

CONSERVATION COMMISSION EMPLOYEES

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: Melvin R. Brown

LONG TITLE

General Description:

This bill amends provisions relating to certain Conservation Commission employees.

Highlighted Provisions:

This bill:

► provides that the Department of Human Resource Management establish certain benefits and employee classifications for certain individuals hired by the Conservation Commission.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-18-105, as last amended by Laws of Utah 2014, Chapter 383

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

Section 1. Section **4-18-105** is amended to read:

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

(1) The commission shall:

(a) facilitate the development and implementation of the strategies and programs



28 necessary to:

29 (i) protect, conserve, utilize, and develop the soil, air, and water resources of the state;

30 and

31 (ii) promote the protection, integrity, and restoration of land for agricultural and other

32 beneficial purposes;

33 (b) disseminate information regarding districts' activities and programs;

34 (c) supervise the formation, reorganization, or dissolution of districts according to the
35 requirements of Title 17D, Chapter 3, Conservation District Act;

36 (d) prescribe uniform accounting and recordkeeping procedures for districts and
37 require each district to submit annually an audit of its funds to the commission;

38 (e) approve and make loans for agricultural purposes, through the advisory board
39 described in Section 4-18-106, from the Agriculture Resource Development Fund, for:

40 (i) rangeland improvement and management projects;

41 (ii) watershed protection and flood prevention projects;

42 (iii) agricultural cropland soil and water conservation projects;

43 (iv) programs designed to promote energy efficient farming practices;

44 (v) development and implementation of coordinated resource management plans, as
45 defined in Section 4-18-103, with conservation districts, as defined in Section 17D-3-102; and

46 (vi) programs or improvements for agriculture product storage or protections of a crop
47 or animal resource;

48 (f) administer federal or state funds, including loan funds under this chapter, in
49 accordance with applicable federal or state guidelines and make loans or grants from those
50 funds to land occupiers for:

51 (i) the conservation of soil or water resources;

52 (ii) maintenance of rangeland improvement projects; and

53 (iii) the control or eradication of noxious weeds and invasive plant species:

54 (A) in cooperation and coordination with local weed boards; and

55 (B) in accordance with Section 4-2-8.7;

56 (g) seek to coordinate soil and water protection, conservation, and development
57 activities and programs of state agencies, local governmental units, other states, special interest
58 groups, and federal agencies;

- 59 (h) plan watershed and flood control projects in cooperation with appropriate local,
60 state, and federal authorities, and coordinate flood control projects in the state;
- 61 (i) assist other state agencies with conservation standards for agriculture when
62 requested; and
- 63 (j) when assigned by the governor, when required by contract with the Department of
64 Environmental Quality, or when required by contract with the United States Environmental
65 Protection Agency:
- 66 (i) develop programs for the prevention, control, or abatement of new or existing
67 pollution to the soil, water, or air of the state;
- 68 (ii) advise, consult, and cooperate with affected parties to further the purpose of this
69 chapter;
- 70 (iii) conduct studies, investigations, research, and demonstrations relating to
71 agricultural pollution issues;
- 72 (iv) give reasonable consideration in the exercise of its powers and duties to the
73 economic impact on sustainable agriculture;
- 74 (v) meet the requirements of federal law related to water and air pollution in the
75 exercise of its powers and duties; and
- 76 (vi) establish administrative penalties relating to agricultural discharges as defined in
77 Section 4-18-103 that are proportional to the seriousness of the resulting environmental harm.
- 78 (2) The commission may:
- 79 (a) employ, with the approval of the department, an administrator and necessary
80 technical experts and employees;
- 81 (b) execute contracts or other instruments necessary to exercise its powers;
- 82 (c) take necessary action to promote and enforce the purpose and findings of Section
83 4-18-102;
- 84 (d) sue and be sued; and
- 85 (e) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative
86 Rulemaking Act, necessary to carry out the powers and duties described in Subsection (1) and
87 Subsections (2)(b) and (c).
- 88 (3) If, under Subsection (2)(a), the commission employs an individual who was
89 formerly an employee of a conservation district or the Utah Association of Conservation

90 Districts, the Department of Human Resource Management shall:

91 (a) recognize the employee's employment service credit from the conservation district
92 or association in determining leave accrual in the employee's new position within the state; and

93 (b) set the initial wage rate for the employee at the level that the employee was
94 receiving as an employee of the conservation district or association.

95 (4) An employee described in Subsection (3) is exempt from the career service
96 provisions of Title 67, Chapter 19, Utah State Personnel Management Act, and shall be
97 designated under schedule codes and parameters established by the Department of Human
98 Resource Management under Subsection 67-19-15(1)(p) until the commission, under
99 parameters established by the Department of Human Resource Management, designates the
100 employee under a different schedule recognized under Section 67-19-15.

100a **Ĥ→ (5)(a) For purposes of the report required by Subsection (5)(b), the commissioner shall**
100b **study the organizational structure of the employees described in Subsection (3).**

100c **(b) The commissioner shall report to the Natural Resources, Agriculture, and**
100d **Environmental Quality Appropriations Subcommittee by no later than that subcommittee's**
100e **November 2015 interim meeting regarding the study required by Subsection (5)(a). ←Ĥ**

Legislative Review Note
as of 2-12-15 11:18 AM

Office of Legislative Research and General Counsel