

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 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; and
- ▶ makes technical and conforming 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

ENACTS:



26 **63L-2-301**, Utah Code Annotated 1953



27
28 *Be it enacted by the Legislature of the state of Utah:*

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

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

32 **63L-2-101. Title.**

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

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

36 **63L-2-201. Federal government acquisition of real property in the state.**

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

38 (a) "Governmental entity" means:

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

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

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

44 (iv) a county.

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

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

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

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

53 (b) The Legislative Management Committee may:

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

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

56 (iii) recommend to the governor that the governor call a special session of the

57 Legislature to review and approve or reject the agreement or proposal.

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

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

65 (5) A governmental entity may, in [its] the governmental entity's discretion, give
66 written notice to the Legislative Management Committee of formal negotiations [it] the
67 governmental entity enters into with a federal agent or entity intended or likely to result in:

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

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

72 Section 3. Section **63L-2-301** is enacted to read:

73 **Part 3. Federal Designations and Local Advocacy**

74 **63L-2-301. Promoting or lobbying for a federal designation within the state.**

75 (1) As used in this section:

76 (a) "Federal designation" means the designation of a:

77 (i) national monument;

78 (ii) national conservation area;

79 (iii) wilderness area or wilderness study area;

80 (iv) area of critical environmental concern;

81 (v) research natural area; or

82 (vi) national recreation area.

83 (b) (i) "Governmental entity" means:

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

85 (B) a political subdivision of the state;

86 (C) an office, agency, board, bureau, committee, department, advisory board, or
87 commission that the government funds or establishes to carry out the public's business,

88 regardless of whether the office, agency board, bureau, committee, department, advisory board,
89 or commission is composed entirely of public officials or employees;

90 (D) an interlocal entity as defined in Section [11-13-103](#) or a joint or cooperative
91 undertaking as defined in Section [11-13-103](#);

92 (E) a governmental nonprofit corporation as defined in Section [11-13a-102](#); or

93 (F) an association as defined in Section [53G-7-1101](#).

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

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

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

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

102 (b) A governmental entity that intends to advocate for a federal designation within the
103 state shall bring the proposed designation to the Natural Resources, Agriculture, and
104 Environment Interim Committee for the committee's review before the introduction of federal
105 legislation.

106 (3) This section does not apply to a political subdivision supporting a federal
107 designation if the federal designation:

108 (a) applies to 5,000 acres or less; and

109 (b) has an economical or historical benefit to the political subdivision.