

HB0091S01 compared with HB0091

~~{deleted text}~~ shows text that was in HB0091 but was deleted in HB0091S01.

inserted text shows text that was not in HB0091 but was inserted into HB0091S01.

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 Kenneth W. Sumsion proposes the following substitute bill:

UTAH ENABLING ACT LITIGATION

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kenneth W. Sumsion

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires the attorney general to file an action to enforce the Utah Enabling Act if the United States does not comply with certain demands.

Highlighted Provisions:

This bill:

- ▶ requires the attorney general to file an action for a declaratory judgment to enforce Section 9 of the Utah Enabling Act if the United States does not comply with certain demands;~~}~~

~~→ amends provisions relating to the appropriation of money from the Land Exchange Distribution Account;}~~ and

- ▶ makes technical changes.

Money Appropriated in this Bill:

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This bill appropriates to the Attorney General - Enabling Act Litigation line item ~~†~~

- ~~as an one-time appropriation from the Land Exchange Distribution Account, \$1,000,000, subject to intent language stating that the appropriation is to be used to file certain actions; and~~
- ~~the unexpended nonlapsing balance of up to \$2,000;~~ a one-time transfer of \$350,000 that was appropriated in fiscal ~~{years 2010-11 and}~~ year 2011-12 to the Governor's Office - Public Lands Litigation from the Constitutional Defense Restricted Account, subject to intent language stating that the appropriation is to be used to file certain actions.

Other Special Clauses:

This bill provides revisor instructions.

Utah Code Sections Affected:

AMENDS:

- ~~{~~ ~~53C-3-203~~, as last amended by Laws of Utah 2011, Chapters 247, 252, 303 and last amended by Coordination Clause, Laws of Utah 2011, Chapter 252
- ~~†~~ 67-5-29, as enacted by Laws of Utah 2010, Chapter 262

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

Section 1. Section ~~{53C-3-203}~~ 67-5-29 is amended to read:

~~{~~ ~~53C-3-203. Land Exchange Distribution Account.~~

~~———— (1) As used in this section, "account" means the Land Exchange Distribution Account created in Subsection (2)(a).~~

~~———— (2) (a) There is created within the General Fund a restricted account known as the Land Exchange Distribution Account.~~

~~———— (b) The account shall consist of revenue deposited in the account as required by Section 53C-3-202.~~

~~———— (3) (a) The state treasurer shall invest money in the account according to Title 51, Chapter 7, State Money Management Act.~~

~~———— (b) The Division of Finance shall deposit interest or other earnings derived from investment of account money into the General Fund.~~

~~———— (4) The Legislature shall annually appropriate from the account in the following order:~~

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~~—— (a) (i) for fiscal year 2011-12 only, \$1,000,000 to the Constitutional Defense Restricted Account created in Section 63C-4-103;~~

~~—— (ii) for fiscal year 2012-13 only, \$1,000,000 to the Office of the Attorney General, to be used to file an action in accordance with Section 67-5-29; and~~

~~—— [(a)] (iii) beginning fiscal year 2013-14, \$1,000,000 to the Constitutional Defense Restricted Account created in Section 63C-4-103; and~~

~~—— (b) from the deposits to the account remaining after the appropriation in Subsection (4)(a), the following amounts:~~

~~—— (i) 55% of the deposits to counties in amounts proportionate to the amounts of mineral revenue generated from the acquired land, exchanged land, acquired mineral interests, or exchanged mineral interests located in each county, to be used to mitigate the impacts caused by mineral development;~~

~~—— (ii) 25% of the deposits to counties in amounts proportionate to the total surface and mineral acreage within each county that was conveyed to the United States under the agreement or an exchange, to be used to mitigate the loss of mineral development opportunities resulting from the agreement or exchange;~~

~~—— (iii) 1.68% of the deposits to the State Board of Education, to be used for education research and experimentation in the use of staff and facilities designed to improve the quality of education in Utah;~~

~~—— (iv) 1.66% of the deposits to the Geological Survey, to be used for natural resources development in the state;~~

~~—— (v) 1.66% of the deposits to the Water Research Laboratory at Utah State University, to be used for water development in the state;~~

~~—— (vi) 11% of the deposits to the Constitutional Defense Restricted Account created in Section 63C-4-103;~~

~~—— (vii) 1% of the deposits to the Geological Survey, to be used for test wells, other hydrologic studies, and air quality monitoring in the West Desert; and~~

~~—— (viii) 3% of the deposits to the Permanent Community Impact Fund created in Section 9-4-303, to be used for grants to political subdivisions of the state to mitigate the impacts resulting from the development or use of school and institutional trust lands.~~

~~—— (5) The administration shall make recommendations to the Permanent Community~~

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~~Impact Fund Board for its consideration when awarding the grants described in Subsection (4)(b)(viii):~~

~~Section 2. Section 67-5-29 is amended to read:~~

‡ **67-5-29. Duty to file legal actions.**

(1) (a) Unless the United States substantially complies with the demands referenced in 2012 General Session, H.C.R. 1, Concurrent Resolution - Letter to Federal Government, the attorney general shall file an action on or before October 1, 2012, in United States district court to obtain a declaratory judgment to enforce the Utah Enabling Act, Section 9.

