

Representative Christopher N. Herrod proposes the following substitute bill:

1 **COORDINATION BETWEEN STATE AND LOCAL**
2 **GOVERNMENT ON FEDERAL REGULATIONS**

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Christopher N. Herrod**

6 Senate Sponsor: David P. Hinkins

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions relating to the Public Lands Policy Coordinating Office to
11 provide for coordination with political subdivisions.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ requires the Public Lands Policy Coordinating Office to send an electronic notice
16 once a year to political subdivisions; and
- 17 ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 **AMENDS:**

24 **63J-4-601**, as last amended by Laws of Utah 2009, Chapter 121

25 **63J-4-602**, as renumbered and amended by Laws of Utah 2008, Chapter 382



26 **63J-4-603**, as last amended by Laws of Utah 2009, Chapters 121 and 262



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

29 Section 1. Section **63J-4-601** is amended to read:

30 **63J-4-601. Definitions.**

31 As used in this part:

32 (1) "Coordinator" means the [~~public lands~~] policy coordinator appointed in this part.

33 (2) "Federal agency" means ~~H~~→ the ←~~H~~ :

34 (a) ~~H~~→ United States ←~~H~~ Environmental Protection Agency;

35 (b) United States Army Corps of Engineers;

36 (c) United States Department of the Interior; and

37 (d) United States Department of Agriculture.

38 [~~2~~] (3) "Office" means the Public Lands ~~H~~→ [~~and Federal~~] ←~~H~~ Policy

38a Coordinating Office

39 created by this part.

40 [~~3~~] (4) "Political subdivision" means a county, municipality, local district, special
41 service district, school district, interlocal cooperation agreement entity, or any administrative
42 subunit of them.

43 [~~4~~] (5) "State planning coordinator" means the person appointed under Subsection
44 63J-4-202(1)(a)(ii).

45 Section 2. Section **63J-4-602** is amended to read:

46 **63J-4-602. Public Lands Policy Coordinating Office -- Coordinator --**

47 **Appointment -- Qualifications -- Compensation.**

48 (1) There is created within state government the Public Lands ~~H~~→ [~~and Federal~~] ←~~H~~ Policy
49 Coordinating Office. The office shall be administered by a [~~public lands~~] policy coordinator.

50 (2) The coordinator shall be appointed by the governor with the consent of the Senate
51 and shall serve at the pleasure of the governor.

52 (3) The coordinator shall have demonstrated the necessary administrative and
53 professional ability through education and experience to efficiently and effectively manage the
54 office's affairs.

55 (4) The coordinator and employees of the office shall receive compensation as
56 provided in Title 67, Chapter 19, Utah State Personnel Management Act.

57 Section 3. Section **63J-4-603** is amended to read:

58 **63J-4-603. Powers and duties of coordinator and office.**

59 (1) The coordinator and the office shall:

60 (a) make a report to and provide staff assistance to the Constitutional Defense Council
61 created under Section 63C-4-101 concerning R.S. 2477 rights and other public lands issues
62 under Title 63C, Chapter 4, Constitutional Defense Council;

63 (b) under the direction of the state planning coordinator, assist in fulfilling the state
64 planning coordinator's duties outlined in Section 63J-4-401 as those duties relate to the
65 development of public lands policies by:

66 (i) developing cooperative contracts and agreements between the state, political
67 subdivisions, and agencies of the federal government for involvement in the development of
68 public lands policies;

69 (ii) producing research, documents, maps, studies, analysis, or other information that
70 supports the state's participation in the development of public lands policy;

71 (iii) preparing comments to ensure that the positions of the state and political
72 subdivisions are considered in the development of public lands policy;

73 (iv) partnering with state agencies and political subdivisions in an effort to:

74 (A) prepare coordinated public lands policies;

75 (B) develop consistency reviews and responses to public lands policies;

76 (C) develop management plans that relate to public lands policies; and

77 (D) develop and maintain a statewide land use plan that is based on cooperation and in
78 conjunction with political subdivisions; and

79 (v) providing other information or services related to public lands policies as requested
80 by the state planning coordinator;

81 (c) facilitate and coordinate the exchange of information, comments, and
82 recommendations on public lands policies between and among:

83 (i) state agencies;

84 (ii) political subdivisions;

85 (iii) the Office of Rural Development created under Section 63M-1-1602;

86 (iv) the Resource Development Coordinating Committee created under Section
87 63J-4-501;

88 (v) School and Institutional Trust Lands Administration created under Section
89 53C-1-201;

90 (vi) the committee created under Section 63F-1-508 to award grants to counties to
91 inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and

92 (vii) the Constitutional Defense Council created under Section 63C-4-101;

93 (d) solicit the comments described in Subsection (1)(c) at least annually and in
94 particular solicit comments regarding the cultural or economic impact of a federal agency
95 regulation, plan, or action;

96 (e) at least annually, electronically notify a political subdivision of the political
97 subdivision's right under federal law to coordinate with a federal agency on a federal agency's
98 regulation, plan, or action;

99 ~~(f)~~ (f) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and
100 Title 9, Chapter 8, Part 4, Historic Sites;

101 ~~(g)~~ (g) consistent with other statutory duties, encourage agencies to responsibly
102 preserve archaeological resources;

103 ~~(h)~~ (h) maintain information concerning grants made under
103a Subsection (1)~~(h)~~ ~~H~~→ ~~(i)~~ j ←~~H~~, if
104 available;

105 ~~(g)~~ (i) report annually, or more often if necessary or requested, concerning the office's
106 activities and expenditures to:

107 (i) the Constitutional Defense Council; and

108 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim
109 Committee jointly with the Constitutional Defense Council;

110 ~~(h)~~ (j) make grants of up to 16% of the office's total annual appropriations from the
111 Constitutional Defense Restricted Account to a county or statewide association of counties to
112 be used by the county or association of counties for public lands matters if the coordinator,
113 with the advice of the Constitutional Defense Council, determines that the action provides a
114 state benefit;

115 ~~(i)~~ (k) provide staff services to the Snake Valley Aquifer Advisory Council created in
116 Section 63C-12-103; and

117 ~~(j)~~ (l) coordinate and direct the Snake Valley Aquifer Research Team created in
118 Section 63C-12-107.

119 (2) The coordinator and office shall comply with Subsection 63C-4-102(8) before
120 submitting a comment to a federal agency, if the governor would be subject to Subsection
121 63C-4-102(8) if the governor were submitting the material.

122 (3) The office may enter into a contract or other agreement with another state agency to
123 provide information and services related to:

124 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and
125 Classification Act;

126 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and
127 Classification Act, or R.S. 2477 matters; or

128 (c) any other matter within the office's responsibility.

FISCAL NOTE

H.B. 158 1st Sub. (Buff)

SHORT TITLE: Coordination Between State and Local Government on Federal Regulations

SPONSOR: Herrod, C.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.