

Natural Resources Operations

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronald M. Winterton

House Sponsor: Carl R. Albrecht

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

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

31 **63L-11-402**, as last amended by Laws of Utah 2023, Chapter 160
 32 **63L-11-403**, as renumbered and amended by Laws of Utah 2021, Chapter 382
 33 **67-22-2**, as last amended by Laws of Utah 2024, Chapter 522
 34 **79-2-204**, as last amended by Laws of Utah 2024, Chapter 80
 35 **79-6-401**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 4
 36 **79-6-407**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 4

37 REPEALS:

38 **63A-16-507**, as last amended by Laws of Utah 2021, Chapters 162, 382 and renumbered
 39 and amended by Laws of Utah 2021, Chapter 344

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

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

43 **63C-4a-403 . Due process and adjudication for closure of a road -- Plans for R.S.**
 44 **2477 rights.**

45 (1)(a) Any road on or across federally managed property and that is found on a county's
 46 class B and class D road map or a county travel plan is presumed to be a public road
 47 open for public use unless the road has been closed through an appropriate action of
 48 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
 50 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
 54 county travel plan, including an R.S. 2477 claim, the federal government has the
 55 burden of proof to show that the disputed road is not a public road and warrants
 56 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
 59 county;

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

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

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

- 68 (i) the governor or the governor's designee and a representative of the Utah
 69 Association of Counties shall first attempt to resolve the disagreement;
- 70 (ii) if the county and the state continue to disagree, the county, the governor, and the
 71 Utah Association of Counties shall present their recommendations to the council
 72 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
 74 decision of the council only if the county does not claim resources provided to
 75 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
 78 plan committee and which expenditure types may be made without the R.S. 2477
 79 plan committee approval;
- 80 (b) provisions requiring that financial statements be provided to members of the R.S.
 81 2477 plan committee and members of the council, and the frequency with which
 82 those financial statements must be provided;
- 83 (c) provisions identifying those decisions or types of decisions that may be made by the
 84 R.S. 2477 plan committee and those decisions or types of decisions that must be
 85 referred to the council for decision; and
- 86 (d) procedures to assert claims and respond to attempted closures as described in
 87 Subsection (1).

88 ~~[(4)(a) The Public Lands Policy Coordinating Office, in consultation with the committee, the
 89 Office of the Attorney General and the School and Institutional Trust Lands, shall prepare
 90 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
 96 under this section;
- 97 (b) approve an update to a plan under this section at least annually, or more often, if
 98 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
 102 Committee [
 103 by] on or before July 1 of each calendar year[; after providing the R.S. 2477 plan to the
 104 committee at least seven days before the presentation]; and
- 105 (ii) provides a hard copy or electronic copy of the R.S. 2477 plan approved under this
 106 section, with any updates to the plan, to:
- 107 (A) the commission[; which may be by mail]; and
- 108 (iii) (B) the president of the Senate and the speaker of the House of
 109 Representatives[; which may be by mail].

Section 2. Section **63L-11-102** is amended to read:

63L-11-102 . Definitions.

As used in this chapter:

- 111 (1) "Coordinating committee" means the committee created in Section 63L-11-401.
- 112 (2) "Executive director" means the ~~[public lands policy-]~~executive director of the
 113 Department of Natural Resources appointed under Section ~~[63L-11-201]~~ 79-2-202.
- 114 (3) "Office" means the Public Lands Policy Coordinating Office created in Section
 115 63L-11-201.
- 116 (4) "Political subdivision" means:
- 117 (a) a county, municipality, special district, special service district, school district, or
 118 interlocal entity, as defined in Section 11-13-103; or
- 119 (b) an administrative subunit of an entity listed in Subsection (4)(a).
- 120 (5) "Senior advisor" means the senior advisor of the office appointed under Section
 121 63L-11-201.

