

Representative Walt Brooks proposes the following substitute bill:

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

This bill appropriates in fiscal year 2025:



26 ▶ to Legislature - Legislative Services - Pass Through as an ongoing appropriation:
27 • from the General Fund, (\$157,500)

28 ▶ to Department of Natural Resources - Administration - Executive Director as a
29 one-time appropriation:

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

32 ▶ to General Fund Restricted - Federal Overreach Restricted Account as a one-time
33 appropriation:

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

36 • from Nonlapsing Balances - Department of Natural Resources - Public Lands
37 Policy Coordinating Office, \$2,900,000

38 ▶ to Department of Natural Resources - Public Lands Policy Coordinating Office -
39 Public Lands Policy Coordinating Office as a one-time appropriation:

40 • from the General Fund Restricted - Federal Overreach Restricted Account,
41 One-time, \$1,500,000

42 ▶ to Attorney General - Contract Attorneys - Contract Attorneys as a one-time
43 appropriation:

44 • from the General Fund Restricted - Federal Overreach Restricted Account,
45 One-time, \$1,675,000

46 **Other Special Clauses:**

47 This bill provides a special effective date.

48 **Utah Code Sections Affected:**

49 AMENDS:

50 **63C-4a-404**, as renumbered and amended by Laws of Utah 2019, Chapter 246



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

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

54 **63C-4a-404. Creation of Federal Overreach Restricted Account -- Sources of**
55 **funds -- Uses of funds -- Reports.**

56 (1) There is created a restricted account within the General Fund known as the [Public

57 ~~Lands Litigation]~~ Federal Overreach Restricted Account.

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

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

62 (b) appropriations made by the Legislature.

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

65 (a) asserting, defending, or litigating state and local government rights to the
66 disposition and use of federal lands within the state as those rights are granted by the United
67 States Constitution, the Utah Enabling Act, and other applicable law; or

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

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

73 ~~[(i)]~~ (a) the amount of the disbursement;

74 ~~[(ii)]~~ (b) who will receive the disbursement; and

75 ~~[(iii)]~~ (c) the planned use for the disbursement.

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

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

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

81 **Section 2. FY 2024 Appropriation.**

82 The following sums of money are appropriated for the fiscal year beginning July 1,
83 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for
84 fiscal year 2024.

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

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

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

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

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

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

92 Schedule of Programs:

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

94 The Legislature intends that the Division of Finance transfer the amounts indicated above to
95 the newly renamed Federal Overreach Restricted Account during fiscal year 2024.

96 Section 3. **FY 2025 Appropriation.**

97 The following sums of money are appropriated for the fiscal year beginning July 1,
98 2024, and ending June 30, 2025. These are additions to amounts previously appropriated for
99 fiscal year 2025.

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

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

104 ITEM 2 To Attorney General - Contract Attorneys

105 From General Fund Restricted - Federal Overreach Restricted Account, One-time \$1,675,000

106 Schedule of Programs:

107 Contract Attorneys \$1,675,000

108 ITEM 3 To Department of Natural Resources - Administration

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

110 Schedule of Programs:

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

117 ITEM 4 To Department of Natural Resources - Public Lands Policy Coordinating Office

118 From General Fund Restricted - Federal Overreach Restricted \$1,500,000
 119 Account, One-time

119 Schedule of Programs:

120 Public Lands Policy Coordinating \$1,500,000
 121 Office

121 ITEM 5 To Legislature - Legislative Services

122 From General Fund (\$157,500)

123 Schedule of Programs:

124 Pass Through (\$157,500)

125 Subsection 3(b). **Restricted Fund and Account Transfers.**

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

129 ITEM 6 To General Fund Restricted - Federal Overreach Restricted Account

130 From Nonlapsing Balances - Department of Natural Resources - \$2,900,000
 131 Public Lands Policy Coordinating Office

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

132 Schedule of Programs:

133 General Fund Restricted - Federal \$3,390,000
 134 Overreach Restricted Account

134 Section 4. **Effective date.**

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

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