

**Representative Kay J. Christofferson** proposes the following substitute bill:

**COMMISSION FOR THE STEWARDSHIP OF PUBLIC  
LANDS AND PRIVATE DONATIONS FOR PUBLIC LANDS**

**LITIGATION**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kay J. Christofferson**

Senate Sponsor: Ralph Okerlund

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**LONG TITLE**

**General Description:**

This bill moves the enabling language for the Commission for the Stewardship of Public Lands from the uncodified Laws of Utah to Title 63C, State Commissions and Councils Code, and establishes Public Lands Litigation Accounts.

**Highlighted Provisions:**

This bill:

- ▶ amends uncodified Laws of Utah to move the Commission for the Stewardship of Public Lands into the State Commissions and Councils Code;
- ▶ inserts existing law regarding the creation of, and duties for, the Commission for the Stewardship of Public Lands as new language in Title 63C, State Commissions and Councils Code;
- ▶ defines terms;
- ▶ amends the duties of the commission to include the duty to make recommendations concerning the use of funds in the Public Lands Litigation Restricted Account and the Public Lands Litigation Expendable Special Revenue Fund;
- ▶ creates the Public Lands Litigation Restricted Account;



- 26           ▶ establishes the purpose of the account;
- 27           ▶ requires a report to the Commission for the Stewardship of Public Lands before
- 28 money appropriated from the account is spent;
- 29           ▶ creates the Public Lands Litigation Expendable Special Revenue Fund;
- 30           ▶ establishes the purpose of the Public Lands Litigation Expendable Special Revenue
- 31 Fund, which includes accepting contributions and donations for litigation related to
- 32 public lands; and
- 33           ▶ requires the Division of Finance to report to the Commission for the Stewardship of
- 34 Public Lands before disbursing money from the fund.

35 **Money Appropriated in this Bill:**

36           None

37 **Other Special Clauses:**

38           This bill provides a special effective date.

39 **Utah Code Sections Affected:**

40 AMENDS:

41           **63I-1-263**, as last amended by Laws of Utah 2015, Chapters 182, 226, 278, 283, 409,

42 and 424

43 ENACTS:

44           **63C-4b-101**, Utah Code Annotated 1953

45           **63C-4b-102**, Utah Code Annotated 1953

46           **63C-4b-103**, Utah Code Annotated 1953

47           **63C-4b-104**, Utah Code Annotated 1953

48           **63C-4b-105**, Utah Code Annotated 1953

49           **63C-4b-106**, Utah Code Annotated 1953

50           **63C-4b-107**, Utah Code Annotated 1953

51 **Uncodified Material Affected:**

52 AMENDS UNCODIFIED MATERIAL:

53           **Uncodified Section 5, Laws of Utah 2014, Chapter 319**



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

56           Section 1. Section **63C-4b-101** is enacted to read:

57 **CHAPTER 4b. COMMISSION FOR THE STEWARDSHIP OF PUBLIC LANDS**

58 **63C-4b-101. Title.**

59 This chapter is known as "Commission for the Stewardship of Public Lands."

60 Section 2. Section **63C-4b-102** is enacted to read:

61 **63C-4b-102. Definitions.**

62 For purposes of this chapter:

63 (1) "Account" means the Public Lands Litigation Restricted Account created in Section  
64 63C-4b-105.

65 (2) "Commission" means the Commission for the Stewardship of Public Lands.

66 Section 3. Section **63C-4b-103** is enacted to read:

67 **63C-4b-103. Commission for the Stewardship of Public Lands -- Creation --**  
68 **Membership -- Interim rules followed -- Compensation -- Staff.**

69 (1) There is created the Commission for the Stewardship of Public Lands consisting of  
70 the following eight members:

71 (a) three members of the Senate appointed by the president of the Senate, no more than  
72 two of whom may be from the same political party; and

73 (b) five members of the House of Representatives appointed by the speaker of the  
74 House of Representatives, no more than four of whom may be from the same political party.

