

**Representative Michael E. Noel** proposes the following substitute bill:

**UTAH PUBLIC LAND MANAGEMENT ACT**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael E. Noel**

Senate Sponsor: David P. Hinkins

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**LONG TITLE**

**General Description:**

This bill enacts the Utah Public Land Management Act.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ makes findings;
- ▶ requires the director of the Division of Oil, Gas, and Mining to make a report to the Commission for the Stewardship of Public Lands;
- ▶ establishes duties for the director of the Department of Natural Resources and the commissioner of the Department of Agriculture and Food;
- ▶ authorizes fees;
- ▶ establishes the:
  - Public Land Protection Fund;
  - Public Land Management Fund;
  - Timber Fund; and
  - Grazing Land Fund;
- ▶ establishes a procedure to issue a right-of-way or use authorization on public land;
- ▶ creates the Division of Land Management within the Department of Natural



26 Resources;

- 27       ▶ creates the Public Land Management Advisory Board;
- 28       ▶ requires reports to the Legislature; and
- 29       ▶ makes technical changes.

30 **Money Appropriated in this Bill:**

31       None

32 **Other Special Clauses:**

33       None

34 **Utah Code Sections Affected:**

35 AMENDS:

36       **40-6-16**, as last amended by Laws of Utah 1993, Chapter 227

37       **79-2-201**, as last amended by Laws of Utah 2013, Chapter 413

38 ENACTS:

39       **63L-8-101**, Utah Code Annotated 1953

40       **63L-8-102**, Utah Code Annotated 1953

41       **63L-8-103**, Utah Code Annotated 1953

42       **63L-8-104**, Utah Code Annotated 1953

43       **63L-8-105**, Utah Code Annotated 1953

44       **63L-8-201**, Utah Code Annotated 1953

45       **63L-8-202**, Utah Code Annotated 1953

46       **63L-8-203**, Utah Code Annotated 1953

47       **63L-8-301**, Utah Code Annotated 1953

48       **63L-8-302**, Utah Code Annotated 1953

49       **63L-8-303**, Utah Code Annotated 1953

50       **63L-8-304**, Utah Code Annotated 1953

51       **63L-8-305**, Utah Code Annotated 1953

52       **63L-8-306**, Utah Code Annotated 1953

53       **63L-8-307**, Utah Code Annotated 1953

54       **63L-8-308**, Utah Code Annotated 1953

55       **63L-8-309**, Utah Code Annotated 1953

56       **63L-8-310**, Utah Code Annotated 1953

- 57 [63L-8-311](#), Utah Code Annotated 1953
- 58 [63L-8-312](#), Utah Code Annotated 1953
- 59 [63L-8-401](#), Utah Code Annotated 1953
- 60 [63L-8-402](#), Utah Code Annotated 1953
- 61 [63L-8-403](#), Utah Code Annotated 1953
- 62 [63L-8-501](#), Utah Code Annotated 1953
- 63 [63L-8-502](#), Utah Code Annotated 1953
- 64 [63L-8-503](#), Utah Code Annotated 1953
- 65 [63L-8-504](#), Utah Code Annotated 1953
- 66 [63L-8-505](#), Utah Code Annotated 1953
- 67 [63L-8-506](#), Utah Code Annotated 1953
- 68 [63L-8-507](#), Utah Code Annotated 1953
- 69 [63L-8-508](#), Utah Code Annotated 1953
- 70 [63L-8-509](#), Utah Code Annotated 1953
- 71 [63L-8-510](#), Utah Code Annotated 1953
- 72 [63L-8-511](#), Utah Code Annotated 1953
- 73 [63L-8-601](#), Utah Code Annotated 1953
- 74 [63L-8-602](#), Utah Code Annotated 1953
- 75 [79-6-101](#), Utah Code Annotated 1953
- 76 [79-6-102](#), Utah Code Annotated 1953
- 77 [79-6-103](#), Utah Code Annotated 1953
- 78 [79-6-104](#), Utah Code Annotated 1953
- 79 [79-6-105](#), Utah Code Annotated 1953

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

82 Section 1. Section **40-6-16** is amended to read:

83 **40-6-16. Duties of division.**

84 (1) In addition to the duties assigned by the board, the division shall:

85 ~~[(1)]~~ (a) develop and implement an inspection program that will include but not be  
86 limited to production data, pre-drilling checks, and site security reviews;

87 ~~[(2)]~~ (b) publish a monthly production report;

88 [~~3~~] (c) publish a monthly gas processing plant report;  
89 [~~4~~] (d) review and evaluate, prior to a hearing, evidence submitted with the petition to  
90 be presented to the board;

91 [~~5~~] (e) require adequate assurance of approved water rights in accordance with rules  
92 and orders enacted under Section 40-6-5; and

93 [~~6~~] (f) notify the county executive of the county in which the drilling will take place  
94 in writing of the issuance of a drilling permit.

95 (2) The director shall, by October 30, 2016, report to the Commission for the  
96 Stewardship of Public Lands regarding the division's recommendations for how the state shall  
97 deal with oil, gas, and mining issues in the Utah Public Land Management Act.

98 Section 2. Section 63L-8-101 is enacted to read:

99 **CHAPTER 8. UTAH PUBLIC LAND MANAGEMENT ACT**

100 **Part 1. General Provisions**

101 **63L-8-101. Title.**

102 (1) This chapter is known as the "Utah Public Land Management Act."

103 (2) This part is known as "General Provisions."

104 Section 3. Section 63L-8-102 is enacted to read:

105 **63L-8-102. Definitions.**

106 As used in this chapter:

107 (1) "Board" means the board created in Section 79-6-104.

108 (2) "Commissioner" means the commissioner of the Department of Agriculture and  
109 Food, or the commissioner's designee.

110 (3) "DAF" means the Department of Agriculture and Food.

111 (4) "Director" means the director of the Division of Land Management or the director's  
112 designee.

113 (5) "DLM" means the Division of Land Management, a division created within the  
114 Department of Natural Resources in Section 79-6-102.

115 (6) "Grazing permit" means a document, issued by the Division of Land Management,  
116 authorizing use of public land for the purpose of grazing domestic livestock.

117 (7) "Land use authorization" means an easement, lease, permit, or license to occupy,  
118 use, or traverse public land granted for a particular purpose.

119 (8) "Minerals" means all classes of inorganic material upon, within, or beneath the  
120 surface of public land, including silver, gold, copper, lead, zinc, uranium, gemstones, potash,  
121 gypsum, clay, salts, sand, rock, gravel, oil, oil shale, oil sands, gas, coal, and all carboniferous  
122 materials.

123 (9) "Multiple use" means:

124 (a) the management of the public land and the public land's various resource values so  
125 resources are best utilized in the combination that will meet the present and future needs of the  
126 citizens of Utah;

127 (b) making the most judicious use of land for some or all of the resources or related  
128 services over areas large enough to provide sufficient latitude for periodic adjustments in use to  
129 conform to changing needs and conditions;

130 (c) a combination of balanced and diverse resource uses that take into account the  
131 long-term needs of future generations for renewable and non-renewable resources, including  
132 recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific,  
133 and historic values; and

134 (d) harmonious and coordinated management of the various resources without  
135 permanent impairment of the productivity of the land and the quality of the environment with  
136 consideration being given to the relative values of the resources.

