

HB0368S02 compared with HB0368S01

~~text~~ shows text that was in HB0368S01 but was deleted in HB0368S02.

text shows text that was not in HB0368S01 but was inserted into HB0368S02.

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Representative Robert M. Spendlove proposes the following substitute bill:

STATE PLANNING AGENCIES AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to state planning agencies.

Highlighted Provisions:

This bill:

- ▶ modifies provisions relating to the Governor's Office of Management and Budget, the Public Lands Policy Coordinating Office, the state planning coordinator, and the Resource Development Coordinating Committee;
- ▶ changes the name of the Governor's Office of Management and Budget to the Governor's Office of Planning and Budget;
- ▶ moves the Public Lands Policy Coordinating Office to be within the Department of Natural Resources;
- ▶ modifies compensation and retirement provisions relating to the executive director

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and employees of the Public Lands Policy Coordinating Office;

- ▶ repeals language relating to the Employability to Careers Program within the Governor's Office of Management and Budget;
- ▶ replaces the state planning coordinator with the executive director of the renamed Governor's Office of Planning and Budget on the board of the Homeless Coordinating Committee;
- ▶ modifies the date for the submission of an estimate of ongoing General Fund revenue that involves the renamed Governor's Office of Planning and Budget;
- ▶ provides for the state planning coordinator to be appointed by the executive director of the Governor's Office of Planning and Budget rather than by the governor;
- ▶ eliminates the responsibility of the state planning coordinator to oversee and supervise the activities and duties of the public lands policy coordinator;
- ▶ modifies the roles of the state planning coordinator and the Public Lands Policy Coordinating Office; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

~~{None}~~ This bill appropriates in fiscal year 2022:

- ▶ to the Public Lands Policy Coordinating Office:
 - from General Fund, (\$2,685,100)
 - from General Fund, One-Time (\$5,100)
 - from General Fund Restricted - Constitutional Defense, (\$1,227,300)
 - from General Fund Restricted - Constitutional Defense, One-Time, (\$2,300)
 - from Beginning Nonlapsing Balances, (\$2,559,900)
 - from Closing Nonlapsing Balances, \$2,189,900
- ▶ to the Department of Natural Resources - Public Lands Policy Coordinating Office
 - from General Fund, \$2,685,100
 - from General Fund, One-Time, \$5,100
 - from General Fund Restricted - Constitutional Defense, \$1,227,300
 - from General Fund Restricted - Constitutional Defense, One-Time, \$2,300
 - from Beginning Nonlapsing Balances, \$2,559,900
 - from Closing Nonlapsing Balances, (\$2,189,900)

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Other Special Clauses:

This bill provides a special effective date.

This bill provides revisor instructions.

[This bill provides coordination clauses.](#)

Utah Code Sections Affected:

AMENDS:

- 4-20-103, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 11-38-201, as last amended by Laws of Utah 2020, Chapter 352
- 11-38-203, as last amended by Laws of Utah 2013, Chapter 310
- 17B-1-106, as last amended by Laws of Utah 2013, Chapter 445
- 23-14-21, as last amended by Laws of Utah 2008, Chapter 382
- 23-21-2.3, as last amended by Laws of Utah 2008, Chapter 382
- 26-18-405.5, as enacted by Laws of Utah 2015, Chapter 288
- 32B-2-505, as enacted by Laws of Utah 2018, Chapter 329
- 35A-1-109, as last amended by Laws of Utah 2018, Chapter 423
- 35A-1-201, as last amended by Laws of Utah 2020, Chapter 352
- 35A-8-601, as last amended by Laws of Utah 2018, Chapters 251 and 312
- 36-2-4, as last amended by Laws of Utah 2013, Chapter 310
- 49-11-406, as last amended by Laws of Utah 2020, Chapter 24
- 49-12-203, as last amended by Laws of Utah 2020, Chapters 24 and 365
- 49-20-410, as last amended by Laws of Utah 2018, Chapter 155
- 49-22-205, as last amended by Laws of Utah 2020, Chapter 24
- 51-10-202, as enacted by Laws of Utah 2015, Chapter 319
- 53-2c-201, as enacted by Laws of Utah 2020, Third Special Session, Chapter 1
- 53-17-402, as enacted by Laws of Utah 2015, Chapter 166
- 53B-2a-110, as last amended by Laws of Utah 2020, Chapter 365
- 53F-2-205, as last amended by Laws of Utah 2020, Chapter 330
- 53F-2-208, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 14
- 53F-2-601, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 14
- 53F-9-201, as last amended by Laws of Utah 2020, Chapters 207 and 354
- 54-3-28, as last amended by Laws of Utah 2013, Chapter 445

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- 59-1-403**, as last amended by Laws of Utah 2020, Chapter 294
- 59-1-403.1**, as enacted by Laws of Utah 2018, Chapter 4
- 59-15-109**, as last amended by Laws of Utah 2019, Chapter 336
- 62A-15-612**, as last amended by Laws of Utah 2013, Chapters 17 and 310
- 63A-1-114**, as last amended by Laws of Utah 2018, Chapter 137
- 63A-1-203**, as renumbered and amended by Laws of Utah 2019, Chapter 370
- 63A-5b-201**, as enacted by Laws of Utah 2020, Chapter 152
- 63A-5b-702**, as enacted by Laws of Utah 2020, Chapter 152
- 63B-2-301**, as last amended by Laws of Utah 2020, Chapter 152
- 63B-3-301**, as last amended by Laws of Utah 2019, Chapter 61
- 63B-4-201**, as last amended by Laws of Utah 2020, Chapter 152
- 63B-4-301**, as last amended by Laws of Utah 2013, Chapter 310
- 63C-4a-308**, as renumbered and amended by Laws of Utah 2019, Chapter 246
- 63C-4a-402**, as last amended by Laws of Utah 2016, Chapter 378
- 63C-9-301**, as last amended by Laws of Utah 2016, Chapters 215 and 245
- 63C-20-103**, as enacted by Laws of Utah 2018, Chapter 330
- 63C-20-105**, as enacted by Laws of Utah 2018, Chapter 330
- 63F-1-104**, as last amended by Laws of Utah 2020, Chapter 94
- 63F-1-302**, as last amended by Laws of Utah 2016, Chapter 287
- 63F-1-508**, as last amended by Laws of Utah 2013, Chapter 310
- 63F-3-103**, as last amended by Laws of Utah 2020, Chapter 270
- 63F-4-102**, as enacted by Laws of Utah 2018, Chapter 144
- 63G-2-305**, as last amended by Laws of Utah 2020, Chapters 112, 198, 339, 349, 382, and 393
- 63G-3-301**, as last amended by Laws of Utah 2020, Chapter 408
- 63G-25-202**, as enacted by Laws of Utah 2020, Chapter 319
- 63I-1-263**, as last amended by Laws of Utah 2020, Chapters 82, 152, 154, 199, 230, 303, 322, 336, 354, 360, 375, 405 and last amended by Coordination Clause, Laws of Utah 2020, Chapter 360
- 63I-2-263**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 12
- 63J-1-105**, as last amended by Laws of Utah 2019, Chapter 182

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63J-1-201, as last amended by Laws of Utah 2020, Chapter 152
63J-1-205, as last amended by Laws of Utah 2014, Chapter 430
63J-1-209, as last amended by Laws of Utah 2018, Chapter 469
63J-1-217, as last amended by Laws of Utah 2018, Chapter 469
63J-1-220, as last amended by Laws of Utah 2019, Chapters 136 and 293
63J-1-411, as last amended by Laws of Utah 2013, Chapter 310
63J-1-504, as last amended by Laws of Utah 2018, Chapter 229
63J-1-602.1, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
63J-3-102, as last amended by Laws of Utah 2018, Chapter 415
63J-3-103, as last amended by Laws of Utah 2020, Chapters 152 and 365
63J-3-202, as last amended by Laws of Utah 2013, Chapter 310
63J-4-101, as last amended by Laws of Utah 2013, Chapter 310
63J-4-102, as last amended by Laws of Utah 2013, Chapter 310
63J-4-201, as last amended by Laws of Utah 2013, Chapter 310
63J-4-202, as last amended by Laws of Utah 2013, Chapters 12 and 310
63J-4-301, as last amended by Laws of Utah 2018, Chapters 423 and 469
63J-4-401, as last amended by Laws of Utah 2013, Chapter 101
63J-5-201, as last amended by Laws of Utah 2013, Chapter 310
63J-5-202, as last amended by Laws of Utah 2016, Chapter 272
63J-7-201, as last amended by Laws of Utah 2013, Chapter 310
63J-8-102, as last amended by Laws of Utah 2017, Chapter 181
63J-8-104, as last amended by Laws of Utah 2014, Chapter 328
63J-8-105.2, as enacted by Laws of Utah 2015, Chapter 88
63J-8-105.5, as last amended by Laws of Utah 2015, Chapter 88
63J-8-105.7, as last amended by Laws of Utah 2014, Chapter 321
63J-8-105.8, as last amended by Laws of Utah 2018, Chapter 50
63J-8-105.9, as last amended by Laws of Utah 2015, Chapter 87
63J-8-106, as repealed and reenacted by Laws of Utah 2012, Chapter 165
63L-2-301, as last amended by Laws of Utah 2020, Chapter 168
63L-10-102, as last amended by Laws of Utah 2019, Chapter 246
63N-1-203, as last amended by Laws of Utah 2018, Chapter 423

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63N-1-301, as last amended by Laws of Utah 2020, Chapter 365
63N-2-107, as last amended by Laws of Utah 2016, Chapter 350
63N-2-811, as renumbered and amended by Laws of Utah 2015, Chapter 283
63N-3-111, as last amended by Laws of Utah 2018, Chapter 182
63N-9-104, as last amended by Laws of Utah 2016, Chapter 88
64-13e-105, as last amended by Laws of Utah 2020, Chapter 410
67-4-16, as last amended by Laws of Utah 2013, Chapter 310
67-5-34, as enacted by Laws of Utah 2016, Chapter 120
67-19-11, as last amended by Laws of Utah 2016, Chapters 228, 287 and last amended
by Coordination Clause, Laws of Utah 2016, Chapter 287
67-19-15, as last amended by Laws of Utah 2020, Chapter 360
67-19-43, as last amended by Laws of Utah 2016, Chapter 310
67-19d-202, as last amended by Laws of Utah 2013, Chapter 310
67-19f-202, as last amended by Laws of Utah 2015, Chapter 368
67-22-2, as last amended by Laws of Utah 2018, Chapter 39
79-2-201, as last amended by Laws of Utah 2020, Chapters 190 and 309

ENACTS:

63L-11-101, Utah Code Annotated 1953
63L-11-103, Utah Code Annotated 1953
63L-11-301, Utah Code Annotated 1953
63L-11-302, Utah Code Annotated 1953
63L-11-303, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

63L-11-102, (Renumbered from 63J-4-601, as last amended by Laws of Utah 2009,
Chapter 121)
63L-11-201, (Renumbered from 63J-4-602, as last amended by Laws of Utah 2020,
Chapter 352)
63L-11-202, (Renumbered from 63J-4-603, as last amended by Laws of Utah 2018,
Chapter 411)
63L-11-203, (Renumbered from 63J-4-607, as last amended by Laws of Utah 2020,
Chapter 434)

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63L-11-304, (Renumbered from 63J-4-606, as last amended by Laws of Utah 2019, Chapter 246)

63L-11-305, (Renumbered from 63J-4-608, as last amended by Laws of Utah 2020, Chapter 354)

63L-11-401, (Renumbered from 63J-4-501, as last amended by Laws of Utah 2013, Chapter 310)

63L-11-402, (Renumbered from 63J-4-502, as last amended by Laws of Utah 2015, Chapter 451)

63L-11-403, (Renumbered from 63J-4-503, as last amended by Laws of Utah 2009, Chapter 121)

63L-11-404, (Renumbered from 63J-4-504, as renumbered and amended by Laws of Utah 2008, Chapter 382)

63L-11-405, (Renumbered from 63J-4-505, as renumbered and amended by Laws of Utah 2008, Chapter 382)

REPEALS:

63J-4-701, as enacted by Laws of Utah 2017, Chapter 253

63J-4-702, as last amended by Laws of Utah 2020, Chapter 352

63J-4-703, as enacted by Laws of Utah 2017, Chapter 253

63J-4-704, as enacted by Laws of Utah 2017, Chapter 253

63J-4-705, as enacted by Laws of Utah 2017, Chapter 253

63J-4-706, as enacted by Laws of Utah 2017, Chapter 253

63J-4-707, as enacted by Laws of Utah 2017, Chapter 253

63J-4-708, as last amended by Laws of Utah 2018, Chapter 423

Utah Code Sections Affected by Coordination Clause:

63I-1-263, as last amended by Laws of Utah 2020, Chapters 82, 152, 154, 199, 230, 303, 322, 336, 354, 360, 375, 405 and last amended by Coordination Clause, Laws of Utah 2020, Chapter 360

63J-4-202, as last amended by Laws of Utah 2013, Chapters 12 and 310

63L-11-402, Utah Code Annotated 1953

Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL

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

Section 1. Section **4-20-103** is amended to read:

4-20-103. State Grazing Advisory Board -- Duties.

(1) (a) There is created within the department the State Grazing Advisory Board.

(b) The commissioner shall appoint the following members:

(i) one member from each regional board;

(ii) one member from the Conservation Commission, created in Section 4-18-104;

(iii) one representative of the Department of Natural Resources;

(iv) two livestock producers at-large; and

(v) one representative of the oil, gas, or mining industry.

(2) The term of office for a state board member is four years.

(3) Members of the state board shall elect a chair, who shall serve for two years.

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

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(5) The state board shall:

(a) receive:

(i) advice and recommendations from a regional board concerning:

(A) management plans for public lands, state lands, and school and institutional trust lands as defined in Section 53C-1-103, within the regional board's region; and

(B) any issue that impacts grazing on private lands, public lands, state lands, or school and institutional trust lands as defined in Section 53C-1-103, in its region; and

(ii) requests for restricted account money from the entities described in Subsections (5)(c)(i) through (iv);

(b) recommend state policy positions and cooperative agency participation in federal and state land management plans to the department and to the Public Lands Policy Coordinating Office, created under Section [~~63J-4-602~~] 63L-11-201; and

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(c) advise the department on the requests and recommendations of:

- (i) regional boards;
- (ii) county weed control boards, created in Section 4-17-105;
- (iii) cooperative weed management associations; and
- (iv) conservation districts created under the authority of Title 17D, Chapter 3,

Conservation District Act.

Section 2. Section **11-38-201** is amended to read:

11-38-201. Quality Growth Commission -- Term of office -- Vacancy --

Organization -- Expenses -- Staff.

(1) (a) There is created a Quality Growth Commission consisting of:

- (i) the director of the Department of Natural Resources;
- (ii) the commissioner of the Department of Agriculture and Food;
- (iii) six elected officials at the local government level, three of whom may not be

residents of a county of the first or second class; and

(iv) five persons from the profit and nonprofit private sector, two of whom may not be residents of a county of the first or second class and no more than three of whom may be from the same political party and one of whom shall be from the residential construction industry, nominated by the Utah Home Builders Association, and one of whom shall be from the real estate industry, nominated by the Utah Association of Realtors.

(b) (i) The director of the Department of Natural Resources and the commissioner of the Department of Agriculture and Food may not assume their positions on the commission until:

(A) after May 1, 2005; and

(B) the term of the respective predecessor in office, who is a state government level appointee, expires.

(ii) The term of a commission member serving on May 1, 2005 as one of the six elected local officials or five private sector appointees may not be shortened because of application of the restriction under Subsections (1)(a)(iii) and (iv) on the number of appointees from counties of the first or second class.

(2) (a) Each commission member appointed under Subsection (1)(a)(iii) or (iv) shall be appointed by the governor with the advice and consent of the Senate.

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(b) The governor shall select three of the six members under Subsection (1)(a)(iii) from a list of names provided by the Utah League of Cities and Towns, and shall select the remaining three from a list of names provided by the Utah Association of Counties.

(c) Two of the persons appointed under Subsection (1) shall be from the agricultural community from a list of names provided by Utah farm organizations.

(3) (a) The term of office of each member is four years, except that the governor shall appoint one of the persons at the state government level, three of the persons at the local government level, and two of the persons under Subsection (1)(a)(iv) to an initial two-year term.

(b) No member of the commission may serve more than two consecutive four-year terms.

(4) Each mid-term vacancy shall be filled for the unexpired term in the same manner as an appointment under Subsection (2).

(5) Commission members shall elect a chair from their number and establish rules for the organization and operation of the commission.

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

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7) A member is not required to give bond for the performance of official duties.

(8) Staff services to the commission:

(a) shall be provided by the Governor's Office of [~~Management~~] Planning and Budget; and

(b) may be provided by local entities through the Utah Association of Counties and the Utah League of Cities and Towns, with funds approved by the commission from those identified as available to local entities under Subsection 11-38-203(1)(a).

Section 3. Section **11-38-203** is amended to read:

11-38-203. Commission may provide assistance to local entities.

The commission may:

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(1) from funds appropriated to the Governor's Office of ~~Management~~ Planning and Budget by the Legislature for this purpose, grant money to local entities to help them obtain the technical assistance they need to:

(a) conduct workshops or public hearings or use other similar methods to obtain public input and participation in the process of identifying for that entity the principles of quality growth referred to in Subsection 11-38-202(1)(f);

(b) identify where and how quality growth areas could be established within the local entity; and

(c) develop or modify the local entity's general plan to incorporate and implement the principles of quality growth developed by the local entity and to establish quality growth areas; and

(2) require each local entity to which the commission grants money under Subsection (1) to report to the commission, in a format and upon a timetable determined by the commission, on that local entity's process of developing quality growth principles and on the quality growth principles developed by that local entity.

Section 4. Section **17B-1-106** is amended to read:

17B-1-106. Notice before preparing or amending a long-range plan or acquiring certain property.

(1) As used in this section:

(a) (i) "Affected entity" means each county, municipality, local district under this title, special service district, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

(A) whose services or facilities are likely to require expansion or significant modification because of an intended use of land; or

(B) that has filed with the local district a copy of the general or long-range plan of the county, municipality, local district, school district, interlocal cooperation entity, or specified public utility.

(ii) "Affected entity" does not include the local district that is required under this section to provide notice.

(b) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

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(2) (a) If a local district under this title located in a county of the first or second class prepares a long-range plan regarding its facilities proposed for the future or amends an already existing long-range plan, the local district shall, before preparing a long-range plan or amendments to an existing long-range plan, provide written notice, as provided in this section, of its intent to prepare a long-range plan or to amend an existing long-range plan.

(b) Each notice under Subsection (2)(a) shall:

(i) indicate that the local district intends to prepare a long-range plan or to amend a long-range plan, as the case may be;

(ii) describe or provide a map of the geographic area that will be affected by the long-range plan or amendments to a long-range plan;

(iii) be:

(A) sent to each county in whose unincorporated area and each municipality in whose boundaries is located the land on which the proposed long-range plan or amendments to a long-range plan are expected to indicate that the proposed facilities will be located;

(B) sent to each affected entity;

(C) sent to the Automated Geographic Reference Center created in Section 63F-1-506;

(D) sent to each association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality described in Subsection (2)(b)(iii)(A) is a member; and

(E) (I) placed on the Utah Public Notice Website created under Section 63F-1-701, if the local district:

(Aa) is required under Subsection 52-4-203(3) to use that website to provide public notice of a meeting; or

(Bb) voluntarily chooses to place notice on that website despite not being required to do so under Subsection (2)(b)(iii)(E)(I)(Aa); or

(II) the state planning coordinator appointed under Section [~~63J-4-202~~] 63J-4-401, if the local district does not provide notice on the Utah Public Notice Website under Subsection (2)(b)(iii)(E)(I);

(iv) with respect to the notice to counties and municipalities described in Subsection (2)(b)(iii)(A) and affected entities, invite them to provide information for the local district to consider in the process of preparing, adopting, and implementing the long-range plan or

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amendments to a long-range plan concerning:

(A) impacts that the use of land proposed in the proposed long-range plan or amendments to a long-range plan may have on the county, municipality, or affected entity; and

(B) uses of land that the county, municipality, or affected entity is planning or considering that may conflict with the proposed long-range plan or amendments to a long-range plan; and

(v) include the address of an Internet website, if the local district has one, and the name and telephone number of a person where more information can be obtained concerning the local district's proposed long-range plan or amendments to a long-range plan.

(3) (a) Except as provided in Subsection (3)(d), each local district intending to acquire real property in a county of the first or second class for the purpose of expanding the district's infrastructure or other facilities used for providing the services that the district is authorized to provide shall provide written notice, as provided in this Subsection (3), of [~~its~~] the district's intent to acquire the property if the intended use of the property is contrary to:

(i) the anticipated use of the property under the county or municipality's general plan; or

(ii) the property's current zoning designation.

(b) Each notice under Subsection (3)(a) shall:

(i) indicate that the local district intends to acquire real property;

(ii) identify the real property; and

(iii) be sent to:

(A) each county in whose unincorporated area and each municipality in whose boundaries the property is located; and

(B) each affected entity.

(c) A notice under this Subsection (3) is a protected record as provided in Subsection 63G-2-305(8).

(d) (i) The notice requirement of Subsection (3)(a) does not apply if the local district previously provided notice under Subsection (2) identifying the general location within the municipality or unincorporated part of the county where the property to be acquired is located.

(ii) If a local district is not required to comply with the notice requirement of Subsection (3)(a) because of application of Subsection (3)(d)(i), the local district shall provide

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the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of the real property.

Section 5. Section **23-14-21** is amended to read:

23-14-21. Transplants of big game, turkeys, wolves, or sensitive species.

(1) The division may transplant big game, turkeys, wolves, or sensitive species only in accordance with:

(a) a list of sites for the transplant of a particular species that is prepared and adopted in accordance with Subsections (2) through (5);

(b) a species management plan, such as a deer or elk management plan adopted under Section 23-16-7 or a recovery plan for a threatened or endangered species, provided that:

(i) the plan identifies sites for the transplant of the species or the lands or waters the species are expected to occupy; and

(ii) the public has had an opportunity to comment and make recommendations on the plan; or

(c) a legal agreement between the state and a tribal government that identifies potential transplants; and

(d) the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.

(2) The division shall:

(a) consult with the landowner in determining the suitability of a site for the transplant of a species;

(b) prepare a list of proposed sites for the transplant of species;

(c) provide notification of proposed sites for the transplant of species to:

(i) local government officials having jurisdiction over areas that may be affected by a transplant; and

(ii) the Resource Development Coordinating Committee created in Section [~~63J-4-501~~] 63L-11-401.

(3) After receiving comments from local government officials and the Resource Development Coordinating Committee, the division shall submit the list of proposed transplant sites, or a revised list, to regional advisory councils for regions that may be affected by the transplants of species.

(4) Each regional advisory council reviewing a list of proposed sites for the transplant

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of species may submit recommendations to the Wildlife Board.

(5) The Wildlife Board shall approve, modify, or reject each proposal for the transplant of a species.

(6) Each list of proposed transplant sites approved by the Wildlife Board shall have a termination date after which a transplant may not occur.

Section 6. Section **23-21-2.3** is amended to read:

23-21-2.3. Review and adoption of management plans.

(1) The division shall submit the draft management plan to the Resource Development Coordinating Committee created in Section [~~63J-4-501~~] 63L-11-401 and the Habitat Council created by the division for their review and recommendations.

(2) The division shall submit the draft management plan and any recommendations received from the Resource Development Coordinating Committee and the Habitat Council to:

(a) the regional advisory council for the wildlife region in which the lands covered by the management plan are located; and

(b) the regional advisory council for any wildlife region that may be affected by the management plan.

(3) Each regional advisory council reviewing the draft management plan may make recommendations to the division director.

(4) The division director has authority to adopt the management plan, adopt the plan with amendments, or reject the plan.

(5) At the request of the division director or any member of the Wildlife Board, the Wildlife Board may review a management plan to determine whether the plan is consistent with board policies.

(6) The division director may amend a management plan in accordance with recommendations made by the Wildlife Board.

Section 7. Section **26-18-405.5** is amended to read:

26-18-405.5. Base budget appropriations for Medicaid accountable care organizations.

(1) For purposes of this section:

(a) "ACOs" means accountable care organizations.

(b) "Base budget" means the same as that term is defined in legislative rule.

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(c) "Current fiscal year PMPM" means per-member-per-month funding for Medicaid accountable care organizations under the Department of Health in the current fiscal year.

(d) "General Fund growth factor" means the amount determined by dividing the next fiscal year ongoing General Fund revenue estimate by current fiscal year ongoing appropriations from the General Fund.

(e) "Next fiscal year ongoing General Fund revenue estimate" means the next fiscal year ongoing General Fund revenue estimate identified by the Executive Appropriations Subcommittee, in accordance with legislative rule, for use by the Office of the Legislative Fiscal Analyst in preparing budget recommendations.

(f) "Next fiscal year PMPM" means per-member-per-month funding for Medicaid accountable care organizations under the Department of Health for the next fiscal year.

(2) If the General Fund growth factor is less than 100%, the next fiscal year base budget shall include an appropriation to the Department of Health for Medicaid ACOs in an amount necessary to ensure that next fiscal year PMPM equals current fiscal year PMPM multiplied by 100%.

(3) If the General Fund growth factor is greater than or equal to 100%, but less than 102%, the next fiscal year base budget shall include an appropriation to the Department of Health for Medicaid ACOs in an amount necessary to ensure that next fiscal year PMPM equals current fiscal year PMPM multiplied by the General Fund growth factor.

(4) If the General Fund growth factor is greater than or equal to 102%, the next fiscal year base budget shall include an appropriation to the Department of Health for Medicaid ACOs in an amount necessary to ensure that next fiscal year PMPM is greater than or equal to PMPM multiplied by 102% and less than or equal to current fiscal year PMPM multiplied by the General Fund growth factor.

(5) In order for the department to estimate the impact of Subsections (2) through (4) prior to identification of the next fiscal year ongoing General Fund revenue estimate under Subsection (1)(e), the Governor's Office of [~~Management~~] Planning and Budget shall, in cooperation with the Office of the Legislative Fiscal Analyst, develop an estimate of ongoing General Fund revenue for the next fiscal year and provide it to the department no later than [~~September~~] November 1 of each year.

Section 8. Section **32B-2-505** is amended to read:

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32B-2-505. Reporting requirements -- Building plan and market survey required -- Department performance measures.

(1) In 2018 and each year thereafter, the department shall present a five-year building plan to the Infrastructure and General Government Appropriations Subcommittee that describes the department's anticipated property acquisition, building, and remodeling for the five years following the day on which the department presents the five-year building plan.

(2) (a) In 2018 and every other year thereafter, the department shall complete a market survey to inform the department's five-year building plan described in Subsection (1).

(b) The department shall:

(i) provide a copy of each market survey to the Infrastructure and General Government Appropriations Subcommittee and the Business and Labor Interim Committee; and

(ii) upon request, appear before the Infrastructure and General Government Appropriations Subcommittee to present the results of the market survey.

(3) For fiscal year 2018-19 and each fiscal year thereafter, before the fiscal year begins, the Governor's Office of [~~Management~~] Planning and Budget, in consultation with the department and the Office of the Legislative Fiscal Analyst, shall establish performance measures and goals to evaluate the department's operations during the fiscal year.

(4) (a) The department may not submit a request to the State Building Board for a capital development project unless the department first obtains approval from the Governor's Office of [~~Management~~] Planning and Budget.

(b) In determining whether to grant approval for a request described in Subsection (4)(a), the Governor's Office of [~~Management~~] Planning and Budget shall evaluate the extent to which the department met the performance measures and goals described in Subsection (3) during the previous fiscal year.

Section 9. Section **35A-1-109** is amended to read:

35A-1-109. Annual report -- Content -- Format.

(1) The department shall prepare and submit to the governor and the Legislature, by October 1 of each year, an annual written report of the operations, activities, programs, and services of the department, including its divisions, offices, boards, commissions, councils, and committees, for the preceding fiscal year.

(2) For each operation, activity, program, or service provided by the department, the

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annual report shall include:

- (a) a description of the operation, activity, program, or service;
 - (b) data and metrics:
 - (i) selected and used by the department to measure progress, performance, effectiveness, and scope of the operation, activity, program, or service, including summary data; and
 - (ii) that are consistent and comparable for each state operation, activity, program, or service that primarily involves employment training or placement as determined by the executive directors of the department, the Governor's Office of Economic Development, and the Governor's Office of ~~Management~~ Planning and Budget;
 - (c) budget data, including the amount and source of funding, expenses, and allocation of full-time employees for the operation, activity, program, or service;
 - (d) historical data from previous years for comparison with data reported under Subsections (2)(b) and (c);
 - (e) goals, challenges, and achievements related to the operation, activity, program, or service;
 - (f) relevant federal and state statutory references and requirements;
 - (g) contact information of officials knowledgeable and responsible for each operation, activity, program, or service; and
 - (h) other information determined by the department that:
 - (i) may be needed, useful, or of historical significance; or
 - (ii) promotes accountability and transparency for each operation, activity, program, or service with the public and elected officials.
- (3) The annual report shall be designed to provide clear, accurate, and accessible information to the public, the governor, and the Legislature.
- (4) The department shall:
- (a) submit the annual report in accordance with Section 68-3-14;
 - (b) make the annual report, and previous annual reports, accessible to the public by placing a link to the reports on the department's website; and
 - (c) provide the data and metrics described in Subsection (2)(b) to the Talent Ready Utah Board created in Section 63N-12-503.

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Section 10. Section **35A-1-201** is amended to read:

35A-1-201. Executive director -- Appointment -- Removal -- Compensation -- Qualifications -- Responsibilities -- Deputy directors.

(1) (a) The chief administrative officer of the department is the executive director, who is appointed by the governor with the advice and consent of the Senate.

(b) The executive director serves at the pleasure of the governor.

(c) The executive director shall receive a salary established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(d) The executive director shall be experienced in administration, management, and coordination of complex organizations.

(2) The executive director shall:

(a) administer and supervise the department in compliance with Title 67, Chapter 19, Utah State Personnel Management Act;

(b) supervise and coordinate between the economic service areas and directors created under Chapter 2, Economic Service Areas;

(c) coordinate policies and program activities conducted through the divisions and economic service areas of the department;

(d) approve the proposed budget of each division, the Workforce Appeals Board, and each economic service area within the department;

(e) approve all applications for federal grants or assistance in support of any department program;

(f) coordinate with the executive directors of the Governor's Office of Economic Development and the Governor's Office of ~~Management~~ Planning and Budget to review data and metrics to be reported to the Legislature as described in Subsection 35A-1-109(2)(b); and

(g) fulfill such other duties as assigned by the Legislature or as assigned by the governor that are not inconsistent with this title.

(3) The executive director may appoint deputy or assistant directors to assist the executive director in carrying out the department's responsibilities.

(4) The executive director shall at least annually provide for the sharing of information between the advisory councils established under this title.

Section 11. Section **35A-8-601** is amended to read:

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35A-8-601. Creation.

(1) There is created within the division the Homeless Coordinating Committee.

(2) (a) The committee shall consist of the following members:

(i) the lieutenant governor or the lieutenant governor's designee;

(ii) the [~~state planning coordinator or the coordinator's designee~~] executive director of the Governor's Office of Planning and Budget or the executive director's designee;

(iii) the state superintendent of public instruction or the superintendent's designee;

(iv) the chair of the board of trustees of the Utah Housing Corporation or the chair's designee;

(v) the executive director of the Department of Workforce Services or the executive director's designee;

(vi) the executive director of the Department of Corrections or the executive director's designee;

(vii) the executive director of the Department of Health or the executive director's designee;

(viii) the executive director of the Department of Human Services or the executive director's designee;

(ix) the mayor of Salt Lake City or the mayor's designee;

(x) the mayor of Salt Lake County or the mayor's designee;

(xi) the mayor of Ogden or the mayor's designee;

(xii) the mayor of Midvale or the mayor's designee;

(xiii) the mayor of St. George or the mayor's designee; and

(xiv) the mayor of South Salt Lake or the mayor's designee.

(b) (i) The lieutenant governor shall serve as the chair of the committee.

(ii) The lieutenant governor may appoint a vice chair from among committee members, who shall conduct committee meetings in the absence of the lieutenant governor.

(3) The governor may appoint as members of the committee:

(a) representatives of local governments, local housing authorities, local law enforcement agencies;

(b) representatives of federal and private agencies and organizations concerned with the homeless, persons with a mental illness, the elderly, single-parent families, persons with a

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substance use disorder, and persons with a disability; and

(c) a resident of Salt Lake County.

(4) (a) Except as required by Subsection (4)(b), as terms of current committee members appointed under Subsection (3) expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(c) A member appointed under Subsection (3) may not be appointed to serve more than three consecutive terms.

(5) When a vacancy occurs in the membership for any reason, the replacement is appointed for the unexpired term.

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

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 12. Section **36-2-4** is amended to read:

36-2-4. Legislative Compensation Commission created -- Governor's considerations in appointments -- Organization and expenses.

(1) There is created a state Legislative Compensation Commission composed of seven members appointed by the governor, not more than four of whom shall be from the same political party.

(2) (a) Except as required by Subsection (2)(b), the members shall be appointed for four-year terms.

(b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

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(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the vacated member was chosen.

(3) In appointing members of the commission, the governor shall give consideration to achieving representation from the major geographic areas of the state, and representation from a broad cross section of occupational, professional, employee, and management interests.

(4) The commission shall select a chair. Four members of the commission shall constitute a quorum. The commission shall not make any final determination without the concurrence of a majority of [its] the commission's members appointed and serving on the commission being present.

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

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(6) (a) The commission shall be a citizen commission and no member or employee of the legislative, judicial, or executive branch is eligible for appointment to the commission.

(b) The executive director of the Governor's Office of [~~Management~~] Planning and Budget:

(i) shall provide staff to the commission; and

(ii) is responsible for administration, budgeting, procurement, and related management functions for the commission.

Section 13. Section ~~49-11-406~~ is amended to read:

49-11-406. Governor's appointed executives and senior staff -- Appointed legislative employees -- Transfer of value of accrued defined benefit -- Procedures.

(1) As used in this section:

(a) "Defined benefit balance" means the total amount of the contributions made on behalf of a member to a defined benefit system plus refund interest.

(b) "Senior staff" means an at-will employee who reports directly to an elected official, executive director, or director and includes a deputy director and other similar, at-will employee positions designated by the governor, the speaker of the House, or the president of

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the Senate and filed with the Department of Human Resource Management and the Utah State Retirement Office.

(2) In accordance with this section and subject to requirements under federal law and rules made by the board, a member who has service credit from a system may elect to be exempt from coverage under a defined benefit system and to have the member's defined benefit balance transferred from the defined benefit system or plan to a defined contribution plan in the member's own name if the member is:

- (a) the state auditor;
- (b) the state treasurer;
- (c) an appointed executive under Subsection 67-22-2(1)(a);
- (d) an employee in the Governor's Office;
- (e) senior staff in the Governor's Office of ~~[Management]~~ Planning and Budget;
- (f) senior staff in the Governor's Office of Economic Development;
- (g) senior staff in the Commission on Criminal and Juvenile Justice;
- (h) senior staff in the Public Lands Policy Coordinating Office, created in Section

63L-11-201;

~~[(h)]~~ (i) a legislative employee appointed under Subsection 36-12-7(3)(a); or

~~[(i)]~~ (j) a legislative employee appointed by the speaker of the House of

Representatives, the House of Representatives minority leader, the president of the Senate, or the Senate minority leader~~[-or]~~.

~~[(j)] senior staff of the Utah Science Technology and Research Initiative created under Title 63M, Chapter 2, Utah Science Technology and Research Governing Authority Act.]~~

(3) An election made under Subsection (2):

(a) is final, and no right exists to make any further election;

(b) is considered a request to be exempt from coverage under a defined benefits system; and

(c) shall be made on forms provided by the office.

(4) The board shall adopt rules to implement and administer this section.

Section 14. Section **49-12-203** is amended to read:

49-12-203. Exclusions from membership in system.

(1) The following employees are not eligible for service credit in this system:

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(a) subject to the requirements of Subsection (2), an employee whose employment status is temporary in nature due to the nature or the type of work to be performed;

(b) except as provided under Subsection (3)(a), an employee of an institution of higher education who participates in a retirement system with a public or private retirement system, organization, or company designated by the Utah Board of Higher Education, or the technical college board of trustees for an employee of each technical college, during any period in which required contributions based on compensation have been paid on behalf of the employee by the employer;

(c) an employee serving as an exchange employee from outside the state for an employer who has not elected to make all of the employer's exchange employees eligible for service credit in this system;

(d) an executive department head of the state, a member of the State Tax Commission, the Public Service Commission, and a member of a full-time or part-time board or commission who files a formal request for exemption;

(e) an employee of the Department of Workforce Services who is covered under another retirement system allowed under Title 35A, Chapter 4, Employment Security Act;

(f) an employee who is employed on or after July 1, 2009, with an employer that has elected, prior to July 1, 2009, to be excluded from participation in this system under Subsection 49-12-202(2)(c);

(g) an employee who is employed on or after July 1, 2014, with an employer that has elected, prior to July 1, 2014, to be excluded from participation in this system under Subsection 49-12-202(2)(d);

(h) an employee who is employed with a withdrawing entity that has elected under Section 49-11-623, prior to January 1, 2017, to exclude:

(i) new employees from participation in this system under Subsection 49-11-623(3)(a);

or

(ii) all employees from participation in this system under Subsection 49-11-623(3)(b);

or

(i) an employee described in Subsection (1)(i)(i) or (ii) who is employed with a withdrawing entity that has elected under Section 49-11-624, before January 1, 2018, to exclude:

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(i) new employees from participation in this system under Subsection 49-11-624(3)(a);

or

(ii) all employees from participation in this system under Subsection 49-11-624(3)(b).

(2) If an employee whose status is temporary in nature due to the nature of type of work to be performed:

(a) is employed for a term that exceeds six months and the employee otherwise qualifies for service credit in this system, the participating employer shall report and certify to the office that the employee is a regular full-time employee effective the beginning of the seventh month of employment; or

(b) was previously terminated prior to being eligible for service credit in this system and is reemployed within three months of termination by the same participating employer, the participating employer shall report and certify that the member is a regular full-time employee when the total of the periods of employment equals six months and the employee otherwise qualifies for service credits in this system.

(3) (a) Upon cessation of the participating employer contributions, an employee under Subsection (1)(b) is eligible for service credit in this system.

(b) Notwithstanding the provisions of Subsection (1)(f), any eligibility for service credit earned by an employee under this chapter before July 1, 2009 is not affected under Subsection (1)(f).

(c) Notwithstanding the provisions of Subsection (1)(g), any eligibility for service credit earned by an employee under this chapter before July 1, 2014, is not affected under Subsection (1)(g).

(4) Upon filing a written request for exemption with the office, the following employees shall be exempt from coverage under this system:

(a) a full-time student or the spouse of a full-time student and individuals employed in a trainee relationship;

(b) an elected official;

(c) an executive department head of the state, a member of the State Tax Commission, a member of the Public Service Commission, and a member of a full-time or part-time board or commission;

(d) an employee of the Governor's Office of [~~Management~~] Planning and Budget;

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(e) an employee of the Governor's Office of Economic Development;

(f) an employee of the Commission on Criminal and Juvenile Justice;

(g) an employee of the Governor's Office;

(h) an employee of the Public Lands Policy Coordinating Office, created in Section 63L-11-201;

~~(h)~~ (i) an employee of the State Auditor's Office;

~~(i)~~ (j) an employee of the State Treasurer's Office;

~~(j)~~ (k) any other member who is permitted to make an election under Section 49-11-406;

~~(k)~~ (l) a person appointed as a city manager or chief city administrator or another person employed by a municipality, county, or other political subdivision, who is an at-will employee;

~~(l)~~ (m) an employee of an interlocal cooperative agency created under Title 11, Chapter 13, Interlocal Cooperation Act, who is engaged in a specialized trade customarily provided through membership in a labor organization that provides retirement benefits to ~~its~~ the organization's members; and

~~(m)~~ (n) an employee serving as an exchange employee from outside the state for an employer who has elected to make all of the employer's exchange employees eligible for service credit in this system.

(5) (a) Each participating employer shall prepare and maintain a list designating those positions eligible for exemption under Subsection (4).

(b) An employee may not be exempted unless the employee is employed in an exempted position designated by the participating employer.

(6) (a) In accordance with this section, Section 49-13-203, and Section 49-22-205, a municipality, county, or political subdivision may not exempt a total of more than 50 positions or a number equal to 10% of the eligible employees of the municipality, county, or political subdivision, whichever is less.

(b) A municipality, county, or political subdivision may exempt at least one regular full-time employee.

(7) Each participating employer shall:

(a) maintain a list of employee exemptions; and

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- (b) update the employee exemptions in the event of any change.
- (8) The office may make rules to implement this section.
- (9) An employee's exclusion, exemption, participation, or election described in this

section:

- (a) shall be made in accordance with this section; and
- (b) is subject to requirements under federal law and rules made by the board.

Section 15. Section **49-20-410** is amended to read:

49-20-410. High deductible health plan -- Health savings account --

Contributions.

(1) (a) In addition to other employee benefit plans offered under Subsection 49-20-201(1), the office shall offer at least one federally qualified high deductible health plan with a health savings account as an optional health plan.

(b) The provisions and limitations of the plan shall be:

(i) determined by the office in accordance with federal requirements and limitations;

and

(ii) designed to promote appropriate health care utilization by consumers, including preventive health care services.

(c) A state employee hired on or after July 1, 2011, who is offered a plan under Subsection 49-20-202(1)(a), shall be enrolled in a federally qualified high deductible health plan unless the employee chooses a different health benefit plan during the employee's open enrollment period.

(2) The office shall:

(a) administer the high deductible health plan in coordination with a health savings account for medical expenses for each covered individual in the high deductible health plan;

(b) offer to all employees training regarding all health plans offered to employees;

(c) prepare online training as an option for the training required by Subsections (2)(b) and (4);

(d) ensure the training offered under Subsections (2)(b) and (c) includes information on changing coverages to the high deductible plan with a health savings account, including coordination of benefits with other insurances, restrictions on other insurance coverages, and general tax implications; and

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(e) coordinate annual open enrollment with the Department of Human Resource Management to give state employees the opportunity to affirmatively select preferences from among insurance coverage options.

(3) (a) Contributions to the health savings account may be made by the employer.

(b) The amount of the employer contributions under Subsection (3)(a) shall be determined annually by the office, after consultation with the Department of Human Resource Management and the Governor's Office of ~~[Management]~~ Planning and Budget so that the annual employer contribution amount is not less than the difference in the actuarial value between the program's health maintenance organization coverage and the federally qualified high deductible health plan coverage, after taking into account any difference in employee premium contribution.

(c) The office shall distribute the annual amount determined under Subsection (3)(b) to employees in two equal amounts with a pay date in January and a pay date in July of each plan year.

(d) An employee may also make contributions to the health savings account.

(e) If an employee is ineligible for a contribution to a health savings account under federal law and would otherwise be eligible for the contribution under Subsection (3)(a), the contribution shall be distributed into a health reimbursement account or other tax-advantaged arrangement authorized under the Internal Revenue Code for the benefit of the employee.

(4) (a) An employer participating in a plan offered under Subsection 49-20-202(1)(a) shall require each employee to complete training on the health plan options available to the employee.

(b) The training required by Subsection (4)(a):

(i) shall include materials prepared by the office under Subsection (2);

(ii) may be completed online; and

(iii) shall be completed:

(A) before the end of the 2012 open enrollment period for current enrollees in the program; and

(B) for employees hired on or after July 1, 2011, before the employee's selection of a plan in the program.

Section 16. Section **49-22-205** is amended to read:

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49-22-205. Exemptions from participation in system.

(1) Upon filing a written request for exemption with the office, the following employees are exempt from participation in the system as provided in this section:

- (a) an executive department head of the state;
 - (b) a member of the State Tax Commission;
 - (c) a member of the Public Service Commission;
 - (d) a member of a full-time or part-time board or commission;
 - (e) an employee of the Governor's Office of [~~Management~~] Planning and Budget;
 - (f) an employee of the Governor's Office of Economic Development;
 - (g) an employee of the Commission on Criminal and Juvenile Justice;
 - (h) an employee of the Governor's Office;
 - (i) an employee of the State Auditor's Office;
 - (j) an employee of the State Treasurer's Office;
 - (k) any other member who is permitted to make an election under Section 49-11-406;
 - (l) a person appointed as a city manager or appointed as a city administrator or another at-will employee of a municipality, county, or other political subdivision;
 - (m) an employee of an interlocal cooperative agency created under Title 11, Chapter 13, Interlocal Cooperation Act, who is engaged in a specialized trade customarily provided through membership in a labor organization that provides retirement benefits to its members;
- and

~~[(n) an employee of the Utah Science Technology and Research Initiative created under Title 63M, Chapter 2, Utah Science Technology and Research Governing Authority Act, and]~~

~~[(o)]~~ (n) an employee serving as an exchange employee from outside the state for an employer who has elected to make all of the employer's exchange employees eligible for service credit in this system.

(2) (a) A participating employer shall prepare and maintain a list designating those positions eligible for exemption under Subsection (1).

(b) An employee may not be exempted unless the employee is employed in a position designated by the participating employer under Subsection (1).

(3) (a) In accordance with this section, Section 49-12-203, and Section 49-13-203, a municipality, county, or political subdivision may not exempt a total of more than 50 positions

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or a number equal to 10% of the eligible employees of the municipality, county, or political subdivision, whichever is less.

(b) A municipality, county, or political subdivision may exempt at least one regular full-time employee.

(4) Each participating employer shall:

(a) maintain a list of employee exemptions; and

(b) update an employee exemption in the event of any change.

(5) Beginning on the effective date of the exemption for an employee who elects to be exempt in accordance with Subsection (1):

(a) for a member of the Tier II defined contribution plan:

(i) the participating employer shall contribute the nonelective contribution and the amortization rate described in Section 49-22-401, except that the nonelective contribution is exempt from the vesting requirements of Subsection 49-22-401(3)(a); and

(ii) the member may make voluntary deferrals as provided in Section 49-22-401; and

(b) for a member of the Tier II hybrid retirement system:

(i) the participating employer shall contribute the nonelective contribution and the amortization rate described in Section 49-22-401, except that the contribution is exempt from the vesting requirements of Subsection 49-22-401(3)(a);

(ii) the member may make voluntary deferrals as provided in Section 49-22-401; and

(iii) the member is not eligible for additional service credit in the system.

(6) If an employee who is a member of the Tier II hybrid retirement system subsequently revokes the election of exemption made under Subsection (1), the provisions described in Subsection (5)(b) shall no longer be applicable and the coverage for the employee shall be effective prospectively as provided in Part 3, Tier II Hybrid Retirement System.

(7) (a) All employer contributions made on behalf of an employee shall be invested in accordance with Subsection 49-22-303(3)(a) or 49-22-401(4)(a) until the one-year election period under Subsection 49-22-201(2)(c) is expired if the employee:

(i) elects to be exempt in accordance with Subsection (1); and

(ii) continues employment with the participating employer through the one-year election period under Subsection 49-22-201(2)(c).

(b) An employee is entitled to receive a distribution of the employer contributions

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made on behalf of the employee and all associated investment gains and losses if the employee:

- (i) elects to be exempt in accordance with Subsection (1); and
- (ii) terminates employment prior to the one-year election period under Subsection

49-22-201(2)(c).

(8) (a) The office shall make rules to implement this section.

(b) The rules made under this Subsection (8) shall include provisions to allow the exemption provided under Subsection (1) to apply to all contributions made beginning on or after July 1, 2011, on behalf of an exempted employee who began the employment before May 8, 2012.

(9) An employee's exemption, participation, or election described in this section:

- (a) shall be made in accordance with this section; and
- (b) is subject to requirements under federal law and rules made by the board.

Section 17. Section **51-10-202** is amended to read:

51-10-202. Board of trustees of the fund -- Trust administrator.

(1) (a) There is created a board of trustees of the fund composed of the following three members:

- (i) the state treasurer;
- (ii) the director of the Division of Finance; and
- (iii) the director of the Governor's Office of [~~Management~~] Planning and Budget or the

director's designee.

(b) The state treasurer is chair of the board.

(c) Three members of the board is a quorum.

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

- (i) Section 63A-3-106;
- (ii) Section 63A-3-107; and
- (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

63A-3-107.

(2) (a) The board shall:

(i) contract with a person to act as trust administrator in accordance with Title 63G, Chapter 6a, Utah Procurement Code, and when not provided for by this chapter, define the trust

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administrator's duties; or

(ii) if unable to find a qualified person under Subsection (2)(a)(i) to act as trust administrator for a reasonable cost, hire a qualified person to act as trust administrator and, when not provided for in this chapter, define the trust administrator's duties.

(b) If the board hires a trust administrator under Subsection (2)(a)(ii), the board may hire or authorize the trust administrator to hire other persons necessary to assist the trust administrator and the board to perform the duties required by this chapter.

(3) The board shall:

(a) on behalf of the state, act as trustee of the fund and exercise the state's fiduciary responsibilities;

(b) meet at least once every other month;

(c) review and approve the policies, projections, rules, criteria, procedures, forms, standards, and performance goals established by the trust administrator;

(d) review and approve the fund budget prepared by the trust administrator;

(e) review the progress reports from programs financed by the fund;

(f) review financial records of the fund, including fund receipts, expenditures, and investments; and

(g) do any other thing necessary to perform the state's fiduciary obligations under the fund.

(4) The attorney general shall:

(a) act as legal counsel and provide legal representation to the board; and

(b) attend or direct an attorney from the attorney general's office to attend each meeting of the board.

(5) The board may consult with knowledgeable state personnel to advise the board on policy and technical matters.

Section 18. Section **53-2c-201** is amended to read:

53-2c-201. Public Health and Economic Emergency Commission -- Creation -- Membership -- Quorum -- Per diem -- Staff support -- Meetings.

(1) There is created the Public Health and Economic Emergency Commission consisting of the following members:

(a) the executive director of the Department of Health, or the executive director's

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designee;

(b) four individuals, appointed by the governor, including:

(i) the chief executive of a for profit health care organization that operates at least one hospital in the state;

(ii) the chief executive of a not-for-profit health care organization that operates at least one hospital in the state; and

(iii) two other individuals;

(c) two individuals appointed by the president of the Senate;

(d) two individuals appointed by the speaker of the House of Representatives; and

(e) one individual appointed by the chief executive officer of the Utah Association of Counties.

(2) (a) The president of the Senate and the speaker of the House of Representatives shall jointly designate one of the members appointed under Subsection (1)(c) or (d) as chair of the commission.

(b) For an appointment under Subsection (1)(c) or (d), the president of the Senate or the speaker of the House of Representatives may appoint a legislator or a non-legislator.

(3) (a) If a vacancy occurs in the membership of the commission appointed under Subsection (1)(b), (c), (d), or (e), the member shall be replaced in the same manner in which the original appointment was made.

(b) A member of the commission serves until the member's successor is appointed and qualified.

(4) (a) A majority of the commission members constitutes a quorum.

(b) The action of a majority of a quorum constitutes an action of the commission.

(5) (a) The salary and expenses of a commission member who is a legislator shall be paid in accordance with Section 36-2-2, Legislative Joint Rules, Title 5, Chapter 2, Lodging, Meal, and Transportation Expenses, and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

(b) A commission member who is not a legislator may not receive compensation or benefits for the member's service on the commission, but may receive per diem and reimbursement for travel expenses incurred as a commission member at the rates established by the Division of Finance under:

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- (i) Sections 63A-3-106 and 63A-3-107; and
 - (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (6) The Governor's Office of [~~Management~~] Planning and Budget shall:
- (a) provide staff support to the commission; and
 - (b) coordinate with the Office of Legislative Research and General Counsel regarding the commission.
- (7) A meeting of the commission that takes place during a public health emergency is not subject to Title 52, Chapter 4, Open and Public Meetings Act.
- Section 19. Section ~~53-17-402~~ is amended to read:
- 53-17-402. Local Public Safety and Firefighter Surviving Spouse Trust Fund Board of Trustees -- Quorum -- Duties -- Establish rates.**
- (1) (a) There is created the Local Public Safety and Firefighter Surviving Spouse Trust Fund Board of Trustees composed of four members:
- (i) the commissioner of public safety or the commissioner's designee;
 - (ii) the executive director of the Governor's Office of [~~Management~~] Planning and Budget or the executive director's designee;
 - (iii) one person representing municipalities, designated by the Utah League of Cities and Towns; and
 - (iv) one person representing counties, designated by the Utah Association of Counties.
- (b) The commissioner of public safety, or the commissioner's designee, is chair of the board.
- (c) Three members of the board are a quorum.
- (d) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
 - (iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
- (e) (i) The Department of Public Safety shall staff the board of trustees.
- (ii) The department shall provide accounting services for the trust fund.

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(2) The board shall:

(a) establish rates to charge each employer based on the number of public safety service employees and firefighter service employees who are eligible for the health coverage under this chapter;

(b) act as trustee of the trust fund and exercise the state's fiduciary responsibilities;

(c) meet at least once per year;

(d) review and approve all policies, projections, rules, criteria, procedures, forms, standards, performance goals, and actuarial reports;

(e) review and approve the budget for the trust fund;

(f) review financial records of the trust fund, including trust fund receipts, expenditures, and investments;

(g) commission and obtain financial or actuarial studies of the liabilities for the trust fund;

(h) calculate and approve administrative expenses of the trust fund; and

(i) do any other things necessary to perform the fiduciary obligations under the trust.

Section 20. Section **53B-2a-110** is amended to read:

53B-2a-110. Technical college board of trustees' powers and duties.

(1) A technical college board of trustees shall:

(a) assist the technical college president in preparing a budget request for the technical college's annual operations to the board;

(b) after consulting with the board, other higher education institutions, school districts, and charter schools within the technical college's region, prepare a comprehensive strategic plan for delivering technical education within the region;

(c) consult with business, industry, the Department of Workforce Services, the Governor's Office of Economic Development, and the Governor's Office of ~~[Management]~~ Planning and Budget on an ongoing basis to determine what workers and skills are needed for employment in Utah businesses and industries;

(d) in accordance with Section 53B-16-102, develop programs based upon the information described in Subsection (1)(c), including expedited program approval and termination procedures to meet market needs;

(e) adopt an annual budget and fund balances;

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(f) develop policies for the operation of technical education facilities under the technical college board of trustees' jurisdiction;

(g) establish human resources and compensation policies for all employees in accordance with policies of the board;

(h) approve credentials for employees and assign employees to duties in accordance with board policies and accreditation guidelines;

(i) conduct annual program evaluations;

(j) appoint program advisory committees and other advisory groups to provide counsel, support, and recommendations for updating and improving the effectiveness of training programs and services;

(k) approve regulations, both regular and emergency, to be issued and executed by the technical college president;

(l) coordinate with local school boards, school districts, and charter schools to meet the technical education needs of secondary students;

(m) develop policies and procedures for the admission, classification, instruction, and examination of students in accordance with the policies and accreditation guidelines of the board and the State Board of Education; and

(n) (i) approve a strategic plan for the technical college that is aligned with:

(A) state attainment goals;

(B) workforce needs; and

(C) the technical college's role, mission, and distinctiveness; and

(ii) monitor the technical college's progress toward achieving the strategic plan.

