

INVASIVE SPECIES AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: Brad J. Galvez

LONG TITLE

General Description:

This bill amends provisions of Title 4, Chapter 2, Department - State Chemist - Enforcement, by permitting rehabilitation projects in areas that have been affected by invasive species and appropriates money for that purpose.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ authorizes the Department of Agriculture to spend money in the Invasive Species Mitigation Account on a project implemented by a political subdivision;
- ▶ permits the Department of Agriculture to consider a project designed to prevent encroachment of an invasive species when awarding grant money; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates:

- ▶ to the Department of Agriculture, as an ongoing appropriation:
 - from the General Fund, \$1,000,000, subject to intent language stating that the appropriation is non-lapsing.

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 4-2-8.7, as last amended by Laws of Utah 2011, Chapter 303



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

32 Section 1. Section 4-2-8.7 is amended to read:

33 **4-2-8.7. Invasive Species Mitigation Account created.**

34 (1) As used in this section, "project" means an undertaking that prevents catastrophic
35 wildland fire through land restoration in a watershed or rehabilitation of an area infested with
36 invasive species 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) (a) There is created a restricted account within the General Fund known as the
40 "Invasive Species Mitigation Account."

41 (b) The restricted account shall consist of:

- 42 (i) money appropriated by the Legislature;
- 43 (ii) grants from the federal government; and
- 44 (iii) grants or donations from a person.

45 (3) (a) After consulting with the Department of Natural Resources and the
46 Conservation Commission, the department may expend money in the restricted account:

- 47 (i) on a project implemented by:
 - 48 (A) the department; or
 - 49 (B) the Conservation Commission; or
- 50 (ii) by giving a grant for a project to:
 - 51 (A) a state agency;
 - 52 (B) a federal agency; [or]
 - 53 (C) a federal, state, tribal, or private landowner[-]; or
 - 54 (D) a political subdivision.

55 (b) A grant to a federal landowner shall be matched with at least an equal amount of
56 money by the federal landowner.

57 (c) In expending the money authorized by Subsection (3)(a)(i), the department shall use
58 existing infrastructure and employees to plan and implement the project.

59 (4) In giving a grant, the department shall consider the effectiveness of a project in
60 preventing:

61 (a) first, the risk to public safety and health from:

62 (i) air pollution;

63 (ii) flooding; [~~and~~]

64 (iii) reduced visibility on a highway; or

65 (iv) increasing encroachment of an invasive species;

66 (b) second, damage to the environment, including:

67 (i) soil erosion;

68 (ii) degraded water quality; and

69 (iii) release of carbon; and

70 (c) third, damage to:

71 (i) a local economy; and

72 (ii) habitat for wildlife or livestock.

73 **Section 2. Appropriation.**

74 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
75 following sums of money are appropriated from resources not otherwise appropriated, or
76 reduced from amounts previously appropriated, out of the funds or accounts indicated for the
77 fiscal year beginning July 1, 2012 and ending June 30, 2013. These are additions to any amount
78 previously appropriated for fiscal year 2013.

79 To Invasive Species Mitigation Fund

80 From General Fund for fiscal year 2013, ongoing \$1,000,000

81 Schedule of Programs:

82 Rehabilitation \$1,000,000

82a **H→ To Department of Agriculture**

82b **From Invasive Species Mitigation Fund** **\$1,000,000**

82c **Schedule of Programs:**

82d **Invasive species mitigation** **\$1,000,000 ←H**

83 The Legislature intends that **S→ no more than 10 percent of the appropriation may be**
83a **used for administrative costs. The Legislature also intends that ←S**, under Section 63J-1-603 of
83b the Utah Code, appropriations
84 under this section do not lapse at the close of fiscal year 2013.

Legislative Review Note
as of 2-2-12 3:24 PM

Office of Legislative Research and General Counsel