

HB0272S01 compared with HB0272

~~{deleted text}~~ shows text that was in HB0272 but was deleted in HB0272S01.

Inserted text shows text that was not in HB0272 but was inserted into HB0272S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Michael K. McKell proposes the following substitute bill:

UTAH LAKE AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions dealing with restoring Utah Lake.

Highlighted Provisions:

This bill:

- ▶ ~~{creates a review panel to review and evaluate proposals}~~ contains legislative findings on the condition of Utah Lake;
- ▶ authorizes the Division of Forestry, Fire, and State Lands to dispose of state land in exchange for the execution of a project for the comprehensive restoration of Utah Lake;

~~→ establishes review panel authority, membership, and duties;~~

~~→ provides a process and criteria for evaluating proposals to restore Utah Lake; and~~

~~→ gives the panel exclusive authority to evaluate proposals and authorizes the panel to~~

HB0272S01 compared with HB0272

~~accept a proposal~~ and

- ▶ provides for land transferred to a private party to become subject to applicable land use provisions of state law.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

65A-15-101, Utah Code Annotated 1953

65A-15-102, Utah Code Annotated 1953

65A-15-103, Utah Code Annotated 1953

65A-15-201, Utah Code Annotated 1953

65A-15-202, Utah Code Annotated 1953

~~{ 65A-15-203, Utah Code Annotated 1953~~

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

Section 1. Section 65A-15-101 is enacted to read:

CHAPTER 15. UTAH LAKE RESTORATION ACT

Part 1. General Provisions

65A-15-101. Title.

This chapter is known as the "Utah Lake Restoration Act."

Section 2. Section 65A-15-102 is enacted to read:

65A-15-102. Definitions.

As used in this chapter:

- (1) "~~{Applicant}~~" means a person who submits a proposal.
- (2) "Offering" means an offering entitled "Utah Lake Land Exchange Offering," issued by the division, with open dates of November 27, 2017 to January 8, 2018.
- (3) "Panel" means the review panel created in Section 65A-15-201.
- (4) "Project" means a ~~{~~Restoration project" means a project for the comprehensive restoration of Utah Lake, as ~~{described}~~ provided in ~~{the offering}~~ this chapter.

HB0272S01 compared with HB0272

~~(5)2~~ ~~“Proposal”~~ Restoration proposal means a proposal ~~for the project,~~ submitted to the division ~~within the time specified in the offering;~~ for a restoration project.

Section 3. Section ~~65A-15-201~~ 65A-15-103 is enacted to read:

~~Part 2. Utah Lake Land Exchange Review Panel~~

~~65A-15-201. Panel creation, membership, authority, and duties:~~

~~(1) There is created the Utah Lake Land Exchange Review Panel, consisting of:~~

~~(a) the governor, or the governor's designee;~~

~~(b) the president of the Senate, or the president's designee;~~

~~(c) the speaker of the House of Representatives, or the speaker's designee;~~

~~(d) the executive director of the Department of Natural Resources, or the executive director's designee;~~

~~(e) the executive director of the Department of Environmental Quality, or the executive director's designee;~~

~~(f) the executive director of the Utah Lake Commission, created by interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, or the executive director's designee; and~~

~~(g) the coordinator of the sovereign lands program, established within the division, or the coordinator's designee;~~

~~(2) The governor or the governor's designee:~~

~~(a) is the chair of the panel; and~~

~~(b) may appoint a vice chair from among panel members to conduct panel meetings in the chair's absence;~~

~~(3) A panel member may not receive compensation or benefits for the member's service on the panel, but may receive per diem and travel expenses in accordance with:~~

~~(a) Sections 63A-3-106 and 63A-3-107; and~~

~~(b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107;~~ 65A-15-103. Legislative findings.

The Legislature finds that:

(1) Utah Lake currently faces serious challenges, including:

(a) fluctuating lake levels;

(b) uncontrolled, toxic algal blooms;

HB0272S01 compared with HB0272

(c) loss of native vegetation;

(d) invasive fish and plant species;

(e) loss of littoral zone plants;

(f) suspended silt on the lake bottom;

(g) poor water clarity;

(h) heavy nutrient loading of lake sediments and within the water column; and

(i) high wind and wave action;

(2) initial conservation efforts are producing measurable results and demonstrate that conservation solutions can produce restoration objective on Utah Lake;

(3) additional and significant conservation investments are needed to implement the comprehensive solutions needed to fully restore Utah Lake and its water quality;

(4) there is not a reasonable public funding source to undertake the comprehensive solutions needed to restore Utah Lake; and

(5) it is in the interest of the state to undertake a comprehensive restoration of Utah Lake for the benefit of public trust uses on the lake.