(2) A policy described in Subsection (1)(g) does not apply to compensation for a technical college president.

(3) A technical college board of trustees may not exercise jurisdiction over career and technical education provided by a school district or charter school or provided by a higher education institution independently of the technical college.

(4) If a program advisory committee or other advisory group submits a printed recommendation to a technical college board of trustees, the technical college board of trustees shall acknowledge the recommendation with a printed response that explains the technical college board of trustees' action regarding the recommendation and the reasons for the action.

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Section 21. Section **53F-2-205** is amended to read:

53F-2-205. Powers and duties of state board to adjust Minimum School Program allocations -- Use of remaining funds at the end of a fiscal year.

(1) As used in this section:

(a) "ESEA" means the Elementary and Secondary Education Act of 1965, 20 U.S.C. Sec. 6301 et seq.

(b) "Program" means a program or allocation funded by a line item appropriation or other appropriation designated as:

- (i) Basic Program;
- (ii) Related to Basic Programs;
- (iii) Voted and Board Levy Programs; or
- (iv) Minimum School Program.

(2) Except as provided in Subsection (3) or (5), if the number of weighted pupil units in a program is underestimated, the state board shall reduce the value of the weighted pupil unit in that program so that the total amount paid for the program does not exceed the amount appropriated for the program.

(3) If the number of weighted pupil units in a program is overestimated, the state board shall spend excess money appropriated for the following purposes giving priority to the purpose described in Subsection (3)(a):

(a) to support the value of the weighted pupil unit in a program within the basic state-supported school program in which the number of weighted pupil units is underestimated;

(b) to support the state guaranteed local levy increments as defined in Section 53F-2-601, if:

(i) local contributions to the voted local levy program or board local levy program are overestimated; or

(ii) the number of weighted pupil units within school districts qualifying for a guarantee is underestimated;

(c) to support the state supplement to local property taxes allocated to charter schools, if the state supplement is less than the amount prescribed by Section 53F-2-704;

(d) to fund the cost of the salary supplements described in Section 53F-2-504; or

(e) to support a school district with a loss in student enrollment as provided in Section

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53F-2-207.

(4) If local contributions from the minimum basic tax rate imposed under Section 53F-2-301 or 53F-2-301.5, as applicable, are overestimated, the state board shall reduce the value of the weighted pupil unit for all programs within the basic state-supported school program so the total state contribution to the basic state-supported school program does not exceed the amount of state funds appropriated.

(5) If local contributions from the minimum basic tax rate imposed under Section 53F-2-301 or 53F-2-301.5, as applicable, are underestimated, the state board shall:

(a) spend the excess local contributions for the purposes specified in Subsection (3), giving priority to supporting the value of the weighted pupil unit in programs within the basic state-supported school program in which the number of weighted pupil units is underestimated; and

(b) reduce the state contribution to the basic state-supported school program so the total cost of the basic state-supported school program does not exceed the total state and local funds appropriated to the basic state-supported school program plus the local contributions necessary to support the value of the weighted pupil unit in programs within the basic state-supported school program in which the number of weighted pupil units is underestimated.

(6) Except as provided in Subsection (3) or (5), the state board shall reduce the state guarantee per weighted pupil unit provided under the local levy state guarantee program described in Section 53F-2-601, if:

(a) local contributions to the voted local levy program or board local levy program are overestimated; or

(b) the number of weighted pupil units within school districts qualifying for a guarantee is underestimated.

(7) Money appropriated to the state board is nonlapsing, including appropriations to the Minimum School Program and all agencies, line items, and programs under the jurisdiction of the state board.

(8) The state board shall report actions taken by the state board under this section to the Office of the Legislative Fiscal Analyst and the Governor's Office of ~~Management~~ Planning and Budget.

Section 22. Section **53F-2-208** is amended to read:

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53F-2-208. Cost of adjustments for growth and inflation.

(1) In accordance with Subsection (2), the Legislature shall annually determine:

(a) the estimated state cost of adjusting for inflation in the next fiscal year, based on a rolling five-year average ending in the current fiscal year, ongoing state tax fund appropriations to the following programs:

(i) education for youth in custody, described in Section 53E-3-503;

(ii) the Basic Program, described in Title 53F, Chapter 2, Part 3, Basic Program (Weighted Pupil Units);

(iii) the Adult Education Program, described in Section 53F-2-401;

(iv) state support of pupil transportation, described in Section [~~53F-4-402~~] 53F-2-402;

(v) the Enhancement for Accelerated Students Program, described in Section 53F-2-408;

(vi) the Concurrent Enrollment Program, described in Section 53F-2-409; and

(vii) the Enhancement for At-Risk Students Program, described in Section 53F-2-410;

and

(b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year, the current fiscal year's ongoing state tax fund appropriations to the following programs:

(i) a program described in Subsection (1)(a);

(ii) educator salary adjustments, described in Section 53F-2-405;

(iii) the Teacher Salary Supplement Program, described in Section 53F-2-504;

(iv) the Voted and Board Local Levy Guarantee programs, described in Section 53F-2-601; and

(v) charter school local replacement funding, described in Section 53F-2-702.

(2) (a) In or before December each year, the Executive Appropriations Committee shall determine:

(i) the cost of the inflation adjustment described in Subsection (1)(a); and

(ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).

(b) The Executive Appropriations Committee shall make the determinations described in Subsection (2)(a) based on recommendations developed by the Office of the Legislative Fiscal Analyst, in consultation with the state board and the Governor's Office of ~~[Management]~~ Planning and Budget.

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Section 23. Section **53F-2-601** is amended to read:

53F-2-601. State guaranteed local levy increments -- Appropriation to increase number of guaranteed local levy increments -- No effect of change of minimum basic tax rate -- Voted and board local levy funding balance -- Use of guaranteed local levy increment funds.

(1) As used in this section:

(a) "Board local levy" means a local levy described in Section 53F-8-302.

(b) "Guaranteed local levy increment" means a local levy increment guaranteed by the state:

(i) for the board local levy, described in Subsections (2)(a)(ii)(A) and (2)(b)(ii)(B); or

(ii) for the voted local levy, described in Subsections (2)(a)(ii)(B) and (2)(b)(ii)(A).

(c) "Local levy increment" means .0001 per dollar of taxable value.

(d) (i) "Voted and board local levy funding balance" means the difference between:

(A) the amount appropriated for the guaranteed local levy increments in a fiscal year;

and

(B) the amount necessary to fund in the same fiscal year the guaranteed local levy increments as determined under this section.

(ii) "Voted and board local levy funding balance" does not include appropriations described in Subsection (2)(b)(i).

(e) "Voted local levy" means a local levy described in Section 53F-8-301.

(2) (a) (i) In addition to the revenue collected from the imposition of a voted local levy or a board local levy, the state shall guarantee that a school district receives, subject to Subsections (2)(b)(ii)(C) and (3)(a), for each guaranteed local levy increment, an amount sufficient to guarantee for a fiscal year that begins on July 1, 2018, \$43.10 per weighted pupil unit.

(ii) Except as provided in Subsection (2)(b)(ii), the number of local levy increments that are subject to the guarantee amount described in Subsection (2)(a)(i) are:

(A) for a board local levy, the first four local levy increments a local school board imposes under the board local levy; and

(B) for a voted local levy, the first 16 local levy increments a local school board imposes under the voted local levy.

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(b) (i) Subject to future budget constraints and Subsection (2)(c), the Legislature shall annually appropriate money from the Local Levy Growth Account established in Section 53F-9-305 for purposes described in Subsection (2)(b)(ii).

(ii) The state board shall, for a fiscal year beginning on or after July 1, 2018, and subject to Subsection (2)(c), allocate funds appropriated under Subsection (2)(b)(i) in the following order of priority by increasing:

(A) by up to four increments the number of voted local levy guaranteed local levy increments above 16;

(B) by up to 16 increments the number of board local levy guaranteed local levy increments above four; and

(C) the guaranteed amount described in Subsection (2)(a)(i).

(c) The number of guaranteed local levy increments under this Subsection (2) for a school district may not exceed 20 guaranteed local levy increments, regardless of whether the guaranteed local levy increments are from the imposition of a voted local levy, a board local levy, or a combination of the two.

(3) (a) The guarantee described in Subsection (2)(a)(i) is indexed each year to the value of the weighted pupil unit by making the value of the guarantee equal to .011962 times the value of the prior year's weighted pupil unit.

(b) The guarantee shall increase by .0005 times the value of the prior year's weighted pupil unit for each year subject to the Legislature appropriating funds for an increase in the guarantee.

(4) (a) The amount of state guarantee money that a school district would otherwise be entitled to receive under this section may not be reduced for the sole reason that the school district's board local levy or voted local levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 pursuant to changes in property valuation.

(b) Subsection (4)(a) applies for a period of five years following a change in the certified tax rate as described in Subsection (4)(a).

(5) The guarantee provided under this section does not apply to the portion of a voted local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal year, unless an increase in the voted local levy rate was authorized in an election conducted on or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.

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(6) (a) If a voted and board local levy funding balance exists for the prior fiscal year, the state board shall:

(i) use the voted and board local levy funding balance to increase the value of the state guarantee per weighted pupil unit described in Subsection (3)(a) in the current fiscal year; and

(ii) distribute guaranteed local levy increment funds to school districts based on the increased value of the state guarantee per weighted pupil unit described in Subsection (6)(a)(i).

(b) The state board shall report action taken under Subsection (6)(a) to the Office of the Legislative Fiscal Analyst and the Governor's Office of ~~[Management]~~ Planning and Budget.

(7) A local school board of a school district that receives funds described in this section shall budget and expend the funds for public education purposes.

Section 24. Section **53F-9-201** is amended to read:

53F-9-201. Uniform School Fund -- Contents -- Trust Distribution Account.

(1) As used in this section:

(a) "Annual distribution calculation" means, for a given fiscal year, the average of:

(i) 4% of the average market value of the State School Fund for that fiscal year; and

(ii) the distribution amount for the prior fiscal year, multiplied by the sum of:

(A) one;

(B) the percent change in student enrollment from the school year two years prior to the prior school year; and

(C) the actual total percent change of the consumer price index during the last 12 months as measured in June of the prior fiscal year.

(b) "Average market value of the State School Fund" means the results of a calculation completed by the SITFO director each fiscal year that averages the value of the State School Fund for the past 12 consecutive quarters ending in the prior fiscal year.

(c) "Consumer price index" means the Consumer Price Index for All Urban Consumers: All Items Less Food & Energy, as published by the Bureau of Labor Statistics of the United States Department of Labor.

(d) "SITFO director" means the director of the School and Institutional Trust Fund Office appointed under Section 53D-1-401.

(e) "State School Fund investment earnings distribution amount" or "distribution amount" means, for a fiscal year, the lesser of:

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- (i) the annual distribution calculation; or
- (ii) 4% of the average market value of the State School Fund.

(2) The Uniform School Fund, a special revenue fund within the Education Fund, established by Utah Constitution, Article X, Section 5, consists of:

(a) distributions derived from the investment of money in the permanent State School Fund established by Utah Constitution, Article X, Section 5;

(b) money transferred to the fund pursuant to Title 67, Chapter 4a, Revised Uniform Unclaimed Property Act; and

(c) all other constitutional or legislative allocations to the fund, including:

(i) appropriations for the Minimum School Program, enrollment growth, and inflation under Section 53F-9-201.1; and

(ii) revenues received by donation.

(3) (a) There is created within the Uniform School Fund a restricted account known as the Trust Distribution Account.

(b) The Trust Distribution Account consists of:

(i) in accordance with Subsection (4), quarterly deposits of the State School Fund investment earnings distribution amount from the prior fiscal year;

(ii) all interest earned on the Trust Distribution Account in the prior fiscal year; and

(iii) any unused appropriation for the administration of the School LAND Trust Program, as described in Subsection 53F-2-404(1)(c).

(4) If, at the end of a fiscal year, the Trust Distribution Account has a balance remaining after subtracting the appropriation amount described in Subsection 53F-2-404(1)(a) for the next fiscal year, the SITFO director shall, during the next fiscal year, apply the amount of the remaining balance from the prior fiscal year toward the current fiscal year's distribution amount by reducing a quarterly deposit to the Trust Distribution Account by the amount of the remaining balance from the prior fiscal year.

(5) On or before October 1 of each year, the SITFO director shall:

(a) in accordance with this section, determine the distribution amount for the following fiscal year; and

(b) report the amount described in Subsection (5)(a) as the funding amount, described in Subsection 53F-2-404(1)(c), for the School LAND Trust Program, to:

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- (i) the State Treasurer;
 - (ii) the Legislative Fiscal Analyst;
 - (iii) the Division of Finance;
 - (iv) the director of the Land Trusts Protection and Advocacy Office, appointed under Section 53D-2-203;
 - (v) the School and Institutional Trust Lands Administration created in Section 53C-1-201;
 - (vi) the state board; and
 - (vii) the Governor's Office of [~~Management~~] Planning and Budget.
- (6) The School and Institutional Trust Fund Board of Trustees created in Section 53D-1-301 shall:
- (a) annually review the distribution amount; and
 - (b) make recommendations, if necessary, to the Legislature for changes to the formula for calculating the distribution amount.
- (7) Upon appropriation by the Legislature, the SITFO director shall place in the Trust Distribution Account funds for the School LAND Trust Program as described in Subsections 53F-2-404(1)(a) and (c).

Section 25. Section **54-3-28** is amended to read:

54-3-28. Notice required of certain public utilities before preparing or amending a long-range plan or acquiring certain property.

- (1) As used in this section:
 - (a) (i) "Affected entity" means each county, municipality, local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, special service district, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:
 - (A) whose services or facilities are likely to require expansion or significant modification because of expected uses of land under a proposed long-range plan or under proposed amendments to a long-range plan; or
 - (B) that has filed with the specified public utility a copy of the general or long-range plan of the county, municipality, local district, special service district, school district, interlocal cooperation entity, or specified public utility.

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(ii) "Affected entity" does not include the specified public utility that is required under Subsection (2) to provide notice.

(b) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

(2) (a) If a specified public utility prepares a long-range plan regarding its facilities proposed for the future in a county of the first or second class or amends an already existing long-range plan, the specified public utility shall, before preparing a long-range plan or amendments to an existing long-range plan, provide written notice, as provided in this section, of its intent to prepare a long-range plan or to amend an existing long-range plan.

(b) Each notice under Subsection (2) shall:

(i) indicate that the specified public utility intends to prepare a long-range plan or to amend a long-range plan, as the case may be;

(ii) describe or provide a map of the geographic area that will be affected by the long-range plan or amendments to a long-range plan;

(iii) be sent to:

(A) each county in whose unincorporated area and each municipality in whose boundaries is located the land on which the proposed long-range plan or amendments to a long-range plan are expected to indicate that the proposed facilities will be located;

(B) each affected entity;

(C) the Automated Geographic Reference Center created in Section 63F-1-506;

(D) each association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality described in Subsection (2)(b)(iii)(A) is a member; and

(E) the state planning coordinator appointed under Section [~~63J-4-202~~] 63J-4-401;

(iv) with respect to the notice to counties and municipalities described in Subsection (2)(b)(iii)(A) and affected entities, invite them to provide information for the specified public utility to consider in the process of preparing, adopting, and implementing the long-range plan or amendments to a long-range plan concerning:

(A) impacts that the use of land proposed in the proposed long-range plan or amendments to a long-range plan may have on the county, municipality, or affected entity; and

(B) uses of land that the county, municipality, or affected entity is planning or

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considering that may conflict with the proposed long-range plan or amendments to a long-range plan; and

(v) include the address of an Internet website, if the specified public utility has one, and the name and telephone number of a person where more information can be obtained concerning the specified public utility's proposed long-range plan or amendments to a long-range plan.

(3) (a) Except as provided in Subsection (3)(d), each specified public utility intending to acquire real property in a county of the first or second class for the purpose of expanding its infrastructure or other facilities used for providing the services that the specified public utility is authorized to provide shall provide written notice, as provided in this Subsection (3), of its intent to acquire the property if the intended use of the property is contrary to:

(i) the anticipated use of the property under the county or municipality's general plan;

or

(ii) the property's current zoning designation.

(b) Each notice under Subsection (3)(a) shall:

(i) indicate that the specified public utility intends to acquire real property;

(ii) identify the real property; and

(iii) be sent to:

(A) each county in whose unincorporated area and each municipality in whose boundaries the property is located; and

(B) each affected entity.

(c) A notice under this Subsection (3) is a protected record as provided in Subsection 63G-2-305(8).

(d) (i) The notice requirement of Subsection (3)(a) does not apply if the specified public utility previously provided notice under Subsection (2) identifying the general location within the municipality or unincorporated part of the county where the property to be acquired is located.

(ii) If a specified public utility is not required to comply with the notice requirement of Subsection (3)(a) because of application of Subsection (3)(d)(i), the specified public utility shall provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of the real property.

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Section 26. Section **59-1-403** is amended to read:

59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.

(1) (a) Any of the following may not divulge or make known in any manner any information gained by that person from any return filed with the commission:

- (i) a tax commissioner;
- (ii) an agent, clerk, or other officer or employee of the commission; or
- (iii) a representative, agent, clerk, or other officer or employee of any county, city, or

town.

(b) An official charged with the custody of a return filed with the commission is not required to produce the return or evidence of anything contained in the return in any action or proceeding in any court, except:

- (i) in accordance with judicial order;
- (ii) on behalf of the commission in any action or proceeding under:
 - (A) this title; or
 - (B) other law under which persons are required to file returns with the commission;
- (iii) on behalf of the commission in any action or proceeding to which the commission

is a party; or

(iv) on behalf of any party to any action or proceeding under this title if the report or facts shown by the return are directly involved in the action or proceeding.

(c) Notwithstanding Subsection (1)(b), a court may require the production of, and may admit in evidence, any portion of a return or of the facts shown by the return, as are specifically pertinent to the action or proceeding.

(2) This section does not prohibit:

(a) a person or that person's duly authorized representative from receiving a copy of any return or report filed in connection with that person's own tax;

(b) the publication of statistics as long as the statistics are classified to prevent the identification of particular reports or returns; and

(c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer:

- (i) who brings action to set aside or review a tax based on the report or return;
- (ii) against whom an action or proceeding is contemplated or has been instituted under

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this title; or

(iii) against whom the state has an unsatisfied money judgment.

(3) (a) Notwithstanding Subsection (1) and for purposes of administration, the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for a reciprocal exchange of information with:

(i) the United States Internal Revenue Service; or

(ii) the revenue service of any other state.

(b) Notwithstanding Subsection (1) and for all taxes except individual income tax and corporate franchise tax, the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and other written statements with the federal government, any other state, any of the political subdivisions of another state, or any political subdivision of this state, except as limited by Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal government grant substantially similar privileges to this state.

(c) Notwithstanding Subsection (1) and for all taxes except individual income tax and corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for the issuance of information concerning the identity and other information of taxpayers who have failed to file tax returns or to pay any tax due.

(d) Notwithstanding Subsection (1), the commission shall provide to the director of the Division of Environmental Response and Remediation, as defined in Section 19-6-402, as requested by the director of the Division of Environmental Response and Remediation, any records, returns, or other information filed with the commission under Chapter 13, Motor and Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program participation fee.

(e) Notwithstanding Subsection (1), at the request of any person the commission shall provide that person sales and purchase volume data reported to the commission on a report, return, or other information filed with the commission under:

(i) Chapter 13, Part 2, Motor Fuel; or

(ii) Chapter 13, Part 4, Aviation Fuel.

(f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer,

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as defined in Section 59-22-202, the commission shall report to the manufacturer:

(i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the manufacturer and reported to the commission for the previous calendar year under Section 59-14-407; and

(ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the manufacturer for which a tax refund was granted during the previous calendar year under Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

(g) Notwithstanding Subsection (1), the commission shall notify manufacturers, distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

(h) Notwithstanding Subsection (1), the commission may:

(i) provide to the Division of Consumer Protection within the Department of Commerce and the attorney general data:

(A) reported to the commission under Section 59-14-212; or

(B) related to a violation under Section 59-14-211; and

(ii) upon request, provide to any person data reported to the commission under Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

(i) Notwithstanding Subsection (1), the commission shall, at the request of a committee of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of ~~Management~~ Planning and Budget, provide to the committee or office the total amount of revenues collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the time period specified by the committee or office.

(j) Notwithstanding Subsection (1), the commission shall make the directory required by Section 59-14-603 available for public inspection.

(k) Notwithstanding Subsection (1), the commission may share information with federal, state, or local agencies as provided in Subsection 59-14-606(3).

(l) (i) Notwithstanding Subsection (1), the commission shall provide the Office of Recovery Services within the Department of Human Services any relevant information obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer who has become obligated to the Office of Recovery Services.

(ii) The information described in Subsection (3)(l)(i) may be provided by the Office of

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Recovery Services to any other state's child support collection agency involved in enforcing that support obligation.

(m) (i) Notwithstanding Subsection (1), upon request from the state court administrator, the commission shall provide to the state court administrator, the name, address, telephone number, county of residence, and social security number on resident returns filed under Chapter 10, Individual Income Tax Act.

(ii) The state court administrator may use the information described in Subsection (3)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.

(n) (i) As used in this Subsection (3)(n):

(A) "GOED" means the Governor's Office of Economic Development created in Section 63N-1-201.

(B) "Income tax information" means information gained by the commission that is required to be attached to or included in a return filed with the commission under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

(C) "Other tax information" means information gained by the commission that is required to be attached to or included in a return filed with the commission except for a return filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

(D) "Tax information" means income tax information or other tax information.

(ii) (A) Notwithstanding Subsection (1) and except as provided in Subsection (3)(n)(ii)(B) or (C), the commission shall at the request of GOED provide to GOED all income tax information.

(B) For purposes of a request for income tax information made under Subsection (3)(n)(ii)(A), GOED may not request and the commission may not provide to GOED a person's address, name, social security number, or taxpayer identification number.

(C) In providing income tax information to GOED, the commission shall in all instances protect the privacy of a person as required by Subsection (3)(n)(ii)(B).

(iii) (A) Notwithstanding Subsection (1) and except as provided in Subsection (3)(n)(iii)(B), the commission shall at the request of GOED provide to GOED other tax information.

(B) Before providing other tax information to GOED, the commission shall redact or

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remove any name, address, social security number, or taxpayer identification number.

(iv) GOED may provide tax information received from the commission in accordance with this Subsection (3)(n) only:

(A) as a fiscal estimate, fiscal note information, or statistical information; and

(B) if the tax information is classified to prevent the identification of a particular return.

(v) (A) A person may not request tax information from GOED under Title 63G, Chapter 2, Government Records Access and Management Act, or this section, if GOED received the tax information from the commission in accordance with this Subsection (3)(n).

(B) GOED may not provide to a person that requests tax information in accordance with Subsection (3)(n)(v)(A) any tax information other than the tax information GOED provides in accordance with Subsection (3)(n)(iv).

(o) Notwithstanding Subsection (1), the commission may provide to the governing board of the agreement or a taxing official of another state, the District of Columbia, the United States, or a territory of the United States:

(i) the following relating to an agreement sales and use tax:

(A) information contained in a return filed with the commission;

(B) information contained in a report filed with the commission;

(C) a schedule related to Subsection (3)(o)(i)(A) or (B); or

(D) a document filed with the commission; or

(ii) a report of an audit or investigation made with respect to an agreement sales and use tax.

(p) Notwithstanding Subsection (1), the commission may provide information concerning a taxpayer's state income tax return or state income tax withholding information to the Driver License Division if the Driver License Division:

(i) requests the information; and

(ii) provides the commission with a signed release form from the taxpayer allowing the Driver License Division access to the information.

(q) Notwithstanding Subsection (1), the commission shall provide to the Utah Communications Authority, or a division of the Utah Communications Authority, the information requested by the authority under Sections 63H-7a-302, 63H-7a-402, and

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63H-7a-502.

(r) Notwithstanding Subsection (1), the commission shall provide to the Utah Educational Savings Plan information related to a resident or nonresident individual's contribution to a Utah Educational Savings Plan account as designated on the resident or nonresident's individual income tax return as provided under Section 59-10-1313.

(s) Notwithstanding Subsection (1), for the purpose of verifying eligibility under Sections 26-18-2.5 and 26-40-105, the commission shall provide an eligibility worker with the Department of Health or its designee with the adjusted gross income of an individual if:

(i) an eligibility worker with the Department of Health or its designee requests the information from the commission; and

(ii) the eligibility worker has complied with the identity verification and consent provisions of Sections 26-18-2.5 and 26-40-105.

(t) Notwithstanding Subsection (1), the commission may provide to a county, as determined by the commission, information declared on an individual income tax return in accordance with Section 59-10-103.1 that relates to eligibility to claim a residential exemption authorized under Section 59-2-103.

(u) Notwithstanding Subsection (1), the commission shall provide a report regarding any access line provider that is over 90 days delinquent in payment to the commission of amounts the access line provider owes under Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges, to the board of the Utah Communications Authority created in Section 63H-7a-201.

(v) Notwithstanding Subsection (1), the commission shall provide the Department of Environmental Quality a report on the amount of tax paid by a radioactive waste facility for the previous calendar year under Section 59-24-103.5.

(w) Notwithstanding Subsection (1), the commission may, upon request, provide to the Department of Workforce Services any information received under Chapter 10, Part 4, Withholding of Tax, that is relevant to the duties of the Department of Workforce Services.

(x) Notwithstanding Subsection (1), the commission may provide the Public Service Commission or the Division of Public Utilities information related to a seller that collects and remits to the commission a charge described in Subsection 69-2-405(2), including the seller's identity and the number of charges described in Subsection 69-2-405(2) that the seller collects.

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(4) (a) Each report and return shall be preserved for at least three years.

(b) After the three-year period provided in Subsection (4)(a) the commission may destroy a report or return.

(5) (a) Any individual who violates this section is guilty of a class A misdemeanor.

(b) If the individual described in Subsection (5)(a) is an officer or employee of the state, the individual shall be dismissed from office and be disqualified from holding public office in this state for a period of five years thereafter.

(c) Notwithstanding Subsection (5)(a) or (b), GOED, when requesting information in accordance with Subsection (3)(n)(iii), or an individual who requests information in accordance with Subsection (3)(n)(v):

(i) is not guilty of a class A misdemeanor; and

(ii) is not subject to:

(A) dismissal from office in accordance with Subsection (5)(b); or

(B) disqualification from holding public office in accordance with Subsection (5)(b).

(6) Except as provided in Section 59-1-404, this part does not apply to the property tax.

Section 27. Section **59-1-403.1** is amended to read:

59-1-403.1. Disclosure of return information.

(1) As used in this section:

(a) "Office" means:

(i) the Office of the Legislative Fiscal Analyst, established in Section 36-12-13;

(ii) the Office of Legislative Research and General Counsel, established in Section 36-12-12; or

(iii) the Governor's Office of [~~Management~~] Planning and Budget, created in Section 63J-4-201.

(b) (i) "Return information" means information gained by the commission that is required to be attached to or included in a return filed with the commission.

(ii) "Return information" does not include information that the commission is prohibited from disclosing by federal law, federal regulation, or federal publication.

(2) (a) Notwithstanding Subsection 59-1-403(1), the commission, at the request of an office, shall provide to the office all return information with the items described in Subsection (2)(b) removed.

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(b) For purposes of a request for return information made under Subsection (2)(a), the commission shall redact or remove any name, address, social security number, or taxpayer identification number.

(3) (a) An office may disclose return information received from the commission in accordance with this section only:

- (i) (A) as a fiscal estimate, fiscal note information, or statistical information; and
- (B) in a manner that reasonably protects the identification of a particular taxpayer; or
- (ii) to another office.

(b) A person may not request return information, other than the return information that the office discloses in accordance with Subsection (3)(a), from an office under Title 63G, Chapter 2, Government Records Access and Management Act, or this section, if that office received the return information from the commission in accordance with this section.

(c) An office may not disclose to a person that requests return information any return information other than the return information that the office discloses in accordance with Subsection (3)(a).

(4) Any individual who violates Subsection (3)(a):

(a) is guilty of a class A misdemeanor; and

(b) shall be:

(i) dismissed from office; and

(ii) disqualified from holding public office in this state for a period of five years after dismissal.

(5) (a) An office and the commission may enter into an agreement specifying the procedures for accessing, storing, and destroying return information requested in accordance with this section.

(b) An office's access to return information is governed by this section, and except as provided in Subsection (5)(a), may not be limited by any agreement.

Section 28. Section **59-15-109** is amended to read:

59-15-109. Tax money to be paid to state treasurer.

(1) Except as provided in Subsection (2), taxes collected under this chapter shall be paid by the commission to the state treasurer daily for deposit as follows:

(a) the greater of the following shall be deposited into the Alcoholic Beverage

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Enforcement and Treatment Restricted Account created in Section 32B-2-403:

(i) an amount calculated by:

(A) determining an amount equal to 40% of the revenue collected for the fiscal year two years preceding the fiscal year for which the deposit is made; and

(B) subtracting \$30,000 from the amount determined under Subsection (1)(a)(i)(A); or

(ii) \$4,350,000; and

(b) the revenue collected in excess of the amount deposited in accordance with Subsection (1)(a) shall be deposited into the General Fund.

(2) For a fiscal year beginning on or after July 1, 2020, the state treasurer shall annually deposit into the Alcoholic Beverage Enforcement and Treatment Restricted Account created in Section 32B-2-403 an amount equal to the amount of revenue generated in the current fiscal year by the portion of the tax imposed under Section 59-15-101 that exceeds:

(a) \$12.80 per 31-gallon barrel for beer imported or manufactured:

(i) on or after July 1, 2003; and

(ii) for sale, use, or distribution in this state; and

(b) a proportionate rate to the rate described in Subsection (2)(a) for:

(i) any quantity of beer other than a 31-gallon barrel; or

(ii) the fractional parts of a 31-gallon barrel.

(3) (a) The commission shall notify the entities described in Subsection (3)(b) not later than the September 1 preceding the fiscal year of the deposit of:

(i) the amount of the proceeds of the beer excise tax collected in accordance with this section for the fiscal year two years preceding the fiscal year of deposit; and

(ii) an amount equal to 40% of the amount listed in Subsection (3)(a)(i).

(b) The notification required by Subsection (3)(a) shall be sent to:

(i) the Governor's Office of ~~Management~~ Planning and Budget; and

(ii) the Legislative Fiscal Analyst.

Section 29. Section **62A-15-612** is amended to read:

62A-15-612. Allocation of pediatric state hospital beds -- Formula.

(1) As used in this section:

(a) "Mental health catchment area" means a county or group of counties governed by a local mental health authority.

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(b) "Pediatric beds" means the total number of patient beds located in the children's unit and the youth units at the state hospital, as determined by the superintendent of the state hospital.

(2) On July 1, 1996, 72 pediatric beds shall be allocated to local mental health authorities under this section. The division shall review and adjust the number of pediatric beds as necessary every three years according to the state's population of persons under 18 years of age. All population figures utilized shall reflect the most recent available population estimates from the Governor's Office of ~~Management~~ Planning and Budget.

(3) The allocation of beds shall be based on the percentage of the state's population of persons under the age of 18 located within a mental health catchment area. Each community mental health center shall be allocated at least one bed.

(4) A local mental health authority may sell or loan its allocation of beds to another local mental health authority.

(5) The division shall allocate 72 pediatric beds at the state hospital to local mental health authorities for their use in accordance with the formula established under this section. If a local mental health authority is unable to access a bed allocated to it under that formula, the division shall provide that local mental health authority with funding equal to the reasonable, average daily cost of an acute care bed purchased by the local mental health authority.

Section 30. Section **63A-1-114** is amended to read:

63A-1-114. Rate committee -- Membership -- Duties.

(1) (a) There is created a rate committee consisting of the executive directors, commissioners, or superintendents of seven state agencies, which may include the State Board of Education, that use services and pay rates to one of the department internal service funds, or their designee, that the governor appoints for a two-year term.

(b) (i) Of the seven state agencies represented on the rate committee under Subsection (1)(a), only one of the following may be represented on the committee, if at all, at any one time:

(A) the Governor's Office of ~~Management~~ Planning and Budget; or

(B) the Department of Technology Services.

(ii) The department may not have a representative on the rate committee.

(c) (i) The committee shall elect a chair from its members.

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(ii) Members of the committee who are state government employees and who do not receive salary, per diem, or expenses from their agency for their service on the committee shall receive no compensation, benefits, per diem, or expenses for the members' service on the committee.

(d) The Department of Administrative Services shall provide staff services to the committee.

(2) (a) A division described in Section 63A-1-109 that manages an internal service fund shall submit to the committee a proposed rate and fee schedule for services rendered by the division to an executive branch entity or an entity that subscribes to services rendered by the division.

(b) The committee shall:

(i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings Act;

(ii) meet at least once each calendar year to:

(A) discuss the service performance of each internal service fund;

(B) review the proposed rate and fee schedules;

(C) at the rate committee's discretion, approve, increase, or decrease the rate and fee schedules described in Subsection (2)(b)(ii)(B); and

(D) discuss any prior or potential adjustments to the service level received by state agencies that pay rates to an internal service fund;

(iii) recommend a proposed rate and fee schedule for each internal service fund to:

(A) the Governor's Office of ~~Management~~ Planning and Budget; and

(B) each legislative appropriations subcommittee that, in accordance with Section 63J-1-410, approves the internal service fund agency's rates, fees, and budget; and

(iv) review and approve, increase or decrease an interim rate, fee, or amount when an internal service fund agency begins a new service or introduces a new product between annual general sessions of the Legislature.

(c) The committee may in accordance with Subsection 63J-1-410(4), decrease a rate, fee, or amount that has been approved by the Legislature.

Section 31. Section **63A-1-203** is amended to read:

63A-1-203. Utah Transparency Advisory Board -- Creation -- Membership --

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Duties.

(1) There is created within the department the Utah Transparency Advisory Board comprised of members knowledgeable about public finance or providing public access to public information.

(2) The board consists of:

(a) the state auditor or the state auditor's designee;

(b) an individual appointed by the executive director of the department;

(c) an individual appointed by the executive director of the Governor's Office of ~~Management~~ Planning and Budget;

(d) an individual appointed by the governor on advice from the Legislative Fiscal Analyst;

(e) one member of the Senate, appointed by the governor on advice from the president of the Senate;

(f) one member of the House of Representatives, appointed by the governor on advice from the speaker of the House of Representatives;

(g) an individual appointed by the director of the Department of Technology Services;

(h) the director of the Division of Archives and Records Service created in Section 63A-12-101 or the director's designee;

(i) an individual who is a member of the State Records Committee created in Section 63G-2-501, appointed by the governor;

(j) an individual representing counties, appointed by the governor;

(k) an individual representing municipalities, appointed by the governor;

(l) an individual representing special districts, appointed by the governor;

(m) an individual representing the State Board of Education, appointed by the State Board of Education; and

(n) one individual who is a member of the public and who has knowledge, expertise, or experience in matters relating to the board's duties under Subsection (10), appointed by the board members identified in Subsections (2)(a) through (m).

(3) The board shall:

(a) advise the state auditor and the department on matters related to the implementation and administration of this part;

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(b) develop plans, make recommendations, and assist in implementing the provisions of this part;

(c) determine what public financial information shall be provided by a participating state entity, independent entity, and participating local entity, if the public financial information:

(i) only includes records that:

(A) are classified as public under Title 63G, Chapter 2, Government Records Access and Management Act, or, subject to any specific limitations and requirements regarding the provision of financial information from the entity described in Section 63A-1-202, if an entity is exempt from Title 63G, Chapter 2, Government Records Access and Management Act, records that would normally be classified as public if the entity were not exempt from Title 63G, Chapter 2, Government Records Access and Management Act;

(B) are an accounting of money, funds, accounts, bonds, loans, expenditures, or revenues, regardless of the source; and

(C) are owned, held, or administered by the participating state entity, independent entity, or participating local entity that is required to provide the record; and

(ii) is of the type or nature that should be accessible to the public via a website based on considerations of:

(A) the cost effectiveness of providing the information;

(B) the value of providing the information to the public; and

(C) privacy and security considerations;

(d) evaluate the cost effectiveness of implementing specific information resources and features on the website;

(e) require participating local entities to provide public financial information in accordance with the requirements of this part, with a specified content, reporting frequency, and form;

(f) require an independent entity's website or a participating local entity's website to be accessible by link or other direct route from the Utah Public Finance Website if the independent entity or participating local entity does not use the Utah Public Finance Website;

(g) determine the search methods and the search criteria that shall be made available to the public as part of a website used by an independent entity or a participating local entity

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under the requirements of this part, which criteria may include:

- (i) fiscal year;
- (ii) expenditure type;
- (iii) name of the agency;
- (iv) payee;
- (v) date; and
- (vi) amount; and
- (h) analyze ways to improve the information on the Utah Public Finance Website so

the information is more relevant to citizens, including through the use of:

- (i) infographics that provide more context to the data; and
- (ii) geolocation services, if possible.

(4) Every two years, the board shall elect a chair and a vice chair from its members.

(5) (a) Each member shall serve a four-year term.

(b) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for a four-year term.

(6) To accomplish its duties, the board shall meet as it determines necessary.

(7) Reasonable notice shall be given to each member of the board before any meeting.

(8) A majority of the board constitutes a quorum for the transaction of business.

(9) (a) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

(b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

(10) (a) As used in Subsections (10) and (11):

(i) "Information website" means a single Internet website containing public information or links to public information.

(ii) "Public information" means records of state government, local government, or an independent entity that are classified as public under Title 63G, Chapter 2, Government

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Records Access and Management Act, or, subject to any specific limitations and requirements regarding the provision of financial information from the entity described in Section 63A-1-202, if an entity is exempt from Title 63G, Chapter 2, Government Records Access and Management Act, records that would normally be classified as public if the entity were not exempt from Title 63G, Chapter 2, Government Records Access and Management Act.

(b) The board shall:

(i) study the establishment of an information website and develop recommendations for its establishment;

(ii) develop recommendations about how to make public information more readily available to the public through the information website;

(iii) develop standards to make uniform the format and accessibility of public information posted to the information website; and

(iv) identify and prioritize public information in the possession of a state agency or political subdivision that may be appropriate for publication on the information website.

(c) In fulfilling its duties under Subsection (10)(b), the board shall be guided by principles that encourage:

(i) (A) the establishment of a standardized format of public information that makes the information more easily accessible by the public;

(B) the removal of restrictions on the reuse of public information;

(C) minimizing limitations on the disclosure of public information while appropriately safeguarding sensitive information; and

(D) balancing factors in favor of excluding public information from an information website against the public interest in having the information accessible on an information website;

(ii) (A) permanent, lasting, open access to public information; and

(B) the publication of bulk public information;

(iii) the implementation of well-designed public information systems that ensure data quality, create a public, comprehensive list or index of public information, and define a process for continuous publication of and updates to public information;

(iv) the identification of public information not currently made available online and the implementation of a process, including a timeline and benchmarks, for making that public

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information available online; and

(v) accountability on the part of those who create, maintain, manage, or store public information or post it to an information website.

(d) The department shall implement the board's recommendations, including the establishment of an information website, to the extent that implementation:

- (i) is approved by the Legislative Management Committee;
- (ii) does not require further legislative appropriation; and
- (iii) is within the department's existing statutory authority.

(11) The department shall, in consultation with the board and as funding allows, modify the information website described in Subsection (10) to:

(a) by January 1, 2015, serve as a point of access for Government Records Access and Management Act requests for executive agencies;

(b) by January 1, 2016, serve as a point of access for Government Records Access and Management Act requests for:

- (i) school districts;
- (ii) charter schools;
- (iii) public transit districts created under Title 17B, Chapter 2a, Part 8, Public Transit District Act;

District Act;

- (iv) counties; and
- (v) municipalities;

(c) by January 1, 2017, serve as a point of access for Government Records Access and Management Act requests for:

(i) local districts under Title 17B, Limited Purpose Local Government Entities - Local Districts; and

(ii) special service districts under Title 17D, Chapter 1, Special Service District Act;

(d) except as provided in Subsection (12)(a), provide link capabilities to other existing repositories of public information, including maps, photograph collections, legislatively required reports, election data, statute, rules, regulations, and local ordinances that exist on other agency and political subdivision websites;

(e) provide multiple download options in different formats, including nonproprietary, open formats where possible;

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(f) provide any other public information that the board, under Subsection (10), identifies as appropriate for publication on the information website; and

(g) incorporate technical elements the board identifies as useful to a citizen using the information website.

(12) (a) The department, in consultation with the board, shall establish by rule any restrictions on the inclusion of maps and photographs, as described in Subsection (11)(d), on the website described in Subsection (10) if the inclusion would pose a potential security concern.

(b) The website described in Subsection (10) may not publish any record that is classified as private, protected, or controlled under Title 63G, Chapter 2, Government Records Access and Management Act.

Section 32. Section **63A-5b-201** is amended to read:

63A-5b-201. Creation of state building board -- Composition -- Appointment -- Per diem and expenses -- Board officers.

(1) There is created within the department the state building board.

(2) (a) The board is composed of eight members, seven of whom are voting members appointed by the governor.

(b) The executive director of the Governor's Office of [~~Management~~] Planning and Budget, or the executive director's designee, is a nonvoting member of the board.

(3) The term of a voting board member is four years, except that the governor shall, at the time of a member's appointment or reappointment, adjust the length of the member's term, as necessary, to ensure that approximately half of the board is appointed every two years.

(4) When a vacancy occurs in the membership of the voting members of the board for any reason, the governor shall appoint a replacement for the unexpired term of the member who created the vacancy.

(5) (a) A voting board member shall hold office until a successor is appointed and qualified.

(b) A voting board member may not serve more than two consecutive terms.

(6) The governor shall designate one board member as the board chair.

(7) A member of the board may not receive compensation or benefits for the member's service on the board, but may receive per diem and travel expenses in accordance with:

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(a) Sections 63A-3-106 and 63A-3-107; and

(b) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

(8) A member of the board is not required to post a bond for the performance of the member's official duties.

(9) The executive director or the executive director's designee shall serve as secretary to the board and shall:

(a) manage scheduling for the board and the board's calendar;

(b) establish and manage the agenda for meetings of the board;

(c) keep the minutes of board meetings;

(d) assist the board in the board's obligation to comply with Title 52, Chapter 4, Open and Public Meetings Act;

(e) (i) assist the board in the board's obligation to comply with Title 63G, Chapter 2, Government Records Access and Management Act; and

(ii) act as the board's records officer, as defined in Section 63G-2-103; and

(f) assist the board in the board's obligation to comply with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 33. Section **63A-5b-702** is amended to read:

63A-5b-702. Standards and requirements for state facilities -- Life-cycle cost effectiveness.

(1) As used in this section:

(a) "Life cycle cost-effective" means the most prudent cost of owning, operating, and maintaining a facility, including the initial cost, energy costs, operation and maintenance costs, repair costs, and the costs of energy conservation and renewable energy systems.

(b) "Renewable energy system" means a system designed to use solar, wind, geothermal power, wood, or other replenishable energy source to heat, cool, or provide electricity to a building.

(2) The director shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules:

(a) that establish standards and requirements for determining whether a state facility project is life cycle cost-effective;

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(b) for the monitoring of an agency's operation and maintenance expenditures for a state-owned facility;

(c) to establish standards and requirements for utility metering;

(d) that create an operation and maintenance program for an agency's facilities;

(e) that establish a methodology for determining reasonably anticipated inflationary costs for each operation and maintenance program described in Subsection (2)(d);

(f) that require an agency to report the amount the agency receives and expends on operation and maintenance; and

(g) that provide for determining the actual cost for operation and maintenance requests for a new facility.

(3) The director shall:

(a) ensure that state-owned facilities, except for facilities under the control of the State Capitol Preservation Board, are life cycle cost-effective;

(b) conduct ongoing facilities audits of state-owned facilities; and

(c) monitor an agency's operation and maintenance expenditures for state-owned facilities as provided in rules made under Subsection (2)(b).

(4) (a) An agency shall comply with the rules made under Subsection (2) for new facility requests submitted to the Legislature for a session of the Legislature after the 2017 General Session.

(b) The Office of the Legislative Fiscal Analyst and the Governor's Office of [~~Management~~] Planning and Budget shall, for each agency with operation and maintenance expenses, ensure that each required budget for the agency is adjusted in accordance with the rules described in Subsection (2)(e).

Section 34. Section **63B-2-301** is amended to read:

63B-2-301. Legislative intent -- Additional projects.

It is the intent of the Legislature that:

(1) The Department of Employment Security use money in the special administrative fund to plan, design, and construct a Davis County facility under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by him as authorized by Section 63A-5b-604.

(2) The University of Utah may use donated funds to plan, design, and construct the

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Nora Eccles Harrison addition under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by him as authorized by Section 63A-5b-604.

(3) The University of Utah may use hospital funds to plan, design, and construct the West Patient Services Building under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by him as authorized by Section 63A-5b-604.

(4) The University of Utah may use federal funds to plan, design, and construct the Computational Science Building under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by him as authorized by Section 63A-5b-604.

(5) The Board of Regents may issue revenue bonds to provide:

(a) \$6,700,000 to plan, design, and construct single student housing at Utah State University under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by him as authorized by Section 63A-5b-604; and

(b) additional money necessary to:

(i) pay costs incident to the issuance and sale of the bonds;

(ii) pay interest on the bonds that accrues during construction and acquisition of the project and for up to one year after construction is completed; and

(iii) fund any reserve requirements for the bonds.

(6) Utah State University may use federal funds to plan, design, and construct the Natural Resources Lab addition under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by him as authorized by Section 63A-5b-604.

(7) Utah State University may use funds derived from property sales to plan, design, and construct emergency relocation facilities for the Farmington Botanical Gardens under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by him as authorized by Section 63A-5b-604.

(8) Utah State University may use institutional funds to plan, design, and construct an institutional residence for the president under the supervision of the director of the Division of

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Facilities Construction and Management unless supervisory authority is delegated by him as authorized by Section 63A-5b-604.

(9) Weber State University may use discretionary funds to construct a remodel and expansion of the stores building and mail service facilities under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by him as authorized by Section 63A-5b-604.

(10) Weber State University may use fees and auxiliary revenue to plan, design, and construct a remodel and expansion of the Shepherd Student Union Building under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by him as authorized by Section 63A-5b-604.

(11) Southern Utah University may use donated funds to plan, design, and construct an alumni house under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by him as authorized by Section 63A-5b-604.

(12) Utah State University Eastern may use auxiliary revenues and other fees to:

(a) make lease or other payments;

(b) redeem revenue bonds or repay loans issued on behalf of the college; and

(c) plan, design, and construct a 200 person residence hall under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by him as authorized by Section 63A-5b-604.

(13) The Sevier Valley Applied Technology Center may use private and Community Impact Board funds, if approved, to plan, design, and construct a performing arts/multi-use facility under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by him as authorized by Section 63A-5b-604.

(14) Ogden City and Weber County may have offices and related space for their attorneys included in the Ogden Courts building if the city and county are able to provide upfront funding to cover all costs associated with the design and construction of that space. In addition, the city and county shall cover their proportionate share of all operations and maintenance costs of their facility, including future major repairs to the building.

(15) If the Legislature authorizes the Division of Facilities Construction and

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Management to enter into a lease purchase agreement for the Department of Human Services facility at 1385 South State Street in Salt Lake City or for the State Board of Education facility and adjacent space in Salt Lake City, or for both of those facilities, the State Building Ownership Authority, at the reasonable rates and amounts it may determine, and with technical assistance from the state treasurer, the director of the Division of Finance, and the executive director of the Governor's Office of ~~Management~~ Planning and Budget, may seek out the most cost effective lease purchase plans available to the state and may, pursuant to Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, certificate out interests in, or obligations of the authority pertaining to:

- (a) the lease purchase obligation; or
- (b) lease rental payments under the lease purchase obligation.

(16) Salt Lake Community College may use donated funds to plan, design, and construct an amphitheater under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by him as authorized by Section 63A-5b-604.

(17) For the Tax Commission building, that:

(a) All costs associated with the construction and furnishing of the Tax Commission building that are incurred before the issuance of the 1993 general obligation bonds be reimbursed by bond proceeds.

(b) The maximum amount of cost that may be reimbursed from the 1993 general obligation bond proceeds for the Tax Commission building and furnishings may not exceed \$14,230,000.

(c) This intent statement for Subsection (17) constitutes a declaration of official intent under Section 1.103-18 of the U.S. Treasury Regulations.

Section 35. Section **63B-3-301** is amended to read:

63B-3-301. Legislative intent -- Additional projects.

(1) It is the intent of the Legislature that, for any lease purchase agreement that the Legislature may authorize the Division of Facilities Construction and Management to enter into during its 1994 Annual General Session, the State Building Ownership Authority, at the reasonable rates and amounts it may determine, and with technical assistance from the state treasurer, the director of the Division of Finance, and the executive director of the Governor's

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Office of [~~Management~~] Planning and Budget, may seek out the most cost effective and prudent lease purchase plans available to the state and may, pursuant to Chapter 1, Part 3, State Building Ownership Authority Act, certificate out interests in, or obligations of the authority pertaining to:

- (a) the lease purchase obligation; or
- (b) lease rental payments under the lease purchase obligation.

(2) It is the intent of the Legislature that the Department of Transportation dispose of surplus real properties and use the proceeds from those properties to acquire or construct through the Division of Facilities Construction and Management a new District Two Complex.

(3) It is the intent of the Legislature that the State Building Board allocate funds from the Capital Improvement appropriation and donations to cover costs associated with the upgrade of the Governor's Residence that go beyond the restoration costs which can be covered by insurance proceeds.

(4) (a) It is the intent of the Legislature to authorize the State Building Ownership Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to \$10,600,000 for the construction of a Natural Resources Building in Salt Lake City, together with additional amounts necessary to:

- (i) pay costs of issuance;
- (ii) pay capitalized interest; and
- (iii) fund any debt service reserve requirements.

(b) It is the intent of the Legislature that the authority seek out the most cost effective and prudent lease purchase plan available with technical assistance from the state treasurer, the director of the Division of Finance, and the executive director of the Governor's Office of [~~Management~~] Planning and Budget.

(c) It is the intent of the Legislature that the operating budget for the Department of Natural Resources not be increased to fund these lease payments.

(5) (a) It is the intent of the Legislature to authorize the State Building Ownership Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to \$8,300,000 for the acquisition of the

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office buildings currently occupied by the Department of Environmental Quality and approximately 19 acres of additional vacant land at the Airport East Business Park in Salt Lake City, together with additional amounts necessary to:

- (i) pay costs of issuance;
- (ii) pay capitalized interest; and
- (iii) fund any debt service reserve requirements.

(b) It is the intent of the Legislature that the authority seek out the most cost effective and prudent lease purchase plan available with technical assistance from the state treasurer, the director of the Division of Finance, and the executive director of the Governor's Office of ~~Management~~ Planning and Budget.

(6) (a) It is the intent of the Legislature to authorize the State Building Ownership Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to \$9,000,000 for the acquisition or construction of up to two field offices for the Department of Human Services in the southwestern portion of Salt Lake County, together with additional amounts necessary to:

- (i) pay costs of issuance;
- (ii) pay capitalized interest; and
- (iii) fund any debt service reserve requirements.

(b) It is the intent of the Legislature that the authority seek out the most cost effective and prudent lease purchase plan available with technical assistance from the state treasurer, the director of the Division of Finance, and the executive director of the Governor's Office of ~~Management~~ Planning and Budget.

(7) (a) It is the intent of the Legislature to authorize the State Building Ownership Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to issue or execute obligations or enter into or arrange for lease purchase agreements in which participation interests may be created, to provide up to \$5,000,000 for the acquisition or construction of up to 13 stores for the Department of Alcoholic Beverage Control, together with additional amounts necessary to:

- (i) pay costs of issuance;
- (ii) pay capitalized interest; and

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(iii) fund any debt service reserve requirements.

(b) It is the intent of the Legislature that the authority seek out the most cost effective and prudent lease purchase plan available with technical assistance from the state treasurer, the director of the Division of Finance, and the executive director of the Governor's Office of [~~Management~~] Planning and Budget.

(c) It is the intent of the Legislature that the operating budget for the Department of Alcoholic Beverage Control not be increased to fund these lease payments.

(8) (a) It is the intent of the Legislature to authorize the State Building Ownership Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to \$6,800,000 for the construction of a Prerelease and Parole Center for the Department of Corrections, containing a minimum of 300 beds, together with additional amounts necessary to:

(i) pay costs of issuance;

(ii) pay capitalized interest; and

(iii) fund any debt service reserve requirements.

(b) It is the intent of the Legislature that the authority seek out the most cost effective and prudent lease purchase plan available with technical assistance from the state treasurer, the director of the Division of Finance, and the executive director of the Governor's Office of [~~Management~~] Planning and Budget.

(9) If S.B. 275, 1994 General Session, which authorizes funding for a Courts Complex in Salt Lake City, becomes law, it is the intent of the Legislature that:

(a) the Legislative Management Committee, the Interim Appropriation Subcommittees for General Government and Capital Facilities and Executive Offices, Courts, and Corrections, the Office of the Legislative Fiscal Analyst, the Governor's Office of [~~Management~~] Planning and Budget, and the State Building Board participate in a review of the proposed facility design for the Courts Complex no later than December 1994; and

(b) although this review will not affect the funding authorization issued by the 1994 Legislature, it is expected that Division of Facilities Construction and Management will give proper attention to concerns raised in these reviews and make appropriate design changes pursuant to the review.

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(10) It is the intent of the Legislature that:

(a) the Division of Facilities Construction and Management, in cooperation with the Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services, develop a flexible use prototype facility for the Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services;

(b) the development process use existing prototype proposals unless it can be quantifiably demonstrated that the proposals cannot be used;

(c) the facility is designed so that with minor modifications, it can accommodate detention, observation and assessment, transition, and secure programs as needed at specific geographical locations;

(d) (i) funding as provided in the fiscal year 1995 bond authorization for the Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services is used to design and construct one facility and design the other;

(ii) the Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services shall:

(A) determine the location for the facility for which design and construction are fully funded; and

(B) in conjunction with the Division of Facilities Construction and Management, determine the best methodology for design and construction of the fully funded facility;

(e) the Division of Facilities Construction and Management submit the prototype as soon as possible to the Infrastructure and General Government Appropriations Subcommittee and Executive Offices, Criminal Justice, and Legislature Appropriation Subcommittee for review;

(f) the Division of Facilities Construction and Management issue a Request for Proposal for one of the facilities, with that facility designed and constructed entirely by the winning firm;

(g) the other facility be designed and constructed under the existing Division of Facilities Construction and Management process;

(h) that both facilities follow the program needs and specifications as identified by Division of Facilities Construction and Management and the Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services in the prototype; and

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(i) the fully funded facility should be ready for occupancy by September 1, 1995.

(11) It is the intent of the Legislature that the fiscal year 1995 funding for the State Fair Park Master Study be used by the Division of Facilities Construction and Management to develop a master plan for the State Fair Park that:

(a) identifies capital facilities needs, capital improvement needs, building configuration, and other long term needs and uses of the State Fair Park and its buildings; and

(b) establishes priorities for development, estimated costs, and projected timetables.

