

- 26 and outdoor recreation advisory bodies;
- 27       ▶ creates the Utah Outdoor Recreation Infrastructure Advisory Committee to replace
- 28 other advisory committees and requires consultation with the Division of Outdoor
- 29 Recreation;
- 30       ▶ addresses criteria related to certain recreational grants;
- 31       ▶ addresses the Bonneville Shoreline Trail Program;
- 32       ▶ modifies the makeup of the Outdoor Adventure Commission and changes
- 33 consultation requirements;
- 34       ▶ modifies the makeup of the Resource Development Coordinating Committee;
- 35       ▶ addresses the relationship with the Division of Wildlife Resources and the Wildlife
- 36 Board;
- 37       ▶ repeals the Utah Outdoor Recreation Grant Advisory Committee;
- 38       ▶ establishes policy related to conservation;
- 39       ▶ addresses coordination of state conservation efforts, including authorizing
- 40 agreements;
- 41       ▶ repeals the Quality Growth Commission and replaces the commission with the Land
- 42 Conservation Board, including moving the board within the Department of
- 43 Agriculture and Food, addressing the board's powers and duties, and moving
- 44 definitions related to housing;
- 45       ▶ modifies the LeRay McAllister Critical Land Conservation Program, including
- 46 addressing ~~the~~ **[county] local** ~~action~~ in some circumstances;
- 47       ▶ requires counties to remit to the state rollback taxes and related payments to fund
- 48 the LeRay McAllister Critical Land Conservation Program;
- 49       ▶ creates the Division of Conservation within the Department of Agriculture and
- 50 Food;
- 51       ▶ provides for coordination of conservation efforts;
- 52       ▶ addresses rulemaking authority, including requiring rulemaking related to
- 53 off-highway vehicles, clarifying rulemaking by the Division of Outdoor Recreation,
- 54 and rulemaking related to grants;
- 55       ▶ modifies sunset and repeal dates;
- 56       ▶ modifies definition provisions;

- 57           ▶ provides for transition; and
- 58           ▶ makes technical and conforming changes.

59 **Money Appropriated in this Bill:**

60           This bill appropriates in fiscal year 2023:

- 61           ▶ to the Department of Natural Resources -- ~~H→~~ [~~Conservation~~] Pass Through ~~←H~~ , as
- 61a          an ongoing
- 62          appropriation:

- 63           • from General Fund, \$130,000;

- 64           ▶ to the Department of Natural Resources -- ~~H→~~ [~~Outdoor Recreation~~] Recreation
- 64a          Management ~~←H~~ , as an ongoing

65          appropriation:

- 66           • from General Fund, \$150,000;

- 67           ▶ to the Department of Agriculture and Food -- Conservation, as an ongoing
- 68          appropriation:

- 69           • from General Fund, \$120,000;

- 70           ▶ to the Governor's Office of Economic Opportunity, as an ongoing appropriation:

- 71           • from General Fund, (\$338,700); and

- 72           ▶ to the Department of Natural Resources -- ~~H→~~ [~~Outdoor Recreation~~] Recreation
- 72a          Management ~~←H~~ , as an ongoing

73          appropriation:

- 74           • from General Fund, \$338,700.

75 **Other Special Clauses:**

76           This bill provides a special effective date.

77           This bill provides revisor instructions.

78 **Utah Code Sections Affected:**

79          AMENDS:

80           4-2-103, as last amended by Laws of Utah 2018, Chapter 200

81           4-18-102, as last amended by Laws of Utah 2021, Chapter 178

82           4-18-105, as last amended by Laws of Utah 2019, Chapter 178

83           9-9-112, as enacted by Laws of Utah 2021, Chapter 380 and last amended by

84          Coordination Clause, Laws of Utah 2021, Chapter 280

85           23-14-14.2, as enacted by Laws of Utah 2007, Chapter 189

86           35A-8-2105, as renumbered and amended by Laws of Utah 2018, Chapter 182

87           41-1a-418, as last amended by Laws of Utah 2021, Chapters 219, 280, and 378

CHAPTER 46. CONSERVATION COORDINATION ACT

Part 1. General Provisions

**4-46-101. Policy.**

It is the policy of this state that land conservation should be promoted to protect the state's agricultural industry and natural resources.

