\$108,000
Soil Health Equipment Grants	\$1 million	
Utah FFA	\$485,500	
Utah Horse Racing		\$90,500
Utah State Fairpark and Days of '47		\$325,000
Veterinarian Education Loan Repayment Program (H.B. 184)	\$2.5 million	
Comprehensive Watershed Restoration	\$3.25 million	
Agriculture and Small Business Innovation/Sustainability	\$1.11 million	
Shared Stewardship Forest Management	\$2 million	

We also achieved the passage of many important bills that will benefit Utah agriculture. Here are some of the highlights:

[H.B. 33, Water Related Liability Amendments](#) (Rep. Albrecht). This bill protects water facility owners and operators by ensuring they are not held liable for damage or injury caused by the diversion or discharge of water or another substance into the water facility by a third party, any other act or omission of a third party that is beyond the control of the owner or operator, or an act of God, including fire, earthquake, storm, flash floods, or similar natural occurrences.

[H.B. 114, Theft Defense Amendments](#) (Rep. Albrecht). This bill provides that it is not a defense to the theft of livestock that the livestock is sick, injured, or a liability to the owner. This bill protects the property rights of farmers and ranchers, protects animal health and farm biosecurity, and will deter future livestock theft.

[H.B. 150, Emergency Water Shortages Amendments](#) (Rep. Albrecht). \$5 million funding in the bill. This allows for certain water users to exercise preferential water use during a temporary water shortage emergency declared by the governor. The Utah Department of Agriculture and Food (UDAF) may issue 0% loans out of the Agriculture Resource Development Loan program (ARDL) to producers whose water use is interrupted. The bill also creates a process by which value claims can be mediated or arbitrated between interrupted and preferential users (value of water, crop losses, consequential damages). \$5 million max can be spent by ARDL on emergency loans and admin costs.

[H.B. 169, Urban Farming Assessment Act Amendments](#) (Rep. Peterson). This bill clarifies that a county may limit an authorization of urban farming to either cultivating crops or engaging in livestock production or may allow both. This provides important flexibility to counties in crafting an urban farming ordinance.

[H.B. 184, Veterinarian Education Loan Repayment Program](#) (Rep. Albrecht). \$2.5 funding in the bill. This bill creates a veterinarian loan repayment program within UDAF. Veterinarians register intent with UDAF and then are eligible for repayment funding up to 100k after 5 years. Veterinarians are eligible if they work in USDA-designated veterinary shortage areas, Indian Country, for UDAF, for IRS exempt organizations, or animal shelters.

[H.B. 187, Veterinary Practice Amendments](#) (Rep. Kohler). This bill amends current law to allow non-veterinarians who have achieved a master's degree or higher in animal reproductive physiology and have completed at least eight hours of continuing education in animal reproductive physiology in the past two years to conduct bovine pregnancy checking for hire. While the bill did not end up where we wanted it to, it will still allow some non-veterinarians to fill gaps in rural Utah for bovine pregnancy checking services.

[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.

[H.B. 257, Greenbelt Property Amendments](#) (Rep. Kyle). This bill requires a county or commission to waive the acreage requirement for the Farmland Assessment Act (Greenbelt) if the assessed property fails to meet the acreage requirement because of a governmental entity exercising eminent domain or threatening eminent domain. This bill will protect agricultural producers from having to pay rollback taxes resulting from governmental action that they had no control over.

[H.B. 371, Working Farm and Ranch Protection Fund](#) (Rep. Snider). This bill renames the LeRay McAllister Critical Land Conservation Program as the LeRay McAllister Working Farm and Ranch Fund. Requires counties to deposit 20% of rollback taxes into a fund dedicated to preserving agricultural land and open space that can be used to purchase conservation easements or for similar purposes. 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 public), 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.

[H.B. 397, Urban Farming Assessment Amendments](#) (Rep. Kohler). This bill provides that a portion of land withdrawn from assessment under the Farmland Assessment Act (Greenbelt) is not subject to a rollback tax if the land is eligible for, and the owner applies for, assessment under the Urban Farming Assessment Act.

[S.B. 53, Groundwater Use Amendments](#) (Sen. Vickers). This bill enhances our state's water storage capacity by clarifying that artificial recharge of a groundwater basin is considered a beneficial use.

