

**Effective 5/3/2023**

**Part 3**  
**LeRay McAllister Working Farm and Ranch Fund**

**4-46-301 LeRay McAllister Working Farm and Ranch Fund.**

- (1) There is created a restricted account within the General Fund entitled the " LeRay McAllister Working Farm and Ranch Fund."
- (2) The LeRay McAllister Working Farm and Ranch Fund shall consist of:
  - (a) appropriations by the Legislature;
  - (b) grants from federal or private sources; and
  - (c) interest and earnings from the account.
- (3) The Land Conservation Board created in Section 4-46-201 may use appropriations from the fund in accordance with Section 4-46-302.

Amended by Chapter 59, 2024 General Session

**4-46-302 Use of money in fund -- Criteria -- Administration.**

- (1) Subject to Subsection (2), the board may authorize the use of money in the fund, by grant, to:
  - (a) a local entity;
  - (b) the Department of Natural Resources created under Section 79-2-201;
  - (c) an entity within the department; or
  - (d) a charitable organization that qualifies as being tax exempt under Section 501(c)(3), Internal Revenue Code.
- (2)
  - (a) The money in the fund shall be used for preserving or restoring open land and agricultural land.
  - (b) Except as provided in Subsection (2)(c), money from the fund:
    - (i) may be used to:
      - (A) establish a conservation easement under Title 57, Chapter 18, Land Conservation Easement Act; or
      - (B) fund similar methods to preserve open land or agricultural land; and
    - (ii) may not be used to purchase a fee interest in real property to preserve open land or agricultural land.
  - (c) Money from the fund may be used to purchase a fee interest in real property to preserve open land or agricultural land if:
    - (i) the property to be purchased is no more than 20 acres in size; and
    - (ii) with respect to a parcel purchased in a county in which over 50% of the land area is publicly owned, real property roughly equivalent in size and located within that county is contemporaneously transferred to private ownership from the governmental entity that purchased the fee interest in real property.
  - (d) Eminent domain may not be used or threatened in connection with any purchase using money from the fund.
  - (e) A parcel of land larger than 20 acres in size may not be divided to create one or more parcels that are smaller than 20 acres in order to comply with Subsection (2)(c)(i).
  - (f) A local entity, department, or organization under Subsection (1) may not receive money from the fund unless the local entity, department, or organization provides matching funds equal to or greater than the amount of money received from the fund.

- (g) In granting money from the fund, the board may impose conditions on the recipient as to how the money is to be spent.
- (h) The board shall give priority to:
  - (i) working agricultural land; and
  - (ii) after giving priority to working agricultural land under Subsection (2)(h)(i), requests from the Department of Natural Resources for up to 20% of each annual increase in the amount of money in the fund if the money is used for the protection of wildlife or watershed.
- (i)
  - (i) The board may not make a grant from the fund that exceeds \$1,000,000 until after making a report to the Legislative Management Committee about the grant.
  - (ii) The Legislative Management Committee may make a recommendation to the board concerning the intended grant, but the recommendation is not binding on the board.
- (3) In determining the amount and type of financial assistance to provide a local entity, department, or organization under Subsection (1) and subject to Subsection (2)(i), the board shall consider:
  - (a) the nature and amount of open land and agricultural land proposed to be preserved or restored;
  - (b) the qualities of the open land and agricultural land proposed to be preserved or restored;
  - (c) the cost effectiveness of the project to preserve or restore open land or agricultural land;
  - (d) the funds available;
  - (e) the number of actual and potential applications for financial assistance and the amount of money sought by those applications;
  - (f) the open land preservation plan of the local entity where the project is located and the priority placed on the project by that local entity;
  - (g) the effects on housing affordability and diversity; and
  - (h) whether the project protects against the loss of private property ownership.
- (4) If a local entity, department, or organization under Subsection (1) seeks money from the fund for a project whose purpose is to protect critical watershed, the board shall require that the needs and quality of that project be verified by the state engineer.
- (5) An interest in real property purchased with money from the fund shall be held 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 land use authority for the 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 fund shall submit a request for consent to a project with the applicable land use authority. The land use authority may grant or deny consent. If the land use authority does not take action within 60 days from the day on which the request for consent is filed with the land use authority under this Subsection (6), the board shall treat the project as having the consent of the land use authority.
  - (c) An action of a 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.

Amended by Chapter 59, 2024 General Session

**4-46-303 Board to report annually.**

The 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 fund;
- (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 board on disbursements from the fund.

Amended by Chapter 180, 2023 General Session

**4-46-304 Agriculture Conservation Easement Account.**

- (1) There is created within the General Fund a restricted account known as the Agriculture Conservation Easement Account.
- (2) The Agriculture Conservation Easement Account consists of:
  - (a) conservation easement stewardship fees;
  - (b) grants from private foundations;
  - (c) grants from local governments, the state, or the federal government;
  - (d) grants from the Land Conservation Board created under Section 4-46-201;
  - (e) donations from landowners for monitoring and enforcing compliance with conservation easements;
  - (f) donations from any other person; and
  - (g) interest on account money.
- (3) Upon appropriation by the Legislature, the department shall use money from the account to monitor and enforce compliance with conservation easements held by the department.
- (4) The department may not receive or expend donations from the account to acquire conservation easements.

Enacted by Chapter 528, 2023 General Session