137 (10) "Public land" means any land or land interest acquired by the state from the  
138 federal government pursuant to Section [63L-6-103](#), except:

139 (a) areas subsequently designated as a protected wilderness area, as described in Title  
140 63L, Chapter 7, Utah Wilderness Act; and

141 (b) lands managed by the School and Institutional Trust Lands Administration pursuant  
142 to Title 53C, School and Institutional Trust Lands Management Act.

143 (11) "Rangeland" means open public land used for grazing domestic livestock.

144 (12) "Sustained yield" means the achievement and maintenance in perpetuity of a  
145 high-level annual or regular periodic output of the various renewable resources of the public  
146 land consistent with multiple use.

147 (13) "Wilderness" means the same as that term is defined in Section [63L-7-103](#).

148 Section 4. Section **63L-8-103** is enacted to read:

149 **63L-8-103. Principal or major use.**

150 Each parcel of public land in this state shall be managed, as much as possible, to  
151 promote the following principal or major uses of the land, consistent with the principles of  
152 multiple use and sustained yield:

- 153 (1) domestic livestock grazing;
- 154 (2) fish and wildlife development and utilization;
- 155 (3) mineral exploration and production;
- 156 (4) rights-of-way;
- 157 (5) outdoor recreation;
- 158 (6) timber production; and
- 159 (7) wilderness conservation.

160 Section 5. Section **63L-8-104** is enacted to read:

161 **63L-8-104. Declaration of policy.**

162 (1) The Legislature declares that it is the policy of the state that:

163 (a) public land be retained in state ownership consistent with the provisions of this  
164 chapter;

165 (b) public land may not be sold, except:

- 166 (i) as consistent with this chapter;
- 167 (ii) as consistent with local land use plans;
- 168 (iii) with the approval of the director and the board;
- 169 (iv) after sufficient opportunity for public comment; and
- 170 (v) for an important public interest;

171 (c) goals and objectives be established by law as guidelines for public land use  
172 planning, and that management be on the basis of multiple use and sustained yield, unless  
173 otherwise provided by statute; and

174 (d) the public land be managed in a manner that will:

- 175 (i) recognize the state's need for domestic sources of minerals, food, timber, and fiber;
- 176 (ii) protect the quality of scientific, scenic, historical, ecological, environmental, air  
177 and atmospheric, water resource, and archeological values;
- 178 (iii) where appropriate, preserve and protect certain public land in its natural condition;
- 179 (iv) provide food and habitat for fish, wildlife, and domestic animals; and
- 180 (v) provide for outdoor recreation, human occupancy, and other human use.

181 (2) All rules made to effectuate the purposes of this chapter shall be made in  
182 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

183 Section 6. Section **63L-8-105** is enacted to read:

184 **63L-8-105. Interdepartmental cooperation.**

185 (1) The director, subject to periodic review of the Legislature, may establish programs  
186 to conduct projects, planning, permitting, leasing, contracting and other activities on public  
187 land.

188 (2) (a) The director shall provide management policies and programs for all uses of  
189 public land, including the principal or major uses described in Section [63L-8-103](#).

190 (b) The director shall consult with the commissioner, who may make recommendations  
191 to the director on rangeland management issues on public land, including:

192 (i) determining the number of domestic animals that may be sustained on a tract of land  
193 while maintaining that land for wildlife and fish use and future grazing use; and

194 (ii) issuing grazing permits.

195 (c) The director shall consult with other state agencies having management  
196 responsibility over natural resources that may be impacted by management decisions and  
197 actions on public land.

198 Section 7. Section **63L-8-201** is enacted to read:

199 **Part 2. Identification and Land Use Planning**

200 **63L-8-201. Title.**

201 This part is known as "Identification and Land Use Planning."

202 Section 8. Section **63L-8-202** is enacted to read:

203 **63L-8-202. Land use planning.**

204 (1) The director, in consultation with the board, the commissioner, and other state  
205 agencies with management authority over other state owned land and resources affected by  
206 land use planning shall, with public involvement, develop, maintain, and revise land use plans  
207 that address the use and conservation of public land in the state.

208 (2) In the development and revision of land use plans, the director shall:

209 (a) use and observe the principles of multiple use and sustained yield;

210 (b) develop rules describing the degree of planning necessary for each category of  
211 activity upon, or conservation of, public land;

212 (c) provide for compliance with applicable pollution control laws;  
213 (d) make determinations concerning the management, protection, and conservation of  
214 plant species officially designated as endangered or threatened under the federal Endangered  
215 Species Act of 1973, as amended, on public land; and

216 (e) to the extent consistent with the laws governing the administration of the public  
217 land:

218 (i) coordinate the land use inventory, planning, and management activities for public  
219 land with the land use planning and management programs of the county government within  
220 which the public land is located; and

221 (ii) involve the public and local county officials in the development of land use  
222 programs, land use rules, and land use decisions for public land, including early public notice  
223 of proposed decisions, programs, or regulations that may have a significant impact on  
224 non-public land.

225 (3) The director shall, to the maximum extent possible and consistent with this chapter,  
226 implement land use plans that provide for consistent results with local land use plans.

227 (4) (a) Management decisions shall remain subject to reconsideration, modification,  
228 and termination through revision by the director, subject to contractual rights granted by any  
229 land use authorization issued by the division.

230 (b) The director shall report to the speaker of the House of Representatives and the  
231 president of the Senate on a management program or policy decision that eliminates, for two or  
232 more years, one or more of the principal or major uses of a tract of public land of 1,000 acres or  
233 more.

234 (5) The director shall:

235 (a) allow an opportunity for public involvement; and

236 (b) establish rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
237 Rulemaking Act, to give governments and the public adequate notice and opportunity to  
238 comment upon and participate in the formulation of plans, programs, and policies relating to  
239 the management of the public land.

240 Section 9. Section **63L-8-203** is enacted to read:

241 **63L-8-203. Honoring pre-existing claims and rights.**

242 (1) Upon receiving title to a tract of federal public land, the state shall honor all

243 pre-existing rights that run appurtenant to that tract of federal public land.

244 (2) The state shall develop an adjudicative process to deal with competing claims to  
245 rights that run appurtenant to a tract of federal public land.

246 Section 10. Section **63L-8-301** is enacted to read:

247 **Part 3. Administration of the Utah Public Land Management Act**

248 **63L-8-301. Title.**

249 This part is known as "Administration of the Utah Public Land Management Act."

250 Section 11. Section **63L-8-302** is enacted to read:

251 **63L-8-302. Division of Land Management.**

252 Except as otherwise provided by law, the Division of Land Management, created in  
253 Section [79-6-102](#), shall provide necessary staff support for the implementation of this chapter.

