

Part 2 Department Creation and Administration

79-2-201 Department of Natural Resources created.

- (1) There is created the Department of Natural Resources.
- (2) The department comprises the following:
 - (a) Board of Water Resources, created in Section 73-10-1.5;
 - (b) Board of Oil, Gas, and Mining, created in Section 40-6-4;
 - (c) Board of Parks and Recreation, created in Section 79-4-301;
 - (d) Wildlife Board, created in Section 23-14-2;
 - (e) Board of the Utah Geological Survey, created in Section 79-3-301;
 - (f) Water Development Coordinating Council, created in Section 73-10c-3;
 - (g) Division of Water Rights, created in Section 73-2-1.1;
 - (h) Division of Water Resources, created in Section 73-10-18;
 - (i) Division of Forestry, Fire, and State Lands, created in Section 65A-1-4;
 - (j) Division of Oil, Gas, and Mining, created in Section 40-6-15;
 - (k) Division of Parks and Recreation, created in Section 79-4-201;
 - (l) Division of Wildlife Resources, created in Section 23-14-1;
 - (m) Division of Land Management, created in Section 79-6-102;
 - (n) Utah Geological Survey, created in Section 79-3-201;
 - (o) Heritage Trees Advisory Committee, created in Section 65A-8-306;
 - (p) Recreational Trails Advisory Council, authorized by Section 79-5-201;
 - (q) Boating Advisory Council, authorized by Section 73-18-3.5;
 - (r) Wildlife Board Nominating Committee, created in Section 23-14-2.5; and
 - (s) Wildlife Regional Advisory Councils, created in Section 23-14-2.6.

Amended by Chapter 317, 2016 General Session

79-2-202 Executive director -- Appointment -- Removal -- Compensation -- Responsibilities.

- (1)
 - (a) The chief administrative officer of the department is an executive director appointed by the governor with the consent of the Senate.
 - (b) The executive director may be removed at the will of the governor.
 - (c) The executive director shall receive a salary established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
- (2) The executive director shall:
 - (a) administer and supervise the department and provide for coordination and cooperation among the boards, divisions, councils, and committees of the department;
 - (b) approve the budget of each board and division;
 - (c) participate in regulatory proceedings as appropriate for the functions and duties of the department;
 - (d) report at the end of each fiscal year to the governor on department, board, and division activities; and
 - (e) perform other duties as provided by statute.
- (3) By following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, the executive director, may accept an executive or legislative provision that is enacted by the federal government, whereby the state may participate in the distribution,

disbursement, or administration of a fund or service from the federal government for purposes consistent with the powers and duties of the department.

- (4)
 - (a) The executive director, in cooperation with the governmental entities having policymaking authority regarding natural resources, may engage in studies and comprehensive planning for the development and conservation of the state's natural resources.
 - (b) The executive director shall submit any plan to the governor for review and approval.

Renumbered and Amended by Chapter 344, 2009 General Session

79-2-203 Policy board members.

- (1) Members of a policy board within the department shall be appointed consistent with the following criteria:
 - (a) geographical distribution;
 - (b) expertise or personal experience with subject matter;
 - (c) diversity of opinion and political preference; and
 - (d) gender, cultural, and ethnic representation.
- (2) The governor may remove a member at any time for official misconduct, habitual or willful neglect of duty, or for other good and sufficient cause.
- (3) No member of the Legislature may serve as a member of a division policy board.
- (4)
 - (a) In addition to the disclosures required by Section 67-16-7, a board member shall disclose any conflict of interest to the board.
 - (b) Notwithstanding Section 67-16-9, a board member with a substantial conflict may serve on the board if the member refrains from voting on a board action when the conflict involves:
 - (i) a direct financial interest in the subject under consideration; or
 - (ii) an entity or asset that could be substantially affected by the outcome of board action.

Renumbered and Amended by Chapter 344, 2009 General Session

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

- (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.
 - (b) The director of a division may be removed from office by the executive director.
 - (c) The appointment and term of office of the state engineer, notwithstanding anything to the contrary contained in this section, shall be in accordance with Section 73-2-1.
- (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.
 - (b) The executive director may:
 - (i) consolidate personnel and service functions in the divisions to effectuate efficiency and economy in the operations of the department;
 - (ii) establish a departmental services division to perform service functions; and
 - (iii) employ law enforcement officers and special function officers within the department that have all of the powers of a conservation officer and law enforcement officer, with the exception of the power to serve civil process.

Renumbered and Amended by Chapter 344, 2009 General Session

79-2-205 Procedures -- Adjudicative proceedings.

Except as provided by Sections 40-10-13, 63G-4-102, and 73-2-25, a division, board, council, or committee referred to in Section 79-2-201 shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in an adjudicative proceeding.

Renumbered and Amended by Chapter 344, 2009 General Session