75 (2) (a) The president of the Senate shall designate a member of the Senate appointed  
76 under Subsection (1)(a) as a cochair of the commission.

77 (b) The speaker of the House of Representatives shall designate a member of the House  
78 of Representatives appointed under Subsection (1)(b) as a cochair of the commission.

79 (3) In conducting its business, the commission shall comply with the rules of  
80 legislative interim committees.

81 (4) Salaries and expenses of the members of the commission shall be paid in  
82 accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3, Legislator  
83 Compensation.

84 (5) The Office of Legislative Research and General Counsel shall provide staff support  
85 to the commission.

86 Section 4. Section **63C-4b-104** is enacted to read:

87 **63C-4b-104. Duties -- Interim report.**

88           (1) The commission shall:  
89           (a) convene at least eight times each year;  
90           (b) review and make recommendations on the transfer of federally controlled public  
91 lands to the state;  
92           (c) review and make recommendations regarding the state's sovereign right to protect  
93 the health, safety, and welfare of its citizens as it relates to public lands, including  
94 recommendations concerning the use of funds in the account created in Section [63C-4b-105](#);  
95           (d) study and evaluate the recommendations of the public lands transfer study and  
96 economic analysis conducted by the Public Lands Policy Coordinating Office in accordance  
97 with Section [63J-4-606](#);  
98           (e) coordinate with and report on the efforts of the executive branch, the counties and  
99 political subdivisions of the state, the state congressional delegation, western governors, other  
100 states, and other stakeholders concerning the transfer of federally controlled public lands to the  
101 state including convening working groups, such as a working group composed of members of  
102 the Utah Association of Counties;  
103           (f) study and make recommendations regarding the appropriate designation of public  
104 lands transferred to the state, including stewardship of the land and appropriate uses of the  
105 land;  
106           (g) study and make recommendations regarding the use of funds received by the state  
107 from the public lands transferred to the state; and  
108           (h) receive reports from and make recommendations to the attorney general, the  
109 Legislature, and other stakeholders involved in litigation on behalf of the state's interest in the  
110 transfer of public lands to the state, regarding:  
111           (i) preparation for potential litigation;  
112           (ii) selection of outside legal counsel;  
113           (iii) ongoing legal strategy for the transfer of public lands; and  
114           (iv) use of money:  
115           (A) appropriated by the Legislature for the purpose of securing the transfer of public  
116 lands to the state under Section [63C-4b-105](#); and  
117           (B) disbursed from the Public Lands Litigation Expendable Special Revenue Fund  
118 created in Section [63C-4b-106](#).

119           (2) The commission shall prepare an annual report, including any proposed legislation,  
120 and present the report to the Natural Resources, Agriculture, and Environment Interim  
121 Committee on or before November 30, 2016, and on or before November 30 each year  
122 thereafter.

123           Section 5. Section **63C-4b-105** is enacted to read:

124           **63C-4b-105. Creation of Public Lands Litigation Restricted Account -- Sources of**  
125 **funds -- Uses of funds -- Reports.**

126           (1) There is created a restricted account within the General Fund known as the Public  
127 Lands Litigation Restricted Account.

128           (2) The account created in Subsection (1) consists of money from the following  
129 revenue sources:

130           (a) money received by the commission from other state agencies; and

131           (b) appropriations made by the Legislature.

132           (3) The Legislature may annually appropriate money from the account for the purposes  
133 of asserting, defending, or litigating state and local government rights to the disposition and use  
134 of federal lands within the state as those rights are granted by the United States Constitution,  
135 the Utah Enabling Act, and other applicable law.

136           (4) (a) Any entity that receives money from the account shall, before disbursing the  
137 money to another person for the purposes described in Subsection (3), or before spending the  
138 money appropriated, report to the commission regarding:

139           (i) the amount of the disbursement;

140           (ii) who will receive the disbursement; and

141           (iii) the planned use for the disbursement.

