

PUBLIC LANDS POLICY COORDINATING OFFICE

AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Roger E. Barrus

Senate Sponsor: Ralph Okerlund

LONG TITLE

General Description:

This bill requires the Public Lands Policy Coordinating Office to conduct a study and economic analysis of the transfer of certain federal lands to state ownership.

Highlighted Provisions:

This bill:

- ▶ requires the Public Lands Policy Coordinating Office to conduct a study and economic analysis of the transfer of certain federal lands to state ownership; and
- ▶ establishes reporting requirements.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

63J-4-603, as last amended by Laws of Utah 2011, Chapter 252

ENACTS:

63J-4-606, Utah Code Annotated 1953

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



28 Section 1. Section **63J-4-603** is amended to read:

29 **63J-4-603. Powers and duties of coordinator and office.**

30 (1) The coordinator and the office shall:

31 (a) make a report to the Constitutional Defense Council created under Section
32 63C-4-101 concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter
33 4, Constitutional Defense Council;

34 (b) provide staff assistance to the Constitutional Defense Council created under Section
35 63C-4-101 for meetings of the council and Federalism Subcommittee;

36 (c) (i) prepare and submit a constitutional defense plan under Section 63C-4-104; and

37 (ii) execute any action assigned in a constitutional defense plan;

38 (d) under the direction of the state planning coordinator, assist in fulfilling the state

39 planning coordinator's duties outlined in Section 63J-4-401 as those duties relate to the

40 development of public lands policies by:

41 (i) developing cooperative contracts and agreements between the state, political
42 subdivisions, and agencies of the federal government for involvement in the development of
43 public lands policies;

44 (ii) producing research, documents, maps, studies, analysis, or other information that
45 supports the state's participation in the development of public lands policy;

46 (iii) preparing comments to ensure that the positions of the state and political
47 subdivisions are considered in the development of public lands policy;

48 (iv) partnering with state agencies and political subdivisions in an effort to:

49 (A) prepare coordinated public lands policies;

50 (B) develop consistency reviews and responses to public lands policies;

51 (C) develop management plans that relate to public lands policies; and

52 (D) develop and maintain a statewide land use plan that is based on cooperation and in
53 conjunction with political subdivisions; and

54 (v) providing other information or services related to public lands policies as requested
55 by the state planning coordinator;

56 (e) facilitate and coordinate the exchange of information, comments, and
57 recommendations on public lands policies between and among:

58 (i) state agencies;

- 59 (ii) political subdivisions;
- 60 (iii) the Office of Rural Development created under Section 63M-1-1602;
- 61 (iv) the Resource Development Coordinating Committee created under Section
62 63J-4-501;
- 63 (v) School and Institutional Trust Lands Administration created under Section
64 53C-1-201;
- 65 (vi) the committee created under Section 63F-1-508 to award grants to counties to
66 inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and
- 67 (vii) the Constitutional Defense Council created under Section 63C-4-101;
- 68 (f) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9,
69 Chapter 8, Part 4, Historic Sites;
- 70 (g) consistent with other statutory duties, encourage agencies to responsibly preserve
71 archaeological resources;
- 72 (h) maintain information concerning grants made under Subsection (1)(j), if available;
- 73 (i) report annually, or more often if necessary or requested, concerning the office's
74 activities and expenditures to:
- 75 (i) the Constitutional Defense Council; and
- 76 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim
77 Committee jointly with the Constitutional Defense Council;
- 78 (j) make grants of up to 16% of the office's total annual appropriations from the
79 Constitutional Defense Restricted Account to a county or statewide association of counties to
80 be used by the county or association of counties for public lands matters if the coordinator,
81 with the advice of the Constitutional Defense Council, determines that the action provides a
82 state benefit;
- 83 (k) provide staff services to the Snake Valley Aquifer Advisory Council created in
84 Section 63C-12-103; ~~and~~
- 85 (l) coordinate and direct the Snake Valley Aquifer Research Team created in Section
86 63C-12-107[-]; and
- 87 (m) conduct the public lands transfer study and economic analysis required by Section
88 63J-4-606.
- 89 (2) The coordinator and office shall comply with Subsection 63C-4-102(8) before

90 submitting a comment to a federal agency, if the governor would be subject to Subsection
91 63C-4-102(8) if the governor were submitting the material.

92 (3) The office may enter into a contract or other agreement with another state agency to
93 provide information and services related to:

94 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and
95 Classification Act;

96 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and
97 Classification Act, or R.S. 2477 matters; or

98 (c) any other matter within the office's responsibility.

99 Section 2. Section **63J-4-606** is enacted to read:

100 **63J-4-606. Public lands transfer study and economic analysis -- Report.**

101 (1) As used in this section:

102 (a) "Public lands" is as defined in Section 63L-6-102.

103 (b) "Transfer of public lands" means the transfer of public lands from federal
104 ownership to state ownership.

