

**Representative Casey Snider** proposes the following substitute bill:

**FEDERAL DESIGNATIONS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carl R. Albrecht**

Senate Sponsor: David P. Hinkins

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**LONG TITLE**

**General Description:**

This bill addresses a political subdivision's support for federal designations.

**Highlighted Provisions:**

This bill:

▶ addresses a political subdivision's assertion that the Legislature supports land use designation proposed in proposed congressional land use legislation and the process for review, approval, and disapproval; and

▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63J-8-106**, as repealed and reenacted by Laws of Utah 2012, Chapter 165

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

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



26           **63J-8-106. Political subdivision official support of land use designation proposed**  
27 **in proposed congressional land use legislation -- Process for review, approval, and**  
28 **disapproval.**

29           (1) (a) Notwithstanding any other provision of [~~this chapter, the Legislature may, in~~  
30 ~~accordance with this section, recommend to the Utah congressional delegation proposed~~  
31 ~~congressional land use legislation that is supported by a county.] law, this section applies to a  
32 political subdivision's assertion that the Legislature supports a land use designation proposed  
33 by congressional language use legislation.~~

34           (b) A [~~county~~] political subdivision that fails to comply with the requirements of this  
35 section may not communicate or otherwise represent in any way that a federal land use  
36 designation contained in proposed congressional land use legislation has the support or  
37 approval of the Legislature.

38           (2) [~~If a county supports~~] A political subdivision seeking approval to represent that the  
39 Legislature supports a federal land use designation contained in proposed congressional land  
40 use legislation[~~, the county~~] shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

71 (ii) motorized recreational use and public access;

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

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

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

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

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

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

88 comment was taken;

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

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

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

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

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

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

103 (i) wildfire;

104 (ii) invasive species, including insects; and

105 (iii) disease;

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

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

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

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

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

117 (B) affects or gives rise to, whether by an actual federal land use designation or by  
118 implication if a federal land use designation is adopted, any land [or a], watercourse, buffer

119 zone, or view shed restriction located in another [county] political subdivision beyond where  
120 the federal land use designation is located; and

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

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

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

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

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

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

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

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

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

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

148 (b) if the Legislature is in session or there are no scheduled meetings of the Natural  
149 Resources, Agriculture, and Environment Interim Committee before the beginning of the next

150 legislative session, to the chair of either the House Natural Resources, Agriculture, and  
151 Environment Committee or the Senate Natural Resources, Agriculture, and Environment  
152 Committee.

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

156 (i) review:

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

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

160 (C) the office's evaluation;

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

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

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

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

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

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

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

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

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