

1                   **COMMISSION FOR THE STEWARDSHIP OF PUBLIC**  
2                   **LANDS AND PRIVATE DONATIONS FOR PUBLIC LANDS**  
3                   **LITIGATION**

4                   2016 GENERAL SESSION

5                   STATE OF UTAH

6                   **Chief Sponsor: Kay J. Christofferson**

7                   Senate Sponsor: \_\_\_\_\_

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9                   **LONG TITLE**

10                  **General Description:**

11                  This bill moves the enabling language for the Commission for the Stewardship of  
12                  Public Lands from the uncodified Laws of Utah to Title 63C, State Commissions and  
13                  Councils Code, and establishes a Public Lands Litigation Restricted Account.

14                  **Highlighted Provisions:**

15                  This bill:

- 16                  ▶ amends uncodified Laws of Utah to move the Commission for the Stewardship of
- 17                  Public Lands into the State Commissions and Councils Code;
- 18                  ▶ inserts existing law regarding the creation of, and duties for, the Commission for the
- 19                  Stewardship of Public Lands as new language in Title 63C, State Commissions and
- 20                  Councils Code;
- 21                  ▶ defines terms;
- 22                  ▶ amends the duties of the commission to include the duty to make recommendations
- 23                  concerning the use of funds in the Public Lands Litigation Restricted Account;
- 24                  ▶ creates the Public Lands Litigation Restricted Account; and
- 25                  ▶ establishes the purpose of the account, which includes accepting contributions for
- 26                  litigation related to public lands.

27                  **Money Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 This bill provides a special effective date.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **63I-1-263**, as last amended by Laws of Utah 2015, Chapters 182, 226, 278, 283, 409,  
34 and 424

35 ENACTS:

36 **63C-4b-101**, Utah Code Annotated 1953

37 **63C-4b-102**, Utah Code Annotated 1953

38 **63C-4b-103**, Utah Code Annotated 1953

39 **63C-4b-104**, Utah Code Annotated 1953

40 **63C-4b-105**, Utah Code Annotated 1953

41 **63C-4b-106**, Utah Code Annotated 1953

42 **Uncodified Material Affected:**

43 AMENDS UNCODIFIED MATERIAL:

44 **Uncodified Section 5, Laws of Utah 2014, Chapter 319**



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

47 Section 1. Section **63C-4b-101** is enacted to read:

48 **CHAPTER 4b. COMMISSION FOR THE STEWARDSHIP OF PUBLIC LANDS**

49 **63C-4b-101. Title.**

50 This chapter is known as "Commission for the Stewardship of Public Lands."

51 Section 2. Section **63C-4b-102** is enacted to read:

52 **63C-4b-102. Definitions.**

53 For purposes of this chapter:

54 (1) "Account" means the Public Lands Litigation Restricted Account created in Section  
55 **63C-4b-105.**

56 (2) "Commission" means the Commission for the Stewardship of Public Lands.

57 Section 3. Section **63C-4b-103** is enacted to read:

58 **63C-4b-103. Commission for the Stewardship of Public Lands -- Creation --**

59 **Membership -- Interim rules followed -- Compensation -- Staff.**

60 (1) There is created the Commission for the Stewardship of Public Lands consisting of  
61 the following eight members:

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

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

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

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

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

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

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

77 Section 4. Section **63C-4b-104** is enacted to read:

78 **63C-4b-104. Duties -- Interim report.**

79 (1) The commission shall:

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

81 (b) review and make recommendations on the transfer of federally controlled public  
82 lands to the state;

83 (c) review and make recommendations regarding the state's sovereign right to protect  
84 the health, safety, and welfare of its citizens as it relates to public lands, including  
85 recommendations concerning the use of funds in the account created in Section [63C-4b-105](#);

86 (d) study and evaluate the recommendations of the public lands transfer study and  
87 economic analysis conducted by the Public Lands Policy Coordinating Office in accordance  
88 with Section [63J-4-606](#);

