

**Representative Carl R. Albrecht** proposes the following substitute bill:

**FEDERAL DESIGNATIONS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carl R. Albrecht**

Senate Sponsor: David P. Hinkins

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**LONG TITLE**

**General Description:**

This bill addresses a political subdivision's support for federal designations.

**Highlighted Provisions:**

This bill:

▶ addresses a political subdivision's official support of land use designation proposed in proposed congressional land use legislation and the process for review, approval, and disapproval; and

▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

**63J-8-106**, as repealed and reenacted by Laws of Utah 2012, Chapter 165

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

Section 1. Section **63J-8-106** is amended to read:



26           **63J-8-106. Political subdivision official support of land use designation proposed**  
27 **in proposed congressional land use legislation -- Process for review, approval, and**  
28 **disapproval.**

29           (1) (a) Notwithstanding any other provision of ~~[this chapter, the]~~ law, this section  
30 applies.

31           (b) The Legislature may, in accordance with this section, [recommend to the Utah  
32 congressional delegation] review, approve, or disapprove proposed congressional land use  
33 legislation that is supported by a [county] political subdivision, and make recommendations  
34 accordingly to the Utah congressional delegation.

35           ~~[(b)]~~ (c) A [county that fails to comply] political subdivision of this state may not  
36 officially support a proposed congressional land use designation unless:

37           (i) the political subdivision complies with the requirements of this section [may not  
38 communicate or otherwise represent in any way that a federal land use designation contained in  
39 proposed congressional land use legislation has the support or approval of the Legislature.];  
40 and

41           (ii) a concurrent resolution is adopted by the Legislature and signed by the governor,  
42 approving and supporting the proposed congressional land use designation.

43           (2) ~~[If a county supports]~~ A political subdivision seeking approval to officially support  
44 a federal land use designation contained in proposed congressional land use legislation[~~, the~~  
45 county] shall:

46           (a) prepare a report on the proposed congressional land use legislation in accordance  
47 with Subsection (3);

48           (b) draft a concurrent resolution for a legislative committee's consideration, in  
49 accordance with Subsection (7)(a), in support of the proposed congressional land use  
50 legislation; and

51           (c) subject to Subsection (4)(a), deliver the report and draft concurrent resolution to the  
52 office.

53           (3) The report required in Subsection (2)(a) shall include:

54           (a) a copy of the proposed congressional land use legislation;

55           (b) a detailed description of the land or watercourse proposed for a federal land use  
56 designation, including:

- 57 (i) the total acres of federal land proposed for a federal land use designation;
- 58 (ii) (A) a map showing the location of the land or watercourse; and
- 59 (B) the proposed type of federal land use designation for each location;
- 60 (iii) a proposed land conveyance or land proposed for auction by the [BLM] Bureau of
- 61 Land Management, if any; and
- 62 (iv) (A) school and institutional trust land, as defined in Section 53C-1-103, proposed
- 63 for a land exchange, if any; and
- 64 (B) whether the [county] political subdivision has coordinated with [SITLA] the
- 65 School and Institutional Trust Land Administration on the proposed land exchange;
- 66 (c) an explanation of whether a federal land use designation will assist in resolving
- 67 long-standing public lands issues, such as wilderness disputes, economic development,
- 68 recreational use, and access to public lands;
- 69 (d) a narrative description of the economic, recreational, and cultural impacts, taken as
- 70 a whole, on a [county] political subdivision and the state that would occur if Congress adopted
- 71 the proposed congressional land use legislation, including an impact on state revenues;
- 72 (e) an account of actions, if any, proposed in a federal land use designation to minimize
- 73 impacts on:
- 74 (i) resource extraction activities occurring on the land or in the watercourse proposed
- 75 for a federal land use designation, including mining and energy development; and
- 76 (ii) motorized recreational use and public access;
- 77 (f) a summary of potential benefits gained by the [county] political subdivision and
- 78 state if Congress adopts the proposed congressional land use legislation;
- 79 (g) a description of the stakeholders and their positions on a federal land use
- 80 designation;
- 81 (h) whether land identified for a federal land use designation is [BLM] Bureau of Land
- 82 Management recommended wilderness;
- 83 (i) an explanation of what the proposed congressional land use legislation proposes for
- 84 federal land ~~[located in the county]~~ other than, but located within the same political subdivision
- 85 as the land identified for the federal land use designation;
- 86 (j) (i) a description of the impact that, if adopted by Congress, the proposed
- 87 congressional land use legislation would have on access to roads currently identified as part of

88 an adopted [county] political subdivision transportation plan as described in Section 63J-4-401;  
89 and

90 (ii) if a federal land use designation proposes to close a road described in Subsection  
91 (3)(j)(i), an explanation for the road closure and a copy of the minutes of any [county] political  
92 subdivision public hearing in which the proposed road closures were discussed and public  
93 comment was taken;

94 (k) (i) a description of a proposed resolution for an R.S. 2477 right-of-way, if any,  
95 located within the area identified in a federal land use designation; and

96 (ii) whether a proposed resolution described in Subsection (3)(k)(i) would include a  
97 quiet title action concerning an R.S. 2477 right-of-way;

98 (l) an explanation of whether a federal land use designation proposes a hard release [~~of~~  
99 ~~all~~] from special designation for the public lands and watercourses not included in the federal  
100 land use designation, placing the land and watercourses in multiple use management;

101 (m) an explanation of whether a federal land use designation proposes a prohibition on  
102 further federal action under the Antiquities Act of 1906, 16 U.S.C. Sec. 431 et seq.;