(12) It is the intent of the Legislature that:

(a) the Division of Facilities Construction and Management, in cooperation with the Division of Parks and Recreation and surrounding counties, develop a master plan and general program for the phased development of Antelope Island;

(b) the master plan:

(i) establish priorities for development;

(ii) include estimated costs and projected time tables; and

(iii) include recommendations for funding methods and the allocation of responsibilities between the parties; and

(c) the results of the effort be reported to the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee and Infrastructure and General Government Appropriations Subcommittee.

(13) It is the intent of the Legislature to authorize the University of Utah to use:

(a) bond reserves to plan, design, and construct the Kingsbury Hall renovation under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director; and

(b) donated and other nonappropriated funds to plan, design, and construct the Biology Research Building under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(14) It is the intent of the Legislature to authorize Utah State University to use:

(a) federal and other funds to plan, design, and construct the Bee Lab under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director;

(b) donated and other nonappropriated funds to plan, design, and construct an Athletic

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Facility addition and renovation under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director;

(c) donated and other nonappropriated funds to plan, design, and construct a renovation to the Nutrition and Food Science Building under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director; and

(d) federal and private funds to plan, design, and construct the Millville Research Facility under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(15) It is the intent of the Legislature to authorize Salt Lake Community College to use:

(a) institutional funds to plan, design, and construct a remodel to the Auto Trades Office and Learning Center under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director;

(b) institutional funds to plan, design, and construct the relocation and expansion of a temporary maintenance compound under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director; and

(c) institutional funds to plan, design, and construct the Alder Amphitheater under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(16) It is the intent of the Legislature to authorize Southern Utah University to use:

(a) federal funds to plan, design, and construct a Community Services Building under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director; and

(b) donated and other nonappropriated funds to plan, design, and construct a stadium expansion under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(17) It is the intent of the Legislature to authorize the Department of Corrections to use donated funds to plan, design, and construct a Prison Chapel at the Central Utah Correctional Facility in Gunnison under the supervision of the director of the Division of Facilities

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Construction and Management unless supervisory authority is delegated by the director.

(18) If the Utah National Guard does not relocate in the Signetics Building, it is the intent of the Legislature to authorize the Guard to use federal funds and funds from Provo City to plan and design an Armory in Provo, Utah, under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(19) It is the intent of the Legislature that the Utah Department of Transportation use \$250,000 of the fiscal year 1995 highway appropriation to fund an environmental study in Ogden, Utah of the 2600 North Corridor between Washington Boulevard and I-15.

(20) It is the intent of the Legislature that the Ogden-Weber Applied Technology Center use the money appropriated for fiscal year 1995 to design the Metal Trades Building and purchase equipment for use in that building that could be used in metal trades or other programs in other Applied Technology Centers.

(21) It is the intent of the Legislature that the Bridgerland Applied Technology Center and the Ogden-Weber Applied Technology Center projects as designed in fiscal year 1995 be considered as the highest priority projects for construction funding in fiscal year 1996.

(22) It is the intent of the Legislature that:

(a) the Division of Facilities Construction and Management complete physical space utilization standards by June 30, 1995, for the use of technology education activities;

(b) these standards are to be developed with and approved by the State Board of Education, the Board of Regents, and the Utah State Building Board;

(c) these physical standards be used as the basis for:

(i) determining utilization of any technology space based on number of stations capable and occupied for any given hour of operation; and

(ii) requests for any new space or remodeling;

(d) the fiscal year 1995 projects at the Bridgerland Applied Technology Center and the Ogden-Weber Applied Technology Center are exempt from this process; and

(e) the design of the Davis Applied Technology Center take into account the utilization formulas established by the Division of Facilities Construction and Management.

(23) It is the intent of the Legislature that Utah Valley State College may use the money from the bond allocated to the remodel of the Signetics building to relocate its technical

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education programs at other designated sites or facilities under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(24) It is the intent of the Legislature that the money provided for the fiscal year 1995 project for the Bridgerland Applied Technology Center be used to design and construct the space associated with Utah State University and design the technology center portion of the project.

(25) It is the intent of the Legislature that the governor provide periodic reports on the expenditure of the funds provided for electronic technology, equipment, and hardware to the Infrastructure and General Government Appropriations Subcommittee, and the Legislative Management Committee.

Section 36. Section **63B-4-201** is amended to read:

63B-4-201. Legislative intent statements -- Capital facilities.

(1) (a) It is the intent of the Legislature that the University of Utah use institutional and other funds to plan, design, and construct two campus child care centers under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(b) The university shall work with Salt Lake City and the surrounding neighborhood to ensure site compatibility for future recreational development by the city.

(2) It is the intent of the Legislature that the University of Utah use institutional funds to plan, design, and construct:

(a) the Union Parking structure under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director;

(b) the stadium renovation under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director;

(c) the Huntsman Cancer Institute under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director;

(d) the Business Case Method Building under the supervision of the director of the

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Division of Facilities Construction and Management unless supervisory authority is delegated by the director; and

(e) the Fine Arts Museum expansion under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(3) It is the intent of the Legislature that Utah State University use institutional funds to plan, design, and construct:

(a) a student health services facility under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director;

(b) a women's softball field under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director;

(c) an addition to the Nutrition and Food Services Building under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director; and

(d) a Human Resource Research Center under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(4) It is the intent of the Legislature that Weber State University use institutional funds to plan, design, and construct:

(a) a track renovation under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director; and

(b) the Dee Events Center offices under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(5) It is the intent of the Legislature that Southern Utah University use:

(a) institutional funds to plan, design, and construct an institutional residence under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director; and

(b) project revenues and other funds to plan, design, and construct the Shakespearean

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Festival support facilities under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(6) It is the intent of the Legislature that Dixie College use institutional funds to plan, design, and construct an institutional residence under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(7) It is the intent of the Legislature that the Division of Forestry, Fire, and State Lands use federal and other funds to plan, design, and construct a wetlands enhancement facility under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(8) (a) As provided in Subsection 63A-5b-609(2), the funds appropriated to the Project Reserve Fund may only be used for the award of contracts in excess of the construction budget if these funds are required to meet the intent of the project.

(b) It is the intent of the Legislature that:

(i) up to \$2,000,000 of the amount may be used to award the construction contract for the Ogden Court Building; and

(ii) the need for any funds remaining as of December 31, 1995 be reviewed by the 1996 Legislature.

(9) (a) It is the intent of the Legislature that the State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue or execute obligations or enter into or arrange for a lease purchase agreement in which participation interests may be created to provide up to \$539,700 for the purchase and demolition of the Keyston property and construction of parking facilities adjacent to the State Board of Education building in Salt Lake City, with additional amounts necessary to:

(i) pay costs of issuance;

(ii) pay capitalized interest; and

(iii) fund any debt service reserve requirements.

(b) It is the intent of the Legislature that the authority seek out the most cost effective and prudent lease purchase plan available with technical assistance from the state treasurer, the director of the Division of Finance, and the executive director of the Governor's Office of ~~Management~~ Planning and Budget.

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(10) (a) It is the intent of the Legislature that the money appropriated for Phase One of the Remodeling/Life Safety Upgrades of the Browning Fine Arts Center at Weber State University is to include design of full code compliance, life safety, space necessary to maintain required programs, and seismic upgrades.

(b) The design shall identify the full scope and cost of Phase Two of the remodeling for funding consideration in the fiscal year 1997 budget cycle.

(11) It is the intent of the Legislature that:

(a) the fiscal year 1996 appropriation for the Davis County Higher Education land purchase includes up to \$250,000 for planning purposes;

(b) the Division of Facilities Construction and Management, the Board of Regents, and the assigned institution of higher education work jointly to ensure the following elements are part of the planning process:

(i) projections of student enrollment and programmatic needs for the next 10 years;

(ii) review and make recommendations for better use of existing space, current technologies, public/private partnerships, and other alternatives as a means to reduce the need for new facilities and still accommodate the projected student needs; and

(iii) use of a master plan that includes issues of utilities, access, traffic circulation, drainage, rights of way, future developments, and other infrastructure items considered appropriate; and

(c) every effort is used to minimize expenditures for this part until a definitive decision has been made by BRACC relative to Hill Air Force Base.

(12) (a) It is the intent of the Legislature that the State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue or execute obligations or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to \$7,400,000 for the acquisition and improvement of the Human Services Building located at 120 North 200 West, Salt Lake City, Utah, with associated parking for the Department of Human Services together with additional amounts necessary to:

(i) pay costs of issuance;

(ii) pay capitalized interest; and

(iii) fund any debt service reserve requirements.

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(b) It is the intent of the Legislature that the authority seek out the most cost effective and prudent lease purchase plan available with technical assistance from the state treasurer, the director of the Division of Finance, and the executive director of the Governor's Office of ~~Management~~ Planning and Budget.

(13) (a) It is the intent of the Legislature that the State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue or execute obligations or enter into or arrange for a lease purchase agreement in which participation interests may be created to provide up to \$63,218,600 for the construction of a Salt Lake Courts Complex together with additional amounts necessary to:

- (i) pay costs of issuance;
- (ii) pay capitalized interest; and
- (iii) fund any debt service reserve requirements.

(b) It is the intent of the Legislature that the authority seek out the most cost effective and prudent lease purchase plan available with technical assistance from the state treasurer, the director of the Division of Finance, and the executive director of the Governor's Office of ~~Management~~ Planning and Budget.

(c) It is the intent of the Legislature that the Division of Facilities Construction and Management lease land to the State Building Ownership Authority for the construction of a Salt Lake Courts Complex.

(14) It is the intent of the Legislature that:

(a) the Board of Regents use the higher education design project money to design no more than two higher education projects from among the following projects:

- (i) Utah State University Eastern - Student Center;
- (ii) Snow College - Noyes Building;
- (iii) University of Utah - Gardner Hall;
- (iv) Utah State University - Widtsoe Hall; or
- (v) Southern Utah University - Physical Education Building; and

(b) the higher education institutions that receive approval from the Board of Regents to design projects under this chapter design those projects under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

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(15) It is the intent of the Legislature that:

(a) the Board of Regents may authorize the University of Utah to use institutional funds and donated funds to design Gardner Hall; and

(b) if authorized by the Board of Regents, the University of Utah may use institutional funds and donated funds to design Gardner Hall under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(16) It is the intent of the Legislature that the Division of Facilities Construction and Management use up to \$250,000 of the capital improvement money to fund the site improvements required at the San Juan campus of the Utah State University Eastern.

Section 37. Section **63B-4-301** is amended to read:

63B-4-301. Bonds for golf course at Wasatch Mountain State Park.

(1) The State Building Ownership Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to \$2,500,000 for a new nine-hole golf course at Wasatch Mountain State Park for the Division of Parks and Recreation, together with additional amounts necessary to:

- (a) pay costs of issuance;
- (b) pay capitalized interest; and
- (c) fund any debt service reserve requirements.

(2) (a) The State Building Ownership Authority shall work cooperatively with the Division of Parks and Recreation to seek out the most cost effective and prudent lease purchase plan available.

(b) The state treasurer, the director of the Division of Finance, and the executive director of the Governor's Office of ~~[Management]~~ Planning and Budget shall provide technical assistance to accomplish the purpose specified in Subsection (2)(a).

Section 38. Section **63C-4a-308** is amended to read:

63C-4a-308. Commission duties with regards to federal lands.

The commission shall:

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

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(2) review and make recommendations regarding the state's sovereign right to protect the health, safety, and welfare of its citizens as it relates to public lands, including recommendations concerning the use of funds in the account created in Section 63C-4a-404;

(3) study and evaluate the recommendations of the public lands transfer study and economic analysis conducted by the Public Lands Policy Coordinating Office in accordance with Section [~~63J-4-606~~] 63L-11-304;

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

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

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

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

- (a) preparation for potential litigation;
- (b) selection of outside legal counsel;
- (c) ongoing legal strategy for the transfer of public lands; and
- (d) use of money:

(i) appropriated by the Legislature for the purpose of securing the transfer of public lands to the state under Section 63C-4a-404; and

(ii) disbursed from the Public Lands Litigation Expendable Special Revenue Fund created in Section 63C-4a-405.

Section 39. Section ~~63C-4a-402~~ is amended to read:

63C-4a-402. Creation of Constitutional Defense Restricted Account -- Sources of funds -- Uses of funds -- Reports.

(1) There is created a restricted account within the General Fund known as the

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Constitutional Defense Restricted Account.

(2) The account consists of money from the following revenue sources:

- (a) money deposited to the account as required by Section 53C-3-203;
- (b) voluntary contributions;
- (c) money received by the council from other state agencies; and
- (d) appropriations made by the Legislature.

(3) The Legislature may annually appropriate money from the Constitutional Defense

Restricted Account to one or more of the following:

- (a) the commission, to fund the commission and for the commission's duties;
- (b) the council, to fund the council and for the council's duties;
- (c) the Public Lands Policy Coordinating Office to carry out its duties in Section

~~[63J-4-603]~~ 63L-11-202;

(d) the Office of the Governor, to be used only for the purpose of asserting, defending, or litigating:

- (i) an issue arising with another state regarding the use or ownership of water; or
- (ii) state and local government rights under R.S. 2477, in accordance with a plan

developed and approved as provided in Section 63C-4a-403;

(e) a county or association of counties to assist counties, consistent with the purposes of the council, in pursuing issues affecting the counties;

(f) the Office of the Attorney General, to be used only:

(i) for public lands counsel and assistance and litigation to the state or local governments including asserting, defending, or litigating state and local government rights under R.S. 2477 in accordance with a plan developed and approved as provided in Section 63C-4a-403;

(ii) for an action filed in accordance with Section 67-5-29;

(iii) to advise the council; or

(iv) for asserting, defending, or litigating an issue arising with another state regarding the use or ownership of water;

(g) the Office of the Attorney General or any other state or local government entity to bring an action to establish the right of a state or local government officer or employee to enter onto federal land or use a federal road or an R.S. 2477 road, in the officer's or employee's

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official capacity, to protect the health, safety, or welfare of a citizen of the state; or

(h) the Office of Legislative Research and General Counsel, to provide staff support to the commission.

(4) (a) The council shall require that any entity, other than the commission, that receives money from the account provide financial reports and litigation reports to the council.

(b) Nothing in this Subsection (4) prohibits the commission or the council from closing a meeting under Title 52, Chapter 4, Open and Public Meetings Act, or prohibits the commission or the council from complying with Title 63G, Chapter 2, Government Records Access and Management Act.

Section 40. Section **63C-9-301** is amended to read:

63C-9-301. Board powers -- Subcommittees.

(1) The board shall:

(a) except as provided in Subsection (2), exercise complete jurisdiction and stewardship over capitol hill facilities, capitol hill grounds, and the capitol hill complex;

(b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities, capitol hill grounds, and their contents;

(c) before October 1 of each year, review and approve the executive director's annual budget request for submittal to the governor and Legislature;

(d) by October 1 of each year, prepare and submit a recommended budget request for the upcoming fiscal year for the capitol hill complex to:

(i) the governor, through the Governor's Office of [~~Management~~] Planning and Budget; and

(ii) the Legislature's appropriations subcommittee responsible for capitol hill facilities, through the Office of the Legislative Fiscal Analyst;

(e) review and approve the executive director's:

(i) annual work plan;

(ii) long-range master plan for the capitol hill complex, capitol hill facilities, and capitol hill grounds; and

(iii) furnishings plan for placement and care of objects under the care of the board;

(f) approve all changes to the buildings and their grounds, including:

(i) restoration, remodeling, and rehabilitation projects;

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- (ii) usual maintenance program; and
- (iii) any transfers or loans of objects under the board's care;
- (g) define and identify all significant aspects of the capitol hill complex, capitol hill

facilities, and capitol hill grounds, after consultation with the:

- (i) Division of Facilities Construction and Management;
- (ii) State Library Division;
- (iii) Division of Archives and Records Service;
- (iv) Division of State History;
- (v) Office of Museum Services; and
- (vi) Arts Council;

(h) inventory, define, and identify all significant contents of the buildings and all state-owned items of historical significance that were at one time in the buildings, after consultation with the:

- (i) Division of Facilities Construction and Management;
- (ii) State Library Division;
- (iii) Division of Archives and Records Service;
- (iv) Division of State History;
- (v) Office of Museum Services; and
- (vi) Arts Council;

(i) maintain archives relating to the construction and development of the buildings, the contents of the buildings and their grounds, including documents such as plans, specifications, photographs, purchase orders, and other related documents, the original copies of which shall be maintained by the Division of Archives and Records Service;

(j) comply with federal and state laws related to program and facility accessibility; and

(k) establish procedures for receiving, hearing, and deciding complaints or other issues raised about the capitol hill complex, capitol hill facilities, and capitol hill grounds, or their use.

(2) (a) Notwithstanding Subsection (1)(a), the supervision and control of the legislative area, as defined in Section 36-5-1, is reserved to the Legislature; and

(b) the supervision and control of the governor's area, as defined in Section 67-1-16, is reserved to the governor.

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(3) (a) The board shall make rules to govern, administer, and regulate the capitol hill complex, capitol hill facilities, and capitol hill grounds by following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) A violation of a rule relating to the use of the capitol hill complex adopted by the board under the authority of this Subsection (3) is an infraction.

(c) If an act violating a rule under Subsection (3)(b) also amounts to an offense subject to a greater penalty under this title, Title 32B, Alcoholic Beverage Control Act, Title 41, Motor Vehicles, Title 76, Utah Criminal Code, or other provision of state law, Subsection (3)(b) does not prohibit prosecution and sentencing for the more serious offense.

(d) In addition to any punishment allowed under Subsections (3)(b) and (c), a person who violates a rule adopted by the board under the authority of this Subsection (3) is subject to a civil penalty not to exceed \$2,500 for each violation, plus the amount of any actual damages, expenses, and costs related to the violation of the rule that are incurred by the state.

(e) The board may take any other legal action allowed by law.

(f) The board may not apply this section or rules adopted under the authority of this section in a manner that violates a person's rights under the Utah Constitution or the First Amendment to the United States Constitution, including the right of persons to peaceably assemble.

(g) The board shall send proposed rules under this section to the legislative general counsel and the governor's general counsel for review and comment before the board adopts the rules.

(4) The board is exempt from the requirements of Title 63G, Chapter 6a, Utah Procurement Code, but shall adopt procurement rules substantially similar to the requirements of that chapter.

(5) The board shall name the House Building, that is defined in Section 36-5-1, the "Rebecca D. Lockhart House Building."

(6) (a) The board may:

(i) establish subcommittees made up of board members and members of the public to assist and support the executive director in accomplishing the executive director's duties;

(ii) establish fees for the use of capitol hill facilities and capitol hill grounds;

(iii) assign and allocate specific duties and responsibilities to any other state agency, if

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the other agency agrees to perform the duty or accept the responsibility;

(iv) contract with another state agency to provide services;

(v) delegate by specific motion of the board any authority granted to it by this section to the executive director;

(vi) in conjunction with Salt Lake City, expend money to improve or maintain public property contiguous to East Capitol Boulevard and capitol hill;

(vii) provide wireless Internet service to the public without a fee in any capitol hill facility; and

(viii) when necessary, consult with the:

(A) Division of Facilities Construction and Management;

(B) State Library Division;

(C) Division of Archives and Records Service;

(D) Division of State History;

(E) Office of Museum Services; and

(F) Arts Council.

(b) The board's provision of wireless Internet service under Subsection (6)(a)(vii) shall be discontinued in the legislative area if the president of the Senate and the speaker of the House of Representatives each submit a signed letter to the board indicating that the service is disruptive to the legislative process and is to be discontinued.

(c) If a budget subcommittee is established by the board, the following shall serve as ex officio, nonvoting members of the budget subcommittee:

(i) the legislative fiscal analyst, or the analyst's designee, who shall be from the Office of the Legislative Fiscal Analyst; and

(ii) the executive director of the Governor's Office of [~~Management~~] Planning and Budget, or the executive director's designee, who shall be from the Governor's Office of [~~Management~~] Planning and Budget.

(d) If a preservation and maintenance subcommittee is established by the board, the board may, by majority vote, appoint one or each of the following to serve on the subcommittee as voting members of the subcommittee:

(i) an architect, who shall be selected from a list of three architects submitted by the American Institute of Architects; or

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(ii) an engineer, who shall be selected from a list of three engineers submitted by the American Civil Engineers Council.

(e) If the board establishes any subcommittees, the board may, by majority vote, appoint up to two people who are not members of the board to serve, at the will of the board, as nonvoting members of a subcommittee.

(f) Members of each subcommittee shall, at the first meeting of each calendar year, select one individual to act as chair of the subcommittee for a one-year term.

(7) (a) The board, and the employees of the board, may not move the office of the governor, lieutenant governor, president of the Senate, speaker of the House of Representatives, or a member of the Legislature from the State Capitol unless the removal is approved by:

- (i) the governor, in the case of the governor's office;
- (ii) the lieutenant governor, in the case of the lieutenant governor's office;
- (iii) the president of the Senate, in the case of the president's office or the office of a member of the Senate; or
- (iv) the speaker of the House of Representatives, in the case of the speaker's office or the office of a member of the House.

(b) The board and the employees of the board have no control over the furniture, furnishings, and decorative objects in the offices of the governor, lieutenant governor, or the members of the Legislature except as necessary to inventory or conserve items of historical significance owned by the state.

(c) The board and the employees of the board have no control over records and documents produced by or in the custody of a state agency, official, or employee having an office in a building on the capitol hill complex.

(d) Except for items identified by the board as having historical significance, and except as provided in Subsection (7)(b), the board and the employees of the board have no control over moveable furnishings and equipment in the custody of a state agency, official, or employee having an office in a building on the capitol hill complex.

Section 41. Section **63C-20-103** is amended to read:

63C-20-103. Utah Population Committee -- Creation.

(1) There is created the Utah Population Committee composed of the following

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members:

(a) the director of the Kem C. Gardner Policy Institute at the University of Utah or the director's designee;

(b) the director of the Population Research Laboratory at Utah State University or the director's designee;

(c) the state planning coordinator appointed under Section [~~63J-4-202~~] 63J-4-401;

(d) the director of the Workforce Research and Analysis Division within the Department of Workforce Services or the director's designee;

(e) the director of the Office of Vital Records and Statistics or the director's designee;

(f) the state superintendent of public instruction or the superintendent's designee;

(g) the chair of the State Tax Commission or the chair's designee;

(h) the legislative fiscal analyst or the legislative fiscal analyst's designee;

(i) the commissioner of higher education or the commissioner's designee; and

(j) any additional member appointed under Subsection (2).

(2) (a) By a majority vote of the members of the committee, the committee may appoint one or more additional members to serve on the committee at the pleasure of the committee.

(b) The committee shall ensure that each additional member appointed under Subsection (2)(a) is a data provider or a representative of a data provider.

(3) The director of the Kem C. Gardner Policy Institute or the director's designee described in Subsection (1)(a) is the chair of the committee.

Section 42. Section **63C-20-105** is amended to read:

63C-20-105. State use of committee estimates -- Compliance.

(1) Except as provided in Subsection (2), and unless otherwise provided in statute or rule, if an executive branch entity, legislative branch entity, or independent entity is required to perform an action or make a determination based on a population estimate, the entity shall use a population estimate that the committee produces, if available.

(2) (a) The Governor's Office of [~~Management~~] Planning and Budget may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to use a population estimate other than a population estimate that the committee produces.

(b) For the purpose of creating a revenue estimate, the Governor's Office of

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[Management] Planning and Budget and the Office of the Legislative Fiscal Analyst are not required to use a population estimate that the committee produces.

(c) For redistricting purposes, a legislative branch entity shall give priority to a population estimate that is produced by the United States Bureau of the Census.

(3) A newly incorporated political subdivision shall provide the committee with a list of residential building permits issued within the boundaries of the political subdivision since the last decennial census.

Section 43. Section **63F-1-104** is amended to read:

63F-1-104. Duties of Department of Technology Services.

The department shall:

(1) lead state executive branch agency efforts to establish and reengineer the state's information technology architecture with the goal of coordinating central and individual agency information technology in a manner that:

(a) ensures compliance with the executive branch agency strategic plan; and

(b) ensures that cost-effective, efficient information and communication systems and resources are being used by agencies to:

(i) reduce data, hardware, and software redundancy;

(ii) improve system interoperability and data accessibility between agencies; and

(iii) meet the agency's and user's business and service needs;

(2) coordinate an executive branch strategic plan for all agencies;

(3) develop and implement processes to replicate information technology best practices and standards throughout the executive branch;

(4) at least once every odd-numbered year:

(a) evaluate the adequacy of the department's and the executive branch agencies' data and information technology system security standards through an independent third party assessment; and

(b) communicate the results of the independent third party assessment to the appropriate executive branch agencies and to the president of the Senate and the speaker of the House of Representatives;

(5) oversee the expanded use and implementation of project and contract management principles as they relate to information technology projects within the executive branch;

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- (6) serve as general contractor between the state's information technology users and private sector providers of information technology products and services;
- (7) work toward building stronger partnering relationships with providers;
- (8) develop service level agreements with executive branch departments and agencies to ensure quality products and services are delivered on schedule and within budget;
- (9) develop standards for application development including a standard methodology and cost-benefit analysis that all agencies shall utilize for application development activities;
- (10) determine and implement statewide efforts to standardize data elements;
- (11) coordinate with executive branch agencies to provide basic website standards for agencies that address common design standards and navigation standards, including:
 - (a) accessibility for individuals with disabilities in accordance with:
 - (i) the standards of 29 U.S.C. Sec. 794d; and
 - (ii) Section 63F-1-210;
 - (b) consistency with standardized government security standards;
 - (c) designing around user needs with data-driven analysis influencing management and development decisions, using qualitative and quantitative data to determine user goals, needs, and behaviors, and continual testing of the website, web-based form, web-based application, or digital service to ensure that user needs are addressed;
 - (d) providing users of the website, web-based form, web-based application, or digital service with the option for a more customized digital experience that allows users to complete digital transactions in an efficient and accurate manner; and
 - (e) full functionality and usability on common mobile devices;
- (12) consider, when making a purchase for an information system, cloud computing options, including any security benefits, privacy, data retention risks, and cost savings associated with cloud computing options;
- (13) develop systems and methodologies to review, evaluate, and prioritize existing information technology projects within the executive branch and report to the governor and the Public Utilities, Energy, and Technology Interim Committee in accordance with 63F-1-201 on a semiannual basis regarding the status of information technology projects;
- (14) assist the Governor's Office of [Management] Planning and Budget with the development of information technology budgets for agencies; and

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(15) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:

- (a) under this title;
- (b) by the department; or
- (c) by an agency or division within the department.

Section 44. Section **63F-1-302** is amended to read:

63F-1-302. Information Technology Rate Committee -- Membership -- Duties.

(1) (a) There is created an Information Technology Rate Committee, which shall consist of the executive directors, or the executive director's designee, of seven executive branch agencies that use services and pay rates to one of the department internal service funds, appointed by the governor for a two-year term.

(b) (i) Of the seven executive agencies represented on the rate committee under Subsection (1)(a), only one of the following may be represented on the committee, if at all, at any one time:

- (A) the Governor's Office of [~~Management~~] Planning and Budget;
- (B) the Division of Finance; or
- (C) the Department of Administrative Services.

(ii) The department may not have a representative on the rate committee.

(c) (i) The committee shall elect a chair from [~~its~~] the committee's members.

(ii) Members of the committee who are state government employees and who do not receive salary, per diem, or expenses from their agency for their service on the committee shall receive no compensation, benefits, per diem, or expenses for the member's service on the committee.

(d) The department shall provide staff services to the committee.

(2) (a) Any internal service funds managed by the department shall submit to the committee a proposed rate and fee schedule for services rendered by the department to an executive branch agency or an entity that subscribes to services rendered by the department.

(b) The committee shall:

(i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings Act;

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(ii) meet at least once each calendar year to:

(A) discuss the service performance of each internal service fund;

(B) review the proposed rate and fee schedules;

(C) determine whether each proposed fee is based on cost recovery as required by Subsection 63F-1-301(2)(b);

(D) at the rate committee's discretion, approve, increase, or decrease the rate and fee schedules described in Subsection (2)(b)(ii)(B); and

(E) discuss any prior or potential adjustments to the service level received by state agencies that pay rates to an internal service fund;

(iii) recommend a proposed rate and fee schedule for each internal service fund to:

(A) the Governor's Office of [~~Management~~] Planning and Budget; and

(B) the Office of the Legislative Fiscal Analyst for review by the Legislature in accordance with Section 63J-1-410, which requires the Legislature to approve the internal service fund agency's rates, fees, and budget in an appropriations act; and

(iv) in accordance with Section 63J-1-410, review and approve, increase or decrease an interim rate, fee, or amount when an internal service fund agency begins a new service or introduces a new product between annual general sessions of the Legislature, which rate, fee, or amount shall be submitted to the Legislature at the next annual general session.

(c) The committee may, in accordance with Subsection 63J-1-410(4), decrease a rate, fee, or amount that has been approved by the Legislature.

Section 45. Section **63F-1-508** is amended to read:

63F-1-508. Committee to award grants to counties for inventory and mapping of R.S. 2477 rights-of-way -- Use of grants -- Request for proposals.

(1) There is created within the center a committee to award grants to counties to inventory and map R.S. 2477 rights-of-way, associated structures, and other features as provided by Subsection (5).

(2) (a) The committee shall consist of:

(i) the center manager;

(ii) a representative of the Governor's Office of [~~Management~~] Planning and Budget;

(iii) a representative of Utah State University Extension;

(iv) a representative of the Utah Association of Counties; and

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(v) three county commissioners.

(b) The committee members specified in Subsections (2)(a)(ii) through (2)(a)(iv) shall be selected by the organizations they represent.

(c) The committee members specified in Subsection (2)(a)(v) shall be:

(i) selected by the Utah Association of Counties;

(ii) from rural counties; and

(iii) from different regions of the state.

(3) (a) The committee shall select a chair from [~~its~~] the committee's membership.

(b) The committee shall meet upon the call of the chair or a majority of the committee members.

(c) Four members shall constitute a quorum.

(4) (a) Committee members who are state government employees shall receive no additional compensation for their work on the committee.

(b) Committee members who are not state government employees shall receive no compensation or expenses from the state for their work on the committee.

(5) (a) The committee shall award grants to counties to:

(i) inventory and map R.S. 2477 rights-of-way using Global Positioning System (GPS) technology; and

(ii) photograph:

(A) roads and other evidence of construction of R.S. 2477 rights-of-way;

(B) structures or natural features that may be indicative of the purpose for which an R.S. 2477 right-of-way was created, such as mines, agricultural facilities, recreational facilities, or scenic overlooks; and

(C) evidence of valid and existing rights on federal lands, such as mines and agricultural facilities.

(b) (i) The committee may allow counties, while they are conducting the activities described in Subsection (5)(a), to use grant money to inventory, map, or photograph other natural or cultural resources.

(ii) Activities funded under Subsection (5)(b)(i) must be integrated with existing programs underway by state agencies, counties, or institutions of higher education.

(c) Maps and other data acquired through the grants shall become a part of the State

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Geographic Information Database.

(d) Counties shall provide an opportunity to interested parties to submit information relative to the mapping and photographing of R.S. 2477 rights-of-way and other structures as provided in Subsections (5)(a) and (5)(b).

(6) (a) The committee shall develop a request for proposals process and issue a request for proposals.

(b) The request for proposals shall require each grant applicant to submit an implementation plan and identify any monetary or in-kind contributions from the county.

(c) In awarding grants, the committee shall give priority to proposals to inventory, map, and photograph R.S. 2477 rights-of-way and other structures as specified in Subsection (5)(a) which are located on federal lands that:

(i) a federal land management agency proposes for special management, such as lands to be managed as an area of critical environmental concern or primitive area; or

(ii) are proposed to receive a special designation by Congress, such as lands to be designated as wilderness or a national conservation area.

(7) Each county that receives a grant under the provision of this section shall provide a copy of all data regarding inventory and mapping to the AGRC for inclusion in the state database.

Section 46. Section **63F-3-103** is amended to read:

63F-3-103. Single sign-on business portal -- Creation.

(1) The department shall, in consultation with the entities described in Subsection (4), design and create a single sign-on business portal that is:

(a) a web portal through which a person may access data described in Subsection (2), as agreed upon by the entities described in Subsection (4); and

(b) secure, centralized, and interconnected.

(2) The department shall ensure that the single sign-on business portal allows a person doing business in the state to access, at a single point of entry, all relevant state-collected business data about the person, including information related to:

(a) business registration;

(b) workers' compensation;

(c) beginning December 1, 2020, tax liability and payment; and

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(d) other information collected by the state that the department determines is relevant to a person doing business in the state.

(3) The department shall develop the single sign-on business portal:

(a) using an open platform that:

(i) facilitates participation in the web portal by a state entity;

(ii) allows for optional participation by a political subdivision of the state; and

(iii) contains a link to the State Tax Commission website; and

(b) in a manner that anticipates the creation of the single sign-on citizen portal described in Section 63F-3-103.5.

(4) In developing the single sign-on business portal, the department shall consult with:

(a) the Department of Commerce;

(b) the State Tax Commission;

(c) the Labor Commission;

(d) the Department of Workforce Services;

(e) the Governor's Office of ~~[Management]~~ Planning and Budget;

(f) the Utah League of Cities and Towns;

(g) the Utah Association of Counties; and

(h) the business community that is likely to use the single sign-on business portal.

(5) The department shall ensure that the single sign-on business portal is fully operational no later than May 1, 2021.

Section 47. Section **63F-4-102** is amended to read:

63F-4-102. Definitions.

As used in this chapter:

(1) "Executive branch agency" means a department, division, or other agency within the executive branch of state government.

(2) "Governor's budget office" means the Governor's Office of ~~[Management]~~ Planning and Budget, created in Section 63J-4-201.

(3) "Review board" means the Architecture Review Board established within the department.

(4) "Technology innovation" means a new information technology not previously in use or a substantial adaptation or modification of an existing information technology.

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(5) "Technology proposal" means a proposal to implement a technology innovation designed to result in a greater efficiency in a government process or a cost saving in the delivery of a government service, or both.

Section 48. Section **63G-2-305** is amended to read:

63G-2-305. Protected records.

The following records are protected if properly classified by a governmental entity:

(1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has provided the governmental entity with the information specified in Section 63G-2-309;

(2) commercial information or nonindividual financial information obtained from a person if:

(a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future;

(b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and

(c) the person submitting the information has provided the governmental entity with the information specified in Section 63G-2-309;

(3) commercial or financial information acquired or prepared by a governmental entity to the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the governmental entity or cause substantial financial injury to the governmental entity or state economy;

(4) records, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Subsection 11-13-103(4);

(5) test questions and answers to be used in future license, certification, registration, employment, or academic examinations;

(6) records, the disclosure of which would impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with a governmental entity, except, subject to Subsections (1) and (2), that this Subsection (6) does not restrict the right of a person to have access to, after the contract or grant has been awarded and signed by all parties:

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(a) a bid, proposal, application, or other information submitted to or by a governmental entity in response to:

- (i) an invitation for bids;
- (ii) a request for proposals;
- (iii) a request for quotes;
- (iv) a grant; or
- (v) other similar document; or
- (b) an unsolicited proposal, as defined in Section 63G-6a-712;

(7) information submitted to or by a governmental entity in response to a request for information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict the right of a person to have access to the information, after:

(a) a contract directly relating to the subject of the request for information has been awarded and signed by all parties; or

(b) (i) a final determination is made not to enter into a contract that relates to the subject of the request for information; and

(ii) at least two years have passed after the day on which the request for information is issued;

(8) records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless:

(a) public interest in obtaining access to the information is greater than or equal to the governmental entity's need to acquire the property on the best terms possible;

(b) the information has already been disclosed to persons not employed by or under a duty of confidentiality to the entity;

(c) in the case of records that would identify property, potential sellers of the described property have already learned of the governmental entity's plans to acquire the property;

(d) in the case of records that would identify the appraisal or estimated value of property, the potential sellers have already learned of the governmental entity's estimated value of the property; or

(e) the property under consideration for public acquisition is a single family residence and the governmental entity seeking to acquire the property has initiated negotiations to acquire

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the property as required under Section 78B-6-505;

(9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction of real or personal property including intellectual property, which, if disclosed prior to completion of the transaction, would reveal the appraisal or estimated value of the subject property, unless:

(a) the public interest in access is greater than or equal to the interests in restricting access, including the governmental entity's interest in maximizing the financial benefit of the transaction; or

(b) when prepared by or on behalf of a governmental entity, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the entity;

(10) records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if release of the records:

(a) reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes;

(b) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;

(c) would create a danger of depriving a person of a right to a fair trial or impartial hearing;

(d) reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or

(e) reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;

(11) records the disclosure of which would jeopardize the life or safety of an individual;

(12) records the disclosure of which would jeopardize the security of governmental property, governmental programs, or governmental recordkeeping systems from damage, theft,

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or other appropriation or use contrary to law or public policy;

(13) records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender's incarceration, treatment, probation, or parole;

(14) records that, if disclosed, would reveal recommendations made to the Board of Pardons and Parole by an employee of or contractor for the Department of Corrections, the Board of Pardons and Parole, or the Department of Human Services that are based on the employee's or contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;

(15) records and audit workpapers that identify audit, collection, and operational procedures and methods used by the State Tax Commission, if disclosure would interfere with audits or collections;

(16) records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;

(17) records that are subject to the attorney client privilege;

(18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial, quasi-judicial, or administrative proceeding;

(19) (a) (i) personal files of a state legislator, including personal correspondence to or from a member of the Legislature; and

(ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of legislative action or policy may not be classified as protected under this section; and

(b) (i) an internal communication that is part of the deliberative process in connection with the preparation of legislation between:

(A) members of a legislative body;

(B) a member of a legislative body and a member of the legislative body's staff; or

(C) members of a legislative body's staff; and

(ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of legislative action or policy may not be classified as protected under this section;

(20) (a) records in the custody or control of the Office of Legislative Research and General Counsel, that, if disclosed, would reveal a particular legislator's contemplated

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legislation or contemplated course of action before the legislator has elected to support the legislation or course of action, or made the legislation or course of action public; and

(b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the Office of Legislative Research and General Counsel is a public document unless a legislator asks that the records requesting the legislation be maintained as protected records until such time as the legislator elects to make the legislation or course of action public;

(21) research requests from legislators to the Office of Legislative Research and General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared in response to these requests;

(22) drafts, unless otherwise classified as public;

(23) records concerning a governmental entity's strategy about:

(a) collective bargaining; or

(b) imminent or pending litigation;

(24) records of investigations of loss occurrences and analyses of loss occurrences that may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the Uninsured Employers' Fund, or similar divisions in other governmental entities;

(25) records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;

(26) records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;

(27) records of independent state agencies if the disclosure of the records would conflict with the fiduciary obligations of the agency;

(28) records of an institution within the state system of higher education defined in Section 53B-1-102 regarding tenure evaluations, appointments, applications for admissions, retention decisions, and promotions, which could be properly discussed in a meeting closed in accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of the final decisions about tenure, appointments, retention, promotions, or those students admitted, may not be classified as protected under this section;

(29) records of the governor's office, including budget recommendations, legislative

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proposals, and policy statements, that if disclosed would reveal the governor's contemplated policies or contemplated courses of action before the governor has implemented or rejected those policies or courses of action or made them public;

(30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;

(31) records provided by the United States or by a government entity outside the state that are given to the governmental entity with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;

(32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a public body except as provided in Section 52-4-206;

(33) records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;

(34) memoranda prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons and Parole, or a member of any other body charged by law with performing a quasi-judicial function;

(35) records that would reveal negotiations regarding assistance or incentives offered by or requested from a governmental entity for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person or place the governmental entity at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract;

(36) materials to which access must be limited for purposes of securing or maintaining the governmental entity's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;

(37) the name of a donor or a prospective donor to a governmental entity, including an institution within the state system of higher education defined in Section 53B-1-102, and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that:

(a) the donor requests anonymity in writing;

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(b) any terms, conditions, restrictions, or privileges relating to the donation may not be classified protected by the governmental entity under this Subsection (37); and

(c) except for an institution within the state system of higher education defined in Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a member of the donor's immediate family, or any entity owned or controlled by the donor or the donor's immediate family;

(38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;

(39) a notification of workers' compensation insurance coverage described in Section 34A-2-205;

(40) (a) the following records of an institution within the state system of higher education defined in Section 53B-1-102, which have been developed, discovered, disclosed to, or received by or on behalf of faculty, staff, employees, or students of the institution:

(i) unpublished lecture notes;

(ii) unpublished notes, data, and information:

(A) relating to research; and

(B) of:

(I) the institution within the state system of higher education defined in Section 53B-1-102; or

(II) a sponsor of sponsored research;

(iii) unpublished manuscripts;

(iv) creative works in process;

(v) scholarly correspondence; and

(vi) confidential information contained in research proposals;

(b) Subsection (40)(a) may not be construed to prohibit disclosure of public information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

(c) Subsection (40)(a) may not be construed to affect the ownership of a record;

(41) (a) records in the custody or control of the Office of the Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit prior to the date that audit is completed and made public; and

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(b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the Office of the Legislative Auditor General is a public document unless the legislator asks that the records in the custody or control of the Office of the Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit be maintained as protected records until the audit is completed and made public;

(42) records that provide detail as to the location of an explosive, including a map or other document that indicates the location of:

(a) a production facility; or

(b) a magazine;

(43) information:

(a) contained in the statewide database of the Division of Aging and Adult Services created by Section 62A-3-311.1; or

(b) received or maintained in relation to the Identity Theft Reporting Information System (IRIS) established under Section 67-5-22;

(44) information contained in the Management Information System and Licensing Information System described in Title 62A, Chapter 4a, Child and Family Services;

(45) information regarding National Guard operations or activities in support of the National Guard's federal mission;

(46) records provided by any pawn or secondhand business to a law enforcement agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act;

(47) information regarding food security, risk, and vulnerability assessments performed by the Department of Agriculture and Food;

(48) except to the extent that the record is exempt from this chapter pursuant to Section 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or prepared or maintained by the Division of Emergency Management, and the disclosure of which would jeopardize:

(a) the safety of the general public; or

(b) the security of:

(i) governmental property;

(ii) governmental programs; or

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(iii) the property of a private person who provides the Division of Emergency Management information;

(49) records of the Department of Agriculture and Food that provides for the identification, tracing, or control of livestock diseases, including any program established under Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control of Animal Disease;

(50) as provided in Section 26-39-501:

(a) information or records held by the Department of Health related to a complaint regarding a child care program or residential child care which the department is unable to substantiate; and

(b) information or records related to a complaint received by the Department of Health from an anonymous complainant regarding a child care program or residential child care;

(51) unless otherwise classified as public under Section 63G-2-301 and except as provided under Section 41-1a-116, an individual's home address, home telephone number, or personal mobile phone number, if:

(a) the individual is required to provide the information in order to comply with a law, ordinance, rule, or order of a government entity; and

(b) the subject of the record has a reasonable expectation that this information will be kept confidential due to:

(i) the nature of the law, ordinance, rule, or order; and

(ii) the individual complying with the law, ordinance, rule, or order;

(52) the portion of the following documents that contains a candidate's residential or mailing address, if the candidate provides to the filing officer another address or phone number where the candidate may be contacted:

(a) a declaration of candidacy, a nomination petition, or a certificate of nomination, described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408, 20A-9-408.5, 20A-9-502, or 20A-9-601;

(b) an affidavit of impecuniosity, described in Section 20A-9-201; or

(c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;

(53) the name, home address, work addresses, and telephone numbers of an individual

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that is engaged in, or that provides goods or services for, medical or scientific research that is:

(a) conducted within the state system of higher education, as defined in Section 53B-1-102; and

(b) conducted using animals;

(54) in accordance with Section 78A-12-203, any record of the Judicial Performance Evaluation Commission concerning an individual commissioner's vote on whether or not to recommend that the voters retain a judge including information disclosed under Subsection 78A-12-203(5)(e);

(55) information collected and a report prepared by the Judicial Performance Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public, the information or report;

(56) records contained in the Management Information System created in Section 62A-4a-1003;

(57) records provided or received by the Public Lands Policy Coordinating Office in furtherance of any contract or other agreement made in accordance with Section ~~63J-4-603~~ 63L-11-202;

(58) information requested by and provided to the 911 Division under Section 63H-7a-302;

(59) in accordance with Section 73-10-33:

(a) a management plan for a water conveyance facility in the possession of the Division of Water Resources or the Board of Water Resources; or

(b) an outline of an emergency response plan in possession of the state or a county or municipality;

(60) the following records in the custody or control of the Office of Inspector General of Medicaid Services, created in Section 63A-13-201:

(a) records that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a person if the information or allegation cannot be corroborated by the Office of Inspector General of Medicaid Services through other documents or evidence, and the records relating to the allegation are not relied upon by the Office of Inspector General of Medicaid Services in preparing a final investigation

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report or final audit report;

(b) records and audit workpapers to the extent they would disclose the identity of a person who, during the course of an investigation or audit, communicated the existence of any Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or regulation adopted under the laws of this state, a political subdivision of the state, or any recognized entity of the United States, if the information was disclosed on the condition that the identity of the person be protected;

(c) before the time that an investigation or audit is completed and the final investigation or final audit report is released, records or drafts circulated to a person who is not an employee or head of a governmental entity for the person's response or information;

(d) records that would disclose an outline or part of any investigation, audit survey plan, or audit program; or

(e) requests for an investigation or audit, if disclosure would risk circumvention of an investigation or audit;

(61) records that reveal methods used by the Office of Inspector General of Medicaid Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or abuse;

(62) information provided to the Department of Health or the Division of Occupational and Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections 58-68-304(3) and (4);

(63) a record described in Section 63G-12-210;

(64) captured plate data that is obtained through an automatic license plate reader system used by a governmental entity as authorized in Section 41-6a-2003;

(65) any record in the custody of the Utah Office for Victims of Crime relating to a victim, including:

(a) a victim's application or request for benefits;

(b) a victim's receipt or denial of benefits; and

(c) any administrative notes or records made or created for the purpose of, or used to, evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim Reparations Fund;

(66) an audio or video recording created by a body-worn camera, as that term is

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defined in Section 77-7a-103, that records sound or images inside a hospital or health care facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider, as that term is defined in Section 78B-3-403, or inside a human service program as that term is defined in Section 62A-2-101, except for recordings that:

- (a) depict the commission of an alleged crime;
- (b) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;
- (c) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;
- (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f); or
- (e) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording;
- (67) a record pertaining to the search process for a president of an institution of higher education described in Section 53B-2-102, except for application materials for a publicly announced finalist;
- (68) an audio recording that is:
 - (a) produced by an audio recording device that is used in conjunction with a device or piece of equipment designed or intended for resuscitating an individual or for treating an individual with a life-threatening condition;
 - (b) produced during an emergency event when an individual employed to provide law enforcement, fire protection, paramedic, emergency medical, or other first responder service:
 - (i) is responding to an individual needing resuscitation or with a life-threatening condition; and
 - (ii) uses a device or piece of equipment designed or intended for resuscitating an individual or for treating an individual with a life-threatening condition; and
 - (c) intended and used for purposes of training emergency responders how to improve their response to an emergency situation;
- (69) records submitted by or prepared in relation to an applicant seeking a recommendation by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an

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employment position with the Legislature;

(70) work papers as defined in Section 31A-2-204;

(71) a record made available to Adult Protective Services or a law enforcement agency under Section 61-1-206;

(72) a record submitted to the Insurance Department in accordance with Section 31A-37-201 or 31A-22-653;

(73) a record described in Section 31A-37-503.

(74) any record created by the Division of Occupational and Professional Licensing as a result of Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);

(75) a record described in Section 72-16-306 that relates to the reporting of an injury involving an amusement ride;

(76) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a political petition, or on a request to withdraw a signature from a political petition, including a petition or request described in the following titles:

(a) Title 10, Utah Municipal Code;

(b) Title 17, Counties;

(c) Title 17B, Limited Purpose Local Government Entities - Local Districts;

(d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and

(e) Title 20A, Election Code;

(77) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a voter registration record;

(78) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature described in Subsection (76) or (77), in the custody of the lieutenant governor or a local political subdivision collected or held under, or in relation to, Title 20A, Election Code;

(79) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5, Victims Guidelines for Prosecutors Act;

(80) a record submitted to the Insurance Department under Subsection 31A-47-103(1)(b); and

(81) personal information, as defined in Section 63G-26-102, to the extent disclosure is prohibited under Section 63G-26-103.

Section 49. Section **63G-3-301** is amended to read:

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63G-3-301. Rulemaking procedure.

(1) An agency authorized to make rules is also authorized to amend or repeal those rules.

(2) Except as provided in Sections 63G-3-303 and 63G-3-304, when making, amending, or repealing a rule agencies shall comply with:

- (a) the requirements of this section;
- (b) consistent procedures required by other statutes;
- (c) applicable federal mandates; and
- (d) rules made by the office to implement this chapter.

(3) Subject to the requirements of this chapter, each agency shall develop and use flexible approaches in drafting rules that meet the needs of the agency and that involve persons affected by the agency's rules.

(4) (a) Each agency shall file the agency's proposed rule and rule analysis with the office.

(b) Rule amendments shall be marked with new language underlined and deleted language struck out.

(c) (i) The office shall publish the information required under Subsection (8) on the rule analysis and the text of the proposed rule in the next issue of the bulletin.

(ii) For rule amendments, only the section or subsection of the rule being amended need be printed.

(iii) If the director determines that the rule is too long to publish, the office shall publish the rule analysis and shall publish the rule by reference to a copy on file with the office.

(5) Before filing a rule with the office, the agency shall conduct a thorough analysis, consistent with the criteria established by the Governor's Office of ~~Management~~ Planning and Budget, of the fiscal impact a rule may have on businesses, which criteria may include:

(a) the type of industries that will be impacted by the rule, and for each identified industry, an estimate of the total number of businesses within the industry, and an estimate of the number of those businesses that are small businesses;

(b) the individual fiscal impact that would incur to a typical business for a one-year period;

(c) the aggregated total fiscal impact that would incur to all businesses within the state

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for a one-year period;

- (d) the total cost that would incur to all impacted entities over a five-year period; and
- (e) the department head's comments on the analysis.

(6) If the agency reasonably expects that a proposed rule will have a measurable negative fiscal impact on small businesses, the agency shall consider, as allowed by federal law, each of the following methods of reducing the impact of the rule on small businesses:

(a) establishing less stringent compliance or reporting requirements for small businesses;

(b) establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

(c) consolidating or simplifying compliance or reporting requirements for small businesses;

(d) establishing performance standards for small businesses to replace design or operational standards required in the proposed rule; and

(e) exempting small businesses from all or any part of the requirements contained in the proposed rule.

(7) If during the public comment period an agency receives comment that the proposed rule will cost small business more than one day's annual average gross receipts, and the agency had not previously performed the analysis in Subsection (6), the agency shall perform the analysis described in Subsection (6).

(8) The rule analysis shall contain:

(a) a summary of the rule or change;

(b) the purpose of the rule or reason for the change;

(c) the statutory authority or federal requirement for the rule;

(d) the anticipated cost or savings to:

(i) the state budget;

(ii) local governments;

(iii) small businesses; and

(iv) persons other than small businesses, businesses, or local governmental entities;

(e) the compliance cost for affected persons;

(f) how interested persons may review the full text of the rule;

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- (g) how interested persons may present their views on the rule;
 - (h) the time and place of any scheduled public hearing;
 - (i) the name and telephone number of an agency employee who may be contacted about the rule;
 - (j) the name of the agency head or designee who authorized the rule;
 - (k) the date on which the rule may become effective following the public comment period;
 - (l) the agency's analysis on the fiscal impact of the rule as required under Subsection (5);
 - (m) any additional comments the department head may choose to submit regarding the fiscal impact the rule may have on businesses; and
 - (n) if applicable, a summary of the agency's efforts to comply with the requirements of Subsection (6).
- (9) (a) For a rule being repealed and reenacted, the rule analysis shall contain a summary that generally includes the following:
- (i) a summary of substantive provisions in the repealed rule which are eliminated from the enacted rule; and
 - (ii) a summary of new substantive provisions appearing only in the enacted rule.
- (b) The summary required under this Subsection (9) is to aid in review and may not be used to contest any rule on the ground of noncompliance with the procedural requirements of this chapter.
- (10) A copy of the rule analysis shall be mailed to all persons who have made timely request of the agency for advance notice of the agency's rulemaking proceedings and to any other person who, by statutory or federal mandate or in the judgment of the agency, should also receive notice.
- (11) (a) Following the publication date, the agency shall allow at least 30 days for public comment on the rule.
- (b) The agency shall review and evaluate all public comments submitted in writing within the time period under Subsection (11)(a) or presented at public hearings conducted by the agency within the time period under Subsection (11)(a).
- (12) (a) Except as provided in Sections 63G-3-303 and 63G-3-304, a proposed rule

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becomes effective on any date specified by the agency that is:

(i) no fewer than seven calendar days after the day on which the public comment period closes under Subsection (11); and

(ii) no more than 120 days after the day on which the rule is published.

(b) The agency shall provide notice of the rule's effective date to the office in the form required by the office.

(c) The notice of effective date may not provide for an effective date before the day on which the office receives the notice.

(d) The office shall publish notice of the effective date of the rule in the next issue of the bulletin.

(e) A proposed rule lapses if a notice of effective date or a change to a proposed rule is not filed with the office within 120 days after the day on which the rule is published.

(13) (a) Except as provided in Subsection (13)(d), before an agency enacts a rule, the agency shall submit to the appropriations subcommittee and interim committee with jurisdiction over the agency the agency's proposed rule for review, if the proposed rule, over a three-year period, has a fiscal impact of more than:

(i) \$250,000 to a single person; or

(ii) \$7,500,000 to a group of persons.

(b) An appropriations subcommittee or interim committee that reviews a rule submitted under Subsection (13)(a) shall:

(i) before the review, directly inform the chairs of the Administrative Rules Review Committee of the coming review, including the date, time, and place of the review; and

(ii) after the review, directly inform the chairs of the Administrative Rules Review Committee of the outcome of the review, including any recommendation.

(c) An appropriations subcommittee or interim committee that reviews a rule submitted under Subsection (13)(a) may recommend to the Administrative Rules Review Committee that the Administrative Rules Review Committee not recommend reauthorization of the rule in the omnibus legislation described in Section 63G-3-502.

(d) The requirement described in Subsection (13)(a) does not apply to:

(i) the State Tax Commission; or

(ii) the State Board of Education.

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(14) (a) As used in this Subsection (14), "initiate rulemaking proceedings" means the filing, for the purposes of publication in accordance with Subsection (4), of an agency's proposed rule that is required by state statute.

(b) A state agency shall initiate rulemaking proceedings no later than 180 days after the day on which the statutory provision that specifically requires the rulemaking takes effect, except under Subsection (14)(c).

(c) When a statute is enacted that requires agency rulemaking and the affected agency already has rules in place that meet the statutory requirement, the agency shall submit the rules to the Administrative Rules Review Committee for review within 60 days after the day on which the statute requiring the rulemaking takes effect.