~~[†] (b) The attorney general may file an action in addition to the action described in Subsection (1)(a) to enforce the Utah Enabling Act, Section 9.~~

(2) In accordance with Title 78B, Chapter 6, Particular Proceedings, the attorney general shall file an eminent domain action or quiet title action on property possessed by the federal government:

(a) (i) that facilitates the state's ability to manage the school and institutional trust lands consistent with the state's fiduciary responsibilities towards the beneficiaries of the trust lands; and

(ii) (A) that provides access to school and institutional trust lands; or

(B) that increases the profitability of the school and institutional trust lands; or

(b) for a public use that increases the ability of the state to generate revenue.

(3) The attorney general shall file, by no later than July 1, 2011, an eminent domain action or quiet title action described in Subsection (2) on property possessed by the federal government for:

(a) a highway on Spring Creek Road located in the western half of section 3, township 38 south, range 12 west to provide access to section 2, township 38 south, range 12 west;

(b) a highway off of Old Canyon Road located in the northeast quarter of the southeast quarter of section 5, township 10 north, range 5 east to provide access to the southeast quarter of the southeast quarter of section 32, township 11 north, range 5 east; or

(c) the purposes described in Subsection (2).

~~3}2.~~ **Fiscal Year 2012 Supplemental Appropriation.**

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the following sums of money are appropriated from resources not otherwise appropriated, or

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reduced from amounts previously appropriated, out of the funds or accounts indicated for the fiscal year beginning July 1, 2011 and ending June 30, 2012. These are additions to amounts previously appropriated for fiscal year 2012.

Item 1 To Governor's Office - Public Lands Litigation

From General Fund Restricted - Constitutional Defense	(\$1,000) \$350,000
From Beginning Nonlapsing Appropriations Balances	(\$1,000,000)
† Schedule of Programs:	
Public Lands Litigation	(\$2,000,000)

~~The Legislature intends that the Division of Finance shall transfer to the Attorney General - Enabling Act Litigation line item up to \$1,000,000 in unexpended, unobligated balances of the appropriation made to the Governor's Office - Public Lands Litigation by Chapter 262, Laws of Utah 2010:~~

~~†\$350,000)~~

Item 2 To Attorney General - Enabling Act Litigation

From General Fund Restricted - Constitutional Defense	(\$1,000) \$350,000
From Beginning Nonlapsing Balances - Governor's Office - Public Lands Litigation	\$1,000,000
† Schedule of Programs:	
Enabling Act Litigation	(\$2,000) \$350,000

The Legislature intends that the Attorney General use this appropriation only to file an action in accordance with Section 67-5-29.

~~{The} Under Section 63J-1-603, the Legislature intends that ~~{the Division of Finance shall transfer to}~~ appropriations provided for the Attorney General ~~{ - Enabling Act Litigation line item up to \$1,000,000 in unexpended, unobligated balances of the appropriation made to the Governor's Office} - Public Lands Litigation {by Chapter 262, Laws of Utah 2010:~~~~

Section 4. Fiscal Year 2013 Appropriation.

~~Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the following sums of money are appropriated from resources not otherwise appropriated, or reduced from amounts previously appropriated, out of the funds or accounts indicated for the fiscal year beginning July 1, 2012 and ending June 30, 2013. These are additions to amounts previously appropriated for fiscal year 2013:~~

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Item 1 To Governor's Office - Public Lands Litigation

From General Fund Restricted - Constitutional Defense (\$1,000,000)

Schedule of Programs:

Public Lands Litigation (\$1,000,000)

Item 2 To Attorney General - Enabling Act Litigation

From General Fund Restricted - Land Exchange

Distribution Account \$1,000,000

Schedule of Programs:

Enabling Act Litigation \$1,000,000

The Legislature intends that the appropriation of \$1,000,000 from the General Fund Restricted - Land Exchange Distribution Account to the Attorney General - Enabling Act Litigation line item be one-time in fiscal year 2013 in accordance with Section 53C-3-203.

The Legislature intends that the Attorney General use this appropriation only to file}line item in this section not lapse at the close of Fiscal Year 2012. The use of any nonlapsing funds is limited to filing an action in accordance with Section 67-5-29.

Item 3 To General Fund Restricted - Constitutional Defense Restricted Account

From General Fund Restricted - Land Exchange

Distribution Account (\$1,000,000)

Schedule of Programs:

Constitutional Defense Restricted Account (\$1,000,000)

‡ Section ~~{5}~~3. **Revisor instructions.**

The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, replace the reference in Subsection 67-5-29(1)(a) from "2012 General Session, H.C.R. 1, Concurrent Resolution - Letter to Federal Government" to the resolution's designated chapter number in the Laws of Utah.

‡

Legislative Review Note

as of 1-23-12 10:54 AM

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~~Office of Legislative Research and General Counsel~~