89 (e) coordinate with and report on the efforts of the executive branch, the counties and

90 political subdivisions of the state, the state congressional delegation, western governors, other  
91 states, and other stakeholders concerning the transfer of federally controlled public lands to the  
92 state including convening working groups, such as a working group composed of members of  
93 the Utah Association of Counties;

94 (f) study and make recommendations regarding the appropriate designation of public  
95 lands transferred to the state, including stewardship of the land and appropriate uses of the  
96 land;

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

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

102 (i) preparation for potential litigation;

103 (ii) selection of outside legal counsel;

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

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

107 (2) The commission shall prepare an annual report, including any proposed legislation,  
108 and present the report to the Natural Resources, Agriculture, and Environment Interim  
109 Committee on or before November 30, 2016, and on or before November 30 each year  
110 thereafter.

111 Section 5. Section **63C-4b-105** is enacted to read:

112 **63C-4b-105. Creation of Public Lands Litigation Restricted Account -- Sources of**  
113 **funds -- Uses of funds -- Reports.**

114 (1) There is created a restricted account within the General Fund known as the Public  
115 Lands Litigation Restricted Account.

116 (2) The account created in Subsection (1) consists of money from the following  
117 revenue sources:

118 (a) money deposited into the account as required by Section [53C-3-203](#);

119 (b) voluntary contributions;

120 (c) money received by the commission from other state agencies; and

121 (d) appropriations made by the Legislature.  
 122 (3) The Legislature may annually appropriate money from the account to one or more  
 123 of the following:

124 (a) the Office of the Attorney General, to be used only:  
 125 (i) for asserting, defending, or litigating state and local government rights to the  
 126 disposition and use of federal lands within the state as those rights are granted by the United  
 127 States Constitution, the Utah Enabling Act, and other applicable law; or

128 (ii) for an action filed in accordance with Section [67-5-29](#);

129 (b) the commission to fund the commission and its duties;

130 (c) the Public Lands Policy Coordinating Office to carry out its duties in Section  
 131 [63J-4-603](#); and

132 (d) the Office of Legislative Research and General Counsel to provide staff support to  
 133 the commission.

134 (4) The commission shall require that any entity, other than the commission, that  
 135 receives money from the account shall provide financial reports and litigation reports to the  
 136 commission.

137 Section 6. Section **63C-4b-106** is enacted to read:

138 **63C-4b-106. Repeal of commission.**

139 The commission is repealed in accordance with Section [63I-1-263](#).

140 Section 7. Section **63I-1-263** is amended to read:

141 **63I-1-263. Repeal dates, Titles 63A to 63M.**

142 (1) Section [63A-4-204](#), authorizing the Risk Management Fund to provide coverage to  
 143 any public school district which chooses to participate, is repealed July 1, 2016.

144 (2) Subsection [63A-5-104](#)(4)(h) is repealed on July 1, 2024.

145 (3) Section [63A-5-603](#), State Facility Energy Efficiency Fund, is repealed July 1, 2016.

146 (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July  
 147 1, 2018.

148 (5) Title 63C, Chapter 4b, Commission for the Stewardship of Public Lands, is  
 149 repealed November 30, 2019.

150 ~~(5)~~ (6) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July  
 151 1, 2020.

152           ~~[(6)]~~ (7) Subsection [63G-6a-1402](#)(7) authorizing certain transportation agencies to  
153 award a contract for a design-build transportation project in certain circumstances, is repealed  
154 July 1, 2015.

155           ~~[(7)]~~ (8) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed  
156 July 1, 2020.

157           ~~[(8)]~~ (9) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2016.