142           (b) The commission may, upon receiving the report under Subsection (4)(a):

143           (i) advise the Legislature and the entity of the commission finding that the  
144 disbursement is consistent with the purposes in Subsection (3); or

145           (ii) advise the Legislature and the entity of the commission finding that the  
146 disbursement is not consistent with the purposes in Subsection (3).

147           Section 6. Section **63C-4b-106** is enacted to read:

148           **63C-4b-106. Creation -- Public Land Litigation Expendable Special Revenue**  
149 **Fund.**

150 (1) There is created an expendable special revenue fund ~~H→ [within the General~~  
 150a ~~Fund]~~ ←H

151 known as the Public Lands Litigation Expendable Special Revenue Fund.

152 (2) The fund shall consist of gifts, grants, donations, or any other conveyance of money  
 153 that may be made to the fund from private sources and other states.

154 (3) The fund shall be administered by the Division of Finance in accordance with  
 155 Subsection (4).

156 (4) (a) The fund may be used only for the purpose of asserting, defending, or litigating  
 157 state and local government rights to the disposition and use of federal lands within the state as  
 158 those rights are granted by the United States Constitution, the Utah Enabling Act, and other  
 159 applicable law.

160 (b) Before each disbursement from the fund, the Division of Finance shall report to the  
 161 commission regarding:

- 162 (i) the sources of the money in the fund;
- 163 (ii) who will receive the disbursement;
- 164 (iii) the planned use of the disbursement; and
- 165 (iv) the amount of the disbursement.

166 (c) The commission may, upon receiving the report under Subsection (4)(b):

167 (i) advise the Legislature and the Division of Finance of the commission finding that  
 168 the disbursement is consistent with the purposes in Subsection (4)(a); or

169 (ii) advise the Legislature and the Division of Finance of the commission finding that  
 170 the disbursement is not consistent with the purposes in Subsection (4)(a).

171 Section 7. Section **63C-4b-107** is enacted to read:

172 **63C-4b-107. Repeal of commission.**

173 The commission is repealed in accordance with Section [63I-1-263](#).

174 Section 8. Section **63I-1-263** is amended to read:

175 **63I-1-263. Repeal dates, Titles 63A to 63M.**

176 (1) Section [63A-4-204](#), authorizing the Risk Management Fund to provide coverage to  
 177 any public school district which chooses to participate, is repealed July 1, 2016.

178 (2) Subsection [63A-5-104](#)(4)(h) is repealed on July 1, 2024.

179 (3) Section [63A-5-603](#), State Facility Energy Efficiency Fund, is repealed July 1, 2016.

180 (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July

181 1, 2018.

182 (5) Title 63C, Chapter 4b, Commission for the Stewardship of Public Lands, is  
183 repealed November 30, 2019.

184 [~~5~~] (6) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July  
185 1, 2020.

186 [~~6~~] (7) Subsection 63G-6a-1402(7) authorizing certain transportation agencies to  
187 award a contract for a design-build transportation project in certain circumstances, is repealed  
188 July 1, 2015.

189 [~~7~~] (8) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed  
190 July 1, 2020.

191 [~~8~~] (9) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2016.

192 [~~9~~] (10) On July 1, 2025:

193 (a) in Subsection 17-27a-404(3)(c)(ii), the language that states "the Resource  
194 Development Coordinating Committee," is repealed;

195 (b) Subsection 23-14-21(2)(c) is amended to read "(c) provide notification of proposed  
196 sites for the transplant of species to local government officials having jurisdiction over areas  
197 that may be affected by a transplant.";

198 (c) in Subsection 23-14-21(3), the language that states "and the Resource Development  
199 Coordinating Committee" is repealed;

200 (d) in Subsection 23-21-2.3(1), the language that states "the Resource Development  
201 Coordinating Committee created in Section 63J-4-501 and" is repealed;

202 (e) in Subsection 23-21-2.3(2), the language that states "the Resource Development  
203 Coordinating Committee and" is repealed;

204 (f) Subsection 63J-4-102(1) is repealed and the remaining subsections are renumbered  
205 accordingly;

206 (g) Subsections 63J-4-401(5)(a) and (c) are repealed;

207 (h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the  
208 word "and" is inserted immediately after the semicolon;

209 (i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);

210 (j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed;

211 and

212 (k) Subsection [63J-4-603\(1\)\(e\)\(iv\)](#) is repealed and the remaining subsections are  
213 renumbered accordingly.

