

HB0158S01 compared with HB0158

~~{deleted text}~~ shows text that was in HB0158 but was deleted in HB0158S01.

inserted text shows text that was not in HB0158 but was inserted into HB0158S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Representative Christopher N. Herrod proposes the following substitute bill:

COORDINATION BETWEEN STATE AND LOCAL GOVERNMENT ON FEDERAL REGULATIONS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christopher N. Herrod

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to the Public Lands ~~{and Federal}~~ Policy Coordinating Office to provide for coordination with political subdivisions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Public Lands ~~{and Federal}~~ Policy Coordinating Office to send an electronic notice once a year to political subdivisions; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

HB0158S01 compared with HB0158

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63J-4-601, as last amended by Laws of Utah 2009, Chapter 121

63J-4-602, as renumbered and amended by Laws of Utah 2008, Chapter 382

63J-4-603, as last amended by Laws of Utah 2009, Chapters 121 and 262

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

Section 1. Section **63J-4-601** is amended to read:

63J-4-601. Definitions.

As used in this part:

(1) "Coordinator" means the [~~public lands~~] policy coordinator appointed in this part.

(2) "~~Federal agency" means { a department, agency, authority, commission, council, board, office, bureau, or other administrative unit of the executive branch of the United States government}.~~

(a) Environmental Protection Agency;

(b) United States Army Corps of Engineers;

(c) United States Department of the Interior; and

(d) United States Department of Agriculture.

~~(2)~~ (3) "Office" means the Public Lands and Federal Policy Coordinating Office created by this part.

~~(3)~~ (4) "Political subdivision" means a county, municipality, local district, special service district, school district, interlocal cooperation agreement entity, or any administrative subunit of them.

~~(4)~~ (5) "State planning coordinator" means the person appointed under Subsection 63J-4-202(1)(a)(ii).

Section 2. Section **63J-4-602** is amended to read:

63J-4-602. Public Lands Policy Coordinating Office -- Coordinator -- Appointment -- Qualifications -- Compensation.

HB0158S01 compared with HB0158

(1) There is created within state government the Public Lands and Federal 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 **63J-4-603** is amended to read:

63J-4-603. Powers and duties of coordinator and office.

(1) The coordinator and the office shall:

(a) make a report to and provide staff assistance to the Constitutional Defense Council created under Section 63C-4-101 concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter 4, Constitutional Defense Council;

(b) under the direction of the state planning coordinator, assist in fulfilling the state planning coordinator's duties outlined in Section 63J-4-401 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

HB0158S01 compared with HB0158

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

(c) 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 63M-1-1602;

(iv) the Resource Development Coordinating Committee created under Section 63J-4-501;

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

(vi) the committee created under Section 63F-1-508 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;

~~(d) provide an annual electronic notice to a political subdivision to:~~

~~(i) solicit the comments described in Subsection (1)(c) at least annually and in particular solicit comment on comments regarding the cultural or economic impact of a federal agency regulation, plan, or action on a political subdivision; and~~

~~(ii) identify federal law under which a federal agency is required to coordinate with~~
(e) at least annually, electronically notify a political subdivision of the political subdivision's right under federal law to coordinate with a federal agency on a federal agency's regulation, plan, or action;

~~(d)~~ ~~(e)~~ ~~f~~ perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9, Chapter 8, Part 4, Historic Sites;

~~(e)~~ ~~f~~ ~~g~~ consistent with other statutory duties, encourage agencies to responsibly preserve archaeological resources;

~~(f)~~ ~~f~~ ~~g~~ ~~h~~ maintain information concerning grants made under Subsection (1)~~(h)~~~~(i)~~, if available;

~~(g)~~ ~~f~~ ~~h~~ ~~i~~ report annually, or more often if necessary or requested, concerning the office's activities and expenditures to:

(i) the Constitutional Defense Council; and

HB0158S01 compared with HB0158

(ii) the Legislature's Natural Resources, Agriculture, and Environment Interim Committee jointly with the Constitutional Defense Council;

~~(h)~~ ~~(f)(i)~~ make grants of up to 16% of the office's total annual appropriations from the Constitutional Defense Restricted Account to a county or statewide association of counties to be used by the county or association of counties for public lands matters if the coordinator, with the advice of the Constitutional Defense Council, determines that the action provides a state benefit;

~~(f)~~ ~~(f)(k)~~ provide staff services to the Snake Valley Aquifer Advisory Council created in Section 63C-12-103; and

~~(f)~~ ~~(f)(l)~~ coordinate and direct the Snake Valley Aquifer Research Team created in Section 63C-12-107.

(2) The coordinator and office shall comply with Subsection 63C-4-102(8) before submitting a comment to a federal agency, if the governor would be subject to Subsection 63C-4-102(8) if the governor were submitting the material.

(3) The office may enter into a contract or other agreement with another state agency to provide information and services related to:

(a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and Classification Act;

(b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and Classification Act, or R.S. 2477 matters; or

(c) any other matter within the office's responsibility.

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Legislative Review Note

~~as of 2-17-11 11:12 AM~~

~~Office of Legislative Research and General Counsel~~