254 Section 12. Section **63L-8-303** is enacted to read:

255 **63L-8-303. Management of use, occupancy, and development of public land.**

256 (1) As used in this section, "casual" means activity that:

257 (a) occurs irregularly; and

258 (b) is non-commercial.

259 (2) (a) Except as provided in Subsection (2)(b), the director shall manage the public  
260 land under principles of multiple use and sustained yield, in accordance with land use plans  
261 developed by the DLM.

262 (b) Where a tract of public land has been dedicated to a specific use according to a  
263 provision of law, legal encumbrance, or contractual obligation, it shall be managed in  
264 accordance with those provisions.

265 (3) (a) The director shall, subject to Subsection (3)(b) and other applicable law,  
266 authorize use of the public land through land use authorizations.

267 (b) The director may permit state departments, agencies, and local governments to use,  
268 occupy, and develop public land through rights-of-way or other cooperative agreements.

269 (c) The director may authorize use of the land through specific programs, such as:

270 (i) the collection of firewood, nuts, or the casual gathering of other organic products;

271 (ii) camping or other casual use;

272 (iii) rockhounding, building stone, or the gathering of other rock products; or

273 (iv) other casual uses.

274 (d) The programs described in Subsection (3)(c) may require the issuance of a permit  
275 and collection of a reasonable fee, if necessary.

276 (e) Nothing in this chapter shall be construed as:

277 (i) authorizing the director to:

278 (A) require permits to hunt and fish on public land and adjacent water beyond those  
279 approved by the Wildlife Board pursuant to Title 23, Wildlife Resources Code of Utah; or

280 (B) to close public land or areas of public land to hunting, fishing, or trapping, except  
281 as provided in Subsection (3)(f); or

282 (ii) enlarging or diminishing the responsibility and authority of the Wildlife Board or  
283 Division of Wildlife Resources for management of fish and resident wildlife on public land  
284 pursuant to Title 23, Wildlife Resources Code of Utah.

285 (f) The director may designate areas of public land where, and establish periods when,  
286 no hunting will be permitted on public land for reasons of public safety, administration, or  
287 compliance with provisions of applicable law.

288 (4) Subject to Subsection (5), the director shall insert in any land use authorization  
289 providing for the use, occupancy, or development of the public land, a provision authorizing  
290 revocation or suspension, after notice and hearing, of the authorization upon a final  
291 administrative finding of a violation of any term or condition of the authorization.

292 (5) (a) The director may immediately revoke or suspend a land use authorization if,  
293 after notice and administrative hearing, there is an administrative finding that the holder  
294 violated a term or condition of the authorization.

295 (b) If a holder of an authorization rectifies the violation that formed the basis of the  
296 director's suspension under Subsection (5)(a), the director may terminate the suspension.

297 (6) The director may order an immediate temporary suspension before a hearing or  
298 final administrative finding if the director determines that a suspension is necessary to protect:

299 (a) health or safety; or

300 (b) the environment.

301 (7) Use of public land pursuant to a general authorization under this section shall be  
302 limited to areas where the use is consistent with the applicable land use plans prepared  
303 pursuant to Section [63L-8-202](#).

304 (8) A general authorization for the use of public land shall be subject to:

305 (a) a requirement that the using party shall be responsible for any necessary cleanup  
306 and decontamination of the land used; and

307 (b) terms and conditions, including restrictions on use of off-road or all-terrain  
308 vehicles, as the director deems appropriate.

309 (9) A general authorization issued pursuant to this section:

310 (a) may not be for a term exceeding five years; and

311 (b) shall be revoked in whole or in part, as the director finds necessary, upon a  
312 determination by the director that:

313 (i) there has been a failure to comply with its terms and conditions; or

314 (ii) activities permitted by the authorization have had, or might have, a significant  
315 adverse impact on the resources or values of the affected lands.

316 (10) Each specific use of a particular area of public land pursuant to a general  
317 authorization under this section is subject to:

318 (a) specific authorization by the director; and

319 (b) appropriate terms and conditions, as described in this section.

320 (11) An authorization under this section may not authorize the construction of  
321 permanent structures or facilities on the public land.

322 (12) No one may use or occupy public land without appropriate authorization.

323 Section 13. Section **63L-8-304** is enacted to read:

324 **63L-8-304. Enforcement authority.**

325 (1) The director shall issue rules as necessary to implement the provisions of this  
326 chapter with respect to the management, use, and protection of the public land and property  
327 located on the public land.

328 (2) At the request of the director, the attorney general may institute a civil action in a  
329 district court for an injunction or other appropriate remedy to prevent any person from utilizing  
330 public land in violation of this chapter or rules issued by the director under this chapter.

331 (3) The use, occupancy, or development of any portion of the public land contrary to  
332 any rule issued by the DLM in accordance with this chapter, and without proper authorization,  
333 is unlawful and prohibited.

334 (4) (a) Except as provided in Subsections (4)(b) and (c), the local county sheriff is the  
335 primary law enforcement authority with jurisdiction on public land to enforce this chapter and

336 rules issued by the director pursuant to Subsection (1).

337 (b) The director may employ and utilize within the DLM certified peace officers that, if  
338 and when deployed, will be the primary law enforcement authority with jurisdiction on public  
339 land to enforce this chapter and rules issued pursuant to Subsection (1).

340 (c) Conservation officers employed by the Division of Wildlife Resources are the  
341 primary law enforcement authority with jurisdiction on public land to enforce the laws and  
342 regulations under Title 23, Wildlife Resources Code of Utah, for the sake of protected wildlife.

343 (d) Nothing herein shall be construed as enlarging or diminishing the responsibility or  
344 authority of a state certified peace officer in performing the officer's duties on public land.

345 Section 14. Section **63L-8-305** is enacted to read:

346 **63L-8-305. Fees, charges, and commissions.**

347 (1) The director may establish reasonable filing and service fees with respect to  
348 applications and other documents relating to the public land, in accordance with Section  
349 [63J-1-504](#).

350 (2) The director is authorized to require a deposit of any payments intended to  
351 reimburse the state for reasonable costs with respect to applications and other documents  
352 relating to such land.

353 (3) The money received under this subsection shall be:

354 (a) deposited in the Public Land Management Fund created in Section [63L-8-308](#); and

355 (b) authorized to be appropriated and made available until expended.

356 (4) (a) As used in this section "reasonable costs" include:

357 (i) the costs of special studies;

358 (ii) environmental reviews;

359 (iii) monitoring construction, operation, maintenance, and termination of any  
360 authorized facility; or

361 (iv) other special activities.

362 (b) In determining whether costs are reasonable, the director may take into  
363 consideration:

364 (i) actual costs, exclusive of management overhead;

365 (ii) the monetary value of the rights or privileges sought by the applicant;

366 (iii) the efficiency of the government processing involved;

367 (iv) that portion of the cost incurred for the benefit of the general public interest rather  
368 than for the exclusive benefit of the applicant;

369 (v) the public service provided; and

370 (vi) other factors relevant to determining the reasonableness of the costs.