[S.B. 61, Livestock Collision Amendments](#) (Sen. Owens). This bill requires railroads to report livestock strikes (penalty if not reported). The bill also requires UDAF to investigate strikes and notify owners. Additionally, the bill creates a process in UDAF to compensate livestock owners-pay damage claims. UDAF then seeks compensation from railroads with an appeal process on amounts determined by a new Livestock Damages Board. Finally, the bill requires railroads to pay a fee into account based on miles of track to create initial program funding and requires railroads to maintain fencing. The legislature delayed implementation until April 1, 2024, and will work with the railroads during interim.

[S.B. 113, Local Agricultural Amendments](#) (Sen. Sandall). This bill protects agriculture in the state by prohibiting a municipality or a county from adopting or enforcing an ordinance or other regulation that prohibits or effectively prohibits the operation of an animal enterprise or the use of a working animal.

[S.B. 144, Water Instream Flow Amendments](#) (Sen. Hinkins). 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.

[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. This bill provides important flexibility to rural water suppliers and helps to reduce unnecessary costs that won’t result in any water savings.

[S.B. 259, Department of Agriculture and Food Amendments](#) (Sen. Owens). This bill allows the state veterinarian to engage in private practice. Additionally, the bill replaces license with permit in the Dairy Act. Removes double inspection requirements for certain food establishments. Clarifies that UDAF does not have to have an egg grading program. The Commercial Feed Act deregulates animal remedies, whole unprocessed animals, and home-produced pet treats while adding registration and labeling requirements for home produced treats. Removes the hearing requirement for livestock markets. Makes Soil Health Board terms 4 years. Brand updates- no recording of districts, no brand inspection if harvested in 60 days. Creates account in UDAF for easement monitoring/enforcement.

[S.B. 277, Water Conservation and Augmentation Amendments](#) (Sen. Sandall). \$200 million funding in the bill to UDAF (\$170 million general fund, \$30 million ARPA). This bill is the culmination of many years of work by the Farm Bureau and our members. This bill codifies the agricultural water optimization program by defining terms, creating the Agricultural Water Optimization Committee (with a majority of agriculture representatives), and providing powers and duties of the committee. The bill also directs the process by which grants are to be issued and requires applicants to consult with the state engineer to see whether their project requires a change application and potentially file a change application prior to funding approval.

We appreciated receiving your thoughts and input during the session as we navigated working with the legislature. The past seven weeks were the culmination of a long process. Policy development begins with

our members as they surface issues and concerns many months before any bill is debated in the legislature. Our county spring issue surfacing meetings will soon be happening across the state where new issues will be raised, and the process can begin as we look forward to next year. Farm Bureau has long been respected for our grassroots policy development and the sound, well-vetted, policies that it produces. We encourage the participation of all of our members to help make our policy development the best it can be.

Finally, we would like to dedicate this final legislative update to our dear friend and former Farm Bureau colleague, Garrick Hall, who passed away unexpectedly on February 27. Garrick was a tireless advocate for agriculture in the state of Utah. Garrick was a Utah Farm Bureau Regional Manager for nine years, as well as serving additionally as a policy analyst for the past several years. Most recently, Garrick was working with the Utah Department of Agriculture & Food to promote farmland preservation. Prior to his working with Utah Farm Bureau, Garrick was devoted to Utah's agriculture industry. He served as the chair of the Utah Young Farmers & Ranchers Committee while working on his dairy in Cache County. As part of the Young Farmer & Rancher program, Garrick and his wife, Holly, won the Utah Farm Bureau Achievement Award, the top award for young farmers and ranchers. Garrick also won the Discussion Meet, where he helped hone his ability to advocate for agriculture and explain difficult issues.

Garrick and his great spirit will be sorely missed. Our thoughts and prayers are with his wife, Holly, and their family. The Utah Farm Bureau has set up an account through the Miracle of Agriculture where those interested in supporting the Hall family may do so through a donation. Those wishing to contribute to the Hall family may do so at <https://miracleofag.org/garrick-hall-memorial-fund>.

As always, we encourage you to actively communicate with our policy team with questions or comments on topics of concern.

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