

Effective 7/1/2016

Chapter 4b
Commission for the Stewardship of Public Lands

63C-4b-101 Title.

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

Enacted by Chapter 408, 2016 General Session

63C-4b-102 Definitions.

For purposes of this chapter:

- (1) "Account" means the Public Lands Litigation Restricted Account created in Section 63C-4b-105.
- (2) "Commission" means the Commission for the Stewardship of Public Lands.

Enacted by Chapter 408, 2016 General Session

63C-4b-103 Commission for the Stewardship of Public Lands -- Creation -- Membership -- Interim rules followed -- Compensation -- Staff.

- (1) There is created the Commission for the Stewardship of Public Lands consisting of the following eight members:
 - (a) three members of the Senate appointed by the president of the Senate, no more than two of whom may be from the same political party; and
 - (b) five members of the House of Representatives appointed by the speaker of the House of Representatives, no more than four of whom may be from the same political party.
- (2)
 - (a) The president of the Senate shall designate a member of the Senate appointed under Subsection (1)(a) as a cochair of the commission.
 - (b) The speaker of the House of Representatives shall designate a member of the House of Representatives appointed under Subsection (1)(b) as a cochair of the commission.
- (3) In conducting its business, the commission shall comply with the rules of legislative interim committees.
- (4) Salaries and expenses of the members of the commission shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.
- (5) The Office of Legislative Research and General Counsel shall provide staff support to the commission.

Enacted by Chapter 408, 2016 General Session

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

- (1) The commission shall:
 - (a) convene at least eight times each year;
 - (b) review and make recommendations on the transfer of federally controlled public lands to the state;
 - (c) review and make recommendations regarding the state's sovereign right to protect the health, safety, and welfare of its citizens as it relates to public lands, including recommendations concerning the use of funds in the account created in Section 63C-4b-105;

- (d) study and evaluate the recommendations of the public lands transfer study and economic analysis conducted by the Public Lands Policy Coordinating Office in accordance with Section 63J-4-606;
 - (e) coordinate with and report on the efforts of the executive branch, the counties and political subdivisions of the state, the state congressional delegation, western governors, other states, and other stakeholders concerning the transfer of federally controlled public lands to the state including convening working groups, such as a working group composed of members of the Utah Association of Counties;
 - (f) study and make recommendations regarding the appropriate designation of public lands transferred to the state, including stewardship of the land and appropriate uses of the land;
 - (g) study and make recommendations regarding the use of funds received by the state from the public lands transferred to the state; and
 - (h) receive reports from and make recommendations to the attorney general, the Legislature, and other stakeholders involved in litigation on behalf of the state's interest in the transfer of public lands to the state, regarding:
 - (i) preparation for potential litigation;
 - (ii) selection of outside legal counsel;
 - (iii) ongoing legal strategy for the transfer of public lands; and
 - (iv) use of money:
 - (A) appropriated by the Legislature for the purpose of securing the transfer of public lands to the state under Section 63C-4b-105; and
 - (B) disbursed from the Public Lands Litigation Expendable Special Revenue Fund created in Section 63C-4b-106.
- (2) The commission shall prepare an annual report, including any proposed legislation, and present the report to the Natural Resources, Agriculture, and Environment Interim Committee on or before November 30, 2016, and on or before November 30 each year thereafter.

Enacted by Chapter 408, 2016 General Session

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

- (1) There is created a restricted account within the General Fund known as the Public Lands Litigation Restricted Account.
- (2) The account created in Subsection (1) consists of money from the following revenue sources:
 - (a) money received by the commission from other state agencies; and
 - (b) appropriations made by the Legislature.
- (3) The Legislature may annually appropriate money from the account for the purposes of asserting, defending, or litigating state and local government rights to the disposition and use of federal lands within the state as those rights are granted by the United States Constitution, the Utah Enabling Act, and other applicable law.
- (4)
 - (a) Any entity that receives money from the account shall, before disbursing the money to another person for the purposes described in Subsection (3), or before spending the money appropriated, report to the commission regarding:
 - (i) the amount of the disbursement;
 - (ii) who will receive the disbursement; and
 - (iii) the planned use for the disbursement.
 - (b) The commission may, upon receiving the report under Subsection (4)(a):

- (i) advise the Legislature and the entity of the commission finding that the disbursement is consistent with the purposes in Subsection (3); or
- (ii) advise the Legislature and the entity of the commission finding that the disbursement is not consistent with the purposes in Subsection (3).

Enacted by Chapter 408, 2016 General Session

63C-4b-106 Public Lands Litigation Expendable Special Revenue Fund -- Creation -- Source of funds -- Use of funds -- Reports.

- (1) There is created an expendable special revenue fund known as the Public Lands Litigation Expendable Special Revenue Fund.
- (2) The fund shall consist of gifts, grants, donations, or any other conveyance of money that may be made to the fund from private sources and other states.
- (3) The fund shall be administered by the Division of Finance in accordance with Subsection (4).
- (4)
 - (a) The fund may be used only for the purpose of asserting, defending, or litigating state and local government rights to the disposition and use of federal lands within the state as those rights are granted by the United States Constitution, the Utah Enabling Act, and other applicable law.
 - (b) Before each disbursement from the fund, the Division of Finance shall report to the commission regarding:
 - (i) the sources of the money in the fund;
 - (ii) who will receive the disbursement;
 - (iii) the planned use of the disbursement; and
 - (iv) the amount of the disbursement.
 - (c) The commission may, upon receiving the report under Subsection (4)(b):
 - (i) advise the Legislature and the Division of Finance of the commission finding that the disbursement is consistent with the purposes in Subsection (4)(a); or
 - (ii) advise the Legislature and the Division of Finance of the commission finding that the disbursement is not consistent with the purposes in Subsection (4)(a).

Enacted by Chapter 408, 2016 General Session

63C-4b-107 Repeal of commission.

The commission is repealed in accordance with Section 63I-1-263.

Enacted by Chapter 408, 2016 General Session