

HB0078S01 compared with HB0078

~~{deleted text}~~ shows text that was in HB0078 but was deleted in HB0078S01.

Inserted text shows text that was not in HB0078 but was inserted into HB0078S01.

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 Carl R. Albrecht proposes the following substitute bill:

FEDERAL DESIGNATIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Senate Sponsor: ~~{_____}~~ David P. Hinkins

LONG TITLE

General Description:

This bill ~~{amends and enacts provisions regarding}~~ addresses a political subdivision's support for federal designations ~~{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 review}~~ addresses a political subdivision's official support of land use designation proposed in proposed congressional land use legislation and the process for review, approval, and disapproval; and

▶ makes technical ~~{and conforming}~~ changes.

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Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~{63L-2-101}~~63J-8-106, as ~~{enacted}~~repealed and reenacted by Laws of Utah ~~{2008,~~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}~~2012, Chapter 165

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

Section 1. Section 63J-8-106 is amended to read:

**63J-8-106. ~~{County supported federal}~~Political subdivision official support of
land use designation proposed in proposed congressional land use legislation -- Process
for ~~{legislative }review{ of proposed federal legislation land use within a county}~~,
approval, and disapproval.**

(1) (a) Notwithstanding any other provision of ~~[this chapter, the]~~ law, this section
applies.

(b) The Legislature may, in accordance with this section, ~~[recommend to the Utah~~
~~congressional delegation]~~ review, approve, or disapprove proposed congressional land use
legislation that is supported by a ~~{county}.~~

~~_____ (b) A }~~ [county] political subdivision, and make recommendations accordingly to the
Utah congressional delegation.

~~[(b)]~~ (c) A [county that fails to {comply} comply] political subdivision of this state
may not officially support a proposed congressional land use designation unless:

(i) the political subdivision complies with the requirements of this section ~~[may not~~
communicate or otherwise represent in any way that a federal land use designation contained in
proposed congressional land use legislation has the support or approval of the Legislature. ~~{~~

~~_____ (2) }~~]; and

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(ii) a concurrent resolution is adopted by the Legislature and signed by the governor, approving and supporting the proposed congressional land use designation.

(2) [If a county supports] A political subdivision seeking approval to officially support a federal land use designation contained in proposed congressional land use legislation~~[, the county]~~ shall:

(a) prepare a report on the proposed congressional land use legislation in accordance with Subsection (3);

(b) draft a concurrent resolution for a legislative committee's consideration, in accordance with Subsection (7)(a), in support of the proposed congressional land use legislation; and

(c) subject to Subsection (4)(a), deliver the report and draft concurrent resolution to the office.

(3) The report required in Subsection (2)(a) shall include:

(a) a copy of the proposed congressional land use legislation;

(b) a detailed description of the land or watercourse proposed for a federal land use designation, including:

(i) the total acres of federal land proposed for a federal land use designation;

(ii) (A) a map showing the location of the land or watercourse; and

(B) the proposed type of federal land use designation for each location;

(iii) a proposed land conveyance or land proposed for auction by the ~~[BLM]~~ Bureau of Land Management, if any; and

(iv) (A) school and institutional trust land, as defined in Section 53C-1-103, proposed for a land exchange, if any; and

(B) whether the ~~[county]~~ political subdivision has coordinated with ~~[SITLA]~~ the School and Institutional Trust Land Administration on the proposed land exchange;

(c) an explanation of whether a federal land use designation will assist in resolving long-standing public lands issues, such as wilderness disputes, economic development, recreational use, and access to public lands;

(d) a narrative description of the economic, recreational, and cultural impacts, taken as a whole, on a ~~[county]~~ political subdivision and the state that would occur if Congress adopted the proposed congressional land use legislation, including an impact on state revenues;

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(e) an account of actions, if any, proposed in a federal land use designation to minimize impacts on:

(i) resource extraction activities occurring on the land or in the watercourse proposed for a federal land use designation, including mining and energy development; and

(ii) motorized recreational use and public access;

(f) a summary of potential benefits gained by the [county] political subdivision and state if Congress adopts the proposed congressional land use legislation;

(g) a description of the stakeholders and their positions on a federal land use designation;

(h) whether land identified for a federal land use designation is [BLM] Bureau of Land Management recommended wilderness;

