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AGRICULTURAL LAND AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to the LeRay McAllister Critical Land Conservation Program and enacts provisions related to the study of private agricultural land.

Highlighted Provisions:

This bill:

- ▶ changes the name of the LeRay McAllister Critical Land Conservation Program to the Critical Land Conservation Program;
- ▶ directs the Legislature to fund the Critical Land Conservation Program through a line item in the annual appropriations bill to the Department of Agriculture and Food instead of to the Quality Growth Commission;
- ▶ directs the Department of Agriculture and Food to conduct a study identifying and classifying private agricultural land; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 28 [11-38-102](#), as last amended by Laws of Utah 2013, Chapter 310
- 29 [11-38-301](#), as last amended by Laws of Utah 2009, Chapter 368
- 30 [39-10-104](#), as enacted by Laws of Utah 2018, Chapter 216
- 31 [63J-1-602.2](#), as repealed and reenacted by Laws of Utah 2018, Chapter 469

32 ENACTS:

- 33 [4-44-101](#), Utah Code Annotated 1953
- 34 [4-44-102](#), Utah Code Annotated 1953
- 35 [4-44-103](#), Utah Code Annotated 1953



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

38 Section 1. Section [4-44-101](#) is enacted to read:

39 **CHAPTER 44. AGRICULTURAL LANDS STUDY**

40 **[4-44-101](#). Title.**

41 This chapter is known as "Agricultural Lands Study."

42 Section 2. Section [4-44-102](#) is enacted to read:

43 **[4-44-102](#). Definitions.**

44 As used in this chapter:

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

47 (2) "Commission" means the Quality Growth Commission established in Section
48 [11-38-201](#).

49 Section 3. Section [4-44-103](#) is enacted to read:

50 **[4-44-103](#). Identifying critical agricultural land.**

51 (1) (a) The department shall conduct a study to identify and classify privately owned
52 agricultural lands in the state.

53 (b) The study described in this Subsection (1) shall classify each agricultural land
54 based on the market value of:

- 55 (i) the land; and
- 56 (ii) the commodity the land is devoted to raising.

57 (2) The department shall present the study described in Subsection (1) to the
58 commission on or before May 31, 2020.

59 Section 4. Section 11-38-102 is amended to read:

60 **11-38-102. Definitions.**

61 As used in this chapter:

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

65 (2) "Agricultural land" has the same meaning as "land in agricultural use" under
66 Section 59-2-502.

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

70 (4) "Commission" means the Quality Growth Commission established in Section
71 11-38-201.

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

75 (6) "Local entity" means a county, city, or town.

76 (7) (a) "Open land" means land that is:

77 (i) preserved in or restored to a predominantly natural, open, and undeveloped
78 condition; and

79 (ii) used for:

80 (A) wildlife habitat;

81 (B) cultural or recreational use;

82 (C) watershed protection; or

83 (D) another use consistent with the preservation of the land in or restoration of the land
84 to a predominantly natural, open, and undeveloped condition.

85 (b) (i) "Open land" does not include land whose predominant use is as a developed
86 facility for active recreational activities, including baseball, tennis, soccer, golf, or other
87 sporting or similar activity.

88 (ii) The condition of land does not change from a natural, open, and undeveloped
89 condition because of the development or presence on the land of facilities, including trails,

90 waterways, and grassy areas, that:

91 (A) enhance the natural, scenic, or aesthetic qualities of the land; or

92 (B) facilitate the public's access to or use of the land for the enjoyment of its natural,
93 scenic, or aesthetic qualities and for compatible recreational activities.

94 (8) "Program" means the [~~LeRay McAllister~~] Critical Land Conservation Program
95 established in Section [11-38-301](#).

96 (9) "Surplus land" means real property owned by the Department of Administrative
97 Services, the Department of Agriculture and Food, the Department of Natural Resources, or the
98 Department of Transportation that the individual department determines not to be necessary for
99 carrying out the mission of the department.

100 Section 5. Section **11-38-301** is amended to read:

101 **Part 3. Critical Land Conservation Program**

102 **11-38-301. Critical Land Conservation Program.**

103 (1) There is created a program entitled the "[~~LeRay McAllister~~] Critical Land
104 Conservation Program."

105 (2) (a) Funding for the program shall be a line item [~~in the budget of the Quality~~
106 ~~Growth Commission~~] to the Department of Agriculture and Food, created under Section
107 [4-2-102](#), in the annual appropriations act.

108 (b) The line item shall be nonlapsing.

109 Section 6. Section **39-10-104** is amended to read:

110 **39-10-104. Committee responsibilities.**

111 (1) The committee shall:

112 (a) identify lands to be included in the designated sentinel landscape;

113 (b) develop strategies and recommendations to encourage landowners within the
114 sentinel landscape to voluntarily participate in and begin or continue land uses compatible with
115 Camp Williams's military mission; and

116 (c) publish any policies and procedures as administrative rules in accordance with Title
117 63G, Chapter 3, Utah Administrative Rulemaking Act.

