

**ANIMAL FEEDING OPERATION GRANTS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Leonard M. Blackham**

**This act modifies the Agriculture Code by authorizing the Soil Conservation Commission to make grants to owners or operators of animal feeding operations for plans or projects to improve manure management or control surface water runoff. The act specifies criteria to be considered in the awarding of the grants and requires the Soil Conservation Commission to make rules. This act appropriates an ongoing appropriation of \$500,000 from the General Fund for fiscal year 2001-02 to the Department of Agriculture and Food for grants to owners or operators of animal feeding operations. This act takes effect on July 1, 2001.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**4-18-3**, as last amended by Chapter 122, Laws of Utah 1992

ENACTS:

**4-18-6.5**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **4-18-3** is amended to read:

**4-18-3. Definitions.**

As used in this chapter:

(1) "Alternate" means a substitute for a district supervisor if the district supervisor cannot attend a meeting.

(2) "Animal feeding operation" means a facility where animals, other than aquatic animals, are stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period. Animals are not considered to be stabled or confined when they are in areas such as pastures or rangeland that sustain crops or forage growth during the entire time the animals are present.

28 ~~[(2)]~~ (3) "Commission" means the Soil Conservation Commission created by this chapter.

29 (4) "Comprehensive nutrient management plan" means a plan that identifies actions or  
30 priorities that will be followed to meet clearly defined nutrient management goals at an animal  
31 feeding operation.

32 ~~[(3)]~~ (5) "District" or "soil conservation district" means a governmental subdivision of this  
33 state organized under Section 17A-3-801.

34 Section 2. Section 4-18-6.5 is enacted to read:

35 **4-18-6.5. Grants to improve manure management or control runoff at animal feeding**  
36 **operations.**

37 (1) (a) The commission may make grants to owners or operators of animal feeding  
38 operations to pay for costs of plans or projects to improve manure management or control surface  
39 water runoff, including costs of preparing or implementing comprehensive nutrient management  
40 plans.

41 (b) The commission shall make the grants described in Subsection (1)(a) from funds  
42 appropriated by the Legislature for that purpose.

43 (2) (a) In awarding grants, the commission shall consider the following criteria:

44 (i) the ability of the grantee to pay for costs of plans or projects to improve manure  
45 management or control surface water runoff;

46 (ii) the availability of:

47 (A) matching funds provided by the grantee or another source; or

48 (B) material, labor, or other items of value provided in lieu of money by the grantee or  
49 another source; and

50 (iii) the benefits that accrue to the general public by the awarding of a grant.

51 (b) The commission may establish by rule additional criteria for the awarding of grants.

52 (3) The commission shall make rules in accordance with Title 63, Chapter 46a, Utah  
53 Administrative Rulemaking Act, to implement this section.

54 Section 3. **Appropriation.**

55 (1) Subject to future budget constraints, there is appropriated, as an ongoing appropriation,  
56 \$500,000 from the General Fund for fiscal year 2001-02 to the Department of Agriculture and  
57 Food for grants to owners or operators of animal feeding operations to pay for costs of plans or  
58 projects to improve manure management or control surface water runoff.

59           (2) The money appropriated in Subsection (1) is nonlapsing.  
60           Section 4. **Effective date.**  
61           This act takes effect on July 1, 2001.

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**Legislative Review Note**  
**as of 1-22-01 5:44 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**