

RANGELAND IMPROVEMENT ACT

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley T. Johnson

Senate Sponsor: Thomas V. Hatch

LONG TITLE**General Description:**

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

Highlighted Provisions:

This bill:

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

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

ENACTS:

4-20-1.5, Utah Code Annotated 1953

4-20-1.6, Utah Code Annotated 1953

REPEALS:

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

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

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

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

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

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

CHAPTER 20. RANGELAND IMPROVEMENT ACT**4-20-1. Title -- Definitions.**

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

(2) As used in this chapter:

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

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

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

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

[~~(3)~~] (d) "Grazing district" means [~~a convenient~~] an administrative unit of public and private land designated by the [~~Secretary of Interior~~] commissioner as being valuable for grazing and for raising forage crops[;].

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

(i) vacant, unappropriated, reserved, and unreserved federal lands; and

(ii) all lands held by the state, including school and institutional trust lands as defined in Section 53C-1-103.

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

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

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

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

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

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

(b) The commissioner shall appoint the following members:

(i) one member from each regional board;

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

(iii) two livestock producers at-large; and

(iv) one representative of the oil, gas, or mining industry.

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

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

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

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

(b) (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 board 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.

(c) (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.

(5) The state board shall:

(a) receive:

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

(A) management plans for federal and state lands within the regional board's region; and

(B) any issue that impacts grazing on private or public lands in its region; and

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

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

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

(i) regional boards;

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

(iii) cooperative weed management associations; and

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

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

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

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

(a) the Utah Cattlemen's Association;

(b) the Utah Woolgrower's Association; and

(c) a soil conservation district, if the soil conservation district's boundaries include some portion of the grazing district.

(2) Regional boards:

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

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

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

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

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

(b) The fund shall consist of:

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

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

(iii) grants from private foundations; and

(iv) interest on fund monies.

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

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

(a) administer the fund;

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

(i) fees in each grazing district; and

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

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

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

4-20-3. Rangeland Improvement Fund distribution.

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

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

(i) distribute pro rata to each school district the monies received by the state under Subsection 4-20-2(1)(b)(i) from the sale or lease of public lands ~~[shall be distributed pro rata to~~

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

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

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

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

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

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

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

(a) range improvement and maintenance;

(b) the control of predatory and depredating animals;

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

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

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

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

Section 6. Repealer.

This bill repeals:

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

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

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