

# CONSERVATION COMMISSION ACT

*Revised last by 2008 Legislative General Session*

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## **4-18-1 Short title.**

This chapter is known as the "Conservation Commission Act." (*Amended by Chapter 179, 2007 General Session*)

## **4-18-2 Purpose declaration.**

The Legislature finds and declares that the soil and water resources of this state constitute one of its basic assets and that the preservation of these resources requires planning and programs to ensure the development and utilization of these resources and to protect them from the adverse effects of wind and water erosion, sediment, and sediment related pollutants. (*Enacted by Chapter 2, 1979 General Session*)

## **4-18-3 Definitions.**

As used in this chapter:

- (1) "Alternate" means a substitute for a district supervisor if the district supervisor cannot attend a meeting.
- (2) (a) "Animal feeding operation" means a facility where animals, other than aquatic animals, are stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period.  
(b) "Animal feeding operation" does not include an operation where animals are in areas such as pastures or rangeland that sustain crops or forage growth during the entire time the animals are present.
- (3) "Commission" means the Conservation Commission created in Section 4-18-4.
- (4) "Comprehensive nutrient management plan" means a plan that identifies actions or priorities that will be followed to meet clearly defined nutrient management goals at an animal feeding operation.
- (5) "District" or "conservation district" has the same meaning as "conservation district" as defined in Section 17D-3-102 – [*“means a limited purpose local government entity, as described in Section 17D-3-103, that operates under, is subject to, and has the powers set forth...” in Title 17D, Chapter 3 of the Utah Code.*] (*Amended by Chapter 360, 2008 General Session*)

## **4-18-4 Conservation Commission created -- Composition -- Appointment -- Terms -- Compensation -- Attorney general to provide legal assistance.**

- (1) There is created within the department the Conservation Commission to perform the functions specified in this chapter.
- (2) The Conservation Commission shall be comprised of 16 members, including:
  - (a) the director of the Extension Service at Utah State University or the director's

- designee;
- (b) the president of the Utah Association of Conservation Districts or the president's designee;
  - (c) the commissioner or the commissioner's designee;
  - (d) the executive director of the Department of Natural Resources or executive director's designee;
  - (e) the executive director of the Department of Environmental Quality or executive director's designee;
  - (f) the chair and the vice chair of the State Grazing Advisory Board created in Section **4-20-1.5**;
  - (g) the president of the County Weed Supervisors Association;
  - (h) seven district supervisors who provide district representation on the commission on a multi-county basis: and
  - (i) the director of the School and Institutional Trust Lands Administration or the director's designee.
- (3) If a district supervisor is unable to attend a meeting, an alternate may serve in the place of the district supervisor for that meeting.
- (4) The members of the commission specified in Subsection (2)(h) shall:
- (a) be recommended by the commission to the governor; and
  - (b) be appointed by the governor with the consent of the Senate.
- (5) (a) Except as required by Subsection (5) (b), as terms of current commission members expire, the governor shall appoint each new member or reappointed member to a four-year term.
- (b) Notwithstanding the requirements of Subsection (5) (a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.
- (6) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (7) The commissioner is chair of the commission.
- (8) Attendance of a majority of the commission members at a meeting constitutes a quorum.
- (9) (a) (i) A member who is not a government employee may not receive compensation or benefits for the member's service, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections **63A-3-106** and **63A-3-107**.
- (ii) A member may decline to receive per diem and expenses for the member's service.
- (b) (i) A state government officer and employee member who does not receive salary, per diem, or expenses from the agency the member represents for the member's service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections **63A-3-106** and **63A-3-107**.
- (ii) A state government officer and employee member may decline to receive per diem and expenses for the member's service.
- (c) (i) A higher education member who does not receive salary, per diem, or expenses from the entity that the member represents for the member's service may receive per diem and expenses incurred in