Section 3. Section **63L-11-201** is amended to read:

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
 127 Department of Natural Resources~~[the Public Lands Policy Coordinating Office to be~~
 128 ~~administered by an executive director].~~
- 129 (b) The senior advisor on public lands is the executive and administrative head of the
 130 Public Lands Policy Coordinating Office.
- 131 (2)(a) ~~The [executive director shall be appointed by the governor]~~ governor shall appoint

132 the senior advisor with the advice and consent of the Senate~~[-and shall serve at the~~
 133 ~~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
 137 director may require.

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

141 (4)(a) The executive director and employees of the office shall receive compensation as
 142 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
 144 office shall be in a building where the Department of Natural Resources is located.

145 Section 4. Section **63L-11-202** is amended to read:

146 **63L-11-202 . Powers and duties of the office and senior advisor.**

147 (1) The office shall:

148 (a) make a report to the Constitutional Defense Council created under Section
 149 63C-4a-202 concerning R.S. 2477 rights and other public lands issues under Title
 150 63C, Chapter 4a, Constitutional and Federalism Defense Act;

151 (b) provide staff assistance to the Constitutional Defense Council created under Section
 152 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,
 157 Agriculture, and Environment Interim Committee on or before July 1 of each
 158 calendar year; and

159 (ii) provide a hard copy or electronic copy of the plan, with any updates to the plan,
 160 to:

161 (A) the Natural Resources, Agriculture, and Environment Interim Committee no
 162 later than seven days before the day of the presentation described in Subsection
 163 (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
- 168 subdivisions, and agencies of the federal government for involvement in the
- 169 development of public lands policies;
- 170 (ii) producing research, documents, maps, studies, analysis, or other information that
- 171 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
- 173 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
- 179 and in conjunction with political subdivisions;
- 180 (e) facilitate and coordinate the exchange of information, comments, and
- 181 recommendations on public lands policies between and among:
- 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
- 187 53C-1-201; and
- 188 [~~(vi) the committee created under Section 63A-16-507 to award grants to counties to inventory~~
- 189 ~~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,
- 192 Chapter 8a, Part 4, Historic Sites;
- 193 (g) consistent with other statutory duties, encourage agencies to responsibly preserve
- 194 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
- 197 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

- 200 Committee jointly with the Constitutional Defense Council;
- 201 (j) make grants of up to 16% of the office's total annual appropriations from the
- 202 Constitutional Defense Restricted Account to a county or statewide association of
- 203 counties to be used by the county or association of counties for public lands matters if
- 204 the executive director, with the advice of the Constitutional Defense Council,
- 205 determines that the action provides a state benefit;
- 206 (k) conduct the public lands transfer study and economic analysis required by Section
- 207 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)
- 210 before submitting a comment to a federal agency, if the governor would be subject to
- 211 Subsection 63C-4a-203(8) in submitting the comment.
- 212 (3) The office may enter into an agreement with another state agency to provide
- 213 information and services related to:
- 214 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and Classification
- 215 Act;
- 216 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and Classification
- 217 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.

227 Section 5. Section **63L-11-305** is amended to read:

228 **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
- 231 federal land disposal law.
- 232 (b) "Federal land disposal law" means the Recreation and Public Purposes Act, 43
- 233 U.S.C. Sec. 869 et seq.