158           ~~[(9)]~~ (10) On July 1, 2025:

159           (a) in Subsection [17-27a-404](#)(3)(c)(ii), the language that states "the Resource  
160 Development Coordinating Committee," is repealed;

161           (b) Subsection [23-14-21](#)(2)(c) is amended to read "(c) provide notification of proposed  
162 sites for the transplant of species to local government officials having jurisdiction over areas  
163 that may be affected by a transplant.";

164           (c) in Subsection [23-14-21](#)(3), the language that states "and the Resource Development  
165 Coordinating Committee" is repealed;

166           (d) in Subsection [23-21-2.3](#)(1), the language that states "the Resource Development  
167 Coordinating Committee created in Section [63J-4-501](#) and" is repealed;

168           (e) in Subsection [23-21-2.3](#)(2), the language that states "the Resource Development  
169 Coordinating Committee and" is repealed;

170           (f) Subsection [63J-4-102](#)(1) is repealed and the remaining subsections are renumbered  
171 accordingly;

172           (g) Subsections [63J-4-401](#)(5)(a) and (c) are repealed;

173           (h) Subsection [63J-4-401](#)(5)(b) is renumbered to Subsection [63J-4-401](#)(5)(a) and the  
174 word "and" is inserted immediately after the semicolon;

175           (i) Subsection [63J-4-401](#)(5)(d) is renumbered to Subsection [63J-4-401](#)(5)(b);

176           (j) Sections [63J-4-501](#), [63J-4-502](#), [63J-4-503](#), [63J-4-504](#), and [63J-4-505](#) are repealed;  
177 and

178           (k) Subsection [63J-4-603](#)(1)(e)(iv) is repealed and the remaining subsections are  
179 renumbered accordingly.

180           ~~[(10)]~~ (11) The Crime Victim Reparations and Assistance Board, created in Section  
181 [63M-7-504](#), is repealed July 1, 2017.

182           ~~[(11)]~~ (12) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,

183 2017.

184 ~~[(12)]~~ (13) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2018.

185 ~~[(13)]~~ (14) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act,  
186 is repealed January 1, 2021.

187 (b) Subject to Subsection ~~[(13)]~~ (14)(c), Sections 59-7-610 and 59-10-1007 regarding  
188 tax credits for certain persons in recycling market development zones, are repealed for taxable  
189 years beginning on or after January 1, 2021.

190 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

191 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or  
192 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

193 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if  
194 the expenditure is made on or after January 1, 2021.

195 (d) Notwithstanding Subsections ~~[(13)]~~ (14)(b) and (c), a person may carry forward a  
196 tax credit in accordance with Section 59-7-610 or 59-10-1007 if:

197 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

198 (ii) (A) for the purchase price of machinery or equipment described in Section  
199 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,  
200 2020; or

201 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the  
202 expenditure is made on or before December 31, 2020.

203 ~~[(14)]~~ (15) Section 63N-2-512 is repealed on July 1, 2021.

204 ~~[(15)]~~ (16) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed  
205 January 1, 2021.

206 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for  
207 calendar years beginning on or after January 1, 2021.

208 (c) Notwithstanding Subsection ~~[(15)]~~ (16)(b), an entity may carry forward a tax credit  
209 in accordance with Section 59-9-107 if:

210 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December  
211 31, 2020; and

212 (ii) the qualified equity investment that is the basis of the tax credit is certified under  
213 Section 63N-2-603 on or before December 31, 2023.

214            [~~(16)~~] (17) Title 63N, Chapter 12, Part 3, Utah Broadband Outreach Center, is repealed  
215 July 1, 2018.

216            Section 8. **Uncodified Section 5, Laws of Utah 2014, Chapter 319** is amended to  
217 read:

218            Section 5. **Repeal date.**

219            (1) Uncodified [~~Sections 2, 3, and~~] Section 4, that [~~create~~] appropriates for the  
220 Commission for the Stewardship of Public Lands, [~~are~~] is repealed on November 30, 2019.

221            (2) Uncodified Sections 2 and 3 that create the Commission for the Stewardship of  
222 Public Lands are repealed on July 1, 2016, which is the effective date for Title 63C, Chapter  
223 4b, Commission for the Stewardship of Public Lands.

224            Section 9. **Effective date.**

225            This bill takes effect on July 1, 2016.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**