(d) If a state agency does not initiate rulemaking proceedings in accordance with the time requirements in Subsection (14)(b), the state agency shall appear before the legislative Administrative Rules Review Committee and provide the reasons for the delay.

Section 50. Section **63G-25-202** is amended to read:

63G-25-202. Citizen feedback annual report.

(1) The Governor's Office of [~~Management~~] Planning and Budget shall prepare an annual report that contains a summary of any feedback that state agencies gathered in accordance with Section 63G-25-201 during the preceding calendar year.

(2) On or before July 1, the Governor's Office of [~~Management~~] Planning and Budget shall:

(a) provide an electronic copy of the report described in Subsection (1) to each legislator; and

(b) make the report described in Subsection (1) accessible to the public.

Section 51. Section **63I-1-263** is amended to read:

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

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

(a) Subsection 63A-1-201(1) is repealed;

(b) Subsection 63A-1-202(2)(c), the language "using criteria established by the board" is repealed;

(c) Section 63A-1-203 is repealed;

(d) Subsections 63A-1-204(1) and (2), the language "After consultation with the board,

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and" is repealed; and

(e) Subsection 63A-1-204(1)(b), the language "using the standards provided in Subsection 63A-1-203(3)(c)" is repealed.

(2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital improvement funding, is repealed July 1, 2024.

(3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

(4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review Committee, are repealed July 1, 2023.

(5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2028.

(6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.

(7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1, 2024.

(8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is repealed July 1, 2021.

(9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed July 1, 2023.

(10) Title 63C, Chapter 21, Outdoor Adventure Commission, is repealed July 1, 2025.

(11) Title 63F, Chapter 2, Data Security Management Council, is repealed July 1, 2025.

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

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

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

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

(16) Subsection 63J-1-602.1(14), Nurse Home Visiting Restricted Account is repealed July 1, 2026.

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(17) (a) Subsection 63J-1-602.1(58), relating to the Utah Statewide Radio System Restricted Account, is repealed July 1, 2022.

(b) When repealing Subsection 63J-1-602.1(58), the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

(18) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah Marriage Commission, is repealed July 1, 2023.

(19) Subsection 63J-1-602.2(5), referring to the Trip Reduction Program, is repealed July 1, 2022.

(20) Subsection 63J-1-602.2(25), related to the Utah Seismic Safety Commission, is repealed January 1, 2025.

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

(22) Subsection [~~63J-4-608~~] 63L-11-305(3), which creates the Federal Land Application Advisory Committee, is repealed on July 1, 2021.

(23) In relation to the Utah Substance Use and Mental Health Advisory Council, on January 1, 2023:

(a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are repealed;

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

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

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

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

"(2) The commission shall:

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

(b) coordinate the implementation of Section 77-18-1.1 and related provisions in Subsections 77-18-1(5)(b)(iii) and (iv)."

(24) The Crime Victim Reparations and Assistance Board, created in Section 63M-7-504, is repealed July 1, 2027.

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(25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July 1, 2022.

(26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.

(27) Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is repealed January 1, 2023.

(28) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating Council, is repealed July 1, 2024.

(29) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

(30) Section 63N-2-512 is repealed July 1, 2021.

(31) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed January 1, 2021.

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

(c) Notwithstanding Subsection (31)(b), an entity may carry forward a tax credit in accordance with Section 59-9-107 if:

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

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

(32) Subsections 63N-3-109(2)(e) and 63N-3-109(2)(f)(i) are repealed July 1, 2023.

(33) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed July 1, 2023.

(34) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1, 2025.

(35) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program, is repealed January 1, 2023.

(36) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1, 2023.

Section 52. Section **63I-2-263** is amended to read:

63I-2-263. Repeal dates, Title 63A to Title 63N.

(1) On July 1, 2020:

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- (a) Subsection 63A-1-203(5)(a)(i) is repealed; and
- (b) in Subsection 63A-1-203(5)(a)(ii), the language that states "appointed on or after May 8, 2018," is repealed.
- (2) Section 63A-3-111 is repealed June 30, 2021.
- (3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is repealed July 1, 2021.
- (4) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology Commission is repealed July 1, 2023.
- (5) The following sections regarding the World War II Memorial Commission are repealed on July 1, 2022:
 - (a) Section 63G-1-801;
 - (b) Section 63G-1-802;
 - (c) Section 63G-1-803; and
 - (d) Section 63G-1-804.
- (6) Subsections 63G-6a-802(1)(d) and 63G-6a-802(3)(b)(iii), regarding a procurement relating to a vice presidential debate, are repealed January 1, 2021.
- (7) In relation to the State Fair Park Committee, on January 1, 2021:
 - (a) Section 63H-6-104.5 is repealed; and
 - (b) Subsections 63H-6-104(8) and (9) are repealed.
- (8) Section 63H-7a-303 is repealed July 1, 2024.
- (9) Subsection 63J-1-206(3)(c), relating to coronavirus, is repealed July 1, 2021.
- ~~[(10) In relation to the Employability to Careers Program Board, on July 1, 2022:]~~
- ~~[(a) Subsection 63J-1-602.1(57) is repealed;]~~
- ~~[(b) Subsection 63J-4-301(1)(h), related to the review of data and metrics, is repealed;~~
- ~~and]~~
- ~~[(c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.]~~
- ~~[(11) (10) Title 63M, Chapter 4, Part 8, Voluntary Home Energy Information Pilot Program Act, is repealed January 1, 2022.~~
- ~~[(12) (11) Sections 63M-7-213 and 63M-7-213.5 are repealed on January 1, 2023.~~
- ~~[(13) (12) Subsection 63N-12-508(3) is repealed December 31, 2021.~~
- ~~[(14) (13) Title 63N, Chapter 13, Part 3, Facilitating [Public-Private] Public-private~~

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Partnerships Act, is repealed January 1, 2024.

~~[(15)]~~ (14) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs, is repealed December 31, 2021.

Section 53. Section **63J-1-105** is amended to read:

63J-1-105. Revenue types -- Disposition of dedicated credits and expendable receipts.

(1) (a) Dedicated credits are subject to appropriations and the restrictions in this chapter.

(b) An agency may expend dedicated credits for any purpose within the program or line item.

(2) Except as provided in Subsections (3) and (4), an agency may not expend dedicated credits in excess of the amount appropriated to a line item as dedicated credits by the Legislature.

(3) Each agency that receives dedicated credits revenue greater than the amount appropriated to a line item by the Legislature in the annual appropriations acts may expend the excess up to 25% of the amount appropriated if the expenditure is included in a revised budget execution plan submitted as provided in Section 63J-1-209.

(4) Notwithstanding the requirements of Subsection (3), when an agency's dedicated credits revenue represents over 90% of the budget of the line item for which the dedicated credits are collected, the agency may expend 100% of the excess of the amount appropriated if the agency submits a revised budget execution plan as provided in Subsection (3) and Section 63J-1-209.

(5) An expenditure of dedicated credits in excess of amounts appropriated to a line item as dedicated credits by the Legislature may not be used to permanently increase personnel within the agency unless:

(a) the increase is approved by the Legislature; or

(b) the money is deposited as a dedicated credit in a line item covering tuition or federal vocational funds at an institution of higher education.

(6) (a) All excess dedicated credits not received or expended in compliance with Subsection (3), (4), or (7) lapse to the General Fund or other appropriate fund as free or restricted revenue at the end of the fiscal year.

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(b) The Division of Finance shall determine the appropriate fund into which the dedicated credits lapse.

(7) (a) When an agency has a line item that is funded by more than one major revenue type, one of which is dedicated credits, the agency shall completely expend authorized dedicated credits within the current fiscal year and allocate unused spending authorization among other funding sources based upon a proration of the amounts appropriated from each of those major revenue types not attributable to dedicated credits, unless the Legislature has designated a portion of the dedicated credits as nonlapsing, in which case the agency shall completely expend within the current fiscal year authorized dedicated credits minus the portion of dedicated credits designated as nonlapsing, and allocate unused spending authorization among the other funding sources based upon a proration of the amounts appropriated from each of those major revenue types not attributable to dedicated credits.

(b) Nothing in Subsection (7)(a) shall be construed to allow an agency to receive and expend dedicated credits in excess of legislative appropriations to a line item without complying with Subsection (3) or (4).

(c) Each agency that receives dedicated credits shall report, to the Division of Finance, any balances remaining in those funds at the conclusion of each fiscal year.

(8) Each agency shall include in its annual budget request estimates of dedicated credits revenue that is identified by, collected for, or set by the agency.

(9) Each agency may expend expendable receipts in accordance with the terms set by a nonstate entity that provides the funds.

(10) (a) Expendable receipts are not limited by appropriations.

(b) Each agency that receives expendable receipts revenue greater than the amount included for a line item by the Legislature in the annual appropriations acts may expend the excess if the expenditure is included in a revised budget execution plan submitted as provided in Section 63J-1-209.

(c) If an agency receives excess expendable receipts revenue that is more than 25% greater than the amount included for a line item by the Legislature in the annual appropriations acts, the agency shall report the excess amount, the source of the expendable receipts, and the purpose for which the expendable receipts will be expended to the Governor's Office of ~~Management~~ Planning and Budget, the legislative fiscal analyst, and the Executive

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Appropriations Committee within 60 days of submitting a revised budget execution plan as provided in Section 63J-1-209.

Section 54. Section **63J-1-201** is amended to read:

63J-1-201. Governor's proposed budget to Legislature -- Contents -- Preparation -- Appropriations based on current tax laws and not to exceed estimated revenues.

(1) The governor shall deliver, not later than 30 days before the date the Legislature convenes in the annual general session, a confidential draft copy of the governor's proposed budget recommendations to the Office of the Legislative Fiscal Analyst according to the requirements of this section.

(2) (a) When submitting a proposed budget, the governor shall, within the first three days of the annual general session of the Legislature, submit to the presiding officer of each house of the Legislature:

(i) a proposed budget for the ensuing fiscal year;

(ii) a schedule for all of the proposed changes to appropriations in the proposed budget, with each change clearly itemized and classified; and

(iii) as applicable, a document showing proposed changes in estimated revenues that are based on changes in state tax laws or rates.

(b) The proposed budget shall include:

(i) a projection of:

(A) estimated revenues by major tax type;

(B) 15-year trends for each major tax type;

(C) estimated receipts of federal funds;

(D) 15-year trends for federal fund receipts; and

(E) appropriations for the next fiscal year;

(ii) the source of changes to all direct, indirect, and in-kind matching funds for all federal grants or assistance programs included in the budget;

(iii) changes to debt service;

(iv) a plan of proposed changes to appropriations and estimated revenues for the next fiscal year that is based upon the current fiscal year state tax laws and rates and considers projected changes in federal grants or assistance programs included in the budget;

(v) an itemized estimate of the proposed changes to appropriations for:

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(A) the Legislative Department as certified to the governor by the president of the Senate and the speaker of the House;

(B) the Executive Department;

(C) the Judicial Department as certified to the governor by the state court administrator;

(D) changes to salaries payable by the state under the Utah Constitution or under law for lease agreements planned for the next fiscal year; and

(E) all other changes to ongoing or one-time appropriations, including dedicated credits, restricted funds, nonlapsing balances, grants, and federal funds;

(vi) for each line item, the average annual dollar amount of staff funding associated with all positions that were vacant during the last fiscal year;

(vii) deficits or anticipated deficits;

(viii) the recommendations for each state agency for new full-time employees for the next fiscal year, which shall also be provided to the director of the Division of Facilities Construction and Management as required by Subsection 63A-5b-501(3);

(ix) a written description and itemized report submitted by a state agency to the Governor's Office of ~~[Management]~~ Planning and Budget under Section 63J-1-220, including:

(A) a written description and an itemized report provided at least annually detailing the expenditure of the state money, or the intended expenditure of any state money that has not been spent; and

(B) a final written itemized report when all the state money is spent;

(x) any explanation that the governor may desire to make as to the important features of the budget and any suggestion as to methods for the reduction of expenditures or increase of the state's revenue; and

(xi) information detailing certain fee increases as required by Section 63J-1-504.

(3) For the purpose of preparing and reporting the proposed budget:

(a) The governor shall require the proper state officials, including all public and higher education officials, all heads of executive and administrative departments and state institutions, bureaus, boards, commissions, and agencies expending or supervising the expenditure of the state money, and all institutions applying for state money and appropriations, to provide itemized estimates of changes in revenues and appropriations.

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(b) The governor may require the persons and entities subject to Subsection (3)(a) to provide other information under these guidelines and at times as the governor may direct, which may include a requirement for program productivity and performance measures, where appropriate, with emphasis on outcome indicators.

(c) The governor may require representatives of public and higher education, state departments and institutions, and other institutions or individuals applying for state appropriations to attend budget meetings.

(4) (a) The Governor's Office of ~~[Management]~~ Planning and Budget shall provide to the Office of the Legislative Fiscal Analyst, as soon as practicable, but no later than 30 days before the date the Legislature convenes in the annual general session, data, analysis, or requests used in preparing the governor's budget recommendations, notwithstanding the restrictions imposed on such recommendations by available revenue.

(b) The information under Subsection (4)(a) shall include:

(i) actual revenues and expenditures for the fiscal year ending the previous June 30;

(ii) estimated or authorized revenues and expenditures for the current fiscal year;

(iii) requested revenues and expenditures for the next fiscal year;

(iv) detailed explanations of any differences between the amounts appropriated by the Legislature in the current fiscal year and the amounts reported under Subsections (4)(b)(ii) and (iii);

(v) a statement of:

(A) agency and program objectives, effectiveness measures, and program size indicators;

(B) the final status of the program objectives, effectiveness measures, and program size indicators included in the appropriations act for the fiscal year ending the previous June 30; and

(C) the current status of the program objectives, effectiveness measures, and program size indicators included in the appropriations act for the current fiscal year; and

(vi) other budgetary information required by the Legislature in statute.

(c) The budget information under Subsection (4)(a) shall cover:

(i) all items of appropriation, funds, and accounts included in appropriations acts for the current and previous fiscal years; and

(ii) any new appropriation, fund, or account items requested for the next fiscal year.

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(d) The information provided under Subsection (4)(a) may be provided as a shared record under Section 63G-2-206 as considered necessary by the Governor's Office of [~~Management~~] Planning and Budget.

(5) (a) In submitting the budget for the Department of Public Safety, the governor shall include a separate recommendation in the governor's budget for maintaining a sufficient number of alcohol-related law enforcement officers to maintain the enforcement ratio equal to or below the number specified in Subsection 32B-1-201(2).

(b) If the governor does not include in the governor's budget an amount sufficient to maintain the number of alcohol-related law enforcement officers described in Subsection (5)(a), the governor shall include a message to the Legislature regarding the governor's reason for not including that amount.

(6) (a) The governor may revise all estimates, except those relating to the Legislative Department, the Judicial Department, and those providing for the payment of principal and interest to the state debt and for the salaries and expenditures specified by the Utah Constitution or under the laws of the state.

(b) The estimate for the Judicial Department, as certified by the state court administrator, shall also be included in the budget without revision, but the governor may make separate recommendations on the estimate.

(7) The total appropriations requested for expenditures authorized by the budget may not exceed the estimated revenues from taxes, fees, and all other sources for the next ensuing fiscal year.

(8) If any item of the budget as enacted is held invalid upon any ground, the invalidity does not affect the budget itself or any other item in it.

Section 55. Section **63J-1-205** is amended to read:

63J-1-205. Revenue volatility report.

(1) Beginning in 2011 and continuing every three years after 2011, the Legislative Fiscal Analyst and the Governor's Office of [~~Management~~] Planning and Budget shall submit a joint revenue volatility report to the Executive Appropriations Committee prior to the committee's December meeting.

(2) The Legislative Fiscal Analyst and the Governor's Office of [~~Management~~] Planning and Budget shall ensure that the report:

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- (a) discusses the tax base and the tax revenue volatility of the revenue streams that provide the source of funding for the state budget;
- (b) considers federal funding included in the state budget and any projected changes in the amount or value of federal funding;
- (c) identifies the balances in the General Fund Budget Reserve Account and the Education Fund Budget Reserve Account;
- (d) analyzes the adequacy of the balances in the General Fund Budget Reserve Account and the Education Fund Budget Reserve Account in relation to the volatility of the revenue streams and the risk of a reduction in the amount or value of federal funding;
- (e) recommends changes to the deposit amounts or transfer limits established in Sections 63J-1-312 and 63J-1-313, if the Legislative Fiscal Analyst and Governor's Office of [Management] Planning and Budget consider it appropriate to recommend changes; and
- (f) presents options for a deposit mechanism linked to one or more tax sources on the basis of each tax source's observed volatility, including:
 - (i) an analysis of how the options would have performed historically within the state;
 - (ii) an analysis of how the options will perform based on the most recent revenue forecast; and
 - (iii) recommendations for deposit mechanisms considered likely to meet the budget reserve account targets established in Sections 63J-1-312 and 63J-1-313.

Section 56. Section **63J-1-209** is amended to read:

63J-1-209. Director of finance to exercise accounting control -- Budget execution plans -- Allotments and expenditures.

- (1) The director of finance shall exercise accounting control over all state departments, institutions, and agencies other than the Legislature and legislative committees.
- (2) (a) The director shall require the head of each department to submit, by May 15 of each year, a budget execution plan for the next fiscal year.
 - (b) The director may require any department to submit a budget execution plan for any other period.
- (3) The budget execution plan shall include appropriations and all other funds from any source made available to the department for its operation and maintenance for the period and program authorized by legislation that appropriates funds.

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(4) (a) In order to revise a budget execution plan, the department, agency, or institution seeking to revise the budget execution plan shall:

(i) develop a new budget execution plan that consists of the currently approved budget execution plan and the revision sought to be made;

(ii) prepare a written justification for the new budget execution plan that sets forth the purpose and necessity of the revision; and

(iii) submit the new budget execution plan and the written justification for the new budget execution plan to the Division of Finance.

(b) The Division of Finance shall process the new budget execution plan with written justification and make this information available to the Governor's Office of ~~Management~~ Planning and Budget and the legislative fiscal analyst.

(5) Upon request from the Governor's Office of ~~Management~~ Planning and Budget, the Division of Finance shall revise budget execution plans.

(6) Notwithstanding the requirements of Title 63J, Chapter 2, Revenue Procedures and Control Act, the aggregate of the budget execution plan revisions may not exceed the total appropriations or other funds from any source that are available to the agency line item for the fiscal year in question.

(7) Upon transmittal of the new budget execution plan to the entities in Subsection (4), the Division of Finance shall permit all expenditures to be made from the appropriations or other funds from any source on the basis of those budget execution plans.

(8) The Division of Finance shall, through statistical sampling methods or other means, audit all claims against the state for which an appropriation has been made.

Section 57. Section **63J-1-217** is amended to read:

63J-1-217. Overexpenditure of budget by agency -- Prorating budget income shortfall.

(1) Expenditures of departments, agencies, and institutions of state government shall be kept within revenues available for such expenditures.

(2) (a) Line items of appropriation shall not be overexpended.

(b) Notwithstanding Subsection (2)(a), if an agency's line item is overexpended at the close of a fiscal year:

(i) the director of the Division of Finance may make payments from the line item to

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vendors for goods or services that were received on or before June 30; and

(ii) the director of the Division of Finance shall immediately reduce the agency's line item budget in the current year by the amount of the overexpenditure.

(c) Each agency with an overexpended line item shall:

(i) prepare a written report explaining the reasons for the overexpenditure; and

(ii) present the report to:

(A) the Board of Examiners as required by Section 63G-9-301; and

(B) the Office of the Legislative Fiscal Analyst.

(3) (a) As used in this Subsection (3):

(i) "Education Fund budget deficit" has the same meaning as in Section 63J-1-312; and

(ii) "General Fund budget deficit" has the same meaning as in Section 63J-1-312.

(b) If an Education Fund budget deficit or a General Fund budget deficit exists and the adopted estimated revenues were prepared in consensus with the Governor's Office of [~~Management~~] Planning and Budget, the governor shall:

(i) direct state agencies to reduce commitments and expenditures by an amount proportionate to the amount of the deficiency; and

(ii) direct the Division of Finance to reduce allotments to institutions of higher education by an amount proportionate to the amount of the deficiency.

(c) The governor's directions under Subsection (3)(b) are rescinded when the Legislature rectifies the Education Fund budget deficit and the General Fund budget deficit.

(4) (a) A department may not receive an advance of funds that cannot be covered by anticipated revenue within the budget execution plan of the fiscal year, unless the governor allocates money from the governor's emergency appropriations.

(b) All allocations made from the governor's emergency appropriations shall be reported to the budget subcommittee of the Legislative Management Committee by notifying the Office of the Legislative Fiscal Analyst at least 15 days before the effective date of the allocation.

(c) Emergency appropriations shall be allocated only to support activities having existing legislative approval and appropriation, and may not be allocated to any activity or function rejected directly or indirectly by the Legislature.

Section 58. Section **63J-1-220** is amended to read:

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63J-1-220. Reporting related to pass through money distributed by state agencies.

(1) As used in this section:

(a) "Local government entity" means a county, municipality, school district, local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, special service district under Title 17D, Chapter 1, Special Service District Act, or any other political subdivision of the state.

(b) (i) "Pass through funding" means money appropriated by the Legislature to a state agency that is intended to be passed through the state agency to one or more:

(A) local government entities;

(B) private organizations, including not-for-profit organizations; or

(C) persons in the form of a loan or grant.

(ii) "Pass through funding" may be:

(A) general funds, dedicated credits, or any combination of state funding sources; and

(B) ongoing or one-time.

(c) "Recipient entity" means a local government entity or private entity, including a nonprofit entity, that receives money by way of pass through funding from a state agency.

(d) "State agency" means a department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the executive branch of the state.

(e) (i) "State money" means money that is owned, held, or administered by a state agency and derived from state fees or tax revenues.

(ii) "State money" does not include contributions or donations received by a state agency.

(2) A state agency may not provide a recipient entity state money through pass through funding unless:

(a) the state agency enters into a written agreement with the recipient entity; and

(b) the written agreement described in Subsection (2)(a) requires the recipient entity to provide the state agency:

(i) a written description and an itemized report at least annually detailing the expenditure of the state money, or the intended expenditure of any state money that has not

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been spent; and

(ii) a final written itemized report when all the state money is spent.

(3) A state agency shall provide to the Governor's Office of ~~[Management]~~ Planning and Budget a copy of a written description or itemized report received by the state agency under Subsection (2).

(4) Notwithstanding Subsection (2), a state agency is not required to comply with this section to the extent that the pass through funding is issued:

(a) under a competitive award process;

(b) in accordance with a formula enacted in statute;

(c) in accordance with a state program under parameters in statute or rule that guides the distribution of the pass through funding; or

(d) under the authority of the Minimum School Program, as defined in Section 53F-2-102.

Section 59. Section **63J-1-411** is amended to read:

63J-1-411. Internal service funds -- End of fiscal year -- Unused authority for capital acquisition.

(1) An internal service fund agency's authority to acquire capital assets under Subsection 63J-1-410(8)(a) shall lapse if the acquisition of the capital asset does not occur in the fiscal year in which the authorization is included in the appropriations act, unless the Legislature identifies the authority to acquire the capital asset as nonlapsing authority:

(a) for a specific one-time project and a limited period of time in the Legislature's initial appropriation to the agency; or

(b) in a supplemental appropriation in accordance with Subsection (2).

(2) (a) An internal service fund agency's authority to acquire capital assets may be retained as nonlapsing authorization if the internal service fund agency includes a one-time project's list as part of the budget request that it submits to the governor and the Legislature at the annual general session of the Legislature immediately before the end of the fiscal year in which the agency may have unused capital acquisition authority.

(b) The governor:

(i) may approve some or all of the items from an agency's one-time project's list; and

(ii) shall identify and prioritize any approved one-time projects in the budget that the

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governor submits to the Legislature.

(c) The Legislature:

(i) may approve some or all of the specific items from an agency's one-time project's list as an approved capital acquisition for an agency's appropriation balance;

(ii) shall identify any authorized one-time projects in the appropriate line item appropriation; and

(iii) may prioritize one-time projects in intent language.

(3) An internal service fund agency shall submit a status report of outstanding nonlapsing authority to acquire capital assets and associated one-time projects to the Governor's Office of [~~Management~~] Planning and Budget and the Legislative Fiscal Analyst's Office with the proposed budget submitted by the governor as provided under Section 63J-1-201.

Section 60. Section **63J-1-504** is amended to read:

63J-1-504. Fees -- Adoption, procedure, and approval -- Establishing and assessing fees without legislative approval.

(1) As used in this section:

(a) (i) "Agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.

(ii) "Agency" does not mean the Legislature or its committees.

(b) "Fee agency" means any agency that is authorized to establish fees.

(c) "Fee schedule" means the complete list of fees charged by a fee agency and the amount of those fees.

(2) Each fee agency shall adopt a schedule of fees assessed for services provided by the fee agency that are:

(a) reasonable, fair, and reflect the cost of services provided; and

(b) established according to a cost formula determined by the executive director of the Governor's Office of [~~Management~~] Planning and Budget and the director of the Division of Finance in conjunction with the agency seeking to establish the fee.

(3) Except as provided in Subsection (6), a fee agency may not:

(a) set fees by rule; or

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(b) create, change, or collect any fee unless the fee has been established according to the procedures and requirements of this section.

(4) Each fee agency that is proposing a new fee or proposing to change a fee shall:

(a) present each proposed fee at a public hearing, subject to the requirements of Title 52, Chapter 4, Open and Public Meetings Act;

(b) increase, decrease, or affirm each proposed fee based on the results of the public hearing;

(c) except as provided in Subsection (6), submit the fee schedule to the Legislature as part of the agency's annual appropriations request; and

(d) where necessary, modify the fee schedule to implement the Legislature's actions.

(5) (a) Each fee agency shall submit [its] the agency's fee schedule or special assessment amount to the Legislature for [its] the legislature's approval on an annual basis.

(b) The Legislature may approve, increase or decrease and approve, or reject any fee submitted to it by a fee agency.

(6) After conducting the public hearing required by this section, a fee agency may establish and assess fees without first obtaining legislative approval if:

(a) (i) the Legislature creates a new program that is to be funded by fees to be set by the Legislature;

(ii) the new program's effective date is before the Legislature's next annual general session; and

(iii) the fee agency submits the fee schedule for the new program to the Legislature for its approval at a special session, if allowed in the governor's call, or at the next annual general session of the Legislature, whichever is sooner; or

(b) (i) the fee agency proposes to increase or decrease an existing fee for the purpose of adding or removing a transactional fee that is charged or assessed by a non-governmental third party but is included as part of the fee charged by the fee agency;

(ii) the amount of the increase or decrease in the fee is equal to the amount of the transactional fee charged or assessed by the non-governmental third party; and

(iii) the increased or decreased fee is submitted to the Legislature for [its] the Legislature's approval at a special session, if allowed in the governor's call, or at the next annual session of the Legislature, whichever is sooner.

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(7) (a) Each fee agency that wishes to change any fee shall submit to the governor as part of the agency's annual appropriation request a list that identifies:

- (i) the title or purpose of the fee;
- (ii) the present amount of the fee;
- (iii) the proposed new amount of the fee;
- (iv) the percent that the fee will have increased if the Legislature approves the higher fee;
- (v) the estimated total annual revenue change that will result from the change in the fee;
- (vi) the account or fund into which the fee will be deposited; and
- (vii) the reason for the change in the fee.

(b) (i) The governor may review and approve, modify and approve, or reject the fee increases.

(ii) The governor shall transmit the list required by Subsection (7)(a), with any modifications, to the [~~Legislative Fiscal Analyst~~] legislative fiscal analyst with the governor's budget recommendations.

(c) Bills approving any fee change shall be filed before the beginning of the Legislature's annual general session, if possible.

(8) (a) Except as provided in Subsection (8)(b), the School and Institutional Trust Lands Administration, established in Section 53C-1-201, is exempt from the requirements of this section.

(b) The following fees of the School and Institutional Trust Lands Administration are subject to the requirements of this section: application, assignment, amendment, affidavit for lost documents, name change, reinstatement, grazing nonuse, extension of time, partial conveyance, patent reissue, collateral assignment, electronic payment, and processing.

Section 61. Section **63J-1-602.1** is amended to read:

63J-1-602.1. List of nonlapsing appropriations from accounts and funds.

Appropriations made from the following accounts or funds are nonlapsing:

(1) The Utah Intracurricular Student Organization Support for Agricultural Education and Leadership Restricted Account created in Section 4-42-102.

(2) The Native American Repatriation Restricted Account created in Section 9-9-407.

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(3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in Section 9-18-102.

(4) The National Professional Men's Soccer Team Support of Building Communities Restricted Account created in Section 9-19-102.

(5) Funds collected for directing and administering the C-PACE district created in Section 11-42a-106.

(6) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.

(7) The "Latino Community Support Restricted Account" created in Section 13-1-16.

(8) The Clean Air Support Restricted Account created in Section 19-1-109.

(9) The "Support for State-Owned Shooting Ranges Restricted Account" created in Section 23-14-13.5.

(10) Award money under the State Asset Forfeiture Grant Program, as provided under Section 24-4-117.

(11) Funds collected from the program fund for local health department expenses incurred in responding to a local health emergency under Section 26-1-38.

(12) The Children with Cancer Support Restricted Account created in Section 26-21a-304.

(13) State funds for matching federal funds in the Children's Health Insurance Program as provided in Section 26-40-108.

(14) The Children with Heart Disease Support Restricted Account created in Section 26-58-102.

(15) The Nurse Home Visiting Restricted Account created in Section 26-63-601.

(16) The Technology Development Restricted Account created in Section 31A-3-104.

(17) The Criminal Background Check Restricted Account created in Section 31A-3-105.

(18) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that section free revenue.

(19) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.

(20) The Health Insurance Actuarial Review Restricted Account created in Section

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(21) The Insurance Fraud Investigation Restricted Account created in Section

31A-31-108.

(22) The Underage Drinking Prevention Media and Education Campaign Restricted Account created in Section 32B-2-306.

(23) The School Readiness Restricted Account created in Section 35A-15-203.

(24) Money received by the Utah State Office of Rehabilitation for the sale of certain products or services, as provided in Section 35A-13-202.

(25) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.

(26) The Oil and Gas Conservation Account created in Section 40-6-14.5.

(27) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the Motor Vehicle Division.

(28) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by Section 41-3-110 to the State Tax Commission.

(29) The Utah Law Enforcement Memorial Support Restricted Account created in Section 53-1-120.

(30) The State Disaster Recovery Restricted Account to the Division of Emergency Management, as provided in Section 53-2a-603.

(31) The Department of Public Safety Restricted Account to the Department of Public Safety, as provided in Section 53-3-106.

(32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.

(33) The DNA Specimen Restricted Account created in Section 53-10-407.

(34) The Canine Body Armor Restricted Account created in Section 53-16-201.

(35) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.

(36) The Higher Education Capital Projects Fund created in Section 53B-22-202.

(37) A certain portion of money collected for administrative costs under the School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

(38) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject to Subsection 54-5-1.5(4)(d).

(39) Funds collected from a surcharge fee to provide certain licensees with access to an

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electronic reference library, as provided in Section 58-3a-105.

(40) Certain fines collected by the Division of Occupational and Professional Licensing for violation of unlawful or unprofessional conduct that are used for education and enforcement purposes, as provided in Section 58-17b-505.

(41) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-22-104.

(42) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-55-106.

(43) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-56-3.5.

(44) Certain fines collected by the Division of Occupational and Professional Licensing for use in education and enforcement of the Security Personnel Licensing Act, as provided in Section 58-63-103.

(45) The Relative Value Study Restricted Account created in Section 59-9-105.

(46) The Cigarette Tax Restricted Account created in Section 59-14-204.

(47) Funds paid to the Division of Real Estate for the cost of a criminal background check for a mortgage loan license, as provided in Section 61-2c-202.

(48) Funds paid to the Division of Real Estate for the cost of a criminal background check for principal broker, associate broker, and sales agent licenses, as provided in Section 61-2f-204.

(49) Certain funds donated to the Department of Human Services, as provided in Section 62A-1-111.

(50) The National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account created in Section 62A-1-202.

(51) Certain funds donated to the Division of Child and Family Services, as provided in Section 62A-4a-110.

(52) The Choose Life Adoption Support Restricted Account created in Section 62A-4a-608.

(53) Funds collected by the Office of Administrative Rules for publishing, as provided in Section 63G-3-402.

(54) The Immigration Act Restricted Account created in Section 63G-12-103.

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(55) Money received by the military installation development authority, as provided in Section 63H-1-504.

(56) The Computer Aided Dispatch Restricted Account created in Section 63H-7a-303.

(57) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.

(58) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.

~~[(59) The Employability to Careers Program Restricted Account created in Section 63J-4-703.]~~

~~[(60)]~~ (59) The Motion Picture Incentive Account created in Section 63N-8-103.

~~[(61)]~~ (60) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as provided under Section 63N-10-301.

~~[(62)]~~ (61) Funds collected by the housing of state probationary inmates or state parole inmates, as provided in Subsection 64-13e-104(2).

~~[(63)]~~ (62) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and State Lands, as provided in Section 65A-8-103.

~~[(64)]~~ (63) The Transportation of Veterans to Memorials Support Restricted Account created in Section 71-14-102.

~~[(65)]~~ (64) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.

~~[(66)]~~ (65) Certain funds received by the Office of the State Engineer for well drilling fines or bonds, as provided in Section 73-3-25.

~~[(67)]~~ (66) The Water Resources Conservation and Development Fund, as provided in Section 73-23-2.

~~[(68)]~~ (67) Funds donated or paid to a juvenile court by private sources, as provided in Subsection 78A-6-203(1)(c).

~~[(69)]~~ (68) Fees for certificate of admission created under Section 78A-9-102.

~~[(70)]~~ (69) Funds collected for adoption document access as provided in Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.

~~[(71)]~~ (70) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.

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~~[(72)]~~ (71) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park, Jordan River State Park, and Green River State Park, as provided under Section 79-4-403.

~~[(73)]~~ (72) Certain funds received by the Division of Parks and Recreation from the sale or disposal of buffalo, as provided under Section 79-4-1001.

~~[(74)]~~ (73) The Drinking While Pregnant Prevention Media and Education Campaign Restricted Account created in Section 32B-2-308.

Section 62. Section **63J-3-102** is amended to read:

63J-3-102. Purpose of chapter -- Limitations on state mandated property tax, state appropriations, and state debt.

(1) (a) It is the purpose of this chapter to:

(i) place a limitation on the state mandated property tax rate under Title 53F, Chapter 2, State Funding -- Minimum School Program;

(ii) place limitations on state government appropriations based upon the combined changes in population and inflation; and

(iii) place a limitation on the state's outstanding general obligation debt.

(b) The limitations imposed by this chapter are in addition to limitations on tax levies, rates, and revenues otherwise provided for by law.

(2) (a) This chapter may not be construed as requiring the state to collect the full amount of tax revenues permitted to be appropriated by this chapter.

(b) This chapter's purpose is to provide a ceiling, not a floor, limitation on the appropriations of state government.

(3) The recommendations and budget analysis prepared by the Governor's Office of ~~[Management]~~ Planning and Budget and the Office of the Legislative Fiscal Analyst, as required by Title 36, Chapter 12, Legislative Organization, shall be in strict compliance with the limitations imposed under this chapter.

Section 63. Section **63J-3-103** is amended to read:

63J-3-103. Definitions.

As used in this chapter:

(1) (a) "Appropriations" means actual unrestricted capital and operating appropriations from unrestricted General Fund and Education Fund sources.

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(b) "Appropriations" includes appropriations that are contingent upon available surpluses in the General Fund and Education Fund.

(c) "Appropriations" does not mean:

(i) public education expenditures;

(ii) Utah Education and Telehealth Network expenditures in support of public education;

(iii) Utah Board of Higher Education expenditures in support of public education;

(iv) State Tax Commission expenditures related to collection of income taxes in support of public education;

(v) debt service expenditures;

(vi) emergency expenditures;

(vii) expenditures from all other fund or subfund sources;

(viii) transfers or appropriations from the Education Fund to the Uniform School Fund;

(ix) transfers into, or appropriations made to, the General Fund Budget Reserve Account established in Section 63J-1-312;

(x) transfers into, or appropriations made to, the Education Budget Reserve Account established in Section 63J-1-313;

(xi) transfers in accordance with Section 63J-1-314 into, or appropriations made to the Wildland Fire Suppression Fund created in Section 65A-8-204 or the State Disaster Recovery Restricted Account created in Section 53-2a-603;

(xii) money appropriated to fund the total one-time project costs for the construction of capital development projects as defined in Section 63A-5b-401;

(xiii) transfers or deposits into or appropriations made to the Centennial Highway Fund created by Section 72-2-118;

(xiv) transfers or deposits into or appropriations made to the Transportation Investment Fund of 2005 created by Section 72-2-124;

(xv) transfers or deposits into or appropriations made to:

(A) the Department of Transportation from any source; or

(B) any transportation-related account or fund from any source; or

(xvi) supplemental appropriations from the General Fund to the Division of Forestry, Fire, and State Lands to provide money for wildland fire control expenses incurred during the

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current or previous fire years.

(2) "Base year real per capita appropriations" means the result obtained for the state by dividing the fiscal year 1985 actual appropriations of the state less debt money by:

- (a) the state's July 1, 1983 population; and
- (b) the fiscal year 1983 inflation index divided by 100.

(3) "Calendar year" means the time period beginning on January 1 of any given year and ending on December 31 of the same year.

(4) "Fiscal emergency" means an extraordinary occurrence requiring immediate expenditures and includes the settlement under Laws of Utah 1988, Fourth Special Session, Chapter 4.

(5) "Fiscal year" means the time period beginning on July 1 of any given year and ending on June 30 of the subsequent year.

(6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual capital and operations appropriations from General Fund and non-Uniform School Fund income tax revenue sources, less debt money.

(7) "Inflation index" means the change in the general price level of goods and services as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic Analysis, U.S. Department of Commerce calculated as provided in Section 63J-3-202.

(8) (a) "Maximum allowable appropriations limit" means the appropriations that could be, or could have been, spent in any given year under the limitations of this chapter.

(b) "Maximum allowable appropriations limit" does not mean actual appropriations spent or actual expenditures.

(9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two fiscal years previous to the fiscal year for which the maximum allowable inflation and population appropriations limit is being computed under this chapter.

(10) "Most recent fiscal year's population" means the fiscal year population two fiscal years previous to the fiscal year for which the maximum allowable inflation and population appropriations limit is being computed under this chapter.

(11) "Population" means the number of residents of the state as of July 1 of each year as calculated by the Governor's Office of ~~[Management]~~ Planning and Budget according to the procedures and requirements of Section 63J-3-202.

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(12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and other monetary exaction and interest connected with it that are recorded as unrestricted revenue of the General Fund and from non-Uniform School Fund income tax revenues, except as specifically exempted by this chapter.

(13) "Security" means any bond, note, warrant, or other evidence of indebtedness, whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an "indebtedness" within the meaning of any provision of the constitution or laws of this state.

Section 64. Section **63J-3-202** is amended to read:

63J-3-202. Computing formula elements.

(1) For purposes of calculating fiscal year inflation indexes for the previous fiscal year, the Governor's Office of [~~Management~~] Planning and Budget shall use:

(a) the actual quarterly data released by the U.S. Department of Commerce as of January 31 of each year; and

(b) the most recent U.S. Bureau of Census population estimates as of January 31 of each year.

(2) (a) For purposes of computing the inflation index, the Governor's Office of [~~Management~~] Planning and Budget shall:

(i) assign the bureau's 1982 calendar year inflation index value of 100 to fiscal year 1989 for purposes of computing fiscal year index values;

(ii) compute all subsequent fiscal year inflation indexes after having assigned the fiscal year 1989 inflation index a value of 100; and

(iii) use the quarterly index values published by the Bureau of Economic Analysis, U.S. Department of Commerce, to compute fiscal year index values.

(b) If the bureau changes its calendar base year, appropriate adjustments are to be made in this chapter to accommodate those changes.

(3) (a) For purposes of computing the most recent fiscal year's population, the Governor's Office of [~~Management~~] Planning and Budget shall convert the April 1 decennial census estimate to a July 1 estimate, unless otherwise estimated by the Bureau of Census.

(b) If the bureau changes the state's July 1, 1983 base year population after it conducts the 1990 Census, appropriate adjustments shall be made in this chapter to accommodate those changes.

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Section 65. Section **63J-4-101** is amended to read:

CHAPTER 4. GOVERNOR'S OFFICE OF PLANNING AND BUDGET **63J-4-101. Title.**

This chapter is known as the "Governor's Office of [~~Management~~] Planning and Budget."

Section 66. Section **63J-4-102** is amended to read:

63J-4-102. Definitions.

As used in this chapter:

~~[(1) "Committee" means the Resource Development Coordinating Committee created by this chapter.]~~

~~[(2)]~~ (1) "Executive director" means the chief administrative officer of the [~~Governor's Office of Management and Budget appointed as provided in this chapter~~] office, appointed under Section 63J-4-202.

~~[(3)]~~ (2) "Office" means the Governor's Office of [~~Management~~] Planning and Budget created [~~by this chapter.~~] in Section 63J-4-201.

(3) "Planning coordinator" means the individual appointed as the planning coordinator under Section 63J-4-401.

(4) "Political subdivision" means:

(a) a county, municipality, local district, special service district, school district, or interlocal [~~cooperation agreement entity, or any~~] entity, as defined in Section 11-13-103; or

(b) an administrative subunit of [~~them~~] an entity listed in Subsection (4)(a).

~~[(5) "State planning coordinator" means the person appointed as planning coordinator as provided in this chapter.]~~

Section 67. Section **63J-4-201** is amended to read:

63J-4-201. Creation.

There is created within the governor's office the Governor's Office of [~~Management~~] Planning and Budget to be administered by an executive director.

Section 68. Section **63J-4-202** is amended to read:

63J-4-202. Appointment of executive director -- Salary.

(1) [~~(a)~~] The governor shall appoint an executive director of the office, to serve at the governor's pleasure[?].

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~~[(i) an executive director of the Governor's Office of Management and Budget; and]~~

~~[(ii) a state planning coordinator;]~~

~~[(b) The state planning coordinator is considered part of the office for purposes of administration.]~~

(2) The governor shall establish the executive director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

Section 69. Section **63J-4-301** is amended to read:

63J-4-301. Duties of the executive director and office.

(1) The executive director and the office shall:

(a) comply with the procedures and requirements of Title 63J, Chapter 1, Budgetary Procedures Act;

(b) under the direct supervision of the governor, assist the governor in the preparation of the governor's budget recommendations;

(c) review agency budget execution plans as specified in Section 63J-1-209;

(d) establish benchmarking practices for measuring operational costs, quality of service, and effectiveness across all state agencies and programs;

(e) assist agencies with the development of an operational plan that uses continuous improvement tools and operational metrics to increase statewide capacity and improve interagency integration;

(f) review and assess agency budget requests and expenditures using a clear set of goals and measures;

(g) develop and maintain enterprise portfolio and electronic information systems to select and oversee the execution of projects, ensure a return on investment, and trace and report performance metrics; and

~~[(h) coordinate with the executive directors of the Department of Workforce Services and the Governor's Office of Economic Development to review data and metrics to be reported to the Legislature as described in Subsection 63J-4-708(2)(d); and]~~

~~[(i)]~~ (h) perform other duties and responsibilities as assigned by the governor.

(2) (a) The executive director ~~[of the Governor's Office of Management and Budget]~~ or the executive director's designee is the Federal Assistance Management Officer.

(b) In acting as the Federal Assistance Management Officer, the executive director or

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designee shall:

(i) study the administration and effect of federal assistance programs in the state and advise the governor and the Legislature, through the Office of the Legislative Fiscal Analyst and the Executive Appropriations Committee, of alternative recommended methods and procedures for the administration of these programs;

(ii) assist in the coordination of federal assistance programs that involve or are administered by more than one state agency; and

(iii) analyze and advise on applications for new federal assistance programs submitted to the governor for approval as required by Chapter 5, Federal Funds Procedures Act.

Section 70. Section **63J-4-401** is amended to read:

63J-4-401. Planning duties of the planning coordinator and office.

(1) (a) The executive director shall appoint a planning coordinator to perform the functions and duties stated in this section.

(b) The planning coordinator serves at the pleasure of and under the direction of the executive director.

~~(1)~~ (2) The [state] planning coordinator shall:

(a) act as the governor's adviser on state, regional, metropolitan, and local governmental planning matters relating to public improvements and land use;

(b) counsel with the authorized representatives of the Department of Transportation, the State Building Board, the Department of Health, the Department of Workforce Services, the Labor Commission, the Department of Natural Resources, the School and Institutional Trust Lands Administration, and other proper persons concerning all state planning matters;

(c) when designated to do so by the governor, receive funds made available to [~~Utah~~] the state by the federal government;

(d) receive [~~and~~], review, and provide an internet-accessible repository of plans and studies of the various state agencies and political subdivisions relating to public improvements [~~and programs~~], housing, land use, economic development, transportation infrastructure, water infrastructure, and utility infrastructure;

(e) [~~when conflicts occur~~] if a conflict occurs between the plans and proposals of state agencies, prepare specific recommendations for the resolution of the [~~conflicts~~] conflict and submit the recommendations to the governor for a decision resolving the conflict;

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(f) [~~when conflicts occur~~] if a conflict occurs between the plans and proposals of a state agency and a political subdivision or between two or more political subdivisions, advise these entities of the conflict and make specific recommendations for the resolution of the conflict;

(g) act as the governor's planning agent in planning public improvements and land use and, in this capacity, undertake special studies and investigations, participate in cross-jurisdictional planning activities, and, if needed, provide coordination;

(h) provide information and cooperate with the Legislature or any of its committees in conducting planning studies;

(i) cooperate and exchange information with federal agencies and local, metropolitan, or regional agencies as necessary to assist with federal, state, regional, metropolitan, and local programs;

(j) make recommendations to the governor that the planning coordinator considers advisable for the proper development and coordination of plans for state government and political subdivisions; [~~and~~]

~~[(k) oversee and supervise the activities and duties of the public lands policy coordinator.]~~

(k) assist in the interpretation of projections and analyses with respect to future growth needs; and

(l) actively participate in informing the short-term and long-term budgetary needs of the state.

~~[(2)]~~ (3) (a) The [~~state~~] planning coordinator may:

~~[(a)]~~ (i) perform regional and state planning and assist state government planning agencies in performing state planning;

~~[(b)]~~ (ii) provide planning assistance to Indian tribes regarding planning for Indian reservations; [~~and~~]

~~[(c)]~~ (iii) assist city, county, metropolitan, and regional planning agencies in performing local, metropolitan, and regional planning[, ~~provided that the state planning coordinator and the state planning coordinator's agents and designees recognize and promote the plans, policies, programs, processes, and desired outcomes of each planning agency whenever possible.~~], subject to Subsection (3)(b); and

(iv) conduct, or coordinate with stakeholders to conduct, public meetings or hearings

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to:

(A) encourage maximum public understanding of and agreement with the factual data and assumptions upon which projections and analyses are based; and

(B) receive suggestions as to the types of projections and analyses that are needed.

(b) In performing the duties described in Subsection (3)(a)(iii), to the extent possible the planning coordinator and any agent or designee of the planning coordinator shall recognize and promote the plans, policies, programs, processes, and desired outcomes of the city, county, metropolitan, or regional planning agency that the planning coordinator or the planning coordinator's agent or designee is assisting.

~~[(3) When preparing or]~~ (4) In assisting in the preparation of plans, policies, programs, or processes related to the management or use of federal lands or natural resources on federal lands in ~~[Utah]~~ the state, the ~~[state]~~ planning coordinator shall~~[:]~~ coordinate with the Public Lands Policy Coordinating Office created in Section 63L-11-201.