- 234 (c) "Government entity" means any state or local government entity allowed to submit a
235 land application under the federal land disposal law.
- 236 (d) "Land application" means an application under the federal land disposal law
237 requesting the secretary to sell or lease federal land.
- 238 (e) "Land application process" means the actions involved in the process of submitting
239 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
245 will result in the secretary selling or leasing federal land as requested in the land
246 application;
- 247 (b) work to educate government entities concerning:
- 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
251 to formulate and submit a land application and to pursue a decision on the land
252 application;
- 253 (d) advise and consult with a government entity that requests assistance from the office
254 to identify and quantify the amount of any funds needed to provide the public use
255 described in a land application;
- 256 (e) adopt a list of factors to be considered in determining the degree to which a land
257 application or potential land application is in the public interest;
- 258 (f) recommend a prioritization of land applications or potential land applications in the
259 state according to the extent to which the land applications are in the public interest,
260 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
263 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
 269 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)
 272 (g):
 273 (i) at a meeting of the Natural Resources, Agriculture, and Environment Interim
 274 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
 278 the ~~[executive director]~~ senior advisor considers appropriate or as requested by the
 279 Executive Appropriations Committee, on the need for legislative appropriations to
 280 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
 283 application; and
 284 (b) enter into an agreement with the secretary related to the office assisting in processing
 285 a land application.
- 286 Section 6. Section **63L-11-402** is amended to read:
 287 **63L-11-402 . Membership -- Terms -- Chair -- Expenses.**
- 288 (1) The Resource Development Coordinating Committee consists of the following 26
 289 members:
 290 (a) the state science advisor;
 291 (b) a representative from the Department of Agriculture and Food appointed by the
 292 commissioner of the Department of Agriculture and Food;
 293 (c) a representative from the Department of Cultural and Community Engagement
 294 appointed by the executive director of the Department of Cultural and Community
 295 Engagement;
 296 (d) a representative from the Department of Environmental Quality appointed by the
 297 executive director of the Department of Environmental Quality;
 298 (e) a representative from the Department of Natural Resources appointed by the
 299 executive director of the Department of Natural Resources;
 300 (f) a representative from the Department of Transportation appointed by the executive
 301 director of the Department of Transportation;

- 302 (g) a representative from the Governor's Office of Economic Opportunity appointed by
303 the director of the Governor's Office of Economic Opportunity;
- 304 (h) a representative from the Housing and Community Development Division appointed
305 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
307 Utah Historical Society;
- 308 (j) a representative from the Division of Air Quality appointed by the director of the
309 Division of Air Quality;
- 310 (k) a representative from the Division of Drinking Water appointed by the director of the
311 Division of Drinking Water;
- 312 (l) a representative from the Division of Environmental Response and Remediation
313 appointed by the director of the Division of Environmental Response and
314 Remediation;
- 315 (m) a representative from the Division of Waste Management and Radiation Control
316 appointed by the director of the Division of Waste Management and Radiation
317 Control;
- 318 (n) a representative from the Division of Water Quality appointed by the director of the
319 Division of Water Quality;
- 320 (o) a representative from the Division of Oil, Gas, and Mining appointed by the director
321 of the Division of Oil, Gas, and Mining;
- 322 (p) a representative from the Division of Parks appointed by the director of the Division
323 of Parks;
- 324 (q) a representative from the Division of Outdoor Recreation appointed by the director
325 of the Division of Outdoor Recreation;
- 326 (r) a representative from the Division of Forestry, Fire, and State Lands appointed by the
327 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
329 Utah Geological Survey;
- 330 (t) a representative from the Division of Water Resources appointed by the director of
331 the Division of Water Resources;
- 332 (u) a representative from the Division of Water Rights appointed by the director of the
333 Division of Water Rights;
- 334 (v) a representative from the Division of Wildlife Resources appointed by the director of
335 the Division of Wildlife Resources;

- 336 (w) a representative from the School and Institutional Trust Lands Administration
 337 appointed by the director of the School and Institutional Trust Lands Administration;
 338 (x) a representative from the Division of Facilities Construction and Management
 339 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
 341 director of the Division of Emergency Management; and
 342 (z) a representative from the Division of Conservation, created under Section 4-46-401,
 343 appointed by the director of the Division of Conservation.

344 (2)(a) As particular issues require, the coordinating committee may, by majority vote of
 345 the members present, appoint additional temporary members to serve as ex officio
 346 voting members.

347 (b) Those ex officio members may discuss and vote on the issue or issues for which they
 348 were appointed.

349 (3) A chair shall be selected by a vote of 14 committee members with the concurrence of
 350 the ~~[executive director]~~ senior advisor.

351 (4) A member may not receive compensation or benefits for the member's service, but may
 352 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
 355 63A-3-107.

