

1                   **COMMISSION FOR THE STEWARDSHIP OF PUBLIC**  
2                   **LANDS AND PRIVATE DONATIONS FOR PUBLIC LANDS**  
3                   **LITIGATION**

4                   2016 GENERAL SESSION

5                   STATE OF UTAH

6                   **Chief Sponsor: Kay J. Christofferson**

7                   Senate Sponsor: Ralph Okerlund

8	Cosponsors:	Ken Ivory	Paul Ray
9	Melvin R. Brown	David E. Lifferth	Douglas V. Sagers
10	Scott H. Chew	Kay L. McIff	Scott D. Sandall
11	LaVar Christensen	Michael E. Noel	Keven J. Stratton
12	Kim Coleman	Curtis Oda	Norman K Thurston
13	Brad M. Daw	Derrin Owens	R. Curt Webb
14	Brad L. Dee	Lee B. Perry	John R. Westwood
15	Gage Froerer	Jeremy A. Peterson	Brad R. Wilson
16	Keith Grover	Val L. Peterson	
17	Don L. Ipson	Dixon M. Pitcher	

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19 **LONG TITLE**

20 **General Description:**

21           This bill moves the enabling language for the Commission for the Stewardship of  
22 Public Lands from the uncodified Laws of Utah to Title 63C, State Commissions and  
23 Councils Code, and establishes Public Lands Litigation Accounts.

24 **Highlighted Provisions:**

25           This bill:

- 26           ▶ amends uncodified Laws of Utah to move the Commission for the Stewardship of
- 27 Public Lands into the State Commissions and Councils Code;
- 28           ▶ inserts existing law regarding the creation of, and duties for, the Commission for the

29 Stewardship of Public Lands as new language in Title 63C, State Commissions and Councils  
30 Code;

31       ▶ defines terms;  
32       ▶ amends the duties of the commission to include the duty to make recommendations  
33 concerning the use of funds in the Public Lands Litigation Restricted Account and  
34 the Public Lands Litigation Expendable Special Revenue Fund;

35       ▶ creates the Public Lands Litigation Restricted Account;  
36       ▶ establishes the purpose of the account;  
37       ▶ requires a report to the Commission for the Stewardship of Public Lands before  
38 money appropriated from the account is spent;

39       ▶ creates the Public Lands Litigation Expendable Special Revenue Fund;  
40       ▶ establishes the purpose of the Public Lands Litigation Expendable Special Revenue  
41 Fund, which includes accepting contributions and donations for litigation related to  
42 public lands; and

43       ▶ requires the Division of Finance to report to the Commission for the Stewardship of  
44 Public Lands before disbursing money from the fund.

45 **Money Appropriated in this Bill:**

46       None

47 **Other Special Clauses:**

48       This bill provides a special effective date.

49 **Utah Code Sections Affected:**

50 AMENDS:

51       **63I-1-263**, as last amended by Laws of Utah 2015, Chapters 182, 226, 278, 283, 409,  
52 and 424

53 ENACTS:

54       **63C-4b-101**, Utah Code Annotated 1953

55       **63C-4b-102**, Utah Code Annotated 1953

56       **63C-4b-103**, Utah Code Annotated 1953

- 57 [63C-4b-104](#), Utah Code Annotated 1953
- 58 [63C-4b-105](#), Utah Code Annotated 1953
- 59 [63C-4b-106](#), Utah Code Annotated 1953
- 60 [63C-4b-107](#), Utah Code Annotated 1953

61 **Uncodified Material Affected:**

62 AMENDS UNCODIFIED MATERIAL:

63 **Uncodified Section 5, Laws of Utah 2014, Chapter 319**



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

66 Section 1. Section **63C-4b-101** is enacted to read:

67 **CHAPTER 4b. COMMISSION FOR THE STEWARDSHIP OF PUBLIC LANDS**

68 **63C-4b-101. Title.**

69 This chapter is known as "Commission for the Stewardship of Public Lands."

70 Section 2. Section **63C-4b-102** is enacted to read:

71 **63C-4b-102. Definitions.**

72 For purposes of this chapter:

73 (1) "Account" means the Public Lands Litigation Restricted Account created in Section

74 [63C-4b-105](#).

75 (2) "Commission" means the Commission for the Stewardship of Public Lands.

