

**Representative Michael E. Noel** proposes the following substitute bill:

**FEDERAL DESIGNATIONS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael E. Noel**

Senate Sponsor: David P. Hinkins

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**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;
- ▶ requires a governmental entity that is advocating for a federal designation within the state to bring the proposal to the Natural Resources, Agriculture, and Environment interim committee for feedback; 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



26 ENACTS:

27 **63L-2-301**, Utah Code Annotated 1953



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

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

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

33 **63L-2-101. Title.**

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

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

37 **63L-2-201. Federal government acquisition of real property in the state.**

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

39 (a) "Governmental entity" means:

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

41 (ii) the School and Institutional Trust Lands Administration created in Section  
42 **53C-1-201**;

43 (iii) the School and Institutional Trust Lands Board of Trustees created in Section  
44 **53C-1-202**; or

45 (iv) a county.

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

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

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

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

54 (b) The Legislative Management Committee may:

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

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

57 (iii) recommend to the governor that the governor call a special session of the  
58 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) (i) "Governmental entity" means:

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

86 (B) any political subdivision of the state;

87 (C) 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 (D) as defined in Section [11-13-103](#), an interlocal entity or joint or cooperative  
92 undertaking;

93 (E) as defined in Section [11-13a-102](#), a governmental nonprofit corporation; and

94 (F) an association as defined in Section [53A-1-1601](#).

95 (ii) "Governmental entity" does not mean:

96 (A) the School and Institutional Trust Lands Administration created in Section  
97 [53C-1-201](#); or

98 (B) the School and Institutional Trust Lands Board of Trustees created in Section  
99 [53C-1-202](#).

100 (2) (a) A governmental entity, or a person employed by and representing a  
101 governmental entity, may engage in investigating the possibility of a federal designation within  
102 the state.

103 (b) A governmental entity that intends to advocate for a federal designation within the  
104 state shall bring the proposed designation to the Natural Resources, Agriculture, and  
105 Environment interim committee for the committee's feedback.