

1 **CONSERVATION COMMISSION AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: David P. Hinkins**

5 House Sponsor: Logan Wilde

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to the conservation commission.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ addresses purposes to obtain and administer federal or state money;
- 13 ▶ expands purposes for the commission making loans;
- 14 ▶ addresses the issuance of grants including specifying sources and purposes of the
- 15 grants;
- 16 ▶ expands powers of advisory boards; and
- 17 ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **4-18-105**, as last amended by Laws of Utah 2018, Chapter 115

25 **4-18-106**, as last amended by Laws of Utah 2018, Chapter 115

26 **4-18-108**, as last amended by Laws of Utah 2017, Chapter 345

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

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

30 **4-18-105. Conservation Commission -- Functions and duties.**

31 (1) The commission shall:

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

33 necessary to:

34 (i) protect, conserve, [~~utilize~~] use, and develop the soil, water, and air resources of the
35 state; and

36 (ii) promote the protection, integrity, and restoration of land for agricultural and other
37 beneficial purposes;

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

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

41 (d) prescribe uniform accounting and recordkeeping procedures for districts and
42 require each district to submit annually the information required in Section [17D-3-103](#);

43 (e) approve and make loans for agricultural purposes, through the loan advisory
44 subcommittee described in Section [4-18-106](#), from the Agriculture Resource Development
45 Fund;

46 (f) seek to obtain and administer federal or state [~~funds~~] money in accordance with
47 applicable federal or state guidelines and make loans or grants from [~~those funds~~] that money
48 to an eligible entity, as defined by the department by rule made in accordance with Title 63G,
49 Chapter 3, Utah Administrative Rulemaking Act, for the preservation of soil, water, and air
50 resources, or for a reason set forth in Section [4-18-108](#);

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

54 (h) when assigned by the governor, when required by contract with the Department of
55 Environmental Quality, or when required by contract with the United States Environmental
56 Protection Agency:

57 (i) develop programs for the prevention, control, or abatement of new or existing

- 58 pollution to the soil, water, or air of the state;
- 59 (ii) advise, consult, and cooperate with affected parties to further the purpose of this
- 60 chapter;
- 61 (iii) conduct studies, investigations, research, and demonstrations relating to
- 62 agricultural pollution issues;
- 63 (iv) give reasonable consideration in the exercise of its powers and duties to the
- 64 economic impact on sustainable agriculture;
- 65 (v) meet the requirements of federal law related to water and air pollution in the
- 66 exercise of the commission's powers and duties; and
- 67 (vi) establish administrative penalties relating to agricultural discharges as defined in
- 68 Section 4-18-103 that are proportional to the seriousness of the resulting environmental harm.
- 69 (2) The commission may:
- 70 (a) employ, with the approval of the department, an administrator and necessary
- 71 technical experts and employees;
- 72 (b) execute contracts or other instruments necessary to exercise ~~[its]~~ the commission's
- 73 powers;
- 74 (c) take necessary action to promote and enforce the purpose and findings of Section
- 75 4-18-102;
- 76 (d) sue and be sued; and
- 77 (e) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative
- 78 Rulemaking Act, necessary to carry out the powers and duties described in Subsection (1) and
- 79 Subsections (2)(b) and (c).

80 Section 2. Section 4-18-106 is amended to read:

81 **4-18-106. Agriculture Resource Development Fund -- Contents -- Use of fund**

82 **money -- Authority board.**

- 83 (1) There is created a revolving loan fund known as the Agriculture Resource
- 84 Development Fund.
- 85 (2) The Agriculture Resource Development Fund shall consist of:

- 86 (a) money appropriated to it by the Legislature;
- 87 (b) sales and use tax receipts transferred to the fund in accordance with Section
- 88 59-12-103;
- 89 (c) money received for the repayment of loans made from the fund;
- 90 (d) money made available to the state for agriculture resource development from any
- 91 source; and
- 92 (e) interest earned on the fund.

