

1 **COMMISSION FOR THE STEWARDSHIP OF PUBLIC**
2 **LANDS**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Keven J. Stratton**

6 Senate Sponsor: David P. Hinkins

7
8 **LONG TITLE**

9 **General Description:**

10 This bill creates the Commission for the Stewardship of Public Lands.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ creates the Commission for the Stewardship of Public Lands;
14 ▶ designates the duties of the commission; and
15 ▶ requires the Public Lands Policy Coordinating Office to periodically report to the
16 commission.

17 **Money Appropriated in this Bill:**

18 This bill appropriates:

- 19 ▶ to the Senate, as an ongoing appropriation:
20 • from the General Fund \$6,000 to pay for the commission; and
21 ▶ to the House of Representatives, as an ongoing appropriation:
22 • from the General Fund \$16,000 to pay for the commission.

23 **Other Special Clauses:**

24 This bill provides a repeal date for the commission.

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **63J-4-606**, as last amended by Laws of Utah 2013, Chapter 337



28 **Uncodified Material Affected:**
29 ENACTS UNCODIFIED MATERIAL



30
31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **63J-4-606** is amended to read:

33 **63J-4-606. Public lands transfer study and economic analysis -- Report.**

34 (1) As used in this section:

35 (a) "Public lands" is as defined in Section [63L-6-102](#).

36 (b) "Transfer of public lands" means the transfer of public lands from federal
37 ownership to state ownership.

38 (2) (a) The coordinator and the office shall:

39 (i) conduct a study and economic analysis of the ramifications and economic impacts
40 of the transfer of public lands; ~~and~~

41 (ii) during the study and economic analysis, consult with county representatives on an
42 ongoing basis regarding how to consider and incorporate county land use plans and planning
43 processes into the analysis~~[-]; and~~

44 (iii) on an ongoing basis, report on the progress and findings of the study to the
45 Commission for the Stewardship of Public Lands.

46 (b) The study and economic analysis shall:

47 (i) inventory public lands;

48 (ii) examine public lands':

49 (A) ownership;

50 (B) management;

51 (C) jurisdiction;

52 (D) resource characteristics;

53 (E) federal management requirements related to national forests, national recreation
54 areas, or other public lands administered by the United States; and

55 (F) current and potential future uses and ways that socioeconomic conditions are
56 influenced by those uses;

57 (iii) determine:

58 (A) public lands' ongoing and deferred maintenance costs, revenue production, and

59 funding sources;

60 (B) whether historical federal funding levels have been sufficient to manage, maintain,
61 preserve, and restore public lands and whether that funding level is likely to continue;

62 (C) the amount of public lands revenue paid to state, county, and local governments
63 and other recipients designated by law from payments in lieu of taxes, timber receipts, secure
64 rural school receipts, severance taxes, and mineral lease royalties;

65 (D) historical trends of the revenue sources listed in Subsection (2)(b)(iii)(C);

66 (E) ways that the payments listed in Subsection (2)(b)(iii)(C) can be maintained or
67 replaced following the transfer of public lands; and

68 (F) ways that, following the transfer of public lands, revenue from public lands can be
69 increased while mitigating environmental impact;

70 (iv) identify:

71 (A) existing oil and gas, mining, grazing, hunting, fishing, recreation, and other rights
72 and interests on public lands;

73 (B) the economic impact of those rights and interests on state, county, and local
74 economies;

75 (C) actions necessary to secure, preserve, and protect those rights and interests; and

76 (D) how those rights and interests may be affected in the event the federal government
77 does not complete the transfer of public lands;

78 (v) evaluate the impact of federal land ownership on:

79 (A) the Utah School and Institutional Trust Lands Administration's ability to
80 administer trust lands for the benefit of Utah schoolchildren;

81 (B) the state's ability to fund education; and

82 (C) state and local government tax bases;

83 (vi) identify a process for the state to:

84 (A) transfer and receive title to public lands from the United States;

85 (B) utilize state agencies with jurisdiction over land, natural resources, environmental
86 quality, and water to facilitate the transfer of public lands;

87 (C) create a permanent state framework to oversee the transfer of public lands;

88 (D) transition to state ownership and management of public lands using existing state
89 and local government resources; and

90 (E) indemnify political subdivisions of the state for actions taken in connection with
91 the transfer of public lands;

92 (vii) examine ways that multiple use of public lands through tourism and outdoor
93 recreation contributes to:

94 (A) the economic growth of state and local economies; and

95 (B) the quality of life of Utah citizens;

96 (viii) using theoretical modeling of various levels of land transfer, usage, and
97 development, evaluate the potential economic impact of the transfer of public lands on state,
98 county, and local governments; and

99 (ix) recommend the optimal use of public lands following the transfer of public lands.

