

**Representative Ben C. Ferry** proposes the following substitute bill:

**USE OF BEAR RIVER BIRD REFUGE**

**SETTLEMENT MONIES**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Ben C. Ferry**

**This act modifies State Affairs in General. The act creates two restricted accounts: the Wetlands Protection Restricted Account and the Recreational Trails and Streams Enhancement and Protection Restricted Account which are to be funded by payments resulting from a 2002 Settlement Agreement between the United States Department of Interior through the Fish and Wildlife Service and the state through the Department of Natural Resources. The act provides for use of these monies. The act provides a contingent effective date.**

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

AMENDS:

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

ENACTS:

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

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

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

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

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

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

(2) The account shall be funded by a \$10,000,000 payment resulting from a 2002 Settlement Agreement between the United States Department of Interior through the Fish and



26 Wildlife Service and the state through the Department of Natural Resources and interest earned  
27 on the account.

28 (3) Funds in the Wetlands Protection Account may be used in accordance with the public  
29 trust doctrine.

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

31 **63-34-3.3. Recreational Trails and Streams Enhancement and Protection Account.**

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

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

38 (3) Funds in the Recreational Trails and Streams Enhancement and Protection Account  
39 may be used for the:

40 (a) development, improvement, and expansion of motorized and nonmotorized recreational  
41 trails on public and private lands in the state; and

42 (b) preservation, reclamation, or conservation of streams in the state.

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

44 **63-34-5. Executive director of Department Natural Resources -- Appointment --**  
45 **Removal -- Compensation -- Responsibilities -- Department fee schedule.**

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

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

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

51 (2) The executive director shall:

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

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

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

56 (ii) facilitate the development and implementation of policies and programs relating to

57 energy production, processing, utilization, and technology in the state;  
58 (iii) coordinate and consolidate energy resource data collection throughout state  
59 government;  
60 (iv) perform forecasts of state-level energy production, consumption, and prices;  
61 (v) monitor federal laws and regulations relating to energy development, processing, or  
62 use, and recommend policy positions for the state;  
63 (vi) participate in regulatory proceedings as appropriate to the functions and duties of the  
64 department;  
65 (vii) represent the state on regional and national energy matters on his own initiative or  
66 as requested by the governor; and  
67 (viii) provide the Legislature and the governor with:  
68 (A) a biennial report addressing the current status of energy markets in the state; and  
69 (B) an independent assessment of energy issues[-];  
70 (d) ensure that funds appropriated to the Department of Natural Resources from the  
71 Wetlands Protection Account created by Section 63-34-3.2 are expended in accordance with  
72 Subsection 63-34-3.2 (3);  
73 (e) ensure that funds appropriated to the Department of Natural Resources from the  
74 Recreational Trails and Streams Enhancement and Protection Account created by Section  
75 63-34-3.3 are expended in accordance with Subsection 63-34-3.3(3);  
76 [~~d~~] (f) report at the end of each fiscal year to the governor on department activities, and  
77 activities of the boards and divisions; and  
78 [~~e~~] (g) perform other duties as provided by the Legislature by statute.  
79 (3) Unless otherwise provided by statute, the department may adopt a schedule of fees  
80 assessed for services provided by the department. The fee shall be reasonable and fair and shall  
81 reflect the cost of services provided. Each fee established in this manner shall be submitted to and  
82 approved by the Legislature as part of the department's annual appropriations request. The  
83 department may not charge or collect any fee proposed in this manner without approval of the  
84 Legislature.

85 Section 4. **Contingent effective date.**

86 The amendments and enactments in this act take effect upon execution and funding of the  
87 2002 Settlement Agreement between the United States Department of Interior through the Fish and

88 Wildlife Service and the state through the Department of Natural Resources.