

PUBLIC LANDS POLICY COORDINATION

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Thomas V. Hatch

House Sponsor: Stephen H. Urquhart

LONG TITLE

General Description:

This bill creates the Public Lands Policy Coordinating Office and the Public Lands Policy Coordinating Council.

Highlighted Provisions:

This bill:

▶ creates the Public Lands Policy Coordinating Office and the Public Lands Policy Coordinating Council;

▶ provides for the appointment of an office coordinator to administer the office;

▶ establishes the duties of the office and coordinator;

▶ establishes the membership of the council;

▶ establishes the duties of the council;

▶ allows the Legislature to appropriate monies from the Constitutional Defense Restricted Account to the office and to the council; and

▶ provides definitions.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an effective date.

Utah Code Sections Affected:

AMENDS:

63C-4-103, as last amended by Chapter 345, Laws of Utah 2004

ENACTS:

- 63-38d-601, Utah Code Annotated 1953
- 63-38d-602, Utah Code Annotated 1953
- 63-38d-603, Utah Code Annotated 1953
- 63-38d-604, Utah Code Annotated 1953
- 63-38d-605, Utah Code Annotated 1953

Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL

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

Section 1. Section **63-38d-601** is enacted to read:

Part 6. Public Lands Policy Coordination

63-38d-601. Definitions.

As used in this part:

- (1) "Coordinator" means the public lands policy coordinator appointed in this part.
- (2) "Council" means the Public Lands Policy Coordinating Council created by this part.
- (3) "Office" means the Public Lands Policy Coordinating Office created by this part.
- (4) "Political subdivision" means a county, municipality, special district, school district, interlocal cooperation agreement entity, or any administrative subunit of them.
- (5) "State planning coordinator" means the person appointed under Subsection 63-38d-202(1)(a)(ii).

Section 2. Section **63-38d-602** is enacted to read:

63-38d-602. Public Lands Policy Coordinating Office -- Coordinator --

Appointment -- Qualifications -- Compensation.

- (1) There is created within state government the Public Lands Policy Coordinating Office. The office shall be administered by a public lands policy coordinator.
- (2) The coordinator shall be appointed by the governor with the consent of the Senate and shall serve at the pleasure of the governor.
- (3) The coordinator shall have demonstrated the necessary administrative and

professional ability through education and experience to efficiently and effectively manage the office's affairs.

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

Section 3. Section **63-38d-603** is enacted to read:

63-38d-603. Duties of coordinator and office.

(1) The coordinator and the office shall:

(a) assist the state planning coordinator in fulfilling the duties outlined in Section 63-38d-401 as those duties relate to the development of public lands policies by:

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

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

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

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

(A) prepare coordinated public lands policies;

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

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

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

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

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

(i) state agencies;

(ii) political subdivisions;

(iii) the Office of Rural Development created under Section 9-16-102;

(iv) the Resource Development Coordinating Committee created under Section 63-38d-501;

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

(vi) the committee created under Section 63A-6-204 to award grants to counties to inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and

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

(2) In providing assistance to the state planning coordinator under Subsection (1)(a), the coordinator and office shall take into consideration the:

(a) findings provided under Subsections 63-38d-401(6) and (7); and

(b) recommendations of the council.

Section 4. Section **63-38d-604** is enacted to read:

63-38d-604. Public Lands Policy Coordinating Council -- Creation -- Membership --

Funding.

(1) There is created the Public Lands Policy Coordinating Council composed of the following seven members:

(a) one individual, appointed by the governor, who shall serve as chair of the council;

(b) one member of the Senate appointed by the president of the Senate;

(c) one member of the House of Representatives appointed by the speaker of the House of Representatives;

(d) two individuals appointed by the Utah Association of Counties; and

(e) the executive director of the Department of Natural Resources and the director of the School and Institutional Trust Lands Administration as ex officio, nonvoting members.

(2) Members shall be appointed for four-year terms.

(3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the original appointment.

(4) (a) (i) State government officer and employee members who do not receive salary,

per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the council at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(b) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Local government members may decline to receive per diem and expenses for their service.

(c) Legislators on the committee shall receive compensation and expenses as provided by law and legislative rule.

(5) The council shall be funded from the Constitutional Defense Restricted Account created in Section 63C-4-103.

Section 5. Section **63-38d-605** is enacted to read:

63-38d-605. Council duties.

The council shall provide advice and recommendations on the development of public lands policies to the:

- (1) Public Lands Policy Coordinating office;
- (2) state planning coordinator; and
- (3) governor.

Section 6. Section **63C-4-103** is amended to read:

63C-4-103. Creation of Constitutional Defense Restricted Account -- Sources of funds -- Uses of funds -- Reports.

(1) There is created a restricted account within the General Fund known as the Constitutional Defense Restricted Account.

(2) The account consists of monies from the following revenue sources:

- (a) monies deposited to the account as required by Section 53C-3-202;
 - (b) voluntary contributions;
 - (c) monies received by the Constitutional Defense Council from other state agencies; and
 - (d) appropriations made by the Legislature.
- (3) Funds in the account shall be nonlapsing.
- (4) The account balance may not exceed \$2,000,000.
- (5) The Legislature may annually appropriate monies from the Constitutional Defense

Restricted Account to one or more of the following:

- (a) the Constitutional Defense Council to carry out its duties in Section 63C-4-102;
- (b) the Public Lands Policy Coordinating Office to carry out its duties in Section 63-38d-603;
- (c) the Public Lands Policy Coordinating Council to carry out its duties in Section 63-38d-605.

~~(b)~~ (d) the Office of the Governor, to be used only for the purpose of asserting, defending, or litigating state and local government rights under R.S. 2477, in accordance with a plan developed and approved as provided in Section 63C-4-104;

~~(c)~~ (e) a county or association of counties to assist counties, consistent with the purposes of the council, in pursuing issues affecting the counties; or

~~(d)~~ (f) the Office of the Attorney General, to be used only for public lands counsel and assistance and litigation to the state or local governments including asserting, defending, or litigating state and local government rights under R.S. 2477 in accordance with a plan developed and approved as provided in Section 63C-4-104.

(6) (a) The Constitutional Defense Council shall require that any entity that receives monies from the Constitutional Defense Restricted Account provide financial reports and litigation reports to the Council.

(b) Nothing in this Subsection (6) prohibits the council from closing a meeting under Title 52, Chapter 4, Open and Public Meetings, or prohibits the council from complying with Title 63, Chapter 2, Government Records Access and Management Act.

Section 7. **Effective date.**

This bill takes effect on May 15, 2005.