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FEDERAL DESIGNATIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: _____

LONG TITLE

General Description:

This bill relates to a governmental entity that advocates or lobbies for a federal designation within the state.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ states that a governmental entity may not advocate or lobby for a federal designation within the state unless the Legislature passes a concurrent resolution in favor of the proposed federal designation; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63L-2-101, as enacted by Laws of Utah 2008, Chapter 382

63L-2-201, as last amended by Laws of Utah 2015, Chapter 84

ENACTS:

63L-2-301, Utah Code Annotated 1953



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

Section 1. Section **63L-2-101** is amended to read:

**CHAPTER 2. TRANSFER OF STATE LANDS TO UNITED STATES GOVERNMENT
AND FEDERAL DESIGNATIONS**

63L-2-101. Title.

This chapter is known as ~~[the]~~ "Transfer of State Lands to United States Government
~~[Act]~~ and Federal Designations."

Section 2. Section **63L-2-201** is amended to read:

63L-2-201. Federal government acquisition of real property in the state.

(1) As used in this ~~[chapter]~~ section:

(a) "Governmental entity" means:

(i) an agency, as that term is defined in Subsection **63G-10-102(2)**;

(ii) the School and Institutional Trust Lands Administration created in Section
53C-1-201;

(iii) the School and Institutional Trust Lands Board of Trustees created in Section
53C-1-202; or

(iv) a county.

(b) "Governmentally controlled land" means land owned or managed by a
governmental entity.

(2) (a) Before legally binding the state by executing an agreement to sell or transfer to
the United States government 500 or more acres of governmentally controlled land or school
and institutional trust lands, a governmental entity shall submit the agreement or proposal:

(i) to the Legislature for its approval or rejection; or

(ii) in the interim, to the Legislative Management Committee for review of the
agreement or proposal.

(b) The Legislative Management Committee may:

(i) recommend that the governmental entity execute the agreement or proposal;

(ii) recommend that the governmental entity reject the agreement or proposal; or

(iii) recommend to the governor that the governor call a special session of the
Legislature to review and approve or reject the agreement or proposal.

59 (3) Before legally binding the state by executing an agreement to sell or transfer to the
60 United States government less than 500 acres of any governmentally controlled land or school
61 and institutional trust lands, a governmental entity shall notify the Natural Resources,
62 Agriculture, and Environment Interim Committee.

63 (4) Notwithstanding Subsections (2) and (3), the Legislature approves all conveyances
64 of school trust lands to the United States government made for the purpose of completing the
65 Red Cliffs National Conservation Area in Washington County.

66 (5) A governmental entity may, in its discretion, give written notice to the Legislative
67 Management Committee of formal negotiations it enters into with a federal agent or entity
68 intended or likely to result in:

69 (a) the sale, exchange, or transfer of specific governmentally controlled land or school
70 and institutional trust lands to the federal government; or

71 (b) designation of specific governmentally controlled land or school and institutional
72 trust lands as a federal park, monument, or wilderness area.

73 Section 3. Section **63L-2-301** is enacted to read:

74 **Part 3. Federal Designations and Local Advocacy**

75 **63L-2-301. Promoting or lobbying for federal designations within the state.**

76 (1) As used in this section:

77 (a) "Federal designation" means the designation of a:

78 (i) national monument;

79 (ii) national conservation area;

80 (iii) wilderness area or wilderness study area;

81 (iv) area of critical environmental concern;

82 (v) research natural area; or

83 (vi) national recreation area.

84 (b) "Governmental entity" means:

85 (i) any state-funded institution of higher education or public education;

86 (ii) any political subdivision of the state;

87 (iii) every office, agency, board, bureau, committee, department, advisory board, or
88 commission that is funded or established by the government to carry out the public's business,
89 regardless of whether the office, agency, board, bureau, committee, department, advisory

90 board, or commission is composed entirely of public officials or employees;
91 (iv) as defined in Section 11-13-103, an interlocal entity or joint or cooperative
92 undertaking;
93 (v) as defined in Section 11-13a-102, a governmental nonprofit corporation; and
94 (vi) an association as defined in Section 53A-1-1601.
95 (2) A governmental entity, or a person employed by and representing a governmental
96 entity, may not advocate or lobby for a federal designation within the state unless:
97 (a) the governmental entity takes the proposed federal designation to the Legislature;
98 and
99 (b) the Legislature passes a concurrent resolution in support of the proposed federal
100 designation.
101 (3) Nothing in this section prohibits an individual, in the individual's private capacity,
102 from advocating or lobbying for a federal designation.

Legislative Review Note
Office of Legislative Research and General Counsel