

HB0209S01 compared with HB0209

~~{deleted text}~~ shows text that was in HB0209 but was deleted in HB0209S01.

inserted text shows text that was not in HB0209 but was inserted into HB0209S01.

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 Fred C. Cox proposes the following substitute bill:

UTAH LANDS PROTECTION ACT

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Fred C. Cox

Senate Sponsor: ~~{_____}~~ J. Stuart Adams

Cosponsors:	{ Stephen G. Handy	<u>Paul Ray</u>
Johnny Anderson	Neal B. Hendrickson	Douglas Sagers
Stewart Barlow	Michael E. Noel	Stephen E. Sandstrom
John Dougall	{Holly J.	
{Brad J. Galvez	Richardson} <u>Curtis Oda</u>	

~~{Carl Wimmer~~

~~{LONG TITLE~~

General Description:

This bill amends provisions of Title 65A, State Lands, that relate to the management or sale of state lands.

Highlighted Provisions:

This bill:

HB0209S01 compared with HB0209

- ▶ ~~{modifies the definition of}~~ defines "~~{sovereign}~~ public lands of the state";
- ▶ prohibits the Division of Forestry, Fire, and State Lands from selling or substantially changing the ~~{management}~~ use of certain ~~{sovereign lands;~~ public lands of the state;
 - ▶ provides for the Division of Forestry, Fire, and State Lands to manage all public lands of the state that are not obtained specifically for use by another department or agency of the state;
 - ▶ provides for the State School Fund to receive 5% of net proceeds from the sale of certain ~~{sovereign}~~ public lands of the state; and
 - ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

65A-1-1, as last amended by Laws of Utah 2009, Chapter 344

65A-10-1, as last amended by Laws of Utah 2011, Chapter 256

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

Section 1. Section **65A-1-1** is amended to read:

65A-1-1. Definitions.

As used in this title:

(1) "Advisory council" or "council" means the Forestry, Fire, and State Lands Advisory Council.

(2) "Division" means the Division of Forestry, Fire, and State Lands.

(3) "Multiple use" means the management of various surface and subsurface resources in a manner that will best meet the present and future needs of the people of this state.

~~(4) "Public trust assets" means those lands and resources, including sovereign lands, administered by the division.~~

~~(5) (a) "Sovereign lands" means those lands:~~

HB0209S01 compared with HB0209

~~(i) lying below the ordinary high water mark of navigable bodies of water at the date of statehood; [and] or~~

~~(ii) owned by the state by virtue of its sovereignty[-], including}~~ (a) "Public lands of the state" means land previously claimed by the federal government that is:

~~{A}i) {claimed}~~reclaimed by the state through judgment, decree, purchase, compact, exchange, gift, other conveyance, the United States Constitution, or other law; or

~~{B}ii) {reclaimed}~~obtained by the state through judgment, decree, purchase, compact, exchange, gift, other conveyance, the United States Constitution, or other law; ~~or~~

~~(C) obtained by the state through judgment, decree, purchase, compact, exchange, gift, other conveyance, the United States Constitution, or other law.~~

~~(b) "Sovereign lands".~~

(b) "Public lands of the state" does not include property owned by the federal government in accordance with the United States Constitution Article I, Section 8, Clause 17, or trust lands, as defined in Subsection 53C-1-103(7).

[4] (5) "Public trust assets" means those lands and resources, including sovereign lands, administered by the division.

[5] (6) "Sovereign lands" means those lands lying below the ordinary high water mark of navigable bodies of water at the date of statehood and owned by the state by virtue of its sovereignty.

[6] (7) "State lands" means all lands administered by the division.

[7] (8) "Sustained yield" means the achievement and maintenance of high level annual or periodic output of the various renewable resources of land without impairment of the productivity of the land.

Section 2. Section **65A-10-1** is amended to read:

65A-10-1. Authority of division to manage sovereign lands.

(1) (a) The division is the management authority for sovereign lands, and may ~~except as provided in Subsection (5),~~ exchange, sell, or lease sovereign lands but only in the quantities and for the purposes ~~as that~~ serve the public interest and do not interfere with the public trust.

(b) The division is the management authority for public lands of the state that are not obtained specifically for use by another department or agency of the state, and may, except as

HB0209S01 compared with HB0209

provided in Subsections (5) and (6), exchange, sell, or lease public lands of the state, but only in the quantities and for the purposes that serve the public interest and do not interfere with the public trust.

(2) Nothing in this section shall be construed as asserting state ownership of the beds of nonnavigable lakes, bays, rivers, or streams.

(3) A lease for the construction of a highway facility over sovereign lakebed lands shall comply with the requirements described in Subsection 65A-7-5(5).

(4) (a) If any United States public lands owned or claimed by the federal government on January 1, 2012, become ~~sovereign~~public lands ~~, then~~ of the state, the State School Fund, ~~pursuant to~~in accordance with Utah Constitution, Article X, Section 5, Subsection ~~(5)1~~(b), shall receive 5% of the net proceeds from the sale of those lands.

~~(5) If~~(b) Except as provided in Subsection (4)(c), when the state sells public lands of the state described in Subsection (4)(a), the state shall deposit into the State School Fund an amount equal to 0.05 multiplied by the fair market value of the public lands of the state on the day on which the lands become public lands of the state.

(c) (i) Subsection (4)(b) does not apply, if, at the time that the lands became public lands of the state:

(A) the state paid fair market value for the lands; and

(B) 5% of the net proceeds received by the federal government for the sale of the lands was deposited into the State School Fund.

(ii) If, at the time that lands described in Subsection (4)(a) became public lands of the state, the state paid less than fair market value for the lands, the state shall, when the state sells the public lands of the state, deposit into the State School Fund the difference between:

(A) the amount that would have been deposited into the State School Fund by the federal government if the state had paid fair market value for the lands; and

(B) the amount that was deposited into the State School Fund by the federal government at the time that the lands became public lands of the state.

(5) If public lands of the state described in Subsection (4)(a) are not obtained specifically for use by a department or agency of the state other than the division, the division may not substantially change the use of those lands unless the division:

(a) makes a written finding that the change serves the public interest and does not

HB0209S01 compared with HB0209

interfere with the public trust; and

(b) submits a copy of the finding to:

(i) (A) the Legislative Management Committee; or

(B) another committee designated by the Legislative Management Committee; and

(ii) the office of the lieutenant governor.

(6) Notwithstanding any other provision of this section, if any of the following become
~~{sovereign}~~public lands of the state, the division may not sell the ~~{sovereign}~~ lands or
substantially change the ~~{management policies that relate to those sovereign}~~use of the lands
from the ~~{management policies}~~use of the lands that ~~{were in effect for those sovereign~~
lands}existed on January 1, 2012:

(a) Arches National Park;

(b) Bryce Canyon National Park;

(c) Canyonlands National Park;

(d) Capitol Reef National Park; or

(e) Zion National Park.

~~{~~

Legislative Review Note

~~as of 11-30-11 12:29 PM~~

~~Office of Legislative Research and General Counsel}~~