93 (3) The commission shall make loans from the Agriculture Resource Development
 94 Fund for a:

- 95 (a) rangeland improvement and management project;
- 96 (b) watershed protection or flood prevention project;
- 97 (c) soil and water conservation project;
- 98 (d) program designed to promote energy efficient farming practices;
- 99 (e) improvement program for agriculture product storage or program designed to
- 100 protect a crop or animal resource; ~~[or]~~
- 101 (f) hydroponic or aquaponic system~~[-]; or~~
- 102 (g) project or program to improve water quality or address other environmental issues.

103 (4) The commission may appoint an advisory board that shall:

- 104 (a) oversee the award process for loans, as described in this section;
- 105 (b) approve loans; and
- 106 (c) recommend policies and procedures for the Agriculture Resource Development
- 107 Fund that are consistent with statute.

108 ~~[(5) The commission may make a grant from the Agriculture Resource Development~~
 109 ~~Fund to an eligible entity, as defined by the department by rule made in accordance with Title~~
 110 ~~63G, Chapter 3, Utah Administrative Rulemaking Act, that has the legal right to occupy land~~
 111 ~~for:]~~

112 ~~[(a) the development or implementation of a coordinated resource management plan~~
 113 ~~with a conservation district, as defined in Section 17D-3-102, and]~~

114 ~~[(b) control or eradication of noxious weeds and invasive plant species in cooperation~~
115 ~~and coordination with a local weed board.]~~

116 Section 3. Section **4-18-108** is amended to read:

117 **4-18-108. Grants for environmental improvement projects -- Criteria for award**
118 **-- Duties of commission.**

119 ~~[(1) (a) Subject to appropriation, the commission, as described in Subsection (4), may~~
120 ~~make a grant to an owner or operator of a farm or ranch to pay for the costs of plans or projects~~
121 ~~to improve manure management, control surface water runoff, or address other environmental~~
122 ~~issues on the farm or ranch operation, including the costs of preparing or implementing a~~
123 ~~nutrient management plan.]~~

124 ~~[(b) The commission shall make a grant described in Subsection (1)(a) from funds~~
125 ~~appropriated by the Legislature for that purpose.]~~

126 (1) The commission may make a grant from the Agriculture Resource Development
127 Fund to an eligible entity, as defined by the department by rule made in accordance with Title
128 63G, Chapter 3, Utah Administrative Rulemaking Act, for:

129 (a) a purpose set forth under Subsection 4-18-106(3);

130 (b) the development or implementation of a coordinated resource management plan
131 with a conservation district, as defined in Section 17D-3-102;

132 (c) control or eradication of noxious weeds and invasive plant species in cooperation
133 and coordination with a local weed board;

134 (d) the costs of plans or projects to improve manure management, control surface water
135 runoff, or address other environmental issues on the farm or ranch operation, including the
136 costs of preparing or implementing a nutrient management plan; or

137 (e) the improvement of water quality or to address other environmental issues.

138 (2) The commission may make a grant for a purpose described in Subsection (1) from
139 money appropriated by the Legislature for the purpose of awarding a grant under this section.

140 ~~[(2)]~~ (3) (a) In awarding a grant, the commission shall consider the following criteria:

141 (i) the ability of the grantee to pay for the costs of proposed plans or projects [to

142 ~~improve manure management or control surface water runoff];~~

143 (ii) the availability of:

144 (A) matching funds provided by the grantee or another source; or

145 (B) material, labor, or other items of value provided in lieu of money by the grantee or

146 another source; and

147 (iii) the benefits that accrue to the general public by the awarding of a grant.

148 (b) The commission may establish by rule additional criteria for the awarding of a

149 grant.

150 ~~[(3)]~~ (4) The commission shall make rules in accordance with Title 63G, Chapter 3,

151 Utah Administrative Rulemaking Act, to implement this section.

152 ~~[(4)]~~ (5) The commission ~~[: (a) shall be responsible for awarding a grant or loan for~~

153 ~~water quality or other environmental issues; and (b)]~~ may appoint an advisory board to:

154 ~~[(i)]~~ (a) assist with the ~~[award]~~ grant process; ~~[and]~~

155 ~~[(ii)]~~ (b) make recommendations to the commission regarding ~~[awards:]~~ grants; and

156 (c) establish policies and procedures for awarding grants from the Agricultural

157 Resource Development Fund.