

CRITICAL LAND CONSERVATION**REVOLVING LOAN FUND**

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: LeRay McAllister

AN ACT RELATING TO CITIES, COUNTIES, AND LOCAL TAXING UNITS;
ESTABLISHING THE CRITICAL LAND CONSERVATION GRANT AND REVOLVING
LOAN FUND; AUTHORIZING USE OF MONEY IN FUND; CREATING A COMMITTEE
TO OVERSEE THE FUND; PROVIDING GRANT AND LOAN LIMITATIONS;
REQUIRING STATE TREASURER TO INVEST MONIES IN FUND; APPROPRIATING
\$400,000 TO THE FUND; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

11-28-101, Utah Code Annotated 1953

11-28-102, Utah Code Annotated 1953

11-28-103, Utah Code Annotated 1953

11-28-104, Utah Code Annotated 1953

11-28-105, Utah Code Annotated 1953

11-28-106, Utah Code Annotated 1953

11-28-107, Utah Code Annotated 1953

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

Section 1. Section **11-28-101** is enacted to read:

CHAPTER 28. CRITICAL LAND CONSERVATION FUND**11-28-101. Definitions.**

As used in this chapter:

(1) "Committee" means the Critical Land Conservation Committee established in Section

11-28-102.

(2) "Fund" means the Critical Land Conservation Grant and Revolving Loan Fund established in Section 11-28-103.

(3) "Local entity" means a county, city, town, independent special district under Title 17A, Chapter 2, Independent Special Districts, or interlocal cooperation entity under Chapter 13, Interlocal Cooperation Act.

(4) "Open land" means land that is important, as determined by the local entity, to be preserved for agricultural use, wildlife habitat, watershed, recreational use, or another use related to the quality of life or cultural heritage of the citizens of the state.

(5) "Surplus land" means real property owned by the Department of Administrative Services, the Department of Agriculture, the Department of Natural Resources, or the Department of Transportation that the individual department determines not to be necessary for carrying out the mission of the department.

Section 2. Section **11-28-102** is enacted to read:

11-28-102. Critical Land Conservation Committee.

(1) There is created a Critical Land Conservation Committee consisting of:

(a) five persons at the state government level, appointed by the governor with the advice and consent of the Senate;

(b) five persons at the local government level, appointed by the governor with the advice and consent of the Senate; and

(c) five persons from the private sector, appointed by the governor with the advice and consent of the Senate.

(2) Committee members shall elect a chair from their number and establish rules for the organization and operation of the committee.

(3) Committee members shall serve without pay and may not be reimbursed for the expenses of serving on the committee.

(4) The committee shall administer the fund as provided in this chapter.

Section 3. Section **11-28-103** is enacted to read:

11-28-103. Critical Land Conservation Grant and Revolving Loan Fund.

(1) There is created the Critical Land Conservation Grant and Revolving Loan Fund, consisting of:

(a) money appropriated or otherwise made available by the Legislature;

1 (b) contributions of money, property, or equipment from a federal agency, a political
2 subdivision of the state, a user organization, a person, or a corporation; and

3 (c) proceeds from the sale of surplus land.

4 (2) The Department of Administrative Services, the Department of Agriculture, the
5 Department of Natural Resources, and the Department of Transportation may place proceeds from
6 the sale of surplus land into the fund.

7 Section 4. Section **11-28-104** is enacted to read:

8 **11-28-104. Use of money in fund -- Criteria -- Repayment terms.**

9 (1) Subject to Subsection (2), the committee may authorize the use of money in the fund,
10 by grant or loan, to assist a local entity or nonprofit organization in its efforts to preserve open land
11 in the state, if the local entity or nonprofit organization adheres to the principles of:

12 (a) protecting private property rights;

13 (b) ensuring that land use decisions are made locally;

14 (c) avoiding a net loss of private land ownership in the state; and

15 (d) encouraging partnerships in the effort of preserving open land.

16 (2) In determining the amount and type of financial assistance to provide a local entity or
17 nonprofit organization, the committee:

18 (a) shall consider the borrower's ability to pay back a loan; and

19 (b) may consider:

20 (i) the nature and amount of open land proposed to be preserved;

21 (ii) the critical qualities of the open land proposed to be preserved;

22 (iii) the cost effectiveness of the project to preserve open land;

23 (iv) the funds available; and

24 (v) the number of actual and potential applications for financial assistance, the amount of
25 money sought by those applications, and the nature and amount of open land they propose to
26 preserve.

27 (3) (a) The committee shall establish terms of repayment of each loan from the fund,
28 including rate of interest and repayment schedule.

29 (b) The terms established under Subsection (3)(a) may include conditions as to how the
30 money is to be spent.

31 Section 5. Section **11-28-105** is enacted to read:

1 **11-28-105. Grant and loan limitations.**

2 (1) A grant or loan of money from the fund may not exceed 50% of the costs of a project
3 to preserve open lands.

4 (2) The aggregate amount of grants and loans from the fund may not exceed the amount
5 of money appropriated or otherwise made available to the fund.

6 Section 6. Section **11-28-106** is enacted to read:

7 **11-28-106. State treasurer shall invest monies.**

8 The state treasurer shall invest all monies deposited into the fund, and all interest from
9 investing the monies shall accrue to the fund.

10 Section 7. Section **11-28-107** is enacted to read:

11 **11-28-107. Committee authorized to dispose of property.**

12 The committee may sell, lease, or otherwise dispose of equipment or personal property
13 belonging to the fund.

14 Section 8. **Appropriation.**

15 There is appropriated \$400,000 from the General Fund for fiscal year 1998-99 to the
16 Critical Land Conservation Grant and Revolving Loan Fund.

17 Section 9. **Effective date.**

18 Section 8, Appropriation, is effective on July 1, 1998.

Legislative Review Note

as of 1-28-98 4:54 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel