

Senator Dennis E. Stowell proposes the following substitute bill:

**MITIGATION OF INVASIVE SPECIES**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Dennis E. Stowell**

House Sponsor: David Clark

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**LONG TITLE**

**General Description:**

This bill enacts provisions relating to the mitigation of invasive species.

**Highlighted Provisions:**

This bill:

- ▶ authorizes the Department of Agriculture and Food, after consulting with the Department of Natural Resources and the Conservation Commission to:
  - enter into a cooperative agreement with an agency or landowner to prevent wildland fire through land restoration;
  - expend monies and give grants from the Invasive Species Mitigation Fund;
  - expend interest that is deposited in the Invasive Species Mitigation Fund;
  - make rules; and
- ▶ creates the Invasive Species Mitigation Fund, a restricted special revenue account.

**Monies Appropriated in this Bill:**

**H→ [None] This bill appropriates \$2,000,000 from the General Fund for fiscal year 2008-09 to the Invasive Species Mitigation Fund. ←H**

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:



26 4-2-8.6, Utah Code Annotated 1953

27 4-2-8.7, Utah Code Annotated 1953

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

30 Section 1. Section 4-2-8.6 is enacted to read:

31 **4-2-8.6. Cooperative agreements and grants to prevent wildland fire.**

32 After consulting with the Department of Natural Resources and the Conservation

33 Commission, the department may:

34 (1) enter into a cooperative agreement with a state agency, a federal agency, or a  
35 federal, state, tribal, or private landowner to prevent catastrophic wildland fire through land  
36 restoration in a watershed that:

37 (a) is impacted by cheatgrass or other invasive species; or

38 (b) has a fuel load that may contribute to a catastrophic wildland fire;

39 (2) expend monies from the Invasive Species Mitigation Fund created in Section

40 4-2-8.7; and

41 (3) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,  
42 make rules to:

43 (a) administer this section; and

44 (b) give grants from the Invasive Species Mitigation Fund.

45 Section 2. Section 4-2-8.7 is enacted to read:

46 **4-2-8.7. Invasive Species Mitigation Fund created.**

47 (1) As used in this section, "project" means an undertaking that prevents catastrophic  
48 wildland fire through land restoration in a watershed that:

49 (a) is impacted by cheatgrass or other invasive species; or

50 (b) has a fuel load that may contribute to a catastrophic wildland fire.

51 (2) (a) There is created a restricted special revenue fund known as the "Invasive  
52 Species Mitigation Fund."

53 (b) The fund shall consist of:

54 (i) money appropriated by the Legislature;

55 (ii) grants from the federal government;

56 (iii) grants or donations from a person; ~~and~~ → [and

57 ~~(iv) interest on fund monies.~~  
58 ~~(3) (a) The fund shall earn interest.~~  
59 ~~(b) All interest earned on fund monies shall be deposited into the fund.~~  
60 ~~(c) The department may use the interest deposited in the fund for administration costs.~~  
61 ~~(4)] (3) ←Ĥ~~ Any unallocated balance in the fund at the end of the year is nonlapsing.  
62 ~~Ĥ→ [(5)] (4) ←Ĥ~~ (a) After consulting with the Department of Natural Resources and the  
63 Conservation Commission, the department may expend fund monies:  
64 (i) on a project implemented by:  
65 (A) the department; or  
66 (B) the Conservation Commission; or  
67 (ii) by giving a grant for a project to:  
68 (A) a state agency;  
69 (B) a federal agency; or  
70 (C) to a federal, state, tribal, or private landowner.  
71 (b) A grant to a federal landowner must be matched with at least an equal amount of  
72 money by the federal landowner.  
73 (c) In expending the fund monies authorized by Subsection Ĥ→ [(5)] (4) ←Ĥ (a)(i), the  
73a department  
74 shall use existing infrastructure and employees to plan and implement the project.  
75 ~~Ĥ→ [(6)] (5) ←Ĥ~~ In giving a grant, the department shall consider the effectiveness of a  
75a project in  
76 preventing:  
77 (a) first, the risk to public safety and health from:  
78 (i) air pollution;  
79 (ii) flooding; and  
80 (iii) reduced visibility on a highway;  
81 (b) second, damage to the environment, including:  
82 (i) soil erosion;  
83 (ii) degraded water quality; and  
84 (iii) release of carbon; and  
85 (c) third, damage to:  
86 (i) a local economy; and  
87 (ii) habitat for wildlife or livestock.  
87a ~~Ĥ→~~ **Section 3. Appropriation.**  
87b **There is appropriated \$2,000,000 from the General Fund for fiscal year 2008-09 only to**  
87c **the Invasive Species Mitigation Fund. ←Ĥ**



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**S.B. 89 1st Sub. (Green) - Mitigation of Invasive Species - As Amended**

**Fiscal Note**

2008 General Session  
State of Utah

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**State Impact**

This bill appropriates \$2,000,000 from the General Fund to the Invasive Species Mitigation Fund.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
General Fund, One-Time	\$0	\$2,000,000	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$2,000,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.