371 Section 15. Section **63L-8-306** is enacted to read:

372 **63L-8-306. Availability of excess fees.**

373 All fees authorized by this chapter, excluding mining claim fees, not otherwise  
374 dedicated by law for a specific distribution shall:

375 (1) be deposited in the Public Land Management Fund created in Section [63L-8-308](#);

376 and

377 (2) remain available until expended.

378 Section 16. Section **63L-8-307** is enacted to read:

379 **63L-8-307. Public Land Protection Fund -- Forfeitures and deposits.**

380 (1) There is created an expendable special revenue fund known as the "Public Land  
381 Protection Fund."

382 (2) The fund shall consist of:

383 (a) money appropriated by the Legislature;

384 (b) money received by the state as a result of:

385 (i) the forfeiture of a bond or other security by a resource developer or purchaser or  
386 permittee who does not fulfill the requirements of a contract or permit or does not comply with  
387 rules issued under this chapter; or

388 (ii) a compromise or settlement of any claim involving present or potential damage to  
389 the public land;

390 (c) money voluntarily donated or contributed to the fund; and

391 (d) interest earned on money in the fund.

392 (3) The DLM may expend money in the fund to cover the cost of any improvement,  
393 protection, or rehabilitation work on public land, which is rendered necessary by the action that  
394 led to a forfeiture, compromise, or settlement.

395 (4) If the director finds that any portion of a deposit or amount forfeited under this  
396 chapter is in excess of the cost of doing the work authorized under this chapter, the director  
397 may issue a refund of the amount in excess to be made from applicable funds.

398 Section 17. Section **63L-8-308** is enacted to read:

399 **63L-8-308. Public Land Management Fund.**

400 (1) There is created an expendable special revenue fund known as the "Public Land  
401 Management Fund."

402 (2) The fund shall consist of:

403 (a) fees collected by the DLM under this chapter;

404 (b) money appropriated to the ~~Ŝ~~→ ~~[restricted-account] fund~~ ←~~Ŝ~~ by the Legislature;

405 (c) money collected under Section [63L-8-505](#);

406 (d) money voluntarily donated or contributed to the fund; and

407 (e) interest earned on the ~~Ŝ~~→ ~~[restricted-account] fund~~ ←~~Ŝ~~ .

408 (3) The DLM may expend money in the fund on:

409 (a) administration costs;

410 (b) project planning;

411 (c) a payment authorized by this chapter; and

412 (d) other duties required under this chapter.

412a ~~Ŝ~~→ **(4) The DLM shall annually expend money in the fund to pay a county in lieu of taxes**  
412b **the county cannot levy on public land owned by the state:**

412c **(a) in an amount no less than the highest amount ever fully authorized by Congress for**  
412d **payment to the county under the federal Payments in Lieu of Taxes and Secure Rural Schools**  
412e **programs, according to the most recent federal formulas before the effective date of this**  
412f **chapter, as described in Section 63L-8-602; and**

412g **(b) as funding allows.** ←~~Ŝ~~

413 Section 18. Section **63L-8-309** is enacted to read:

414 **63L-8-309. Timber Fund.**

415 (1) There is created an expendable special revenue fund known as the "Timber Fund."

416 (2) The fund described in Subsection (1) shall consist of:

417 (a) money received from the disposal of timber prepared for sale from public lands;

418 (b) money voluntarily donated or contributed to the fund; and

419 (c) interest earned on the fund.

420 (3) The DLM may expend money in the fund for the purposes of:

421 (a) planning and preparing timber for disposal;

422 (b) the administration of timber sales;

423 (c) site preparation and reforestation;

424 (d) wildfire suppression and rehabilitation on forested public land; and

425 (e) overhead and direct costs associated with timber management.

426 Section 19. Section **63L-8-310** is enacted to read:

427 **63L-8-310. Grazing Land Fund.**

428 (1) There is created an expendable special revenue fund known as the "Grazing Land

429 Fund."

430 (2) The fund shall consist of:

431 (a) money received from grazing fees, as described in Section [63L-8-402](#);

432 (b) money voluntarily donated or contributed to the fund; and

433 (c) interest earned on the fund.

434 (3) The DLM may expend money in the fund for:

435 (a) on-the-ground range rehabilitation, protection, and improvements on public land

436 that is grazed;

437 (b) seeding and reseeding;

438 (c) fence construction;

439 (d) weed control;

440 (e) water development;

441 (f) fish and wildlife habitat enhancement;

442 (g) wildfire suppression; and

443 (h) overhead and direct costs associated with rangeland and grazing management.

444 Section 20. Section **63L-8-311** is enacted to read:

445 **63L-8-311. Implementation provisions.**

446 (1) (a) The director may conduct investigations, studies, and experiments involving the  
447 management, protection, development, acquisition, and transfer of public land.

448 (b) The director may work with other departments, agencies, or political subdivisions  
449 in conducting an investigation, study, or experiment, as described in Subsection (1)(a).

450 (c) (i) Where an investigation, study, or experiment described in Subsection (1)(a)  
451 finds that the transfer of a tract of public land in excess of 200 acres would promote economic  
452 land management or serve an important public interest, including the expansion of  
453 communities and economic development, the director shall recommend the transfer to the  
454 Natural Resources, Agriculture, and Environment Interim Committee and include the basis for  
455 the recommendation.

456 (ii) No transfer of a tract of public land in excess of 200 acres may be authorized until  
457 approved by the Legislature and the governor.

458 (2) The director may enter into contracts and cooperative agreements involving the  
459 management, protection, and development of public land.

460 (3) (a) The director may accept voluntary contributions or donations of money,  
461 services, and real or personal property for:

462 (i) the management, protection, and development of public land, including the  
463 acquisition of rights-of-way;

464 (ii) any purpose described in Sections [63L-8-307](#), [63L-8-308](#), [63L-8-309](#), and  
465 [63L-8-310](#); or

466 (iii) cadastral surveying performed on public land and intermingled land.

467 (b) The director shall deposit any money donated or contributed under this section in  
468 the account designated by the donor or, if not specified, in the Public Land Management Fund  
469 created in Section [63L-8-308](#).

470 Section 21. Section **63L-8-312** is enacted to read:

471 **63L-8-312. Annual reports.**

472 (1) The director shall:

473 (a) prepare a report on the public land in accordance with Subsection (2); and

474 (b) submit the report to the Natural Resources, Agriculture, and Environment Interim  
475 Committee no later than October 31 annually.

476 (2) A list of programs and specific information to be included in the report described in  
477 Subsection (1) shall be developed by the Natural Resources, Agriculture, and Environment  
478 Interim Committee before the end of each fiscal year.