103 (n) a narrative description of a federal land use designation's interaction with, if any, a  
104 regional haze rule adopted by the United States Environmental Protection Agency;

105 (o) an explanation of whether a federal land use designation would authorize best  
106 management practices as part of an active effort to control on the land or watercourse proposed  
107 for a federal land use designation:

108 (i) wildfire;

109 (ii) invasive species, including insects; and

110 (iii) disease;

111 (p) if applicable, a statement as to whether a federal land use designation would allow  
112 for the continuation of existing grazing permits;

113 (q) a statement as to the presence or need of passive water management facilities or  
114 activities for livestock or wildlife, such as guzzlers or fencing, for the management of wildlife  
115 or livestock;

116 (r) if a federal land use designation identifies land that has oil, gas, or mineral deposits,  
117 an explanation as to why the federal land use designation includes the land;

118 (s) (i) a statement as to whether a federal land use designation:

119 (A) affects or gives rise to any land [or a], watercourse, buffer zone, or view shed  
120 restriction located exclusively within the [county] political subdivision where the federal land  
121 use designation is located; or

122 (B) affects or gives rise to, whether by an actual federal land use designation or by  
123 implication if a federal land use designation is adopted, any land [or a], watercourse, buffer  
124 zone, or view shed restriction located in another [county] political subdivision beyond where  
125 the federal land use designation is located; and

126 (ii) if the land use proposal would affect or give rise to any land [or a], watercourse,  
127 buffer zone, or view shed restriction located in another [county] political subdivision beyond  
128 where the federal land use designation is located, whether that [county] other political  
129 subdivision supports the proposed congressional land use legislation;

130 (t) an explanation of whether a proposed land use designation designates land as  
131 wilderness in the National Wilderness Preservation System or designates land as a national  
132 conservation area that is not part of:

133 (i) [BLM] Bureau of Land Management recommended wilderness; or

134 (ii) Forest Service land recommended for wilderness designation in RARE II; and

135 (u) a statement explaining whether and to what extent members of Utah's congressional  
136 delegation and their staff were consulted in preparing the proposed congressional land use  
137 legislation and the federal land use designation contained therein.

138 (4) (a) No later than 60 days before delivering a report and draft concurrent resolution  
139 in accordance with Subsection (2), a [county] political subdivision shall contact and inform the  
140 office of the [county's] political subdivision's intention to prepare and deliver the report and  
141 draft concurrent resolution.

142 (b) The office may give general guidance to a [county] political subdivision described  
143 in Subsection (4)(a), as requested, as to compliance with this section.

144 (5) The office shall prepare an evaluation of the [county's] political subdivision's  
145 report, including whether the [county] political subdivision has addressed each matter  
146 described in Subsection (3).

147 (6) The office shall deliver the evaluation described in Subsection (5), including a copy  
148 of the [county's] political subdivision's report, the proposed congressional land use legislation,  
149 and the draft concurrent resolution, no later than 30 days after receiving the [county's] political

150 subdivision's report:

151 (a) if the Legislature is not in session, and subject to Subsection (6)(b), to the chair of  
152 the Natural Resources, Agriculture, and Environment Interim Committee; or

153 (b) if the Legislature is in session or there are no scheduled meetings of the Natural  
154 Resources, Agriculture, and Environment Interim Committee before the beginning of the next  
155 legislative session, to the chair of either the House Natural Resources, Agriculture, and  
156 Environment Committee or the Senate Natural Resources, Agriculture, and Environment  
157 Committee.

158 (7) (a) At a committee's next scheduled meeting after receiving a report, the draft  
159 concurrent resolution, and a copy of the proposed congressional land use legislation, the  
160 committee shall:

161 (i) review:

162 (A) the [county's] political subdivision's report;

163 (B) the draft concurrent resolution, if the concurrent resolution has a legislative  
164 sponsor; and

165 (C) the office's evaluation;

166 (ii) if the draft concurrent resolution is presented to the committee, consider whether to  
167 ~~[approve or reject]~~ recommend or not recommend the draft concurrent resolution;

168 (iii) if the draft concurrent resolution is ~~[rejected]~~ not recommended, provide direction  
169 to the [county] political subdivision as to the reasons the resolution was ~~[rejected]~~ not  
170 recommended and the actions, if any, that the [county] political subdivision might take to  
171 secure committee ~~[approval]~~ recommendation of the resolution; and

172 (iv) take any additional action the committee finds necessary.

173 (b) A legislative committee may not accept for review a ~~[county-supported]~~ political  
174 subdivision-supported federal land use designation contained in proposed congressional land  
175 use legislation that does not meet the requirements of this section.

176 (8) (a) If the committee ~~[rejects]~~ does not recommend the draft concurrent resolution, a  
177 [county] political subdivision may resubmit a revised report and draft concurrent resolution to  
178 the office in accordance with the terms of this section.

179 (b) Upon receipt of a revised report and draft concurrent resolution, the office shall  
180 comply with the procedures set forth in this section.

181 (c) Upon receipt of a revised report, evaluation, and draft concurrent resolution by the  
182 office, a committee described in Subsection (6) shall comply with the procedures set forth in  
183 this section.

184 (9) The governor may call a special session to consider the concurrent resolution  
185 presented to and [~~approved~~] recommended by a committee described in Subsection (7)(a).

186 (10) If a concurrent resolution described in this section is adopted by the Legislature  
187 and signed by the governor, the Office of the Governor shall forward a copy of the concurrent  
188 resolution, the [~~county's~~] political subdivision's report, and the proposed congressional land use  
189 legislation to Utah's congressional delegation.