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.
 - o <u>If yes</u> which specific powers would this bill prevent counties from exercising?
 - o <u>If no</u> 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?
 - o 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 <u>or usable</u> 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?