479 Section 22. Section **63L-8-401** is enacted to read:

480 **Part 4. Range Management**

481 **63L-8-401. Title.**

482 This part is known as "Range Management."

483 Section 23. Section **63L-8-402** is enacted to read:

484 **63L-8-402. Grazing fees -- Feasibility study -- Contents -- Submission of report --**  
485 **Annual distribution and use of range betterment funds -- Nature of distributions.**

486 (1) The Legislature finds that, as of 2016, a substantial amount of the rangelands on the  
487 public land is deteriorating in quality due to federal mismanagement, and that installation of  
488 additional range improvements could arrest much of the continuing deterioration and lead to  
489 substantial betterment of forage conditions with resulting benefits to wildlife, watershed  
490 protection, and livestock production.

491 (2) The director, in consultation with the commissioner, shall:  
492 (a) conduct a study to determine necessary range improvements on public land; and  
493 (b) establish a fee, in accordance with Section [63J-1-504](#), to be charged for domestic  
494 livestock grazing on public land that is equitable to the:  
495 (i) state and the state's citizens; and  
496 (ii) holders of grazing permits and leases on rangeland.  
497 (3) The director shall report the result of the study described in Subsection (2)(a) to the  
498 Natural Resources, Agriculture, and Environment Interim Committee, together with  
499 recommendations to implement a reasonable grazing fee schedule.  
500 (4) (a) Fifty percent of all money received by the state as fees for grazing domestic  
501 livestock on public land shall be deposited into the Grazing Land Fund created in Section  
502 [63L-8-310](#).  
503 (b) Fifty percent of money received by the state as fees for grazing domestic livestock  
504 on the public land shall be deposited into the Public Land Management Fund created in Section  
505 [63L-8-308](#).  
506 Section 24. Section **63L-8-403** is enacted to read:  
507 **63L-8-403. Grazing permits and leases.**  
508 (1) (a) Except as provided in Subsection (2), permits and leases for domestic livestock  
509 grazing on public land issued by the director may not exceed a term of five years, subject to  
510 terms and conditions the director determines to be appropriate and consistent with this chapter.  
511 (b) The director shall have authority to cancel, suspend, or modify a grazing permit or  
512 lease, in whole or in part:  
513 (i) pursuant to the terms and conditions of the permit or lease;  
514 (ii) for any violation of:  
515 (A) this chapter or a grazing rule implemented under this chapter; or  
516 (B) any term or condition of the grazing permit or lease; or  
517 (iii) to protect rangeland health from overutilization pursuant to Subsection (7).  
518 (2) The holder of an expiring permit or lease shall be given first priority for receipt of  
519 the new permit or lease, provided:  
520 (a) the land for which the permit or lease is issued remains available for domestic  
521 livestock grazing in accordance with a land use plan prepared pursuant to Section [63L-8-202](#);

- 522 (b) the permittee or lessee is in compliance with:  
523 (i) the provisions of this chapter and the grazing rules issued by the DLM, in  
524 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or  
525 (ii) the terms and conditions in the permit or lease specified by the director;  
526 (c) the permittee or lessee accepts the terms and conditions included by the director in  
527 the new permit or lease; and  
528 (d) range conditions on the tract of public land are sufficient to support continued  
529 livestock grazing, as determined by the director pursuant to Subsection (7).
- 530 (3) All permits and leases for domestic livestock grazing issued under this part may be  
531 incorporated in an allotment management plan developed by the director.
- 532 (4) (a) If the director elects to develop an allotment management plan for a given area,  
533 the director shall do so in consultation, cooperation, and coordination with:  
534 (i) the lessees, permittees, and landowners involved;  
535 (ii) the commissioner;  
536 (iii) the State Grazing Advisory Board established under Section [4-20-1.5](#); and  
537 (iv) the political subdivision having land within the area covered by the proposed  
538 allotment management plan.
- 539 (b) An allotment management plan shall be:  
540 (i) tailored to the specific range condition of the area covered by the plan; and  
541 (ii) reviewed on a periodic basis to determine:  
542 (A) the efficacy of the plan in improving range conditions on the involved land; and  
543 (B) whether the land can be better managed.
- 544 (5) The director may revise or terminate plans, or develop new plans, after review and  
545 consideration, consultation, cooperation, and coordination with the parties listed in Subsection  
546 (4)(a).
- 547 (6) (a) In all cases where the director has not completed an allotment management plan  
548 or determines that an allotment management plan is not necessary for management of livestock  
549 operations, the director shall incorporate in grazing permits and leases all necessary terms and  
550 conditions for the appropriate management of the permitted or leased land.
- 551 (b) The director, in consultation with the commissioner:  
552 (i) shall specify the number of animals to be grazed and the seasons of use; and

553 (ii) may reexamine the condition of the range and forage utilization at any time.

554 (7) If the director finds that the condition of the range requires adjustment in the  
555 amount or other aspect of grazing use, the permittee or lessee shall adjust the permittee or  
556 lessee's use to the extent required by the director.

557 (8) An allotment management plan may not refer to livestock operations or range  
558 improvements on non-public land, except where the non-public land is intermingled with  
559 public land and the consent of the owner of the non-public land and the permittee or lessee  
560 involved with the plan is obtained.

561 (9) (a) Whenever a permit or lease for grazing domestic livestock on public land is  
562 canceled, in whole or in part, in order to devote the land covered by the permit or lease to  
563 another public purpose, the permittee or lessee shall receive from the state reasonable  
564 compensation for the adjusted value, to be determined by the director, of the permittee or  
565 lessee's interest in authorized permanent improvements placed or constructed by the permittee  
566 or lessee on lands covered by such permit or lease.

567 (b) The compensation described in Subsection (9)(a) may not exceed the fair market  
568 value of the terminated portion of the permittee's or lessee's interest.

569 (10) Except in cases of emergency, no permit or lease shall be canceled under this  
570 subsection without one year's notification.

571 Section 25. Section **63L-8-501** is enacted to read:

572 **Part 5. Rights-of-Way Authorization**

573 **63L-8-501. Title.**

574 This part is known as "Rights-of-Way Authorization."

575 Section 26. Section **63L-8-502** is enacted to read:

576 **63L-8-502. Rights-of-way for roads or facilities.**

577 (1) If the state receives title to public land from the federal government, the director  
578 shall, subject to Subsection (2), honor all:

579 (a) pre-existing rights-of-way granted to individuals, corporations, or political  
580 subdivisions, subject to Subsection (2); and

581 (b) rights-of-way asserted in quiet title lawsuits filed by the state or a county in federal  
582 court prior to taking ownership of the subject property.

583 (2) If the director determines it is in the best interest of the state, the director may

584 modify the fees, if any, charged to the holder of a right-of-way.

