

NATURAL RESOURCES LEGACY FUNDING AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Daniel Hemmert

LONG TITLE

General Description:

This bill addresses natural resources related activities and the funding of those activities.

Highlighted Provisions:

This bill:

- ▶ enacts the Utah Natural Resources Legacy Fund Act, including:
 - defining terms;
 - addressing application to mineral estates;
 - creating the Utah Natural Resources Legacy Fund;
 - creating the Utah Natural Resources Legacy Fund Board; and
 - outlining the uses of the legacy fund; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

79-2-201, as last amended by Laws of Utah 2017, Chapter 451

ENACTS:

23-31-101, Utah Code Annotated 1953

23-31-102, Utah Code Annotated 1953

- 30 [23-31-103](#), Utah Code Annotated 1953
- 31 [23-31-104](#), Utah Code Annotated 1953
- 32 [23-31-201](#), Utah Code Annotated 1953
- 33 [23-31-202](#), Utah Code Annotated 1953
- 34 [23-31-203](#), Utah Code Annotated 1953

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

37 Section 1. Section **23-31-101** is enacted to read:

38 **CHAPTER 31. UTAH NATURAL RESOURCES LEGACY FUND ACT**

39 **Part 1. General Provisions**

40 **23-31-101. Title.**

41 This chapter is known as the "Utah Natural Resources Legacy Fund Act."

42 Section 2. Section **23-31-102** is enacted to read:

43 **23-31-102. Definitions.**

44 As used in this chapter:

45 (1) "Board" means the Utah Natural Resources Legacy Fund Board created in Section
46 [23-31-202](#).

47 (2) "Department" means the Department of Natural Resources.

48 (3) "Legacy fund" means the Utah Natural Resources Legacy Fund created in Section
49 [23-31-201](#).

50 Section 3. Section **23-31-103** is enacted to read:

51 **23-31-103. Application to mineral estates.**

52 This chapter does not change law regarding:

- 53 (1) the primacy of a mineral estate;
- 54 (2) limiting access to a mineral estate; or
- 55 (3) limiting development of a mineral estate.

56 Section 4. Section **23-31-104** is enacted to read:

57 **23-31-104. Reporting.**

58 The division shall annually report to the governor and the Natural Resources,
59 Agriculture, and Environment Interim Committee on or before September 1 with respect to:

60 (1) federal grants, state appropriations, and other contributions, grants, gifts, transfers,
61 bequests, and donations received and credited to the legacy fund during the preceding fiscal
62 year; and

63 (2) expenditures from the legacy fund under Section [23-31-203](#).

64 Section 5. Section **23-31-201** is enacted to read:

65 **Part 2. Legacy Fund and Board**

66 **23-31-201. Utah Natural Resources Legacy Fund.**

67 (1) There is created an expendable special revenue fund known as the "Utah Natural
68 Resources Legacy Fund."

69 (2) The legacy fund consists of:

70 (a) appropriations to the legacy fund by the Legislature;

71 (b) federal grants accepted by the department or a division of the department and
72 specifically directed to the legacy fund; and

73 (c) contributions, grants, gifts, transfers, bequests, and donations to the legacy fund
74 accepted by the department and specifically directed to the legacy fund.

75 (3) (a) The account shall earn interest.

76 (b) The interest described in Subsection (3)(a) shall be deposited into the account.

77 Section 6. Section **23-31-202** is enacted to read:

78 **23-31-202. Utah Natural Resources Legacy Fund Board.**

79 (1) Subject to Subsection (12), there is created within the department the Utah Natural
80 Resources Legacy Fund Board that consists of eight members as follows:

81 (a) the following voting members:

82 (i) two members representing the agriculture industry, appointed by the commissioner
83 of the Department of Agriculture and Food;

84 (ii) one member representing a non-government entity that has as a primary purpose
85 conserving non-game wildlife and habitat, appointed by the director of the Division of Wildlife

86 Resources;

87 (iii) one member representing hunting, fishing, and trapping interests in Utah,
88 appointed by the director of the Division of Wildlife Resources;

89 (iv) one member representing mineral extraction and development interests, appointed
90 by the director of the Division of Oil, Gas, and Mining;

91 (v) one member representing water development and distribution interests, appointed
92 by the executive director of the department; and

93 (vi) one at-large member, appointed by the executive director of the department; and

94 (b) the director of the division as a nonvoting member.

95 (2) A voting member of the board shall be appointed for a three-year term.

96 (3) Notwithstanding Subsection (2), terms of board members are staggered as follows
97 so that approximately one-third of the board is appointed every year:

98 (a) the initial individuals appointed under Subsections (1)(a)(i) and (ii) shall be
99 appointed for three-year terms;

100 (b) the initial individuals appointed under Subsections (1)(a)(iii) and (iv) shall be
101 appointed for two-year terms; and

102 (c) the initial individuals appointed under Subsections (1)(a)(v) and (vi) shall be
103 appointed for one-year terms.