~~[(a) incorporate the plans, policies, programs, processes, and desired outcomes of the counties where the federal lands or natural resources are located, to the maximum extent consistent with state and federal law, provided that this requirement shall not be interpreted to infringe upon the authority of the governor;]~~

~~[(b) identify inconsistencies or conflicts between the plans, policies, programs, processes, and desired outcomes prepared under Subsection (3)(a) and the plans, programs, processes, and desired outcomes of local government as early in the preparation process as possible, and seek resolution of the inconsistencies through meetings or other conflict resolution mechanisms involving the necessary and immediate parties to the inconsistency or conflict;]~~

~~[(c) present to the governor the nature and scope of any inconsistency or other conflict that is not resolved under the procedures in Subsection (3)(b) for the governor's decision about the position of the state concerning the inconsistency or conflict;]~~

~~[(d) develop, research, and use factual information, legal analysis, and statements of desired future condition for the state, or subregion of the state, as necessary to support the plans, policies, programs, processes, and desired outcomes of the state and the counties where the federal lands or natural resources are located;]~~

~~[(e) establish and coordinate agreements between the state and federal land~~

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~~management agencies, federal natural resource management agencies, and federal natural resource regulatory agencies to facilitate state and local participation in the development, revision, and implementation of land use plans, guidelines, regulations, other instructional memoranda, or similar documents proposed or promulgated for lands and natural resources administered by federal agencies; and]~~

~~[(f) work in conjunction with political subdivisions to establish agreements with federal land management agencies, federal natural resource management agencies, and federal natural resource regulatory agencies to provide a process for state and local participation in the preparation of, or coordinated state and local response to, environmental impact analysis documents and similar documents prepared pursuant to law by state or federal agencies.]~~

~~[(4) The state planning coordinator shall comply with the requirements of Subsection 63C-4a-203(8) before submitting any comments on a draft environmental impact statement or on an environmental assessment for a proposed land management plan, if the governor would be subject to Subsection 63C-4a-203(8) if the governor were submitting the material.]~~

~~[(5) The state planning coordinator shall cooperate with and work in conjunction with appropriate state agencies and political subdivisions to develop policies, plans, programs, processes, and desired outcomes authorized by this section by coordinating the development of positions:]~~

~~[(a) through the Resource Development Coordinating Committee;]~~

~~[(b) in conjunction with local government officials concerning general local government plans;]~~

~~[(c) by soliciting public comment through the Resource Development Coordinating Committee; and]~~

~~[(d) by working with the Public Lands Policy Coordinating Office:]~~

~~[(6) The state planning coordinator shall recognize and promote the following principles when preparing any policies, plans, programs, processes, or desired outcomes relating to federal lands and natural resources on federal lands pursuant to this section:]~~

~~[(a) (i) the citizens of the state are best served by applying multiple-use and sustained-yield principles in public land use planning and management; and]~~

~~[(ii) multiple-use and sustained-yield management means that federal agencies should develop and implement management plans and make other resource-use decisions that:]~~

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~~[(A) achieve and maintain in perpetuity a high-level annual or regular periodic output of mineral and various renewable resources from public lands;]~~

~~[(B) support valid existing transportation, mineral, and grazing privileges at the highest reasonably sustainable levels;]~~

~~[(C) support the specific plans, programs, processes, and policies of state agencies and local governments;]~~

~~[(D) are designed to produce and provide the desired vegetation for the watersheds, timber, food, fiber, livestock forage, and wildlife forage, and minerals that are necessary to meet present needs and future economic growth and community expansion without permanent impairment of the productivity of the land;]~~

~~[(E) meet the recreational needs and the personal and business-related transportation needs of the citizens of the state by providing access throughout the state;]~~

~~[(F) meet the recreational needs of the citizens of the state;]~~

~~[(G) meet the needs of wildlife;]~~

~~[(H) provide for the preservation of cultural resources, both historical and archaeological;]~~

~~[(I) meet the needs of economic development;]~~

~~[(J) meet the needs of community development; and]~~

~~[(K) provide for the protection of water rights;]~~

~~[(b) managing public lands for "wilderness characteristics" circumvents the statutory wilderness process and is inconsistent with the multiple-use and sustained-yield management standard that applies to all Bureau of Land Management and U.S. Forest Service lands that are not wilderness areas or wilderness study areas;]~~

~~[(c) all waters of the state are:]~~

~~[(i) owned exclusively by the state in trust for its citizens;]~~

~~[(ii) are subject to appropriation for beneficial use; and]~~

~~[(iii) are essential to the future prosperity of the state and the quality of life within the state;]~~

~~[(d) the state has the right to develop and use its entitlement to interstate rivers;]~~

~~[(e) all water rights desired by the federal government must be obtained through the state water appropriation system;]~~

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~~[(f) land management and resource-use decisions which affect federal lands should give priority to and support the purposes of the compact between the state and the United States related to school and institutional trust lands;]~~

~~[(g) development of the solid, fluid, and gaseous mineral resources of the state is an important part of the economy of the state, and of local regions within the state;]~~

~~[(h) the state should foster and support industries that take advantage of the state's outstanding opportunities for outdoor recreation;]~~

~~[(i) wildlife constitutes an important resource and provides recreational and economic opportunities for the state's citizens;]~~

~~[(j) proper stewardship of the land and natural resources is necessary to ensure the health of the watersheds, timber, forage, and wildlife resources to provide for a continuous supply of resources for the people of the state and the people of the local communities who depend on these resources for a sustainable economy;]~~

~~[(k) forests, rangelands, timber, and other vegetative resources:]~~

~~[(i) provide forage for livestock;]~~

~~[(ii) provide forage and habitat for wildlife;]~~

~~[(iii) provide resources for the state's timber and logging industries;]~~

~~[(iv) contribute to the state's economic stability and growth; and]~~

~~[(v) are important for a wide variety of recreational pursuits;]~~

~~[(l) management programs and initiatives that improve watersheds, forests, and increase forage for the mutual benefit of wildlife species and livestock, logging, and other agricultural industries by utilizing proven techniques and tools are vital to the state's economy and the quality of life in Utah; and]~~

~~[(m) (i) land management plans, programs, and initiatives should provide that the amount of domestic livestock forage, expressed in animal unit months, for permitted, active use as well as the wildlife forage included in that amount, be no less than the maximum number of animal unit months sustainable by range conditions in grazing allotments and districts, based on an on-the-ground and scientific analysis;]~~

~~[(ii) the state opposes the relinquishment or retirement of grazing animal unit months in favor of conservation, wildlife, and other uses;]~~

~~[(iii) (A) the state favors the best management practices that are jointly sponsored by~~

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~~cattlemen's, sportsmen's, and wildlife management groups such as chaining, logging, seeding, burning, and other direct soil and vegetation prescriptions that are demonstrated to restore forest and rangeland health, increase forage, and improve watersheds in grazing districts and allotments for the mutual benefit of domestic livestock and wildlife;]~~

~~[(B) when practices described in Subsection (6)(m)(iii)(A) increase a grazing allotment's forage beyond the total permitted forage use that was allocated to that allotment in the last federal land use plan or allotment management plan still in existence as of January 1, 2005, a reasonable and fair portion of the increase in forage beyond the previously allocated total permitted use should be allocated to wildlife as recommended by a joint, evenly balanced committee of livestock and wildlife representatives that is appointed and constituted by the governor for that purpose;]~~

~~[(C) the state favors quickly and effectively adjusting wildlife population goals and population census numbers in response to variations in the amount of available forage caused by drought or other climatic adjustments, and state agencies responsible for managing wildlife population goals and population census numbers will give due regard to both the needs of the livestock industry and the need to prevent the decline of species to a point where listing under the terms of the Endangered Species Act when making such adjustments;]~~

~~[(iv) the state opposes the transfer of grazing animal unit months to wildlife for supposed reasons of rangeland health;]~~

~~[(v) reductions in domestic livestock animal unit months must be temporary and scientifically based upon rangeland conditions;]~~

~~[(vi) policies, plans, programs, initiatives, resource management plans, and forest plans may not allow the placement of grazing animal unit months in a suspended use category unless there is a rational and scientific determination that the condition of the rangeland allotment or district in question will not sustain the animal unit months sought to be placed in suspended use;]~~

~~[(vii) any grazing animal unit months that are placed in a suspended use category should be returned to active use when range conditions improve;]~~

~~[(viii) policies, plans, programs, and initiatives related to vegetation management should recognize and uphold the preference for domestic grazing over alternate forage uses in established grazing districts while upholding management practices that optimize and expand~~

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~~forage for grazing and wildlife in conjunction with state wildlife management plans and programs in order to provide maximum available forage for all uses; and]~~

~~[(ix) in established grazing districts, animal unit months that have been reduced due to rangeland health concerns should be restored to livestock when rangeland conditions improve; and should not be converted to wildlife use.]~~

~~[(7) The state planning coordinator shall recognize and promote the following findings in the preparation of any policies, plans, programs, processes, or desired outcomes relating to federal lands and natural resources on federal lands under this section:]~~

~~[(a) as a coholder of R.S. 2477 rights-of-way with the counties, the state supports its recognition by the federal government and the public use of R.S. 2477 rights-of-way and urges the federal government to fully recognize the rights-of-way and their use by the public as expeditiously as possible;]~~

~~[(b) it is the policy of the state to use reasonable administrative and legal measures to protect and preserve valid existing rights-of-way granted by Congress under R.S. 2477, and to support and work in conjunction with counties to redress cases where R.S. 2477 rights-of-way are not recognized or are impaired; and]~~

~~[(c) transportation and access routes to and across federal lands, including all rights-of-way vested under R.S. 2477, are vital to the state's economy and to the quality of life in the state, and must provide, at a minimum, a network of roads throughout the resource planning area that provides for:]~~

~~[(i) movement of people, goods, and services across public lands;]~~

~~[(ii) reasonable access to a broad range of resources and opportunities throughout the resource planning area, including:]~~

~~[(A) livestock operations and improvements;]~~

~~[(B) solid, fluid, and gaseous mineral operations;]~~

~~[(C) recreational opportunities and operations, including motorized and nonmotorized recreation;]~~

~~[(D) search and rescue needs;]~~

~~[(E) public safety needs; and]~~

~~[(F) access for transportation of wood products to market;]~~

~~[(iii) access to federal lands for people with disabilities and the elderly; and]~~

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~~[(iv) access to state lands and school and institutional trust lands to accomplish the purposes of those lands.]~~

~~[(8) The state planning coordinator shall recognize and promote the following findings in the preparation of any plans, policies, programs, processes, or desired outcomes relating to federal lands and natural resources on federal lands pursuant to this section:]~~

~~[(a) the state's support for the addition of a river segment to the National Wild and Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:]~~

~~[(i) it is clearly demonstrated that water is present and flowing at all times;]~~

~~[(ii) it is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state, and that the rationale and justification for the conclusions are disclosed;]~~

~~[(iii) it is clearly demonstrated that the inclusion of each river segment is consistent with the plans and policies of the state and the county or counties where the river segment is located as those plans and policies are developed according to Subsection (3);]~~

~~[(iv) the effects of the addition upon the local and state economies, agricultural and industrial operations and interests, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;]~~

~~[(v) it is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies;]~~

~~[(vi) the rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed;]~~

~~[(vii) it is clearly demonstrated that the federal agency with management authority over the river segment, and which is proposing the segment for inclusion in the National Wild and Scenic River System will not use the actual or proposed designation as a basis to impose management standards outside of the federal land management plan;]~~

~~[(viii) it is clearly demonstrated that the terms and conditions of the federal land and resource management plan containing a recommendation for inclusion in the National Wild~~

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~~and Scenic River System:]~~

~~[(A) evaluates all eligible river segments in the resource planning area completely and fully for suitability for inclusion in the National Wild and Scenic River System;]~~

~~[(B) does not suspend or terminate any studies for inclusion in the National Wild and Scenic River System at the eligibility phase;]~~

~~[(C) fully disclaims any interest in water rights for the recommended segment as a result of the adoption of the plan; and]~~

~~[(D) fully disclaims the use of the recommendation for inclusion in the National Wild and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for projects upstream, downstream, or within the recommended segment;]~~

~~[(ix) it is clearly demonstrated that the agency with management authority over the river segment commits not to use an actual or proposed designation as a basis to impose Visual Resource Management Class I or II management prescriptions that do not comply with the provisions of Subsection (8)(t); and]~~

~~[(x) it is clearly demonstrated that including the river segment and the terms and conditions for managing the river segment as part of the National Wild and Scenic River System will not prevent, reduce, impair, or otherwise interfere with:]~~

~~[(A) the state and its citizens' enjoyment of complete and exclusive water rights in and to the rivers of the state as determined by the laws of the state; or]~~

~~[(B) local, state, regional, or interstate water compacts to which the state or any county is a party;]~~

~~[(b) the conclusions of all studies related to potential additions to the National Wild and Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals for addition and are forwarded to the United States Congress;]~~

~~[(c) the state's support for designation of an Area of Critical Environmental Concern (ACEC), as defined in 43 U.S.C. Sec. 1702, within federal land management plans will be withheld until:]~~

~~[(i) it is clearly demonstrated that the proposed area satisfies all the definitional requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec.~~

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~~1702(a);]~~

~~[(ii) it is clearly demonstrated that the area proposed for designation as an ACEC is limited in geographic size and that the proposed management prescriptions are limited in scope to the minimum necessary to specifically protect and prevent irreparable damage to the relevant and important values identified, or limited in geographic size and management prescriptions to the minimum required to specifically protect human life or safety from natural hazards;]~~

~~[(iii) it is clearly demonstrated that the proposed area is limited only to areas that are already developed or used or to areas where no development is required;]~~

~~[(iv) it is clearly demonstrated that the proposed area contains relevant and important historic, cultural or scenic values, fish or wildlife resources, or natural processes which are unique or substantially significant on a regional basis, or contain natural hazards which significantly threaten human life or safety;]~~

~~[(v) the federal agency has analyzed regional values, resources, processes, or hazards for irreparable damage and its potential causes resulting from potential actions which are consistent with the multiple-use, sustained-yield principles, and the analysis describes the rationale for any special management attention required to protect, or prevent irreparable damage to the values, resources, processes, or hazards;]~~

~~[(vi) it is clearly demonstrated that the proposed designation is consistent with the plans and policies of the state and of the county where the proposed designation is located as those plans and policies are developed according to Subsection (3);]~~

~~[(vii) it is clearly demonstrated that the proposed ACEC designation will not be applied redundantly over existing protections provided by other state and federal laws for federal lands or resources on federal lands, and that the federal statutory requirement for special management attention for a proposed ACEC will discuss and justify any management requirements needed in addition to those specified by the other state and federal laws;]~~

~~[(viii) the difference between special management attention required for an ACEC and normal multiple-use management has been identified and justified, and that any determination of irreparable damage has been analyzed and justified for short and long-term horizons;]~~

~~[(ix) it is clearly demonstrated that the proposed designation:]~~

~~[(A) is not a substitute for a wilderness suitability recommendation;]~~

~~[(B) is not a substitute for managing areas inventoried for wilderness characteristics]~~

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~~after 1993 under the BLM interim management plan for valid wilderness study areas; and]~~

~~[(C) it is not an excuse or justification to apply de facto wilderness management standards; and]~~

~~[(x) the conclusions of all studies are submitted to the state, as a cooperating agency, for review, and the results, in support of or in opposition to, are included in all planning documents;]~~

~~[(d) sufficient federal lands are made available for government-to-government exchanges of school and institutional trust lands and federal lands without regard for a resource-to-resource correspondence between the surface or mineral characteristics of the offered trust lands and the offered federal lands;]~~

~~[(e) federal agencies should support government-to-government exchanges of land with the state based on a fair process of valuation which meets the fiduciary obligations of both the state and federal governments toward trust lands management, and which assures that revenue authorized by federal statute to the state from mineral or timber production, present or future, is not diminished in any manner during valuation, negotiation, or implementation processes;]~~

~~[(f) agricultural and grazing lands should continue to produce the food and fiber needed by the citizens of the state and the nation, and the rural character and open landscape of rural Utah should be preserved through a healthy and active agricultural and grazing industry, consistent with private property rights and state fiduciary duties;]~~

~~[(g) the resources of the forests and rangelands of the state should be integrated as part of viable, robust, and sustainable state and local economies, and available forage should be evaluated for the full complement of herbivores the rangelands can support in a sustainable manner, and forests should contain a diversity of timber species, and disease or insect infestations in forests should be controlled using logging or other best management practices;]~~

~~[(h) the state opposes any additional evaluation of national forest service lands as "roadless" or "unroaded" beyond the forest service's second roadless area review evaluation and opposes efforts by agencies to specially manage those areas in a way that;]~~

~~[(i) closes or declassifies existing roads unless multiple side-by-side roads exist running to the same destination and state and local governments consent to close or declassify the extra roads;]~~

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~~[(ii) permanently bars travel on existing roads;]~~

~~[(iii) excludes or diminishes traditional multiple-use activities, including grazing and proper forest harvesting;]~~

~~[(iv) interferes with the enjoyment and use of valid, existing rights, including water rights, local transportation plan rights, R.S. 2477 rights, grazing allotment rights, and mineral leasing rights; or]~~

~~[(v) prohibits development of additional roads reasonably necessary to pursue traditional multiple-use activities;]~~

~~[(i) the state's support for any forest plan revision or amendment will be withheld until the appropriate plan revision or plan amendment clearly demonstrates that:]~~

~~[(i) established roads are not referred to as unclassified roads or a similar classification;]~~

~~[(ii) lands in the vicinity of established roads are managed under the multiple-use, sustained-yield management standard; and]~~

~~[(iii) no roadless or unroaded evaluations or inventories are recognized or upheld beyond those that were recognized or upheld in the forest service's second roadless area review evaluation;]~~

~~[(j) the state's support for any recommendations made under the statutory requirement to examine the wilderness option during the revision of land and resource management plans by the U.S. Forest Service will be withheld until it is clearly demonstrated that:]~~

~~[(i) the duly adopted transportation plans of the state and county or counties within the planning area are fully and completely incorporated into the baseline inventory of information from which plan provisions are derived;]~~

~~[(ii) valid state or local roads and rights-of-way are recognized and not impaired in any way by the recommendations;]~~

~~[(iii) the development of mineral resources by underground mining is not affected by the recommendations;]~~

~~[(iv) the need for additional administrative or public roads necessary for the full use of the various multiple-uses, including recreation, mineral exploration and development, forest health activities, and grazing operations is not unduly affected by the recommendations;]~~

~~[(v) analysis and full disclosure is made concerning the balance of multiple-use~~

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~~management in the proposed areas, and that the analysis compares the full benefit of multiple-use management to the recreational, forest health, and economic needs of the state and the counties to the benefits of the requirements of wilderness management; and]~~

~~[(vi) the conclusions of all studies related to the requirement to examine the wilderness option are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals that are forwarded to the United States Congress;]~~

~~[(k) the invasion of noxious weeds and undesirable invasive plant species into the state should be reversed, their presence eliminated, and their return prevented;]~~

~~[(f) management and resource-use decisions by federal land management and regulatory agencies concerning the vegetative resources within the state should reflect serious consideration of the proper optimization of the yield of water within the watersheds of the state;]~~

~~[(m)(i) it is the policy of the state that:]~~

~~[(A) mineral and energy production and environmental protection are not mutually exclusive;]~~

~~[(B) it is technically feasible to permit appropriate access to mineral and energy resources while preserving nonmineral and nonenergy resources;]~~

~~[(C) resource management planning should seriously consider all available mineral and energy resources;]~~

~~[(D) the development of the solid, fluid, and gaseous mineral resources of the state and the renewable resources of the state should be encouraged;]~~

~~[(E) the waste of fluid and gaseous minerals within developed areas should be prohibited; and]~~

~~[(F) requirements to mitigate or reclaim mineral development projects should be based on credible evidence of significant impacts to natural or cultural resources;]~~

~~[(ii) the state's support for mineral development provisions within federal land management plans will be withheld until the appropriate land management plan environmental impact statement clearly demonstrates:]~~

~~[(A) that the authorized planning agency has:]~~

~~[(f) considered and evaluated the mineral and energy potential in all areas of the~~

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~~planning area as if the areas were open to mineral development under standard lease agreements, and]~~

~~[(H) evaluated any management plan prescription for its impact on the area's baseline mineral and energy potential;]~~

~~[(B) that the development provisions do not unduly restrict access to public lands for energy exploration and development;]~~

~~[(C) that the authorized planning agency has supported any closure of additional areas to mineral leasing and development or any increase of acres subject to no surface occupancy restrictions by adhering to:]~~

~~[(f) the relevant provisions of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;~~

~~[(H) other controlling mineral development laws; and]~~

~~[(HH) the controlling withdrawal and reporting procedures set forth in the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;~~

~~[(D) that the authorized planning agency evaluated whether to repeal any moratorium that may exist on the issuance of additional mining patents and oil and gas leases;]~~

~~[(E) that the authorized planning agency analyzed all proposed mineral lease stipulations and considered adopting the least restrictive necessary to protect against damage to other significant resource values;]~~

~~[(F) that the authorized planning agency evaluated mineral lease restrictions to determine whether to waive, modify, or make exceptions to the restrictions on the basis that they are no longer necessary or effective;]~~

~~[(G) that the authorized federal agency analyzed all areas proposed for no surface occupancy restrictions, and that the analysis evaluated:]~~

~~[(f) whether directional drilling is economically feasible and ecologically necessary for each proposed no surface occupancy area;]~~

~~[(H) whether the directional drilling feasibility analysis, or analysis of other management prescriptions, demonstrates that the proposed no surface occupancy prescription, in effect, sterilizes the mineral and energy resources beneath the area; and]~~

~~[(HH) whether, if the minerals are effectively sterilized, the area must be reported as withdrawn under the provisions of the Federal Land Policy and Management Act; and]~~

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~~[(H) that the authorized planning agency has evaluated all directional drilling requirements in no surface occupancy areas to determine whether directional drilling is feasible from an economic, ecological, and engineering standpoint;]~~

~~[(n) motorized, human, and animal-powered outdoor recreation should be integrated into a fair and balanced allocation of resources within the historical and cultural framework of multiple-uses in rural Utah, and outdoor recreation should be supported as part of a balanced plan of state and local economic support and growth;]~~

~~[(o) off-highway vehicles should be used responsibly, the management of off-highway vehicles should be uniform across all jurisdictions, and laws related to the use of off-highway vehicles should be uniformly applied across all jurisdictions;]~~

~~[(p) (i) rights-of-way granted and vested under the provisions of R.S. 2477 should be preserved and acknowledged;]~~

~~[(ii) land use management plans, programs, and initiatives should be consistent with both state and county transportation plans developed according to Subsection (3) in order to provide a network of roads throughout the planning area that provides for:]~~

~~[(A) movement of people, goods, and services across public lands;]~~

~~[(B) reasonable access to a broad range of resources and opportunities throughout the planning area, including access to livestock, water, and minerals;]~~

~~[(C) economic and business needs;]~~

~~[(D) public safety;]~~

~~[(E) search and rescue;]~~

~~[(F) access for people with disabilities and the elderly;]~~

~~[(G) access to state lands; and]~~

~~[(H) recreational opportunities;]~~

~~[(q) transportation and access provisions for all other existing routes, roads, and trails across federal, state, and school trust lands within the state should be determined and identified, and agreements should be executed and implemented, as necessary to fully authorize and determine responsibility for maintenance of all routes, roads, and trails;]~~

~~[(r) the reasonable development of new routes and trails for motorized, human, and animal-powered recreation should be implemented;]~~

~~[(s) (i) forests, rangelands, and watersheds, in a healthy condition, are necessary and~~

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~~beneficial for wildlife, livestock grazing, and other multiple-uses;]~~

~~[(ii) management programs and initiatives that are implemented to increase forage for the mutual benefit of the agricultural industry, livestock operations, and wildlife species should utilize all proven techniques and tools;]~~

~~[(iii) the continued viability of livestock operations and the livestock industry should be supported on the federal lands within the state by management of the lands and forage resources, by the proper optimization of animal unit months for livestock, in accordance with the multiple-use provisions of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq., the provisions of the Taylor Grazing Act of 1934, 43 U.S.C. 315 et seq., and the provisions of the Public Rangelands Improvement Act of 1978, 43 U.S.C. 1901 et seq.;]~~

~~[(iv) provisions for predator control initiatives or programs under the direction of state and local authorities should be implemented; and]~~

~~[(v) resource-use and management decisions by federal land management and regulatory agencies should support state-sponsored initiatives or programs designed to stabilize wildlife populations that may be experiencing a scientifically demonstrated decline in those populations; and]~~

~~[(t) management and resource use decisions by federal land management and regulatory agencies concerning the scenic resources of the state must balance the protection of scenery with the full management requirements of the other authorized uses of the land under multiple-use management, and should carefully consider using Visual Resource Management Class I protection only for areas of inventoried Class A scenery or equivalent.]~~

~~[(9) Notwithstanding any provision of Section 63J-8-105.5, the state is committed to establishing and administering an effective statewide conservation strategy for greater sage grouse.]~~

~~[(10) Nothing contained in this section may be construed to restrict or supersede the planning powers conferred upon state departments, agencies, instrumentalities, or advisory councils of the state or the planning powers conferred upon political subdivisions by any other existing law.]~~

~~[(11) Nothing in this section may be construed to affect any lands withdrawn from the public domain for military purposes, which are administered by the United States Army, Air~~

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~~Force, or Navy.]~~

Section 71. Section **63J-5-201** is amended to read:

63J-5-201. Legislative appropriation subcommittees to review certain federal funds reauthorizations -- Executive appropriations review -- Legislative approval.

(1) The Governor's Office of [~~Management~~] Planning and Budget shall annually prepare and submit a federal funds request summary for each agency to the Legislative Fiscal Analyst at the same time the governor submits the confidential draft budget under Section 63J-1-201.

(2) (a) The Legislative Fiscal Analyst, as directed by the Executive Appropriations Committee, may include federal funds in the base budget appropriations act or acts, when those acts are prepared as provided in JR3-2-402.

(b) The Legislative Fiscal Analyst shall submit a federal funds request summary for each agency to the legislative appropriations subcommittee responsible for that agency's budget for review during each annual general session.

(3) Each legislative appropriations subcommittee shall review the federal funds request summary and may:

(a) recommend that the agency accept the federal funds or participate in the federal program for the fiscal year under consideration; or

(b) recommend that the agency not accept the federal funds or not participate in the federal program for the fiscal year under consideration.

(4) The Legislative Executive Appropriations Committee shall:

(a) review each subcommittee's recommendation;

(b) determine whether or not the agency should be authorized to accept the federal funds or participate in the federal program; and

(c) direct the Legislative Fiscal Analyst to include or exclude those federal funds and federal programs in an annual appropriations act for approval by the Legislature.

(5) Legislative approval of an appropriations act containing federal funds constitutes legislative approval of the federal grants or awards associated with the federal funds for the purposes of compliance with the requirements of this chapter.

Section 72. Section **63J-5-202** is amended to read:

63J-5-202. Governor to approve certain new federal funds requests.

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(1) (a) Before obligating the state to accept or receive new federal funds or to participate in a new federal program, and no later than three months after submitting a new federal funds request, and, where possible, before formally submitting the new federal funds request, an executive branch agency shall submit a federal funds request summary to the governor or the governor's designee for approval or rejection when:

(i) the state will receive total payments of \$1,000,000 or less per year if the new federal funds request is approved;

(ii) receipt of the new federal funds will require no additional permanent full-time employees, permanent part-time employees, or combination of additional permanent full-time employees and permanent part-time employees; and

(iii) no new state money will be required to match the new federal funds or to implement the new federal program for which the grant is issued.

(b) The Governor's Office of [~~Management~~] Planning and Budget shall report each new federal funds request that is approved by the governor or the governor's designee and each new federal funds request granted by the federal government to:

(i) the Legislature's Executive Appropriations Committee;

(ii) the Office of the Legislative Fiscal Analyst; and

(iii) the Office of Legislative Research and General Counsel.

(2) The governor or the governor's designee shall approve or reject each new federal funds request submitted under the authority of this section.

(3) (a) If the governor or the governor's designee approves the new federal funds request, the executive branch agency may accept the new federal funds or participate in the new federal program.

(b) If the governor or the governor's designee rejects the new federal funds request, the executive branch agency may not accept the new federal funds or participate in the new federal program.

(4) If an executive branch agency fails to obtain the governor's or the governor's designee's approval under this section, the governor may require the agency to:

(a) withdraw the new federal funds request;

(b) return the federal funds;

(c) withdraw from the federal program; or

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(d) any combination of Subsections (4)(a), (4)(b), and (4)(c).

(5) If a letter or other official documentation awarding an agency a grant of federal funds is not available to be included in a federal funds request summary submitted to the Governor's Office of [Management] Planning and Budget under this section, the agency shall submit to the Governor's Office of [Management] Planning and Budget the letter or other official documentation awarding the agency a grant of federal funds before expending the federal funds granted.

Section 73. Section **63J-7-201** is amended to read:

63J-7-201. Governor to approve certain grant requests.

(1) (a) Before obligating the state to accept or receive a grant, an executive branch agency shall submit a grant summary to the governor or the governor's designee for approval or rejection when:

(i) the executive branch agency would receive a grant of at least \$10,000 but no more than \$50,000 if the grant is approved;

(ii) receipt of the grant will require no additional permanent full-time employees, permanent part-time employees, or combination of additional permanent full-time employees and permanent part-time employees; and

(iii) no new state money will be required to match the grant.

(b) The Governor's Office of [Management] Planning and Budget shall report each grant authorized under this section to:

(i) the Legislature's Executive Appropriations Committee; and

(ii) the Office of the Legislative Fiscal Analyst.

(2) The governor or the governor's designee shall approve or reject each grant submitted under the authority of this section.

(3) (a) If the governor or the governor's designee approves the grant, the executive branch agency may accept the grant.

(b) If the governor or the governor's designee rejects the grant, the executive branch agency may not accept the grant.

(4) If an executive branch agency fails to obtain the governor's or the governor's designee's approval under this section, the governor may require the agency to return the grant.

Section 74. Section **63J-8-102** is amended to read:

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63J-8-102. Definitions.

As used in this chapter:

- (1) "ACEC" means an area of critical environmental concern as defined in 43 U.S.C. Sec. 1702.
- (2) "AUM" means animal unit months, a unit of grazing forage.
- (3) "BLM" means the United States Bureau of Land Management.
- (4) "BLM recommended wilderness" means a wilderness study area recommended for wilderness designation in the final report of the president of the United States to the United States Congress in 1993.
- (5) "Federal land use designation" means one or a combination of the following congressional or federal actions included in proposed congressional land use legislation:
 - (a) designation of wilderness within the National Wilderness Preservation System;
 - (b) designation of a national conservation area;
 - (c) designation of a watercourse within the National Wild and Scenic River System;
 - (d) designation of an ACEC;
 - (e) designation of a national monument in accordance with the Antiquities Act or by Congress;
 - (f) designation of a national park within the National Park System;
 - (g) designation of a national recreational area; or
 - (h) any other designation, classification, categorization, reservation, withdrawal, or similar action that has the purpose or effect of eliminating, restricting, or reducing energy and mineral development, motorized travel, grazing, active vegetation management, or any other traditional multiple use on public land.
- (6) "FLPMA" means the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.
- (7) "Forest Service" means the United States Forest Service within the United States Department of Agriculture.
- (8) "Green River Energy Zone" means the lands described as follows in Subsections (8)(a) and (b), as more fully illustrated in the maps prepared by the Carbon County and Emery County GIS Departments in February 2013, each entitled "2013 Green River Energy Zone":
 - (a) BLM and Forest Service lands in Carbon County that are situated in the following

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townships: Township 12S Range 6E, Township 12S Range 7E, Township 12S Range 8E, Township 12S Range 9E, Township 12S Range 10E, Township 12S Range 11E, Township 12S Range 12E, Township 12S Range 13E, Township 12S Range 14E, Township 12S Range 15E, Township 12S Range 16E, Township 12S Range 17E, Township 12S Range 18E, Township 13S Range 6E, Township 13S Range 8E, Township 13S Range 9E, Township 13S Range 10E, Township 13S Range 11E, Township 13S Range 12E, Township 13S Range 13E, Township 13S Range 14E, Township 13S Range 15E, Township 13S Range 16E, Township 13S Range 17E, Township 14S Range 6E, Township 14S Range 8E, Township 14S Range 9E, Township 14S Range 11E, Township 14S Range 12E, Township 14S Range 13E, Township 14S Range 14E, Township 14S Range 15E, Township 14S Range 16E, Township 14S Range 17E, Township 15S Range 7E, Township 15S Range 8E, Township 15S Range 9E, Township 15S Range 10E, Township 15S Range 11E, Township 15S Range 12E, Township 15S Range 13E, Township 15S Range 14E, Township 15S Range 15E, and Township 15S Range 16E; and

(b) BLM and Forest Service lands in Emery County, excluding any areas that are or may be designated as wilderness, national conservation areas, or wild or scenic rivers, that are situated in the following townships and represented in the Emery County Public Land Management Act DRAFT Map prepared by Emery County and available at emerycounty.com/publiclands/LANDS-USE-15.pdf: Township 13S Range 6E, Township 14S Range 6E, Township 14S Range 7E, Township 15S Range 6E, Township 15S Range 7E, Township 16S Range 6E, Township 16S Range 7E, Township 16S Range 8E, Township 16S Range 9E, Township 16S Range 10E, Township 16S Range 11E, Township 16S Range 12E, Township 16S Range 13E, Township 16S Range 14E, Township 16S Range 15E, Township 17S Range 6E, Township 17S Range 7E, Township 17S Range 8E, Township 17S Range 9E, Township 17S Range 10E, Township 17S Range 11E, Township 17S Range 12E, Township 17S Range 13E, Township 17S Range 14E, Township 17S Range 15E, Township 18S Range 6E, Township 18S Range 7E, Township 18S Range 8E, Township 18S Range 9E, Township 18S Range 10E, Township 18S Range 11E, Township 18S Range 12E, Township 18S Range 13E, Township 18S Range 14E, Township 18S Range 15E, Township 19S Range 6E, Township 19S Range 7E, Township 19S Range 8E, Township 19S Range 9E, Township 19S Range 10E, Township 19S Range 11E, Township 19S Range 12E, Township 19S Range 13E, Township 19S Range 14E, Township 19S Range 15E, Township 20S Range 6E, Township 20S

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Range 7E, Township 20S Range 8E, Township 20S Range 9E, Township 20S Range 10E, Township 20S Range 11E, Township 20S Range 12E, Township 20S Range 13E, Township 20S Range 14E, Township 20S Range 15E, Township 20S Range 16E, Township 21S Range 6E, Township 21S Range 7E, Township 21S Range 8E, Township 21S Range 9E, Township 21S Range 14E, Township 21S Range 15E, Township 21S Range 16E, Township 22S Range 6E, Township 22S Range 7E, Township 22S Range 8E, Township 22S Range 9E, Township 22S Range 14E, Township 22S Range 15E, Township 22S Range 16E, Township 23S Range 6E, Township 23S Range 7E, Township 23S Range 8E, Township 23S Range 9E, Township 23S Range 13E, Township 23S Range 14E, Township 23S Range 15E, Township 23S Range 16E, Township 24S Range 6E, Township 24S Range 7E, Township 24S Range 8E, Township 24S Range 12E, Township 24S Range 13E, Township 24S Range 14E, Township 24S Range 15E, Township 24S Range 16E, Township 24S Range 17E, Township 25S Range 6E, Township 25S Range 7E, Township 25S Range 8E, Township 25S Range 11E, Township 25S Range 12E, Township 25S Range 13E, Township 25S Range 14E, Township 25S Range 15E, Township 25S Range 16E, Township 25S Range 17E, Township 26S Range 6E, Township 26S Range 7E, Township 26S Range 8E, Township 26S Range 9E, Township 26S Range 10E, Township 26S Range 11E, Township 26S Range 12E, Township 26S Range 13E, Township 26S Range 14E, Township 26S Range 15E, Township 26S Range 16E, and Township 26S Range 17E.

(9) "Multiple use" means proper stewardship of the subject lands pursuant to Section 103(c) of FLPMA, 43 U.S.C. Sec. 1702(c).

(10) "National conservation area" means an area designated by Congress and managed by the BLM.

(11) "National wild and scenic river" means a watercourse:

- (a) identified in a BLM or Forest Service planning process; or
- (b) designated as part of the National Wild and Scenic River System.

(12) "National Wild and Scenic River System" means the National Wild and Scenic River System established in 16 U.S.C. Sec. 1271 et seq.

(13) "Office" means the Public Lands Policy Coordinating Office created in Section ~~[63J-4-602]~~ 63L-11-201.

(14) "OHV" means off-highway vehicle as defined in Section 41-22-2.

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(15) "Proposed congressional land use legislation" means a draft or a working document of congressional legislation prepared by a person that includes a federal land use designation.

(16) "RARE II" means the second United States Forest Service Roadless Area Review and Evaluation report of 1984.

(17) "R.S. 2477 right-of-way" means a right-of-way established in accordance with 43 U.S.C. Sec. 932 repealed by FLPMA 1976.

(18) "San Juan County Energy Zone" means BLM and Forest Service lands situated in the following townships in San Juan County, as more fully illustrated in the map prepared by the San Juan County GIS department in December 2014 entitled "San Juan County Energy Zone": Township 26S Range 21E, Township 26S Range 22E, Township 26S Range 23E, Township 26S Range 24E, Township 26S Range 25E, Township 26S Range 26E, Township 27S Range 21E, Township 27S Range 22E, Township 27S Range 23E, Township 27S Range 24E, Township 27S Range 25E, Township 27S Range 26E, Township 28S Range 21E, Township 28S Range 22E, Township 28S Range 23E, Township 28S Range 24E, Township 28S Range 25E, Township 28S Range 26E, Township 29S Range 21E, Township 29S Range 22E, Township 29S Range 23E, Township 29S Range 24E, Township 29S Range 25E, Township 29S Range 26E, Township 30S Range 21E, Township 30S Range 22E, Township 30S Range 23E, Township 30S Range 24E, Township 30S Range 25E, Township 30S Range 26E, Township 31S Range 22E, Township 31S Range 23E, Township 31S Range 24E, Township 31S Range 25E, Township 31S Range 26E, Township 32S Range 20E, Township 32S Range 21E, Township 32S Range 22E, Township 32S Range 23E, Township 32S Range 24E, Township 32S Range 25E, Township 32S Range 26E, Township 33S Range 19E, Township 33S Range 20E, Township 33S Range 21E, Township 33S Range 22E, Township 33S Range 23E, Township 33S Range 24E, Township 33S Range 25E, Township 33S Range 26E, Township 34S Range 19E, Township 34S Range 20E, Township 34S Range 21E, Township 34S Range 22E, Township 34S Range 23E, Township 34S Range 24E, Township 34S Range 25E, Township 34S Range 26E, Township 35S Range 14E, Township 35S Range 15E, Township 35S Range 16E, Township 35S Range 17E, Township 35S Range 18E, Township 35S Range 19E, Township 35S Range 20E, Township 35S Range 21E, Township 35S Range 22E, Township 35S Range 23E, Township 35S Range 24E, Township 35S Range

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25E, Township 35S Range 26E, Township 36S Range 14E, Township 36S Range 15E, Township 36S Range 16E, Township 36S Range 17E, Township 36S Range 18E, Township 36S Range 19E, Township 36S Range 21E, Township 36S Range 22E, Township 36S Range 23E, Township 36S Range 24E, Township 36S Range 25E, Township 36S Range 26E, Township 37S Range 14E, Township 37S Range 15E, Township 37S Range 16E, Township 37S Range 17E, Township 37S Range 21E, Township 37S Range 22E, Township 37S Range 23E, Township 37S Range 24E, Township 37S Range 25E, Township 37S Range 26E, Township 38S Range 12E, Township 38S Range 21E, Township 38S Range 22E, Township 38S Range 23E, Township 38S Range 24E, Township 38S Range 25E, Township 38S Range 26E, Township 39S Range 12E, Township 39S Range 13E, Township 39S Range 15E, Township 39S Range 21E, Township 39S Range 22E, Township 39S Range 23E, Township 39S Range 24E, Township 39S Range 25E, Township 39S Range 26E, Township 40S Range 14E, Township 40S Range 15E, Township 40S Range 16E, Township 40S Range 19E, Township 40S Range 20E, Township 40S Range 21E, Township 40S Range 22E, Township 40S Range 23E, Township 40S Range 24E, Township 40S Range 25E, Township 40S Range 26E, Township 41S Range 16E, Township 41S Range 17E, Township 41S Range 18E, Township 41S Range 19E, Township 41S Range 20E, Township 41S Range 21E, Township 41S Range 22E, Township 41S Range 23E, Township 41S Range 24E, Township 41S Range 25E, Township 41S Range 26E, Township 42S Range 14E, Township 42S Range 15E, Township 42S Range 16E, Township 42S Range 17E, Township 42S Range 18E, Township 42S Range 19E, Township 42S Range 20E, Township 42S Range 21E, Township 42S Range 22E, Township 42S Range 23E, Township 42S Range 24E, Township 42S Range 25E, Township 42S Range 26E, Township 43S Range 14E, Township 43S Range 15E, Township 43S Range 16E, Township 43S Range 17E, Township 43S Range 18E, Township 43S Range 19E, Township 43S Range 20E, Township 43S Range 21E, Township 43S Range 22E, Township 43S Range 23E, Township 43S Range 24E, Township 43S Range 25E, and Township 43S Range 26E.

(19) "Settlement Agreement" means the written agreement between the state and the Department of the Interior in 2003 (revised in 2005) that resolved the case of State of Utah v. Gale Norton, Secretary of Interior (United States District Court, D. Utah, Case No. 2:96cv0870).

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(20) "SITLA" means the School and Institutional Trust Lands Administration as created in Section 53C-1-201.

(21) (a) "Subject lands" means the following non-WSA BLM lands:

(i) in Beaver County:

(A) Mountain Home Range South, Jackson Wash, The Toad, North Wah Wah Mountains, Central Wah Wah Mountains, and San Francisco Mountains according to the region map entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(B) White Rock Range, South Wah Wah Mountains, and Granite Peak according to the region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(ii) in Box Elder County: Little Goose Creek, Grouse Creek Mountains North, Grouse Creek Mountains South, Bald Eagle Mountain, Central Pilot Range, Pilot Peak, Crater Island West, Crater Island East, Newfoundland Mountains, and Grassy Mountains North according to the region map entitled "Great Basin North" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(iii) in Carbon County: Desbrough Canyon and Turtle Canyon according to the region map entitled "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(iv) in Daggett County: Goslin Mountain, Home Mountain, Red Creek Badlands, O-wi-yu-kuts, Lower Flaming Gorge, Crouse Canyon, and Diamond Breaks according to the region map entitled "Dinosaur" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(v) in Duchesne County: Desbrough Canyon according to the region map entitled "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,

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(vi) in Emery County:

(A) San Rafael River and Sweetwater Reef, according to the region map entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(B) Flat Tops according to the region map entitled "Glen Canyon," which is available by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(C) Price River, Lost Spring Wash, Eagle Canyon, Upper Muddy Creek, Molen Reef, Rock Canyon, Mussentuchit Badland, and Muddy Creek, according to the region map entitled "San Rafael Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(vii) in Garfield County:

(A) Pole Canyon, according to the region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(B) Dirty Devil, Fiddler Butte, Little Rockies, Cane Spring Desert, and Cane Spring Desert Adjacents, according to the region map entitled "Glen Canyon," which is available by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(C) Lampstand, Wide Hollow, Steep Creek, Brinkerhof Flats, Little Valley Canyon, Death Hollow, Studhorse Peaks, Box Canyon, Heaps Canyon, North Escalante Canyon, Colt Mesa, East of Bryce, Slopes of Canaan Peak, Horse Spring Canyon, Muley Twist Flank, Pioneer Mesa, Slopes of Bryce, Blue Hills, Mud Springs Canyon, Carcass Canyon, Willis Creek North, Kodachrome Basin, and Kodachrome Headlands, according to the region map entitled "Grand Staircase Escalante" linked at the webpage entitled "Citizen's Proposal for

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Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(D) Notom Bench, Mount Ellen, Bull Mountain, Dogwater Creek, Ragged Mountain, Mount Pennell, Mount Hillers, Bullfrog Creek, and Long Canyon, according to the region map entitled "Henry Mountains" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(viii) in Iron County: Needle Mountains, Steamboat Mountain, Broken Ridge, Paradise Mountains, Crook Canyon, Hamlin, North Peaks, Mount Escalante, and Antelope Ridge, according to the region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(ix) in Juab County: Deep Creek Mountains, Essex Canyon, Kern Mountains, Wild Horse Pass, Disappointment Hills, Granite Mountain, Middle Mountains, Tule Valley, Fish Springs Ridge, Thomas Range, Drum Mountains, Dugway Mountains, Keg Mountains West, Keg Mountains East, Lion Peak, and Rockwell Little Sahara, according to the region map entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(x) in Kane County:

(A) Willis Creek North, Willis Creek, Kodachrome Badlands, Mud Springs Canyon, Carcass Canyon, Scorpion, Bryce Boot, Paria-Hackberry Canyons, Fiftymile Canyon, Hurricane Wash, Upper Kanab Creek, Timber Mountain, Nephi Point, Paradise Canyon, Wahweap Burning Hills, Fiftymile Bench, Forty Mile Gulch, Sooner Bench 1, 2, & 3, Rock Cove, Warm Bench, Andalex Not, Vermillion Cliffs, Ladder Canyon, The Cockscomb, Nipple Bench, Moquith Mountain, Bunting Point, Glass Eye Canyon, and Pine Hollow, according to the region map entitled "Grand Staircase Escalante" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(B) Orderville Canyon, Jolley Gulch, and Parunuweap Canyon, according to the region

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map entitled "Zion/Mohave" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xi) in Millard County: Kern Mountains, Wild Horse Pass, Disappointment Hills, Granite Mountain, Middle Mountains, Tule Valley, Swasey Mountain, Little Drum Mountains North, Little Drum Mountains South, Drum Mountains, Snake Valley, Coyote Knoll, Howell Peak, Tule Valley South, Ledger Canyon, Chalk Knolls, Orr Ridge, Notch View, Bullgrass Knoll, Notch Peak, Barn Hills, Cricket Mountains, Burbank Pass, Middle Burbank Hills, King Top, Barn Hills, Red Tops, Middle Burbank Hills, Juniper, Painted Rock Mountain, Black Hills, Tunnel Springs, Red Canyon, Sand Ridge, Little Sage Valley, Cat Canyon, Headlight Mountain, Black Hills, Mountain Range Home North, Tweedy Wash, North Wah Wah Mountains, Jackson Wash, and San Francisco Mountains, according to the region map entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xii) in Piute County: Kingston Ridge, Rocky Ford, and Phonolite Hill, according to the region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xiii) in San Juan County:

(A) Horseshoe Point, Deadhorse Cliffs, Gooseneck, Demon's Playground, Hatch Canyon, Lockhart Basin, Indian Creek, Hart's Point, Butler Wash, Bridger Jack Mesa, and Shay Mountain, according to the region map entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(B) Dark Canyon, Copper Point, Fortknocker Canyon, White Canyon, The Needle, Red Rock Plateau, Upper Red Canyon, and Tuwa Canyon, according to the region map entitled "Glen Canyon," which is available by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,

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(C) Hunters Canyon, Behind the Rocks, Mill Creek, and Coyote Wash, according to the region map entitled "Moab/La Sal" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(D) Hammond Canyon, Allen Canyon, Mancos Jim Butte, Arch Canyon, Monument Canyon, Tin Cup Mesa, Cross Canyon, Nokai Dome, Grand Gulch, Fish and Owl Creek Canyons, Comb Ridge, Road Canyon, The Tabernacle, Lime Creek, San Juan River, and Valley of the Gods, according to the region map entitled "San Juan" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xiv) in Sevier County: Rock Canyon, Mussentuchit Badland, Limestone Cliffs, and Jones' Bench, according to the region map entitled "San Rafael Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xv) in Tooele County:

(A) Silver Island Mountains, Crater Island East, Grassy Mountains North, Grassy Mountains South, Stansbury Island, Cedar Mountains North, Cedar Mountains Central, Cedar Mountains South, North Stansbury Mountains, Oquirrh Mountains, and Big Hollow, according to the region map entitled "Great Basin North" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011, excluding the areas that Congress designated as wilderness under the National Defense Authorization Act for Fiscal Year 2006; and

(B) Ochre Mountain, Deep Creek Mountains, Dugway Mountains, Indian Peaks, and Lion Peak, according to the region map entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xvi) in Uintah County:

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(A) White River, Lower Bitter Creek, Sunday School Canyon, Dragon Canyon, Wolf Point, Winter Ridge, Seep Canyon, Bitter Creek, Hideout Canyon, Sweetwater Canyon, and Hell's Hole, according to the region map entitled "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(B) Lower Flaming Gorge, Crouse Canyon Stone Bridge Draw, Diamond Mountain, Wild Mountain, Split Mountain Benches, Vivas Cake Hill, Split Mountain Benches South, Beach Draw, Stuntz Draw, Moonshine Draw, Bourdette Draw, and Bull Canyon, according to the region map entitled "Dinosaur" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xvii) in Washington County: Cougar Canyon, Docs Pass, Slaughter Creek, Butcher Knife Canyon, Square Top, Scarecrow Creek, Beaver Dam Wash, Beaver Dam Mountains North, Beaver Dam Mountains South, Joshua Tree, Beaver Dam Wilderness Expansion, Red Mountain, Cottonwood Canyon, Taylor Canyon, LaVerkin Creek, Beartrap Canyon, Deep Creek, Black Ridge, Red Butte, Kolob Creek, Goose Creek, Dry Creek, Zion National Park Adjacents, Crater Hill, The Watchman, and Canaan Mountain, according to the region map entitled "Zion/Mohave" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011, excluding the areas that Congress designated as wilderness and conservation areas under the Omnibus Public Lands Management Act of 2009; and

(xviii) in Wayne County:

(A) Sweetwater Reef, Upper Horseshoe Canyon, and Labyrinth Canyon, according to the region map entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(B) Flat Tops and Dirty Devil, according to the region map entitled "Glen Canyon," which is available by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

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(C) Fremont Gorge, Pleasant Creek Bench, Notom Bench, Mount Ellen, and Bull Mountain, according to the region map entitled "Henry Mountains" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(D) Capital Reef Adjacents, Muddy Creek, Wild Horse Mesa, North Blue Flats, Red Desert, and Factory Butte, according to the region map entitled "San Rafael Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011.

(b) "Subject lands" also includes all BLM and Forest Service lands in the state that are not Wilderness Area or Wilderness Study Areas;

(c) "Subject lands" does not include the following lands that are the subject of consideration for a possible federal lands bill and should be managed according to the 2008 Price BLM Field Office Resource Management Plan until a federal lands bill provides otherwise:

(i) Turtle Canyon and Desolation Canyon according to the region map entitled "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(ii) Labyrinth Canyon, Duma Point, and Horseshoe Point, according to the region map entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(iii) Devil's Canyon, Sid's Mountain, Mexican Mountain, San Rafael Reef, Hondu Country, Cedar Mountain, and Wild Horse, according to the region map entitled "San Rafael Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011.

(22) "Uintah Basin Energy Zone" means BLM and Forest Service lands situated in the following townships in Daggett, Duchesne, and Uintah counties, as more fully illustrated in the map prepared by the Uintah County GIS Department in February 2012 entitled "Uintah Basin Utah Energy Zone":

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(a) in Daggett County, Township 3N Range 17 E, Township 3N Range 18E, Township 3N Range 19E, Township 3N Range 20E, Township 3N Range 22E, Township 3N Range 23E, Township 3N Range 24E, Township 3N Range 25E, Township 2N Range 17E, Township 2N Range 18E, Township 2N Range 19E, Township 2N Range 20E, Township 2N Range 21E, and Township 2S Range 25E;

(b) in Duchesne County, Township 3N Range 4W, Township 3N Range 3W, Township 3N Range 2W, Township 3N Range 1W, Township 2N Range 6W, Township 2N Range 5W, Township 2N Range 4W, Township 2N Range 3W, Township 2N Range 1W, Township 1N Range 9W, Township 1N Range 8W, Township 1N Range 7W, Township 1N Range 6W, Township 1S Range 9W, Township 1S Range 8W, Township 4S Range 9W, Township 4S Range 3W, Township 4S Range 2W, Township 4S Range 1W, Township 8S Range 15E, Township 8S Range 16E, Township 8S Range 17E, Township 5S Range 9W, Township 5S Range 3W, Township 9S Range 15E, Township 9S Range 16E, Township 9S Range 17E, Township 6S Range 9W, Township 6S Range 8W, Township 6S Range 7W, Township 6S Range 6W, Township 6S Range 5W, Township 6S Range 3W, Township 10S Range 15E, Township 10S Range 16E, Township 10S Range 17E, Township 7S Range 9W, Township 7S Range 8W, Township 7S Range 7W, Township 7S Range 6W, Township 7S Range 5W, Township 7S Range 4W, Township 10S Range 11E, Township 10S Range 12E, Township 10S Range 13E, Township 10S Range 14E, Township 10S Range 15E, Township 10S Range 16E, Township 10S Range 17E, Township 11S Range 10E, Township 11S Range 11E, Township 11S Range 12E, Township 11S Range 13E, Township 11S Range 14E, Township 11S Range 15E, Township 11S Range 16E, and Township 11S Range 17E; and

(c) in Uintah County: Township 2S Range 18E, Township 2S Range 19E, Township 2S Range 20E, Township 2S Range 21E, Township 2S Range 22E, Township 2S Range 23E, Township 2S Range 24E, Township 2N Range 1W, Township 2N Range 1E, Township 2N Range 2E, Township 3S Range 18E, Township 3S Range 19E, Township 3S Range 20E, Township 3S Range 21E, Township 3S Range 22E, Township 3S Range 23E, Township 3S Range 24E, Township 4S Range 19E, Township 4S Range 20E, Township 4S Range 21E, Township 4S Range 22E, Township 4S Range 23E, Township 4S Range 24E, Township 4S Range 25E, Township 5S Range 19E, Township 5S Range 20E, Township 5S Range 21E, Township 5S Range 22E, Township 5S Range 23E, Township 5S Range 24E, Township 5S

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Range 25E, Township 6S Range 19E, Township 6S Range 20E, Township 6S Range 21E, Township 6S Range 22E, Township 6S Range 23E, Township 6S Range 24E, Township 6S Range 25E, Township 7S Range 19E, Township 7S Range 20E, Township 7S Range 21E, Township 7S Range 22E, Township 7S Range 23E, Township 7S Range 24E, Township 7S Range 25E, Township 8S Range 17E, Township 8S Range 18E, Township 8S Range 19E, Township 8S Range 20E, Township 8S Range 21E, Township 8S Range 22E, Township 8S Range 23E, Township 8S Range 24E, Township 8S Range 25E, Township 9S Range 17E, Township 9S Range 18E, Township 9S Range 19E, Township 9S Range 20E, Township 9S Range 21E, Township 9S Range 22E, Township 9S Range 23E, Township 9S Range 24E, Township 9S Range 25E, Township 10S Range 17E, Township 10S Range 18E, Township 10S Range 19E, Township 10S Range 20E, Township 10S Range 21E, Township 10S Range 22E, Township 10S Range 23E, Township 10S Range 24E, Township 10S Range 25E, Township 11S Range 17E, Township 11S Range 18E, Township 11S Range 19E, Township 11S Range 20E, Township 11S Range 21E, Township 11S Range 22E, Township 11S Range 23E, Township 11S Range 24E, Township 11S Range 25E, Township 12S Range 20E, Township 12S Range 21E, Township 12S Range 22E, Township 12S Range 23E, Township 12S Range 24E, Township 12S Range 25E, Township 13S Range 20E, Township 13S Range 21E, Township 13S Range 22E, Township 13S Range 23E, Township 13S Range 24E, Township 13S Range 25E, Township 13S Range 26 E, Township 14S Range 21E, Township 14S Range 22E, Township 14S Range 23E, Township 14S Range 24E, Township 14S Range 25E, and Township 14S Range 26E.

(23) "Wilderness" means the same as that term is defined in 16 U.S.C. Sec. 1131.

(24) "Wilderness area" means those BLM and Forest Service lands added to the National Wilderness Preservation System by an act of Congress.

(25) "Wilderness Preservation System" means the Wilderness Preservation System established in 16 U.S.C. Sec. 1131 et seq.

(26) "WSA" and "Wilderness Study Area" mean the BLM lands in Utah that were identified as having the necessary wilderness character and were classified as wilderness study areas during the BLM wilderness review conducted between 1976 and 1993 by authority of 43 U.S.C. Sec. 1782 and labeled as Wilderness Study Areas within the final report of the President of the United States to the United States Congress in 1993.

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Section 75. Section **63J-8-104** is amended to read:

63J-8-104. State land use planning and management program.