(i) an explanation of what the proposed congressional land use legislation proposes for federal land [located in the county] other than, but located within the same political subdivision as the land identified for the federal land use designation;

(j) (i) a description of the impact that, if adopted by Congress, the proposed congressional land use legislation would have on access to roads currently identified as part of an adopted [county] political subdivision transportation plan as described in Section 63J-4-401; and

(ii) if a federal land use designation proposes to close a road described in Subsection (3)(j)(i), an explanation for the road closure and a copy of the minutes of any [county] political subdivision public hearing in which the proposed road closures were discussed and public comment was taken;

(k) (i) a description of a proposed resolution for an R.S. 2477 right-of-way, if any, located within the area identified in a federal land use designation; and

(ii) whether a proposed resolution described in Subsection (3)(k)(i) would include a quiet title action concerning an R.S. 2477 right-of-way;

(l) an explanation of whether a federal land use designation proposes a hard release [of all] from special designation for the public lands and watercourses not included in the federal land use designation, placing the land and watercourses in multiple use management;

(m) an explanation of whether a federal land use designation proposes a prohibition on further federal action under the Antiquities Act of 1906, 16 U.S.C. Sec. 431 et seq.;

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(n) a narrative description of a federal land use designation's interaction with, if any, a regional haze rule adopted by the United States Environmental Protection Agency;

(o) an explanation of whether a federal land use designation would authorize best management practices as part of an active effort to control on the land or watercourse proposed for a federal land use designation:

(i) wildfire;

(ii) invasive species, including insects; and

(iii) disease;

(p) if applicable, a statement as to whether a federal land use designation would allow for the continuation of existing grazing permits;

(q) a statement as to the presence or need of passive water management facilities or activities for livestock or wildlife, such as guzzlers or fencing, for the management of wildlife or livestock;

(r) if a federal land use designation identifies land that has oil, gas, or mineral deposits, an explanation as to why the federal land use designation includes the land;

(s) (i) a statement as to whether a federal land use designation:

(A) affects or gives rise to any land [or a] watercourse, buffer zone, or view shed restriction located exclusively within the [county] political subdivision where the federal land use designation is located; or

(B) affects or gives rise to, whether by an actual federal land use designation or by implication if a federal land use designation is adopted, any land [or a] watercourse, buffer zone, or view shed restriction located in another [county] political subdivision beyond where the federal land use designation is located; and

(ii) if the land use proposal would affect or give rise to any land [or a] watercourse, buffer zone, or view shed restriction located in another ~~{county, whether that county}~~ [county] political subdivision beyond where the federal land use designation is located, whether that [county] other political subdivision supports the proposed congressional land use legislation;

(t) an explanation of whether a proposed land use designation designates land as wilderness in the National Wilderness Preservation System or designates land as a national conservation area that is not part of:

(i) [BLM] Bureau of Land Management recommended wilderness; or

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(ii) Forest Service land recommended for wilderness designation in RARE II; and

(u) a statement explaining whether and to what extent members of Utah's congressional delegation and their staff were consulted in preparing the proposed congressional land use legislation and the federal land use designation contained therein.

(4) (a) No later than 60 days before delivering a report and draft concurrent resolution in accordance with Subsection (2), a [county] political subdivision shall contact and inform the office of the [county's] political subdivision's intention to prepare and deliver the report and draft concurrent resolution.

(b) The office may give general guidance to a [county] political subdivision described in Subsection (4)(a), as requested, as to compliance with this section.

(5) The office shall prepare an evaluation of the [county's] political subdivision's report, including whether the [county] political subdivision has addressed each matter described in Subsection (3).

(6) The office shall deliver the evaluation described in Subsection (5), including a copy of the [county's] political subdivision's report, the proposed congressional land use legislation, and the draft concurrent resolution, no later than 30 days after receiving the [county's] political subdivision's report:

(a) if the Legislature is not in session, and subject to Subsection (6)(b), to the chair of the Natural Resources, Agriculture, and Environment Interim Committee; or

(b) if the Legislature is in session or there are no scheduled meetings of the Natural Resources, Agriculture, and Environment Interim Committee before the beginning of the next legislative session, to the chair of either the House Natural Resources, Agriculture, and Environment Committee or the Senate Natural Resources, Agriculture, and Environment Committee.