Section 5. Section 4-46-102, which is renumbered from Section 11-38-102 is renumbered and amended to read:

~~[11-38-102].~~ **4-46-102. Definitions.**

As used in this chapter:

~~[(1) "Affordable housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income of the applicable municipal or county statistical area for households of the same size.]~~

~~[(2)]~~ (1) "Agricultural land" has the same meaning as "land in agricultural use" under Section 59-2-502.

~~[(3) "Brownfield sites" means abandoned, idled, or underused commercial or industrial land where expansion or redevelopment is complicated by real or perceived environmental contamination.]~~

~~[(4)]~~ (2) ["Commission" means the Quality Growth Commission] "Board" means the Land Conservation Board established in Section ~~[11-38-201]~~ 4-46-201.

~~[(5) "Infill development" means residential, commercial, or industrial development on unused or underused land, excluding open land and agricultural land, within existing, otherwise developed urban areas.]~~

(3) "Conservation commission" means the Conservation Commission created in Section 4-18-104.

(4) "Conservation district" means a limited purpose local government entity created under Title 17D, Chapter 3, Conservation District Act.

~~[(5) "County land use authority" means a land use authority, as defined in Section 17-27a-103, of a county.]~~

~~[(6)]~~ (5) ~~←H~~ "Director" means the director of the Division of Conservation.

~~[(7)]~~ (6) ~~←H~~ "Division" means the Division of Conservation created in Section 4-46-401.

~~[(7)]~~ (7) "Land use authority" means:

(a) a land use authority, as defined in Section 10-9a-103, of a municipality; or

(b) a land use authority, as defined in Section 17-27a-103, of a county. ~~←H~~

~~[(6)]~~ (8) "Local entity" means a county, city, or town.

491 (a) the director of the Division of Conservation or the director's designee;

492 (b) the commissioner of the Department of Agriculture and Food or the commissioner's  
493 designee;

494 (c) the executive director of the Governor's Office of Planning and Budget, or the  
495 executive director's designee;

496 (d) four elected officials at the local government level, two of whom may not be  
497 residents of a county of the first or second class; and

498 (e) seven persons from the profit and nonprofit private sector:

499 (i) two of whom may not be residents of a county of the first or second class;

500 ~~H→ [(ii) no more than three of whom may be from the same political party;~~

501 ~~— [(iii)] (ii) ←H~~ one of whom shall be from the residential construction industry, nominated by  
501a an

502 association representing Utah home builders;

503 ~~H→ [(iv)] (iii) ←H~~ one of whom shall be from the real estate industry, nominated by an  
503a association

504 representing Utah realtors;

505 ~~H→ [(v)] (iv) ←H~~ one representative of an association representing farmers, selected from a  
505a list of

506 nominees submitted by at least one association representing farmers;

507 ~~H→ [(vi)] (v) ←H~~ one representative of an association representing cattlemen, selected from  
507a a list of

508 nominees submitted by at least one association representing cattlemen;

509 ~~H→ [(vii)] (vi) ←H~~ one representative of an association representing wool growers, selected  
509a from a

510 list of nominees submitted by at least one association representing wool growers;

511 ~~H→ [(viii)] (vii) ←H~~ one representative of land trusts; and

512 ~~H→ [(ix)] (viii) ←H~~ one representative of an association representing conservation districts  
512a created

513 under Title 17D, Chapter 3, Conservation District Act, selected from a list of nominees

514 submitted by at least one association representing conservation districts.

515 (2) (a) The governor shall appoint a board member under Subsection (1)(d) or (e) with  
516 the advice and consent of the Senate.

517 (b) The governor shall select:

518 (i) two of the four members under Subsection (1)(d) from a list of names provided by  
519 the Utah League of Cities and Towns; and

520 (ii) two of the four members under Subsection (1)(d) from a list of names provided by  
521 the Utah Association of Counties.

522 (3) (a) The term of office of a member appointed under Subsection (1)(d) or (e) is four  
 523 years.

