and outdoor recreation advisory bodies;

- creates the Utah Outdoor Recreation Infrastructure Advisory Committee to replace other advisory committees and requires consultation with the Division of Outdoor Recreation;
  - addresses criteria related to certain recreational grants;
  - addresses the Bonneville Shoreline Trail Program;
  - modifies the makeup of the Outdoor Adventure Commission and changes consultation requirements;
  - modifies the makeup of the Resource Development Coordinating Committee;
  - addresses the relationship with the Division of Wildlife Resources and the Wildlife Board;
    - repeals the Utah Outdoor Recreation Grant Advisory Committee;
    - establishes policy related to conservation;
    - addresses coordination of state conservation efforts, including authorizing agreements;
      - repeals the Quality Growth Commission and replaces the commission with the Land Conservation Board, including moving the board within the Department of Agriculture and Food, addressing the board's powers and duties, and moving definitions related to housing;
        - modifies the LeRay McAllister Critical Land Conservation Program, including addressing action in some circumstances;
  - requires counties to remit to the state rollback taxes and related payments to fund the LeRay McAllister Critical Land Conservation Program;
    - creates the Division of Conservation within the Department of Agriculture and Food;
      - provides for coordination of conservation efforts;
        - addresses rulemaking authority, including requiring rulemaking related to off-highway vehicles, clarifying rulemaking by the Division of Outdoor Recreation, and rulemaking related to grants;
          - modifies sunset and repeal dates;
            - 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 -- \[\text{Conservation}\] Pass Through \[\text{\&}\], as
61a  an ongoing
62  appropriation:
63  ▪ from General Fund, $130,000;
64  ▪ to the Department of Natural Resources -- \[\text{Outdoor Recreation}\] Recreation
64a  Management \[\text{\&}\], 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 -- \[\text{Outdoor Recreation}\] Recreation
72a  Management \[\text{\&}\], 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


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:


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) "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.]


[(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) "Director" means the director of the Division of Conservation.

(7) "Division" means the Division of Conservation created in Section 4-46-401.

(8) "Local entity" means a county, city, or town.
(a) the director of the Division of Conservation or the director's designee;
(b) the commissioner of the Department of Agriculture and Food or the commissioner's designee;
(c) the executive director of the Governor's Office of Planning and Budget, or the executive director's designee;
(d) four elected officials at the local government level, two of whom may not be residents of a county of the first or second class; and
(e) seven persons from the profit and nonprofit private sector:
   (i) two of whom may not be residents of a county of the first or second class;
   (ii) no more than three of whom may be from the same political party;
   (iii) one of whom shall be from the residential construction industry, nominated by an association representing Utah home builders;
   (iv) one of whom shall be from the real estate industry, nominated by an association representing Utah realtors;
   (v) one representative of an association representing farmers, selected from a list of nominees submitted by at least one association representing farmers;
   (vi) one representative of an association representing cattlemen, selected from a list of nominees submitted by at least one association representing cattlemen;
   (vii) one representative of an association representing wool growers, selected from a list of nominees submitted by at least one association representing wool growers;
   (viii) one representative of land trusts; and
   (ix) one representative of an association representing conservation districts created under Title 17D, Chapter 3, Conservation District Act, selected from a list of nominees submitted by at least one association representing conservation districts,
(2) (a) The governor shall appoint a board member under Subsection (1)(d) or (e) with the advice and consent of the Senate,
(b) The governor shall select:
   (i) two of the four members under Subsection (1)(d) from a list of names provided by the Utah League of Cities and Towns; and
   (ii) two of the four members under Subsection (1)(d) from a list of names provided by the Utah Association of Counties.
(3) (a) The term of office of a member appointed under Subsection (1)(d) or (e) is four years.

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

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

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

(5) Subject to Subsection (5)(b), board members shall elect a chair from their number and establish rules for the organization and operation of the board.

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

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

(a) Section 63A-3-106;

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

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

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

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

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

[11-38-202].


(1) The board shall:

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

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

[(e) make recommendations to the Legislature on refinements to this chapter;]

[(d) conduct a review in 2002 and each year thereafter to determine progress statewide]
and administered by the state or a local entity.

(6) (a) The board may not authorize the use of money under this section for a project unless the [county] land use authority for the [county] land in which the project is located consents to the project.

(b) To obtain consent to a project, the person who is seeking money from the program shall submit a request for consent to a project with the applicable [county] land use authority. The [county] land use authority may grant or deny consent. If the [county] land use authority does not take action within 30 days from the day on which the request for consent is filed with the [county] land use authority under this Subsection (6), the board shall treat the project as having the consent of the [county] land use authority.

(c) An action of a [county] land use authority under this Subsection (6) is not a land use decision subject to:

(i) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or

(ii) Title 17, Chapter 27a, County Land Use, Development, and Management Act.

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


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

(1) specifying the amount of each disbursement from the program;

(2) identifying the recipient of each disbursement and describing the project for which money was disbursed; and

(3) detailing the conditions, if any, placed by the [commission] board on disbursements from the program.

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

Part 4. Division of Conservation

4-46-401. Division of Conservation created -- Director.
Section 79-7-101, Title.

Section 79-8-104, Annual report.

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

Membership -- Duties -- Expenses.

Section 107. Appropriation.

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

ITEM 1

To Department of Natural Resources -- [Conservation] Pass Through $130,000

From General Fund

Schedule of Programs:

[Conservation] Pass Through $130,000

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

ITEM 2

To Department of Natural Resources -- [Outdoor Recreation] Recreation Management $150,000

From General Fund

Schedule of Programs:

[Outdoor Recreation Administration] Recreation Management $150,000

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

ITEM 3

To Department of Agriculture and Food -- Conservation $120,000

From General Fund

Schedule of Programs:

Conservation Administration $120,000

The Legislature intends that the money appropriated under this item be used for
conservation efforts in accordance with this bill.

ITEM 4

To Governor's Office of Economic Opportunity

From General Fund ($338,700)

Schedule of Programs:

- [Outdoor Recreation] Business Outreach & International Trade ($338,700)

ITEM 5

To Department of Natural Resources -- [Outdoor Recreation] Recreation Management

From General Fund $338,700

Schedule of Programs:

- [Outdoor Recreation] Recreation Management $338,700

The Legislature intends that, at the close of fiscal year 2022, the Division of Finance transfer any fiscal year [2021] 2022 closing nonlapsing balances or carry forward funding in support of the Office of Outdoor Recreation to the Department of Natural Resources - [Outdoor Recreation] Recreation Management, as fiscal year 2023 beginning nonlapsing balances.

Section 108. Effective date.

This bill takes effect on July 1, 2022.

Section 109. Revisor instructions.

The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication on July 1, 2022:

(1) replace the references in Subsections 4-46-104(1)(a) and (2) from "this bill" to the bill's designated chapter number in the Laws of Utah;

(2) replace the references in Subsections 79-2-206(2)(c), (4)(a)(i) and (4)(b) from "this bill" to the bill's designated chapter number in the Laws of Utah;

(3) replace cross references to sections renumbered by this bill that are added to the Utah Code by legislation passed during the 2022 General Session that become law;

(4) replace references to the "Division of Recreation" to the "Division of Outdoor Recreation" in any new language added to the Utah Code by legislation, other than Section 79-2-206, passed during the 2022 General Session that becomes law; and

(5) replace references to the "Quality Growth Commission" to the "Land Conservation Board" in any new language added to the Utah Code by legislation, other than Section