(7) (a) At a committee's next scheduled meeting after receiving a report, the draft concurrent resolution, and a copy of the proposed congressional land use legislation, the committee shall:

(i) review:

(A) the [county's] political subdivision's report;

(B) the draft concurrent resolution, if the concurrent resolution has a legislative sponsor; and

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(C) the office's evaluation;

(ii) if the draft concurrent resolution is presented to the committee, consider whether to ~~[approve or reject]~~ recommend or not recommend the draft concurrent resolution;

(iii) if the draft concurrent resolution is ~~[rejected]~~ not recommended, provide direction to the ~~[county]~~ political subdivision as to the reasons the resolution was ~~[rejected]~~ not recommended and the actions, if any, that the ~~[county]~~ political subdivision might take to secure committee ~~[approval]~~ recommendation of the resolution; and

(iv) take any additional action the committee finds necessary.

(b) A legislative committee may not accept for review a ~~[county-supported]~~ political subdivision-supported federal land use designation contained in proposed congressional land use legislation that does not meet the requirements of this section.

(8) (a) If the committee ~~[rejects]~~ does not recommend the draft concurrent resolution, a ~~[county]~~ political subdivision may resubmit a revised report and draft concurrent resolution to the office in accordance with the terms of this section.

(b) Upon receipt of a revised report and draft concurrent resolution, the office shall comply with the procedures set forth in this section.

(c) Upon receipt of a revised report, evaluation, and draft concurrent resolution by the office, a committee described in Subsection (6) shall comply with the procedures set forth in this section.

(9) The governor may call a special session to consider the concurrent resolution presented to and ~~[approved]~~ recommended by a committee described in Subsection (7)(a).

(10) If a concurrent resolution described in this section is adopted by the Legislature and signed by the governor, the Office of the Governor shall forward a copy of the concurrent resolution, the ~~[county's]~~ political subdivision's report, and the proposed congressional land use legislation to Utah's congressional delegation.

~~{~~ ~~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."~~

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~~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.~~

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

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

~~(5) A governmental entity may, in [its] the governmental entity's discretion, give~~

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~~written notice to the Legislative Management Committee of formal negotiations [it] the governmental entity enters into with a federal agent or entity intended or likely to result in:~~

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

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

~~—— Section 3. Section ~~63L-2-301~~ is enacted to read:~~

~~Part 3. Federal Designations and Local Advocacy~~

~~—— ~~63L-2-301. Promoting or lobbying for a federal designation within the state.~~~~

~~—— (1) As used in this section:~~

~~—— (a) "Federal designation" means the designation of a:~~

~~—— (i) national monument;~~

~~—— (ii) national conservation area;~~

~~—— (iii) wilderness area or wilderness study area;~~

~~—— (iv) area of critical environmental concern;~~

~~—— (v) research natural area; or~~

~~—— (vi) national recreation area.~~

~~—— (b) (i) "Governmental entity" means:~~

~~—— (A) a state-funded institution of higher education or public education;~~

~~—— (B) a political subdivision of the state;~~

~~—— (C) an office, agency, board, bureau, committee, department, advisory board, or~~

~~commission that the government funds or establishes to carry out the public's business;~~

~~regardless of whether the office, agency board, bureau, committee, department, advisory board,~~

~~or commission is composed entirely of public officials or employees;~~

~~—— (D) an interlocal entity as defined in Section 11-13-103 or a joint or cooperative undertaking as defined in Section 11-13-103;~~

~~—— (E) a governmental nonprofit corporation as defined in Section 11-13a-102; or~~

~~—— (F) an association as defined in Section 53G-7-1101.~~

~~—— (ii) "Governmental entity" does not mean:~~

~~—— (A) the School and Institutional Trust Lands Administration created in Section 53C-1-201; or~~

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~~—— (B) the School and Institutional Trust Lands Board of Trustees created in Section 53C-1-202.~~

~~—— (2) (a) A governmental entity, or a person a governmental entity employs and designates as a representative, may investigate the possibility of a federal designation within the state.~~

~~—— (b) A governmental entity that intends to advocate for a federal designation within the state shall bring the proposed designation to the Natural Resources, Agriculture, and Environment Interim Committee for the committee's review.~~

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