

SB0149S01 compared with SB0149

{deleted text} shows text that was in SB0149 but was deleted in SB0149S01

inserted text shows text that was not in SB0149 but was inserted into SB0149S01

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Natural Resources Operations

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Winterton, Ronald M.

LONG TITLE

General Description:

This bill addresses the operations of the Department of Natural Resources.

Highlighted Provisions:

This bill:

- ▶ removes a requirement for the Public Lands Policy Coordinating Office (PLPCO) to prepare and submit a constitutional defense plan;
- ▶ renames the executive director of PLPCO as the senior advisor on public lands;
- ▶ clarifies that the senior advisor of PLPCO and director of the Office of Energy Development:
 - are appointed by the governor with the advice and consent of the Senate; and
 - report to the executive director of the Department of Natural Resources, upon the executive director's request;
- ▶ ~~{modifies how the senior advisor of PLPCO is compensated;}~~
- ▶ repeals a committee required to inventory and map R.S. 2477 rights-of-way; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

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20 This bill provides a coordination clause.

23 AMENDS:

24 **63C-4a-403** , as last amended by Laws of Utah 2024, Chapter 81 , as last amended by Laws of Utah
2024, Chapter 81

25 **63L-7-104 , as last amended by Laws of Utah 2022, Chapter 68 , as last amended by Laws of
Utah 2022, Chapter 68**

26 **63L-7-105 , as enacted by Laws of Utah 2014, Chapter 323 , as enacted by Laws of Utah
2014, Chapter 323**

27 **63L-7-109 , as enacted by Laws of Utah 2014, Chapter 323 , as enacted by Laws of Utah
2014, Chapter 323**

28 **63L-11-102** , as last amended by Laws of Utah 2023, Chapter 16 , as last amended by Laws of Utah
2023, Chapter 16

29 **63L-11-201** , as last amended by Laws of Utah 2021, Chapter 345 and renumbered and amended
by Laws of Utah 2021, Chapter 382 , as last amended by Laws of Utah 2021, Chapter 345 and
renumbered and amended by Laws of Utah 2021, Chapter 382

31 **63L-11-202** , as last amended by Laws of Utah 2024, Chapter 36 , as last amended by Laws of Utah
2024, Chapter 36

32 **63L-11-305** , as last amended by Laws of Utah 2022, Chapter 313 , as last amended by Laws of
Utah 2022, Chapter 313

33 **63L-11-402** , as last amended by Laws of Utah 2023, Chapter 160 , as last amended by Laws of
Utah 2023, Chapter 160

34 **63L-11-403** , as renumbered and amended by Laws of Utah 2021, Chapter 382 , as renumbered and
amended by Laws of Utah 2021, Chapter 382

35 **67-22-2** , as last amended by Laws of Utah 2024, Chapter 522 , as last amended by Laws of Utah
2024, Chapter 522

36 **79-1-103 , as enacted by Laws of Utah 2021, Chapter 280 , as enacted by Laws of Utah 2021,
Chapter 280**

37 **79-2-204** , as last amended by Laws of Utah 2024, Chapter 80 , as last amended by Laws of Utah
2024, Chapter 80

38 **79-6-401** , as last amended by Laws of Utah 2024, Third Special Session, Chapter 4 , as last
amended by Laws of Utah 2024, Third Special Session, Chapter 4

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39 **79-6-407** , as last amended by Laws of Utah 2024, Third Special Session, Chapter 4 , as last
amended by Laws of Utah 2024, Third Special Session, Chapter 4

40 REPEALS:

41 **63A-16-507** , as last amended by Laws of Utah 2021, Chapters 162, 382 and renumbered and
amended by Laws of Utah 2021, Chapter 344 , as last amended by Laws of Utah 2021, Chapters
162, 382 and renumbered and amended by Laws of Utah 2021, Chapter 344

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

45 Section 1. Section **63C-4a-403** is amended to read:

46 **63C-4a-403. Due process and adjudication for closure of a road -- Plans for R.S. 2477 rights.**

45 (1)

. (a) Any road on or across federally managed property and that is found on a county's class B and
class D road map or a county travel plan is presumed to be a public road open for public use
unless the road has been closed through an appropriate action of the state or federal government
properly adjudicated and with due process.

49 (b) If the federal government attempts to close a road on a county's class B and class D road map or
county travel plan without proper adjudication and due process:

51 (i) the closure is invalid and has no effect; and

52 (ii) the state and county may disregard the alleged closure.

53 (c) In an adjudication to determine ownership of a disputed road that is included in a county travel
plan, including an R.S. 2477 claim, the federal government has the burden of proof to show that
the disputed road is not a public road and warrants closure.

57 (2) The council may approve an R.S. 2477 plan if the R.S. 2477 plan:

58 (a) provides for a good faith, cooperative effort between the state and each participating county;

60 (b) allows a county to formally agree to participate in the R.S. 2477 plan by adopting a resolution;

62 (c) provides that the state and a participating county are equal partners in determining litigation
strategy and the expenditure of resources with respect to that county's rights under R.S. 2477; and

65 (d) provides a process for resolving any disagreement between the state and a participating county
about litigation strategy or resource expenditure that includes the following requirements:

68 (i) the governor or the governor's designee and a representative of the Utah Association of Counties
shall first attempt to resolve the disagreement;