104 (4) An individual may be appointed to more than one term.

105 (5) When a vacancy occurs in the membership for any reason, an individual shall be
106 appointed in accordance with Subsection (1) to replace the member for the unexpired term.

107 (6) The board shall elect one member to serve as chair of the board.

108 (7) The board shall meet regularly as called by the chair.

109 (8) Four voting members constitute a quorum.

110 (9) An action by the majority of voting members present when a quorum is present is
111 an action of the board.

112 (10) A member may not receive compensation or benefits for the member's service, but
113 may receive per diem and travel expenses in accordance with:

- 114 (a) Section 63A-3-106;
- 115 (b) Section 63A-3-107; and
- 116 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 117 63A-3-107.

118 (11) The division shall staff the board.

119 (12) The board is not created and may not begin operation until the fund described in

120 Section 23-31-201 holds at least \$200,000.

121 Section 7. Section **23-31-203** is enacted to read:

122 **23-31-203. Uses of legacy fund.**

- 123 (1) Each year, when the board creates a budget, the board shall allocate:
- 124 (a) 40% of the budget:
 - 125 (i) for staff and expenses to administer the fund under this chapter;
 - 126 (ii) to conduct research, monitoring, and management actions that benefit non-game
 - 127 species; or
 - 128 (iii) to otherwise reduce the likelihood of future species listings under the Endangered
 - 129 Species Act, 16 U.S.C. Sec. 1531 et seq.; and
 - 130 (b) 60% of the budget to fund the following projects that provide the following
 - 131 landscape level conservation benefits:
 - 132 (i) preserving open spaces, wildlife habitat, and critical agricultural lands;
 - 133 (ii) providing perpetual access for hunting, fishing, or trapping;
 - 134 (iii) addressing and mitigating impacts detrimental to wildlife habitat, the environment,
 - 135 and the multiple use of renewable natural resources attributable to residential, mineral, and
 - 136 industrial development; or
 - 137 (iv) preserving a viable agricultural industry.
 - 138 (2) (a) The board shall make recommendations to the division regarding expenditures
 - 139 from the legacy fund for the purposes described in Subsection (1)(b).
 - 140 (b) The division shall consider the board's recommendations in approving an
 - 141 expenditure from the legacy fund under Subsection (1) and, if the division rejects the board's

142 recommendation, the director of the division shall provide the board with a written explanation
143 of the reason for the rejection.

144 (3) In performing the actions described in Subsection (1)(b), the division shall comply
145 with the requirements described in Section 23-21-1.5.

146 (4) This section does not give the division the power of eminent domain.

147 (5) The division may not use assets from the legacy fund for litigation.

148 (6) Money in the legacy fund may not be used to develop or implement a habitat
149 conservation plan required under federal law unless the federal government pays for at least
150 one-third of the habitat conservation plan costs.

151 Section 8. Section **79-2-201** is amended to read:

152 **79-2-201. Department of Natural Resources created.**

153 (1) There is created the Department of Natural Resources.

154 (2) The department comprises the following:

155 (a) Board of Water Resources, created in Section 73-10-1.5;

156 (b) Board of Oil, Gas, and Mining, created in Section 40-6-4;

157 (c) Board of Parks and Recreation, created in Section 79-4-301;

158 (d) Wildlife Board, created in Section 23-14-2;

159 (e) Board of the Utah Geological Survey, created in Section 79-3-301;

160 (f) Water Development Coordinating Council, created in Section 73-10c-3;

161 (g) Division of Water Rights, created in Section 73-2-1.1;

162 (h) Division of Water Resources, created in Section 73-10-18;

163 (i) Division of Forestry, Fire, and State Lands, created in Section 65A-1-4;

164 (j) Division of Oil, Gas, and Mining, created in Section 40-6-15;

165 (k) Division of Parks and Recreation, created in Section 79-4-201;

166 (l) Division of Wildlife Resources, created in Section 23-14-1;

167 (m) Utah Geological Survey, created in Section 79-3-201;

168 (n) Heritage Trees Advisory Committee, created in Section 65A-8-306;

169 (o) Recreational Trails Advisory Council, authorized by Section 79-5-201;

- 170 (p) Boating Advisory Council, authorized by Section [73-18-3.5](#);
- 171 (q) Wildlife Board Nominating Committee, created in Section [23-14-2.5](#); [~~and~~]
- 172 (r) Wildlife Regional Advisory Councils, created in Section [23-14-2.6](#)[~~;~~]; and
- 173 (s) Utah Natural Resources Legacy Fund Board, created in Section [23-31-202](#).
- 174 **Section 9. Effective date.**
- 175 This bill takes effect on July 1, 2020.