76 Section 3. Section **63C-4b-103** is enacted to read:

77 **63C-4b-103. Commission for the Stewardship of Public Lands -- Creation --**

78 **Membership -- Interim rules followed -- Compensation -- Staff.**

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

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

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

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

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

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

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

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

96           Section 4. Section **63C-4b-104** is enacted to read:

97           **63C-4b-104. Duties -- Interim report.**

98           (1) The commission shall:

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

100           (b) review and make recommendations on the transfer of federally controlled public  
101 lands to the state;

102           (c) review and make recommendations regarding the state's sovereign right to protect  
103 the health, safety, and welfare of its citizens as it relates to public lands, including  
104 recommendations concerning the use of funds in the account created in Section [63C-4b-105](#);

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

108           (e) coordinate with and report on the efforts of the executive branch, the counties and  
109 political subdivisions of the state, the state congressional delegation, western governors, other  
110 states, and other stakeholders concerning the transfer of federally controlled public lands to the  
111 state including convening working groups, such as a working group composed of members of  
112 the Utah Association of Counties;

113 (f) study and make recommendations regarding the appropriate designation of public  
114 lands transferred to the state, including stewardship of the land and appropriate uses of the  
115 land;

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

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

121 (i) preparation for potential litigation;

122 (ii) selection of outside legal counsel;

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

124 (iv) use of money:

125 (A) appropriated by the Legislature for the purpose of securing the transfer of public  
126 lands to the state under Section [63C-4b-105](#); and

127 (B) disbursed from the Public Lands Litigation Expendable Special Revenue Fund  
128 created in Section [63C-4b-106](#).

129 (2) The commission shall prepare an annual report, including any proposed legislation,  
130 and present the report to the Natural Resources, Agriculture, and Environment Interim  
131 Committee on or before November 30, 2016, and on or before November 30 each year  
132 thereafter.

133 Section 5. Section **63C-4b-105** is enacted to read:

134 **63C-4b-105. Creation of Public Lands Litigation Restricted Account -- Sources of**  
135 **funds -- Uses of funds -- Reports.**

136 (1) There is created a restricted account within the General Fund known as the Public  
137 Lands Litigation Restricted Account.

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

140 (a) money received by the commission from other state agencies; and

141 (b) appropriations made by the Legislature.

142 (3) The Legislature may annually appropriate money from the account for the purposes  
143 of asserting, defending, or litigating state and local government rights to the disposition and use  
144 of federal lands within the state as those rights are granted by the United States Constitution,  
145 the Utah Enabling Act, and other applicable law.

146 (4) (a) Any entity that receives money from the account shall, before disbursing the  
147 money to another person for the purposes described in Subsection (3), or before spending the  
148 money appropriated, report to the commission regarding:

- 149 (i) the amount of the disbursement;
- 150 (ii) who will receive the disbursement; and
- 151 (iii) the planned use for the disbursement.

152 (b) The commission may, upon receiving the report under Subsection (4)(a):

- 153 (i) advise the Legislature and the entity of the commission finding that the  
154 disbursement is consistent with the purposes in Subsection (3); or
- 155 (ii) advise the Legislature and the entity of the commission finding that the  
156 disbursement is not consistent with the purposes in Subsection (3).

157 Section 6. Section **63C-4b-106** is enacted to read:

158 **63C-4b-106. Public Lands Litigation Expendable Special Revenue Fund --**  
159 **Creation -- Source of funds -- Use of funds -- Reports.**

160 (1) There is created an expendable special revenue fund known as the Public Lands  
161 Litigation Expendable Special Revenue Fund.

162 (2) The fund shall consist of gifts, grants, donations, or any other conveyance of money  
163 that may be made to the fund from private sources and other states.

164 (3) The fund shall be administered by the Division of Finance in accordance with  
165 Subsection (4).

166 (4) (a) The fund may be used only for the purpose of asserting, defending, or litigating  
167 state and local government rights to the disposition and use of federal lands within the state as  
168 those rights are granted by the United States Constitution, the Utah Enabling Act, and other

169 applicable law.

170 (b) Before each disbursement from the fund, the Division of Finance shall report to the  
171 commission regarding:

- 172 (i) the sources of the money in the fund;
- 173 (ii) who will receive the disbursement;
- 174 (iii) the planned use of the disbursement; and
- 175 (iv) the amount of the disbursement.

176 (c) The commission may, upon receiving the report under Subsection (4)(b):

177 (i) advise the Legislature and the Division of Finance of the commission finding that  
178 the disbursement is consistent with the purposes in Subsection (4)(a); or

179 (ii) advise the Legislature and the Division of Finance of the commission finding that  
180 the disbursement is not consistent with the purposes in Subsection (4)(a).

181 Section 7. Section **63C-4b-107** is enacted to read:

182 **63C-4b-107. Repeal of commission.**

183 The commission is repealed in accordance with Section [63I-1-263](#).

184 Section 8. Section **63I-1-263** is amended to read:

185 **63I-1-263. Repeal dates, Titles 63A to 63M.**

186 (1) Section [63A-4-204](#), authorizing the Risk Management Fund to provide coverage to  
187 any public school district which chooses to participate, is repealed July 1, 2016.