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- 70 (ii) if the county and the state continue to disagree, the county, the governor, and the Utah
Association of Counties shall present their recommendations to the council for a final decision
about the strategy or expenditure in question; and
- 73 (iii) the county may pursue a strategy or make an expenditure contrary to the final decision of the
council only if the county does not claim resources provided to fund the R.S. 2477 plan.
- 76 (3) The council shall ensure that the R.S. 2477 plan contains:
- 77 (a) provisions identifying which expenditure types require approval of the R.S. 2477 plan committee
and which expenditure types may be made without the R.S. 2477 plan committee approval;
- 80 (b) provisions requiring that financial statements be provided to members of the R.S. 2477 plan
committee and members of the council, and the frequency with which those financial statements
must be provided;
- 83 (c) provisions identifying those decisions or types of decisions that may be made by the R.S. 2477
plan committee and those decisions or types of decisions that must be referred to the council for
decision; and
- 86 (d) procedures to assert claims and respond to attempted closures as described in Subsection (1).
- 88 [~~4~~]
- . (a) ~~The Public Lands Policy Coordinating Office, in consultation with the committee, the Office of
the Attorney General and the School and Institutional Trust Lands, shall prepare and submit a
constitutional defense plan to the council for the council's approval.]~~
- 91 [~~(b) The constitutional defense plan shall contain proposed action and expenditure for:~~]
- 92 [~~(i) the council's or the commission's duties; or~~]
- 93 [~~(ii) an action filed in accordance with Section 67-5-29.]~~]
- 94 [~~5~~] (4) The council shall:
- 95 (a) review expenditures, at least [~~quarterly~~] annually, made to further a plan approved under this
section;
- 97 (b) approve an update to a plan under this section at least annually, or more often, if necessary; and
- 99 (c) [~~jointly, with~~] ensure that the Public Lands Policy Coordinating Office[;] :
- 100 (i) presents a R.S. 2477 plan approved under this section, with any updates, to[;]
- 101 (i) ~~the Legislature's~~ the Natural Resources, Agriculture, and Environment Interim Committee
[by] on or before July 1 of each calendar year[; ~~after providing the R.S. 2477 plan to the
committee at least seven days before the presentation~~]; and

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104 (ii) provides a hard copy or electronic copy of the R.S. 2477 plan approved under this section, with
105 any updates to the plan, to:

106 (A) the commission~~[, which may be by mail]~~; and

107 ~~[(iii)]~~ (B) the president of the Senate and the speaker of the House of Representatives~~[, which~~
108 ~~may be by mail]~~.

113 Section 2. Section 63L-7-104 is amended to read:

114 **63L-7-104. Identification of a potential wilderness area.**

115 (1)

116 (a) Subject to Subsection (1)(b), the ~~[director]~~ senior advisor of PLPCO, within one year of the
117 acquisition date, shall identify within a parcel of acquired land any conservation areas.

118 (b) Before identifying a parcel of land as a conservation area, the ~~[director]~~ senior advisor of PLPCO
119 shall:

120 (i) inform the School and Institutional Trust Lands Administration that a parcel is being considered
121 for designation as a conservation area; and

122 (ii) provide the School and Institutional Trust Lands Administration with the opportunity to trade
123 out land owned by the School and Institutional Trust Lands Administration for the parcel in
124 question subject to reaching an exchange agreement with the agency that manages the parcel.

126 (2) The ~~[director]~~ senior advisor of PLPCO shall:

127 (a) file a map and legal description of each identified conservation area with the governor, the Senate,
128 and the House of Representatives;

129 (b) maintain, and make available to the public, records pertaining to identified conservation areas,
130 including:

131 (i) maps;

132 (ii) legal descriptions;

133 (iii) copies of proposed regulations governing the conservation area; and

134 (iv) copies of public notices of, and reports submitted to the Legislature, regarding pending
135 additions, eliminations, or modifications to a conservation area; and

136 (c) within five years of the date of acquisition:

137 (i) review each identified conservation area for its suitability to be classified as a protected
138 wilderness area; and

139 (ii) report the findings under Subsection (2)(c)(i) to the governor.

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- 140 (3) The records described in Subsection (2)(b) shall be available for inspection at:
- 141 (a) the PLPCO office;
- 142 (b) the main office of DNR;
- 143 (c) a regional office of the Division of Forestry, Fire, and State Lands for any record that deals with
an identified conservation area in that region; and
- 145 (d) the Division of State Parks or the Division of Outdoor Recreation.
- 146 (4) A conservation area may be designated as a protected wilderness area as described in Section
63L-7-105.
- 148 (5) A conservation area identified under Subsection (1) shall be managed by DNR, in coordination
with the county government having jurisdiction over the area, without the conservation area being
designated as a protected wilderness area unless otherwise provided by the Legislature.

152 Section 3. Section 63L-7-105 is amended to read:

153 **63L-7-105. Report to the governor -- Governor's report to the Legislature -- Designation of a
protected wilderness area -- Modification of a protected wilderness area -- Rulemaking authority.**

- 156 (1) Within five years of the acquisition date of a parcel of land, the [~~director~~] senior advisor of PLPCO
shall:
- 158 (a) review all areas identified as conservation areas under Section 63L-7-104; and
- 159 (b) subject to Subsection (3), submit a report and recommendation to the governor on the suitability
of a conservation area for designation as a protected wilderness area.
- 161 (2) Before making a recommendation, the [~~director~~] senior advisor of PLPCO shall:
- 162 (a) give notice of the proposed recommendation in a newspaper having general circulation in the
vicinity of the affected land;
- 164 (b) hold a public hearing at a location convenient to citizens who live in the affected area; and
- 166 (c) at least 30 days before the date of the hearing described in Subsection (2)(b), invite local
authorities to submit their opinions on the proposed action:
- 168 (i) at the hearing; or
- 169 (ii) to the [~~director~~] senior advisor of PLPCO, in writing, no later than 30 days after the day on
which the hearing is held.
- 171 (3) Any opinions submitted to the [~~director~~] senior advisor of PLPCO shall be included with any
recommendations to the governor under Subsection (2) and the Legislature under Subsection (5).
- 174 (4) The governor shall, after receiving the reports described in Subsection (1)(b):

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- 175 (a) formulate a recommendation on which conservation areas to designate as protected wilderness
areas; and
- 177 (b) advise the speaker of the House of Representatives and the president of the Senate of the
governor's recommendation.
- 179 (5) An area shall be designated as a protected wilderness area upon a concurrent resolution of the
Legislature, the governor concurring therein, including:
- 181 (a) the legal description of the proposed protected wilderness area; and
- 182 (b) any special conditions that shall be placed upon the protected wilderness area.
- 183 (6) Any modification or adjustment to the boundaries of a protected wilderness area shall be:
- 185 (a) recommended by the ~~[director]~~ senior advisor of PLPCO after public notice of, and hearing on, the
proposal, as described in Subsections (1) and (2); and
- 187 (b) made official as described in Subsections (4) and (5).
- 188 (7) DNR shall make rules governing the protection of a protected wilderness area.

