

FEDERAL LAND DISPOSAL LAW AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill amends provisions related to the Public Lands Policy Coordinating Office's activities related to federal land disposal laws.

Highlighted Provisions:

This bill:

- ▶ repeals the advisory committee and related provisions;
- ▶ clarifies reporting;
- ▶ authorizes the Public Lands Policy Coordinating Office to take action related to the filing and processing of federal land applications;
- ▶ permits agreements with the Secretary of the Interior; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-1-263, as last amended by Laws of Utah 2021, Chapters 70, 72, 84, 90, 171, 196, 260, 280, 282, 345, 382, 401, 421 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 382

63L-11-305, as last amended by Laws of Utah 2021, Chapter 280 and renumbered and amended by Laws of Utah 2021, Chapter 382

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

32 Section 1. Section **63I-1-263** is amended to read:

33 **63I-1-263. Repeal dates, Titles 63A to 63N.**

34 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

35 (a) Section **63A-16-102** is repealed;

36 (b) Section **63A-16-201** is repealed; and

37 (c) Section **63A-16-202** is repealed.

38 (2) Subsection **63A-5b-405(5)**, relating to prioritizing and allocating capital

39 improvement funding, is repealed July 1, 2024.

40 (3) Section **63A-5b-1003**, State Facility Energy Efficiency Fund, is repealed July 1,

41 2023.

42 (4) Sections **63A-9-301** and **63A-9-302**, related to the Motor Vehicle Review

43 Committee, are repealed July 1, 2023.

44 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July

45 1, 2028.

46 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,

47 2025.

48 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,

49 2024.

50 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is

51 repealed July 1, 2023.

52 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed

53 July 1, 2023.

54 (10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is

55 repealed July 1, 2026.

56 (11) Title 63A, Chapter 16, Part 7, Data Security Management Council, is repealed

57 July 1, 2025.

58 (12) Section [63G-6a-805](#), which creates the Purchasing from Persons with Disabilities
59 Advisory Board, is repealed July 1, 2026.

60 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
61 2025.

62 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
63 2024.

64 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

65 (16) Subsection [63J-1-602.1](#)(17), Nurse Home Visiting Restricted Account is repealed
66 July 1, 2026.

67 (17) (a) Subsection [63J-1-602.1](#)(61), relating to the Utah Statewide Radio System
68 Restricted Account, is repealed July 1, 2022.

69 (b) When repealing Subsection [63J-1-602.1](#)(61), the Office of Legislative Research and
70 General Counsel shall, in addition to the office's authority under Subsection [36-12-12](#)(3), make
71 necessary changes to subsection numbering and cross references.

72 (18) Subsection [63J-1-602.2](#)(5), referring to dedicated credits to the Utah Marriage
73 Commission, is repealed July 1, 2023.

74 (19) Subsection [63J-1-602.2](#)(6), referring to the Trip Reduction Program, is repealed
75 July 1, 2022.

76 (20) Subsection [63J-1-602.2](#)(24), related to the Utah Seismic Safety Commission, is
77 repealed January 1, 2025.

78 (21) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is
79 repealed July 1, 2027.

80 [~~(22) In relation to the advisory committee created in Subsection [63L-11-305](#)(3), on
81 July 1, 2022:]~~

82 [~~(a) Subsection [63L-11-305](#)(1)(a), which defines "advisory committee," is repealed;
83 and]~~

84 [~~(b) Subsection [63L-11-305](#)(3), which creates the advisory committee, is repealed.]~~

85 [~~(23)~~ (22) In relation to the Utah Substance Use and Mental Health Advisory Council,

86 on January 1, 2023:

87 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are
88 repealed;

89 (b) Section [63M-7-305](#), the language that states "council" is replaced with
90 "commission";

91 (c) Subsection [63M-7-305](#)(1) is repealed and replaced with:

92 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

93 (d) Subsection [63M-7-305](#)(2) is repealed and replaced with:

94 "(2) The commission shall:

95 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
96 Drug-Related Offenses Reform Act; and

97 (b) coordinate the implementation of Section [77-18-104](#) and related provisions in
98 Subsections [77-18-103](#)(2)(c) and (d)."

99 ~~[(24)]~~ (23) The Crime Victim Reparations and Assistance Board, created in Section
100 [63M-7-504](#), is repealed July 1, 2027.

101 ~~[(25)]~~ (24) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed
102 July 1, 2022.

103 ~~[(26)]~~ (25) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
104 2026.

105 ~~[(27)]~~ (26) Title 63N, Chapter 1, Part 5, Governor's Economic Development
106 Coordinating Council, is repealed July 1, 2024.

107 ~~[(28)]~~ (27) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

108 ~~[(29)]~~ (28) Section [63N-2-512](#), related to the Hotel Impact Mitigation Fund, is repealed
109 July 1, 2028.

110 ~~[(30)]~~ (29) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
111 January 1, 2021.

112 (b) Section [59-9-107](#) regarding tax credits against premium taxes is repealed for
113 calendar years beginning on or after January 1, 2021.

114 (c) Notwithstanding Subsection ~~[(30)]~~ (29)(b), an entity may carry forward a tax credit
115 in accordance with Section 59-9-107 if:

116 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
117 31, 2020; and

118 (ii) the qualified equity investment that is the basis of the tax credit is certified under
119 Section 63N-2-603 on or before December 31, 2023.

120 ~~[(31)]~~ (30) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is
121 repealed July 1, 2023.

122 ~~[(32)]~~ (31) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed
123 July 1, 2025.

124 ~~[(33)]~~ (32) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant
125 Program, is repealed January 1, 2028.

