

1 **RANGELAND IMPROVEMENT ACT**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Bradley T. Johnson**

5 Senate Sponsor: Thomas V. Hatch

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Rangeland Improvement Act, formerly known as the Taylor
10 Grazing Act.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ creates the State Grazing Advisory Board;
- 14 ▶ creates regional grazing advisory boards;
- 15 ▶ establishes board membership and duties;
- 16 ▶ creates the Rangeland Improvement Fund, which is a restricted special revenue
17 fund;
- 18 ▶ establishes fund sources and allows distributions of fund monies;
- 19 ▶ designates the Department of Agriculture and Food as the fund administrator;
- 20 ▶ repeals the requirement that advisory board treasurers file a surety bond with the
21 state treasurer;
- 22 ▶ repeals provisions requiring distribution of certain funds to counties;
- 23 ▶ modifies definitions; and
- 24 ▶ makes technical changes.

25 **Monies Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **4-20-1**, as enacted by Chapter 2, Laws of Utah 1979

32 **4-20-2**, as last amended by Chapter 30, Laws of Utah 1992

33 **4-20-3**, as enacted by Chapter 2, Laws of Utah 1979

34 ENACTS:

35 **4-20-1.5**, Utah Code Annotated 1953

36 **4-20-1.6**, Utah Code Annotated 1953

37 REPEALS:

38 **4-20-4**, as enacted by Chapter 2, Laws of Utah 1979

39 **4-20-5**, as enacted by Chapter 2, Laws of Utah 1979

40 **4-20-6**, as enacted by Chapter 2, Laws of Utah 1979

41 **4-20-7**, as enacted by Chapter 2, Laws of Utah 1979



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

44 Section 1. Section **4-20-1** is amended to read:

45 **CHAPTER 20. RANGELAND IMPROVEMENT ACT**

46 **4-20-1. Title -- Definitions.**

47 (1) This chapter is known as the "Rangeland Improvement Act."

48 (2) As used in this chapter:

49 ~~[(1) "Advisory board" means a group of stockmen duly elected by the owners of~~
50 ~~livestock within a particular grazing district and appointed by the Secretary of Interior to act~~
51 ~~under oath in an advisory capacity within that district in the administration of the Taylor~~
52 ~~Grazing Act;]~~

53 (a) "Cooperative weed management association" means a multigovernmental
54 association cooperating together to control noxious weeds in a geographic area that includes
55 some portion of Utah.

56 ~~[(2)]~~ (b) "Fees" mean the revenue collected by the United States Secretary of Interior
57 from assessments on livestock using public lands[;].

58 (c) "Fund" means the Rangeland Improvement Fund created in Section 4-20-2.

59 ~~[(3)]~~ (d) "Grazing district" means ~~[a convenient]~~ an administrative unit of ~~Ĥ→~~ [public and
60 private] ~~←Ĥ~~ land ~~Ĥ→~~ :

60a (i) ~~←Ĥ~~ designated by the ~~[Secretary of Interior]~~ commissioner as being valuable for
61 grazing and for raising forage crops~~;~~ ~~Ĥ→~~ ~~[:]~~ : and

61a (ii) which consists of any combination of the following:

61b (A) public land;

61c (B) private land;

61d (C) state land; and

61e (D) school and institutional trust land as defined in Section 53C-1-103. ~~←Ĥ~~

62 ~~[(4)]~~ (e) "Public lands" mean ~~Ĥ→~~ ~~[:]~~ :

63 ~~——~~ ~~(i)~~ ~~←Ĥ~~ vacant, unappropriated, reserved, and unreserved federal lands ~~Ĥ→~~ ~~[; and~~

64 ~~——~~ ~~(ii)~~ all lands held by the state, including school and institutional trust lands as defined
65 in Section 53C-1-103] ~~←Ĥ~~ .

66 (f) "Regional board" means a regional grazing advisory board whose members are
67 appointed under Section 4-20-1.6.

68 ~~[(5)]~~ (g) "Sales" or "leases" mean the sale or lease, respectively, of isolated or
69 disconnected tracts of public lands by the United States Secretary of Interior.

70 (h) "State board" means the State Grazing Advisory Board created under Section
71 4-20-1.5.

72 Section 2. Section **4-20-1.5** is enacted to read:

73 **4-20-1.5. State Grazing Advisory Board -- Duties.**

74 (1) (a) There is created within the department the State Grazing Advisory Board.

75 (b) The commissioner shall appoint the following members:

76 (i) one member from each regional board;

77 (ii) one member from the Soil Conservation Commission created in Section 4-18-4;

77a ~~Ĥ→~~ (iii) one representative of the Department of Natural Resources;

78 ~~[(iii)]~~ (iv) ~~←Ĥ~~ two livestock producers at-large; and

79 ~~Ĥ→~~ ~~[(iv)]~~ (v) ~~←Ĥ~~ one representative of the oil, gas, or mining industry.

80 (2) The term of office for a state board member is four years.

81 (3) Members of the state board shall elect a chair, who shall serve for two years.

82 (4) (a) (i) Members who are not government employees of the state or local
83 government shall receive no compensation or benefits for their services, but may receive per
84 diem and expenses incurred in the performance of the member's official duties at the rates
85 established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

86 (ii) Members may decline to receive per diem and expenses for their service.