189 Section 4. Section 63L-7-109 is amended to read:

190 **63L-7-109. Annual reports.**

- 191 (1) The ~~[director]~~ senior advisor of PLPCO shall report to the governor, for transmission to the
Legislature, on:
- 193 (a) the status of the Utah wilderness preservation system;
- 194 (b) regulations in effect; and
- 195 (c) other pertinent information.
- 196 (2) The ~~[director]~~ senior advisor of PLPCO shall report any recommendations for future action to the
Natural Resources, Agriculture, and Environment Interim Committee by November 30 of each year.

199 Section 5. Section 63L-11-102 is amended to read:

200 **63L-11-102. Definitions.**

As used in this chapter:

- 112 (1) "Coordinating committee" means the committee created in Section 63L-11-401.
- 113 (2) "Executive director" means the ~~[public lands policy]~~ executive director of the Department of Natural
Resources appointed under Section ~~[63L-11-201]~~ 79-2-202.
- 115 (3) "Office" means the Public Lands Policy Coordinating Office created in Section 63L-11-201.
- 117 (4) "Political subdivision" means:

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(a) a county, municipality, special district, special service district, school district, or interlocal entity, as defined in Section 11-13-103; or

120 (b) an administrative subunit of an entity listed in Subsection (4)(a).

121 (5) "Senior advisor" means the senior advisor of the office appointed under Section 63L-11-201.

213 Section 6. Section **63L-11-201** is amended to read:

214 **63L-11-201. Public Lands Policy Coordinating Office -- Senior advisor -- Appointment --
Qualifications -- Compensation.**

126 (1)

. (a) There is created the Public Lands Policy Coordinating Office within the Department of Natural Resources~~[the Public Lands Policy Coordinating Office to be administered by an executive director]~~.

129 (b) The senior advisor on public lands is the executive and administrative head of the Public Lands Policy Coordinating Office.

131 (2)

. (a) ~~The [executive director shall be appointed by the governor]~~ governor shall appoint the senior advisor with the advice and consent of the Senate~~[and shall serve at the pleasure of the governor]~~.

134 (b) The senior advisor shall:

135 (i) serve at the pleasure of the governor; and

136 (ii) report to the executive director on matters concerning the office as the executive director may require.

138 (3) ~~The [executive director]~~ senior advisor shall have demonstrated the necessary administrative and professional ability through education and experience to efficiently and effectively manage the office's affairs.

141 (4)

. (a) ~~The [executive director]~~ senior advisor and employees of the office shall receive compensation as provided in Title 63A, Chapter 17, Utah State Personnel Management Act.

143 (b) The office space for the ~~[executive director]~~ senior advisor and employees of the office shall be in a building where the Department of Natural Resources is located.

236 Section 7. Section **63L-11-202** is amended to read:

237 **63L-11-202. Powers and duties of the office and senior advisor.**

147 (1) The office shall:

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- 148 (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;
- 151 (b) provide staff assistance to the Constitutional Defense Council created under Section 63C-4a-202
for meetings of the council;
- 153 [(e)
. (i) ~~prepare and submit a constitutional defense plan under Section 63C-4a-403; and]~~
154 [(ii) ~~execute any action assigned in a constitutional defense plan;]~~
- 155 (c) for a R.S. 2477 plan approved under Section 63C-4a-403:
- 156 (i) present the plan, with any updates to the plan, to the Natural Resources, Agriculture, and
Environment Interim Committee on or before July 1 of each calendar year; and
- 159 (ii) provide a hard copy or electronic copy of the plan, with any updates to the plan, to:
- 161 (A) the Natural Resources, Agriculture, and Environment Interim Committee no later than seven
days before the day of the presentation described in Subsection (1)(c)(i);
- 164 (B) the Federalism Commission created in Section 63C-4a-302; and
- 165 (C) the president of the Senate and the speaker of the House of Representatives;
- 166 (d) develop public lands policies by:
- 167 (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;
- 170 (ii) producing research, documents, maps, studies, analysis, or other information that supports the
state's participation in the development of public lands policy;
- 172 (iii) preparing comments to ensure that the positions of the state and political subdivisions are
considered in the development of public lands policy; and
- 174 (iv) partnering with state agencies and political subdivisions in an effort to:
- 175 (A) prepare coordinated public lands policies;
- 176 (B) develop consistency reviews and responses to public lands policies;
- 177 (C) develop management plans that relate to public lands policies; and
- 178 (D) develop and maintain a statewide land use plan that is based on cooperation and in
conjunction with political subdivisions;
- 180 (e) facilitate and coordinate the exchange of information, comments, and recommendations on public
lands policies between and among:

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- 182 (i) state agencies;
- 183 (ii) political subdivisions;
- 184 (iii) the Office of Rural Development created under Section 63N-4-102;
- 185 (iv) the coordinating committee;
- 186 (v) School and Institutional Trust Lands Administration created under Section 53C-1-201; and
- 188 [~~(vi) the committee created under Section 63A-16-507 to award grants to counties to inventory and~~
map R.S. 2477 rights-of-way, associated structures, and other features; and]
- 190 [~~(vii)~~ (vi) the Constitutional Defense Council created under Section 63C-4a-202;
- 191 (f) perform the duties established in Title 9, Chapter 8a, Part 3, Antiquities, and Title 9, Chapter 8a,
Part 4, Historic Sites;
- 193 (g) consistent with other statutory duties, encourage agencies to responsibly preserve archaeological
resources;
- 195 (h) maintain information concerning grants made under Subsection (1)(j), if available;
- 196 (i) report annually, or more often if necessary or requested, concerning the office's activities and
expenditures to:
- 198 (i) the Constitutional Defense Council created under Section 63C-4a-202; and
- 199 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim Committee jointly
with the Constitutional Defense Council;
- 201 (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 executive director, with the advice
of the Constitutional Defense Council, determines that the action provides a state benefit;
- 206 (k) conduct the public lands transfer study and economic analysis required by Section 63L-11-304;
and
- 208 (l) fulfill the duties described in Section 63L-10-103.
- 209 (2) The [~~executive director~~] senior advisor 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) in submitting the comment.
- 212 (3) The office may enter into an agreement with another state agency to provide information and
services related to:
- 214 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and Classification Act;

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216 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and Classification Act, or R.S.
2477 matters; or

218 (c) any other matter within the office's responsibility.

219 (4) In fulfilling the duties under this part, the office shall consult, as necessary, with:

220 (a) the Department of Natural Resources;

221 (b) the Department of Agriculture and Food;

222 (c) the Department of Environmental Quality;

223 (d) other applicable state agencies;

224 (e) political subdivisions of the state;

225 (f) federal land management agencies; and

226 (g) elected officials.

320 Section 8. Section **63L-11-305** is amended to read:

321 **63L-11-305. Facilitating the acquisition of federal land.**

229 (1) As used in this section:

230 (a) "Federal land" means land that the secretary is authorized to dispose of under the federal land
disposal law.

232 (b) "Federal land disposal law" means the Recreation and Public Purposes Act, 43 U.S.C. Sec. 869 et
seq.

234 (c) "Government entity" means any state or local government entity allowed to submit a land
application under the federal land disposal law.

236 (d) "Land application" means an application under the federal land disposal law requesting the
secretary to sell or lease federal land.

238 (e) "Land application process" means the actions involved in the process of submitting and obtaining
a final decision on a land application.

240 (f) "Secretary" means the Secretary of the Interior of the United States.

241 (2) The office shall:

242 (a) develop expertise:

243 (i) in the land application process; and

244 (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;

247 (b) work to educate government entities concerning:

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- 248 (i) the availability of federal land pursuant to the federal land disposal law; and
249 (ii) the land application process;
- 250 (c) advise and consult with a government entity that requests assistance from the office to formulate
and submit a land application and to pursue a decision on the land application;
- 253 (d) advise and consult with a government entity that requests assistance from the office to identify
and quantify the amount of any funds needed to provide the public use described in a land
application;
- 256 (e) 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;
- 258 (f) recommend a 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)(e);
- 261 (g) prepare and submit a written report of land applications:
- 262 (i) to the Natural Resources, Agriculture, and Environment Interim Committee and the Federalism
Commission;
- 264 (ii)
- . (A) annually no later than August 31; and
- 265 (B) at other times, if and as requested by the committee or commission; and
- 266 (iii)
- . (A) on the activities of the office under this section;
- 267 (B) on the land applications and potential land applications in the state;
- 268 (C) on the decisions of the secretary on land applications submitted by government entities in the
state; and
- 270 (D) the quantity of land acquired under the land applications;
- 271 (h) present a summary of information contained in the report described in Subsection (2)(g):
- 273 (i) at a meeting of the Natural Resources, Agriculture, and Environment Interim Committee and at a
meeting of the Federalism Commission;
- 275 (ii) annually no later than August 31; and
- 276 (iii) at other times, if and as requested by the committee or commission; and
- 277 (i) report to the Executive Appropriations Committee of the Legislature, as frequently as the
[~~executive director~~] senior advisor considers appropriate or as requested by the Executive

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Appropriations Committee, on the need for legislative appropriations to provide funds for the public purposes described in land applications.

281 (3) The office may:

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

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

379 Section 9. Section **63L-11-402** is amended to read:

380 **63L-11-402. Membership -- Terms -- Chair -- Expenses.**

288 (1) The Resource Development Coordinating Committee consists of the following 26 members:

290 (a) the state science advisor;

291 (b) a representative from the Department of Agriculture and Food appointed by the commissioner of the Department of Agriculture and Food;

293 (c) a representative from the Department of Cultural and Community Engagement appointed by the executive director of the Department of Cultural and Community Engagement;

296 (d) a representative from the Department of Environmental Quality appointed by the executive director of the Department of Environmental Quality;

298 (e) a representative from the Department of Natural Resources appointed by the executive director of the Department of Natural Resources;

300 (f) a representative from the Department of Transportation appointed by the executive director of the Department of Transportation;

302 (g) a representative from the Governor's Office of Economic Opportunity appointed by the director of the Governor's Office of Economic Opportunity;

304 (h) a representative from the Housing and Community Development Division appointed by the director of the Housing and Community Development Division;

306 (i) a representative from the Utah Historical Society appointed by the director of the Utah Historical Society;

308 (j) a representative from the Division of Air Quality appointed by the director of the Division of Air Quality;

310 (k) a representative from the Division of Drinking Water appointed by the director of the Division of Drinking Water;

