

**RESOLUTION ENCOURAGING
CONGRESSIONAL APPROVAL OF FARM BILL**

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Craig W. Buttars

This joint resolution of the Legislature requests that the United States Congress remove the Water Conservation Program amendment from Senate Bill 1731, the Agriculture, Conservation, and Rural Enhancement Act of 2001, and pass the legislation.

Be it resolved by the Legislature of the state of Utah:

WHEREAS, the 1996 Federal Agriculture Improvement and Reform Act will expire in 2002;

WHEREAS, the United States House of Representatives has passed the Farm Security Act of 2001, and the United States Senate is now considering Senate Bill 1731, the Agriculture, Conservation, and Rural Enhancement Act of 2001, to replace the 1996 Federal Agricultural Improvement and Reform Act;

WHEREAS, both farm bills continue to focus on a consistent, long-term, market-oriented farm policy that will improve net farm income, enhance economic opportunity for farmers, preserve property rights, and conserve the environment;

WHEREAS, the United States Senate has approved an amendment called the Water Conservation Program to Senate Bill 1731 that could dramatically affect state water laws, interstate compacts, and the protection of senior water rights, also known as the "Law of the River";

WHEREAS, with the enactment of the McCarran Amendment by Congress in 1952, the United States waived its sovereign immunity, and consented to the jurisdiction of state water laws and the United States Supreme Court affirmed that the McCarran Amendment subjected federal claims to state laws;

WHEREAS, the Water Conservation Program Amendment to Senate Bill 1731 provides for the enrollment of approximately 1.1 million acres, and the acquisition of the water rights of



28 200,000 acres from landowners, inviting conflict and confusion within the well-established and
29 time-honored prior appropriations system;

30 WHEREAS, Utah has already proactively entered into programs to protect sensitive waters
31 and mitigate depredation of sensitive species; and

32 WHEREAS, it is imperative that Congress not unnecessarily delay passage of Senate Bill
33 1731 **h** or any other farm bill proposal **h** due to the Water Conservation Program Amendment **h** or
33a similar water acquisition program **h** :

34 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah requests
35 that the Water Conservation Program Amendment to Senate Bill 1731, the Agriculture,
36 Conservation, and Rural Enhancement Act of 2001, be removed from the legislation, and that
37 Congress proceed to pass **h** [~~the~~] farm bill **h** legislation.

38 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of the
39 United States Senate, the Speaker of the United States House of Representatives, and the members
40 of Utah's congressional delegation.

Legislative Review Note
as of 1-28-02 4:40 PM

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

Office of Legislative Research and General Counsel