

SB 171 QUESTIONS

Questions for supporters of SB 171 - designed to determine what exactly S.B. 171 is trying to fix.

- Proponents of S.B. 171 argue that it is designed to protect existing farms from land-use regulations. However, rather than amending Chapter 8A (Land Use Planning) this bill amends Chapter 7-1 (County Commissions Generally), which houses Counties' general powers to protect the health, safety, and general welfare of its citizens. ***Can you explain why this bill is amending Chapter 7-1 instead of 8A?***
- Section 19-19-7(d) states that "No state or local agency may bring a criminal or civil action against an agricultural operation for an activity that is in material compliance with all applicable state and federal laws, regulations, and permits." ***If counties are already prohibited from bringing such enforcement actions, what additional protections is S.B. 171 meant to provide?***
- In a letter to the Hardy County Planning Commission, the Farm Bureau's attorney argued that S.B. 242 (2022 leg. session) prevents counties from passing or enforcing any land-use ordinance on agricultural land. For everyone's benefit, the summary of S.B. 242 states that it is an Act "prohibiting ordinances that prevent or limit a landowner's complete use of natural resources or real property for farm or agricultural operations outside of municipalities or urban areas." ***Given that summary and the position of the Farm Bureau's counsel, why is S.B. 171 needed?***

Questions Designed to Determine What County Powers Might be Impacted by S.B. 171

- Would this bill prevent counties from passing new ordinances, or enforcing current ordinances on agricultural land, which were adopted pursuant to the powers already granted to counties in Chapter 7-1? Some of the Chapter 7 powers include Floodplain Ordinances, levies for fire and emergency response services, the power to eliminate hazards to public health, and so on.
 - If yes - which specific powers would this bill prevent counties from exercising?
 - If no - would you be open to an amendment that makes that abundantly clear?
- Would this bill prevent a county from passing an ordinance whose purpose is to ensure that surrounding landowners have equal access to groundwater? In Hardy County, they are having a problem where new, large-scale poultry operations - which are using up to 3 million gallons of water per month - are causing neighboring farmers' wells to run dry.
 - If yes - Would you agree then, that there are circumstances where this bill would prevent counties from protecting small farmers from the adverse impacts of nearby, large-scale operations?
 - If no - Would you be open to language that clarifies this point?

- Would this bill prevent a county from adopting new ordinances or enforcing existing ordinances on agricultural land, that are reasonably designed to protect the health and safety of its citizens?
 - If Yes, wouldn't you agree that this bill hamstrings Counties' ability to respond to unique local circumstances impacting the wellbeing of their citizens?
 - If no, would you be open to an amendment to clarify this point?

Question Designed to Determine the Scope of S.B. 171

- Section 19-19-2 defines "agricultural land" as "any amount of land and the improvements thereupon, used or usable in the production of food, fiber or woodland products of an annual value of \$1,000 or more, by the conduct of the business of agriculture." This definition is so broad that it could encompass almost every piece of land outside of a municipality. *Given this definition, which S.B. 171 points to, wouldn't this bill essentially prohibit the county from enforcing regulations stricter than state law on almost every piece of land?*