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- 315 (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;
- 318 (n) a representative from the Division of Water Quality appointed by the director of the Division of Water Quality;
- 320 (o) a representative from the Division of Oil, Gas, and Mining appointed by the director of the Division of Oil, Gas, and Mining;
- 322 (p) a representative from the Division of Parks appointed by the director of the Division of Parks;
- 324 (q) a representative from the Division of Outdoor Recreation appointed by the director of the Division of Outdoor Recreation;
- 326 (r) a representative from the Division of Forestry, Fire, and State Lands appointed by the director of the Division of Forestry, Fire, and State Lands;
- 328 (s) a representative from the Utah Geological Survey appointed by the director of the Utah Geological Survey;
- 330 (t) a representative from the Division of Water Resources appointed by the director of the Division of Water Resources;
- 332 (u) a representative from the Division of Water Rights appointed by the director of the Division of Water Rights;
- 334 (v) a representative from the Division of Wildlife Resources appointed by the director of the Division of Wildlife Resources;
- 336 (w) a representative from the School and Institutional Trust Lands Administration appointed by the director of the School and Institutional Trust Lands Administration;
- 338 (x) a representative from the Division of Facilities Construction and Management appointed by the director of the Division of Facilities Construction and Management;
- 340 (y) a representative from the Division of Emergency Management appointed by the director of the Division of Emergency Management; and
- 342 (z) a representative from the Division of Conservation, created under Section 4-46-401, appointed by the director of the Division of Conservation.
- 344 (2)

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- (a) As particular issues require, the coordinating committee may, by majority vote of the members present, appoint additional temporary members to serve as ex officio voting members.
- 347 (b) Those ex officio members may discuss and vote on the issue or issues for which they were appointed.
- 349 (3) A chair shall be selected by a vote of 14 committee members with the concurrence of the [~~executive director~~] senior advisor.
- 351 (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:
- 353 (a) Sections 63A-3-106 and 63A-3-107; and
- 354 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- 449 Section 10. Section **63L-11-403** is amended to read:
- 450 **63L-11-403. Senior advisor responsibilities.**
- The [~~executive director~~] senior advisor shall:
- 359 (1) administer this part;
- 360 (2) subject to the direction and approval of the governor, take necessary action to implement this part; and
- 362 (3) inform political subdivision representatives, in advance, of all coordinating committee meetings.
- 457 Section 11. Section **67-22-2** is amended to read:
- 458 **67-22-2. Compensation -- Other state officers.**
- 366 (1) As used in this section:
- 367 (a) "Appointed executive" means the:
- 368 (i) commissioner of the Department of Agriculture and Food;
- 369 (ii) commissioner of the Insurance Department;
- 370 (iii) commissioner of the Labor Commission;
- 371 (iv) director, Department of Alcoholic Beverage Services;
- 372 (v) commissioner of the Department of Financial Institutions;
- 373 (vi) executive director, Department of Commerce;
- 374 (vii) executive director, Commission on Criminal and Juvenile Justice;
- 375 (viii) adjutant general;
- 376 (ix) executive director, Department of Cultural and Community Engagement;
- 377 (x) executive director, Department of Corrections;

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- 378 (xi) commissioner, Department of Public Safety;
- 379 (xii) executive director, Department of Natural Resources;
- 380 (xiii) executive director, Governor's Office of Planning and Budget;
- 381 (xiv) executive director, Department of Government Operations;
- 382 (xv) executive director, Department of Environmental Quality;
- 383 (xvi) executive director, Governor's Office of Economic Opportunity;
- 384 (xvii) executive director, Department of Workforce Services;
- 385 (xviii) executive director, Department of Health and Human Services, Nonphysician;
- 386 (xix) executive director, Department of Transportation;
- 387 (xx) executive director, Department of Veterans and Military Affairs;
- 388 ~~{{(xxi) }} executive director~~ senior advisor, Public Lands Policy Coordinating Office, created in
Section 63L-11-201; ~~}}~~
- 390 ~~{{(xxii) }} (xxi)~~ Great Salt Lake commissioner, appointed under Section 73-32-201; and
- 391 ~~{{(xxiii) }} (xxii)~~ Utah water agent, appointed under Section 73-10g-602.
- 392 (b) "Board or commission executive" means:
- 393 (i) members, Board of Pardons and Parole;
- 394 (ii) chair, State Tax Commission;
- 395 (iii) commissioners, State Tax Commission;
- 396 (iv) executive director, State Tax Commission;
- 397 (v) chair, Public Service Commission; and
- 398 (vi) commissioners, Public Service Commission.
- 399 (c) "Deputy" means the person who acts as the appointed executive's second in command as
determined by the Division of Human Resource Management.
- 401 (2)
- . (a) The director of the Division of Human Resource Management shall:
- 402 (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
- 404 (ii) base those recommendations on market salary studies conducted by the Division of Human
Resource Management.
- 406 (b)
- .

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- (i) The Division of Human Resource Management shall determine the salary range for the appointed executives by:
- 408 (A) identifying the salary range assigned to the appointed executive's deputy;
- 409 (B) designating the lowest minimum salary from those deputies' salary ranges as the minimum salary for the appointed executives' salary range; and
- 411 (C) designating 105% of the highest maximum salary range from those deputies' salary ranges as the maximum salary for the appointed executives' salary range.
- 413 (ii) If the deputy is a medical doctor, the Division of Human Resource Management may not consider that deputy's salary range in designating the salary range for appointed executives.
- 416 (c)
- . (i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for board or commission executives, the Division 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.
- 421 (ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii) or (iii), the Division 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.
- 426 (3)
- . (a)
- . (i) Except as provided in Subsection (3)(a)(ii) or Subsection (3)(d), the governor shall establish a specific salary for each appointed executive within the range established under Subsection (2)(b).
- 429 (ii) If the executive director of the Department of Health and Human Services is a physician, the governor shall establish a salary within the highest physician salary range established by the Division of Human Resource Management.
- 432 (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).
- 434 (b) The governor shall apply the same overtime regulations applicable to other FLSA exempt positions.
- 436 (c) The governor may develop standards and criteria for reviewing the appointed executives.

