

HB0253S01 compared with HB0253

~~{deleted text}~~ shows text that was in HB0253 but was deleted in HB0253S01.

inserted text shows text that was not in HB0253 but was inserted into HB0253S01.

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~~{LARGE CONCENTRATED}~~ Representative Casey Snider proposes the following substitute bill:

ANIMAL FEEDING OPERATIONS

AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel Ferry

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to ~~{large concentrated}~~ animal feeding operations.

Highlighted Provisions:

This bill:

- ▶ ~~{removes the date by which counties are}~~ provides that the Department of Agriculture and Food regulate animal feeding operations; and
- ▶ repeals county authority to adopt a county large concentrated animal feeding operation land use ordinance ~~{, and}~~;

~~{~~ → makes technical changes.

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~~Money~~ Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

~~AMENDS:~~ ENACTS:

4-1-112, Utah Code Annotated 1953

REPEALS:

17-27a-1101, as enacted by Laws of Utah 2021, Chapter 244

17-27a-1102, as enacted by Laws of Utah 2021, Chapter 244

17-27a-1103, as enacted by Laws of Utah 2021, Chapter 244

17-27a-1104, as enacted by Laws of Utah 2021, Chapter 244

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

Section 1. Section ~~{17-27a-1103}~~ 4-1-112 is ~~{amended to read:~~

~~17-27a-1103. }~~ enacted to read:

4-1-112. Animal feeding operations.

(1) As used in this section, "animal feeding operation" means a lot or facility where:

(a) animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and

(b) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

(2) (a) Except as provided in Subsection (2)(b), the department is responsible for the regulation of the siting, operation, and oversight of an animal feeding operation in this state, including a concentrated animal feeding operation, in a manner consistent with applicable federal and state environmental protection statute or rule.

(b) The Division of Water Quality may regulate an animal feeding operation to the extent allowed under Title 19, Chapter 5, Water Quality Act.

(3) A political subdivision of the state may not regulate an animal feeding operation.

Section 2. Repealer.

This bill repeals:

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Section 17-27a-1101, Title.

Section 17-27a-1102, Definitions.

Section 17-27a-1103, County adoption of a county large concentrated animal feeding operation land use ordinance.

~~{(1) (a) The legislative body of a county desiring to restrict siting of large concentrated animal feeding operations shall adopt}~~ Section 17-27a-1104, Criteria considered in adopting the geographic area of a county large concentrated animal feeding operation land use ordinance ~~{in accordance with this part [by no later than February 1, 2022]}.~~

~~—— (b) A county may consider an application to locate large concentrated animal feeding operations in the county before the county adopts the county large concentrated animal feeding operation land use ordinance under this part.~~

~~—— (2) A county large concentrated animal feeding operation land use ordinance described in Subsection (1) shall:~~

~~—— (a) designate geographic areas of sufficient size to support large concentrated animal feeding operations, including state trust lands described in Subsection 53C-1-103(8) and private property within the county, including adopting a map described in Section 17-27a-1104;~~

~~—— (b) establish requirements and procedures for applying for land use decision that provides a reasonable opportunity to operate large concentrated animal feeding operations within the geographic area described in Subsection (2)(a);~~

~~—— (c) disclose fees imposed to apply for the land use decision described in Subsection (2)(b);~~

~~—— (d) disclose any requirements in addition to fees described in Subsection (2)(c) to be imposed by the county; and~~

~~—— (e) provide for administrative remedies consistent with this chapter.~~

~~—— (3) (a) This part does not authorize a county to regulate the operation of large concentrated animal feeding operations in any way that conflicts with state or federal statutes or regulations.~~

~~—— (b) Nothing in this part supersedes or authorizes enactment of an ordinance that infringes on Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection Areas, or Title 4, Chapter 44, Agricultural Operations Nuisances Act.~~

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~~Section 2}~~ Maps -- Exception.

Section 3. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.