- the performance of the member's official duties from the committee at the rates established by the Division of Finance under Sections **63A-3-106** and **63A-3-107**.
- (ii) A higher education member may decline to receive per diem and expenses for the member's service.
- (d) (i) A local government member who does not receive salary, per diem, or expenses from the entity that the member represents for the member's service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections **63A-3-106** and **63A-3-107**.
  - (ii) A local government member may decline to receive per diem and expenses for the member's service.
- (10) The commission shall keep a record of its actions.
- (11) The attorney general shall provide legal services to the commission upon request. *(Amended by Chapter 156, 2008 General Session)*

#### **4-18-5 Conservation commission -- Functions and duties.**

- (1) The commission shall:
  - (a) facilitate the development and implementation of the strategies and programs necessary to protect, conserve, utilize, and develop the soil and water resources of the state;
  - (b) disseminate information regarding districts' activities and programs;
  - (c) supervise the formation, reorganization, or dissolution of districts according to the requirements of Title 17A, Chapter 3, Part 8, Conservation Districts;
  - (d) prescribe uniform accounting and recordkeeping procedures for districts and require each district to submit annually an audit of its funds to the commission;
  - (e) approve and make loans for agricultural purposes, from the Agriculture Resource Development Fund for:
    - (i) nonfederal rangeland improvement and management projects;
    - (ii) watershed protection and flood prevention projects;
    - (iii) agricultural cropland soil and water conservation projects; and
    - (iv) programs designed to promote energy efficient farming practices;
  - (f) administer federal or state funds in accordance with applicable federal or state guidelines and make loans or grants from those funds to land occupiers for the conservation of soil or water resources;
  - (g) seek to coordinate soil and water protection, conservation, and development activities and programs of state agencies, local governmental units, other states, special interest groups, and federal agencies; and
  - (h) plan watershed and flood control projects in cooperation with appropriate local, state, and federal authorities and coordinate flood control projects in the state.
- (2) The commission may:
  - (a) employ, with the approval of the department, an administrator and necessary technical experts and employees;

- (b) execute contracts or other instruments necessary to exercise its powers;
- (c) sue and be sued; and
- (d) adopt rules, in accordance with **Title 63G, Chapter 3**, Utah Administrative Rulemaking Act, necessary to carry out the powers and duties specified in Subsections (1)(d), (e), (f), and (2)(b). *(Amended by chapter 360 and 382, 2008 General Session)*

**4-18-6 Agriculture Resource Development Fund -- Contents -- Use of fund monies.**

- (1) There is created a revolving loan fund known as the Agriculture Resource Development Fund.
- (2) The Agriculture Resource Development Fund shall consist of:
  - (a) money appropriated to it by the Legislature;
  - (b) sales and use tax receipts transferred to the fund pursuant to Section **59-12-103**;
  - (c) money received for the repayment of loans made from the fund;
  - (d) money made available to the state for agriculture resource development from any source; and
  - (e) interest earned on the fund.
- (3) The commission shall make loans from the Agriculture Resource Development Fund as provided by Section **4-18-5**. *(Amended by Chapter 179, 2007 General Session)*

**4-18-6.5. Grants to improve manure management or control runoff at animal feeding operations.**

(1) (a) The commission may make grants to owners or operators of animal feeding operations to pay for costs of plans or projects to improve manure management or control surface water runoff, including costs of preparing or implementing comprehensive nutrient management plans.

(b) The commission shall make the grants described in Subsection (1)(a) from funds appropriated by the Legislature for that purpose.

(2) (a) In awarding grants, the commission shall consider the following criteria:

(i) the ability of the grantee to pay for costs of plans or projects to improve manure management or control surface water runoff;

(ii) the availability of:

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

(B) material, labor, or other items of value provided in lieu of money by the grantee or another source; and

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

(b) The commission may establish by rule additional criteria for the awarding of grants.

(3) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this section.

*(Enacted by Chapter 382, 2008 General Session)*

**4-18 (14-27) Utah Conservation Corps Articles (Repealed 2007 General Session)**