(1) The BLM and Forest Service land use plans should produce planning documents consistent with state and local land use plans to the maximum extent consistent with federal law and FLPMA's purposes, by incorporating the state's land use planning and management program for the subject lands that is as follows:

(a) preserve traditional multiple use and sustained yield management on the subject lands to:

(i) achieve and maintain in perpetuity a high-level annual or regular periodic output of agricultural, mineral, and various other resources from the subject lands;

(ii) support valid existing transportation, mineral, and grazing privileges in the subject lands at the highest reasonably sustainable levels;

(iii) produce and maintain the desired vegetation for watersheds, timber, food, fiber, livestock forage, wildlife forage, and minerals that are necessary to meet present needs and future economic growth and community expansion in each county where the subject lands are situated without permanent impairment of the productivity of the land;

(iv) meet the recreational needs and the personal and business-related transportation needs of the citizens of each county where the subject lands are situated by providing access throughout each such county;

(v) meet the needs of wildlife, provided that the respective forage needs of wildlife and livestock are balanced according to the provisions of Subsection [~~63J-4-401(6)(m)~~]
63L-11-302(13);

(vi) protect against adverse effects to historic properties, as defined by 36 C.F.R. Sec. 800;

(vii) meet the needs of community economic growth and development;

(viii) provide for the protection of existing water rights and the reasonable development of additional water rights; and

(ix) provide for reasonable and responsible development of electrical transmission and energy pipeline infrastructure on the subject lands;

(b) (i) do not designate, establish, manage, or treat any of the subject lands as an area with management prescriptions that parallel, duplicate, or resemble the management

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prescriptions established for wilderness areas or wilderness study areas, including the nonimpairment standard applicable to WSAs or anything that parallels, duplicates, or resembles that nonimpairment standard; and

(ii) recognize, follow, and apply the agreement between the state and the Department of the Interior in the settlement agreement;

(c) call upon the BLM to revoke and revise BLM Manuals H 6301, H 6302, and H 6303, issued on or about February 25, 2011, in light of the settlement agreement and the following principles of this state plan:

(i) BLM lacks congressional authority to manage subject lands, other than WSAs, as if they are or may become wilderness;

(ii) BLM lacks authority to designate geographic areas as lands with wilderness characteristics or designate management prescriptions for such areas other than to use specific geographic-based tools and prescriptions expressly identified in FLPMA;

(iii) BLM lacks authority to manage the subject lands in any manner other than to prevent unnecessary or undue degradation, unless the BLM uses geographic tools expressly identified in FLPMA and does so pursuant to a duly adopted provision of a resource management plan adopted under FLPMA, 43 U.S.C. Sec. 1712;

(iv) BLM inventories for the presence of wilderness characteristics must be closely coordinated with inventories for those characteristics conducted by state and local governments, and should reflect a consensus among those governmental agencies about the existence of wilderness characteristics, as follows:

(A) any inventory of wilderness characteristics should reflect all of the criteria identified in the Wilderness Act of 1964, including:

(I) a size of 5,000 acres or more, containing no visible roads; and

(II) the presence of naturalness, the opportunity for primitive and unconfined recreation, and the opportunity for solitude;

(B) geographic areas found to contain the presence of naturalness must appear pristine to the average viewer, and not contain any of the implements, artifacts, or effects of human presence, including:

(I) visible roads, whether maintained or not; and

(II) human-made features such as vehicle bridges, fire breaks, fisheries, enhancement

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facilities, fire rings, historic mining and other properties, including tailings piles, commercial radio and communication repeater sites, fencing, spring developments, linear disturbances, stock ponds, visible drill pads, pipeline and transmission line rights-of-way, and other similar features;

(C) factors, such as the following, though not necessarily conclusive, should weigh against a determination that a land area has the presence of naturalness:

(I) the area is or once was the subject of mining and drilling activities;

(II) mineral and hard rock mining leases exist in the area; and

(III) the area is in a grazing district with active grazing allotments and visible range improvements;

(D) geographic areas found to contain the presence of solitude should convey the sense of solitude within the entire geographic area identified, otherwise boundary adjustments should be performed in accordance with Subsection (1)(c)(iv)(F);

(E) geographic areas found to contain the presence of an opportunity for primitive and unconfined recreation must find these features within the entire area and provide analysis about the effect of the number of visitors to the geographic area upon the presence of primitive or unconfined recreation, otherwise boundary adjustments should be performed in accordance with Subsection (1)(c)(iv)(F);

(F) in addition to the actions required by the review for roads pursuant to the definitions of roads contained in BLM Manual H 6301, or any similar authority, the BLM should, pursuant to its authority to inventory, identify and list all roads or routes identified as part of a local or state governmental transportation system, and consider those routes or roads as qualifying as roads within the definition of the Wilderness Act of 1964; and

(G) BLM should adjust the boundaries for a geographic area to exclude areas that do not meet the criteria of lacking roads, lacking solitude, and lacking primitive and unconfined recreation and the boundaries should be redrawn to reflect an area that clearly meets the criteria above, and which does not employ minor adjustments to simply exclude small areas with human intrusions, specifically:

(I) the boundaries of a proposed geographic area containing lands with wilderness characteristics should not be drawn around roads, rights-of-way, and intrusions; and

(II) lands located between individual human impacts that do not meet the requirements

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for lands with wilderness characteristics should be excluded;

(v) BLM should consider the responses of the Department of the Interior under cover of the letter dated May 20, 2009, clearly stating that BLM does not have the authority to apply the nonimpairment management standard to the subject lands, or to manage the subject lands in any manner to preserve their suitability for designation as wilderness, when considering the proper management principles for areas that meet the full definition of lands with wilderness characteristics; and

(vi) even if the BLM were to properly inventory an area for the presence of wilderness characteristics, the BLM still lacks authority to make or alter project level decisions to automatically avoid impairment of any wilderness characteristics without express congressional authority to do so;

(d) achieve and maintain at the highest reasonably sustainable levels a continuing yield of energy, hard rock, and nuclear resources in those subject lands with economically recoverable amounts of such resources as follows:

(i) the development of the solid, fluid, and gaseous mineral resources in portions of the subject lands is an important part of the state's economy and the economies of the respective counties, and should be recognized that it is technically feasible to access mineral and energy resources in portions of the subject lands while preserving or, as necessary, restoring nonmineral and nonenergy resources;

(ii) all available, recoverable solid, fluid, gaseous, and nuclear mineral resources in the subject lands should be seriously considered for contribution or potential contribution to the state's economy and the economies of the respective counties;

(iii) those portions of the subject lands shown to have reasonable mineral, energy, and nuclear potential should be open to leasing, drilling, and other access with reasonable stipulations and conditions, including mitigation, reclamation, and bonding measures where necessary, that will protect the lands against unnecessary and undue damage to other significant resource values;

(iv) federal oil and gas existing lease conditions and restrictions should not be modified, waived, or removed unless the lease conditions or restrictions are no longer necessary or effective;

(v) any prior existing lease restrictions in the subject lands that are no longer necessary

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or effective should be modified, waived, or removed;

(vi) restrictions against surface occupancy should be eliminated, modified, or waived, where reasonable;

(vii) in the case of surface occupancy restrictions that cannot be reasonably eliminated, modified, or waived, directional drilling should be considered where the mineral and energy resources beneath the area can be reached employing available directional drilling technology;

(viii) applications for permission to drill in the subject lands that meet standard qualifications, including reasonable and effective mitigation and reclamation requirements, should be expeditiously processed and granted; and

(ix) any moratorium that may exist against the issuance of qualified mining patents and oil and gas leases in the subject lands, and any barriers that may exist against developing unpatented mining claims and filing for new claims, should be carefully evaluated for removal;

(e) achieve and maintain livestock grazing in the subject lands at the highest reasonably sustainable levels by adhering to the policies, goals, and management practices set forth in Subsection [~~63J-4-401(6)(m)~~] 63L-11-302(13);

(f) manage the watershed in the subject lands to achieve and maintain water resources at the highest reasonably sustainable levels as follows:

(i) adhere to the policies, goals, and management practices set forth in Subsection [~~63J-4-401(6)(m)~~] 63L-11-302(13);

(ii) deter unauthorized cross-country OHV use in the subject lands by establishing a reasonable system of roads and trails in the subject lands for the use of an OHV, as closing the subject lands to all OHV use will only spur increased and unauthorized use; and

(iii) keep open any road or trail in the subject lands that historically has been open to OHV use, as identified on respective county road maps;

(g) achieve and maintain traditional access to outdoor recreational opportunities available in the subject lands as follows:

(i) hunting, trapping, fishing, hiking, family and group parties, family and group campouts and campfires, rock hounding, OHV travel, geological exploring, pioneering, recreational vehicle parking, or just touring in personal vehicles are activities that are important to the traditions, customs, and character of the state and individual counties where the subject lands are located and should continue;

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(ii) wildlife hunting, trapping, and fishing should continue at levels determined by the Wildlife Board and the Division of Wildlife Resources and traditional levels of group camping, group day use, and other traditional forms of outdoor recreation, both motorized and nonmotorized, should continue; and

(iii) the broad spectrum of outdoor recreational activities available on the subject lands should be available to citizens for whom a primitive, nonmotorized, outdoor experience is not preferred, affordable, or physically achievable;

(h) (i) keep open to motorized travel, any road in the subject lands that is part of the respective counties' duly adopted transportation plan;

(ii) provide that R.S. 2477 rights-of-way should be recognized by the BLM;

(iii) provide that a county road may be temporarily closed or permanently abandoned only by statutorily authorized action of the county or state;

(iv) provide that the BLM and the Forest Service must recognize and not unduly interfere with a county's ability to maintain and repair roads and, where reasonably necessary, make improvements to the roads; and

(v) recognize that additional roads and trails may be needed in the subject lands from time to time to facilitate reasonable access to a broad range of resources and opportunities throughout the subject lands, including livestock operations and improvements, solid, fluid, and gaseous mineral operations, recreational opportunities and operations, search and rescue needs, other public safety needs, access to public lands for people with disabilities and the elderly, and access to Utah school and institutional trust lands for the accomplishment of the purposes of those lands;

(i) manage the subject lands so as to protect prehistoric rock art, three dimensional structures, and other artifacts and sites recognized as culturally important and significant by the state historic preservation officer or each respective county by imposing reasonable and effective stipulations and conditions reached by agreement between the federal agency and the state authorized officer pursuant to the authority granted by the National Historic Preservation Act, 16 U.S.C. Sec. 470 et seq.;

(j) manage the subject lands so as to not interfere with the property rights of private landowners as follows:

(i) the state recognizes that there are parcels of private fee land throughout the subject

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lands;

(ii) land management policies and standards in the subject lands should not interfere with the property rights of any private landowner to enjoy and engage in uses and activities on an individual's private property consistent with controlling county zoning and land use laws; and

(iii) a private landowner or a guest or client of a private landowner should not be denied the right of motorized access to the private landowner's property consistent with past uses of the private property;

(k) manage the subject lands in a manner that supports the fiduciary agreement made between the state and the federal government concerning the school and institutional trust lands, as managed according to state law, by:

(i) formally recognizing, by duly authorized federal proclamation, the duty of the federal government to support the purposes of the school and institutional trust lands owned by the state and administered by SITLA in trust for the benefit of public schools and other institutions as mandated in the Utah Constitution and the Utah Enabling Act of 1894, 28 Stat. 107;

(ii) actively seeking to support SITLA's fiduciary responsibility to manage the school trust lands to optimize revenue by making the school trust lands available for sale and private development and for other multiple and consumptive use activities such as mineral development, grazing, recreation, timber, and agriculture;

(iii) not interfering with SITLA's ability to carry out its fiduciary responsibilities by the creation of geographical areas burdened with management restrictions that prohibit or discourage the optimization of revenue, without just compensation;

(iv) recognizing SITLA's right of economic access to the school trust lands to enable SITLA to put those sections to use in its fiduciary responsibilities;

(v) recognizing any management plan enacted by SITLA pursuant to Section 53C-2-201; and

(vi) acting responsibly as the owner of land parcels with potential for exchange for state land parcels by:

(A) moving forward with the process for identifying federal land parcels suitable and desirable for exchange for state land parcels;

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(B) removing barriers to the exchange of federal land parcels for state land parcels;

(C) expediting the procedures and processes necessary to execute the exchange of federal land parcels for state land parcels; and

(D) lobbying and supporting in good faith any congressional legislation to enact and finalize the exchange of federal land parcels for state land parcels;

(l) oppose the designation of BLM lands as areas of critical environmental concern (ACEC), as the BLM lands are generally not compatible with the state's plan and policy for managing the subject lands, but special cases may exist where such a designation is appropriate if compliance with FLPMA, 43 U.S.C. Sec. 1702(a) is clearly demonstrated and where the proposed designation and protection:

(i) is limited to the geographic size to the minimum necessary to meet the standards required by [~~Section 63J-4-401~~] Sections 63L-11-302 and 63L-11-303;

(ii) is necessary to protect not just a temporary change in ground conditions or visual resources that can be reclaimed or reversed naturally, but is clearly shown as necessary to protect against visible damage on the ground that will persist on a time scale beyond that which would effectively disqualify the land for a later inventory of wilderness characteristics;

(iii) will not be applied in a geographic area already protected by other protective designations available pursuant to law; and

(iv) is not a substitute for the nonimpairment management requirements of wilderness study areas; and

(m) recognize that a BLM visual resource management class I or II rating is generally not compatible with the state's plan and policy for managing the subject lands, but special cases may exist where such a rating is appropriate if jointly considered and created by state, local, and federal authorities as part of an economic development plan for a region of the state, with due regard for school trust lands and private lands within the area.

(2) All BLM and Forest Service decision documents should be accompanied with an analysis of the social and economic impact of the decision. Such analysis should:

(a) consider all facets of the decision in light of valuation techniques for the potential costs and benefits of the decision;

(b) clarify whether the costs and benefits employ monetized or nonmonetized techniques;

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(c) compare the accuracy, completeness, and viability of monetized and nonmonetized valuation techniques used as part of the analysis, including all caveats on use of the techniques; and

(d) compare the valuation techniques employed in the analysis to the federal standards for valuation employed by the U.S. Department of Justice in court actions.

Section 76. Section **63J-8-105.2** is amended to read:

63J-8-105.2. San Juan County Energy Zone established -- Finding --

Management and land use priorities.

(1) There is established the San Juan County Energy Zone in San Juan County for the purpose of maximizing efficient and responsible development of energy and mineral resources.

(2) The land area and boundaries of the San Juan County Energy Zone are described in Subsection 63J-8-102(18) and illustrated on the map described in Section 63J-8-105.

(3) The state finds that:

(a) the lands comprising the San Juan County Energy Zone contain abundant world-class deposits of energy and mineral resources, including oil, natural gas, potash, uranium, vanadium, limestone, copper, sand, gravel, wind, and solar; and

(b) the highest management priority is the responsible management, development, and extraction of existing energy and mineral resources in order to provide long-term domestic energy and supplies for the state and the United States.

(4) The state supports:

(a) efficient and responsible full development of all existing energy and mineral resources located within the San Juan County Energy Zone, including oil, natural gas, potash, uranium, vanadium, limestone, copper, sand, gravel, wind, and solar; and

(b) a cooperative management approach by federal agencies, the state, and local governments to achieve broadly supported management plans for the full development of all energy and mineral resources within the San Juan County Energy Zone.

(5) The state requests that the federal agencies that administer lands within the San Juan County Energy Zone:

(a) fully cooperate and coordinate with the state and with San Juan County to develop, amend, and implement land and resource management plans and to implement management decisions that are consistent with the purposes, goals, and policies described in this section to

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the maximum extent allowed under federal law;

(b) expedite the processing, granting, and streamlining of mineral and energy leases and applications to drill, extract, and otherwise develop all existing energy and mineral resources located within the San Juan County Energy Zone, including oil, natural gas, potash, uranium, vanadium, copper, sand, gravel, wind, and solar resources;

(c) allow continued maintenance and increased development of roads, power lines, pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies described in this section;

(d) refrain from any planning decisions and management actions that will undermine, restrict, or diminish the goals, purposes, and policies for the San Juan County Energy Zone as stated in this section; and

(e) refrain from implementing a policy that is contrary to the goals and purposes within this section.

(6) The state calls upon Congress to establish an intergovernmental standing commission, with membership consisting of representatives from the United States government, the state, and local governments, to guide and control planning and management actions in the San Juan County Energy Zone in order to achieve and maintain the goals, purposes, and policies described in this section.

(7) Notwithstanding the provisions of this section, the state's grazing and livestock policies and plans on land within the San Juan County Energy Zone shall continue to be governed by Sections [~~63J-4-401~~] 63L-11-302, 63L-11-303, and 63J-8-104.

Section 77. Section **63J-8-105.5** is amended to read:

63J-8-105.5. Uintah Basin Energy Zone established -- Findings -- Management and land use priorities.

(1) There is established the Uintah Basin Energy Zone in Daggett, Uintah, and Duchesne Counties for the purpose of maximizing efficient and responsible development of energy and mineral resources.

(2) The land area and boundaries of the Uintah Basin Energy Zone are described in Subsection 63J-8-102(22) and illustrated on the map described in Section 63J-8-105.

(3) The state finds that:

(a) the lands comprising the Uintah Basin Energy Zone contain abundant, world-class

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deposits of energy and mineral resources, including oil, natural gas, oil shale, oil sands, gilsonite, coal, phosphate, gold, uranium, and copper, as well as areas with high wind and solar energy potential; and

(b) the highest management priority for all lands within the Uintah Basin Energy Zone is responsible management and development of existing energy and mineral resources in order to provide long-term domestic energy and supplies for Utah and the United States.

(4) The state supports:

(a) efficient and responsible full development of all existing energy and mineral resources located within the Uintah Basin Energy Zone, including oil, oil shale, natural gas, oil sands, gilsonite, phosphate, gold, uranium, copper, solar, and wind resources; and

(b) a cooperative management approach among federal agencies, state, and local governments to achieve broadly supported management plans for the full development of all energy and mineral resources within the Uintah Basin Energy Zone.

(5) The state calls upon the federal agencies who administer lands within the Uintah Basin Energy Zone to:

(a) fully cooperate and coordinate with the state and with Daggett, Uintah, and Duchesne Counties to develop, amend, and implement land and resource management plans and to implement management decisions that are consistent with the purposes, goals, and policies described in this section to the maximum extent allowed under federal law;

(b) expedite the processing, granting, and streamlining of mineral and energy leases and applications to drill, extract, and otherwise develop all existing energy and mineral resources located within the Uintah Basin Energy Zone, including oil, natural gas, oil shale, oil sands, gilsonite, phosphate, gold, uranium, copper, solar, and wind resources;

(c) allow continued maintenance and increased development of roads, power lines, pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies described in this section;

(d) refrain from any planning decisions and management actions that will undermine, restrict, or diminish the goals, purposes, and policies for the Uintah Basin Energy Zone as stated in this section; and

(e) refrain from implementing a policy that is contrary to the goals and purposes described within this section.

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(6) The state calls upon Congress to establish an intergovernmental standing commission among federal, state, and local governments to guide and control planning decisions and management actions in the Uintah Basin Energy Zone in order to achieve and maintain the goals, purposes, and policies described in this section.

(7) Notwithstanding the provisions of this section, the state's grazing and livestock policies and plans on land within the Uintah Basin Energy Zone shall continue to be governed by Sections [~~63J-4-401~~] 63L-11-302, 63L-11-303, and 63J-8-104.

Section 78. Section **63J-8-105.7** is amended to read:

63J-8-105.7. Green River Energy Zone established -- Findings -- Management and land use priorities.

(1) There is established the Green River Energy Zone in Carbon and Emery Counties for the purpose of maximizing efficient and responsible development of energy and mineral resources.

(2) The land area and boundaries of the Green River Energy Zone are described in Subsection 63J-8-102(8) and illustrated on the maps described in Section 63J-8-105.

(3) The state finds that:

(a) the lands comprising the Green River Energy Zone contain abundant world-class deposits of energy and mineral resources, including oil, natural gas, oil shale, oil sands, gilsonite, coal, phosphate, gold, uranium, and copper, as well as areas with high wind and solar energy potential;

(b) for lands within the Carbon County portion of the Green River Energy Zone, the highest management priority is the responsible management, development, and extraction of existing energy and mineral resources in order to provide long-term domestic energy and supplies for Utah and the United States; and

(c) for lands within the Emery County portion of the Green River Energy Zone:

(i) the responsible management and development of existing energy and mineral resources in order to provide long-term domestic energy and supplies for Utah and the United States is a high management priority; and

(ii) the management priority described in Subsection (3)(c)(i) should be balanced with the following high management priorities:

(A) watershed health;

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- (B) water storage and water delivery systems;
- (C) Emery County Heritage Sites;
- (D) facilities and resources associated with the domestic livestock industry;
- (E) wildlife and wildlife habitat; and
- (F) recreation opportunities.

(4) The state supports:

(a) efficient and responsible full development of all existing energy and mineral resources located within the Green River Energy Zone, including oil, oil shale, natural gas, oil sands, gilsonite, coal, phosphate, gold, uranium, copper, solar, and wind resources; and

(b) a cooperative management approach by federal agencies, the state of Utah, and local governments to achieve broadly supported management plans for the full development of all energy and mineral resources within the Green River Energy Zone.

(5) The state requests that the federal agencies that administer lands within the Green River Energy Zone:

(a) fully cooperate and coordinate with the state of Utah and with Carbon and Emery Counties to develop, amend, and implement land and resource management plans and to implement management decisions that are consistent with the purposes, goals, and policies described in this section to the maximum extent allowed under federal law;

(b) expedite the processing, granting, and streamlining of mineral and energy leases and applications to drill, extract, and otherwise develop all existing energy and mineral resources located within the Green River Energy Zone, including oil, natural gas, oil shale, oil sands, gilsonite, coal, phosphate, gold, uranium, copper, solar, and wind resources;

(c) allow continued maintenance and increased development of roads, power lines, pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies described in this section;

(d) refrain from any planning decisions and management actions that will undermine, restrict, or diminish the goals, purposes, and policies for the Green River Energy Zone as stated in this section; and

(e) refrain from implementing a policy that is contrary to the goals and purposes within this section.

(6) The state calls upon Congress to establish an intergovernmental standing

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commission, with membership consisting of representatives from the United States government, the state of Utah, and local governments to guide and control planning and management actions in the Green River Energy Zone in order to achieve and maintain the goals, purposes, and policies described in this section.

(7) Notwithstanding the provisions of this section, the state's grazing and livestock policies and plans on land within the Green River Energy Zone shall continue to be governed by Sections [~~63J-4-401~~] 63L-11-302, 63L-11-303, and 63J-8-104.

Section 79. Section **63J-8-105.8** is amended to read:

63J-8-105.8. Utah Grazing Agricultural Commodity Zones established -- Findings -- Management and land use priorities.

(1) There are established Utah Grazing Agricultural Commodity Zones in the counties of Beaver, Emery, Garfield, Kane, Piute, Iron, Sanpete, San Juan, Sevier, Washington, and Wayne for the purpose of:

- (a) preserving and protecting the agricultural livestock industry from ongoing threats;
- (b) preserving and protecting the history, culture, custom, and economic value of the agricultural livestock industry from ongoing threats; and
- (c) maximizing efficient and responsible restoration, reclamation, preservation, enhancement, and development of forage and watering resources for grazing and wildlife practices and affected natural, historical, and cultural activities.

(2) The titles, land area, and boundaries of the zones are as follows:

(a) "Escalante Region Grazing Zone," consisting of certain BLM, National Park Service, and Forest Service lands in the following townships in Garfield and Kane counties, as more fully illustrated in the map jointly prepared by the Garfield County and Kane County Geographic Information Systems departments entitled "Escalante Region Grazing Zone":

(i) in Garfield County, Township 32S Range 6E, Township 32S Range 7E, Township 33S Range 4E, Township 33S Range 5E, Township 33S Range 6E, Township 33S Range 7E, Township 33S Range 8E, Township 34S Range 2E, Township 34S Range 3E, Township 34S Range 4E, Township 34S Range 5E, Township 34S Range 6E, Township 34S Range 7E, Township 34S Range 8E, Township 35S Range 1E, Township 35S Range 2E, Township 35S Range 3E, Township 35S Range 4E, Township 35S Range 5E, Township 35S Range 6E, Township 35S Range 7E, Township 35S Range 8E, Township 36S Range 1W, Township 36S

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Range 2W, Township 36S Range 3W, Township 36S Range 1E, Township 36S Range 2E, Township 36S Range 3E, Township 36S Range 4E, Township 36S Range 5E, Township 36S Range 6E, Township 36S Range 7E, Township 36S Range 8E, Township 36S Range 9E, Township 37S Range 1W, Township 37S Range 2W, Township 37S Range 3W, Township 37S Range 4W, Township 37S Range 1E, Township 37S Range 2E, Township 37S Range 3E, Township 37S Range 4E, Township 37S Range 5E, Township 37S Range 6E, Township 37S Range 7E, Township 37S Range 8E, and Township 37S Range 9E; and

(ii) in Kane County, Township 38S Range 1W, Township 38S Range 2W, Township 38S Range 3W, Township 38S Range 4W, Township 38S Range 1E, Township 38S Range 2E, Township 38S Range 3E, Township 38S Range 4E, Township 38S Range 5E, Township 38S Range 6E, Township 38S Range 7E, Township 38S Range 8E, Township 38S Range 9E, Township 39S Range 1W, Township 39S Range 2W, Township 39S Range 3W, Township 39S Range 4W, Township 39S Range 4.5W, Township 39S Range 1E, Township 39S Range 2E, Township 39S Range 3E, Township 39S Range 4E, Township 39S Range 5E, Township 39S Range 6E, Township 39S Range 7E, Township 39S Range 8E, Township 39S Range 9E, Township 40S Range 1W, Township 40S Range 2W, Township 40S Range 3W, Township 40S Range 4W, Township 40S Range 4.5W, Township 40S Range 5W, Township 40S Range 1E, Township 40S Range 2E, Township 40S Range 3E, Township 40S Range 4E, Township 40S Range 5E, Township 40S Range 6E, Township 40S Range 7E, Township 40S Range 8E, Township 40S Range 9E, Township 40.5S Range 9E, Township 41S Range 1W, Township 41S Range 2W, Township 41S Range 3W, Township 41S Range 4W, Township 41S Range 4.5W, Township 41S Range 5W, Township 41S Range 1E, Township 41S Range 2E, Township 41S Range 3E, Township 41S Range 4E, Township 41S Range 5E, Township 41S Range 6E, Township 41S Range 7E, Township 41S Range 8E, Township 41S Range 9E, Township 42S Range 1W, Township 42S Range 2W, Township 42S Range 3W, Township 42S Range 4W, Township 42S Range 4.5W, Township 42S Range 5W, Township 42S Range 1E, Township 42S Range 2E, Township 42S Range 3E, Township 42S Range 4E, Township 42S Range 5E, Township 42S Range 6E, Township 42S Range 7E, Township 42S Range 8E, Township 42S Range 9E, Township 42.5S Range 6.5E, Township 42.5S Range 7E, Township 43S Range 1W, Township 43S Range 2W, Township 43S Range 3W, Township 43S Range 4W, Township 43S Range 4.5W, Township 43S Range 5W, Township 43S Range 1E,

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Township 43S Range 2E, Township 43S Range 3E, Township 43S Range 4E, Township 43S Range 5E, Township 43S Range 6E, Township 44S Range 1W, Township 44S Range 2W, Township 44S Range 3W, Township 44S Range 4W, Township 44S Range 4.5W, Township 44S Range 5W, Township 44S Range 1E, Township 44S Range 2E, Township 44S Range 3E, Township 44S Range 4E, and Township 44S Range 5E;

(b) "Beaver County Southwest Desert Region Grazing Zone," consisting of certain BLM lands in the following townships in Beaver County, as more fully illustrated in the map prepared by the Beaver County Geographic Information Systems Departments entitled "Beaver County Southeast Desert Grazing Zone": Township 26S Range 11W, Township 27S Range 11W, Township 28S Range 11W, Township 29S Range 11W, Township 30S Range 11W, Township 26S Range 12W, Township 27S Range 12W, Township 28S Range 12W, Township 29S Range 12W, Township 30S Range 12W, Township 26S Range 13W, Township 27S Range 13W, Township 28S Range 13W, Township 29S Range 13W, Township 30S Range 13W, Township 26S Range 14W, Township 27S Range 14W, Township 28S Range 14W, Township 29S Range 14W, Township 30S Range 14W, Township 26S Range 15W, Township 27S Range 15W, Township 28S Range 15W, Township 29S Range 15W, Township 30S Range 15W, Township 26S Range 16W, Township 27S Range 16W, Township 28S Range 16W, Township 29S Range 16W, Township 30S Range 16W, Township 26S Range 17W, Township 27S Range 17W, Township 28S Range 17W, Township 29S Range 17W, Township 30S Range 17W, Township 26S Range 18W, Township 27S Range 18W, Township 28S Range 18W, Township 29S Range 18W, Township 30S Range 18W, Township 26S Range 19W, Township 27S Range 19W, Township 28S Range 19W, Township 29S Range 19W, Township 30S Range 19W, Township 26S Range 20W, Township 27S Range 20W, Township 28S Range 20W, Township 29S Range 20W, and Township 30S Range 20W;

(c) "Beaver County Central Grazing Zone," consisting of certain BLM and Forest Service lands in the following townships in Beaver County, as more fully illustrated in the map prepared by the Beaver County Geographic Information Systems Department entitled "Beaver County Central Grazing Zone": Township 26S Range 7W, Township 26S Range 8W, Township 26S Range 9W, Township 26S Range 10W, Township 27S Range 7W, Township 27S Range 8W, Township 27S Range 9W, Township 27S Range 10W, Township 28S Range 7W, Township 28S Range 8W, Township 28S Range 9W, Township 28S Range 10W,

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Township 29S Range 7W, Township 29S Range 8W, Township 29S Range 9W, Township 29S Range 10W, Township 30S Range 7W, Township 30S Range 8W, Township 30S Range 9W, and Township 30S Range 10W;

(d) "Tushar Mountain Region Grazing Zone," consisting of certain BLM and Forest Service lands in the following townships in Beaver, Garfield, and Piute counties, as more fully illustrated in the map jointly prepared by the Beaver, Garfield, and Piute counties GIS departments in February 2014, entitled "Tushar Mountain Region Grazing Zone":

(i) in Beaver County, Township 28S Range 4W, Township 29S Range 4W, Township 27S Range 5W, Township 28S Range 5W, Township 29S Range 5W, Township 30S Range 5W, Township 26S Range 6W, Township 27S Range 6W, Township 28S Range 6W, Township 29S Range 6W, and Township 30S Range 6W;

(ii) in Piute County, Township 26S Range 6W, Township 27S Range 6W, Township 26S Range 5W, Township 27S Range 5W, Township 28S Range 5W, Township 29S Range 5W, Township 30S Range 5W, Township 26S Range 4.5W, Township 26S Range 4W, Township 27S Range 4W, Township 28S Range 4W, Township 29S Range 4W, and Township 30S Range 4W; and

(iii) in Garfield County, Township 31S Range 5W;

(e) "Last Chance Region Grazing Zone," consisting of certain BLM and Forest Service lands in the following townships in Sevier County, as more fully illustrated in the map prepared by the Sevier County GIS department in February 2014, entitled "Last Chance Region Grazing Zone": Township 23S Range 5E, Township 24S Range 4E, Township 24S Range 5E, Township 25S Range 5E, and Township 26S Range 5E;

(f) "Muddy Creek Region Grazing Zone," consisting of certain BLM lands in the following townships in Emery County, as more fully illustrated in the map prepared by the Emery County GIS department in February 2014, entitled "Muddy Creek Region Grazing Zone": Township 22S Range 7E, Township 23S Range 7E, Township 24S Range 7E, Township 25S Range 7E, Township 22S Range 8E, Township 23S Range 8E, Township 24S Range 8E, Township 25S Range 8E, Township 23S Range 9E, and Township 24S Range 9E;

(g) "McKay Flat Region Grazing Zone," consisting of certain BLM lands in the following townships in Emery County, as more fully illustrated in the map prepared by the Emery County GIS department in February 2014, entitled "McKay Flat Region Grazing Zone":

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Township 25S Range 9E, Township 26S Range 9E, Township 23S Range 10E, Township 24S Range 10E, Township 25S Range 10E, Township 24S Range 11E, and Township 25S Range 11E;

(h) "Sinbad Region Grazing Zone," consisting of certain BLM lands in the following townships in Emery County, as more fully illustrated in the map prepared by the Emery County GIS department in February 2014, entitled "Sinbad Region Grazing Zone": Township 20S Range 11E, Township 21S Range 11E, Township 21S Range 12E, Township 22S Range 12E, Township 23S Range 12E, Township 21S Range 13E, Township 22S Range 13E, and Township 23S Range 13E;

(i) "Robbers Roost Region Grazing Zone," consisting of certain BLM lands in the following townships in Emery County, as more fully illustrated in the map prepared by the Emery County GIS department in February 2014, entitled "Robbers Roost Region Grazing Zone": Township 25S Range 13E, Township 26S Range 13E, Township 25S Range 14E, Township 26S Range 14E, Township 25S Range 15E, and Township 26S Range 15E;

(j) "Western Iron County Region Grazing Zone," consisting of certain BLM and Forest Service lands in the following townships in Iron County, as more fully illustrated in the map prepared by the Iron County GIS department in February 2014, entitled "Western Iron County Region Grazing Zone": Township 31S Range 7W, Township 31S Range 8W, Township 31S Range 9W, Township 31S Range 10W, Township 31S Range 11W, Township 31S Range 12W, Township 31S Range 13W, Township 31S Range 14W, Township 31S Range 15W, Township 31S Range 16W, Township 31S Range 17W, Township 31S Range 18W, Township 31S Range 19W, Township 31S Range 20W, Township 32S Range 8W, Township 32S Range 9W, Township 32S Range 10W, Township 32S Range 11W, Township 32S Range 12W, Township 32S Range 13W, Township 32S Range 14W, Township 32S Range 15W, Township 32S Range 16W, Township 32S Range 17W, Township 32S Range 18W, Township 32S Range 19W, Township 32S Range 20W, Township 33S Range 8W, Township 33S Range 9W, Township 33S Range 10W, Township 33S Range 11W, Township 33S Range 12W, Township 33S Range 13W, Township 33S Range 14W, Township 33S Range 15W, Township 33S Range 16W, Township 33S Range 17W, Township 33S Range 18W, Township 33S Range 19W, Township 33S Range 20W, Township 34S Range 9W, Township 34S Range 10W, Township 34S Range 11W, Township 34S Range 12W, Township 34S Range 13W, Township

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34S Range 14W, Township 34S Range 15W, Township 34S Range 17W, Township 34S Range 18W, Township 34S Range 19W, Township 34S Range 20W, Township 35S Range 10W, Township 35S Range 12W, Township 35S Range 13W, Township 35S Range 14W, Township 35S Range 15W, Township 35S Range 17W, Township 35S Range 18W, Township 35S Range 19W, Township 35S Range 20W, Township 36S Range 11W, Township 36S Range 12W, Township 36S Range 13W, Township 36S Range 14W, Township 36S Range 15W, Township 36S Range 17W, Township 36S Range 18W, Township 36S Range 19W, Township 36S Range 20W, Township 37S Range 12W, Township 37S Range 13W, Township 37S Range 14W, and Township 38S Range 12W;

(k) "Eastern Iron County Region Grazing Zone," consisting of certain BLM and Forest Service lands in the following townships in Iron County, as more fully illustrated in the map prepared by the Iron County GIS department in February 2014, entitled "Eastern Iron County Region Grazing Zone": Township 31S Range 6W, Township 31S Range 7W, Township 32S Range 6W, Township 32S Range 7W, Township 33S Range 6W, Township 33S Range 7W, Township 33S Range 8W, Township 34S Range 7W, Township 34S Range 8W, Township 34S Range 9W, Township 35S Range 8W, Township 35S Range 9W, Township 35S Range 10W, Township 36S Range 8W, Township 36S Range 9W, Township 36S Range 10W, Township 36S Range 11W, Township 37S Range 8W, Township 37S Range 9W, Township 37S Range 11W, Township 37S Range 12W, Township 38S Range 11W, Township 38S Range 12W, Township 38S Range 10W, Township 38S Range 11W, and Township 38S Range 12W, excluding Zion National Park;

(l) "Panguitch Lake Region Grazing Zone," consisting of certain BLM and Forest Service lands in the following townships in Kane and Garfield counties, as more fully illustrated in the map prepared by the Kane County GIS department in February 2014, entitled "Panguitch Lake Region Grazing Zone," and the map prepared by the Garfield County GIS department in February 2017 entitled "Panguitch Lake Region Grazing Zone":

(i) in Kane County, Township 38S Range 9W, Township 38S Range 8W, Township 38S Range 7W, Township 38S Range 6W, Township 39S Range 8W, and Township 39S Range 7W; and

(ii) in Garfield County, Township 35S Range 7W, Township 36S Range 7W, Township 37S Range 7W, Township 34S Range 6W, Township 35S Range 6W, Township 36S

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Range 6W, and Township 37S Range 6W;

(m) "East Fork Region Grazing Zone," consisting of certain BLM and Forest Service lands in the following townships in Kane and Garfield counties, as more fully illustrated in the map jointly prepared by the Kane and Garfield counties GIS departments in February 2017, entitled "East Fork Region Grazing Zone":

(i) in Kane County, Township 38S Range 5W, Township 38S Range 4.5W, Township 39S Range 5W, and Township 39S Range 4.5W; and

(ii) in Garfield County, Township 36S Range 5W, Township 37S Range 5W, Township 32S Range 4.5W, Township 33S Range 4.5W, Township 34S Range 4.5W, Township 35S Range 4.5W, Township 36S Range 4.5W, Township 37S Range 4.5W, Township 31S Range 4W, Township 32S Range 4W, Township 33S Range 4W, Township 34S Range 4W, Township 35S Range 4W, Township 36S Range 4W, Township 37S Range 4W, Township 31S Range 3W, Township 32S Range 3W, Township 33S Range 3W, Township 34S Range 3W, Township 35S Range 3W, Township 36S Range 3W, Township 37S Range 3W, Township 31S Range 2.5W, Township 32S Range 2W, Township 33S Range 2W, Township 34S Range 2W, and Township 35S Range 2W;

(n) "Sevier River Region Grazing Zone," consisting of certain BLM and Forest Service lands in the following townships in Piute County, as more fully illustrated in the map prepared by the Piute GIS department in February 2014, entitled "Sevier River Region Grazing Zone": Township 27S Range 3W, Township 28S Range 3W, and Township 29S Range 3W;

(o) "Kingston Canyon Region Grazing Zone," consisting of certain BLM and Forest Service lands in the following townships in Piute and Garfield counties, as more fully illustrated in the map jointly prepared by the Piute and Garfield counties GIS departments in February 2017, entitled "Kingston Canyon Region Grazing Zone":

(i) in Piute County, Township 30S Range 3W, Township 30S Range 2.5W, and Township 30S Range 2W; and

(ii) in Garfield County, Township 31S Range 2W, Township 32S Range 2W, Township 31S Range 1W, and Township 32S Range 1W;

(p) "Monroe Mountain Region Grazing Zone," consisting of certain BLM and Forest Service lands in the following townships in Piute County, as more fully illustrated in the map prepared by the Piute County GIS department in February 2014, entitled "Monroe Mountain

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Region Grazing Zone": Township 26S Range 3W, Township 27S Range 2.5W, Township 28S Range 2.5W, Township 29S Range 2.5W, Township 26S Range 2W, Township 27S Range 2W, Township 28S Range 2W, Township 29S Range 2W, Township 26S Range 1W, and Township 27S Range 1W;

(q) "Parker Mountain Region Grazing Zone," consisting of certain BLM and Forest Service lands in the following townships in Wayne County, as more fully illustrated in the map prepared by the Wayne County GIS department in February 2014, entitled "Parker Mountain Region Grazing Zone": Township 26S Range 2E, Township 27S Range 2E, Township 28S Range 2E, Township 29S Range 2E, and Township 30S Range 2E;

(r) "Boulder Mountain Region Grazing Zone," consisting of certain BLM and Forest Service lands in the following townships in Wayne and Garfield counties, as more fully illustrated in the map jointly prepared by the Wayne and Garfield counties GIS departments in February 2017, entitled "Boulder Mountain Region Grazing Zone":

(i) in Wayne County, Township 30S Range 3E, Township 30S Range 4E, and Township 30S Range 5E; and

(ii) in Garfield County, Township 35S Range 3W, Township 36S Range 3W, Township 33S Range 2W, Township 34S Range 2W, Township 35S Range 2W, Township 36S Range 2W, Township 31S Range 1W, Township 32S Range 1W, Township 33S Range 1W, Township 34S Range 1W, Township 35S Range 1W, Township 36S Range 1W, Township 31S Range 1E, Township 32S Range 1E, Township 33S Range 1E, Township 34S Range 1E, Township 35S Range 1E, Township 36S Range 1E, Township 37S Range 1E, Township 31S Range 2E, Township 32S Range 2E, Township 33S Range 2E, Township 34S Range 2E, Township 31S Range 3E, Township 32S Range 3E, Township 33S Range 3E, Township 34S Range 3E, Township 31S Range 4E, Township 32S Range 4E, Township 33S Range 4E, Township 30.5S Range 5E, Township 31S Range 5E, Township 32S Range 5E, Township 33S Range 5E, Township 31S Range 6E, and Township 32S Range 6E;

(s) "Thousand Lake Region Grazing Zone," consisting of certain Forest Service lands in the following townships in Wayne County, as more fully illustrated in the map prepared by the Wayne County GIS department in February 2014, entitled "Thousand Lake Region Grazing Zone": Township 26S Range 4E, Township 27S Range 4E, and Township 28S Range 4E;

(t) "Hartnet-Middle Desert Region Grazing Zone," consisting of certain BLM lands in

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the following townships in Wayne County, as more fully illustrated in the map prepared by the Wayne County GIS department in February 2014, entitled "Hartnet-Middle Desert Region Grazing Zone": Township 28S Range 7E, Township 27S Range 8E, and Township 28S Range 8E;

(u) "Sandy No. 1 Region Grazing Zone," consisting of certain BLM lands in the following townships in Wayne County, as more fully illustrated in the map prepared by the Wayne County GIS department in February 2014, entitled "Sandy No. 1 Region Grazing Zone": Township 29S Range 8E and Township 30S Range 8E;

(v) "Blue Benches Region Grazing Zone," consisting of certain BLM lands in the following townships in Wayne County, as more fully illustrated in the map prepared by the Wayne County GIS department in February 2014, entitled "Blue Benches Region Grazing Zone": Township 29S Range 9E, Township 29S Range 10E, and Township 30S Range 10E;

(w) "Wild Horse Region Grazing Zone," consisting of certain BLM lands in the following townships in Wayne County, as more fully illustrated in the map prepared by the Wayne County GIS department in February 2014, entitled "Wild Horse Region Grazing Zone": Township 27S Range 10E and Township 27S Range 11E;

(x) "Hanksville Region Grazing Zone," consisting of certain BLM lands in the following townships in Wayne County, as more fully illustrated in the map prepared by the Wayne County GIS department in February 2014, entitled "Hanksville Region Grazing Zone": Township 29S Range 11E, Township 30S Range 11E, Township 28S Range 12E, Township 29S Range 12E, Township 30S Range 12E, and Township 30S Range 13E;

(y) "Jeffery Wells Region Grazing Zone," consisting of certain BLM lands in the following townships in Wayne County, as more fully illustrated in the map prepared by the Wayne County GIS department in February 2014, entitled "Jeffery Wells Region Grazing Zone": Township 27S Range 14E and Township 27S Range 15E;

(z) "Robbers Roost Region Grazing Zone," consisting of certain BLM lands in the following townships in Wayne County, as more fully illustrated in the map prepared by the Wayne County GIS department in February 2014, entitled "Robbers Roost Region Grazing Zone": Township 29S Range 14E;

(aa) "French Springs Region Grazing Zone," consisting of certain BLM lands in the following townships in Wayne County, as more fully illustrated in the map prepared by the

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Wayne County GIS department in February 2014, entitled "French Springs Region Grazing Zone": Township 30S Range 16E;

(bb) "12 Mile C&H Region Grazing Zone," consisting of certain Forest Service lands in the following townships in Sanpete County, as more fully illustrated in the map prepared by the Sanpete County GIS department in February 2014, entitled "12 Mile C&H Region Grazing Zone": Township 19S Range 3E and Township 20S Range 3E;

(cc) "Horseshoe Region Grazing Zone," consisting of certain Forest Service lands in the following townships in Sanpete County, as more fully illustrated in the map prepared by the Sanpete County GIS department in February 2014, entitled "Horseshoe Region Grazing Zone": Township 14S Range 5E, Township 14S Range 6E, Township 15S Range 5E, and Township 15S Range 6E;

(dd) "Nokai Dome Region Grazing Zone," consisting of certain BLM and National Park Service lands in the following townships in San Juan County, as more fully illustrated in the map prepared by the San Juan County GIS department in February 2014, entitled "Nokai Dome Region Grazing Zone": Township 38S Range 11E, Township 38S Range 12E, Township 39S Range 11E, Township 39S Range 12E, Township 39S Range 13E, Township 39S Range 14E, Township 39S Range 15E, Township 40S Range 10E, Township 40S Range 11E, Township 40S Range 12E, Township 40S Range 13E, Township 40S Range 14E, Township 41S Range 9E, Township 41S Range 10E, Township 41S Range 11E, and Township 41S Range 12E;

(ee) "Grand Gulch Region Grazing Zone," consisting of certain BLM and National Park Service lands in the following townships in San Juan County, as more fully illustrated in the map prepared by the San Juan County GIS department in February 2014, entitled "Grand Gulch Region Grazing Zone": Township 37S Range 17E, Township 37S Range 18E, Township 38S Range 16E, Township 38S Range 17E, Township 38S Range 18E, Township 39S Range 14E, Township 39S Range 15E, Township 39S Range 16E, Township 39S Range 17E, Township 39S Range 18E, Township 40S Range 14E, Township 40S Range 15E, Township 40S Range 16E, Township 40S Range 17E, and Township 40S Range 18E;

(ff) "Cedar Mesa East Region Grazing Zone," consisting of certain BLM and National Park Service lands in the following townships in San Juan County, as more fully illustrated in the map prepared by the San Juan County GIS department in February 2014, entitled "Cedar

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Mesa East Region Grazing Zone": Township 36S Range 20E, Township 37S Range 18E, Township 37S Range 19E, Township 37S Range 20E, Township 37S Range 21E, Township 38S Range 18E, Township 38S Range 19E, Township 38S Range 20E, Township 38S Range 21E, Township 39S Range 18E, Township 39S Range 19E, Township 39S Range 20E, Township 39S Range 21E, Township 40S Range 18E, Township 40S Range 19E, Township 40S Range 20E, Township 40S Range 21E, Township 41S Range 18E, Township 41S Range 19E, Township 41S Range 20E, and Township 41S Range 21E;

(gg) "Mancos Mesa Region Grazing Zone," consisting of certain BLM and National Park Service lands in the following townships in San Juan County, as more fully illustrated in the map prepared by the San Juan County GIS department in February 2014, entitled "Mancos Mesa Region Grazing Zone": Township 35S Range 13E, Township 36S Range 12E, Township 36S Range 13E, Township 36S Range 14E, Township 37S Range 12E, Township 37S Range 13E, Township 37S Range 14E, Township 37S Range 15E, Township 38S Range 11E, Township 38S Range 12E, Township 38S Range 13E, Township 38S Range 14E, Township 38S Range 15E, Township 38S Range 18E, Township 39S Range 13E, Township 39S Range 14E, and Township 39S Range 15E;

(hh) "Red Canyon Region Grazing Zone," consisting of certain BLM and National Park Service lands in the following townships in San Juan County, as more fully illustrated in the map prepared by the San Juan County GIS department in February 2014, entitled "Red Canyon Region Grazing Zone": Township 33S Range 14E, Township 34S Range 13E, Township 34S Range 14E, Township 34S Range 15E, Township 35S Range 13E, Township 35S Range 14E, Township 35S Range 15E, Township 36S Range 14E, Township 36S Range 15E, Township 36S Range 16E, Township 36S Range 17E, Township 37S Range 14E, Township 37S Range 15E, Township 37S Range 16E, Township 37S Range 17E, Township 38S Range 15E, and Township 38S Range 16E;

(ii) "White Canyon Region Grazing Zone," consisting of certain BLM and National Park Service lands in the following townships in San Juan County, as more fully illustrated in the map prepared by the San Juan County GIS department in February 2014, entitled "White Canyon Region Grazing Zone": Township 33S Range 14E, Township 33S Range 15E, Township 33S Range 16E, Township 34S Range 14E, Township 34S Range 15E, Township 34S Range 16E, Township 34S Range 17E, Township 35S Range 15E, Township 35S Range

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16E, Township 35S Range 17E, Township 35S Range 18E, Township 36S Range 15E, Township 36S Range 16E, Township 36S Range 17E, Township 36S Range 18E, Township 37S Range 17E, and Township 37S Range 18E;

(jj) "Dark Canyon/Hammond Canyon Region Grazing Zone," consisting of certain Forest Service lands in the following townships in San Juan County, as more fully illustrated in the map prepared by the San Juan County GIS department in February 2014, entitled "Dark Canyon/Hammond Canyon Region Grazing Zone": Township 34S Range 17E, Township 34S Range 18E, Township 34S Range 19E, Township 34S Range 20E, Township 35S Range 17E, Township 35S Range 18E, Township 35S Range 19E, Township 35S Range 20E, Township 36S Range 18E, Township 36S Range 19E, Township 36S Range 20E, and Township 37S Range 19E;

(kk) "Chippean/Indian Creek Region Grazing Zone," consisting of certain Forest Service lands in the following townships in San Juan County, as more fully illustrated in the map prepared by the San Juan County GIS department in February 2014, entitled "Chippean/Indian Creek Region Grazing Zone": Township 32S Range 21E, Township 32S Range 22E, Township 33S Range 21E, Township 33S Range 22E, Township 34S Range 20E, Township 34S Range 21E, Township 34S Range 22E, Township 35S Range 20E, Township 35S Range 21E, and Township 35S Range 22E;

(ll) "Henry Mountain Region Grazing Zone," consisting of certain BLM and National Park Service lands in the following townships in Garfield County, as more fully illustrated in the map prepared by the Garfield County GIS department in February 2017, entitled "Henry Mountain Region Grazing Zone": Township 31S Range 7E, Township 32S Range 7E, Township 31S Range 8E, Township 32S Range 8E, Township 33S Range 8E, Township 34S Range 8E, Township 31S Range 9E, Township 32S Range 9E, Township 33S Range 9E, Township 34S Range 9E, Township 35S Range 9E, Township 31S Range 10E, Township 32S Range 10E, Township 33S Range 10E, Township 34S Range 10E, Township 35S Range 10E, Township 31S Range 11E, Township 32S Range 11E, Township 33S Range 11E, Township 34S Range 11E, Township 31S Range 12E, Township 32S Range 12E, Township 33S Range 12E, and Township 34S Range 12E;

(mm) "Glen Canyon Region Grazing Zone," consisting of certain BLM and National Park Service lands in the following townships in Garfield County, as more fully illustrated in

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the map prepared by the Garfield County GIS department in February 2017, entitled "Glen Canyon Region Grazing Zone": Township 36S Range 9E, Township 37S Range 9E, Township 36S Range 10E, Township 37S Range 10E, Township 35S Range 11E, Township 36S Range 11E, Township 37S Range 11E, Township 31S Range 12E, Township 32S Range 12E, Township 33S Range 12E, Township 34S Range 12E, Township 35S Range 12E, Township 35.5S Range 12E, Township 36S Range 12E, Township 37S Range 12E, Township 31S Range 13E, Township 32S Range 13E, Township 33S Range 13E, Township 34S Range 13E, Township 35S Range 13E, Township 35.5S Range 13E, Township 36S Range 13E, Township 31S Range 14E, Township 32S Range 14E, Township 32.5S Range 14E, Township 33S Range 14E, Township 31S Range 15E, Township 32S Range 15E, Township 32.5S Range 15E, Township 33S Range 15E, Township 30.5S Range 16E, Township 31S Range 16E, Township 32S Range 16E, Township 30.5S Range 17E, Township 31S Range 17E, Township 32S Range 17E, Township 30.5S Range 18E, and Township 31S Range 18E;

(nn) "Glendale Bench Region Grazing Zone," consisting of certain BLM and Forest Service lands in the following townships in Kane County, as more fully illustrated in the map prepared by the Kane County GIS department in February 2014, entitled "Glendale Bench Region Grazing Zone": Township 39S Range 6W, Township 39S Range 5W, Township 39S Range 4.5W, Township 40S Range 7W, Township 40S Range 6W, Township 41S Range 7W, and Township 41S Range 6W;

(oo) "John R. Region Grazing Zone," consisting of certain BLM and Forest Service lands in the following townships in Kane County, as more fully illustrated in the map prepared by the Kane County GIS department in February 2014, entitled "John R. Region Grazing Zone": Township 41S Range 7W, Township 41S Range 6W, Township 42S Range 7W, Township 42S Range 6W, Township 43S Range 6W, and Township 44S Range 6W;

(pp) "Beaver Dam Scope Region Grazing Zone," consisting of certain BLM lands in the following townships in Washington County, as more fully illustrated in the map prepared by the Washington County GIS department: Township 42 South Range 17 West, Township 43 South Range 18 West, Township 43 South Range 19 West, Township 43 South Range 20 West, Township 42 South Range 18 West, Township 42 South Range 19 West, Township 42 South Range 20 West, Township 41 South Range 17 West, Township 41 South Range 18 West, Township 41 South Range 19 West, Township 41 South Range 20 West, Township 40

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South Range 18 West, Township 40 South Range 19 West, and Township 40 South Range 20 West;

(qq) "Square Top Daggett Flat Region Grazing Zone," consisting of certain BLM lands in the following townships in Washington County, as more fully illustrated in the map prepared by the Washington County GIS department: Township 40 South Range 17 West, Township 40 South Range 18 West, Township 40 South Range 19 West, Township 40 South Range 20 West, Township 39 South Range 16 West, Township 39 South Range 17 West, Township 39 South Range 18 West, Township 39 South Range 19 West, Township 39 South Range 20 West, Township 38 South Range 18 West, Township 38 South Range 19 West, and Township 38 South Range 20 West;

(rr) "Enterprise Region Grazing Zone," consisting of certain BLM and Forest Service lands in the following townships in Washington County, as more fully illustrated in the map prepared by the Washington County GIS department: Township 37 South Range 17 West and Township 37 South Range 18 West;

(ss) "Apex Region Grazing Zone," consisting of certain BLM lands in the following townships in Washington County, as more fully illustrated in the map prepared by the Washington County GIS department: Township 42 South Range 16 West, Township 42 South Range 17 West, Township 43 South Range 16 West, and Township 43 South Range 17 West;

(tt) "Veyo/Gunlock Region Grazing Zone," consisting of certain BLM lands in the following townships in Washington County, as more fully illustrated in the map prepared by the Washington County GIS department: Township 39 South Range 16 West, Township 39 South Range 17 West, Township 40 South Range 16 West, Township 40 South Range 17 West, Township 41 South Range 16 West, Township 41 South Range 17 West, and Township 41 South Range 18 West;

(uu) "Pine Valley Dixie National Forest Grazing Zone," consisting of certain Forest Service lands in the following townships in Washington County, as more fully illustrated in the map prepared by the Washington County GIS department: Township 37 South Range 15 West, Township 37 South Range 16 West, Township 37 South Range 17 West, Township 37 South Range 18 West, Township 37 South Range 19 West, Township 37 South Range 20 West, Township 38 South Range 13 West, Township 38 South Range 14 West, Township 38 South Range 15 West, Township 38 South Range 16 West, Township 38 South Range 17 West,

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Township 38 South Range 18 West, Township 38 South Range 19 West, Township 39 South Range 13 West, Township 39 South Range 14 West, Township 39 South Range 15 West, Township 39 South Range 16 West, Township 39 South Range 17 West, and Township 39 South Range 18 West;

(vv) "New Harmony Region Grazing Zone," consisting of certain BLM lands in the following township in Washington County, as more fully illustrated in the map prepared by the Washington County GIS department: Township 38 South Range 13 West;

(ww) "Kanarra Region Grazing Zone," consisting of certain BLM lands in the following township in Washington County, as more fully illustrated in the map prepared by the Washington County GIS department: Township 38 South Range 11 West;

(xx) "Kolob Region Grazing Zone," consisting of certain BLM lands in the following townships in Washington County, as more fully illustrated in the map prepared by the Washington County GIS department: Township 38 South Range 10 West and Township 39 South Range 10 West;

(yy) "La Verkin Creek/Dry Creek Region Grazing Zone," consisting of certain BLM lands in the following townships in Washington County, as more fully illustrated in the map prepared by the Washington County GIS department: Township 39 South Range 11 West, Township 39 South Range 12 West, Township 39 South Range 13 West, Township 40 South Range 11 West, Township 40 South Range 12 West, Township 40 South Range 13 West, Township 41 South Range 11 West, Township 41 South Range 12 West, and Township 41 South Range 13 West;

(zz) "Grafton Region Grazing Zone," consisting of certain BLM lands in the following townships in Washington County: Township 41 South Range 11 West, Township 41 South Range 12 West, Township 41 South Range 13 West, Township 42 South Range 11 West, Township 42 South Range 12 West, and Township 42 South Range 13 West;

(aaa) "Hurricane Region Grazing Zone," consisting of certain BLM lands in the following townships in Washington County, as more fully illustrated in the map prepared by the Washington County GIS department: Township 42 South Range 13 West, Township 42 South Range 14 West, Township 42 South Range 15 West, Township 43 South Range 13 West, Township 43 South Range 14 West, and Township 43 South Range 15 West;

(bbb) "Little Creek Region Grazing Zone," consisting of certain BLM lands in the

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following townships in Washington County, as more fully illustrated in the map prepared by the Washington County GIS department: Township 42 South Range 11 West, Township 42 South Range 12 West, Township 42 South Range 13 West, Township 43 South Range 11 West, Township 43 South Range 12 West, and Township 43 South Range 13 West;

(ccc) "Canaan Mountain Grazing Zone," consisting of certain BLM lands in the following townships in Washington County, as more fully illustrated in the map prepared by the Washington County GIS department: Township 42 South Range 9.5 West, Township 42 South Range 10 West, Township 42 South Range 11 West, Township 43 South Range 9.5 West, Township 43 South Range 10 West, and Township 43 South Range 11 West; and

(ddd) "Panguitch Valley Regional Grazing Zone," consisting of certain BLM lands in the following townships in Garfield County, as more fully illustrated in the map prepared by the Garfield County GIS department in February 2017, entitled "Panguitch Valley Region Grazing Zone": Township 34S Range 6W, Township 35S Range 6W, Township 36S Range 6W, Township 37S Range 6W, Township 32S Range 5.5W, Township 31S Range 5W, Township 32S Range 5W, Township 33S Range 5W, Township 34S Range 5W, Township 35S Range 5W, Township 36S Range 5W, Township 37S Range 5W, Township 32S Range 4.5W, Township 33S Range 4.5W, Township 34S Range 4.5W, Township 35S Range 4.5W, Township 36S Range 4.5W, Township 31S Range 4W, and Township 31S Range 3W.

(3) Printed copies of the maps referenced in Subsection (2) shall be available for inspection by the public at the offices of the Utah Association of Counties.

(4) The state finds with respect to the grazing zones described in Subsection (2) that:

(a) agricultural livestock industry on the lands comprising these zones has provided a significant contribution to the history, customs, culture, economy, welfare, and other values of each area for more than 100 years;

(b) the potential for abundant natural and vegetative resources exists within these zones if managed properly, that will support and expand continued, responsible agricultural livestock activities and wildlife habitat;

(c) agricultural livestock activities in these zones and the associated historic resources, human history, shaping of human endeavors, variety of cultural resources, landmarks, structures, and other objects of historic or scientific interest are worthy of recognition, preservation, and protection;

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(d) (i) the highest management priority for lands within these zones is the preservation, restoration, and enhancement of watershed and rangeland health to sustain and expand forage production for both livestock grazing and wildlife habitat, and the restoration and development of historic, existing, and future livestock grazing and wildlife habitat resources in order to provide protection for the resources, objects, customs, culture, and values identified above; and

(ii) notwithstanding Subsection (4)(d)(i), if part or all of any zone lies within a sage grouse management area, then the management priorities for such part shall be consistent with the management priorities set forth in Subsection (4)(d)(i) to the maximum extent consistent with the management priorities of the sage grouse management area;

(e) subject to Subsection (4)(d)(ii), responsible development of any deposits of energy and mineral resources, including oil, natural gas, oil shale, oil sands, coal, phosphate, gold, uranium, and copper, as well as areas with wind and solar energy potential, that may exist in these zones is compatible with the management priorities of Subsection (4)(d)(i) in these zones; and

(f) subject to Subsection (4)(d)(ii), responsible development of any recreation resources, including roads, campgrounds, water resources, trails, OHV use, sightseeing, canyoneering, hunting, fishing, trapping, and hiking resources that may exist in these grazing zones is compatible with the management priorities of Subsection (4)(d)(i) in these grazing zones.