100 (3) The coordinator and office shall:

101 (a) on an ongoing basis, discuss issues related to the transfer of public lands with:

102 (i) the School and Institutional Trust Lands Administration;

103 (ii) local governments;

104 (iii) water managers;

105 (iv) environmental advocates;

106 (v) outdoor recreation advocates;

107 (vi) nonconventional and renewable energy producers;

108 (vii) tourism representatives;

109 (viii) wilderness advocates;

110 (ix) ranchers and agriculture advocates;

111 (x) oil, gas, and mining producers;

112 (xi) fishing, hunting, and other wildlife interests;

113 (xii) timber producers; ~~and~~

114 (xiii) other interested parties; and

115 (xiv) the Commission for the Stewardship of Public Lands; and

116 (b) develop ways to obtain input from Utah citizens regarding the transfer of public
117 lands and the future care and use of public lands.

118 (4) The coordinator may contract with another state agency or private entity to assist
119 the coordinator and office with the study and economic analysis required by Subsection (2)(a).

120 (5) The coordinator shall submit a final report on the study and economic analysis

121 described in Subsection (2)(a), including proposed legislation and recommendations, to the
122 governor [~~and~~], the Natural Resources, Agriculture, and Environment Interim Committee, and
123 the Commission for the Stewardship of Public Lands before November 30, 2014.

124 Section 2. **Commission for the Stewardship of Public Lands -- Creation --**
125 **Membership -- Interim rules followed -- Compensation -- Staff.**

126 (1) There is created the Commission for the Stewardship of Public Lands consisting of
127 the following 7 members:

128 (a) two members of the Senate appointed by the president of the Senate, no more than
129 one of whom may be from the same political party; and

130 (b) five members of the House of Representatives appointed by the speaker of the
131 House of Representatives, no more than four of whom may be from the same political party.

132 (2) (a) The president of the Senate shall designate a member of the Senate appointed
133 under Subsection (1)(a) as a cochair of the commission.

134 (b) The speaker of the House of Representatives shall designate a member of the House
135 of Representatives appointed under Subsection (1)(b) as a cochair of the commission.

136 (3) In conducting its business, the commission shall comply with the rules of
137 legislative interim committees.

138 (4) Salaries and expenses of the members of the commission shall be paid in
139 accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3, Legislator
140 Compensation.

141 (5) The Office of Legislative Research and General Counsel shall provide staff support
142 to the commission.

143 Section 3. **Duties -- Interim report.**

144 (1) The commission shall:

145 (a) convene at least eight times each year;

146 (b) review and make recommendations on the transfer of federally controlled public
147 lands to the state in accordance with Section [63L-6-102](#);

148 (c) review and make recommendations regarding the state's sovereign right to protect
149 the health, safety, and welfare of its citizens as it relates to public lands;

150 (d) study and evaluate the progress and recommendations of the public lands transfer
151 study and economic analysis conducted by the Public Lands Policy Coordinating Office in

152 accordance with Section 63J-4-606;

153 (e) coordinate with and report on the efforts of the executive branch, counties and
154 political subdivisions of the state, the state congressional delegation, western governors, other
155 states, and other stake holders concerning the transfer of federally controlled public lands to the
156 state including convening working groups such as a working group composed of members of
157 the Utah Association of Counties;

158 (f) study and make recommendations regarding the appropriate designation of public
159 lands transferred to the state, including stewardship of the land and appropriate uses of the
160 land;

161 (g) study and make recommendations regarding the use of funds received by the state
162 from the public lands transferred to the state; and

163 (h) receive reports from and make recommendations to the attorney general and other
164 stakeholders involved in litigation on behalf of the state's interest in the transfer of public lands
165 to the state, regarding:

166 (i) preparation for potential litigation;

167 (ii) selection of outside legal counsel;

168 (iii) ongoing legal strategy for the transfer of public lands; and

169 (iv) use of money appropriated by the Legislature for the purpose of securing the
170 transfer of public lands to the state.

171 (2) The commission shall prepare an annual report, including any proposed legislation,
172 and present the report to the Natural Resources, Agriculture, and Environment Interim
173 Committee before November 30, 2014, and every November 30 thereafter.

174 **Section 4. Appropriation.**

175 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
176 the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following sums of money
177 are appropriated from resources not otherwise appropriated, or reduced from amounts
178 previously appropriated, out of the funds or accounts indicated. These sums of money are in
179 addition to any amounts previously appropriated for fiscal year 2015.

180 To Legislature - Senate

181 From General Fund, ongoing

\$6,000

182 Schedule of Programs:

183	<u>Administration</u>	<u>\$6,000</u>	
184	<u>To Legislature - House of Representatives</u>		
185	<u>From General Fund, ongoing</u>		<u>\$16,000</u>
186	<u>Schedule of Programs:</u>		
187	<u>Administration</u>	<u>\$16,000</u>	
188	Section 5. Repeal date.		
189	<u>Uncodified Sections 2, 3, and 4, that create the Commission for the Stewardship of</u>		
190	<u>Public Lands, are repealed on November 30, 2019.</u>		

Legislative Review Note
as of 2-3-14 8:24 AM

Office of Legislative Research and General Counsel