

Representative Kera Birkeland proposes the following substitute bill:

FODDER PRODUCTION SYSTEMS GRANT PROGRAM

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kera Birkeland

Senate Sponsor: Ronald M. Winterton

LONG TITLE

General Description:

This bill addresses environmental improvement projects.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ expands the environmental improvement projects for which grants may be awarded.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-18-103, as last amended by Laws of Utah 2014, Chapter 383

4-18-106, as last amended by Laws of Utah 2022, Chapter 79

4-18-108, as last amended by Laws of Utah 2022, Chapter 79

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

Section 1. Section **4-18-103** is amended to read:



26 **4-18-103. Definitions.**

27 As used in this chapter:

28 (1) (a) "Agricultural discharge" means the release of agriculture water from the
29 property of a farm, ranch, or feedlot that:

30 (i) pollutes a surface body of water, including a stream, lake, pond, marshland,
31 watercourse, waterway, river, ditch, or other water conveyance system;

32 (ii) pollutes ground water; or

33 (iii) constitutes a significant nuisance to urban land.

34 (b) "Agricultural discharge" does not include:

35 (i) runoff from a farm, ranch, or feedlot, or the return flow of water from an irrigated
36 field onto land that is not part of a body of water; or

37 (ii) a release of water from a farm, ranch, or feedlot into a normally dry water
38 conveyance leading to an active body of water, if the release does not reach the water of a lake,
39 pond, stream, marshland, river, or other active body of water.

40 (2) "Agricultural operation" means a farm, ranch, or animal feeding operation.

41 (3) "Agriculture water" means:

42 (a) water used by a farm, ranch, or feedlot for the production of food, fiber, or fuel;

43 (b) the return flow of water from irrigated agriculture; or

44 (c) agricultural storm water runoff.

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

47 (5) (a) "Animal feeding operation" means a facility where animals, other than aquatic
48 animals, are stabled or confined and fed or maintained for a total of 45 days or more in any
49 12-month period.

50 (b) "Animal feeding operation" does not include an operation where animals are in
51 areas such as pastures or rangeland that sustain crops or forage growth during the normal
52 growing season.

53 (6) "Best management practices" means practices, including management policies and
54 the use of technology, used by each sector of agriculture in the production of food and fiber
55 that are commonly accepted practices, or that are at least as effective as commonly accepted
56 practices, and that:

- 57 (a) protect the environment;
- 58 (b) protect human health;
- 59 (c) ensure the humane treatment of animals; and
- 60 (d) promote the financial viability of agricultural production.
- 61 (7) "Certified agricultural operation" means an agricultural operation that is certified
- 62 under the Utah Agriculture Certificate of Environmental Stewardship Program in accordance
- 63 with Section [4-18-107](#).
- 64 (8) "Certified conservation planner" means a planner of a state conservation district, or
- 65 other qualified planner, that is approved by the commission to certify an agricultural operation
- 66 under the Utah Agriculture Certificate of Environmental Stewardship Program, created in
- 67 Section [4-18-107](#).
- 68 (9) "Commission" means the Conservation Commission created in Section [4-18-104](#).
- 69 (10) "Comprehensive nutrient management plan" or "nutrient management plan"
- 70 means a plan to properly store, handle, and spread manure and other agricultural byproducts to:
- 71 (a) protect the environment; and
- 72 (b) provide nutrients for the production of crops.
- 73 (11) "Coordinated resource management plan" means a plan of action created at a local
- 74 level with broad participation of land owners, natural resource agencies, and interested
- 75 stakeholders to protect or enhance the environment, human health, humane treatment of
- 76 animals, and financial viability in the community.
- 77 (12) "District" or "conservation district" has the same meaning as "conservation
- 78 district" as defined in Section [17D-3-102](#).
- 79 (13) "Fodder" means food for livestock.
- 80 (14) "Hydroponic" means a technique for growing plants without soil.
- 81 ~~[(13)]~~ (15) "Pollution" means a harmful human-made or human-induced alteration to
- 82 the water of the state, including an alteration to the chemical, physical, biological, or
- 83 radiological integrity of water that harms the water of the state.
- 84 ~~[(14)]~~ (16) "State technical standards" means a collection of best management practices
- 85 that will protect the environment in a reasonable and economical manner for each sector of
- 86 agriculture as required by this chapter.
- 87 ~~[(15)]~~ (17) "Sustainable agriculture" means agriculture production and practices that

88 promote:

89 (a) the environmental responsibility of owners and operators of farms, ranches, and
90 feedlots; and

91 (b) the profitability of owners and operators of farms, ranches, and feedlots.