(5) The state finds with respect to the zones described in Subsection (2) that the historic levels of livestock grazing activity and other values identified in Subsection (4) in each zone have greatly diminished, or are under other serious threat, due to:

(a) unreasonable, arbitrary, and unlawfully restrictive federal management policies, including:

(i) de facto managing for wilderness in nonwilderness areas and non-WSAs;

(ii) ignoring the chiefly valuable for grazing designation of the Secretary of the Interior applicable to each of these zones; and

(iii) the arbitrary administrative reductions in animal unit months of permitted forage;

(b) inflexible federal grazing practices that disallow grazing at different times each year proven to be most effective for maintaining and enhancing rangeland conditions;

(c) mismanagement of wild horses and burros resulting in competition for forage by

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excess and mismanaged populations of wild horses and burros in Beaver and Emery counties;

(d) improper management of vegetation resulting in the overgrowth of pinion, invasive species, and juniper, and other woody vegetation that:

- (i) compromise watershed and rangeland health;
- (ii) crowd out grazing forage;
- (iii) degrade habitat and limit wildlife populations;
- (iv) reduce water yield; and
- (v) heighten the risk of catastrophic wildfire; and
- (e) other practices that degrade overall rangeland health.

(6) To protect and preserve against the threats described in Subsection (5), the state supports the following with respect to the zones described in Subsection (2):

(a) efficient and sustained policies, programs, and practices directed at preserving, restoring, and enhancing watershed and rangeland health to maximize:

(i) all permitted forage production for livestock grazing and other compatible uses, including flexible grazing on and off dates adaptive to yearly climate and range conditions; and

(ii) forage for fish and wildlife;

(b) a cooperative management approach by federal agencies, the state, and local government agencies to achieve broadly supported management plans for the full development of:

(i) forage resources for grazing livestock and wildlife; and

(ii) other uses compatible with livestock grazing and wildlife utilization;

(c) effective and responsible management of wild horses and burros to eliminate excess populations; and

(d) effective and responsible management of wildlife habitat.

(7) The state requests that the federal agencies that administer lands within each grazing zone:

(a) fully cooperate and coordinate with the state and the respective counties within which each grazing zone is situated to develop, amend, and implement land and resource management plans, and implement management decisions that are consistent with the purposes, goals, and policies described in this section to the maximum extent allowed under federal law;

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(b) expedite the processing, granting, and streamlining of grazing permits, range improvements, and applications to enhance and otherwise develop all existing and permitted grazing resources located within each grazing zone, including renewable vegetative resources;

(c) allow continued maintenance and increased development of roads, power lines, pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies described in this section and consistent with multiple use and sustained yield principles;

(d) refrain from any planning decisions and management actions that will undermine, restrict, or diminish the goals, purposes, and policies for each grazing zone as stated in this section;

(e) subject to Subsection (4)(d)(ii), refrain from implementing a policy that is contrary to the goals and purposes described within this section; and

(f) refrain from implementing utilization standards less than 50%, unless:

(i) implementing a standard of less than 50% utilization on a temporary basis is necessary to resolve site-specific concerns; and

(ii) the federal agency consults, coordinates, and cooperates fully with local governments.

(8) (a) If a grazing zone described in Subsection (2) is managed or neglected in such a way as to increase the risk of catastrophic wildfire, and if the chief executive officer of a county or a county sheriff finds that the catastrophic wildfire risk adversely affects the health, safety, and welfare of the people of the political subdivision and that increased livestock grazing in part or all of the grazing zone would substantially reduce that adverse effect:

(i) Subsections 11-51-103(1)(a) and (b) shall govern and apply to the chief executive officer and the county sheriff with respect to making increased livestock grazing available in the grazing zone; and

(ii) Subsection 11-51-103(1)(b) shall govern and apply to the attorney general with respect to making increased livestock grazing available in the grazing zone.

(b) If a grazing zone described in Subsection (2) is managed or neglected in such a way as to increase the risk of catastrophic wildfire, and if the chief executive officer of a county or a county sheriff finds that the catastrophic wildfire risk constitutes an imminent threat to the health, safety, and welfare of the people of the political subdivision and that increased livestock grazing in part or all of the grazing zone would substantially reduce that imminent threat:

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(i) Subsections 11-51-103(2) and (3) shall govern and apply to the chief executive officer and the county sheriff with respect to making increased livestock grazing available in the grazing zone; and

(ii) Subsection 11-51-103(3) and Section 11-51-104 shall govern and apply to the attorney general with respect to making increased livestock grazing available in the grazing zone.

(9) (a) The state recognizes the importance of all grazing districts on Utah BLM and Forest Service lands but establishes the grazing zones described in Subsection (2) to provide special protection and preservation against the identified threats found in Subsection (5) to exist in these zones.

(b) It is the intent of the state to designate additional grazing agricultural commodity zones in future years, if circumstances warrant special protection and preservation for new zones.

(10) The state calls upon applicable federal, state, and local agencies to coordinate with each other and establish applicable intergovernmental standing commissions, with membership consisting of representatives from the United States government, the state, and local governments to coordinate and achieve consistency in planning decisions and management actions in zones described in Subsection (2) in order to achieve the goals, purposes, and policies described in this section.

(11) Notwithstanding the provisions of this section, and subject to Subsection (4)(d)(ii), the state's mineral, oil, gas, and energy policies and plans on land within the zones described in Subsection (2) shall be governed by Sections [~~63J-4-401~~] 63L-11-302, 63L-11-303, and 63J-8-104.

Section 80. Section **63J-8-105.9** is amended to read:

63J-8-105.9. Utah Timber Agricultural Commodity Zones established -- Findings -- Management and land use priorities.

(1) There are established and designated Utah Timber Agricultural Commodity Zones for the purpose of:

(a) preserving and protecting the agricultural timber, logging, and forest products industry within these zones from ongoing threats;

(b) preserving and protecting the significant history, culture, customs, and economic

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value of the agricultural timber, logging, and forest products industry within these zones from ongoing threats; and

(c) maximizing efficient and responsible restoration, reclamation, preservation, enhancement, and development of timber, logging, and forest products and affected natural, historical, and cultural activities within these zones, in order to protect and preserve these zones from ongoing threats.

(2) The titles, land area, and boundaries of these zones are described as follows:

(a) "Tushar Mountain Region Timber Zone," consisting of certain Forest Service lands in the following townships in Beaver County and Piute County, as more fully illustrated in the map jointly prepared by the Beaver and Piute counties GIS departments in February 2014, entitled "Tushar Mountain Region Timber Zone":

(i) in Beaver County, Township 28S Range 4W, Township 29S Range 4W, Township 27S Range 5W, Township 28S Range 5W, Township 29S Range 5W, Township 30S Range 5W, Township 26S Range 6W, Township 27S Range 6W, Township 28S Range 6W, Township 29S Range 6W, and Township 30S Range 6W; and

(ii) in Piute County, Township 26S Range 6W, Township 27S Range 6W, Township 26S Range 5W, Township 27S Range 5W, Township 28S Range 5W, Township 29S Range 5W, Township 30S Range 5W, Township 26S Range 4.5W, Township 26S Range 4W, Township 28S Range 4W, Township 29S Range 4W, and Township 30S Range 4W;

(b) "Panguitch Lake Region Timber Zone," consisting of certain Forest Service lands situated in the following townships in Iron, Kane, and Garfield counties, as more fully illustrated in the map jointly prepared by the Iron, Kane, and Garfield counties GIS departments in February 2014, entitled "Panguitch Lake Region Timber Zone":

(i) in Iron County, Township 34S Range 7W, Township 35S Range 8W, Township 36S Range 8W, Township 36S Range 9W (excluding Cedar Breaks National Monument and Ashdown Wilderness Area), Township 37S Range 8W, and Township 37S Range 9W;

(ii) in Kane County, Township 38S Range 9W, Township 38S Range 8W, Township 38S Range 7W, Township 38S Range 6W, Township 39S Range 8W, Township 39S Range 7W, and Township 39S Range 6W; and

(iii) in Garfield County, Township 35S Range 7W, Township 35S Range 6W, Township 36S Range 7W, Township 36S Range 6W, Township 37S Range 7W, and Township

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37S Range 6W;

(c) "Monroe Mountain Region Timber Zone," consisting of certain Forest Service lands in the following townships in Piute County, as more fully illustrated in the map prepared by the Piute County GIS department in February 2014, entitled "Monroe Mountain Region Timber Zone": Township 26S Range 3W, Township 27S Range 2.5W, Township 28S Range 2.5W, Township 29S Range 2.5W, Township 26S Range 2W, Township 27S Range 2W, Township 28S Range 2W, Township 29S Range 2W, Township 26S Range 1W, and Township 7S Range 1W;

(d) "Boulder Mountain Region Timber Zone," consisting of certain Forest Service lands situated in the following townships in Wayne and Garfield counties, as more fully illustrated in the map jointly prepared by the Wayne and Garfield counties GIS departments in February 2014, entitled "Boulder Mountain Region Timber Zone":

(i) in Wayne County, Township 30S Range 3E, Township 30S Range 4E, and Township 30S Range 5E; and

(ii) in Garfield County, Township 31S Range 1E, Township 31S Range 2E, Township 31S Range 3E, Township 32S Range 2E, Township 32S Range 3E, Township 32S Range 4E, Township 33S Range 3E, Township 33S Range 4E, Township 30 1/2S Range 5E, Township 31S Range 5E, Township 31S Range 6E, Township 32S Range 5E, and Township 32S Range 6E;

(e) "Thousand Lake Region Timber Zone," consisting of certain Forest Service lands in the following townships in Wayne County, as more fully illustrated in the map prepared by the Wayne County GIS department in February 2014, entitled "Thousand Lake Region Timber Zone": Township 26S Range 4E, Township 27S Range 4E, and Township 28S Range 4E;

(f) "Millers Flat Region Timber Zone," consisting of certain Forest Service lands situated in the following townships in Sanpete County, as more fully illustrated in the map prepared by the Sanpete County GIS department in February 2014, entitled "Millers Flat Region Timber Zone": Township 16S Range 5E, Township 17S Range 5E, Township 17S Range 4E, and Township 17S Range 6E;

(g) "East Fork Timber Zone," consisting of certain Forest Service lands situated in the following townships in Garfield and Kane counties, as more fully illustrated in the map jointly prepared by the Garfield and Kane counties GIS departments in February 2014, entitled "East

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Fork Region Timber Zone":

(i) in Garfield County, Township 36S Range 4 1/2W, Township 36S Range 4W, Township 37S Range 5W, Township 37S Range 4 1/2W, and Township 37S Range 4W; and

(ii) in Kane County, Township 38S Range 5W, Township 38S Range 4.5W, Township 39S Range 5W, and Township 39S Range 4.5W;

(h) "Upper Valley Timber Zone," consisting of certain Forest Service lands situated in the following townships in Garfield County, as more fully illustrated in the map prepared by the Garfield County GIS department in February 2014, entitled "Upper Valley Region Timber Zone": Township 34S Range 1W, Township 35S Range 1W, Township 35S Range 1E, Township 36S Range 1W, Township 36S Range 1E, and Township 37S Range 1E;

(i) "Iron Springs Timber Zone," consisting of certain Forest Service lands situated in the following townships in Garfield County, as more fully illustrated in the map prepared by the Garfield County GIS department in February 2014, entitled "Iron Springs Region Timber Zone": Township 32S Range 1E, Township 33S Range 1W, Township 33S Range 1E, and Township 34S Range 1W; and

(j) "Dutton Timber Zone," consisting of certain Forest Service lands situated in the following townships in Garfield County, as more fully illustrated in the map prepared by the Garfield County GIS department in February 2014, entitled "Dutton Region Timber Zone": Township 32S Range 3W, Township 32S Range 2W, Township 33S Range 3W, and Township 33S Range 2W.

(3) Printed copies of the maps referenced in Subsection (2) shall be available for inspection by the public at the offices of the Utah Association of Counties.

(4) The state finds with respect to the zones described in Subsection (2) that:

(a) agricultural timber, logging, and forest product industries on the lands comprising these timber zones have provided a significant contribution to the history, customs, culture, economy, welfare, and other values of each area for many decades;

(b) abundant natural and vegetative resources exist within these zones to support and expand continued, responsible timber, logging, and other forest product activities;

(c) agricultural timber, logging, and forest product activities in these zones, and the associated historic resources, human history, shaping of human endeavors, variety of cultural resources, landmarks, structures, and other objects of historic or scientific interest are worthy of

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recognition, preservation, and protection;

(d) (i) the highest management priority for lands within these zones is maintenance and promotion of forest and vegetation ecosystem health achieved by responsible active management in development of historic, existing, and future timber, logging, and forest product resources in order to provide protection for the resources, objects, customs, culture, and values identified above; and

(ii) notwithstanding Subsection (4)(d)(i), if part or all of any zone lies within a sage grouse management area, then the management priorities for such part shall be consistent with the management priorities set forth in Subsection (4)(d)(i) to the maximum extent consistent with the management priorities of the sage grouse management area;

(e) subject to Subsection (4)(d)(ii), responsible development of any deposits of energy and mineral resources, including oil, natural gas, oil shale, oil sands, coal, phosphate, gold, uranium, and copper, as well as areas with wind and solar energy potential, that may exist in these zones is compatible with the management priorities of Subsection (4)(d)(i) in these zones; and

(f) subject to Subsection (4)(d)(ii), responsible development of any recreation resources, including wildlife, roads, campgrounds, water resources, trails, OHV use, sightseeing, canyoneering, hunting, fishing, trapping, and hiking resources that may exist in these timber zones is compatible with the management priorities of Subsection (4)(d)(i) in these timber zones.

(5) The state finds that the historic levels of timber, logging, and forest products activities in the zones described in Subsection (2) have greatly diminished, or are under serious threat, due to:

(a) unreasonable, arbitrary, and unlawfully restrictive federal management policies, including:

(i) de facto managing for wilderness in nonwilderness areas;

(ii) ignoring the multiple use sustained yield mission of the Forest Service;

(iii) ignoring the fact that the Forest Service's parent agency is the United States Department of Agriculture whose mission includes providing timber as an important agriculture resource; and

(iv) the arbitrary administrative reductions in timber, logging, and forest products

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activities;

(b) improper management of forest vegetation resulting in the overcrowding of old growth alpine species and the crowding out of aspen diversity, all of which results in:

- (i) devastation of entire mountainsides due to insect infestation and disease;
 - (ii) reduced water yield;
 - (iii) increased catastrophic wildfire;
 - (iv) increased soil erosion;
 - (v) degradation of wildlife habitat; and
 - (vi) suppression and threatened extinction of important rural economic activities; and
- (c) other practices that degrade overall forest health.

(6) To protect and preserve against the threats described in Subsection (5), the state supports the following with respect to the zones described in Subsection (2):

(a) efficient and responsible development, within each timber zone, of:

- (i) robust timber thinning and harvesting programs and activities; and
- (ii) other uses compatible with increased timber, logging, and forest product activities,

including a return to historic levels of timber, logging, and forest product activity in each of these zones;

(b) a cooperative management approach by federal agencies, the state, and local governments to achieve broadly supported management plans for the full development, within each timber zone, of:

- (i) forest product resources; and
- (ii) other uses compatible with timber activities; and
- (c) effective and responsible management of wildlife habitat.

(7) The state requests that the federal agencies that administer lands within each timber zone:

(a) fully cooperate and coordinate with the state and the respective counties within which each timber zone is situated to develop, amend, and implement land and resource management plans and implement management decisions that are consistent with the purposes, goals, and policies described in this section to the maximum extent allowed under federal law;

(b) expedite the processing, granting, and streamlining of logging and forest product harvesting permits, range improvements, and applications to enhance and otherwise develop

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existing and permitted timber resources located within each timber zone, including renewable vegetative resources;

(c) expedite stewardship programs to allow private enterprise to carry out the timber, logging, and forest activities described in this section;

(d) allow continued maintenance and increased development of roads, power lines, pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies described in this section and consistent with multiple use and sustained yield principles;

(e) refrain from any planning decisions and management actions that will undermine, restrict, or diminish the goals, purposes, and policies for each timber zone as stated in this section; and

(f) subject to Subsection (4)(d)(ii), refrain from implementing a policy that is contrary to the goals and purposes described within this section.

(8) (a) The state recognizes the importance of all areas on BLM and Forest Service lands high value lumber and forest product resources but establishes the special Timber Agricultural Commodity Zones to provide special protection and preservation against the identified threats found in Subsection (5) to exist in these zones.

(b) It is the intent of the Legislature to designate additional Timber Agricultural Commodity Zones in future years, if circumstances warrant special protection and preservation for new zones.

(9) The state calls upon applicable federal, state, and local agencies to coordinate with each other and establish applicable intergovernmental standing commissions, with membership consisting of representatives from the United States government, the state, and local governments to coordinate and achieve consistency in planning decisions and management actions in the zones described in Subsection (2).

(10) Notwithstanding the provisions of this section, and subject to Subsection (4)(d)(ii), the state's mineral, oil, gas, and energy policies, as well as its grazing policies, on land within zones described in Subsection (2), shall continue to be governed by Sections [~~63J-4-401~~] 63L-11-302, 63L-11-303, and 63J-8-104.

Section 81. Section **63J-8-106** is amended to read:

63J-8-106. County supported federal land use designation proposed in proposed congressional land use legislation -- Process for legislative review of proposed federal

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legislation land use within a county.

(1) (a) Notwithstanding any other provision of this chapter, the Legislature may, in accordance with this section, recommend to the Utah congressional delegation proposed congressional land use legislation that is supported by a county.

(b) A county that fails to comply with the requirements of this section may not communicate or otherwise represent in any way that a federal land use designation contained in proposed congressional land use legislation has the support or approval of the Legislature.

(2) If a county supports a federal land use designation contained in proposed congressional land use legislation, the county shall:

(a) prepare a report on the proposed congressional land use legislation in accordance with Subsection (3);

(b) draft a concurrent resolution for a legislative committee's consideration, in accordance with Subsection (7)(a), in support of the proposed congressional land use legislation; and

(c) subject to Subsection (4)(a), deliver the report and draft concurrent resolution to the office.

(3) The report required in Subsection (2)(a) shall include:

(a) a copy of the proposed congressional land use legislation;

(b) a detailed description of the land or watercourse proposed for a federal land use designation, including:

(i) the total acres of federal land proposed for a federal land use designation;

(ii) (A) a map showing the location of the land or watercourse; and

(B) the proposed type of federal land use designation for each location;

(iii) a proposed land conveyance or land proposed for auction by the BLM, if any; and

(iv) (A) school and institutional trust land, as defined in Section 53C-1-103, proposed for a land exchange, if any; and

(B) whether the county has coordinated with SITLA on the proposed land exchange;

(c) an explanation of whether a federal land use designation will assist in resolving long-standing public lands issues, such as wilderness disputes, economic development, recreational use, and access to public lands;

(d) a narrative description of the economic, recreational, and cultural impacts, taken as

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a whole, on a county and the state that would occur if Congress adopted the proposed congressional land use legislation, including an impact on state revenues;

(e) an account of actions, if any, proposed in a federal land use designation to minimize impacts on:

(i) resource extraction activities occurring on the land or in the watercourse proposed for a federal land use designation, including mining and energy development; and

(ii) motorized recreational use and public access;

(f) a summary of potential benefits gained by the county and state if Congress adopts the proposed congressional land use legislation;

(g) a description of the stakeholders and their positions on a federal land use designation;

(h) whether land identified for a federal land use designation is BLM recommended wilderness;

(i) an explanation of what the proposed congressional land use legislation proposes for federal land located in the county other than land identified for the federal land use designation;

(j) (i) a description of the impact that, if adopted by Congress, the proposed congressional land use legislation would have on access to roads currently identified as part of an adopted county transportation plan as described in Section [~~63J-4-401~~] 63L-11-303; and

(ii) if a federal land use designation proposes to close a road described in Subsection (3)(j)(i), an explanation for the road closure and a copy of the minutes of any county public hearing in which the proposed road closures were discussed and public comment was taken;

(k) (i) a description of a proposed resolution for an R.S. 2477 right-of-way, if any, located within the area identified in a federal land use designation; and

(ii) whether a proposed resolution described in Subsection (3)(k)(i) would include a quiet title action concerning an R.S. 2477 right-of-way;

(l) an explanation of whether a federal land use designation proposes a hard release of all public lands and watercourses not included in the federal land use designation, placing the land and watercourses in multiple use management;

(m) an explanation of whether a federal land use designation proposes a prohibition on further federal action under the Antiquities Act of 1906, 16 U.S.C. Sec. 431 et seq.;

(n) a narrative description of a federal land use designation's interaction with, if any, a

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regional haze rule adopted by the United States Environmental Protection Agency;

(o) an explanation of whether a federal land use designation would authorize best management practices as part of an active effort to control on the land or watercourse proposed for a federal land use designation:

- (i) wildfire;
- (ii) invasive species, including insects; and
- (iii) disease;

(p) if applicable, a statement as to whether a federal land use designation would allow for the continuation of existing grazing permits;

(q) a statement as to the presence or need of passive water management facilities or activities for livestock or wildlife, such as guzzlers or fencing, for the management of wildlife or livestock;

(r) if a federal land use designation identifies land that has oil, gas, or mineral deposits, an explanation as to why the federal land use designation includes the land;

(s) (i) a statement as to whether a federal land use designation:

(A) affects land or a watercourse located exclusively within the county; or

(B) affects, whether by an actual federal land use designation or by implication if a federal land use designation is adopted, land or a watercourse located in another county; and

(ii) if the land use proposal would affect land or a watercourse located in another county, whether that county supports the proposed congressional land use legislation;

(t) an explanation of whether a proposed land use designation designates land as wilderness in the National Wilderness Preservation System or designates land as a national conservation area that is not part of:

- (i) BLM recommended wilderness; or
- (ii) Forest Service land recommended for wilderness designation in RARE II; and

(u) a statement explaining whether and to what extent members of Utah's congressional delegation and their staff were consulted in preparing the proposed congressional land use legislation and the federal land use designation contained therein.

(4) (a) No later than 60 days before delivering a report and draft concurrent resolution in accordance with Subsection (2), a county shall contact and inform the office of the county's intention to prepare and deliver the report and draft concurrent resolution.

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(b) The office may give general guidance to a county described in Subsection (4)(a), as requested, as to compliance with this section.

(5) The office shall prepare an evaluation of the county's report, including whether the county has addressed each matter described in Subsection (3).

(6) The office shall deliver the evaluation described in Subsection (5), including a copy of the county's report, the proposed congressional land use legislation, and the draft concurrent resolution, no later than 30 days after receiving the county's report:

(a) if the Legislature is not in session, and subject to Subsection (6)(b), to the chair of the Natural Resources, Agriculture, and Environment Interim Committee; or

(b) if the Legislature is in session or there are no scheduled meetings of the Natural Resources, Agriculture, and Environment Interim Committee before the beginning of the next legislative session, to the chair of either the House Natural Resources, Agriculture, and Environment Committee or the Senate Natural Resources, Agriculture, and Environment Committee.

(7) (a) At a committee's next scheduled meeting after receiving a report, the draft concurrent resolution, and a copy of the proposed congressional land use legislation, the committee shall:

(i) review:

(A) the county's report;

(B) the draft concurrent resolution, if the concurrent resolution has a legislative sponsor; and

(C) the office's evaluation;

(ii) if the draft concurrent resolution is presented to the committee, consider whether to approve or reject the draft concurrent resolution;

(iii) if the draft concurrent resolution is rejected, provide direction to the county as to the reasons the resolution was rejected and the actions that the county might take to secure committee approval of the resolution; and

(iv) take any additional action the committee finds necessary.

(b) A legislative committee may not accept for review a county-supported federal land use designation contained in proposed congressional land use legislation that does not meet the requirements of this section.

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(8) (a) If the committee rejects the draft concurrent resolution, a county may resubmit a revised report and draft concurrent resolution to the office in accordance with the terms of this section.

(b) Upon receipt of a revised report and draft concurrent resolution, the office shall comply with the procedures set forth in this section.

(c) Upon receipt of a revised report, evaluation, and draft concurrent resolution by the office, a committee described in Subsection (6) shall comply with the procedures set forth in this section.

(9) The governor may call a special session to consider the concurrent resolution presented to and approved by a committee described in Subsection (7)(a).

(10) If a concurrent resolution described in this section is adopted by the Legislature and signed by the governor, the Office of the Governor shall forward a copy of the concurrent resolution, the county's report, and the proposed congressional land use legislation to Utah's congressional delegation.

Section 82. Section **63L-2-301** is amended to read:

63L-2-301. Promoting or lobbying for a federal designation within the state.

(1) As used in this section:

(a) "Federal designation" means the designation of a:

- (i) national monument;
- (ii) national conservation area;
- (iii) wilderness area or wilderness study area;
- (iv) area of critical environmental concern;
- (v) research natural area; or
- (vi) national recreation area.

(b) (i) "Governmental entity" means:

- (A) a state-funded institution of higher education or public education;
- (B) a political subdivision of the state;
- (C) an office, agency, board, bureau, committee, department, advisory board, or commission that the government funds or establishes to carry out the public's business, regardless of whether the office, agency board, bureau, committee, department, advisory board, or commission is composed entirely of public officials or employees;

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(D) an interlocal entity as defined in Section 11-13-103 or a joint or cooperative undertaking as defined in Section 11-13-103;

(E) a governmental nonprofit corporation as defined in Section 11-13a-102; or

(F) an association as defined in Section 53G-7-1101.

(ii) "Governmental entity" does not mean:

(A) the School and Institutional Trust Lands Administration created in Section 53C-1-201;

(B) the School and Institutional Trust Lands Board of Trustees created in Section 53C-1-202;

(C) the Office of the Governor;

(D) the Governor's Office of [~~Management~~] Planning and Budget created in Section 63J-4-201;

(E) the Public Lands Policy Coordinating Office created in Section [~~63J-4-602~~] 63L-11-201;

(F) the Office of Energy Development created in Section 63M-4-401; or

(G) the Governor's Office of Economic Development created in Section 63N-1-201, including the Office of Tourism and the Utah Office of Outdoor Recreation created in Section 63N-9-104.

(2) (a) A governmental entity, or a person a governmental entity employs and designates as a representative, may investigate the possibility of a federal designation within the state.

(b) A governmental entity that intends to advocate for a federal designation within the state shall:

(i) notify the chairs of the following committees before the introduction of federal legislation:

(A) the Natural Resources, Agriculture, and Environment Interim Committee, if constituted, and the Federalism Commission; or

(B) if the notice is given during a General Session, the House and Senate Natural Resources, Agriculture, and Environment Standing Committees; and

(ii) upon request of the chairs, meet with the relevant committee to review the proposal.

(3) This section does not apply to a political subdivision supporting a federal

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designation if the federal designation:

- (a) applies to 5,000 acres or less; and
- (b) has an economical or historical benefit to the political subdivision.

Section 83. Section **63L-10-102** is amended to read:

63L-10-102. Definitions.

As used in this chapter:

- (1) "Commission" means the Federalism Commission.
- (2) "Office" means the Public Lands Policy Coordinating Office established in Section ~~[63J-4-602]~~ 63L-11-201.

(3) "Plan" means the statewide resource management plan, created pursuant to Section ~~[63J-4-607]~~ 63L-11-203 and adopted in Section 63L-10-103.

(4) "Public lands" means:

- (a) land other than a national park that is managed by the United States Parks Service;
- (b) land that is managed by the United States Forest Service; and
- (c) land that is managed by the Bureau of Land Management.

Section 84. Section **63L-11-101** is enacted to read:

CHAPTER 11. PUBLIC LANDS PLANNING

Part 1. General Provisions

63L-11-101. Title.

This chapter is known as "Public Lands Planning."

Section 85. Section **63L-11-102**, which is renumbered from Section 63J-4-601 is renumbered and amended to read:

~~[63J-4-601].~~ **63L-11-102. Definitions.**

As used in this ~~[part]~~ chapter:

- (1) "Coordinating committee" means the committee created in Section 63L-11-401.
- ~~[(1) "Coordinator"]~~ (2) "Executive director" means the public lands policy
~~[coordinator]~~ executive director appointed ~~[in this part]~~ under Section 63L-11-201.

~~[(2)]~~ (3) "Office" means the Public Lands Policy Coordinating Office created ~~[by this part]~~ in Section 63L-11-201.

~~[(3)]~~ (4) "Political subdivision" means:

- (a) a county, municipality, local district, special service district, school district, or

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interlocal [~~cooperation agreement entity, or any~~] entity, as defined in Section 11-13-103; or

(b) an administrative subunit of [them] an entity listed in Subsection (4)(a).

~~[(4) "State planning coordinator" means the person appointed under Subsection 63J-4-202(1)(a)(ii).]~~

Section 86. Section **63L-11-103** is enacted to read:

63L-11-103. Interrelationship with other law.

(1) Notwithstanding any provision of Section 63J-8-105.5, the state is committed to establishing and administering an effective statewide conservation strategy for greater sage grouse.

(2) Nothing in this chapter may be construed to restrict or supersede the planning powers conferred upon departments, agencies, instrumentalities, or advisory councils of the state or the planning powers conferred upon political subdivisions by any other existing law.

(3) Nothing in this chapter may be construed to affect any lands withdrawn from the public domain for military purposes to be administered by the United States Army, Air Force, or Navy.

Section 87. Section **63L-11-201**, which is renumbered from Section 63J-4-602 is renumbered and amended to read:

Part 2. Public Lands Policy Coordinating Office

~~[63J-4-602].~~ **63L-11-201. Public Lands Policy Coordinating Office -- Executive director -- Appointment -- Qualifications -- Compensation.**

(1) There is created within [~~state government~~] the Department of Natural Resources the Public Lands Policy Coordinating Office[~~. The office shall~~] to be administered by [a public lands policy coordinator] an executive director.

(2) The [~~coordinator~~] executive director shall be appointed by the governor with the advice and consent of the Senate and shall serve at the pleasure of the governor.

(3) The [~~coordinator~~] executive director shall have demonstrated the necessary administrative and professional ability through education and experience to efficiently and effectively manage the office's affairs.

(4) (a) The [~~coordinator~~] executive director and employees of the office shall receive compensation as provided in Title 67, Chapter 19, Utah State Personnel Management Act.

(b) The office space for the executive director and employees of the office shall be in a

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building where the Department of Natural Resources is located.

Section 88. Section **63L-11-202**, which is renumbered from Section 63J-4-603 is renumbered and amended to read:

~~[63J-4-603].~~ **63L-11-202. Powers and duties of the office and executive director.**

(1) The ~~[coordinator and the]~~ office shall:

(a) make a report to the Constitutional Defense Council created under Section 63C-4a-202 concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter 4a, Constitutional and Federalism Defense Act;

(b) provide staff assistance to the Constitutional Defense Council created under Section 63C-4a-202 for meetings of the council;

(c) (i) prepare and submit a constitutional defense plan under Section 63C-4a-403; and

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

(d) ~~[under the direction of the state planning coordinator, assist in fulfilling the state planning coordinator's duties outlined in Section 63J-4-401 as those duties relate to the development of]~~ develop public lands policies by:

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

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

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

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

(A) prepare coordinated public lands policies;

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

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

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

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

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

- (i) state agencies;
 - (ii) political subdivisions;
 - (iii) the Office of Rural Development created under Section 63N-4-102;
 - (iv) the [~~Resource Development Coordinating Committee created under Section 63J-4-501~~] coordinating committee;
 - (v) School and Institutional Trust Lands Administration created under Section 53C-1-201;
 - (vi) the committee created under Section 63F-1-508 to award grants to counties to inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and
 - (vii) the Constitutional Defense Council created under Section 63C-4a-202;
- (f) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9, Chapter 8, Part 4, Historic Sites;
- (g) consistent with other statutory duties, encourage agencies to responsibly preserve archaeological resources;
- (h) maintain information concerning grants made under Subsection (1)(j), if available;
- (i) report annually, or more often if necessary or requested, concerning the office's activities and expenditures to:
- (i) the Constitutional Defense Council; and
 - (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim Committee jointly with the Constitutional Defense Council;
- (j) make grants of up to 16% of the office's total annual appropriations from the Constitutional Defense Restricted Account to a county or statewide association of counties to be used by the county or association of counties for public lands matters if the [~~coordinator~~] executive director, with the advice of the Constitutional Defense Council, determines that the action provides a state benefit;
- (k) provide staff services to the Snake Valley Aquifer Advisory Council created in Section 63C-12-103;
- (l) coordinate and direct the Snake Valley Aquifer Research Team created in Section 63C-12-107;

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(m) conduct the public lands transfer study and economic analysis required by Section ~~[63J-4-606]~~ 63L-11-304; and

(n) fulfill the duties described in Section 63L-10-103.

(2) The ~~[coordinator and office]~~ executive director shall comply with Subsection 63C-4a-203(8) before submitting a comment to a federal agency, if the governor would be subject to Subsection 63C-4a-203(8) ~~[if the governor were]~~ in submitting the ~~[material]~~ comment.

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

~~[(a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and Classification Act;]~~

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

~~[(c) any other matter within the office's responsibility.]~~

(3) The office may enter into an agreement with another state agency to provide information and services related to:

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

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

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

(4) In fulfilling the duties under this part, the office shall consult, as necessary, with:

(a) the Department of Natural Resources;

(b) the Department of Agriculture and Food;

(c) the Department of Environmental Quality;

(d) other applicable state agencies;

(e) political subdivisions of the state;

(f) federal land management agencies; and

(g) elected officials.

Section 89. Section **63L-11-203**, which is renumbered from Section 63J-4-607 is renumbered and amended to read:

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~~[63J-4-607]~~. 63L-11-203. **Resource management plan administration.**

(1) The office shall consult with the Federalism Commission before expending funds appropriated by the Legislature for the implementation of this section.

(2) To the extent that the Legislature appropriates sufficient funding, the office may procure the services of a non-public entity in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to assist the office with the office's responsibilities described in Subsection (3).

(3) The office shall:

(a) assist each county with the creation of the county's resource management plan by:

(i) consulting with the county on policy and legal issues related to the county's resource management plan; and

(ii) helping the county ensure that the county's resource management plan meets the requirements of Subsection 17-27a-401(3);

(b) promote quality standards among all counties' resource management plans; and

(c) upon submission by a county, review and verify the county's:

(i) estimated cost for creating a resource management plan; and

(ii) actual cost for creating a resource management plan.

(4) (a) A county shall cooperate with the office, or an entity procured by the office under Subsection (2), with regards to the office's responsibilities under Subsection (3).

(b) To the extent that the Legislature appropriates sufficient funding, the office may, in accordance with Subsection (4)(c), provide funding to a county before the county completes a resource management plan.

(c) The office may provide pre-completion funding described in Subsection (4)(b):

(i) after:

(A) the county submits an estimated cost for completing the resource management plan to the office; and

(B) the office reviews and verifies the estimated cost in accordance with Subsection (3)(c)(i); and

(ii) in an amount up to:

(A) 50% of the estimated cost of completing the resource management plan, verified by the office; or

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(B) \$25,000, if the amount described in Subsection (4)(c)(i)(A) is greater than \$25,000.

(d) To the extent that the Legislature appropriates sufficient funding, the office shall provide funding to a county in the amount described in Subsection (4)(e) after:

(i) a county's resource management plan:

(A) meets the requirements described in Subsection 17-27a-401(3); and

(B) is adopted under Subsection 17-27a-404(5)(d);

(ii) the county submits the actual cost of completing the resource management plan to the office; and

(iii) the office reviews and verifies the actual cost in accordance with Subsection (3)(c)(ii).

(e) The office shall provide funding to a county under Subsection (4)(d) in an amount equal to the difference between:

(i) the lesser of:

(A) the actual cost of completing the resource management plan, verified by the office;

or

(B) \$50,000; and

(ii) the amount of any pre-completion funding that the county received under Subsections (4)(b) and (c).

(5) To the extent that the Legislature appropriates sufficient funding, after the deadline established in Subsection 17-27a-404(5)(d) for a county to adopt a resource management plan, the office shall:

(a) obtain a copy of each county's resource management plan;

(b) create a statewide resource management plan that:

(i) meets the same requirements described in Subsection 17-27a-401(3); and

(ii) to the extent reasonably possible, coordinates and is consistent with any resource management plan or land use plan established under Chapter 8, State of Utah Resource Management Plan for Federal Lands; and

(c) submit a copy of the statewide resource management plan to the Federalism Commission for review.

(6) Following review of the statewide resource management plan, the Federalism Commission shall prepare a concurrent resolution approving the statewide resource

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management plan for consideration during the 2018 General Session.

(7) To the extent that the Legislature appropriates sufficient funding, the office shall provide legal support to a county that becomes involved in litigation with the federal government over the requirements of Subsection 17-27a-405(3).

(8) After the statewide resource management plan is approved, as described in Subsection (6), and to the extent that the Legislature appropriates sufficient funding, the office shall monitor the implementation of the statewide resource management plan at the federal, state, and local levels.

Section 90. Section **63L-11-301** is enacted to read:

Part 3. Office Duties Related to Federal Land

63L-11-301. Office duties relating to plans for the management of federal land.

(1) (a) In preparing or assisting in the preparation of plans, policies, programs, or processes related to the management or use of federal land or natural resources on federal land in the state, the office shall:

(i) incorporate the plans, policies, programs, processes, and desired outcomes of the counties where the federal lands or natural resources are located, to the maximum extent consistent with state and federal law, subject to Subsection (1)(b);

(ii) identify inconsistencies or conflicts between the plans, policies, programs, processes, and desired outcomes prepared under Subsection (1)(a)(i) and the plans, programs, processes, and desired outcomes of local government as early in the preparation process as possible, and seek resolution of the inconsistencies through meetings or other conflict resolution mechanisms involving the necessary and immediate parties to the inconsistency or conflict;

(iii) present to the governor the nature and scope of any inconsistency or other conflict that is not resolved under the procedures in Subsection (1)(a)(i) for the governor's decision about the position of the state concerning the inconsistency or conflict;

(iv) develop, research, and use factual information, legal analysis, and statements of desired future condition for the state, or subregion of the state, as necessary to support the plans, policies, programs, processes, and desired outcomes of the state and the counties where the federal lands or natural resources are located;

(v) establish and coordinate agreements between the state and federal land management

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agencies, federal natural resource management agencies, and federal natural resource regulatory agencies to facilitate state and local participation in the development, revision, and implementation of land use plans, guidelines, regulations, other instructional memoranda, or similar documents proposed or promulgated for lands and natural resources administered by federal agencies; and

(vi) work in conjunction with political subdivisions to establish agreements with federal land management agencies, federal natural resource management agencies, and federal natural resource regulatory agencies to provide a process for state and local participation in the preparation of, or coordinated state and local response to, environmental impact analysis documents and similar documents prepared pursuant to law by state or federal agencies.

(b) The requirement in Subsection (1)(a)(i) may not be interpreted to infringe upon the authority of the governor.

(2) The office shall cooperate with and work in conjunction with appropriate state agencies and political subdivisions to develop policies, plans, programs, processes, and desired outcomes authorized by this section by coordinating the development of positions:

(a) through the coordinating committee;

(b) in conjunction with local government officials concerning general local government plans; and

(c) by soliciting public comment through the coordinating committee.

Section 91. Section **63L-11-302** is enacted to read:

63L-11-302. Principles to be recognized and promoted.

The office shall recognize and promote the following principles when preparing any policies, plans, programs, processes, or desired outcomes relating to federal lands and natural resources on federal lands under Section 63L-11-301:

(1) (a) the citizens of the state are best served by applying multiple-use and sustained-yield principles in public land use planning and management; and

(b) multiple-use and sustained-yield management means that federal agencies should develop and implement management plans and make other resource-use decisions that:

(i) achieve and maintain in perpetuity a high-level annual or regular periodic output of mineral and various renewable resources from public lands;

(ii) support valid existing transportation, mineral, and grazing privileges at the highest

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reasonably sustainable levels;

(iii) support the specific plans, programs, processes, and policies of state agencies and local governments;

(iv) are designed to produce and provide the desired vegetation for the watersheds, timber, food, fiber, livestock forage, wildlife forage, and minerals that are necessary to meet present needs and future economic growth and community expansion without permanent impairment of the productivity of the land;

(v) meet the recreational needs and the personal and business-related transportation needs of the citizens of the state by providing access throughout the state;

(vi) meet the recreational needs of the citizens of the state;

(vii) meet the needs of wildlife;

(viii) provide for the preservation of cultural resources, both historical and archaeological;

(ix) meet the needs of economic development;

(x) meet the needs of community development; and

(xi) provide for the protection of water rights;

(2) managing public lands for wilderness characteristics circumvents the statutory wilderness process and is inconsistent with the multiple-use and sustained-yield management standard that applies to all Bureau of Land Management and United States Forest Service lands that are not wilderness areas or wilderness study areas;

(3) all waters of the state are:

(a) owned exclusively by the state in trust for the state's citizens;

(b) are subject to appropriation for beneficial use; and

(c) are essential to the future prosperity of the state and the quality of life within the state;

(4) the state has the right to develop and use the state's entitlement to interstate rivers;

(5) all water rights desired by the federal government must be obtained through the state water appropriation system;

(6) land management and resource-use decisions which affect federal lands should give priority to and support the purposes of the compact between the state and the United States related to school and institutional trust lands;

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(7) development of the solid, fluid, and gaseous mineral resources of the state is an important part of the economy of the state, and of local regions within the state;

(8) the state should foster and support industries that take advantage of the state's outstanding opportunities for outdoor recreation;

(9) wildlife constitutes an important resource and provides recreational and economic opportunities for the state's citizens;

(10) proper stewardship of the land and natural resources is necessary to ensure the health of the watersheds, timber, forage, and wildlife resources to provide for a continuous supply of resources for the people of the state and the people of the local communities who depend on these resources for a sustainable economy;

(11) forests, rangelands, timber, and other vegetative resources:

(a) provide forage for livestock;

(b) provide forage and habitat for wildlife;

(c) provide resources for the state's timber and logging industries;

(d) contribute to the state's economic stability and growth; and

(e) are important for a wide variety of recreational pursuits;

(12) management programs and initiatives that improve watersheds and forests and increase forage for the mutual benefit of wildlife species and livestock, logging, and other agricultural industries by utilizing proven techniques and tools are vital to the state's economy and the quality of life in the state; and

(13) (a) land management plans, programs, and initiatives should provide that the amount of domestic livestock forage, expressed in animal unit months, for permitted, active use as well as the wildlife forage included in that amount, be no less than the maximum number of animal unit months sustainable by range conditions in grazing allotments and districts, based on an on-the-ground and scientific analysis;

(b) the state opposes the relinquishment or retirement of grazing animal unit months in favor of conservation, wildlife, and other uses;

(c) (i) the state favors the best management practices that are jointly sponsored by cattlemen, sportsmen, and wildlife management groups such as chaining, logging, seeding, burning, and other direct soil and vegetation prescriptions that are demonstrated to restore forest and rangeland health, increase forage, and improve watersheds in grazing districts and

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allotments for the benefit of domestic livestock and wildlife;

(ii) when practices described in Subsection (13)(c)(i) increase a grazing allotment's forage beyond the total permitted forage use that was allocated to that allotment in the last federal land use plan or allotment management plan still in existence as of January 1, 2005, a reasonable and fair portion of the increase in forage beyond the previously allocated total permitted use should be allocated to wildlife as recommended by a joint, evenly balanced committee of livestock and wildlife representatives that is appointed and constituted by the governor for that purpose; and

(iii) the state favors quickly and effectively adjusting wildlife population goals and population census numbers in response to variations in the amount of available forage caused by drought or other climatic adjustments, and state agencies responsible for managing wildlife population goals and population census numbers will, when making those adjustments, give due regard to both the needs of the livestock industry and the need to prevent the decline of species to a point of listing under the terms of the Endangered Species Act;

(d) the state opposes the transfer of grazing animal unit months to wildlife for supposed reasons of rangeland health;

(e) reductions in domestic livestock animal unit months must be temporary and scientifically based upon rangeland conditions;

(f) policies, plans, programs, initiatives, resource management plans, and forest plans may not allow the placement of grazing animal unit months in a suspended use category unless there is a rational and scientific determination that the condition of the rangeland allotment or district in question will not sustain the animal unit months sought to be placed in suspended use;

(g) any grazing animal unit months that are placed in a suspended use category should be returned to active use when range conditions improve;

(h) policies, plans, programs, and initiatives related to vegetation management should recognize and uphold the preference for domestic grazing over alternate forage uses in established grazing districts while upholding management practices that optimize and expand forage for grazing and wildlife in conjunction with state wildlife management plans and programs in order to provide maximum available forage for all uses; and

(i) in established grazing districts, animal unit months that have been reduced due to

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rangeland health concerns should be restored to livestock when rangeland conditions improve, and should not be converted to wildlife use.

Section 92. Section **63L-11-303** is enacted to read:

63L-11-303. Findings to be recognized and promoted.

The office shall recognize and promote the following findings in the preparation of any policies, plans, programs, processes, or desired outcomes under Section 63L-11-301 relating to federal lands and natural resources on federal lands:

(1) as a coholder of R.S. 2477 rights-of-way with the counties, the state supports the state's recognition by the federal government and the public use of R.S. 2477 rights-of-way and urges the federal government to fully recognize the rights-of-way and their use by the public as expeditiously as possible;

(2) it is the policy of the state to use reasonable administrative and legal measures to protect and preserve valid existing rights-of-way granted by Congress under R.S. 2477, and to support and work in conjunction with counties to redress cases where R.S. 2477 rights-of-way are not recognized or are impaired; and

(3) transportation and access routes to and across federal lands, including all rights-of-way vested under R.S. 2477, are vital to the state's economy and to the quality of life in the state, and must provide, at a minimum, a network of roads throughout the resource planning area that provides for:

(a) movement of people, goods, and services across public lands;

(b) reasonable access to a broad range of resources and opportunities throughout the resource planning area, including:

(i) livestock operations and improvements;

(ii) solid, fluid, and gaseous mineral operations;

(iii) recreational opportunities and operations, including motorized and nonmotorized recreation;

(iv) search and rescue needs;

(v) public safety needs; and

(vi) access for transportation of wood products to market;

(c) access to federal lands for people with disabilities and the elderly; and

(d) access to state lands and school and institutional trust lands to accomplish the

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purposes of those lands;

(4) the state's support for the addition of a river segment to the National Wild and Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:

(a) it is clearly demonstrated that water is present and flowing at all times;

(b) it is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state, and that the rationale and justification for the conclusions are disclosed;

(c) it is clearly demonstrated that the inclusion of each river segment is consistent with the plans and policies of the state and the county or counties where the river segment is located as those plans and policies are developed according to Subsection (3);

(d) the effects of the addition upon the local and state economies, agricultural and industrial operations and interests, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;

(e) it is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies;

(f) the rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed;

(g) it is clearly demonstrated that the federal agency that has management authority over the river segment and that is proposing the segment for inclusion in the National Wild and Scenic River System will not use the actual or proposed designation as a basis to impose management standards outside of the federal land management plan;

(h) it is clearly demonstrated that the federal land and resource management plan containing a recommendation for inclusion in the National Wild and Scenic River System:

(i) evaluates all eligible river segments in the resource planning area completely and fully for suitability for inclusion in the National Wild and Scenic River System;

(ii) does not suspend or terminate any studies for inclusion in the National Wild and Scenic River System at the eligibility phase;

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(iii) fully disclaims any interest in water rights for the recommended segment as a result of the adoption of the plan; and

(iv) fully disclaims the use of the recommendation for inclusion in the National Wild and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for projects upstream, downstream, or within the recommended segment;

(i) it is clearly demonstrated that the agency with management authority over the river segment commits not to use an actual or proposed designation as a basis to impose Visual Resource Management Class I or II management prescriptions that do not comply with the provisions of Subsection (24); and

(j) it is clearly demonstrated that including the river segment and the terms and conditions for managing the river segment as part of the National Wild and Scenic River System will not prevent, reduce, impair, or otherwise interfere with:

(i) the enjoyment of the state and the state's citizens of complete and exclusive water rights in and to the rivers of the state as determined by the laws of the state; or

(ii) local, state, regional, or interstate water compacts to which the state or any county is a party;

(5) the conclusions of all studies related to potential additions to the National Wild and Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals for addition and are forwarded to the United States Congress;

(6) the state's support for designation of an Area of Critical Environmental Concern (ACEC), as defined in 43 U.S.C. Sec. 1702, within federal land management plans will be withheld until:

(a) it is clearly demonstrated that the proposed area satisfies all the definitional requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1702(a);

(b) it is clearly demonstrated that:

(i) the area proposed for designation as an ACEC is limited in geographic size; and

(ii) that the proposed management prescriptions are limited in scope to the minimum necessary to specifically protect and prevent irreparable damage to the relevant and important

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values identified, or limited in geographic size and management prescriptions to the minimum required to specifically protect human life or safety from natural hazards;

(c) it is clearly demonstrated that the proposed area is limited only to areas that are already developed or used or to areas where no development is required;

(d) it is clearly demonstrated that the proposed area contains relevant and important historic, cultural or scenic values, fish or wildlife resources, or natural processes which are unique or substantially significant on a regional basis, or contain natural hazards which significantly threaten human life or safety;

(e) the federal agency has analyzed regional values, resources, processes, or hazards for irreparable damage and potential causes of the damage resulting from potential actions which are consistent with the multiple-use, sustained-yield principles, and the analysis describes the rationale for any special management attention required to protect, or prevent irreparable damage to, the values, resources, processes, or hazards;

(f) it is clearly demonstrated that the proposed designation is consistent with the plans and policies of the state and of the county where the proposed designation is located as those plans and policies are developed according to Subsection (3);

(g) it is clearly demonstrated that the proposed ACEC designation will not be applied redundantly over existing protections provided by other state and federal laws for federal lands or resources on federal lands, and that the federal statutory requirement for special management attention for a proposed ACEC will discuss and justify any management requirements needed in addition to those specified by the other state and federal laws;

(h) the difference between special management attention required for an ACEC and normal multiple-use management has been identified and justified, and any determination of irreparable damage has been analyzed and justified for short-term and long-term horizons;

(i) it is clearly demonstrated that the proposed designation:

(i) is not a substitute for a wilderness suitability recommendation;

(ii) is not a substitute for managing areas inventoried for wilderness characteristics after 1993 under the Bureau of Land Management interim management plan for valid wilderness study areas; and

(iii) it is not an excuse or justification to apply de facto wilderness management standards; and

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(j) the conclusions of all studies are submitted to the state, as a cooperating agency, for review, and the results, in support of or in opposition to, are included in all planning documents;

(7) sufficient federal lands are made available for government-to-government exchanges of school and institutional trust lands and federal lands without regard for a resource-to-resource correspondence between the surface or mineral characteristics of the offered trust lands and the offered federal lands;

(8) federal agencies should support government-to-government exchanges of land with the state based on a fair process of valuation which meets the fiduciary obligations of both the state and federal governments toward trust lands management, and which assures that revenue authorized by federal statute to the state from mineral or timber production, present or future, is not diminished in any manner during valuation, negotiation, or implementation processes;

(9) agricultural and grazing lands should continue to produce the food and fiber needed by the citizens of the state and the nation, and the rural character and open landscape of rural Utah should be preserved through a healthy and active agricultural and grazing industry, consistent with private property rights and state fiduciary duties;

(10) (a) the resources of the forests and rangelands of the state should be integrated as part of viable, robust, and sustainable state and local economies;

(b) available forage should be evaluated for the full complement of herbivores the rangelands can support in a sustainable manner;

(c) forests should contain a diversity of timber species; and

(d) disease or insect infestations in forests should be controlled using logging or other best management practices;

(11) the state opposes any additional evaluation of national forest service lands as roadless or unroaded beyond the forest service's second roadless area review evaluation and opposes efforts by agencies to specially manage those areas in a way that:

(a) closes or declassifies existing roads unless multiple side-by-side roads exist running to the same destination and state and local governments consent to close or declassify the extra roads;

(b) permanently bars travel on existing roads;

(c) excludes or diminishes traditional multiple-use activities, including grazing and

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proper forest harvesting;

(d) interferes with the enjoyment and use of valid, existing rights, including water rights, local transportation plan rights, R.S. 2477 rights, grazing allotment rights, and mineral leasing rights; or

(e) prohibits development of additional roads reasonably necessary to pursue traditional multiple-use activities;

(12) the state's support for any forest plan revision or amendment will be withheld until the appropriate plan revision or plan amendment clearly demonstrates that:

(a) established roads are not referred to as unclassified roads or a similar classification;

(b) lands in the vicinity of established roads are managed under the multiple-use, sustained-yield management standard; and

(c) no roadless or unroaded evaluations or inventories are recognized or upheld beyond those that were recognized or upheld in the forest service's second roadless area review evaluation;

(13) the state's support for any recommendations made under the statutory requirement to examine the wilderness option during the revision of land and resource management plans by the United States Forest Service will be withheld until it is clearly demonstrated that:

(a) the duly adopted transportation plans of the state and each county within the planning area are fully and completely incorporated into the baseline inventory of information from which plan provisions are derived;

(b) valid state or local roads and rights-of-way are recognized and not impaired in any way by the recommendations;

(c) the development of mineral resources by underground mining is not affected by the recommendations;

(d) the need for additional administrative or public roads necessary for the full use of the various multiple uses, including recreation, mineral exploration and development, forest health activities, and grazing operations, is not unduly affected by the recommendations;

(e) analysis and full disclosure are made concerning the balance of multiple-use management in the proposed areas, and that the analysis compares the full benefit of multiple-use management to the recreational, forest health, and economic needs of the state and the counties to the benefits of the requirements of wilderness management; and

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(f) the conclusions of all studies related to the requirement to examine the wilderness option are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals that are forwarded to the United States Congress;

(14) the invasion of noxious weeds and undesirable invasive plant species into the state should be reversed, their presence eliminated, and their return prevented;

(15) management and resource-use decisions by federal land management and regulatory agencies concerning the vegetative resources within the state should reflect serious consideration of the proper optimization of the yield of water within the watersheds of the state;

(16) it is the policy of the state that:

(a) mineral and energy production and environmental protection are not mutually exclusive;

(b) it is technically feasible to permit appropriate access to mineral and energy resources while preserving nonmineral and nonenergy resources;

(c) resource management planning should seriously consider all available mineral and energy resources;

(d) the development of the solid, fluid, and gaseous mineral resources of the state and the renewable resources of the state should be encouraged;

(e) the waste of fluid and gaseous minerals within developed areas should be prohibited; and

(f) requirements to mitigate or reclaim mineral development projects should be based on credible evidence of significant impacts to natural or cultural resources;

(17) the state's support for mineral development provisions within federal land management plans will be withheld until the appropriate land management plan environmental impact statement clearly demonstrates:

(a) that the authorized planning agency has:

(i) considered and evaluated the mineral and energy potential in all areas of the planning area as if the areas were open to mineral development under standard lease agreements; and

(ii) evaluated any management plan prescription for the plan's impact on the area's

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baseline mineral and energy potential;

(b) that the development provisions do not unduly restrict access to public lands for energy exploration and development;

(c) that the authorized planning agency has supported any closure of additional areas to mineral leasing and development or any increase of acres subject to no surface occupancy restrictions by adhering to:

(i) the relevant provisions of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;

(ii) other controlling mineral development laws; and

(iii) the controlling withdrawal and reporting procedures set forth in the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;

(d) that the authorized planning agency evaluated whether to repeal any moratorium that may exist on the issuance of additional mining patents and oil and gas leases;

(e) that the authorized planning agency analyzed all proposed mineral lease stipulations and considered adopting the least restrictive necessary to protect against damage to other significant resource values;

(f) that the authorized planning agency evaluated mineral lease restrictions to determine whether to waive, modify, or make exceptions to the restrictions on the basis that they are no longer necessary or effective;

(g) that the authorized federal agency analyzed all areas proposed for no surface occupancy restrictions, and that the analysis evaluated:

(i) whether directional drilling is economically feasible and ecologically necessary for each proposed no surface occupancy area;

(ii) whether the directional drilling feasibility analysis, or analysis of other management prescriptions, demonstrates that the proposed no surface occupancy prescription, in effect, sterilizes the mineral and energy resources beneath the area; and

(iii) whether, if the minerals are effectively sterilized, the area must be reported as withdrawn under the provisions of the Federal Land Policy and Management Act; and

(h) that the authorized planning agency has evaluated all directional drilling requirements in no surface occupancy areas to determine whether directional drilling is feasible from an economic, ecological, and engineering standpoint;

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(18) motorized, human-powered, and animal-powered outdoor recreation should be integrated into a fair and balanced allocation of resources within the historical and cultural framework of multiple uses in rural areas of the state, and outdoor recreation should be supported as part of a balanced plan of state and local economic support and growth;

(19) off-highway vehicles should be used responsibly, the management of off-highway vehicles should be uniform across all jurisdictions, and laws related to the use of off-highway vehicles should be uniformly applied across all jurisdictions;

(20) (a) rights-of-way granted and vested under the provisions of R.S. 2477 should be preserved and acknowledged; and

(b) land use management plans, programs, and initiatives should be consistent with both state and county transportation plans developed according to Subsection (3) in order to provide a network of roads throughout the planning area that provides for:

(i) movement of people, goods, and services across public lands;

(ii) reasonable access to a broad range of resources and opportunities throughout the planning area, including access to livestock, water, and minerals;

(iii) economic and business needs;

(iv) public safety;

(v) search and rescue;

(vi) access for people with disabilities and the elderly;

(vii) access to state lands; and

(viii) recreational opportunities;

(21) transportation and access provisions for all other existing routes, roads, and trails across federal, state, and school trust lands within the state should be determined and identified, and agreements should be executed and implemented, as necessary to fully authorize and determine responsibility for maintenance of all routes, roads, and trails;

(22) the reasonable development of new routes and trails for motorized, human-powered, and animal-powered recreation should be implemented;

(23) (a) forests, rangelands, and watersheds, in a healthy condition, are necessary and beneficial for wildlife, livestock grazing, and other multiple uses;

(b) management programs and initiatives that are implemented to increase forage for the benefit of the agricultural industry, livestock operations, and wildlife species should utilize

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all proven techniques and tools;

(c) the continued viability of livestock operations and the livestock industry should be supported on the federal lands within the state by management of the lands and forage resources, by the proper optimization of animal unit months for livestock, in accordance with the multiple-use provisions of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq., the provisions of the Taylor Grazing Act of 1934, 43 U.S.C. Sec. 315 et seq., and the provisions of the Public Rangelands Improvement Act of 1978, 43 U.S.C. Sec. 1901 et seq.;

(d) provisions for predator control initiatives or programs under the direction of state and local authorities should be implemented; and

(e) resource use and management decisions by federal land management and regulatory agencies should support state-sponsored initiatives or programs designed to stabilize wildlife populations that may be experiencing a scientifically demonstrated decline in those populations; and

(24) management and resource use decisions by federal land management and regulatory agencies concerning the scenic resources of the state must balance the protection of scenery with the full management requirements of the other authorized uses of the land under multiple-use management, and should carefully consider using Visual Resource Management Class I protection only for areas of inventoried Class A scenery or equivalent.