214 ~~[(10)]~~ [\(11\)](#) The Crime Victim Reparations and Assistance Board, created in Section  
215 [63M-7-504](#), is repealed July 1, 2017.

216 ~~[(11)]~~ [\(12\)](#) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,  
217 2017.

218 ~~[(12)]~~ [\(13\)](#) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2018.

219 ~~[(13)]~~ [\(14\)](#) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act,  
220 is repealed January 1, 2021.

221 (b) Subject to Subsection ~~[(13)]~~ [\(14\)\(c\)](#), Sections [59-7-610](#) and [59-10-1007](#) regarding  
222 tax credits for certain persons in recycling market development zones, are repealed for taxable  
223 years beginning on or after January 1, 2021.

224 (c) A person may not claim a tax credit under Section [59-7-610](#) or [59-10-1007](#):

225 (i) for the purchase price of machinery or equipment described in Section [59-7-610](#) or  
226 [59-10-1007](#), if the machinery or equipment is purchased on or after January 1, 2021; or

227 (ii) for an expenditure described in Subsection [59-7-610\(1\)\(b\)](#) or [59-10-1007\(1\)\(b\)](#), if  
228 the expenditure is made on or after January 1, 2021.

229 (d) Notwithstanding Subsections ~~[(13)]~~ [\(14\)\(b\)](#) and (c), a person may carry forward a  
230 tax credit in accordance with Section [59-7-610](#) or [59-10-1007](#) if:

231 (i) the person is entitled to a tax credit under Section [59-7-610](#) or [59-10-1007](#); and

232 (ii) (A) for the purchase price of machinery or equipment described in Section  
233 [59-7-610](#) or [59-10-1007](#), the machinery or equipment is purchased on or before December 31,  
234 2020; or

235 (B) for an expenditure described in Subsection [59-7-610\(1\)\(b\)](#) or [59-10-1007\(1\)\(b\)](#), the  
236 expenditure is made on or before December 31, 2020.

237 ~~[(14)]~~ [\(15\)](#) Section [63N-2-512](#) is repealed on July 1, 2021.

238 ~~[(15)]~~ [\(16\)](#) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed  
239 January 1, 2021.

240 (b) Section [59-9-107](#) regarding tax credits against premium taxes is repealed for  
241 calendar years beginning on or after January 1, 2021.

242 (c) Notwithstanding Subsection ~~[(15)]~~ [\(16\)\(b\)](#), an entity may carry forward a tax credit



243 in accordance with Section 59-9-107 if:

244 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December  
245 31, 2020; and

246 (ii) the qualified equity investment that is the basis of the tax credit is certified under  
247 Section 63N-2-603 on or before December 31, 2023.

248 ~~[(16)]~~ (17) Title 63N, Chapter 12, Part 3, Utah Broadband Outreach Center, is repealed  
249 July 1, 2018.

250 Section 9. **Uncodified Section 5, Laws of Utah 2014, Chapter 319** is amended to  
251 read:

252 Section 5. **Repeal date.**

253 (1) ~~Uncodified [Sections 2, 3, and]~~ Section 4, that ~~[create]~~ appropriates for the  
254 Commission for the Stewardship of Public Lands, ~~[are]~~ is repealed on November 30, 2019.

255 (2) Uncodified Sections 2 and 3 that create the Commission for the Stewardship of  
256 Public Lands are repealed on July 1, 2016, which is the effective date for Title 63C, Chapter  
257 4b, Commission for the Stewardship of Public Lands.

258 Section 10. **Effective date.**

259 This bill takes effect on July 1, 2016.