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PUBLIC LANDS FUNDING AMENDMENTS

2024 THIRD SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Walt Brooks

Senate Sponsor: Jerry W. Stevenson

LONG TITLE

General Description:

This bill modifies provisions related to public lands funding.

Highlighted Provisions:

This bill:

- ▶ renames the Public Lands Litigation Restricted Account as the Federal Overreach Restricted Account (account);
- ▶ allows for account funds to be used for educating the public on federalism issues;
- ▶ requires entities that receive account funds to report to the Executive Appropriations Committee; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2024:

- ▶ to Department of Natural Resources - General Fund Restricted - Federal Overreach Restricted Account as a one-time appropriation:
 - from the Nonlapsing Balances - Department of Government Operations - Finance - Mandated - Public Lands Litigation Program, \$3,000,000
 - from the Nonlapsing Balances - Attorney General - Contract Attorneys, \$3,700,000

This bill appropriates in fiscal year 2025:

- ▶ to Legislature - Legislative Services - Pass Through as an ongoing appropriation:



28 • from the General Fund, (\$157,500)
29 ▶ to Department of Natural Resources - Administration - Executive Director as a
30 one-time appropriation:

31 • from the General Fund Restricted - Federal Overreach Restricted Account,
32 One-time, \$2,142,000

33 ▶ to Department of Natural Resources - General Fund Restricted - Federal Overreach
34 Restricted Account as a one-time appropriation:

35 • from the Nonlapsing Balances - Legislature - Legislative Services - Pass
36 Through, \$490,000

37 • from the Nonlapsing Balances - Department of Natural Resources - Public
38 Lands Policy Coordinating Office, \$3,900,000

39 **Other Special Clauses:**

40 This bill provides a special effective date.

41 **Utah Code Sections Affected:**

42 AMENDS:

43 **63C-4a-404**, as renumbered and amended by Laws of Utah 2019, Chapter 246



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

46 Section 1. Section **63C-4a-404** is amended to read:

47 **63C-4a-404. Creation of Federal Overreach Restricted Account -- Sources of**
48 **funds -- Uses of funds -- Reports.**

49 (1) There is created a restricted account within the General Fund known as the [~~Public~~
50 ~~Lands Litigation~~] Federal Overreach Restricted Account.

51 (2) The account created in Subsection (1) consists of money from the following
52 revenue sources:

53 (a) [~~money received by the commission from other state agencies~~] voluntary
54 contributions; and

55 (b) appropriations made by the Legislature.

56 (3) The Legislature may annually appropriate money from the account for the purposes
57 of:

58 (a) asserting, defending, or litigating state and local government rights to the

59 disposition and use of federal lands within the state as those rights are granted by the United
60 States Constitution, the Utah Enabling Act, and other applicable law; or

61 (b) educating the general public in matters relating to federalism or state sovereignty.

62 (4) ~~(a)~~ Any entity that receives money from the account shall, before disbursing the
63 money to another person for the purposes described in Subsection (3), or before spending the
64 money appropriated, report to the ~~[commission]~~ Executive Appropriations Committee
65 regarding:

66 ~~(i)~~ (a) the amount of the disbursement;

67 ~~(ii)~~ (b) who will receive the disbursement; and

68 ~~(iii)~~ (c) the planned use for the disbursement.

69 ~~(b) The commission may, upon receiving the report under Subsection (4)(a):]~~

70 ~~(i) advise the Legislature and the entity of the commission finding that the~~
71 ~~disbursement is consistent with the purposes in Subsection (3); or]~~

72 ~~(ii) advise the Legislature and the entity of the commission finding that the~~
73 ~~disbursement is not consistent with the purposes in Subsection (3).]~~

74 Section 2. **FY 2024 Appropriation.**

75 The following sums of money are appropriated for the fiscal year beginning July 1,
76 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for
77 fiscal year 2024.

78 Subsection 2(a). **Restricted Fund and Account Transfers.**

79 The Legislature authorizes the State Division of Finance to transfer the following
80 amounts between the following funds or accounts as indicated. Expenditures and outlays from
81 the funds to which the money is transferred must be authorized by an appropriation.

82 ITEM 1 To General Fund Restricted - Federal Overreach Restricted Account

83 From Nonlapsing Balances - Attorney General - Contract \$3,700,000
Attorneys

84 From Nonlapsing Balances - Department of Government \$3,000,000
Operations - Finance - Mandated - Public Lands Litigation
Program,

85 Schedule of Programs:

86	General Fund Restricted - Federal	\$6,700,000
	Overreach Restricted Account	

87 The Legislature intends that the Division of Finance transfer the amounts indicated above to
 88 the newly renamed Federal Overreach Restricted Account during fiscal year 2024 close-out.

89 **Section 3. FY 2025 Appropriation.**

90 The following sums of money are appropriated for the fiscal year beginning July 1,
 91 2024, and ending June 30, 2025. These are additions to amounts previously appropriated for
 92 fiscal year 2025.

93 **Subsection 3(a). Operating and Capital Budgets.**

94 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
 95 Legislature appropriates the following sums of money from the funds or accounts indicated for
 96 the use and support of the government of the state of Utah.

97 **ITEM 2** To Department of Natural Resources - Administration

98	From General Fund Restricted - Federal Overreach Restricted	\$2,142,000
	Account, One-time	

99 Schedule of Programs:

100	Executive Director	\$2,142,000
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101 The Legislature intends that the Division of Finance disburse the \$2,142,000 appropriated by
 102 this item in quarterly equal amounts, only after the Department of Natural Resources reports to
 103 the Executive Appropriations Committee (EAC) on their planned use of the funds and the EAC
 104 approves the disbursement. Use of these funds is limited to costs associated with countering
 105 federal overreach on public lands in Utah.

106 **ITEM 3** To Legislature - Legislative Services

107	From General Fund	(\$157,500)
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108 Schedule of Programs:

109	Pass Through	(\$157,500)
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110 **Subsection 3(b). Restricted Fund and Account Transfers.**

111 The Legislature authorizes the State Division of Finance to transfer the following
 112 amounts between the following funds or accounts as indicated. Expenditures and outlays from

113 the funds to which the money is transferred must be authorized by an appropriation.

114 ITEM 4 To General Fund Restricted - Federal Overreach Restricted Account

115 From Nonlapsing Balances - Department of Natural Resources - \$3,900,000
Public Lands Policy Coordinating Office

116 From Nonlapsing Balances - Legislature - Legislative Services - \$490,000
Pass Through

117 Schedule of Programs:

118 General Fund Restricted - Federal \$4,390,000
Overreach Restricted Account

119 Section 4. **Effective date.**

120 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members
121 elected to each house, this bill takes effect upon approval by the governor, or the day following
122 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's
123 signature, or in the case of a veto, the date of veto override.

124 (2) If this bill is not approved by two-thirds of all members elected to each house, this
125 bill takes effect on August 19, 2024.