

**Effective 5/10/2016**

**4-18-105 Conservation Commission -- Functions and duties.**

- (1) The commission shall:
  - (a) facilitate the development and implementation of the strategies and programs necessary to:
    - (i) protect, conserve, utilize, and develop the soil, air, and water resources of the state; and
    - (ii) promote the protection, integrity, and restoration of land for agricultural and other beneficial purposes;
  - (b) disseminate information regarding districts' activities and programs;
  - (c) supervise the formation, reorganization, or dissolution of districts according to the requirements of Title 17D, Chapter 3, Conservation District Act;
  - (d) prescribe uniform accounting and recordkeeping procedures for districts and require each district to submit annually an audit of its funds to the commission;
  - (e) approve and make loans for agricultural purposes, through the advisory board described in Section 4-18-106, from the Agriculture Resource Development Fund, for:
    - (i) rangeland improvement and management projects;
    - (ii) watershed protection and flood prevention projects;
    - (iii) agricultural cropland soil and water conservation projects;
    - (iv) programs designed to promote energy efficient farming practices; and
    - (v) programs or improvements for agriculture product storage or protections of a crop or animal resource;
  - (f) administer federal or state funds, including loan funds under this chapter, in accordance with applicable federal or state guidelines and make loans or grants from those funds to land occupiers for:
    - (i) conservation of soil or water resources;
    - (ii) maintenance of rangeland improvement projects;
    - (iii) development and implementation of coordinated resource management plans, as defined in Section 4-18-103, with conservation districts, as defined in Section 17D-3-102; and
    - (iv) control or eradication of noxious weeds and invasive plant species:
      - (A) in cooperation and coordination with local weed boards; and
      - (B) in accordance with Section 4-2-8.7;
  - (g) seek to coordinate soil and water protection, conservation, and development activities and programs of state agencies, local governmental units, other states, special interest groups, and federal agencies;
  - (h) plan watershed and flood control projects in cooperation with appropriate local, state, and federal authorities, and coordinate flood control projects in the state;
  - (i) assist other state agencies with conservation standards for agriculture when requested; and
  - (j) when assigned by the governor, when required by contract with the Department of Environmental Quality, or when required by contract with the United States Environmental Protection Agency:
    - (i) develop programs for the prevention, control, or abatement of new or existing pollution to the soil, water, or air of the state;
    - (ii) advise, consult, and cooperate with affected parties to further the purpose of this chapter;
    - (iii) conduct studies, investigations, research, and demonstrations relating to agricultural pollution issues;
    - (iv) give reasonable consideration in the exercise of its powers and duties to the economic impact on sustainable agriculture;
    - (v) meet the requirements of federal law related to water and air pollution in the exercise of its powers and duties; and

- (vi) establish administrative penalties relating to agricultural discharges as defined in Section 4-18-103 that are proportional to the seriousness of the resulting environmental harm.
- (2) The commission may:
  - (a) employ, with the approval of the department, an administrator and necessary technical experts and employees;
  - (b) execute contracts or other instruments necessary to exercise its powers;
  - (c) take necessary action to promote and enforce the purpose and findings of Section 4-18-102;
  - (d) sue and be sued; and
  - (e) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to carry out the powers and duties described in Subsection (1) and Subsections (2) (b) and (c).
- (3) If, under Subsection (2)(a), the commission employs an individual who was formerly an employee of a conservation district or the Utah Association of Conservation Districts, the Department of Human Resource Management shall:
  - (a) recognize the employee's employment service credit from the conservation district or association in determining leave accrual in the employee's new position within the state; and
  - (b) set the initial wage rate for the employee at the level that the employee was receiving as an employee of the conservation district or association.
- (4) An employee described in Subsection (3) is exempt from the career service provisions of Title 67, Chapter 19, Utah State Personnel Management Act, and shall be designated under schedule codes and parameters established by the Department of Human Resource Management under Subsection 67-19-15(1)(p) until the commission, under parameters established by the Department of Human Resource Management, designates the employee under a different schedule recognized under Section 67-19-15.
- (5)
  - (a) For purposes of the report required by Subsection (5)(b), the commissioner shall study the organizational structure of the employees described in Subsection (3).
  - (b) The commissioner shall report to the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee by no later than that subcommittee's November 2015 interim meeting regarding the study required by Subsection (5)(a).

Amended by Chapter 19, 2016 General Session