92 Section 2. Section **4-18-106** is amended to read:

93 **4-18-106. Agriculture Resource Development Fund -- Contents -- Use of fund**
94 **money -- Advisory board.**

95 (1) As used in this section:

96 (a) "Disaster" means an extraordinary circumstance, including a flood, drought, or fire,
97 that results in:

98 (i) the president of the United States declaring an emergency or major disaster in the
99 state;

100 (ii) the governor declaring a state of emergency under Title 53, Chapter 2a, Part 2,
101 Disaster Response and Recovery Act; or

102 (iii) the chief executive officer of a local government declaring a local emergency
103 under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act.

104 (b) "Local government" means the same as that term is defined in Section [53-2a-602](#).

105 (2) There is created a revolving loan fund known as the Agriculture Resource
106 Development Fund.

107 (3) The Agriculture Resource Development Fund shall consist of:

108 (a) money appropriated to the fund by the Legislature;

109 (b) sales and use tax receipts transferred to the fund in accordance with Section
110 [59-12-103](#);

111 (c) money received for the repayment of loans made from the fund;

112 (d) money made available to the state for agriculture resource development from any
113 source; and

114 (e) interest earned on the fund.

115 (4) The commission may make loans from the Agriculture Resource Development
116 Fund for:

117 (a) a rangeland improvement and management project;

118 (b) a watershed protection or flood prevention project;

- 119 (c) a soil and water conservation project;
- 120 (d) a program designed to promote energy efficient farming practices;
- 121 (e) an improvement program for agriculture product storage or program designed to
- 122 protect a crop or animal resource;
- 123 (f) a hydroponic or aquaponic system, including a hydroponic fodder production
- 124 system;
- 125 (g) a project or program to improve water quality;
- 126 (h) a project to address other environmental issues; or
- 127 (i) subject to Subsection (5), a disaster relief program designed to aid the sustainability
- 128 of agriculture during and immediately following a disaster.
- 129 (5) (a) Loans made through a disaster relief program described in Subsection (4)(i) may
- 130 not comprise more than 10% of the funds appropriated by the Legislature to the Agriculture
- 131 Resource Development Fund.
- 132 (b) Notwithstanding Subsection (5)(a), the department may use all money appropriated
- 133 to the Agriculture Resource Development Fund by the Legislature or another source, without
- 134 limitation, if the money is appropriated specifically for use in a disaster relief program.
- 135 (c) (i) Until December 31, 2024, the department is authorized to borrow up to
- 136 \$3,000,000 of General Fund appropriations from the Agricultural Water Optimization Account
- 137 created in Section [73-10g-204](#) to be used in making loans through a disaster relief program
- 138 described in Subsection (4)(i).
- 139 (ii) If the department borrows from the Agricultural Water Optimization Account
- 140 under Subsection (5)(c)(i), the department shall deposit the repayment of principal and interest
- 141 on loans made through a disaster relief program, regardless of the source of the funds used to
- 142 make those loans, into the Agricultural Water Optimization Account, with preference over the
- 143 repayment of any other source of funds, until the Agricultural Water Optimization Account is
- 144 repaid in full.
- 145 (6) The commission may appoint an advisory board to:
- 146 (a) oversee the award process for loans, as described in this section;
- 147 (b) approve loans; and
- 148 (c) recommend policies and procedures for the Agriculture Resource Development
- 149 Fund that are consistent with statute.

150 Section 3. Section 4-18-108 is amended to read:

151 **4-18-108. Grants for environmental improvement projects -- Criteria for award**
152 **-- Duties of commission.**

153 [~~†~~]

154 (1) The commission may make a grant from the Agriculture Resource Development
155 Fund, or from funds appropriated by the federal government, Legislature, or another entity, to
156 an eligible entity, as defined by the department by rule made in accordance with Title 63G,
157 Chapter 3, Utah Administrative Rulemaking Act, for:

158 (a) control or eradication of noxious weeds and invasive plant species in cooperation
159 and coordination with a local weed board;

160 (b) the costs of plans or projects to improve manure management, control surface water
161 runoff, or address other environmental issues on a farm or ranch operation, including the costs
162 of preparing or implementing a nutrient management plan;

163 (c) the improvement of water quality;

164 (d) the development of watershed plans;

165 (e) hydroponic fodder production; or

166 [~~e~~] (f) a program to address other environmental issues.

167 (2) (a) In awarding a grant, the commission shall consider the following criteria:

168 (i) the ability of the grantee to pay for the costs of proposed plans or projects;

169 (ii) the availability of:

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

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

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

174 (b) The commission may establish by rule additional criteria for the awarding of a
175 grant.

176 (3) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah
177 Administrative Rulemaking Act, to implement this section.

178 (4) The commission may appoint an advisory board to:

179 (a) assist with the grant process;

180 (b) make recommendations to the commission regarding grants; and

181

(c) establish policies and procedures for awarding loans or grants.