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- 438 (d) If under Section 73-10g-602 the governor appoints an individual who is serving in an appointed
executive branch position to be the Utah water agent, the governor shall adjust the salary of the
Utah water agent to account for salary received for the appointed executive branch position.
- 442 (4) Salaries for other Schedule A employees, as defined in Section 63A-17-301, 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 63A-17-301.
- 445 (5)
- . (a) The Legislature fixes benefits for the appointed executives and the board or commission
executives as follows:
- 447 (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;
- 451 (ii) health insurance;
- 452 (iii) dental insurance;
- 453 (iv) basic life insurance;
- 454 (v) unemployment compensation;
- 455 (vi) workers' compensation;
- 456 (vii) required employer contribution to Social Security;
- 457 (viii) long-term disability income insurance;
- 458 (ix) the same additional state-paid life insurance available to other noncareer service employees;
- 460 (x) the same severance pay available to other noncareer service employees;
- 461 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as follows:
- 463 (A) sick leave;
- 464 (B) converted sick leave if accrued prior to January 1, 2014;
- 465 (C) educational allowances;
- 466 (D) holidays; and
- 467 (E) annual leave except that annual leave shall be accrued at the maximum rate provided to
Schedule B state employees;

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- (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;
- 472 (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
- 475 (xiv) professional memberships if being a member of the professional organization is a requirement
of the position.
- 477 (b) Each department shall pay the cost of additional state-paid life insurance for its executive director
from its existing budget.
- 479 (6) The Legislature fixes the following additional benefits:
- 480 (a) for the executive director of the State Tax Commission a vehicle for official and personal use;
- 482 (b) for the executive director of the Department of Transportation a vehicle for official and personal
use;
- 484 (c) for the executive director of the Department of Natural Resources a vehicle for commute and
official use;
- 486 (d) for the commissioner of Public Safety:
- 487 (i) an accidental death insurance policy if POST certified; and
- 488 (ii) a public safety vehicle for official and personal use;
- 489 (e) for the executive director of the Department of Corrections:
- 490 (i) an accidental death insurance policy if POST certified; and
- 491 (ii) a public safety vehicle for official and personal use;
- 492 (f) for the adjutant general a vehicle for official and personal use;
- 493 (g) for each member of the Board of Pardons and Parole a vehicle for commute and official use; and
- 495 (h) for the executive director of the Department of Veterans and Military Affairs a vehicle for
commute and official use.

590 Section 12. Section 79-1-103 is amended to read:

591 **79-1-103. Coordination council.**

- 592 (1) There is created a coordination council that consists of:
- 593 (a) the executive director of the department;
- 594 (b) the executive director of the Department of Environmental Quality;
- 595 (c) the commissioner of the Department of Agriculture and Food;

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- 596 (d) the ~~director~~ senior advisor of the Public Lands Policy Coordinating Office; and
597 (e) the director of the Office of Energy Development.

598 (2) The coordination council shall:

- 599 (a) rotate the position of chair among the members; and
600 (b) meet at least monthly.

601 (3) The coordination council shall discuss methods to enhance the coordination of regulation and services of the five entities.

603 Section 13. Section **79-2-204** is amended to read:

604 **79-2-204. Division directors -- Appointment -- Removal -- Jurisdiction of executive director.**

500 (1)

. (a) The chief administrative officer of a division within the department is a director appointed by the executive director with the concurrence of the board having policy authority for the division.

503 (b) The director of a division may be removed from office by the executive director.

504 (c) ~~[The]~~ Notwithstanding the provisions of this section, the appointment and term of office of:

506 (i) the state engineer~~[, notwithstanding anything to the contrary contained in this section,]~~ shall be in accordance with Section 73-2-1~~[:]~~ ;

508 (ii) the director of the Office of Energy Development shall be in accordance with Subsection 79-6-401(2); and

510 (iii) the senior advisor of the Public Lands Policy Coordinating Office created in Section 63L-11-201 shall be in accordance with Subsection 63L-11-201(2).

512 (2)

. (a) The executive director has administrative jurisdiction over a division director for the purpose of implementing department policy as established by the division's board.

514 (b) The executive director may:

515 (i) consolidate personnel and service functions in the divisions to effectuate efficiency and economy in the operations of the department;

517 (ii) establish a departmental services division to perform service functions; and

518 (iii) employ law enforcement officers within the department that have all of the powers of a natural resources officer and law enforcement officer, with the exception of the power to serve civil process.

627 Section 14. Section **79-6-401** is amended to read:

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- 628 **79-6-401. Office of Energy Development -- Creation -- Director -- Purpose -- Rulemaking**
 regarding confidential information -- Fees -- Transition for employees.
- 524 (1) There is created an Office of Energy Development within the Department of Natural Resources to
 be administered by a director.
- 526 (2)
- (a) The ~~[executive director]~~ governor shall appoint the director ~~[and the director shall serve at the~~
 ~~pleasure of the executive director]~~ with the advice and consent of the Senate.
- 529 (b) The director shall:
- 530 (i) have demonstrated the necessary administrative and professional ability through education and
 experience to efficiently and effectively manage the office's affairs[-] ;
- 532 (ii) serve at the pleasure of the governor; and
- 533 (iii) report to the executive director on matters concerning the office as the executive director may
 require.
- 535 (3) The purposes of the office are to:
- 536 (a) serve as the primary resource for advancing energy and mineral development in the state;
- 538 (b) implement:
- 539 (i) the state energy policy under Section 79-6-301; and
- 540 (ii) the governor's energy and mineral development goals and objectives;
- 541 (c) advance energy education, outreach, and research, including the creation of elementary, higher
 education, and technical college energy education programs;
- 543 (d) promote energy and mineral development workforce initiatives;
- 544 (e) support collaborative research initiatives targeted at Utah-specific energy and mineral
 development;
- 546 (f) in coordination with the Department of Environmental Quality and other relevant state agencies:
- 548 (i) develop effective policy strategies to advocate for and protect the state's interests relating to
 federal energy and environmental entities, programs, and regulations;
- 550 (ii) participate in the federal environmental rulemaking process by:
- 551 (A) advocating for positive reform of federal energy and environmental regulations and
 permitting;
- 553 (B) coordinating with other states to develop joint advocacy strategies; and
- 554 (C) conducting other government relations efforts; and