585 Section 27. Section **63L-8-503** is enacted to read:

586 **63L-8-503. Grant, issue, or renewal of land use authorizations on public lands.**

587 (1) The director is authorized to grant, issue, or renew land use authorizations over,  
588 upon, under, or through public land for:

589 (a) a reservoir, canal, ditch, flume, lateral, pipe, pipeline, tunnel, or other facility or  
590 system for the impoundment, storage, transportation, or distribution of water;

591 (b) a pipeline or other system for the transportation or distribution of:

592 (i) liquid and gas other than water;

593 (ii) natural gas, synthetic liquid, or gaseous fuels; or

594 (iii) a refined product produced from natural gas, synthetic liquid, or gaseous fuels;

595 (c) a storage or terminal facility in connection with the pipeline and other system  
596 described in Subsection (1)(b);

597 (d) a pipeline, slurry and emulsion system, conveyor belt for transportation and  
598 distribution of solid materials, or facility for the storage of solid materials in connection with a  
599 pipeline, slurry and emulsion system, or conveyor belt;

600 (e) a system for generation, transmission, and distribution of electric energy, if the  
601 applicant is in compliance with relevant state and federal requirements;

602 (f) a system for transmission or reception of radio, television, telephone, telegraph,  
603 Internet, or other electronic signal used in communication;

604 (g) a road, trail, highway, railroad, canal, tunnel, tramway, airway, livestock driveway,  
605 or other means of transportation, except where facilities are constructed and maintained in  
606 connection with commercial recreation facilities on lands in the state park system; or

607 (h) other necessary transportation systems or facilities that are in the public interest and  
608 that require rights-of-way over, upon, under, or through public land.

609 (2) The director shall require, before granting, issuing, or renewing a right-of-way, that  
610 the applicant submit and disclose plans, contracts, agreements, or other information reasonably  
611 related to the use, or intended use, of the right-of-way, that the director considers necessary for  
612 a determination on:

613 (a) whether a right-of-way shall be granted, issued, or renewed; and

614 (b) the terms and conditions that should be included in the right-of-way.

615 (3) After the state receives title to public land, any alteration to the substantive terms of  
616 a right-of-way, lease, or other authorization granted before the transfer of the land shall require  
617 issuance of a new authorization.

618 (4) (a) Except as otherwise provided in this part, the director may, in accordance with  
619 Section 63L-8-509, terminate or suspend a right-of-way, easement, or authorization issued  
620 under this section, except for the road rights-of-way granted pursuant to Subsection (1)(b).

621 (b) An easement issued under this section may be terminated by the DLM without cause  
622 if the water system for which the easement was issued is used for any purpose other than  
623 agricultural irrigation, livestock watering, industrial use, or private or public culinary use.

624 (5) For purposes of this chapter, non-use for a continuous five-year period of a water  
625 system developed for agricultural irrigation, livestock watering, or private or public culinary  
626 purposes shall constitute a rebuttable presumption of abandonment of the easement and the  
627 facilities comprising the water system.

628 (6) Except as provided in Title 73, Water and Irrigation, nothing in this part shall  
629 confer on the director or other state official any power or authority to regulate or control the  
630 appropriation, diversion, or use of water for any purpose, or to require the conveyance or  
631 transfer to the state of any right or claim to the appropriation, diversion, or use of water.

632 (7) If a right-of-way issued under this section deteriorates to the point of threatening a  
633 person or property, and the holder of the right-of-way, after consultation with the director,  
634 refuses to perform the repair and maintenance necessary to remove the threat, the director may:

635 (a) (i) undertake such repair and maintenance on the right-of-way; and

636 (ii) assess the holder for the costs of the repair and maintenance; or

637 (b) suspend or terminate the right-of-way pursuant to Section 63L-8-509.

638 Section 28. Section **63L-8-504** is enacted to read:

639 **63L-8-504. Roads.**

640 (1) The director, with respect to public land, is authorized to provide for the  
641 authorization, construction, and maintenance of new and necessary roads within the public land  
642 that will permit utilization of the natural resources on such land, including the seven principal  
643 or major uses described in Section 63L-8-103.

644 (2) The roads described in Subsection (1) shall be constructed to standards sufficient to  
645 provide for the safety of the authorized users of the road, and to protect the environment to the

646 best available management standards applicable.

647 (3) Financing of the roads described in Subsection (1) may be accomplished by:

648 (a) the director utilizing appropriated funds;

649 (b) requirements on authorized users of the natural resources and other products from  
650 the public land, including provisions for amortization of road costs in contracts;

651 (c) cooperative financing with other public agencies and with private agencies or  
652 persons; or

653 (d) a combination of these methods, provided that:

654 (i) where roads of a higher standard than that needed for harvesting or removing  
655 natural resources and other products from public land covered by a particular sale are to be  
656 constructed, the authorized user may not be required to bear that part of the costs necessary to  
657 meet such higher standard; or

658 (ii) when natural resource products are offered with the condition that the purchaser  
659 build a road or roads in accordance with standards specified in the offer, the authorized user is  
660 responsible for paying the full costs of road construction.

661 Section 29. Section **63L-8-505** is enacted to read:

662 **63L-8-505. Maintenance of facilities.**

663 (1) (a) The director may require a user of a road, trail, land, or other facility  
664 administered by the DLM, or authorized by a DLM issued land use authorization, to:

665 (i) maintain facilities in a satisfactory condition commensurate with the particular use  
666 requirements of each; or

667 (ii) reconstruct the facility when the reconstruction is determined necessary to  
668 accommodate use.

669 (b) If maintenance or reconstruction cannot be provided, or if the director determines  
670 that maintenance or reconstruction by a user would not be practical, the director may require  
671 that sufficient funds be deposited by the user to provide the user's portion of the total  
672 maintenance or reconstruction.

673 (2) Whenever the director obtains money for use on, or in connection with, a new or  
674 existing road or the right to use such roads, the money shall be placed in the Public Land  
675 Management Fund created in Section [63L-8-308](#).

676 Section 30. Section **63L-8-506** is enacted to read:

677 **63L-8-506. Right-of-way corridors -- Criteria and procedures applicable for**  
678 **designation.**

679 (1) Utilization of a right-of-way in common is suggested to the extent practical in order  
680 to minimize adverse environmental impacts and the proliferation of separate rights-of-way.

681 (2) In designating a right-of-way corridor, the director shall take into consideration:

682 (a) national, state, and local land use policies;

683 (b) environmental quality;

684 (c) economic efficiency;

685 (d) national security;

686 (e) safety;

687 (f) good engineering and technological practices; and

688 (g) wildlife and wildlife habitat impacts.

689 (3) The director shall issue rules in accordance with Title 63G, Chapter 3, Utah  
690 Administrative Rulemaking Act, containing the criteria and procedures the DLM shall use in  
691 designating such a corridor.

692 (4) An existing transportation or utility corridor may be designated as a transportation  
693 or utility corridor without further review.

694 Section 31. Section **63L-8-507** is enacted to read:

695 **63L-8-507. General requirements.**

696 (1) (a) Each land use authorization granted, issued, or renewed shall be limited to a  
697 reasonable term in light of all circumstances concerning the project, not exceeding 5 years.

698 (b) In determining the duration of a land use authorization, the director shall:

699 (i) take into consideration the cost of the facility, the facility's useful life, and any  
700 public purpose the facility serves; and

701 (ii) specify whether the land use authorization is or is not renewable and the terms and  
702 conditions applicable to the renewal.