188 (2) Subsection [63A-5-104](#)(4)(h) is repealed on July 1, 2024.

189 (3) Section [63A-5-603](#), State Facility Energy Efficiency Fund, is repealed July 1, 2016.

190 (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July  
191 1, 2018.

192 (5) Title 63C, Chapter 4b, Commission for the Stewardship of Public Lands, is  
193 repealed November 30, 2019.

194 ~~[(5)]~~ (6) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July  
195 1, 2020.

196 ~~[(6)]~~ (7) Subsection [63G-6a-1402](#)(7) authorizing certain transportation agencies to

197 award a contract for a design-build transportation project in certain circumstances, is repealed  
198 July 1, 2015.

199 ~~[(7)]~~ (8) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed  
200 July 1, 2020.

201 ~~[(8)]~~ (9) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2016.  
202 ~~[(9)]~~ (10) On July 1, 2025:

203 (a) in Subsection 17-27a-404(3)(c)(ii), the language that states "the Resource  
204 Development Coordinating Committee," is repealed;

205 (b) Subsection 23-14-21(2)(c) is amended to read "(c) provide notification of proposed  
206 sites for the transplant of species to local government officials having jurisdiction over areas  
207 that may be affected by a transplant.";

208 (c) in Subsection 23-14-21(3), the language that states "and the Resource Development  
209 Coordinating Committee" is repealed;

210 (d) in Subsection 23-21-2.3(1), the language that states "the Resource Development  
211 Coordinating Committee created in Section 63J-4-501 and" is repealed;

212 (e) in Subsection 23-21-2.3(2), the language that states "the Resource Development  
213 Coordinating Committee and" is repealed;

214 (f) Subsection 63J-4-102(1) is repealed and the remaining subsections are renumbered  
215 accordingly;

216 (g) Subsections 63J-4-401(5)(a) and (c) are repealed;

217 (h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the  
218 word "and" is inserted immediately after the semicolon;

219 (i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);

220 (j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed;  
221 and

222 (k) Subsection 63J-4-603(1)(e)(iv) is repealed and the remaining subsections are  
223 renumbered accordingly.

224 ~~[(10)]~~ (11) The Crime Victim Reparations and Assistance Board, created in Section



225 63M-7-504, is repealed July 1, 2017.

226 [~~(11)~~] (12) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,  
227 2017.

228 [~~(12)~~] (13) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2018.

229 [~~(13)~~] (14) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act,  
230 is repealed January 1, 2021.

231 (b) Subject to Subsection [~~(13)~~] (14)(c), Sections 59-7-610 and 59-10-1007 regarding  
232 tax credits for certain persons in recycling market development zones, are repealed for taxable  
233 years beginning on or after January 1, 2021.

234 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

235 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or  
236 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

237 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if  
238 the expenditure is made on or after January 1, 2021.

239 (d) Notwithstanding Subsections [~~(13)~~] (14)(b) and (c), a person may carry forward a  
240 tax credit in accordance with Section 59-7-610 or 59-10-1007 if:

241 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

242 (ii) (A) for the purchase price of machinery or equipment described in Section  
243 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,  
244 2020; or

245 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the  
246 expenditure is made on or before December 31, 2020.

247 [~~(14)~~] (15) Section 63N-2-512 is repealed on July 1, 2021.

248 [~~(15)~~] (16) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed  
249 January 1, 2021.

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

252 (c) Notwithstanding Subsection [~~(15)~~] (16)(b), an entity may carry forward a tax credit

253 in accordance with Section [59-9-107](#) if:

254 (i) the person is entitled to a tax credit under Section [59-9-107](#) on or before December  
255 31, 2020; and

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

258 ~~[(16)]~~ (17) Title 63N, Chapter 12, Part 3, Utah Broadband Outreach Center, is repealed  
259 July 1, 2018.

260 Section 9. **Uncodified Section 5, Laws of Utah 2014, Chapter 319** is amended to  
261 read:

262 Section 5. **Repeal date.**

263 (1) Uncodified [~~Sections 2, 3, and~~] Section 4, that [~~create~~] appropriates for the  
264 Commission for the Stewardship of Public Lands, [~~are~~] is repealed on November 30, 2019.

265 (2) Uncodified Sections 2 and 3, that create the Commission for the Stewardship of  
266 Public Lands, are repealed on July 1, 2016, which is the effective date for Title 63C, Chapter  
267 4b, Commission for the Stewardship of Public Lands.

268 Section 10. **Effective date.**

269 This bill takes effect on July 1, 2016.