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- 555 (iii) direct the funding of legal efforts to combat federal overreach and unreasonable delays
regarding energy and environmental permitting; and
- 557 (g) fund the development of detailed and accurate forecasts of the state's long-term energy supply and
demand, including a baseline projection of expected supply and demand and analysis of potential
alternative scenarios.
- 560 (4) By following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures
Act, the office may:
- 562 (a) seek federal grants or loans;
- 563 (b) seek to participate in federal programs; and
- 564 (c) in accordance with applicable federal program guidelines, administer federally funded state energy
programs.
- 566 (5) The office shall perform the duties required by Sections 11-42a-106, 59-5-102, 59-7-614.7,
59-10-1029, Part 5, Alternative Energy Development Tax Credit Act, and Part 6, High Cost
Infrastructure Development Tax Credit Act.
- 569 (6)
- . (a) For purposes of administering this section, the office may make rules, by following Title 63G,
Chapter 3, Utah Administrative Rulemaking Act, to maintain as confidential, and not as a public
record, information that the office receives from any source.
- 573 (b) The office shall maintain information the office receives from any source at the level of
confidentiality assigned by the source.
- 575 (7) The office may charge application, filing, and processing fees in amounts determined by the office
in accordance with Section 63J-1-504 as dedicated credits for performing office duties described in
this part.
- 578 (8)
- . (a) An employee of the office on April 30, 2024, is an at-will employee.
- 579 (b) For an employee described in Subsection (8)(a) who was employed by the office on April 30,
2024, the employee shall have the same salary and benefit options an employee had when the
office was part of the office of the governor.
- 582 (c) An employee of the office hired on or after May 1, 2024, shall receive compensation as provided
in Title 63A, Chapter 17, Utah State Personnel Management Act.
- 584 (9)

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- . (a) The office shall prepare a strategic energy plan to achieve the state's energy policy, including:
- 586 (i) technological and infrastructure innovation needed to meet future energy demand including:
- 588 (A) energy production technologies;
- 589 (B) battery and storage technologies;
- 590 (C) smart grid technologies;
- 591 (D) energy efficiency technologies; and
- 592 (E) any other developing energy technology, energy infrastructure planning, or investments that
will assist the state in meeting energy demand;
- 594 (ii) the state's efficient use and development of:
- 595 (A) energy resources, including natural gas, coal, clean coal, hydrogen, oil, oil shale, and oil
sands;
- 597 (B) renewable energy resources, including geothermal, solar, hydrogen, wind, biomass, biofuel,
and hydroelectric;
- 599 (C) nuclear power; and
- 600 (D) earth minerals;
- 601 (iii) areas of energy-related academic research;
- 602 (iv) specific areas of workforce development necessary for an evolving energy industry;
- 604 (v) the development of partnerships with national laboratories; and
- 605 (vi) a proposed state budget for economic development and investment.
- 606 (b) In preparing the strategic energy plan, the office shall:
- 607 (i) consult with stakeholders, including representatives from:
- 608 (A) energy companies in the state;
- 609 (B) private and public institutions of higher education within the state conducting energy-related
research; and
- 611 (C) other state agencies; and
- 612 (ii) use modeling and industry standard data to:
- 613 (A) define the energy services required by a growing economy;
- 614 (B) calculate energy needs;
- 615 (C) develop state strategy for energy transportation, including transmission lines, pipelines, and
other infrastructure needs;
- 617

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- (D) optimize investments to meet energy needs at the least cost and least risk while meeting the policy outlined in this section;
- 619 (E) address state needs and investments through a prospective 30-year period, divided into five-year working plans; and
- 621 (F) update the plan at least every two years.
- 622 (c) The office shall report annually to the Public Utilities, Energy, and Technology Interim Committee on or before the October interim meeting describing:
- 624 (i) progress towards creation and implementation of the strategic energy plan;
- 625 (ii) the plan's compliance with the state energy policy; and
- 626 (iii) a proposed budget for the office to continue development of the strategic energy plan.
- 628 (10) The director shall:
- 629 (a) annually review and propose updates to the state's energy policy, as contained in Section 79-6-301;
- 631 (b) promote as the governor considers necessary:
- 632 (i) the development of cost-effective energy resources both renewable and nonrenewable; and
- 634 (ii) educational programs, including programs supporting conservation and energy efficiency measures;
- 636 (c) coordinate across state agencies to assure consistency with state energy policy, including:
- 638 (i) working with the State Energy Program to promote access to federal assistance for energy-related projects for state agencies and members of the public;
- 640 (ii) working with the Division of Emergency Management to assist the governor in carrying out the governor's energy emergency powers under Title 53, Chapter 2a, Part 10, Energy Emergency Powers of the Governor Act;
- 643 (iii) participating in the annual review of the energy emergency plan and the maintenance of the energy emergency plan and a current list of contact persons required by Section 53-2a-902; and
- 646 (iv) identifying and proposing measures necessary to facilitate low-income consumers' access to energy services;
- 648 (d) coordinate with the Division of Emergency Management ongoing activities designed to test an energy emergency plan to ensure coordination and information sharing among state agencies and political subdivisions in the state, public utilities and other energy suppliers, and other

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relevant public sector persons as required by Sections 53-2a-902, 53-2a-1004, 53-2a-1008, and 53-2a-1010;

- 653 (e) coordinate with requisite state agencies to study:
- 654 (i) the creation of a centralized state repository for energy-related information;
- 655 (ii) methods for streamlining state review and approval processes for energy-related projects; and
- 657 (iii) the development of multistate energy transmission and transportation infrastructure;
- 659 (f) coordinate energy-related regulatory processes within the state;
- 660 (g) compile, and make available to the public, information about federal, state, and local approval requirements for energy-related projects;
- 662 (h) act as the state's advocate before federal and local authorities for energy-related infrastructure projects or coordinate with the appropriate state agency; and
- 664 (i) help promote the Division of Facilities Construction and Management's measures to improve energy efficiency in state buildings.
- 666 (11) The director has standing to testify on behalf of the governor at the Public Service Commission created in Section 54-1-1.
- 668 (12) The office shall include best practices in developing actionable goals and recommendations as part of preparing and updating every two years the strategic energy plan required under Subsection (9).
- 671 (13) The office shall maintain and regularly update a public website that provides an accessible dashboard of relevant metrics and reports and makes available the data used to create the strategic energy plan.

