

PUBLIC LANDS POLICY COORDINATING OFFICE

AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Roger E. Barrus

Senate Sponsor: Ralph Okerlund

LONG TITLE

General Description:

This bill requires the Public Lands Policy Coordinating Office to conduct a study and economic analysis of the transfer of certain federal lands to state ownership.

Highlighted Provisions:

This bill:

- requires the Public Lands Policy Coordinating Office to conduct a study and economic analysis of the transfer of certain federal lands to state ownership; and
- establishes reporting requirements.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

63J-4-603, as last amended by Laws of Utah 2011, Chapter 252

ENACTS:

63J-4-606, Utah Code Annotated 1953

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

Section 1. Section **63J-4-603** is amended to read:

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

- 30 (1) The coordinator and the office shall:
- 31 (a) make a report to the Constitutional Defense Council created under Section
- 32 63C-4-101 concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter
- 33 4, Constitutional Defense Council;
- 34 (b) provide staff assistance to the Constitutional Defense Council created under Section
- 35 63C-4-101 for meetings of the council and Federalism Subcommittee;
- 36 (c) (i) prepare and submit a constitutional defense plan under Section 63C-4-104; and
- 37 (ii) execute any action assigned in a constitutional defense plan;
- 38 (d) under the direction of the state planning coordinator, assist in fulfilling the state
- 39 planning coordinator's duties outlined in Section 63J-4-401 as those duties relate to the
- 40 development of public lands policies by:
- 41 (i) developing cooperative contracts and agreements between the state, political
- 42 subdivisions, and agencies of the federal government for involvement in the development of
- 43 public lands policies;
- 44 (ii) producing research, documents, maps, studies, analysis, or other information that
- 45 supports the state's participation in the development of public lands policy;
- 46 (iii) preparing comments to ensure that the positions of the state and political
- 47 subdivisions are considered in the development of public lands policy;
- 48 (iv) partnering with state agencies and political subdivisions in an effort to:
- 49 (A) prepare coordinated public lands policies;
- 50 (B) develop consistency reviews and responses to public lands policies;
- 51 (C) develop management plans that relate to public lands policies; and
- 52 (D) develop and maintain a statewide land use plan that is based on cooperation and in
- 53 conjunction with political subdivisions; and
- 54 (v) providing other information or services related to public lands policies as requested
- 55 by the state planning coordinator;
- 56 (e) facilitate and coordinate the exchange of information, comments, and
- 57 recommendations on public lands policies between and among:

- 58 (i) state agencies;
- 59 (ii) political subdivisions;
- 60 (iii) the Office of Rural Development created under Section 63M-1-1602;
- 61 (iv) the Resource Development Coordinating Committee created under Section
- 62 63J-4-501;
- 63 (v) School and Institutional Trust Lands Administration created under Section
- 64 53C-1-201;
- 65 (vi) the committee created under Section 63F-1-508 to award grants to counties to
- 66 inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and
- 67 (vii) the Constitutional Defense Council created under Section 63C-4-101;
- 68 (f) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9,
- 69 Chapter 8, Part 4, Historic Sites;
- 70 (g) consistent with other statutory duties, encourage agencies to responsibly preserve
- 71 archaeological resources;
- 72 (h) maintain information concerning grants made under Subsection (1)(j), if available;
- 73 (i) report annually, or more often if necessary or requested, concerning the office's
- 74 activities and expenditures to:
 - 75 (i) the Constitutional Defense Council; and
 - 76 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim
 - 77 Committee jointly with the Constitutional Defense Council;
 - 78 (j) make grants of up to 16% of the office's total annual appropriations from the
 - 79 Constitutional Defense Restricted Account to a county or statewide association of counties to
 - 80 be used by the county or association of counties for public lands matters if the coordinator,
 - 81 with the advice of the Constitutional Defense Council, determines that the action provides a
 - 82 state benefit;
 - 83 (k) provide staff services to the Snake Valley Aquifer Advisory Council created in
 - 84 Section 63C-12-103; ~~and~~
 - 85 (l) coordinate and direct the Snake Valley Aquifer Research Team created in Section

86 63C-12-107[-]; and

87 (m) conduct the public lands transfer study and economic analysis required by Section
88 63J-4-606.

89 (2) The coordinator and office shall comply with Subsection 63C-4-102(8) before
90 submitting a comment to a federal agency, if the governor would be subject to Subsection
91 63C-4-102(8) if the governor were submitting the material.

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

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

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

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

99 Section 2. Section **63J-4-606** is enacted to read:

100 **63J-4-606. Public lands transfer study and economic analysis -- Report.**

101 (1) As used in this section:

102 (a) "Public lands" is as defined in Section 63L-6-102.

103 (b) "Transfer of public lands" means the transfer of public lands from federal
104 ownership to state ownership.