703 (2) A land use authorization shall be granted, issued, or renewed:

704 (a) pursuant to this chapter;

705 (b) consistent with rules issued by the DLM in accordance with Title 63G, Chapter 3,  
706 Utah Administrative Rulemaking Act; and

707 (c) subject to such terms and conditions as the director prescribes regarding extent,

708 duration, survey, location, construction, maintenance, transfer or assignment, and termination.

709 (3) Before granting or issuing a land use authorization pursuant to this part for a new  
710 project that may have a significant impact on the environment, the director shall require the  
711 applicant to submit a plan of construction, operation, mitigation, and rehabilitation for the land  
712 use authorization.

713 (4) The director shall issue rules, in accordance with Title 63G, Chapter 3, Utah  
714 Administrative Rulemaking Act, with respect to the terms and conditions that will be included  
715 in a land use authorization.

716 (5) The director shall provide for cost-sharing agreements for the construction and  
717 maintenance of land use authorization facilities, pursuant to rules for such arrangements issued  
718 by the DLM.

719 (6) Money received for reimbursement of reasonable costs shall be:

720 (a) deposited into the Public Land Management Fund created in Section [63L-8-308](#);  
721 and

722 (b) authorized to be appropriated and made available until expended.

723 (7) (a) The director shall promulgate rules, in accordance with Title 63G, Chapter 3,  
724 Utah Administrative Rulemaking Act, specifying the extent to which a holder of a right-of-way  
725 may be liable to the state for damage or injury incurred by the state caused by the use and  
726 occupancy of the land use authorization.

727 (b) The rules described in Subsection (7)(a) shall also specify the extent to which a  
728 holder of a right-of-way shall indemnify or hold harmless the state for liabilities, damages, or  
729 claims caused by the use and occupancy of the right-of-way.

730 (8) The director may require a holder of a land use authorization to furnish a bond or  
731 other security to secure all or any of the obligations imposed by the terms and conditions of the  
732 right-of-way.

733 (9) The director may grant, issue, or renew a land use authorization under this part if  
734 the director is satisfied that the applicant has the technical and financial capability to construct  
735 the project for which the right-of-way is requested.

736 Section 32. Section **63L-8-508** is enacted to read:

737 **63L-8-508. Terms and conditions.**

738 Each land use authorization shall contain terms and conditions that:

- 739           (1) carry out the purposes of this chapter and rules issued under this chapter in  
740 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;  
741           (2) minimize damage to scenic and esthetic values, fish and wildlife habitat, and  
742 otherwise protect the environment;  
743           (3) require compliance with applicable air and water quality standards established by  
744 applicable federal or state law;  
745           (4) require compliance with state standards for public health and safety, environmental  
746 protection, siting, construction, operation, and maintenance of or for rights-of-way for similar  
747 purposes if those standards are more stringent than applicable federal standards; and  
748           (5) are necessary to:  
749           (a) protect state property and economic interests;  
750           (b) efficiently manage the land that is subject to the land use authorization; and  
751           (c) protect the other lawful users of the lands adjacent to or traversed by the land that is  
752 subject to the land use authorization.

753           Section 33. Section **63L-8-509** is enacted to read:

754           **63L-8-509. Suspension or termination -- Grounds -- Procedures applicable.**

- 755           (1) The following are grounds for suspension or termination of a land use  
756 authorization:  
757           (a) abandonment; or  
758           (b) noncompliance with:  
759           (i) a provision of this chapter;  
760           (ii) an applicable rule established by the DLM in accordance with Title 63G, Chapter 3,  
761 Utah Administrative Rulemaking Act; or  
762           (iii) a term or condition of the land use authorization.  
763           (2) The director may terminate or suspend a land use authorization by providing notice  
764 to the land use authorization holder and, if required, an administrative proceeding, upon finding  
765 that:  
766           (a) a condition described in Subsection (1) has been met; and  
767           (b) the suspension or termination serves the best interest of:  
768           (i) the citizens of the state; or  
769           (ii) a land use plan established pursuant to Section [63L-8-202](#).

770 (3) The administrative proceeding described in Subsection (2):

771 (a) shall be conducted according to rules established by the DLM, in accordance with  
772 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

773 (b) shall comply with Title 63G, Chapter 4, Administrative Procedures Act; and

774 (c) is not required if the land use authorization, by its terms, terminates on the  
775 occurrence of a fixed or agreed-upon condition, event, or time.

776 (4) If the director determines that an immediate temporary suspension of activities  
777 within a land use authorization for violation of its terms and conditions is necessary to protect  
778 public health or safety or the environment, the director may abate the activities before an  
779 administrative proceeding.

780 (5) Before commencing a proceeding to suspend or terminate a land use authorization,  
781 the director shall give written notice to the holder of the grounds for suspension or termination.

782 (6) (a) Except as provided in Subsection (6)(b), failure of the land use authorization  
783 holder to use the right-of-way for the purpose for which it was granted, issued, or renewed, for  
784 any continuous five-year period, shall constitute a rebuttable presumption of abandonment of  
785 the right-of-way.

786 (b) Where the failure of the holder to use the land use authorization for the purpose for  
787 which it was granted, issued, or renewed for any continuous five-year period is due to  
788 circumstances beyond the holder's control, the director is not required to commence  
789 proceedings to suspend or terminate the right-of-way.

790 Section 34. Section **63L-8-510** is enacted to read:

791 **63L-8-510. Rights-of-way for state departments and agencies.**

792 The director may issue a land use authorization upon or under public land to a  
793 department or agency of the state, subject to such terms and conditions as the director imposes.

794 Section 35. Section **63L-8-511** is enacted to read:

795 **63L-8-511. Applicability.**

796 (1) No land use authorization shall be granted, issued, or renewed over, upon, under, or  
797 through public land, except as described in this part.

798 (2) Nothing in this part shall be construed to preclude the use of public land covered by  
799 this section for a highway purpose.

800 Section 36. Section **63L-8-601** is enacted to read:

801 **Part 6. Contingent Effective Date**802 **63L-8-601. Title.**803 This part is known as "Contingent Effective Date."804 Section 37. Section **63L-8-602** is enacted to read:805 **63L-8-602. Effective date.**806 This chapter becomes effective upon the day the state receives title to at least 100,000  
807 acres of public land from the federal government pursuant to Section [63L-6-103](#).808 Section 38. Section **79-2-201** is amended to read:809 **79-2-201. Department of Natural Resources created.**

810 (1) There is created the Department of Natural Resources.