356 Section 7. Section **63L-11-403** is amended to read:

357 **63L-11-403 . Senior advisor responsibilities.**

358 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
 361 implement this part; and

362 (3) inform political subdivision representatives, in advance, of all coordinating committee
 363 meetings.

364 Section 8. Section **67-22-2** is amended to read:

365 **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;
- 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, Public Lands Policy Coordinating Office, created in Section~~
- 389 ~~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
- 400 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
- 403 for the appointed executives and the board or commission executives; and

- 404 (ii) base those recommendations on market salary studies conducted by the Division
405 of Human Resource Management.
- 406 (b)(i) The Division of Human Resource Management shall determine the salary range
407 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
410 the minimum salary for the appointed executives' salary range; and
411 (C) designating 105% of the highest maximum salary range from those deputies'
412 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
414 may not consider that deputy's salary range in designating the salary range for
415 appointed executives.
- 416 (c)(i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for
417 board or commission executives, the Division of Human Resource Management
418 shall set the maximum salary in the salary range for each of those positions at
419 90% of the salary for district judges as established in the annual appropriation act
420 under Section 67-8-2.
- 421 (ii) In establishing the salary ranges for an individual described in Subsection
422 (1)(b)(ii) or (iii), the Division of Human Resource Management shall set the
423 maximum salary in the salary range for each of those positions at 100% of the
424 salary for district judges as established in the annual appropriation act under
425 Section 67-8-2.
- 426 (3)(a)(i) Except as provided in Subsection (3)(a)(ii) or Subsection (3)(d), the
427 governor shall establish a specific salary for each appointed executive within the
428 range established under Subsection (2)(b).
- 429 (ii) If the executive director of the Department of Health and Human Services is a
430 physician, the governor shall establish a salary within the highest physician salary
431 range established by the Division of Human Resource Management.
- 432 (iii) The governor may provide salary increases for appointed executives within the
433 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
435 exempt positions.
- 436 (c) The governor may develop standards and criteria for reviewing the appointed
437 executives.

- 438 (d) If under Section 73-10g-602 the governor appoints an individual who is serving in an
439 appointed executive branch position to be the Utah water agent, the governor shall
440 adjust the salary of the Utah water agent to account for salary received for the
441 appointed executive branch position.
- 442 (4) Salaries for other Schedule A employees, as defined in Section 63A-17-301, that are not
443 provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial
444 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
446 commission executives as follows:
- 447 (i) the option of participating in a state retirement system established by Title 49,
448 Utah State Retirement and Insurance Benefit Act, or in a deferred compensation
449 plan administered by the State Retirement Office in accordance with the Internal
450 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
459 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
462 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
468 provided to Schedule B state employees;
 - 469 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
470 provided by law or rule upon resignation or retirement according to the same
471 criteria and procedures applied to Schedule B state employees;

- 472 (xiii) the option to purchase additional life insurance at group insurance rates
 473 according to the same criteria and procedures applied to Schedule B state
 474 employees; and
- 475 (xiv) professional memberships if being a member of the professional organization is
 476 a requirement of the position.
- 477 (b) Each department shall pay the cost of additional state-paid life insurance for its
 478 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
 481 personal use;
- 482 (b) for the executive director of the Department of Transportation a vehicle for official
 483 and personal use;
- 484 (c) for the executive director of the Department of Natural Resources a vehicle for
 485 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
 494 official use; and
- 495 (h) for the executive director of the Department of Veterans and Military Affairs a
 496 vehicle for commute and official use.

497 Section 9. Section **79-2-204** is amended to read:

498 **79-2-204 . Division directors -- Appointment -- Removal -- Jurisdiction of**
 499 **executive director.**

- 500 (1)(a) The chief administrative officer of a division within the department is a director
 501 appointed by the executive director with the concurrence of the board having policy
 502 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
 505 office of:

- 506 (i) ~~the state engineer[, notwithstanding anything to the contrary contained in this~~
 507 ~~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
 509 Subsection 79-6-401(2); and
- 510 (iii) the senior advisor of the Public Lands Policy Coordinating Office created in
 511 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
 513 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
 516 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
 519 powers of a natural resources officer and law enforcement officer, with the
 520 exception of the power to serve civil process.