87 (b) (i) State government officer and employee members who do not receive salary, per
88 diem, or expenses from their agency for their service may receive per diem and expenses
89 incurred in the performance of their official duties from the board at the rates established by the

90 Division of Finance under Sections 63A-3-106 and 63A-3-107.

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

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

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

99 (5) The state board shall:

100 (a) receive:

101 (i) advice and recommendations from a regional board concerning:

102 (A) management plans for ~~H→~~ [federal and] public lands, ~~←H~~ state lands ~~H→~~ , and
102a school and institutional trust lands as defined in Section 53C-1-103, ~~←H~~ within the regional
102b board's region;

103 and

104 (B) any issue that impacts grazing on private ~~H→~~ [or] lands, ~~←H~~ public lands ~~H→~~ , state
104a lands, or school and institutional trust lands as defined in Section 53C-1-103, ~~←H~~ in its region;
104b and

105 (ii) requests for fund monies from the entities described in Subsections (5)(c)(i)
106 through (iv);

107 (b) recommend state policy positions and cooperative agency participation in federal
108 and state land management plans to the department and to the Public Lands Policy
109 Coordinating Office created under Section 63-38d-602; and

110 (c) advise the department on the requests and recommendations of:

111 (i) regional boards;

112 (ii) county weed control boards created under Section 4-17-4;

113 (iii) cooperative weed management associations; and

114 (iv) soil conservation districts created under the authority of Title 17A, Chapter 3, Part
115 8, Soil Conservation Districts.

116 Section 3. Section 4-20-1.6 is enacted to read:

117 **4-20-1.6. Regional Grazing Advisory Boards -- Duties.**

118 (1) The commissioner shall appoint members to a regional board for each grazing
119 district from nominations submitted by:

120 (a) the Utah Cattlemen's Association;

121 (b) the Utah Woolgrower's Association; ~~H~~→ [and]

121a (c) the Utah Farm Bureau Federation; and

122 ~~(c)~~ (d) ←H a soil conservation district, if the soil conservation district's boundaries include
 123 some portion of the grazing district.

124 (2) Regional boards:

125 (a) shall provide advice and recommendations to the state board; and

126 (b) may receive monies from the Rangeland Improvement Fund created in Section
 127 4-20-2.

128 Section 4. Section **4-20-2** is amended to read:

129 **4-20-2. Rangeland Improvement Fund -- Administered by department.**

130 (1) (a) There is created a restricted special revenue fund known as the "Rangeland
 131 Improvement Fund."

132 (b) The fund shall consist of:

133 (i) [~~All funds~~] all monies received by the state from [~~fees or from sales or leases~~
 134 collected by] the United States Secretary of Interior under the Taylor Grazing Act, 43 U.S.C.
 135 Section 315 et seq., [~~shall be deposited with the state treasurer.~~] for sales, leases, and fees;

136 (ii) grants or appropriations from the state or federal government;

137 (iii) grants from private foundations; and

138 (iv) interest on fund monies.

139 (2) Any unallocated balance in the fund at the end of a fiscal year is nonlapsing.

140 (3) The [~~state treasurer~~] department shall [~~determine~~]:

141 (a) administer the fund;

142 (b) obtain from the United States Department of Interior the receipts collected from:

143 (i) fees in each grazing district; and

144 (ii) the receipts collected from the sale or lease of public lands[-]; and

145 (c) distribute fund monies in accordance with Section 4-20-3.

146 Section 5. Section **4-20-3** is amended to read:

147 **4-20-3. Rangeland Improvement Fund distribution.**

148 (1) The department shall distribute fund monies as provided in this section.

149 (a) The [~~funds~~] department shall:

150 (i) distribute pro rata to each school district the monies received by the state under

151 Subsection 4-20-2(1)(b)(i) from the sale or lease of public lands [~~shall be distributed pro rata to~~

152 ~~each school district]~~ based upon the amount of revenue generated from the sale or lease of
153 public lands within ~~[such] the district[~~—All revenue~~]; and~~

154 (ii) ensure that all monies generated from the sale or lease of public lands within a
155 [particular] school district [shall be] are credited and deposited to the general school fund of
156 that school district.

157 (b) (i) After the commissioner approves a request from a regional board, the
158 department shall distribute pro rata to each regional board monies received by the state under
159 Subsection 4-20-2(1)(b)(i) from fees based upon the amount of revenue generated from the
160 imposition of fees within that grazing district.

161 (ii) The regional board shall expend monies received in accordance with Subsection
162 (2).

163 (c) (i) The department shall distribute or expend monies received by the state under
164 Subsections 4-20-2(1)(b)(ii) through (iv) for the purposes outlined in Subsection (2).

165 (ii) The department may require entities seeking funding from sources outlined in
166 Subsections 4-20-2(1)(b)(ii) through (iv) to provide matching funds.

167 (2) The department shall ensure that fund distributions or expenditures under
168 Subsections (1)(b) and (c) are used for:

169 (a) range improvement and maintenance;

170 (b) the control of predatory and depredating animals;

171 (c) the control, management, or extermination of invading species, range damaging
172 organisms, and poisonous or noxious weeds;

173 (d) the purchase or lease of lands for the benefit of a grazing district;

174 (e) watershed protection, development, distribution, and improvement; and

175 (f) the general welfare of livestock grazing within a grazing district.

176 **Section 6. Repealer.**

177 This bill repeals:

178 **Section 4-20-4, Revenue from grazing fees to be distributed pro rata to grazing**
179 **districts -- Basis for distribution.**

180 **Section 4-20-5, Grazing districts to distribute funds received pro rata to counties**
181 **within district -- Basis for distribution -- Advisory board to direct expenditure of funds.**

182 **Section 4-20-6, Advisory board treasurer to file surety bond with state treasurer --**

183 **Bond premium payment.**

184 Section 4-20-7, State treasurer to distribute revenue to grazing districts.

Legislative Review Note

as of 1-20-06 7:29 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0145

Rangeland Improvement Act

26-Jan-06

8:11 AM

State Impact

Costs can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst