

1 **CONTINGENT MANAGEMENT FOR FEDERAL FACILITIES**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: David E. Lifferth**

5 Senate Sponsor: J. Stuart Adams

7 **LONG TITLE**

8 **General Description:**

9 This bill authorizes the governor to work with the federal government to operate and
10 maintain national parks, monuments, forests, and recreation areas in the state during a
11 fiscal emergency.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines the term "fiscal emergency";
- 15 ▶ authorizes the governor to work with the federal government to open and maintain
16 the operation of one or more national parks, national monuments, national forests,
17 or national recreation areas in the state; and
- 18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **63G-6a-107**, as last amended by Laws of Utah 2013, Chapter 445

26 **63I-2-265**, as enacted by Laws of Utah 2013, Second Special Session, Chapter 3

27 **65A-5-1**, as last amended by Laws of Utah 2013, Second Special Session, Chapter 3

28 **65A-5-2**, as last amended by Laws of Utah 1994, Chapter 294

29 ENACTS:

- 30 **79-4-1101**, Utah Code Annotated 1953
- 31 **79-4-1102**, Utah Code Annotated 1953
- 32 **79-4-1103**, Utah Code Annotated 1953

33

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

35 Section 1. Section **63G-6a-107** is amended to read:

36 **63G-6a-107. Exemptions from chapter -- Compliance with federal law.**

37 (1) Except for Part 23, Unlawful Conduct and Penalties, the provisions of this chapter
38 are not applicable to:

39 (a) funds administered under the Percent-for-Art Program of the Utah Percent-for-Art
40 Act;

41 (b) grants awarded by the state or contracts between the state and any of the following:

42 (i) an educational procurement unit;

43 (ii) a conservation district;

44 (iii) a local building authority;

45 (iv) a local district;

46 (v) a public corporation;

47 (vi) a special service district;

48 (vii) a public transit district; or

49 (viii) two or more of the entities described in Subsections (1)(b)(i) through (vii), acting
50 under legislation that authorizes intergovernmental cooperation;

51 (c) medical supplies or medical equipment, including service agreements for medical
52 equipment, obtained through a purchasing consortium by the Utah State Hospital, the Utah
53 State Developmental Center, the University of Utah Hospital, or any other hospital owned by
54 the state or a political subdivision of the state, if:

55 (i) the consortium uses a competitive procurement process; and

56 (ii) the chief administrative officer of the hospital makes a written finding that the
57 prices for purchasing medical supplies and medical equipment through the consortium are

58 competitive with market prices;

59 (d) goods purchased for resale; [or]

60 (e) the Division of Parks and Recreation, during a fiscal emergency, as defined by

61 Subsection 79-4-1102(1), if the division is acting under the authority described in Sections

62 79-4-1101 through 79-4-1103; or

63 [(e)] (f) any action taken by a majority of both houses of the Legislature.

64 (2) (a) Notwithstanding Subsection (1), the provisions of Part 23, Unlawful Conduct
65 and Penalties, are not applicable to an entity described in Subsection (1)(b)(ii), (iii), (iv), (vi),
66 (vii), or (viii).

67 (b) This chapter does not prevent a procurement unit from complying with the terms
68 and conditions of any grant, gift, or bequest that is otherwise consistent with law.

69 (3) Notwithstanding any conflicting provision of this chapter, when a procurement
70 involves the expenditure of federal assistance, federal contract funds, local matching funds, or
71 federal financial participation funds, the procurement unit shall comply with mandatory
72 applicable federal law and regulations not reflected in this chapter.

73 (4) This chapter does not supersede the requirements for retention or withholding of
74 construction proceeds and release of construction proceeds as provided in Section 13-8-5.

75 Section 2. Section 63I-2-265 is amended to read:

76 **63I-2-265. Repeal dates -- Title 65A.**

77 [~~Subsection 65A-5-1(4) is repealed on December 2, 2013.~~]

78 Section 3. Section 65A-5-1 is amended to read:

79 **65A-5-1. Sovereign Lands Management Account -- Creation -- Contents --**

80 **Appropriation to fund division expenses.**

81 (1) There is created within the General Fund a restricted account known as the
82 Sovereign Lands Management Account.