105 (2) (a) The coordinator and the office shall:

106 (i) conduct a study and economic analysis of the ramifications and economic impacts
107 of the transfer of public lands; and

108 (ii) during the study and economic analysis, consult with county representatives on an
109 ongoing basis regarding how to consider and incorporate county land use plans and planning
110 processes into the analysis.

111 (b) The study and economic analysis shall:

112 (i) inventory public lands;

113 (ii) examine public lands':

114 (A) ownership;

115 (B) management;

116 (C) jurisdiction;

117 (D) resource characteristics;

118 (E) federal management requirements related to national forests, national recreation
119 areas, or other public lands administered by the United States; and

120 (F) current and potential future uses and ways that socioeconomic conditions are

121 influenced by those uses:

122 (iii) determine:

123 (A) public lands' ongoing and deferred maintenance costs, revenue production, and
124 funding sources;

125 (B) whether historical federal funding levels have been sufficient to manage, maintain,
126 preserve, and restore public lands and whether that funding level is likely to continue;

127 (C) the amount of public lands revenue paid to state, county, and local governments

127a **Ĥ→ and other recipients designated by law ←Ĥ**

128 from payments in lieu of taxes, timber receipts, secure rural school receipts, severance taxes,

128a **Ĥ→ and ←Ĥ**

129 mineral lease royalties, Ĥ→ [and community impact board payments] ←Ĥ :

130 (D) historical trends of the revenue sources listed in Subsection (2)(b)(iii)(C);

131 (E) ways that the payments listed in Subsection (2)(b)(iii)(C) can be maintained or
132 replaced following the transfer of public lands; and

133 (F) ways that, following the transfer of public lands, revenue from public lands can be
134 increased while mitigating environmental impact;

135 (iv) identify:

136 (A) existing oil and gas, mining, grazing, hunting, fishing, recreation, and other rights
137 and interests on public lands;

138 (B) the economic impact of those rights and interests on state, county, and local
139 economies;

140 (C) actions necessary to secure, preserve, and protect those rights and interests; and

141 (D) how those rights and interests may be affected in the event the federal government
142 does not complete the transfer of public lands;

143 (v) evaluate the impact of federal land ownership on:

144 (A) the Utah School and Institutional Trust Lands Administration's ability to
145 administer trust lands for the benefit of Utah schoolchildren;

146 (B) the state's ability to fund education; and

147 (C) state and local government tax bases;

148 (vi) identify a process for the state to:

149 (A) transfer and receive title to public lands from the United States;

150 (B) utilize state agencies with jurisdiction over land, natural resources, environmental
151 quality, and water to facilitate the transfer of public lands;

- 152 (C) create a permanent state framework to oversee the transfer of public lands;
- 153 (D) transition to state ownership and management of public lands using existing state
- 154 and local government resources; and
- 155 (E) indemnify political subdivisions of the state for actions taken in connection with
- 156 the transfer of public lands;
- 157 (vii) examine ways that multiple use of public lands through tourism and outdoor
- 158 recreation contributes to:
- 159 (A) the economic growth of state and local economies; and
- 160 (B) the quality of life of Utah citizens;
- 161 (viii) using theoretical modeling of various levels of land transfer, usage, and
- 162 development, evaluate the potential economic impact of the transfer of public lands on state,
- 163 county, and local governments; and
- 164 (ix) recommend the optimal use of public lands following the transfer of public lands.
- 165 (3) The coordinator and office shall:
- 166 (a) on an ongoing basis, discuss issues related to the transfer of public lands with:
- 167 (i) the School and Institutional Trust Lands Administration;
- 168 (ii) local governments;
- 169 (iii) water managers;
- 170 (iv) environmental advocates;
- 171 (v) outdoor recreation advocates;
- 172 (vi) nonconventional and renewable energy producers;
- 173 (vii) tourism representatives;
- 174 (viii) wilderness advocates;
- 175 (ix) ranchers and agriculture advocates;
- 176 (x) oil, gas, and mining producers;
- 177 (xi) fishing, hunting, and other wildlife interests;
- 178 (xii) timber producers; and
- 179 (xiii) other interested parties; and
- 180 (b) develop ways to obtain input from Utah citizens regarding the transfer of public
- 181 lands and the future care and use of public lands.
- 182 (4) The coordinator may contract with another state agency or private entity to assist

183 the coordinator and office with the study and economic analysis required by Subsection (2)(a).

184 (5) The coordinator shall submit a final report on the study and economic analysis

185 described in Subsection (2)(a), including proposed legislation and recommendations, to the

186 governor and the Natural Resources, Agriculture, and Environment Interim Committee before

187 November 30, 2014.

188 Section 3. **Effective date.**

189 If approved by two-thirds of all the members elected to each house, this bill takes effect

190 upon approval by the governor, or the day following the constitutional time limit of Utah

191 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,

192 the date of veto override.

Legislative Review Note
as of 2-12-13 3:29 PM

Office of Legislative Research and General Counsel