105 (2) (a) The coordinator and the office shall:

106 (i) conduct a study and economic analysis of the ramifications and economic impacts
107 of the transfer of public lands; and

108 (ii) during the study and economic analysis, consult with county representatives on an
109 ongoing basis regarding how to consider and incorporate county land use plans and planning
110 processes into the analysis.

111 (b) The study and economic analysis shall:

112 (i) inventory public lands;

113 (ii) examine public lands';

- 114 (A) ownership;
- 115 (B) management;
- 116 (C) jurisdiction;
- 117 (D) resource characteristics;
- 118 (E) federal management requirements related to national forests, national recreation
- 119 areas, or other public lands administered by the United States; and
- 120 (F) current and potential future uses and ways that socioeconomic conditions are
- 121 influenced by those uses;
- 122 (iii) determine:
- 123 (A) public lands' ongoing and deferred maintenance costs, revenue production, and
- 124 funding sources;
- 125 (B) whether historical federal funding levels have been sufficient to manage, maintain,
- 126 preserve, and restore public lands and whether that funding level is likely to continue;
- 127 (C) the amount of public lands revenue paid to state, county, and local governments
- 128 and other recipients designated by law from payments in lieu of taxes, timber receipts, secure
- 129 rural school receipts, severance taxes, and mineral lease royalties;
- 130 (D) historical trends of the revenue sources listed in Subsection (2)(b)(iii)(C);
- 131 (E) ways that the payments listed in Subsection (2)(b)(iii)(C) can be maintained or
- 132 replaced following the transfer of public lands; and
- 133 (F) ways that, following the transfer of public lands, revenue from public lands can be
- 134 increased while mitigating environmental impact;
- 135 (iv) identify:
- 136 (A) existing oil and gas, mining, grazing, hunting, fishing, recreation, and other rights
- 137 and interests on public lands;
- 138 (B) the economic impact of those rights and interests on state, county, and local
- 139 economies;
- 140 (C) actions necessary to secure, preserve, and protect those rights and interests; and
- 141 (D) how those rights and interests may be affected in the event the federal government

142 does not complete the transfer of public lands;
143 (v) evaluate the impact of federal land ownership on:
144 (A) the Utah School and Institutional Trust Lands Administration's ability to
145 administer trust lands for the benefit of Utah schoolchildren;
146 (B) the state's ability to fund education; and
147 (C) state and local government tax bases;
148 (vi) identify a process for the state to:
149 (A) transfer and receive title to public lands from the United States;
150 (B) utilize state agencies with jurisdiction over land, natural resources, environmental
151 quality, and water to facilitate the transfer of public lands;
152 (C) create a permanent state framework to oversee the transfer of public lands;
153 (D) transition to state ownership and management of public lands using existing state
154 and local government resources; and
155 (E) indemnify political subdivisions of the state for actions taken in connection with
156 the transfer of public lands;
157 (vii) examine ways that multiple use of public lands through tourism and outdoor
158 recreation contributes to:
159 (A) the economic growth of state and local economies; and
160 (B) the quality of life of Utah citizens;
161 (viii) using theoretical modeling of various levels of land transfer, usage, and
162 development, evaluate the potential economic impact of the transfer of public lands on state,
163 county, and local governments; and
164 (ix) recommend the optimal use of public lands following the transfer of public lands.
165 (3) The coordinator and office shall:
166 (a) on an ongoing basis, discuss issues related to the transfer of public lands with:
167 (i) the School and Institutional Trust Lands Administration;
168 (ii) local governments;
169 (iii) water managers;

- 170 (iv) environmental advocates;
- 171 (v) outdoor recreation advocates;
- 172 (vi) nonconventional and renewable energy producers;
- 173 (vii) tourism representatives;
- 174 (viii) wilderness advocates;
- 175 (ix) ranchers and agriculture advocates;
- 176 (x) oil, gas, and mining producers;
- 177 (xi) fishing, hunting, and other wildlife interests;
- 178 (xii) timber producers; and
- 179 (xiii) other interested parties; and
- 180 (b) develop ways to obtain input from Utah citizens regarding the transfer of public
- 181 lands and the future care and use of public lands.

182 (4) The coordinator may contract with another state agency or private entity to assist
183 the coordinator and office with the study and economic analysis required by Subsection (2)(a).

184 (5) The coordinator shall submit a final report on the study and economic analysis
185 described in Subsection (2)(a), including proposed legislation and recommendations, to the
186 governor and the Natural Resources, Agriculture, and Environment Interim Committee before
187 November 30, 2014.

188 **Section 3. Effective date.**

189 If approved by two-thirds of all the members elected to each house, this bill takes effect
190 upon approval by the governor, or the day following the constitutional time limit of Utah
191 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
192 the date of veto override.