83 (2) The account shall consist of the following:

84 (a) all revenues derived from sovereign lands; [and]

85 (b) that portion of all revenues derived from mineral leases on other lands managed by

86 the division necessary to recover management costs[-]; and

87 (c) any fees deposited by the division.

88 (3) All expenditures of the division relating directly to the management of state lands
89 shall be funded by appropriation by the Legislature from the Sovereign Lands Management
90 Account or other sources.

91 (4) The Legislature may appropriate funds in the account to reimburse one or more
92 state government entities for money spent on the operation of national parks, national
93 monuments, national forests, and national recreation areas in the state during a fiscal
94 emergency, as defined in Section 79-4-1102.

95 Section 4. Section 65A-5-2 is amended to read:

96 **65A-5-2. Deposit and allocation of money received.**

97 (1) (a) [~~The~~] Subject to Subsection (3), the division shall pay to the state treasurer all
98 money received, accompanied by a statement showing the respective sources of this money.

99 (b) Each source shall be classified as to sales, rentals, royalties, interest, fees, penalties,
100 and forfeitures.

101 (2) (a) All money received by the division as a first or down payment on applications to
102 purchase, permit, or lease state lands or minerals shall be paid to the state treasurer and held in
103 suspense pending final action on those applications.

104 (b) After final action these payments shall either be credited to the appropriate fund or
105 account, or refunded to the applicant in accordance with the action taken.

106 (3) The division shall provide a separate accounting for all fees received under
107 Subsection 65A-5-1(4).

108 Section 5. Section 79-4-1101 is enacted to read:

109 **Part 11. Contingency Planning for Management of Federal Land**
110 **79-4-1101. Title.**

111 This part is known as "Contingency Planning for Management of Federal Land."

112 Section 6. Section 79-4-1102 is enacted to read:

113 **79-4-1102. Contingency plan for federal property.**

114 (1) As used in this part, "fiscal emergency" means a major disruption in the operation
115 of one or more national parks, national monuments, national forests, or national recreation
116 areas in the state caused by the unforeseen or sudden significant decrease or elimination of
117 funding from the federal government.

118 (2) During a fiscal emergency, and subject to congressional approval, the governor's
119 agreement with the United States Department of the Interior, or a presidential executive order,
120 the governor is authorized to enter into an agreement with the federal government to ensure
121 that one or more national parks, national monuments, national forests, or national recreation
122 areas in the state, according to the priority set under Section [79-4-1103](#), remain open to the
123 public.

124 Section 7. Section **79-4-1103** is enacted to read:

125 **79-4-1103. Governor's duties -- Priority of federal property.**

126 (1) During a fiscal emergency, the governor shall:

127 (a) if financially practicable, work with the federal government to open and maintain
128 the operation of one or more national parks, national monuments, national forests, and national
129 recreation areas in the state, in the order established under this section; and

130 (b) report to the speaker of the House and the president of the Senate on the need, if
131 any, for additional appropriations to assist the division in opening and operating one or more
132 national parks, national monuments, national forests, and national recreation areas in the state.

133 (2) The director of the Outdoor Recreation Office, created in Section [63M-1-3304](#), in
134 consultation with the executive director of the Governor's Office of Economic Development,
135 shall determine, by rule, the priority of national parks, national monuments, national forests,
136 and national recreation areas in the state.

137 (3) In determining the priority described in Subsection (2), the director of the Outdoor
138 Recreation Office shall consider the:

139 (a) economic impact of the national park, national monument, national forest, or
140 national recreation area in the state; and

141 (b) recreational value offered by the national park, national monument, national forest,

142 or national recreation area.

143 (4) The director of the Outdoor Recreation Office shall:

144 (a) report the priority determined under Subsection (2) to the Natural Resources,
145 Agriculture, and Environment Interim Committee by November 30, 2014; and

146 (b) annually review the priority set under Subsection (2) to determine whether the
147 priority list should be amended.