

1                                   **CONSERVATION COMMISSION EMPLOYEES**

2   2015 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Ralph Okerlund**

5                                   House Sponsor: Melvin R. Brown

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7 **LONG TITLE**

8 **General Description:**

9           This bill amends provisions relating to certain Conservation Commission employees.

10 **Highlighted Provisions:**

11           This bill:

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

15 **Money Appropriated in this Bill:**

16           None

17 **Other Special Clauses:**

18           None

19 **Utah Code Sections Affected:**

20 AMENDS:

21           **4-18-105**, as last amended by Laws of Utah 2014, Chapter 383

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

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

25           **4-18-105. Conservation Commission -- Functions and duties.**

26           (1) The commission shall:

27           (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](#).

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

103 (b) The commissioner shall report to the Natural Resources, Agriculture, and  
104 Environmental Quality Appropriations Subcommittee by no later than that subcommittee's  
105 November 2015 interim meeting regarding the study required by Subsection (5)(a).