

HB0287S01 compared with HB0287

~~{deleted text}~~ shows text that was in HB0287 but was deleted in HB0287S01.

inserted text shows text that was not in HB0287 but was inserted into HB0287S01.

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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: _____

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 ~~{a}~~Public Lands Litigation ~~{Restricted Account}~~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;

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- ▶ 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; ~~{and}~~
- ▶ establishes the purpose of the account;
- ▶ requires a report to the Commission for the Stewardship of Public Lands before money appropriated from the account is spent;
- ▶ creates the Public Lands Litigation Expendable Special Revenue Fund;
- ▶ establishes the purpose of the Public Lands Litigation Expendable Special Revenue Fund, which includes accepting contributions and donations for litigation related to public lands; and
- ▶ requires the Division of Finance to report to the Commission for the Stewardship of Public Lands before disbursing money from the fund.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

63I-1-263, as last amended by Laws of Utah 2015, Chapters 182, 226, 278, 283, 409, and 424

ENACTS:

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

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

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

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

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

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

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

Uncodified Material Affected:

AMENDS UNCODIFIED MATERIAL:

Uncodified Section 5, Laws of Utah 2014, Chapter 319

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

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

CHAPTER 4b. COMMISSION FOR THE STEWARDSHIP OF PUBLIC LANDS

63C-4b-101. Title.

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

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

63C-4b-102. Definitions.

For purposes of this chapter:

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

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

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

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

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

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

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

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

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

(3) In conducting its business, the commission shall comply with the rules of

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legislative interim committees.

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

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

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

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

(1) The commission shall:

(a) convene at least eight times each year;

(b) review and make recommendations on the transfer of federally controlled public lands to the state;

(c) review and make recommendations regarding the state's sovereign right to protect the health, safety, and welfare of its citizens as it relates to public lands, including recommendations concerning the use of funds in the account created in Section 63C-4b-105;

(d) study and evaluate the recommendations of the public lands transfer study and economic analysis conducted by the Public Lands Policy Coordinating Office in accordance with Section 63J-4-606;

(e) coordinate with and report on the efforts of the executive branch, the counties and political subdivisions of the state, the state congressional delegation, western governors, other states, and other stakeholders concerning the transfer of federally controlled public lands to the state including convening working groups, such as a working group composed of members of the Utah Association of Counties;

(f) study and make recommendations regarding the appropriate designation of public lands transferred to the state, including stewardship of the land and appropriate uses of the land;

(g) study and make recommendations regarding the use of funds received by the state from the public lands transferred to the state; and

(h) receive reports from and make recommendations to the attorney general, [the Legislature](#), and other stakeholders involved in litigation on behalf of the state's interest in the transfer of public lands to the state, regarding:

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- (i) preparation for potential litigation;
- (ii) selection of outside legal counsel;
- (iii) ongoing legal strategy for the transfer of public lands; and
- (iv) use of money;

(A) appropriated by the Legislature for the purpose of securing the transfer of public lands to the state; ~~f;~~ under Section 63C-4b-105; and

(B) disbursed from the Public Lands Litigation Expendable Special Revenue Fund created in Section 63C-4b-106.

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

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

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

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

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

~~{~~ (a) money deposited into the account as required by Section 53C-3-203;

~~_____~~ (b) voluntary contributions;

~~}~~ (~~f~~~~c~~)a) money received by the commission from other state agencies; and

(~~f~~~~d~~)b) appropriations made by the Legislature.

(3) The Legislature may annually appropriate money from the account ~~{~~ to one or more of the following:

~~_____~~ (a) the Office of the Attorney General, to be used only:

~~_____~~ (i) ~~}~~ for **the purposes of** asserting, defending, or litigating state and local government rights to the disposition and use of federal lands within the state as those rights are granted by the United States Constitution, the Utah Enabling Act, and other applicable law ~~{~~; or

~~_____~~ (ii) for an action filed in accordance with Section 67-5-29;

~~_____~~ (b) the commission to fund the commission and its duties;

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~~— (c) the Public Lands Policy Coordinating Office to carry out its duties in Section 63J-4-603, and~~

~~— (d) the Office of Legislative Research and General Counsel to provide staff support to the commission.~~

~~— (4) The commission shall require that any entity, other than the commission, }~~

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

(i) the amount of the disbursement;

(ii) who will receive the disbursement; and

(iii) the planned use for the disbursement.

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

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

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

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

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

(1) There is created an expendable special revenue fund within the General Fund known as the Public Lands Litigation Expendable Special Revenue Fund.

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

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

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

(b) Before each disbursement from the fund, the Division of Finance shall report to the

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commission regarding:

(i) the sources of the money in the fund;

(ii) who will receive the disbursement;

(iii) the planned use of the disbursement; and

(iv) the amount of the disbursement.

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

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

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

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

~~63C-4b-106~~; 63C-4b-107. **Repeal of commission.**

The commission is repealed in accordance with Section 63I-1-263.

Section ~~{7}~~8. Section **63I-1-263** is amended to read:

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

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

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

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

(4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2018.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(k) Subsection 63J-4-603(1)(e)(iv) is repealed and the remaining subsections are renumbered accordingly.

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

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

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

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

(b) Subject to Subsection ~~[(13)]~~ (14)(c), Sections 59-7-610 and 59-10-1007 regarding tax credits for certain persons in recycling market development zones, are repealed for taxable

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years beginning on or after January 1, 2021.

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

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

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

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

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

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

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

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

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

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

(c) Notwithstanding Subsection ~~[(15)]~~ (16)(b), an entity may carry forward a tax credit in accordance with Section 59-9-107 if:

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

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

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

Section ~~{8}~~9. **Uncodified Section 5, Laws of Utah 2014, Chapter 319** is amended to read:

Section 5. **Repeal date.**

(1) Uncodified [~~Sections 2, 3, and~~] Section 4, that [~~create~~] appropriates for the

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Commission for the Stewardship of Public Lands, [are] is repealed on November 30, 2019.

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

Section ~~{9}~~10. **Effective date.**

This bill takes effect on July 1, 2016.

†

Legislative Review Note

~~Office of Legislative Research and General Counsel~~