524 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
 525 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
 526 board members are staggered so that approximately half of the board is appointed every two  
 527 years.

528 (c) A member of the board appointed under Subsection (1)(d) or (e) may not serve  
 529 more than two consecutive four-year terms.

530 (4) A mid-term vacancy shall be filled for the unexpired term in the same manner as an  
 531 appointment under Subsection (2).

532 (5) ~~H~~→ [Board] (a) Subject to Subsection (5)(b), board ~~←H~~ members shall elect a chair  
 532a from their number and establish rules for the  
 533 organization and operation of the board.

533a ~~H~~→ (b) The board member who is chair may not vote during the board member's  
 533b tenure as chair, except the chair may vote if there is a tie vote of board members. ~~←H~~

534 (6) A member may not receive compensation or benefits for the member's service, but  
 535 may receive per diem and travel expenses in accordance with:

536 (a) Section 63A-3-106;

537 (b) Section 63A-3-107; and

538 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 539 63A-3-107.

540 (7) A member is not required to give bond for the performance of official duties.

541 (8) Staff services to the board shall be provided by the Division of Conservation.

542 Section 9. Section ~~4-46-202~~, which is renumbered from Section 11-38-202 is  
 543 renumbered and amended to read:

544 ~~[11-38-202].~~ **4-46-202. Board duties and powers -- No regulatory**  
 545 **authority -- Criteria.**

546 (1) The [commission] board shall:

547 ~~[(a) make recommendations to the Legislature on how to define more specifically~~  
 548 ~~quality growth areas within the general guidelines provided to the commission by the~~  
 549 ~~Legislature;]~~

550 ~~[(b) advise the Legislature on growth management issues;]~~

551 ~~[(c) make recommendations to the Legislature on refinements to this chapter;]~~

552 ~~[(d) conduct a review in 2002 and each year thereafter to determine progress statewide~~

646 and administered by the state or a local entity.

647 (6) (a) The board may not authorize the use of money under this section for a project  
 648 unless the  $\hat{H}\rightarrow$  [county]  $\leftarrow\hat{H}$  land use authority for the  $\hat{H}\rightarrow$  [county] land  $\leftarrow\hat{H}$  in which the project  
 648a is located consents to  
 649 the project.

650 (b) To obtain consent to a project, the person who is seeking money from the program  
 651 shall submit a request for consent to a project with the applicable  $\hat{H}\rightarrow$  [county]  $\leftarrow\hat{H}$  land use  
 651a authority.

652 The  $\hat{H}\rightarrow$  [county]  $\leftarrow\hat{H}$  land use authority may grant or deny consent. If the  $\hat{H}\rightarrow$  [county]  $\leftarrow\hat{H}$  land  
 652a use authority does  
 653 not take action within 30 days from the day on which the request for consent is filed with the  
 654  $\hat{H}\rightarrow$  [county]  $\leftarrow\hat{H}$  land use authority under this Subsection (6), the board shall treat the project as  
 654a having  
 655 the consent of the  $\hat{H}\rightarrow$  [county]  $\leftarrow\hat{H}$  land use authority.

656 (c) An action of a  $\hat{H}\rightarrow$  [county]  $\leftarrow\hat{H}$  land use authority under this Subsection (6) is not a  
 656a land use  
 657 decision subject to  $\hat{H}\rightarrow$  :

657a (i) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or  
 657b (ii)  $\leftarrow\hat{H}$  Title 17, Chapter 27a, County Land Use, Development, and Management  
 658 Act.

659 Section 12. Section **4-46-303**, which is renumbered from Section 11-38-304 is  
 660 renumbered and amended to read:

661 **~~[11-38-304]~~. 4-46-303. Board to report annually.**

662 The ~~[commission]~~ board shall submit an annual report to the Infrastructure and General  
 663 Government and Natural Resources, Agriculture, and Environmental Quality Appropriations  
 664 Subcommittees:

- 665 (1) specifying the amount of each disbursement from the program;  
 666 (2) identifying the recipient of each disbursement and describing the project for which  
 667 money was disbursed; and  
 668 (3) detailing the conditions, if any, placed by the ~~[commission]~~ board on disbursements  
 669 from the program.