126 Section 2. Section 63L-11-305 is amended to read:

127 **63L-11-305. Facilitating the acquisition of federal land.**

128 (1) As used in this section:

129 ~~[(a) "Advisory committee" means the committee established under Subsection (3).]~~

130 ~~[(b)]~~ (a) "Federal land" means land that the secretary is authorized to dispose of under
131 the federal land disposal law.

132 ~~[(c)]~~ (b) "Federal land disposal law" means the Recreation and Public Purposes Act, 43
133 U.S.C. Sec. 869 et seq.

134 ~~[(d)]~~ (c) "Government entity" means any state or local government entity allowed to
135 submit a land application under the federal land disposal law.

136 ~~[(e)]~~ (d) "Land application" means an application under the federal land disposal law
137 requesting the secretary to sell or lease federal land.

138 ~~[(f)]~~ (e) "Land application process" means ~~[a] the~~ the actions involved in the process of
139 submitting and obtaining a final decision on a land application.

140 ~~[(g)]~~ (f) "Secretary" means the Secretary of the Interior of the United States.

141 (2) The office shall:

- 142 (a) develop expertise:
- 143 (i) in the land application process; and
- 144 (ii) concerning the factors that tend to increase the chances that a land application will
- 145 result in the secretary selling or leasing federal land as requested in the land application;
- 146 (b) work to educate government entities concerning:
- 147 (i) the availability of federal land pursuant to the federal land disposal law; and
- 148 (ii) the land application process;
- 149 (c) advise and consult with a government entity that requests assistance from the office
- 150 to formulate and submit a land application and to pursue a decision on the land application;
- 151 (d) advise and consult with a government entity that requests assistance from the office
- 152 to identify and quantify the amount of any funds needed to provide the public use described in
- 153 a land application;
- 154 ~~[(e) with the advice and recommendations of the advisory committee:]~~
- 155 ~~[(†)]~~ (e) adopt a list of factors to be considered in determining the degree to which a
- 156 land application or potential land application is in the public interest; ~~[and]~~
- 157 ~~[(†)]~~ (f) recommend a prioritization of ~~[all]~~ land applications or potential land
- 158 applications in the state according to the extent to which the land applications are in the public
- 159 interest, based on the factors adopted under Subsection (2)(e)~~[(†)]~~;
- 160 ~~[(†)]~~ (g) prepare and submit a written report of land applications:
- 161 (i) to the Natural Resources, Agriculture, and Environment Interim Committee and the
- 162 Federalism Commission;
- 163 (ii) (A) annually no later than August 31; and
- 164 (B) at other times, if and as requested by the committee or commission; and
- 165 (iii) (A) on the activities of the office under this section;
- 166 (B) on the land applications and potential land applications in the state; ~~[and]~~
- 167 (C) on the decisions of the secretary on land applications submitted by government
- 168 entities in the state; and
- 169 (D) the quantity of land acquired under the land applications;

170 ~~[(g)]~~ (h) present a summary of information contained in the report described in
171 Subsection (2)~~[(f)]~~(g):
172 (i) at a meeting of the Natural Resources, Agriculture, and Environment Interim
173 Committee and at a meeting of the Federalism Commission;
174 (ii) annually no later than August 31; and
175 (iii) at other times, if and as requested by the committee or commission; and
176 ~~[(h)]~~ (i) report to the Executive Appropriations Committee of the Legislature, as
177 frequently as the executive director considers appropriate or as requested by the ~~[committee]~~
178 Executive Appropriations Committee, on the need for legislative appropriations to provide
179 funds for the public purposes described in land applications.

180 ~~[(3)(a) There is created an advisory committee comprised of:]~~
181 ~~[(i) an individual designated by the chairs of the Federalism Commission;]~~
182 ~~[(ii) an individual designated by the director of the Division of Facilities Construction~~
183 ~~and Management;]~~
184 ~~[(iii) a representative of the Antiquities Section, created in Section 9-8-304, designated~~
185 ~~by the director of the Division of State History;]~~
186 ~~[(iv) a representative of municipalities designated by the Utah League of Cities and~~
187 ~~Towns;]~~
188 ~~[(v) a representative of counties designated by the Utah Association of Counties;]~~
189 ~~[(vi) an individual designated by the Governor's Office of Economic Opportunity; and]~~
190 ~~[(vii) an individual designated by the director of the Division of State Parks, created in~~
191 ~~Section 79-4-201;]~~

192 ~~[(b) The seven members of the advisory committee under Subsection (3)(a) may, by~~
193 ~~majority vote, appoint up to four additional volunteer members of the advisory committee.]~~

194 ~~[(c) The advisory committee shall advise and provide recommendations to the office~~
195 ~~on:]~~

196 ~~[(i) factors the office should consider in determining the degree to which a land~~
197 ~~application or potential land application is in the public interest; and]~~

198 ~~[(ii) the prioritization of land applications or potential land applications in the state~~
199 ~~according to the extent to which the land applications are in the public interest, based on the~~
200 ~~factors adopted under Subsection (2)(e)(i).]~~

201 ~~[(d) A member of the advisory committee may not receive compensation, benefits, or~~
202 ~~expense reimbursement for the member's service on the advisory committee.]~~

203 ~~[(e) The advisory committee may:]~~

204 ~~[(i) select a chair from among the advisory committee members; and]~~

205 ~~[(ii) meet as often as necessary to perform the advisory committee's duties under this~~
206 ~~section.]~~

207 ~~[(f) The executive director shall facilitate the convening of the first meeting of the~~
208 ~~advisory committee.]~~

209 (3) The office may:

210 (a) assist a government entity or the secretary in the filing and processing of a land
211 application; and

212 (b) enter into an agreement with the secretary related to the office assisting in
213 processing a land application.