780 Section 15. Section **79-6-407** is amended to read:

781 **79-6-407. Decommissioned Asset Disposition Authority.**

- 676 (1) As used in this section:
- 677 (a) "Asset intended for decommissioning" means an electrical generation facility owned by a project entity that is intended to be removed from active service.
- 679 (b) "Authority" means the Decommissioned Asset Disposition Authority created in this section.
- 681 (c) "Fair market value" means the value of an electrical generation facility considering both the assets and liabilities of the facility, including the value of water rights necessary to operate the existing electrical generation facility at full capacity.

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(d) "Highest and best purchase offer" means the purchase offer for the asset intended for decommissioning that the authority determines to be in the overall best interest of the state, considering:

687 (i) the purchase price offer amount;

688 (ii) the potential purchaser's:

689 (A) commitment to utilize the best available control technology;

690 (B) intent to use state resources to the maximum extent feasible;

691 (C) commitment to provide jobs and other economic benefits to the state;

692 (D) intent to promote the interests of state residents and ratepayers; and

693 (E) financial capability; and

694 (iii) any other factors the authority considers relevant.

695 (e) "Project entity" means the same as that term is defined in Section 11-13-103.

696 (2) There is established within the office the Decommissioned Asset Disposition Authority.

697 (3)

. (a) The authority shall be composed of:

698 (i) the ~~executive~~ director of the office;

699 (ii) two members appointed by the governor;

700 (iii) two members appointed by the president of the Senate; and

701 (iv) two members appointed by the speaker of the House of Representatives.

702 (b) The office shall provide staff and support to the authority.

703 (4) The authority shall:

704 (a) provide recommendations to the governor and Legislature regarding the state exercising an option to purchase an asset intended for decommissioning;

706 (b) if the state exercises an option to purchase the asset intended for decommissioning under Section 11-13-318:

708 (i) enter into contracts and agreements related to the decommissioned asset;

709 (ii) govern the disposition of assets intended for decommissioning as outlined in Subsection (6);
and

711 (iii) take any other action necessary for governance of a decommissioned asset purchased by the
state;

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- (c) contract with independent professionals that have expertise in emissions modeling, air quality impact assessments, regulatory compliance, and any other discipline necessary for the preparation and submission of a complete alternative air permit application, including:
- 717 (i) conducting emissions modeling, air quality impact assessments, and gathering any other
information necessary for inclusion in a complete alternative air permit application;
- 720 (ii) preparing the full application with all necessary information included, as would be required for
an application submitted by the owner of the electrical generation facility; and
- 723 (iii) submitting the full permit application to the Division of Air Quality; and
- 724 (d) submit a complete alternative air permit application to the division on or before December 31,
2024, unless the authority determines that it is not feasible to submit a complete application on or
before that date.
- 727 (5) If the authority determines under Subsection (4)(d) that it is not feasible to submit a complete
application on or before December 31, 2024, the authority shall:
- 729 (a) submit a written report to the Legislative Management Committee on or before December 15,
2024, explaining the reasons for the delay and providing an estimated time line for submitting the
complete application; and
- 732 (b) submit the complete application to the division as soon as practicable after December 31, 2024.
- 734 (6) If the state exercises an option to purchase or otherwise take control of the asset intended for
decommissioning under Section 11-13-318, the authority may, no sooner than July 2, 2025:
- 737 (a) hold a public hearing to receive comment and evidence regarding:
- 738 (i) the fair market value of the asset, including the valuation study conducted by the authority under
Section 79-6-408; and
- 740 (ii) the proposed disposition of the decommissioned asset;
- 741 (b) establish procedures and timelines for potential purchasers to submit binding purchase offers;
- 743 (c) evaluate all purchase offers to determine the highest and best purchase offer;
- 744 (d) approve the sale of the decommissioned asset to the purchaser that has submitted the highest and
best purchase offer; and
- 746 (e) take any other action necessary to govern the disposition of the decommissioned asset in
accordance with this section.
- 748 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the authority shall
make rules that establish:

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- 750 (a) procedures and associated timelines for potential purchasers to submit binding purchase offers for
a decommissioned asset;
- 752 (b) objective criteria and a process to evaluate all purchase offers submitted for a decommissioned
asset and determine which purchase offer is the highest and best offer; and
- 755 (c) a process for the authority to approve the sale of a decommissioned asset to the purchaser that has
submitted the highest and best purchase offer.

863 Section 16. **Repealer.**

This Bill Repeals:

864 This bill repeals:

865 Section **63A-16-507, Committee to award grants to counties for inventory and mapping**
866 **of R.S. 2477 rights-of-way -- Use of grants -- Request for proposals.**

867 Section 1. **Effective date.**

This bill takes effect on May 7, 2025.

869 Section 18. **Coordinating S.B. 149 with other 2025 General Session legislation.**

The Legislature intends that, on May 7, 2025, all references to the term "executive director" or "director" of the Public Lands Policy Coordinating Office change to "senior advisor" in any new language added to the Utah Code by legislation that passes in the 2025 General Session and becomes law.

1-28-25 9:45 AM