670 Section 13. Section **4-46-401** is enacted to read:

671 **Part 4. Division of Conservation**

672 **4-46-401. Division of Conservation created -- Director.**

4490 Section 79-7-101, Title.

4491 Section 79-8-104, Annual report.

4492 Section 79-8-105, Utah Outdoor Recreation Grant Advisory Committee --

4493 Membership -- Duties -- Expenses.

4494 Section 107. Appropriation.

4495 The following sums of money are appropriated for the fiscal year beginning July 1,  
 4496 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for  
 4497 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
 4498 Act, the Legislature appropriates the following sums of money from the funds or accounts  
 4499 indicated for the use and support of the government of the state of Utah.

4500 ITEM 1

4501 To Department of Natural Resources -- ~~H~~→ [Conservation] Pass Through ←~~H~~

4502 From General Fund \$130,000

4503 Schedule of Programs:

4504 ~~H~~→ [Conservation] Pass Through ←~~H~~ \$130,000

4505 The Legislature intends that the money appropriated under this item be used only for  
 4506 the purpose of conservation efforts in accordance with Subsection 79-2-202(5) enacted in this  
 4507 bill.

4508 ITEM 2

4509 To Department of Natural Resources -- ~~H~~→ [Outdoor Recreation] Recreation

4509a Management ←~~H~~

4510 From General Fund \$150,000

4511 Schedule of Programs:

4512 ~~H~~→ [Outdoor Recreation Administration] Recreation Management ←~~H~~

4512a \$150,000

4513 The Legislature intends that the money appropriated under this item be used for the  
 4514 administration of the Division of Outdoor Recreation in accordance with this bill.

4515 ITEM 3

4516 To Department of Agriculture and Food -- Conservation

4517 From General Fund \$120,000

4518 Schedule of Programs:

4519 Conservation Administration \$120,000

4520 The Legislature intends that the money appropriated under this item be used for

4521 conservation efforts in accordance with this bill.

4522 ITEM 4

4523 To Governor's Office of Economic Opportunity

4524 From General Fund (\$338,700)

4525 Schedule of Programs:

4526 H→ [Outdoor Recreation] Business Outreach & International Trade ←H

4526a (\$338,700)

4527 ITEM 5

4528 To Department of Natural Resources -- H→ [Outdoor Recreation] Recreation

4528a Management ←H

4529 From General Fund \$338,700

4530 Schedule of Programs:

4531 H→ [Outdoor Recreation] Recreation Management ←H

4531a \$338,700

4532 The Legislature intends that, at the close of fiscal year 2022, the Division of Finance

4533 transfer any fiscal year H→ [2021] 2022 ←H closing nonlapsing balances or carry forward funding

4533a in H→ support of ←H the Office

4534 of Outdoor Recreation to the Department of Natural Resources - H→ [Outdoor Recreation]

4534a Recreation Management ←H , as fiscal

4535 year 2023 beginning nonlapsing balances.

4536 Section 108. Effective date.

4537 This bill takes effect on July 1, 2022.

4538 Section 109. Revisor instructions.

4539 The Legislature intends that the Office of Legislative Research and General Counsel, in

4540 preparing the Utah Code database for publication on July 1, 2022:

4541 (1) replace the references in Subsections 4-46-104(1)(a) and (2) from "this bill" to the

4542 bill's designated chapter number in the Laws of Utah;

4543 (2) replace the references in Subsections 79-2-206(2)(c), (4)(a)(i) and (4)(b) from "this

4544 bill" to the bill's designated chapter number in the Laws of Utah;

4545 (3) replace cross references to sections renumbered by this bill that are added to the

4546 Utah Code by legislation passed during the 2022 General Session that become law;

4547 (4) replace references to the "Division of Recreation" to the "Division of Outdoor

4548 Recreation" in any new language added to the Utah Code by legislation, other than Section

4549 79-2-206, passed during the 2022 General Session that becomes law; and

4550 (5) replace references to the "Quality Growth Commission" to the "Land Conservation

4551 Board" in any new language added to the Utah Code by legislation, other than Section