

HB0078S02 compared with HB0078S01

~~deleted text~~ shows text that was in HB0078S01 but was deleted in HB0078S02.

Inserted text shows text that was not in HB0078S01 but was inserted into HB0078S02.

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~~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

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ addresses a political subdivision's ~~official support of~~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

HB0078S02 compared with HB0078S01

Utah Code Sections Affected:

AMENDS:

63J-8-106, as repealed and reenacted by Laws of Utah 2012, Chapter 165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. Political subdivision official support of land use designation proposed in proposed congressional land use legislation -- Process for review, 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. law, this section applies to a political subdivision, and make recommendations accordingly to the Utah congressional delegation.

~~_____ [(b)] (c) A [county that fails to comply] political subdivision of this state may not officially support a proposed congressional~~ subdivision's assertion that the Legislature supports a land use designation ~~{unless:}~~ proposed by congressional language use legislation.

~~{}~~ ~~(b)~~ A [county] political subdivision ~~{complies}~~ that fails to comply 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. ~~{}~~ and

~~_____ (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}~~ represent that the Legislature supports 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

HB0078S02 compared with HB0078S01

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;

(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

HB0078S02 compared with HB0078S01

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~~] 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.;

(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;

HB0078S02 compared with HB0078S01

(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] 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

(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.

HB0078S02 compared with HB0078S01

(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

(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.

HB0078S02 compared with HB0078S01

(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.