

1 COMMISSION FOR THE STEWARDSHIP OF PUBLIC

2 LANDS

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 Chief Sponsor: Keven J. Stratton

6 Senate Sponsor: David P. Hinkins

7	Cosponsors:	Keith Grover	Lee B. Perry
8	Rebecca D. Lockhart	Stephen G. Handy	Val L. Peterson
9	Brad L. Dee	Eric K. Hutchings	Dixon M. Pitcher
10	Gregory H. Hughes	Ken Ivory	Kraig Powell
11	Don L. Ipson	John Knotwell	Marc K. Roberts
12	Jacob L. Anderegg	Dana L. Layton	Douglas V. Sagers
13	Jerry B. Anderson	David E. Lifferth	V. Lowry Snow
14	Roger E. Barrus	John G. Mathis	Robert M. Spendlove
15	Melvin R. Brown	Mike K. McKell	Jon E. Stanard
16	Kay J. Christofferson	Jim Nielson	John R. Westwood
17	Jack R. Draxler	Michael E. Noel	Brad R. Wilson
18	Francis D. Gibson	Curtis Oda	
	Brian M. Greene		



19
20 LONG TITLE

21 General Description:

22 This bill creates the Commission for the Stewardship of Public Lands.

23 Highlighted Provisions:

24 This bill:

- 25 ▶ creates the Commission for the Stewardship of Public Lands;
- 26 ▶ designates the duties of the commission; and
- 27 ▶ requires the Public Lands Policy Coordinating Office to periodically report to the

28 commission.

29 **Money Appropriated in this Bill:**

30 This bill appropriates:

- 31 ▶ to the Senate, as an ongoing appropriation:
 - 32 • from the General Fund \$9,000 to pay for the commission; and
- 33 ▶ to the House of Representatives, as an ongoing appropriation:
 - 34 • from the General Fund \$16,000 to pay for the commission.

35 **Other Special Clauses:**

36 This bill provides a repeal date for the commission.

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **63J-4-606**, as last amended by Laws of Utah 2013, Chapter 337

40 **Uncodified Material Affected:**

41 ENACTS UNCODIFIED MATERIAL



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

44 Section 1. Section **63J-4-606** is amended to read:

45 **63J-4-606. Public lands transfer study and economic analysis -- Report.**

46 (1) As used in this section:

- 47 (a) "Public lands" is as defined in Section **63L-6-102**.
- 48 (b) "Transfer of public lands" means the transfer of public lands from federal
- 49 ownership to state ownership.

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

- 51 (i) conduct a study and economic analysis of the ramifications and economic impacts
- 52 of the transfer of public lands; [~~and~~]
- 53 (ii) during the study and economic analysis, consult with county representatives on an
- 54 ongoing basis regarding how to consider and incorporate county land use plans and planning
- 55 processes into the analysis[~~;~~]; and

56 (iii) on an ongoing basis, report on the progress and findings of the study to the
57 Commission for the Stewardship of Public Lands.
58 (b) The study and economic analysis shall:
59 (i) inventory public lands;
60 (ii) examine public lands':
61 (A) ownership;
62 (B) management;
63 (C) jurisdiction;
64 (D) resource characteristics;
65 (E) federal management requirements related to national forests, national recreation
66 areas, or other public lands administered by the United States; and
67 (F) current and potential future uses and ways that socioeconomic conditions are
68 influenced by those uses;
69 (iii) determine:
70 (A) public lands' ongoing and deferred maintenance costs, revenue production, and
71 funding sources;
72 (B) whether historical federal funding levels have been sufficient to manage, maintain,
73 preserve, and restore public lands and whether that funding level is likely to continue;
74 (C) the amount of public lands revenue paid to state, county, and local governments
75 and other recipients designated by law from payments in lieu of taxes, timber receipts, secure
76 rural school receipts, severance taxes, and mineral lease royalties;
77 (D) historical trends of the revenue sources listed in Subsection (2)(b)(iii)(C);
78 (E) ways that the payments listed in Subsection (2)(b)(iii)(C) can be maintained or
79 replaced following the transfer of public lands; and
80 (F) ways that, following the transfer of public lands, revenue from public lands can be
81 increased while mitigating environmental impact;
82 (iv) identify:
83 (A) existing oil and gas, mining, grazing, hunting, fishing, recreation, and other rights

84 and interests on public lands;

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

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

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

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

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

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

94 (C) state and local government tax bases;

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

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

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

99 (C) create a permanent state framework to oversee the transfer of public lands;

100 (D) transition to state ownership and management of public lands using existing state
101 and local government resources; and

102 (E) indemnify political subdivisions of the state for actions taken in connection with
103 the transfer of public lands;

104 (vii) examine ways that multiple use of public lands through tourism and outdoor
105 recreation contributes to:

106 (A) the economic growth of state and local economies; and

107 (B) the quality of life of Utah citizens;

108 (viii) using theoretical modeling of various levels of land transfer, usage, and
109 development, evaluate the potential economic impact of the transfer of public lands on state,
110 county, and local governments; and

111 (ix) recommend the optimal use of public lands following the transfer of public lands.