Section 4. Section ~~{65A-15-202}~~ 65A-15-201 is enacted to read:

Part 2. Utah Lake Restoration Project

~~{65A-15-202}~~ 65A-15-201. ~~{ Panel authority and responsibilities:~~

~~— (1) The panel has exclusive authority to review and evaluate and accept or reject proposals:~~

~~— (2) The panel:~~

~~— (a) shall review and evaluate all proposals submitted in response to the offering;~~

~~— (b) is not required to accept any proposal; and~~

~~— (c) may accept only one proposal:~~

~~— (3) The panel shall complete its review and evaluation of proposals and determine whether to accept or reject a proposal no later than June 1, 2018.~~

~~— (4) In reviewing and evaluating proposals and determining whether to accept or reject a proposal, the panel shall consider:~~

~~— (a) whether the proposal accomplishes the state's objectives of:~~

~~— (i) restoring} Division authority to dispose of sovereign land in exchange for Utah Lake restoration project -- Criteria.~~

HB0272S01 compared with HB0272

(1) The division may dispose of appropriately available state land in and around Utah Lake as compensation for the comprehensive restoration of Utah Lake under a restoration proposal if the division finds that the restoration project will:

- (a) restore the clarity and quality of the water in Utah Lake;
- (~~iii~~)b) ~~conserving~~ conserve water resources in and around Utah Lake;
- (~~iiii~~)c) ~~preserving~~ preserve the water storage and water supply functions of Utah Lake;
- (~~iv~~)d) ~~removing~~ remove invasive plant and animal species, including phragmites and carp, from Utah Lake;
- (~~v~~)e) ~~restoring~~ restore littoral zone and other plant communities in and around Utah Lake;
- (~~vi~~)f) ~~restoring~~ restore and ~~conserving~~ conserve native fish and other aquatic species in Utah Lake, including ~~the~~ Bonneville cutthroat trout and June Sucker;
- (~~vii~~)g) ~~increasing~~ increase the suitability of Utah Lake and its surrounding ~~area~~ areas for shore birds, waterfowl, and other avian species;
- (~~viii~~)h) ~~improving~~ improve navigability of Utah Lake;
- (~~ix~~)i) ~~maximizing~~ maximize, ~~enhancing~~ enhance, and ~~ensuring~~ ensure recreational access and opportunities on Utah Lake; and
- (~~x~~)j) otherwise ~~improving~~ improve the use of Utah Lake for residents and visitors ~~f~~ ~~b~~.

(2) In determining whether to dispose of state land in exchange for the execution of a restoration project, as provided in Subsection (1) and pursuant to a restoration proposal, the division shall consider:

- (a) the potential ~~that~~ the ~~proposal~~ restoration project presents for additional revenue to state and local government entities;
- (~~c~~)b) the ability of the proposed use of the state land given in exchange for the restoration project to enhance state property adjacent to Utah Lake;
- (~~d~~)c) the proposed timetable for completion of the restoration project;
- (~~e~~)d) the ability of the ~~applicant~~ person who submits a restoration project to execute and complete the restoration project satisfactorily; and
- (~~f~~)e) the desirability of the proposed use of Utah Lake and the surrounding areas as a

HB0272S01 compared with HB0272

result of the ~~project~~.

~~— (5) The panel may request an applicant to provide and may receive from an applicant additional information beyond that included within the applicant's proposal.~~

~~— (6) If the panel accepts a proposal, the panel shall:~~

~~— (a) prepare a report that:~~

~~— (i) summarizes the panel's evaluation of proposals;~~

~~— (ii) explains the panel's evaluation of the accepted proposal under each of the criteria listed in Subsection (4); and~~

~~— (iii) explains why the panel accepted the proposal;~~

~~— (b) make the report under Subsection (6)(a) public, including posting the report on the division's website; and~~

~~— (c) direct the division to take all necessary steps to implement the project, as set forth in the accepted proposal, including the exchange of state lands appropriately available for exchange in implementing the project.~~

~~restoration project~~.

Section 5. Section ~~{65A-15-203}~~ 65A-15-202 is enacted to read:

~~65A-15-203. Panel procedures:~~

~~— (1) The panel may establish procedures to govern its proceedings and the performance of its duties under Section 65A-15-202.~~

~~— (2) The panel is not subject to Title 63G, Chapter 4, Administrative Procedures}~~ 65A-15-202. Status of state lands after a change in ownership.

Once the division transfers ownership of state land to a private party in exchange for and in furtherance of a restoration project, the land becomes subject to, as applicable:

(1) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or

(2) Title 17, Chapter 27a, County Land Use, Development, and Management Act.

Section 6. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

†

HB0272S01 compared with HB0272

Legislative Review Note

Office of Legislative Research and General Counsel