521 Section 10. Section **79-6-401** is amended to read:

522 **79-6-401 . Office of Energy Development -- Creation -- Director -- Purpose --**
 523 **Rulemaking regarding confidential information -- Fees -- Transition for employees.**

524 (1) There is created an Office of Energy Development within the Department of Natural
 525 Resources to be administered by a director.

526 (2)(a) The ~~[executive director]~~ governor shall appoint the director ~~[and the director shall~~
 527 ~~serve at the pleasure of the executive director]~~ with the advice and consent of the
 528 Senate.

529 (b) The director shall:

- 530 (i) have demonstrated the necessary administrative and professional ability through
 531 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
 534 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
 537 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
- 542 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
- 545 mineral development;
- 546 (f) in coordination with the Department of Environmental Quality and other relevant
- 547 state agencies:
- 548 (i) develop effective policy strategies to advocate for and protect the state's interests
- 549 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
- 552 regulations and permitting;
- 553 (B) coordinating with other states to develop joint advocacy strategies; and
- 554 (C) conducting other government relations efforts; and
- 555 (iii) direct the funding of legal efforts to combat federal overreach and unreasonable
- 556 delays regarding energy and environmental permitting; and
- 557 (g) fund the development of detailed and accurate forecasts of the state's long-term
- 558 energy supply and demand, including a baseline projection of expected supply and
- 559 demand and analysis of potential alternative scenarios.
- 560 (4) By following the procedures and requirements of Title 63J, Chapter 5, Federal Funds
- 561 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
- 565 funded state energy programs.
- 566 (5) The office shall perform the duties required by Sections 11-42a-106, 59-5-102,
- 567 59-7-614.7, 59-10-1029, Part 5, Alternative Energy Development Tax Credit Act, and
- 568 Part 6, High Cost Infrastructure Development Tax Credit Act.
- 569 (6)(a) For purposes of administering this section, the office may make rules, by
- 570 following Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to maintain as
- 571 confidential, and not as a public record, information that the office receives from any
- 572 source.
- 573 (b) The office shall maintain information the office receives from any source at the level

- 574 of confidentiality assigned by the source.
- 575 (7) The office may charge application, filing, and processing fees in amounts determined by
576 the office in accordance with Section 63J-1-504 as dedicated credits for performing
577 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
580 April 30, 2024, the employee shall have the same salary and benefit options an
581 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
583 as provided in Title 63A, Chapter 17, Utah State Personnel Management Act.
- 584 (9)(a) The office shall prepare a strategic energy plan to achieve the state's energy
585 policy, including:
- 586 (i) technological and infrastructure innovation needed to meet future energy demand
587 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
593 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
596 shale, and oil sands;
- 597 (B) renewable energy resources, including geothermal, solar, hydrogen, wind,
598 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
603 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
- 610 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,
- 616 pipelines, and other infrastructure needs;
- 617 (D) optimize investments to meet energy needs at the least cost and least risk
- 618 while meeting the policy outlined in this section;
- 619 (E) address state needs and investments through a prospective 30-year period,
- 620 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
- 623 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
- 627 plan.
- 628 (10) The director shall:
- 629 (a) annually review and propose updates to the state's energy policy, as contained in
- 630 Section 79-6-301;
- 631 (b) promote as the governor considers necessary:
- 632 (i) the development of cost-effective energy resources both renewable and
- 633 nonrenewable; and
- 634 (ii) educational programs, including programs supporting conservation and energy
- 635 efficiency measures;
- 636 (c) coordinate across state agencies to assure consistency with state energy policy,
- 637 including:
- 638 (i) working with the State Energy Program to promote access to federal assistance for
- 639 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
- 641 carrying out the governor's energy emergency powers under Title 53, Chapter 2a,