- 112 (3) The coordinator and office shall:
113 (a) on an ongoing basis, discuss issues related to the transfer of public lands with:
114 (i) the School and Institutional Trust Lands Administration;
115 (ii) local governments;
116 (iii) water managers;
117 (iv) environmental advocates;
118 (v) outdoor recreation advocates;
119 (vi) nonconventional and renewable energy producers;
120 (vii) tourism representatives;
121 (viii) wilderness advocates;
122 (ix) ranchers and agriculture advocates;
123 (x) oil, gas, and mining producers;
124 (xi) fishing, hunting, and other wildlife interests;
125 (xii) timber producers; [~~and~~]
126 (xiii) other interested parties; and
127 (xiv) the Commission for the Stewardship of Public Lands; and
128 (b) develop ways to obtain input from Utah citizens regarding the transfer of public
129 lands and the future care and use of public lands.

130 (4) The coordinator may contract with another state agency or private entity to assist
131 the coordinator and office with the study and economic analysis required by Subsection (2)(a).

132 (5) The coordinator shall submit a final report on the study and economic analysis
133 described in Subsection (2)(a), including proposed legislation and recommendations, to the
134 governor [~~and~~], the Natural Resources, Agriculture, and Environment Interim Committee, and
135 the Commission for the Stewardship of Public Lands before November 30, 2014.

136 **Section 2. Commission for the Stewardship of Public Lands -- Creation --**
137 **Membership -- Interim rules followed -- Compensation -- Staff.**

138 (1) There is created the Commission for the Stewardship of Public Lands consisting of
139 the following eight members:

140 (a) three members of the Senate appointed by the president of the Senate, no more than
141 two of whom may be from the same political party; and

142 (b) five members of the House of Representatives appointed by the speaker of the
143 House of Representatives, no more than four of whom may be from the same political party.

144 (2) (a) The president of the Senate shall designate a member of the Senate appointed
145 under Subsection (1)(a) as a cochair of the commission.

146 (b) The speaker of the House of Representatives shall designate a member of the House
147 of Representatives appointed under Subsection (1)(b) as a cochair of the commission.

148 (3) In conducting its business, the commission shall comply with the rules of
149 legislative interim committees.

150 (4) Salaries and expenses of the members of the commission shall be paid in
151 accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3, Legislator
152 Compensation.

153 (5) The Office of Legislative Research and General Counsel shall provide staff support
154 to the commission.

155 **Section 3. Duties -- Interim report.**

156 (1) The commission shall:

157 (a) convene at least eight times each year;

158 (b) review and make recommendations on the transfer of federally controlled public
159 lands to the state in accordance with Section [63L-6-102](#);

160 (c) review and make recommendations regarding the state's sovereign right to protect
161 the health, safety, and welfare of its citizens as it relates to public lands;

162 (d) study and evaluate the progress and recommendations of the public lands transfer
163 study and economic analysis conducted by the Public Lands Policy Coordinating Office in
164 accordance with Section [63J-4-606](#);

165 (e) coordinate with and report on the efforts of the executive branch, counties and
166 political subdivisions of the state, the state congressional delegation, western governors, other
167 states, and other stake holders concerning the transfer of federally controlled public lands to the

168 state including convening working groups such as a working group composed of members of
169 the Utah Association of Counties;

170 (f) study and make recommendations regarding the appropriate designation of public
171 lands transferred to the state, including stewardship of the land and appropriate uses of the
172 land;

173 (g) study and make recommendations regarding the use of funds received by the state
174 from the public lands transferred to the state; and

175 (h) receive reports from and make recommendations to the attorney general and other
176 stakeholders involved in litigation on behalf of the state's interest in the transfer of public lands
177 to the state, regarding:

178 (i) preparation for potential litigation;

179 (ii) selection of outside legal counsel;

180 (iii) ongoing legal strategy for the transfer of public lands; and

181 (iv) use of money appropriated by the Legislature for the purpose of securing the
182 transfer of public lands to the state.

183 (2) The commission shall prepare an annual report, including any proposed legislation,
184 and present the report to the Natural Resources, Agriculture, and Environment Interim
185 Committee before November 30, 2014, and every November 30 thereafter.

186 **Section 4. Appropriation.**

187 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
188 the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following sums of money
189 are appropriated from resources not otherwise appropriated, or reduced from amounts
190 previously appropriated, out of the funds or accounts indicated. These sums of money are in
191 addition to any amounts previously appropriated for fiscal year 2015.

192 To Legislature - Senate

193 From General Fund, ongoing \$9,000

194 Schedule of Programs:

195 Administration \$6,000

H.B. 151

Enrolled Copy

196	<u>To Legislature - House of Representatives</u>	
197	<u>From General Fund, ongoing</u>	<u>\$16,000</u>
198	<u>Schedule of Programs:</u>	
199	<u>Administration</u>	<u>\$16,000</u>
200	Section 5. Repeal date.	
201	<u>Uncodified Sections 2, 3, and 4, that create the Commission for the Stewardship of</u>	
202	<u>Public Lands, are repealed on November 30, 2019.</u>	