118 (2) In designating sentinel lands, the coordinating committee shall include all working
119 or natural lands that the coordinating committee believes contribute to the long-term
120 sustainability of the military missions conducted at Camp Williams.

121 (3) The committee shall determine the appropriate level of state resources required to
122 adequately protect Camp Williams's military mission and may apply for grants from the [~~LeRay~~
123 ~~McAllister~~] Critical Lands Conservation Program to aid in securing those resources.

124 (4) In determining lands to designate, the coordinating committee shall seek input
125 from:

126 (a) the director of the Department of Defense Readiness and Environmental Protection
127 Integration Program; and

128 (b) the director of the National Guard Bureau Army Compatible Use Buffer Program,
129 as authorized under 10 U.S.C. Sec. 2684(a).

130 (5) The committee shall provide a written report of its activities if state funds are
131 expended during the previous calendar year no later than July 31 annually to:

132 (a) the governor;

133 (b) the Government Operations Interim Committee; and

134 (c) the Executive Appropriations Committee.

135 Section 7. Section **63J-1-602.2** is amended to read:

136 **63J-1-602.2. List of nonlapsing appropriations to programs.**

137 Appropriations made to the following programs are nonlapsing:

138 (1) The Legislature and its committees.

139 (2) The Percent-for-Art Program created in Section [9-6-404](#).

140 (3) The [~~LeRay~~ ~~McAllister~~] Critical Land Conservation Program created in Section
141 [11-38-301](#).

142 (4) Dedicated credits accrued to the Utah Marriage Commission as provided under
143 Subsection [17-16-21\(2\)\(d\)\(ii\)](#).

144 (5) The Division of Wildlife Resources for the appraisal and purchase of lands under
145 the Pelican Management Act, as provided in Section [23-21a-6](#).

146 (6) The primary care grant program created in Section [26-10b-102](#).

147 (7) Sanctions collected as dedicated credits from Medicaid provider under Subsection
148 [26-18-3\(7\)](#).

149 (8) The Utah Health Care Workforce Financial Assistance Program created in Section
150 [26-46-102](#).

151 (9) The Rural Physician Loan Repayment Program created in Section [26-46a-103](#).

- 152 (10) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).
- 153 (11) Funds that the Department of Alcoholic Beverage Control retains in accordance
154 with Subsection [32B-2-301\(7\)\(a\)\(ii\)](#) or (b).
- 155 (12) The General Assistance program administered by the Department of Workforce
156 Services, as provided in Section [35A-3-401](#).
- 157 (13) A new program or agency that is designated as nonlapsing under Section
158 [36-24-101](#).
- 159 (14) The Utah National Guard, created in Title 39, Militia and Armories.
- 160 (15) The State Tax Commission under Section [41-1a-1201](#) for the:
- 161 (a) purchase and distribution of license plates and decals; and
- 162 (b) administration and enforcement of motor vehicle registration requirements.
- 163 (16) The Search and Rescue Financial Assistance Program, as provided in Section
164 [53-2a-1102](#).
- 165 (17) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
- 166 (18) The State Board of Regents for teacher preparation programs, as provided in
167 Section [53B-6-104](#).
- 168 (19) The Medical Education Program administered by the Medical Education Council,
169 as provided in Section [53B-24-202](#).
- 170 (20) The State Board of Education, as provided in Section [53F-2-205](#).
- 171 (21) The Division of Services for People with Disabilities, as provided in Section
172 [62A-5-102](#).
- 173 (22) The Division of Fleet Operations for the purpose of upgrading underground
174 storage tanks under Section [63A-9-401](#).
- 175 (23) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 176 (24) Appropriations to the Department of Technology Services for technology
177 innovation as provided under Section [63F-4-202](#).
- 178 (25) The Office of Administrative Rules for publishing, as provided in Section
179 [63G-3-402](#).
- 180 (26) The Utah Science Technology and Research Initiative created in Section
181 [63M-2-301](#).
- 182 (27) The Governor's Office of Economic Development to fund the Enterprise Zone

183 Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

184 (28) Appropriations to fund the Governor's Office of Economic Development's Rural
185 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural
186 Employment Expansion Program.

187 (29) The Department of Human Resource Management user training program, as
188 provided in Section 67-19-6.

189 (30) The University of Utah Poison Control Center program, as provided in Section
190 69-2-5.5.

191 (31) A public safety answering point's emergency telecommunications service fund, as
192 provided in Section 69-2-301.

193 (32) The Traffic Noise Abatement Program created in Section 72-6-112.

194 (33) The Judicial Council for compensation for special prosecutors, as provided in
195 Section 77-10a-19.

196 (34) A state rehabilitative employment program, as provided in Section 78A-6-210.

197 (35) The Utah Geological Survey, as provided in Section 79-3-401.

198 (36) The Bonneville Shoreline Trail Program created under Section 79-5-503.

199 (37) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and
200 78B-6-144.5.

201 (38) Indigent defense as provided in Title 77, Chapter 32, Part 8, Utah Indigent
202 Defense Commission.