- 642 Part 10, Energy Emergency Powers of the Governor Act;
- 643 (iii) participating in the annual review of the energy emergency plan and the
644 maintenance of the energy emergency plan and a current list of contact persons
645 required by Section 53-2a-902; and
- 646 (iv) identifying and proposing measures necessary to facilitate low-income
647 consumers' access to energy services;
- 648 (d) coordinate with the Division of Emergency Management ongoing activities designed
649 to test an energy emergency plan to ensure coordination and information sharing
650 among state agencies and political subdivisions in the state, public utilities and other
651 energy suppliers, and other relevant public sector persons as required by Sections
652 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
656 projects; and
- 657 (iii) the development of multistate energy transmission and transportation
658 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
661 approval requirements for energy-related projects;
- 662 (h) act as the state's advocate before federal and local authorities for energy-related
663 infrastructure projects or coordinate with the appropriate state agency; and
- 664 (i) help promote the Division of Facilities Construction and Management's measures to
665 improve energy efficiency in state buildings.
- 666 (11) The director has standing to testify on behalf of the governor at the Public Service
667 Commission created in Section 54-1-1.
- 668 (12) The office shall include best practices in developing actionable goals and
669 recommendations as part of preparing and updating every two years the strategic energy
670 plan required under Subsection (9).
- 671 (13) The office shall maintain and regularly update a public website that provides an
672 accessible dashboard of relevant metrics and reports and makes available the data used
673 to create the strategic energy plan.

674 Section 11. Section **79-6-407** is amended to read:

675 **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
678 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
680 section.
- 681 (c) "Fair market value" means the value of an electrical generation facility considering
682 both the assets and liabilities of the facility, including the value of water rights
683 necessary to operate the existing electrical generation facility at full capacity.
- 684 (d) "Highest and best purchase offer" means the purchase offer for the asset intended for
685 decommissioning that the authority determines to be in the overall best interest of the
686 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
705 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
707 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

- 710 Subsection (6); and
- 711 (iii) take any other action necessary for governance of a decommissioned asset
- 712 purchased by the state;
- 713 (c) contract with independent professionals that have expertise in emissions modeling,
- 714 air quality impact assessments, regulatory compliance, and any other discipline
- 715 necessary for the preparation and submission of a complete alternative air permit
- 716 application, including:
- 717 (i) conducting emissions modeling, air quality impact assessments, and gathering any
- 718 other information necessary for inclusion in a complete alternative air permit
- 719 application;
- 720 (ii) preparing the full application with all necessary information included, as would
- 721 be required for an application submitted by the owner of the electrical generation
- 722 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
- 725 December 31, 2024, unless the authority determines that it is not feasible to submit a
- 726 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
- 728 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
- 730 December 15, 2024, explaining the reasons for the delay and providing an estimated
- 731 time line for submitting the complete application; and
- 732 (b) submit the complete application to the division as soon as practicable after December
- 733 31, 2024.
- 734 (6) If the state exercises an option to purchase or otherwise take control of the asset
- 735 intended for decommissioning under Section 11-13-318, the authority may, no sooner
- 736 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
- 739 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
- 742 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
745 highest and best purchase offer; and

746 (e) take any other action necessary to govern the disposition of the decommissioned
747 asset in accordance with this section.

748 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
749 authority shall make rules that establish:

750 (a) procedures and associated timelines for potential purchasers to submit binding
751 purchase offers for a decommissioned asset;

752 (b) objective criteria and a process to evaluate all purchase offers submitted for a
753 decommissioned asset and determine which purchase offer is the highest and best
754 offer; and

755 (c) a process for the authority to approve the sale of a decommissioned asset to the
756 purchaser that has submitted the highest and best purchase offer.

757 Section 12. **Repealer.**

758 This bill repeals:

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

761 Section 13. **Effective Date.**

762 This bill takes effect on May 7, 2025.