Section 93. Section **63L-11-304**, which is renumbered from Section 63J-4-606 is renumbered and amended to read:

~~[63J-4-606].~~ **63L-11-304. Public lands transfer study and economic analysis -- Report.**

(1) As used in this section:

(a) "Public lands" means the same as that term is defined in Section 63L-6-102.

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

(2) The [~~coordinator and the~~] office shall, on an ongoing basis, report to the Federalism Commission regarding the ramifications and economic impacts of the transfer of public lands.

(3) The [~~coordinator and~~] office shall:

(a) on an ongoing basis, discuss issues related to the transfer of public lands with:

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- (i) the School and Institutional Trust Lands Administration;
- (ii) local governments;
- (iii) water managers;
- (iv) environmental advocates;
- (v) outdoor recreation advocates;
- (vi) nonconventional and renewable energy producers;
- (vii) tourism representatives;
- (viii) wilderness advocates;
- (ix) ranchers and agriculture advocates;
- (x) oil, gas, and mining producers;
- (xi) fishing, hunting, and other wildlife interests;
- (xii) timber producers;
- (xiii) other interested parties; and
- (xiv) the Federalism Commission; and

(b) develop ways to obtain input from [~~Utah~~] citizens of the state regarding the transfer of public lands and the future care and use of public lands.

Section 94. Section **63L-11-305**, which is renumbered from Section 63J-4-608 is renumbered and amended to read:

~~[63J-4-608].~~ **63L-11-305. Facilitating the acquisition of federal land -- Advisory committee.**

- (1) As used in this section:
 - (a) "Advisory committee" means the committee established under Subsection (3).
 - (b) "Federal land" means land that the secretary is authorized to dispose of under the federal land disposal law.
 - (c) "Federal land disposal law" means the Recreation and Public Purposes Act, 43 U.S.C. Sec. 869 et seq.
 - (d) "Government entity" means any state or local government entity allowed to submit a land application under the federal land disposal law.
 - (e) "Land application" means an application under the federal land disposal law requesting the secretary to sell or lease federal land.
 - (f) "Land application process" means all actions involved in the process of submitting

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and obtaining a final decision on a land application.

(g) "Secretary" means the Secretary of the Interior of the United States.

(2) The [~~coordinator and the~~] office shall:

(a) develop expertise:

(i) in the land application process; and

(ii) concerning the factors that tend to increase the chances that a land application will result in the secretary selling or leasing federal land as requested in the land application;

(b) work to educate government entities concerning:

(i) the availability of federal land pursuant to the federal land disposal law; and

(ii) the land application process;

(c) advise and consult with a government entity that requests assistance from [~~the coordinator or~~] the office to formulate and submit a land application and to pursue a decision on the land application;

(d) advise and consult with a government entity that requests assistance from [~~the coordinator or~~] the office to identify and quantify the amount of any funds needed to provide the public use described in a land application;

(e) with the advice and recommendations of the advisory committee:

(i) adopt a list of factors to be considered in determining the degree to which a land application or potential land application is in the public interest; and

(ii) recommend a prioritization of all land applications or potential land applications in the state according to the extent to which the land applications are in the public interest, based on the factors adopted under Subsection (2)[~~(f)~~](e)(i);

(f) prepare and submit a written report of land applications:

(i) to the Natural Resources, Agriculture, and Environment Interim Committee and the Federalism Commission;

(ii) (A) annually no later than August 31; and

(B) at other times, if and as requested by the committee or commission; and

(iii) (A) on the activities of [~~the coordinator and~~] the office under this section;

(B) on the land applications and potential land applications in the state; and

(C) on the decisions of the secretary on land applications submitted by government entities in the state and the quantity of land acquired under the land applications;

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(g) present a summary of information contained in the report described in Subsection ~~[(3)]~~ (2)(f):

(i) at a meeting of the Natural Resources, Agriculture, and Environment Interim Committee and at a meeting of the Federalism Commission;

(ii) annually no later than August 31; and

(iii) at other times, if and as requested by the committee or commission; and

(h) report to the Executive Appropriations Committee of the Legislature, as frequently as the ~~[coordinator]~~ executive director considers appropriate or as requested by the committee, on the need for legislative appropriations to provide funds for the public purposes described in land applications.

(3) (a) There is created ~~[a]~~ an advisory committee comprised of:

(i) an individual designated by the chairs of the Federalism Commission;

(ii) an individual designated by the director of the Division of Facilities Construction and Management;

(iii) a representative of the Antiquities Section, created in Section 9-8-304, designated by the director of the Division of State History;

(iv) a representative of municipalities designated by the Utah League of Cities and Towns;

(v) a representative of counties designated by the Utah Association of Counties;

(vi) an individual designated by the Governor's Office of Economic Development; and

(vii) an individual designated by the director of the Division of Parks and Recreation, created in Section 79-4-201.

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

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

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

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

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

(e) The advisory committee may:

(i) select a chair from among the advisory committee members; and

(ii) meet as often as necessary to perform the advisory committee's duties under this section.

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

Section 95. Section **63L-11-401**, which is renumbered from Section 63J-4-501 is renumbered and amended to read:

Part 4. Resource Development Coordinating Committee

~~[63J-4-501].~~ **63L-11-401. Creation of coordinating committee.**

There is created the Resource Development Coordinating Committee within the [~~Governor's Office of Management and Budget~~] office to:

(1) assist the [~~state planning coordinator~~] office in fulfilling the responsibilities of reviewing and coordinating technical and policy actions that may affect the physical resources of the state; and

(2) facilitate the exchange of information on those actions among state agencies and other levels of government.

Section 96. Section **63L-11-402**, which is renumbered from Section 63J-4-502 is renumbered and amended to read:

~~[63J-4-502].~~ **63L-11-402. Membership -- Terms -- Chair -- Expenses.**

(1) The Resource Development Coordinating Committee [~~shall consist~~] consists of the following 24 members:

(a) the state science advisor;

(b) a representative from the Department of Agriculture and Food appointed by the executive director of the Department of Agriculture and Food;

(c) a representative from the Department of Heritage and Arts appointed by the executive director of the Department of Heritage and Arts;

(d) a representative from the Department of Environmental Quality appointed by the executive director of the Department of Environmental Quality;

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(e) a representative from the Department of Natural Resources appointed by the executive director of the Department of Natural Resources;

(f) a representative from the Department of Transportation appointed by the executive director of the Department of Transportation;

(g) a representative from the Governor's Office of Economic Development appointed by the director of the Governor's Office of Economic Development;

(h) a representative from the Housing and Community Development Division appointed by the director of the Housing and Community Development Division;

(i) a representative from the Division of State History appointed by the director of the Division of State History;

(j) a representative from the Division of Air Quality appointed by the director of the Division of Air Quality;

(k) a representative from the Division of Drinking Water appointed by the director of the Division of Drinking Water;

(l) a representative from the Division of Environmental Response and Remediation appointed by the director of the Division of Environmental Response and Remediation;

(m) a representative from the Division of Waste Management and Radiation Control appointed by the director of the Division of Waste Management and Radiation Control;

(n) a representative from the Division of Water Quality appointed by the director of the Division of Water Quality;

(o) a representative from the Division of Oil, Gas, and Mining appointed by the director of the Division of Oil, Gas, and Mining;

(p) a representative from the Division of Parks and Recreation appointed by the director of the Division of Parks and Recreation;

(q) a representative from the Division of Forestry, Fire, and State Lands appointed by the director of the Division of Forestry, Fire, and State Lands;

(r) a representative from the Utah Geological Survey appointed by the director of the Utah Geological Survey;

(s) a representative from the Division of Water Resources appointed by the director of the Division of Water Resources;

(t) a representative from the Division of Water Rights appointed by the director of the

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Division of Water Rights;

(u) a representative from the Division of Wildlife Resources appointed by the director of the Division of Wildlife Resources;

(v) a representative from the School and Institutional Trust Lands Administration appointed by the director of the School and Institutional Trust Lands Administration;

(w) a representative from the Division of Facilities Construction and Management appointed by the director of the Division of Facilities Construction and Management; and

(x) a representative from the Division of Emergency Management appointed by the director of the Division of Emergency Management.

(2) (a) As particular issues require, the coordinating committee may, by majority vote of the members present, [~~and with the concurrence of the state planning coordinator,~~] appoint additional temporary members to serve as ex officio voting members.

(b) Those ex officio members may discuss and vote on the issue or issues for which they were appointed.

(3) A chair shall be selected by a majority vote of committee members with the concurrence of the [~~state planning coordinator~~] executive director.

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

(a) [~~Section~~] Sections 63A-3-106[; ~~(b) Section~~] and 63A-3-107; and

[~~(c)~~] (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 97. Section **63L-11-403**, which is renumbered from Section 63J-4-503 is renumbered and amended to read:

~~[63J-4-503].~~ **63L-11-403. Executive director responsibilities.**

[~~(1) The state planning coordinator shall:~~]

The executive director shall:

[~~(a)~~] (1) administer this part;

[~~(b)~~] (2) subject to the direction and approval of the governor, take necessary action [~~for its implementation~~] to implement this part; and

[~~(c)~~] (3) inform political subdivision representatives, in advance, of all coordinating committee meetings.

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~~[(2) The state planning coordinator may delegate the state planning coordinator's responsibilities under this part to the Public Lands Policy Coordinating Office.]~~

Section 98. Section **63L-11-404**, which is renumbered from Section 63J-4-504 is renumbered and amended to read:

~~**[63J-4-504].**~~ **63L-11-404. Coordinating committee duties.**

(1) The coordinating committee shall assist the ~~[state planning coordinator]~~ office:

(a) in the review of:

(i) proposed state actions affecting physical resources;

(ii) federal and federally assisted actions for which state review is provided by federal law, regulation, or policy; and

(iii) proposed federal regulations and policies pertaining to natural resource issues; and

(b) in the development and implementation of a procedure that will expedite the review of proposed energy and industrial facilities that require permits to be issued by more than one state agency.

(2) The ~~[state planning coordinator]~~ office shall review and forward the comments and recommendations of the committee to:

(a) the governor;

(b) the initiating state agency, in the case of a proposed state action; and

(c) the Office of Legislative Research and General Counsel.

Section 99. Section **63L-11-405**, which is renumbered from Section 63J-4-505 is renumbered and amended to read:

~~**[63J-4-505].**~~ **63L-11-405. Powers of state agencies and local governments not limited.**

This part does not limit powers conferred upon ~~[state]~~ departments, agencies, ~~[or]~~ instrumentalities ~~[of the state]~~, or political subdivisions of the state by existing law.

Section 100. Section **63N-1-203** is amended to read:

63N-1-203. Powers and duties of executive director.

(1) Unless otherwise expressly provided by statute, the executive director may organize the office in any appropriate manner, including the appointment of deputy directors of the office.

(2) The executive director may consolidate personnel and service functions for

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efficiency and economy in the office.

(3) The executive director, with the approval of the governor:

(a) may, by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, seek federal grants, loans, or participation in federal programs;

(b) may enter into a lawful contract or agreement with another state, a chamber of commerce organization, a service club, or a private entity; and

(c) shall annually prepare and submit to the governor a budget of the office's financial requirements.

(4) With the governor's approval, if a federal program requires the expenditure of state funds as a condition for the state to participate in a fund, property, or service, the executive director may expend necessary funds from money provided by the Legislature for the use of the office.

(5) The executive director shall coordinate with the executive directors of the Department of Workforce Services and the Governor's Office of ~~[Management]~~ Planning and Budget to review data and metrics to be reported to the Legislature as described in Subsection 63N-1-301(2)(b).

Section 101. Section **63N-1-301** is amended to read:

63N-1-301. Annual report -- Content -- Format -- Strategic plan.

(1) The office shall prepare and submit to the governor and the Legislature, by October 1 of each year, an annual written report of the operations, activities, programs, and services of the office, including the divisions, sections, boards, commissions, councils, and committees established under this title, for the preceding fiscal year.

(2) For each operation, activity, program, or service provided by the office, the annual report shall include:

(a) a description of the operation, activity, program, or service;

(b) data and metrics:

(i) selected and used by the office to measure progress, performance, effectiveness, and scope of the operation, activity, program, or service, including summary data; and

(ii) that are consistent and comparable for each state operation, activity, program, or service that primarily involves employment training or placement as determined by the executive directors of the office, the Department of Workforce Services, and the Governor's

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Office of [~~Management~~] Planning and Budget;

(c) budget data, including the amount and source of funding, expenses, and allocation of full-time employees for the operation, activity, program, or service;

(d) historical data from previous years for comparison with data reported under Subsections (2)(b) and (c);

(e) goals, challenges, and achievements related to the operation, activity, program, or service;

(f) relevant federal and state statutory references and requirements;

(g) contact information of officials knowledgeable and responsible for each operation, activity, program, or service; and

(h) other information determined by the office that:

(i) may be needed, useful, or of historical significance; or

(ii) promotes accountability and transparency for each operation, activity, program, or service with the public and elected officials.

(3) The annual report shall be designed to provide clear, accurate, and accessible information to the public, the governor, and the Legislature.

(4) The office shall:

(a) submit the annual report in accordance with Section 68-3-14;

(b) make the annual report, and previous annual reports, accessible to the public by placing a link to the reports on the office's website; and

(c) provide the data and metrics described in Subsection (2)(b) to the Talent Ready Utah Board created in Section 63N-12-503.

(5) (a) On or before October 1, 2019, the office shall:

(i) in consultation with the organizations described in Subsection (5)(c), coordinate the development of a written strategic plan that contains a coordinated economic development strategy for the state; and

(ii) provide the strategic plan to the president of the Senate, the speaker of the House of Representatives, and the Economic Development and Workforce Services Interim Committee.

(b) The strategic plan shall:

(i) establish a statewide economic development strategy that consists of a limited set of clear, concise, and defined principles and goals;

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- (ii) recommend targeted economic development policies that will further the implementation of the economic development strategy described in this section;
- (iii) identify each of the relevant state-level economic development agencies, including the agencies described in Subsection (5)(c);
- (iv) outline the functional role in furthering the state's economic development strategy for each relevant state-level economic development agency;
- (v) establish specific principles and make specific recommendations to decrease competition and increase communication and cooperation among state-level economic development agencies, providers and administrators of economic development programs in the state, nonprofit entities that participate in economic development in the state, and local governments;
- (vi) recommend a fundamental realignment of economic development programs in the state to ensure each program's purpose is congruent with the mission of the organization within which the program is located;
- (vii) address rural economic development by:
 - (A) establishing goals and principles to ensure the state's economic development strategy works for both urban and rural areas of the state; and
 - (B) providing recommendations on how existing rural economic development programs should be restructured or realigned;
- (viii) assess the effectiveness of the state's economic development incentives and make recommendations regarding:
 - (A) how incentive policies could be improved; and
 - (B) how incentives could be better coordinated among state-level economic development agencies and local governments;
- (ix) make recommendations regarding how to align the state's economic development strategy and policies in order to take advantage of the strengths and address the weaknesses of the state's current and projected urban and rural workforce;
- (x) make recommendations regarding how to monitor and assess whether certain economic development policies further the statewide economic development strategy described in this section, including recommendations on performance metrics to measure results; and
- (xi) align the strategic plan with each element of the statewide economic development

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strategy.

(c) The office shall coordinate the development of the strategic plan by working in coordination with and obtaining information from other state agencies, including:

- (i) the Department of Workforce Services;
- (ii) the Office of Energy Development;
- (iii) the State Board of Education; and
- (iv) the Utah Board of Higher Education.

(d) If contacted by the office, other state agencies, including those described in Subsection (5)(c), shall, in accordance with state and federal law, share information and cooperate with the office in coordinating the development of the strategic plan.

Section 102. Section **63N-2-107** is amended to read:

63N-2-107. Reports of new state revenues, partial rebates, and tax credits.

(1) Before October 1 of each year, the office shall submit a report to the Governor's Office of [~~Management~~] Planning and Budget, the Office of the Legislative Fiscal Analyst, and the Division of Finance identifying:

(a) (i) the total estimated amount of new state revenues created from new commercial projects in development zones;

(ii) the estimated amount of new state revenues from new commercial projects in development zones that will be generated from:

- (A) sales tax;
- (B) income tax; and
- (C) corporate franchise and income tax; and

(iii) the minimum number of new incremental jobs and high paying jobs that will be created before any tax credit is awarded; and

(b) the total estimated amount of tax credits that the office projects that business entities, local government entities, or community reinvestment agencies will qualify to claim under this part.

(2) By the first business day of each month, the office shall submit a report to the Governor's Office of [~~Management~~] Planning and Budget, the Office of the Legislative Fiscal Analyst, and the Division of Finance identifying:

- (a) each new agreement entered into by the office since the last report;

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(b) the estimated amount of new state revenues that will be generated under each agreement;

(c) the estimated maximum amount of tax credits that a business entity, local government entity, or community reinvestment agency could qualify for under each agreement; and

(d) the minimum number of new incremental jobs and high paying jobs that will be created before any tax credit is awarded.

(3) At the reasonable request of the Governor's Office of [~~Management~~] Planning and Budget, the Office of the Legislative Fiscal Analyst, or the Division of Finance, the office shall provide additional information about the tax credit, new incremental jobs and high paying jobs, costs, and economic benefits related to this part, if the information is part of a public record as defined in Section 63G-2-103.

Section 103. Section **63N-2-811** is amended to read:

63N-2-811. Reports of tax credits.

(1) Before December 1 of each year, the office shall submit a report to the Governor's Office of [~~Management~~] Planning and Budget, the Office of the Legislative Fiscal Analyst, and the Division of Finance identifying:

(a) the total amount listed on tax credit certificates the office issues under this part; and

(b) the criteria that the office uses in prioritizing the issuance of tax credits amongst tax credit applicants.

(2) By the first business day of each month, the office shall submit a report to the Governor's Office of [~~Management~~] Planning and Budget, the Office of the Legislative Fiscal Analyst, and the Division of Finance identifying:

(a) each new agreement entered into by the office since the last report;

(b) the total amount listed on tax credit certificates the office issues under this part; and

(c) the criteria that the office uses in prioritizing the issuance of tax credits amongst tax credit applicants.

Section 104. Section **63N-3-111** is amended to read:

63N-3-111. Annual policy considerations.

(1) (a) The board shall determine annually which industries or groups of industries shall be targeted industries as defined in Section 63N-3-102.

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(b) The office shall make recommendations to state and federal agencies, local governments, the governor, and the Legislature regarding policies and initiatives that promote the economic development of targeted industries.

(c) The office may create one or more voluntary advisory committees that may include public and private stakeholders to solicit input on policy guidance and best practices in encouraging the economic development of targeted industries.

(2) In designating an economically disadvantaged rural area, the board shall consider the average agricultural and nonagricultural wage, personal income, unemployment, and employment in the area.

(3) In evaluating the economic impact of applications for assistance, the board shall use an econometric cost-benefit model or models adopted by the Governor's Office of ~~[Management]~~ Planning and Budget.

(4) The board may establish:

(a) minimum interest rates to be applied to loans granted that reflect a fair social rate of return to the state comparable to prevailing market-based rates such as the prime rate, U.S. Government T-bill rate, or bond coupon rate as paid by the state, adjusted by social indicators such as the rate of unemployment; and

(b) minimum applicant expense ratios, as long as they are at least equal to those required under Subsection 63N-3-105(1)(a) or 63N-3-108(1)(b)(i)(A).

Section 105. Section **63N-9-104** is amended to read:

63N-9-104. Creation of outdoor recreation office and appointment of director -- Responsibilities of outdoor recreation office.

(1) There is created within the Governor's Office of Economic Development the Utah Office of Outdoor Recreation.

(2) (a) The executive director shall appoint a director of the outdoor recreation office.

(b) The director shall report to the executive director and may appoint staff.

(3) The outdoor recreation office shall:

(a) coordinate outdoor recreation policy, management, and promotion:

(i) among state and federal agencies and local government entities in the state; and

(ii) with the Public Lands Policy Coordinating Office created in Section ~~[63J-4-602]~~ 63L-11-201, if public land is involved;

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- (b) promote economic development in the state by:
 - (i) coordinating with outdoor recreation stakeholders;
 - (ii) improving recreational opportunities; and
 - (iii) recruiting outdoor recreation business;
- (c) recommend to the governor and Legislature policies and initiatives to enhance recreational amenities and experiences in the state and help implement those policies and initiatives;
- (d) develop data regarding the impacts of outdoor recreation in the state; and
- (e) promote the health and social benefits of outdoor recreation, especially to young people.

(4) By following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, the outdoor recreation office may:

- (a) seek federal grants or loans;
- (b) seek to participate in federal programs; and
- (c) in accordance with applicable federal program guidelines, administer federally funded outdoor recreation programs.

(5) For purposes of administering this part, the outdoor recreation office may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 106. Section **64-13e-105** is amended to read:

64-13e-105. Meeting to discuss daily incarceration rates.

(1) Before September 30 of each year, the individuals described in Subsection (2) shall meet to review and discuss:

- (a) the actual state daily incarceration rate, described in Section 64-13e-103.1;
- (b) the actual county daily incarceration rate; and
- (c) the compilation described in Subsection 64-13e-104(7).

(2) The following individuals shall meet in accordance with Subsection (1):

- (a) as designated by the Utah Sheriffs Association:
 - (i) one sheriff of a county that is currently under contract with the department to house state inmates; and
 - (ii) one sheriff of a county that is currently receiving reimbursement from the department for housing state probationary inmates or state parole inmates;

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- (b) the executive director of the department or the executive director's designee;
- (c) as designated by the Utah Association of Counties:
 - (i) one member of the legislative body of one county that is currently under contract with the department to house state inmates; and
 - (ii) one member of the legislative body of one county that is currently receiving reimbursement from the department for housing state probationary inmates or state parole inmates;
- (d) the executive director of the Commission on Criminal and Juvenile Justice or the executive director's designee; and
- (e) the executive director of the Governor's Office of [~~Management~~] Planning and Budget or the executive director's designee.

Section 107. Section **67-4-16** is amended to read:

67-4-16. State financial advisor -- Duties -- Conflict of interest restrictions.

- (1) The state treasurer may hire a state financial advisor on a fee-for-service basis.
- (2) The state financial advisor shall advise the state treasurer, the executive director of the Governor's Office of [~~Management~~] Planning and Budget, the director of the Division of Finance, the director of the Division of Facilities Construction and Management, and the Legislature and its staff offices on the issuance of bonds and other debt, and on all other public debt matters generally.
 - (3) The financial advisor may assist in the preparation of the official statement, represent the state's creditworthiness before credit rating agencies, and assist in the preparation, marketing, or issuance of public debt.
 - (4) (a) The state financial advisor or the firm that the advisor represents may not negotiate to underwrite debt issued by the state of Utah for which he has provided financial advisor services.
 - (b) The state financial advisor may enter a competitive bid, either for his own account or in cooperation with others, in response to a call for public bids for the sale of state debt.
- (5) (a) Fees directly related to the preparation, marketing, or issuance of public debt, including ordinary and necessary expenses, may be paid from the debt proceeds.
 - (b) Fees for other services shall be paid from the state treasurer's budget.

Section 108. Section **67-5-34** is amended to read:

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67-5-34. Rate committee -- Membership -- Duties.

(1) (a) There is created a rate committee that consists of:

(i) the executive director of the Governor's Office of [~~Management~~] Planning and Budget, or the executive director's designee; and

(ii) the executive directors of six state agencies that use or are likely to use services and pay rates to the Office of the Attorney General's internal service fund, appointed by the governor for a two-year term, or the executive directors' designees.

(b) The rate committee shall elect a chair from the rate committee's members.

(2) Each member of the rate committee who is a state government employee and does not receive salary, per diem, or expenses from the member's agency for the member's service on the rate committee shall receive no compensation, benefits, per diem, or expenses for the member's service on the rate committee.

(3) The Office of the Attorney General shall provide staff services to the rate committee.

(4) The Office of the Attorney General shall submit to the rate committee a proposed rate and fee schedule for legal services rendered by the Office of the Attorney General to an agency.

(5) (a) The rate committee shall:

(i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings Act;

(ii) review the proposed rate and fee schedules and, at the rate committee's discretion, approve, increase, or decrease the rate and fee schedules;

(iii) recommend a proposed rate and fee schedule for the internal service fund to:

(A) the Governor's Office of [~~Management~~] Planning and Budget; and

(B) each legislative appropriations subcommittee that, in accordance with Section 63J-1-410, approves the internal service fund rates, fees, and budget; and

(iv) review and approve, increase or decrease an interim rate, fee, or amount when the office begins a new service or introduces a new product between annual general sessions of the Legislature.

(b) The committee may, in accordance with Subsection 63J-1-410(4), decrease a rate, fee, or amount that has been approved by the Legislature.

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Section 109. Section **67-19-11** is amended to read:

67-19-11. Use of department facilities -- Field office facilities cost allocation -- Rate committee.

(1) (a) An agency or a political subdivision of the state shall allow the department to use public buildings under the agency's or the political subdivision's control, and furnish heat, light, and furniture, for any examination, training, hearing, or investigation authorized by this chapter.

(b) An agency or political subdivision that allows the department to use a public building under Subsection (1)(a) shall pay the cost of the department's use of the public building.

(2) The executive director shall:

(a) prepare an annual budget request for the department;

(b) submit the budget request to the governor and the Legislature; and

(c) before charging a fee for services provided by the department's internal service fund to an executive branch agency:

(i) submit the proposed rates, fees, and cost analysis to the Rate Committee established under Subsection (3); and

(ii) obtain the approval of the Legislature as required under Section 63J-1-410.

(3) (a) There is created a rate committee that shall consist of the executive directors of seven state agencies that use services and pay rates to one of the department internal service funds, or their designee, appointed by the governor for a two-year term.

(b) (i) Of the seven executive agencies represented on the rate committee under Subsection (3)(a), only one of the following may be represented on the committee, if at all, at any one time:

(A) the Governor's Office of ~~Management~~ Planning and Budget;

(B) the Division of Finance;

(C) the Department of Administrative Services; or

(D) the Department of Technology Services.

(ii) The department may not have a representative on the rate committee.

(c) (i) The rate committee shall elect a chair from the rate committee's members.

(ii) Each member of the rate committee who is a state government employee and who

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does not receive salary, per diem, or expenses from the member's agency for the member's service on the rate committee shall receive no compensation, benefits, per diem, or expenses for the member's service on the rate committee.

(d) The department shall provide staff services to the rate committee.

(4) (a) The department shall submit to the rate committee a proposed rate and fee schedule for:

(i) human resource management services rendered; and

(ii) costs incurred by the Office of the Attorney General in defending the state in a grievance under review by the Career Service Review Office.

(b) The rate committee shall:

(i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings Act;

(ii) meet at least once each calendar year to:

(A) discuss the service performance of each internal service fund;

(B) review the proposed rate and fee schedules;

(C) at the rate committee's discretion, approve, increase, or decrease the rate and fee schedules described in Subsection (4)(b)(ii)(B); and

(D) discuss any prior or potential adjustments to the service level received by state agencies that pay rates to an internal service fund;

(iii) recommend a proposed rate and fee schedule for the internal service fund to:

(A) the Governor's Office of ~~Management~~ Planning and Budget; and

(B) each legislative appropriations subcommittee that, in accordance with Section 63J-1-410, approves the internal service fund rates, fees, and budget; and

(iv) review and approve, increase or decrease an interim rate, fee, or amount when the department begins a new service or introduces a new product between annual general sessions of the Legislature.

(c) The committee may in accordance with Subsection 63J-1-410(4) decrease a rate, fee, or amount that has been approved by the Legislature.

Section 110. Section **67-19-15** is amended to read:

67-19-15. Career service -- Exempt positions -- Schedules for civil service positions -- Coverage of career service provisions.

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(1) Except as otherwise provided by law or by rules and regulations established for federally aided programs, the following positions are exempt from the career service provisions of this chapter and are designated under the following schedules:

(a) schedule AA includes the governor, members of the Legislature, and all other elected state officers;

(b) schedule AB includes appointed executives and board or commission executives enumerated in Section 67-22-2;

(c) schedule AC includes all employees and officers in:

(i) the office and at the residence of the governor;

(ii) the Public Lands Policy Coordinating [~~Council~~] Office;

(iii) the Office of the State Auditor; and

(iv) the Office of the State Treasurer;

(d) schedule AD includes employees who:

(i) are in a confidential relationship to an agency head or commissioner; and

(ii) report directly to, and are supervised by, a department head, commissioner, or deputy director of an agency or its equivalent;

(e) schedule AE includes each employee of the State Board of Education that the State Board of Education designates as exempt from the career service provisions of this chapter;

(f) schedule AG includes employees in the Office of the Attorney General who are under their own career service pay plan under Sections 67-5-7 through 67-5-13;

(g) schedule AH includes:

(i) teaching staff of all state institutions; and

(ii) employees of the Utah Schools for the Deaf and the Blind who are:

(A) educational interpreters as classified by the department; or

(B) educators as defined by Section 53E-8-102;

(h) schedule AN includes employees of the Legislature;

(i) schedule AO includes employees of the judiciary;

(j) schedule AP includes all judges in the judiciary;

(k) schedule AQ includes:

(i) members of state and local boards and councils appointed by the governor and governing bodies of agencies;

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- (ii) a water commissioner appointed under Section 73-5-1;
 - (iii) other local officials serving in an ex officio capacity; and
 - (iv) officers, faculty, and other employees of state universities and other state institutions of higher education;
 - (l) schedule AR includes employees in positions that involve responsibility:
 - (i) for determining policy;
 - (ii) for determining the way in which a policy is carried out; or
 - (iii) of a type not appropriate for career service, as determined by the agency head with the concurrence of the executive director;
 - (m) schedule AS includes any other employee:
 - (i) whose appointment is required by statute to be career service exempt;
 - (ii) whose agency is not subject to this chapter; or
 - (iii) whose agency has authority to make rules regarding the performance, compensation, and bonuses for its employees;
 - (n) schedule AT includes employees of the Department of Technology Services, designated as executive/professional positions by the executive director of the Department of Technology Services with the concurrence of the executive director;
 - (o) schedule AU includes patients and inmates employed in state institutions;
 - (p) employees of the Department of Workforce Services, designated as schedule AW:
 - (i) who are temporary employees that are federally funded and are required to work under federally qualified merit principles as certified by the director; or
 - (ii) for whom substantially all of their work is repetitive, measurable, or transaction based, and who voluntarily apply for and are accepted by the Department of Workforce Services to work in a pay for performance program designed by the Department of Workforce Services with the concurrence of the executive director; and
 - (q) for employees in positions that are temporary, seasonal, time limited, funding limited, or variable hour in nature, under schedule codes and parameters established by the department by administrative rule.
- (2) The civil service shall consist of two schedules as follows:
- (a) (i) Schedule A is the schedule consisting of positions under Subsection (1).
 - (ii) Removal from any appointive position under schedule A, unless otherwise

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regulated by statute, is at the pleasure of the appointing officers without regard to tenure.

(b) Schedule B is the competitive career service schedule, consisting of:

(i) all positions filled through competitive selection procedures as defined by the executive director; or

(ii) positions filled through a department approved on-the-job examination intended to appoint a qualified person with a disability, or a veteran in accordance with Title 71, Chapter 10, Veterans Preference.

(3) (a) The executive director, after consultation with the heads of concerned executive branch departments and agencies and with the approval of the governor, shall allocate positions to the appropriate schedules under this section.

(b) Agency heads shall make requests and obtain approval from the executive director before changing the schedule assignment and tenure rights of any position.

(c) Unless the executive director's decision is reversed by the governor, when the executive director denies an agency's request, the executive director's decision is final.

(4) (a) Compensation for employees of the Legislature shall be established by the directors of the legislative offices in accordance with Section 36-12-7.

(b) Compensation for employees of the judiciary shall be established by the state court administrator in accordance with Section 78A-2-107.

(c) Compensation for officers, faculty, and other employees of state universities and institutions of higher education shall be established as provided in Title 53B, Chapter 1, Governance, Powers, Rights, and Responsibilities, and Title 53B, Chapter 2, Institutions of Higher Education.

(d) Unless otherwise provided by law, compensation for all other schedule A employees shall be established by their appointing authorities, within ranges approved by, and after consultation with the executive director of the Department of Human Resource Management.

(5) An employee who is in a position designated schedule AC and who holds career service status on June 30, 2010, shall retain the career service status if the employee:

(a) remains in the position that the employee is in on June 30, 2010; and

(b) does not elect to convert to career service exempt status in accordance with a rule made by the department.

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Section 111. Section **67-19-43** is amended to read:

67-19-43. State employee matching supplemental defined contribution benefit.

(1) As used in this section:

(a) "Qualifying account" means:

(i) a defined contribution plan qualified under Section 401(k) of the Internal Revenue Code, which is sponsored by the Utah State Retirement Board; or

(ii) a deemed Individual Retirement Account authorized under the Internal Revenue Code, which is sponsored by the Utah State Retirement Board; or

(iii) a similar savings plan or account authorized under the Internal Revenue Code, which is sponsored by the Utah State Retirement Board.

(b) "Qualifying employee" means an employee who is:

(i) in a position that is:

(A) receiving retirement benefits under Title 49, Utah State Retirement and Insurance Benefit Act; and

(B) accruing paid leave benefits that can be used in the current and future calendar years; and

(ii) not an employee who is reemployed as that term is:

(A) defined in Section 49-11-1202; or

(B) used in Section 49-11-504.

(2) Subject to the requirements of Subsection (3) and beginning on or after January 4, 2014, an employer shall make a biweekly matching contribution to every qualifying employee's defined contribution plan qualified under Section 401(k) of the Internal Revenue Code, subject to federal requirements and limitations, which is sponsored by the Utah State Retirement Board.

(3) (a) In accordance with the requirements of this Subsection (3), each qualifying employee shall be eligible to receive the same dollar amount for the contribution under Subsection (2).

(b) A qualifying employee:

(i) shall receive the contribution amount determined under Subsection (3)(c) if the qualifying employee makes a voluntary personal contribution to one or more qualifying accounts in an amount equal to or greater than the employer's contribution amount determined

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in Subsection (3)(c);

(ii) shall receive a partial contribution amount that is equal to the qualifying employee's personal contribution amount if the employee makes a voluntary personal contribution to one or more qualifying accounts in an amount less than the employer's contribution amount determined in Subsection (3)(c); or

(iii) may not receive a contribution under Subsection (2) if the qualifying employee does not make a voluntary personal contribution to a qualifying account.

(c) (i) Subject to the maximum limit under Subsection (3)(c)(iii), the Legislature shall annually determine the contribution amount that an employer shall provide to each qualifying employee under Subsection (2).

(ii) The department shall make recommendations annually to the Legislature on the contribution amount required under Subsection (2), in consultation with the Governor's Office of [~~Management~~] Planning and Budget and the Division of Finance.

(iii) The biweekly matching contribution amount required under Subsection (2) may not exceed \$26 for each qualifying employee.

(4) A qualifying employee is eligible to receive the biweekly contribution under this section for any pay period in which the employee is in a paid status or other status protected by federal or state law.

(5) The employer and employee contributions made and related earnings under this section vest immediately upon deposit and can be withdrawn by the employee at any time, subject to Internal Revenue Code regulations on the withdrawals.

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the executive director shall make rules establishing procedures to implement the provisions of this section.

Section 112. Section **67-19d-202** is amended to read:

67-19d-202. Board of trustees of the State Post-Retirement Benefits Trust Fund and the Elected Official Post-Retirement Benefits Trust Fund.

(1) (a) There is created a board of trustees of the State Post-Retirement Benefits Trust Fund and the Elected Official Post-Retirement Benefits Trust Fund composed of three members:

(i) the state treasurer or designee;

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- (ii) the director of the Division of Finance or designee; and
 - (iii) the executive director of the Governor's Office of [~~Management~~] Planning and Budget or designee.
- (b) The state treasurer is chair of the board.
 - (c) Three members of the board are a quorum.
 - (d) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
 - (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
 - (e) (i) Except as provided in Subsection (1)(e)(ii), the state treasurer shall staff the board of trustees.
 - (ii) The Division of Finance shall provide accounting services for the trust fund.
 - (2) The board shall:
 - (a) on behalf of the state, act as trustee of the State Post-Retirement Benefits Trust Fund created under Section 67-19d-201 and the Elected Official Post-Retirement Benefits Trust Fund created under Section 67-19d-201.5 and exercise the state's fiduciary responsibilities;
 - (b) meet at least twice per year;
 - (c) review and approve all policies, projections, rules, criteria, procedures, forms, standards, performance goals, and actuarial reports;
 - (d) review and approve the budget for each trust fund described under Subsection (2)(a);
 - (e) review financial records for each trust fund described under Subsection (2)(a), including trust fund receipts, expenditures, and investments;
 - (f) commission and obtain actuarial studies of the liabilities for each trust fund described under Subsection (2)(a);
 - (g) for purposes of the State Post-Retirement Benefits Trust Fund, establish labor additive rates to charge all federal, state, and other programs to cover:
 - (i) the annual required contribution as determined by actuary; and

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(ii) the administrative expenses of the trust fund; and
(h) do any other things necessary to perform the state's fiduciary obligations under each trust fund described under Subsection (2)(a).

(3) The attorney general shall:

(a) act as legal counsel and provide legal representation to the board of trustees; and

(b) attend, or direct an attorney from the Office of the Attorney General to attend, each meeting of the board of trustees.

Section 113. Section **67-19f-202** is amended to read:

67-19f-202. Board of trustees of the State Employees' Annual Leave Trust Fund.

(1) (a) There is created a board of trustees of the State Employees' Annual Leave Trust Fund composed of the following three members:

(i) the state treasurer or the state treasurer's designee;

(ii) the director of the Division of Finance or the director's designee; and

(iii) the executive director of the Governor's Office of [~~Management~~] Planning and Budget or the executive director's designee.

(b) The state treasurer is chair of the board.

(c) Three members of the board is a quorum.

(d) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

(e) (i) Except as provided in Subsection (1)(e)(ii), the state treasurer shall staff the board of trustees.

(ii) The Division of Finance shall provide accounting services for the trust fund.

(2) The board shall:

(a) on behalf of the state, act as trustee of the trust fund created under Section 67-19f-201 and exercise the state's fiduciary responsibilities;

(b) meet at least twice per year;

(c) review and approve the policies, projections, rules, criteria, procedures, forms,

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standards, performance goals, and actuarial reports for the trust fund;

(d) review and approve the budget for the trust fund;

(e) review financial records for the trust fund, including trust fund receipts, expenditures, and investments; and

(f) do any other things necessary to perform the state's fiduciary obligations under the trust fund.

(3) The board may:

(a) commission and obtain actuarial studies of the liabilities for the trust fund; and

(b) for purposes of the trust fund, establish labor additive rates to charge for the administrative expenses of the trust fund.

(4) The attorney general shall:

(a) act as legal counsel and provide legal representation to the board of trustees; and

(b) attend, or direct an attorney from the Office of the Attorney General to attend, each meeting of the board of trustees.

Section 114. Section **67-22-2** is amended to read:

67-22-2. Compensation -- Other state officers.

(1) As used in this section:

(a) "Appointed executive" means the:

(i) commissioner of the Department of Agriculture and Food;

(ii) commissioner of the Insurance Department;

(iii) commissioner of the Labor Commission;

(iv) director, Department of Alcoholic Beverage Control;

(v) commissioner of the Department of Financial Institutions;

(vi) executive director, Department of Commerce;

(vii) executive director, Commission on Criminal and Juvenile Justice;

(viii) adjutant general;

(ix) executive director, Department of Heritage and Arts;

(x) executive director, Department of Corrections;

(xi) commissioner, Department of Public Safety;

(xii) executive director, Department of Natural Resources;

(xiii) executive director, Governor's Office of ~~Management~~ Planning and Budget;

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- (xiv) executive director, Department of Administrative Services;
- (xv) executive director, Department of Human Resource Management;
- (xvi) executive director, Department of Environmental Quality;
- (xvii) director, Governor's Office of Economic Development;
- (xviii) executive director, Utah Science Technology and Research Governing

Authority;

- (xix) executive director, Department of Workforce Services;
- (xx) executive director, Department of Health, Nonphysician;
- (xxi) executive director, Department of Human Services;
- (xxii) executive director, Department of Transportation;
- (xxiii) executive director, Department of Technology Services; [~~and~~]
- (xxiv) executive director, Department of Veterans and Military Affairs[-]; and
- (xxv) executive director, Public Lands Policy Coordinating Office, created in Section

63L-11-201.

(b) "Board or commission executive" means:

- (i) members, Board of Pardons and Parole;
- (ii) chair, State Tax Commission;
- (iii) commissioners, State Tax Commission;
- (iv) executive director, State Tax Commission;
- (v) chair, Public Service Commission; and
- (vi) commissioners, Public Service Commission.

(c) "Deputy" means the person who acts as the appointed executive's second in command as determined by the Department of Human Resource Management.

(2) (a) The executive director of the Department of Human Resource Management shall:

- (i) before October 31 of each year, recommend to the governor a compensation plan for the appointed executives and the board or commission executives; and
- (ii) base those recommendations on market salary studies conducted by the Department of Human Resource Management.

(b) (i) The Department of Human Resource Management shall determine the salary range for the appointed executives by:

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(A) identifying the salary range assigned to the appointed executive's deputy;

(B) designating the lowest minimum salary from those deputies' salary ranges as the minimum salary for the appointed executives' salary range; and

(C) designating 105% of the highest maximum salary range from those deputies' salary ranges as the maximum salary for the appointed executives' salary range.

(ii) If the deputy is a medical doctor, the Department of Human Resource Management may not consider that deputy's salary range in designating the salary range for appointed executives.

(c) (i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for board or commission executives, the Department of Human Resource Management shall set the maximum salary in the salary range for each of those positions at 90% of the salary for district judges as established in the annual appropriation act under Section 67-8-2.

(ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii) or (iii), the Department of Human Resource Management shall set the maximum salary in the salary range for each of those positions at 100% of the salary for district judges as established in the annual appropriation act under Section 67-8-2.

(3) (a) (i) Except as provided in Subsection (3)(a)(ii), the governor shall establish a specific salary for each appointed executive within the range established under Subsection (2)(b).

(ii) If the executive director of the Department of Health is a physician, the governor shall establish a salary within the highest physician salary range established by the Department of Human Resource Management.

(iii) The governor may provide salary increases for appointed executives within the range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).

(b) The governor shall apply the same overtime regulations applicable to other FLSA exempt positions.

(c) The governor may develop standards and criteria for reviewing the appointed executives.

(4) Salaries for other Schedule A employees, as defined in Section 67-19-15, that are not provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial Salary Act, shall be established as provided in Section 67-19-15.

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(5) (a) The Legislature fixes benefits for the appointed executives and the board or commission executives as follows:

(i) the option of participating in a state retirement system established by Title 49, Utah State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered by the State Retirement Office in accordance with the Internal Revenue Code and its accompanying rules and regulations;

(ii) health insurance;

(iii) dental insurance;

(iv) basic life insurance;

(v) unemployment compensation;

(vi) workers' compensation;

(vii) required employer contribution to Social Security;

(viii) long-term disability income insurance;

(ix) the same additional state-paid life insurance available to other noncareer service employees;

(x) the same severance pay available to other noncareer service employees;

(xi) the same leave, holidays, and allowances granted to Schedule B state employees as follows:

(A) sick leave;

(B) converted sick leave if accrued prior to January 1, 2014;

(C) educational allowances;

(D) holidays; and

(E) annual leave except that annual leave shall be accrued at the maximum rate provided to Schedule B state employees;

(xii) the option to convert accumulated sick leave to cash or insurance benefits as provided by law or rule upon resignation or retirement according to the same criteria and procedures applied to Schedule B state employees;

(xiii) the option to purchase additional life insurance at group insurance rates according to the same criteria and procedures applied to Schedule B state employees; and

(xiv) professional memberships if being a member of the professional organization is a requirement of the position.

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(b) Each department shall pay the cost of additional state-paid life insurance for its executive director from its existing budget.

(6) The Legislature fixes the following additional benefits:

(a) for the executive director of the State Tax Commission a vehicle for official and personal use;

(b) for the executive director of the Department of Transportation a vehicle for official and personal use;

(c) for the executive director of the Department of Natural Resources a vehicle for commute and official use;

(d) for the commissioner of Public Safety:

(i) an accidental death insurance policy if POST certified; and

(ii) a public safety vehicle for official and personal use;

(e) for the executive director of the Department of Corrections:

(i) an accidental death insurance policy if POST certified; and

(ii) a public safety vehicle for official and personal use;

(f) for the adjutant general a vehicle for official and personal use; and

(g) for each member of the Board of Pardons and Parole a vehicle for commute and official use.

Section 115. Section **79-2-201** is amended to read:

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

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

(2) The department comprises the following:

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

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

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

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

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

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

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

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

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

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- (j) Division of Oil, Gas, and Mining, created in Section 40-6-15;
- (k) Division of Parks and Recreation, created in Section 79-4-201;
- (l) Division of Wildlife Resources, created in Section 23-14-1;
- (m) Utah Geological Survey, created in Section 79-3-201;
- (n) Heritage Trees Advisory Committee, created in Section 65A-8-306;
- (o) Recreational Trails Advisory Council, authorized by Section 79-5-201;
- (p) Boating Advisory Council, authorized by Section 73-18-3.5;
- (q) Wildlife Board Nominating Committee, created in Section 23-14-2.5;
- (r) Wildlife Regional Advisory Councils, created in Section 23-14-2.6;
- (s) Utah Watersheds Council, created in Section 73-10g-304; [~~and~~]
- (t) Utah Natural Resources Legacy Fund Board, created in Section 23-31-202[-]; and
- (u) Public Lands Policy Coordinating Office created in Section 63L-11-201.

Section 116. **Repealer.**

This bill repeals:

Section **63J-4-701, Definitions.**

Section **63J-4-702, Employability to Careers Program Board.**

Section **63J-4-703, Employability to Careers Program Restricted Account.**

Section **63J-4-704, Results-based contracts -- Board duties.**

Section **63J-4-705, Employability to Careers Program.**

Section **63J-4-706, Feasibility analysis.**

Section **63J-4-707, Components of an education, employability training, and workforce placement program.**

Section **63J-4-708, Reporting.**

Section 117. **Intent language.**

It is the intent of the Legislature that:

(1) the Division of Finance transfer any money remaining in the Employability to Careers Restricted Account at the end of fiscal year 2021 to the General Fund;

~~Section 118}; and~~

(2) notwithstanding the effective date of this bill, agencies may take until July 1, 2022 to update the financial and information systems to come into full compliance with the provisions of this bill.

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Section 118. Appropriation.

The following sums of money are appropriated for the fiscal year beginning July 1, 2021, and ending June 30, 2022. These are additions to the amounts previously appropriated for fiscal year 2022. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To the Public Lands Policy Coordinating Office

<u>From General Fund</u>	<u>(\$2,685,100)</u>
<u>From General Fund, One-Time</u>	<u>(\$5,100)</u>
<u>From General Fund Restricted - Constitutional Defense</u>	<u>(1,227,300)</u>
<u>From General Fund Restricted - Constitutional Defense, One-Time</u>	<u>(\$2,300)</u>
<u>From Beginning Nonlapsing Balances</u>	<u>(\$2,559,900)</u>
<u>From Closing Nonlapsing Balances</u>	<u>\$2,189,900</u>
<u>Schedule of Programs:</u>	
<u>Public Lands Policy Coordinating Office</u>	<u>(\$4,289,800)</u>

ITEM 2

To the Department of Natural Resources - Public Lands Policy Coordinating Office

<u>From General Fund</u>	<u>\$2,685,100</u>
<u>From General Fund, One-Time</u>	<u>\$5,100</u>
<u>From General Fund Restricted - Constitutional Defense</u>	<u>\$1,227,300</u>
<u>From General Fund Restricted - Constitutional Defense, One-Time</u>	<u>\$2,300</u>
<u>From Beginning Nonlapsing Balances</u>	<u>\$2,559,900</u>
<u>From Closing Nonlapsing Balances</u>	<u>(\$2,189,900)</u>
<u>Schedule of Programs:</u>	
<u>Public Lands Policy Coordinating Office</u>	<u>\$4,289,800</u>

The Legislature intends that, at the close of fiscal year 2021 accounting, the Division of Finance transfer any fiscal year 2021 closing nonlapsing balances in the Public Lands Policy Coordinating Office to the Department of Natural Resources - Public Lands Policy Coordinating Office, as fiscal year 2022 beginning nonlapsing balances.

Section 119. Effective date.

HB0368S02 compared with HB0368S01

This bill takes effect on July 1, 2021.

Section ~~{119}~~120. **Revisor instructions.**

The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, on May 5, 2021, replace "Management and Budget," when referring to the Governor's Office of Management and Budget, with "Planning and Budget" in any new language added to the Utah Code by legislation passed during the 2021 General Session.

Section 121. Coordinating H.B. 368 with H.B. 347 -- Substantive and technical changes.

If this H.B. 368 and H.B. 347, Homeless Services Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by amending Subsection 63J-4-202(1)(a) to read:

"(1)(a) The governor shall appoint, to serve at the governor's pleasure:

(i) an executive director of the office; and

(ii) a state homelessness coordinator."

Section 122. Coordinating H.B. 368 with S.B. 21 -- Substantive and technical changes.

If this H.B. 368 and S.B. 21, Federal Land Application Advisory Committee Sunset Extension, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by amending Subsection 63I-1-263(22) to read:

"(22) [~~Subsection 63J-4-608(3), which creates the Federal Land Application Advisory Committee, is repealed~~] In relation to the advisory committee created in Subsection 63L-11-305(3), on July 1, [~~2021~~] 2022:

(a) Subsection 63L-11-305(1)(a), which defines "advisory committee," is repealed; and

(b) Subsection 63L-11-305(3), which creates the advisory committee, is repealed."

Section 123. Coordinating H.B. 368 with H.B. 313 -- Technical change.

If this H.B. 368 and H.B. 313, Heritage and Arts Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by amending Subsection

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63L-11-402(1)(c) to read:

"(c) a representative from the Department of [~~Heritage and Arts~~] Cultural and Community Engagement appointed by the executive director of the Department of Cultural and Community Engagement."

Section 124. Coordinating H.B. 368 with H.B. 346 -- Technical change.

If this H.B. 368 and H.B. 346, Natural Resources Entities Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by amending Subsection

63L-11-402(1)(p) to read:

"(p) a representative from the Division of Parks [~~and Recreation~~] appointed by the director of the Division of Parks;

(q) a representative from the Division of Recreation appointed by the director of the Division of Recreation;"