

Legislative Recap 2009

2009 Legislative action of interest to Utah agriculture

HB 27 -- This bill states that agricultural activity is not a nuisance if conducted in accordance with sound agricultural practices. – Passed/signed by Governor as of 3/23/09.

HB 34 -- This bill establishes the value of a bald eagle for the purpose of determining the penalty for the wanton destruction of a bald eagle; and establishes the suggested minimum restitution value for a bald eagle. – Passed.

HB 105 -- This bill expands the powers of the Department of Agriculture and Food in administering the rural rehabilitation program by allowing the Department of Agriculture and Food to approve and make education grants and loans to certain individuals under the rural rehabilitation program. – Passed.

HB120 – Snake valley Aquifer Research Team and Advisory Council -- This bill creates the Snake Valley Aquifer Research Team and Advisory Council. The research team shall compile existing scientific data on the potential impact of the use of water resources in the interstate groundwater flow system specified in the Lincoln County Conservation, Recreation, and Development Act of 2004. The Commissioner of the Utah Department of Agriculture and Food shall appoint a member to the council. – Passed.

HB 153 -- Trespass Law Amendments -- This bill modifies the Criminal Code regarding trespass on agricultural and range lands. It creates the offense of criminal trespass (class B misdemeanor) on agricultural or range lands; creates the offense of cutting, destroying, or rendering ineffective the fencing of agricultural or range lands; describes the requirements necessary in order for a person to enter these lands lawfully; provides definitions; and provides a civil penalty. – Passed.

HB 183 – National Animal Identification System -- This bill enacts a provision relating to the Utah Department of Agriculture and Food's participation in a national animal identification system. It authorizes the department to participate in a national animal identification system; prohibits the department or a political subdivision from requiring a person to participate in a national animal identification system; authorizes the department to adopt rules; authorizes a person to withdraw from a national animal identification system; and provides a severability clause. – Passed.

HB 187 – Recreational Use of Public Waters on Private Property -- This bill provides for the recreational use of public waters that flow over privately owned streambeds. The bill: clarifies a provision relating to fencing; establishes a criminal penalty for: cutting a fence; and authorizes a person to engage in certain recreational activities in specified public waters; authorizes a person in certain circumstances to touch certain private beds beneath specified public waters; specifies the public waters on certain private property in which a person may engage in a recreational activity; creates a Recreational Access Board. -- Failed.

HB 240 – Wanton Destruction of Livestock -- This bill establishes third and second degree felony penalties for the wanton destruction of livestock under certain circumstances and provides for the seizure and disposition of property used in the wanton destruction of livestock. Passed.

HB 256 – Livestock Watering Rights -- Authorizes a beneficial user to file a nonuse application for a livestock watering right; repeals the provision relating to a forage right; clarifies who can apply

for a livestock water use certificate and water right; land manager and permittee ; requires the state engineer to provide an online application for a livestock water use certificate. –Passed.

HB 413 – County Authority Amendments – This bill modifies a provision relating to a county legislative body's regulation of fencing property. It authorizes county legislative bodies to divide the county into divisions and apply different fencing regulations in each division; and makes technical changes. – Passed.