

1                                   **USE OF BEAR RIVER BIRD REFUGE**  
2                                   **SETTLEMENT MONIES**

3                                   2002 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: Ben C. Ferry**

6   **This act modifies State Affairs in General. The act creates two restricted accounts: the**  
7   **Wetlands Protection Restricted Account and the Recreational Trails Enhancement and**  
8   **Protection Restricted Account which are funded by payments resulting from a 2002**  
9   **Settlement Agreement between the United States Department of Interior through the Fish**  
10   **and Wildlife Service and the state through the Department of Natural Resources. The act**  
11   **provides an immediate effective date.**

12   This act affects sections of Utah Code Annotated 1953 as follows:

13   AMENDS:

14           **63-34-5**, as last amended by Chapter 66, Laws of Utah 1993

15   ENACTS:

16           **63-34-3.2**, Utah Code Annotated 1953

17           **63-34-3.3**, Utah Code Annotated 1953

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

19           Section 1. Section **63-34-3.2** is enacted to read:

20           **63-34-3.2. Wetlands Protection Account.**

21           (1) There is created within the General Fund a restricted account known as the Wetlands  
22   Protection Account.

23           (2) The account shall be funded by a \$10,000,000 payment resulting from a 2002  
24   Settlement Agreement between the United States Department of Interior through the Fish and  
25   Wildlife Service and the state through the Department of Natural Resources.

26           (3) Funds in the Wetlands Protection Account may be used for the purposes of wetland  
27   or open space preservation, enhancement, creation, and acquisition in and near the Great Salt Lake.



28 Section 2. Section **63-34-3.3** is enacted to read:

29 **63-34-3.3. Recreational Trails Enhancement and Protection Account.**

30 (1) There is created within the General Fund a restricted account known as the  
31 Recreational Trails Enhancement and Protection Account.

32 (2) The account shall be funded by a \$5,000,000 payment resulting from a 2002 Settlement  
33 Agreement dated between the United States Department of Interior through the Fish and Wildlife  
34 Service and the state through the Department of Natural Resources.

35 (3) Funds in the Recreational Trails Enhancement and Protection Account may be used  
36 for the development, improvement, and expansion of motorized and nonmotorized recreational  
37 trails on public and private lands in the state.

38 Section 3. Section **63-34-5** is amended to read:

39 **63-34-5. Executive director of Department Natural Resources -- Appointment --**  
40 **Removal -- Compensation -- Responsibilities -- Department fee schedule.**

41 (1) (a) The chief administrative officer of the Department of Natural Resources shall be  
42 an executive director appointed by the governor with the advice and consent of the Senate.

43 (b) The executive director may be removed at the will of the governor.

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

46 (2) The executive director shall:

47 (a) administer and supervise the Department of Natural Resources and provide for  
48 coordination and cooperation among the boards and divisions of the department;

49 (b) approve the budget of each board and division;

50 (c) (i) coordinate state governmental functions regarding energy development;

51 (ii) facilitate the development and implementation of policies and programs relating to  
52 energy production, processing, utilization, and technology in the state;

53 (iii) coordinate and consolidate energy resource data collection throughout state  
54 government;

55 (iv) perform forecasts of state-level energy production, consumption, and prices;

56 (v) monitor federal laws and regulations relating to energy development, processing, or  
57 use, and recommend policy positions for the state;

58 (vi) participate in regulatory proceedings as appropriate to the functions and duties of the

59 department;

60 (vii) represent the state on regional and national energy matters on his own initiative or  
61 as requested by the governor; and

62 (viii) provide the Legislature and the governor with:

63 (A) a biennial report addressing the current status of energy markets in the state; and

64 (B) an independent assessment of energy issues[-];

65 (d) ensure that funds appropriated to the Department of Natural Resources from the  
66 Wetlands Protection Account created by Section 63-34-3.2 are expended in accordance with  
67 Subsection 63-34-3.2 (3);

68 (e) ensure that funds appropriated to the Department of Natural Resources from the  
69 Recreational Trails Enhancement and Protection Account created by Section 63-34-3.3 are  
70 expended in accordance with Subsection 63-34-3.3(3);

71 [~~(f)~~] (f) report at the end of each fiscal year to the governor on department activities, and  
72 activities of the boards and divisions; and

73 [~~(g)~~] (g) perform other duties as provided by the Legislature by statute.

74 (3) Unless otherwise provided by statute, the department may adopt a schedule of fees  
75 assessed for services provided by the department. The fee shall be reasonable and fair and shall  
76 reflect the cost of services provided. Each fee established in this manner shall be submitted to and  
77 approved by the Legislature as part of the department's annual appropriations request. The  
78 department may not charge or collect any fee proposed in this manner without approval of the  
79 Legislature.

80 Section 4. **Effective date.**

81 If approved by two-thirds of all the members elected to each house, this act takes effect  
82 upon approval by the governor, or the day following the constitutional time limit of Utah  
83 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the  
84 date of veto override.

**Legislative Review Note**  
**as of 2-7-02 11:40 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**