811 (2) The department comprises the following:

812 (a) Board of Water Resources, created in Section [73-10-1.5](#);813 (b) Board of Oil, Gas, and Mining, created in Section [40-6-4](#);814 (c) Board of Parks and Recreation, created in Section [79-4-301](#);815 (d) Wildlife Board, created in Section [23-14-2](#);816 (e) Board of the Utah Geological Survey, created in Section [79-3-301](#);817 (f) Water Development Coordinating Council, created in Section [73-10c-3](#);818 (g) Division of Water Rights, created in Section [73-2-1.1](#);819 (h) Division of Water Resources, created in Section [73-10-18](#);820 (i) Division of Forestry, Fire, and State Lands, created in Section [65A-1-4](#);821 (j) Division of Oil, Gas, and Mining, created in Section [40-6-15](#);822 (k) Division of Parks and Recreation, created in Section [79-4-201](#);823 (l) Division of Wildlife Resources, created in Section [23-14-1](#);824 (m) Division of Land Management, created in Section [79-6-102](#);825 ~~(m)~~ (n) Utah Geological Survey, created in Section [79-3-201](#);826 ~~(n)~~ (o) Heritage Trees Advisory Committee, created in Section [65A-8-306](#);827 ~~(o)~~ (p) Recreational Trails Advisory Council, authorized by Section [79-5-201](#);828 ~~(p)~~ (q) Boating Advisory Council, authorized by Section [73-18-3.5](#);829 ~~(q)~~ (r) Wildlife Board Nominating Committee, created in Section [23-14-2.5](#); and830 ~~(r)~~ (s) Wildlife Regional Advisory Councils, created in Section [23-14-2.6](#).831 Section 39. Section **79-6-101** is enacted to read:

832 CHAPTER 6. DIVISION OF LAND MANAGEMENT

833 **79-6-101. Title.**

834 This chapter is known as the "Division of Land Management."

835 Section 40. Section **79-6-102** is enacted to read:

836 **79-6-102. Creation of the Division of Land Management.**

837 (1) There is created a Division of Land Management within the Department of Natural  
838 Resources, created in Section [79-2-201](#).

839 (2) The division shall be staffed:

840 (a) upon the state receiving title to at least 100,000 acres of public land from the  
841 federal government pursuant to Section [63L-6-103](#);

842 (b) as funding is appropriated by the Legislature and allows; and

843 (c) as determined by the director of the Department of Natural Resources.

844 (3) The division may sue and be sued as required to carry out the purposes of this  
845 chapter and Title 63L, Chapter 8, Utah Public Land Management Act.

846 Section 41. Section **79-6-103** is enacted to read:

847 **79-6-103. Director.**

848 (1) Upon the requirements described in Subsection [79-6-102](#)(2) being fulfilled, the  
849 executive director of the Department of Natural Resources shall appoint a director of the  
850 Division of Land Management, and thereafter hire personnel to staff the division.

851 (2) The director shall:

852 (a) be the executive and administrative head of the Division of Land Management;

853 (b) have demonstrated ability and experience in the administration and management of  
854 state or federal lands; and

855 (c) not hold any other public office or be involved in a political party or organization.

856 (3) The director of the Division of Land Management, under administrative direction  
857 of the executive director, shall have:

858 (a) executive authority and control of the Division of Land Management; and

859 (b) authority over all personnel matters.

860 Section 42. Section **79-6-104** is enacted to read:

861 **79-6-104. Public Land Management Advisory Board.**

862 (1) There is created the Public Land Management Advisory Board.

863 (2) The board consists of the following 11 members:

864 (a) the lieutenant governor, or the lieutenant governor's designee;

865 ~~865 865  $\hat{S}$ → [(b) the speaker of the House, or the speaker's designee;~~

866 ~~866 866  $\hat{S}$ → [(c) the president of the Senate, or the president's designee;~~

867 ~~867 867  $\hat{S}$ → [(d) (b) ← $\hat{S}$  one representative, appointed by the governor, who represents the interests of~~  
867a oil,

868 gas, and mining;

869 ~~869 869  $\hat{S}$ → [(e) (c) ← $\hat{S}$  one representative, appointed by the governor, who represents the interests~~  
869a of

870 agriculture;

871 ~~871 871  $\hat{S}$ → [(f) (d) ← $\hat{S}$  one representative, appointed by the governor, who represents the interests~~  
871a of

872 outdoor recreation;

873 ~~873 873  $\hat{S}$ → [(g) (e) ← $\hat{S}$  one representative, appointed by the governor, who represents the interests~~  
873a of

874 environmental groups;

875 ~~875 875  $\hat{S}$ → [(h) (f) [one representative] three representatives ← $\hat{S}$  , appointed by the governor, who~~  
875a ~~875a 875a  $\hat{S}$ → [represents] represent ← $\hat{S}$  the interests of~~

876 county commissioners;

877 ~~877 877  $\hat{S}$ → [(i) (g) ← $\hat{S}$  one representative, appointed by the governor, who represents the interests~~  
877a of rural

878 transportation;

879 ~~879 879  $\hat{S}$ → [(j) (h) ← $\hat{S}$  one representative, appointed by the governor, who represents the interests~~  
879a of

880 wildlife management; and

881 ~~881 881  $\hat{S}$ → [(k) (i) ← $\hat{S}$  one representative, appointed by the governor, who represents the interests~~  
881a of forest

882 management.

883 (3) (a) Members shall be appointed for a term of four years.

884 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
885 time of appointment or reappointment, adjust the length of terms of the members described in

886 Subsections (2)  $\hat{S}$ → [(d) (b) ← $\hat{S}$  through  $\hat{S}$ → [(k) (i) ← $\hat{S}$  to ensure that the terms of board  
886a members are staggered so that

887 half of the appointed board is appointed every two years.

888           (4) A member may serve more than one term.

889           (5) A member shall hold office until the expiration of the member's term and until the  
890 member's successor is appointed, but not more than 90 days after the expiration of the  
891 member's term.

892           (6) When a vacancy occurs in the membership for any reason, a replacement shall be  
893 appointed for the unexpired term.

894 (7) The board shall elect annually a chair and a vice chair from the board's members.

895 (8) (a) The board shall meet at least quarterly.

896 (b) Special meetings may be called by the chair upon the chair's own initiative, upon  
897 the request of the director, or upon the request of three members of the board.

898 (c) Three days' notice shall be given to each member of the board before a meeting.

899 (9) Six members constitute a quorum at a meeting, and the action of a majority of  
900 members present is the action of the board.

901 (10) A member  $\hat{S}\rightarrow$  [who is not a legislator]  $\leftarrow\hat{S}$  may not receive compensation or benefits  
901a for  
902 the member's service, but may receive per diem and travel expenses in accordance with:

903 (a) Section [63A-3-106](#);

904 (b) Section [63A-3-107](#); and

905 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
906 [63A-3-107](#).

907  $\hat{S}\rightarrow$  [~~(11) Salaries and expenses of a member who is a legislator shall be paid in accordance~~  
908 with Section ~~36-2-2~~ and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.]  $\leftarrow\hat{S}$

909 Section 43. Section **79-6-105** is enacted to read:

910 **79-6-105. Division of Land Management duties.**

911 Under the direct supervision of the executive director and in consultation with the  
912 board, the division shall manage and administer all public land, as defined in Section  
913 [63L-8-102](#), consistent with the procedures, policies, and directives in Title 63L, Chapter 8,  
914 Utah Public Land Management Act.