

1 STATE PLANNING AGENCIES AMENDMENTS

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Robert M. Spendlove

5 Senate Sponsor: _____

6
7 LONG TITLE

8 General Description:

9 This bill modifies provisions relating to state planning agencies.

10 Highlighted Provisions:

11 This bill:

12 ▶ modifies provisions relating to the Governor's Office of Management and Budget,
13 the Public Lands Policy Coordinating Office, the state planning coordinator, and the
14 Resource Development Coordinating Committee;

15 ▶ changes the name of the Governor's Office of Management and Budget to the
16 Governor's Office of Planning and Budget;

17 ▶ moves the Public Lands Policy Coordinating Office to be within the governor's
18 office;

19 ▶ repeals language relating to the Employability to Careers Program within the
20 Governor's Office of Management and Budget;

21 ▶ replaces the state planning coordinator with the executive director of the Governor's
22 Office of Management and Budget on the board of the Homeless Coordinating
23 Committee;

24 ▶ modifies the date for the submission of an estimate of ongoing General Fund
25 revenue that involves the renamed Governor's Office of Planning and Budget;

26 ▶ provides for the state planning coordinator to be appointed by the executive director
27 of the Governor's Office of Planning and Budget rather than by the governor;



- 28 ▶ eliminates the responsibility of the state planning coordinator to oversee and
- 29 supervise the activities and duties of the public lands policy coordinator;
- 30 ▶ modifies the roles of the state planning coordinator and the Public Lands Policy
- 31 Coordinating Office; and
- 32 ▶ makes technical changes.

33 Money Appropriated in this Bill:

34 None

35 Other Special Clauses:

36 This bill provides revisor instructions.

37 Utah Code Sections Affected:

38 AMENDS:

- 39 **4-20-103**, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 40 **11-38-201**, as last amended by Laws of Utah 2020, Chapter 352
- 41 **11-38-203**, as last amended by Laws of Utah 2013, Chapter 310
- 42 **17B-1-106**, as last amended by Laws of Utah 2013, Chapter 445
- 43 **23-14-21**, as last amended by Laws of Utah 2008, Chapter 382
- 44 **23-21-2.3**, as last amended by Laws of Utah 2008, Chapter 382
- 45 **26-18-405.5**, as enacted by Laws of Utah 2015, Chapter 288
- 46 **32B-2-505**, as enacted by Laws of Utah 2018, Chapter 329
- 47 **35A-1-109**, as last amended by Laws of Utah 2018, Chapter 423
- 48 **35A-1-201**, as last amended by Laws of Utah 2020, Chapter 352
- 49 **35A-8-601**, as last amended by Laws of Utah 2018, Chapters 251 and 312
- 50 **36-2-4**, as last amended by Laws of Utah 2013, Chapter 310
- 51 **49-11-406**, as last amended by Laws of Utah 2020, Chapter 24
- 52 **49-12-203**, as last amended by Laws of Utah 2020, Chapters 24 and 365
- 53 **49-20-410**, as last amended by Laws of Utah 2018, Chapter 155
- 54 **49-22-205**, as last amended by Laws of Utah 2020, Chapter 24
- 55 **51-10-202**, as enacted by Laws of Utah 2015, Chapter 319
- 56 **53-2c-201**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 1
- 57 **53-17-402**, as enacted by Laws of Utah 2015, Chapter 166
- 58 **53B-2a-110**, as last amended by Laws of Utah 2020, Chapter 365

59 **53F-2-205**, as last amended by Laws of Utah 2020, Chapter 330
60 **53F-2-208**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 14
61 **53F-2-601**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 14
62 **53F-9-201**, as last amended by Laws of Utah 2020, Chapters 207 and 354
63 **54-3-28**, as last amended by Laws of Utah 2013, Chapter 445
64 **59-1-403**, as last amended by Laws of Utah 2020, Chapter 294
65 **59-1-403.1**, as enacted by Laws of Utah 2018, Chapter 4
66 **59-15-109**, as last amended by Laws of Utah 2019, Chapter 336
67 **62A-15-612**, as last amended by Laws of Utah 2013, Chapters 17 and 310
68 **63A-1-114**, as last amended by Laws of Utah 2018, Chapter 137
69 **63A-1-203**, as renumbered and amended by Laws of Utah 2019, Chapter 370
70 **63A-5b-201**, as enacted by Laws of Utah 2020, Chapter 152
71 **63A-5b-702**, as enacted by Laws of Utah 2020, Chapter 152
72 **63B-2-301**, as last amended by Laws of Utah 2020, Chapter 152
73 **63B-3-301**, as last amended by Laws of Utah 2019, Chapter 61
74 **63B-4-201**, as last amended by Laws of Utah 2020, Chapter 152
75 **63B-4-301**, as last amended by Laws of Utah 2013, Chapter 310
76 **63C-4a-308**, as renumbered and amended by Laws of Utah 2019, Chapter 246
77 **63C-4a-402**, as last amended by Laws of Utah 2016, Chapter 378
78 **63C-9-301**, as last amended by Laws of Utah 2016, Chapters 215 and 245
79 **63C-20-103**, as enacted by Laws of Utah 2018, Chapter 330
80 **63C-20-105**, as enacted by Laws of Utah 2018, Chapter 330
81 **63F-1-104**, as last amended by Laws of Utah 2020, Chapter 94
82 **63F-1-302**, as last amended by Laws of Utah 2016, Chapter 287
83 **63F-1-508**, as last amended by Laws of Utah 2013, Chapter 310
84 **63F-3-103**, as last amended by Laws of Utah 2020, Chapter 270
85 **63F-4-102**, as enacted by Laws of Utah 2018, Chapter 144
86 **63G-2-305**, as last amended by Laws of Utah 2020, Chapters 112, 198, 339, 349, 382,
87 and 393
88 **63G-3-301**, as last amended by Laws of Utah 2020, Chapter 408
89 **63G-25-202**, as enacted by Laws of Utah 2020, Chapter 319

90 **63I-1-263**, as last amended by Laws of Utah 2020, Chapters 82, 152, 154, 199, 230,
91 303, 322, 336, 354, 360, 375, 405 and last amended by Coordination Clause, Laws
92 of Utah 2020, Chapter 360

93 **63I-2-263**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 12

94 **63J-1-105**, as last amended by Laws of Utah 2019, Chapter 182

95 **63J-1-201**, as last amended by Laws of Utah 2020, Chapter 152

96 **63J-1-205**, as last amended by Laws of Utah 2014, Chapter 430

97 **63J-1-209**, as last amended by Laws of Utah 2018, Chapter 469

98 **63J-1-217**, as last amended by Laws of Utah 2018, Chapter 469

99 **63J-1-220**, as last amended by Laws of Utah 2019, Chapters 136 and 293

100 **63J-1-411**, as last amended by Laws of Utah 2013, Chapter 310

101 **63J-1-504**, as last amended by Laws of Utah 2018, Chapter 229

102 **63J-1-602.1**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

103 **63J-3-102**, as last amended by Laws of Utah 2018, Chapter 415

104 **63J-3-103**, as last amended by Laws of Utah 2020, Chapters 152 and 365

105 **63J-3-202**, as last amended by Laws of Utah 2013, Chapter 310

106 **63J-4-101**, as last amended by Laws of Utah 2013, Chapter 310

107 **63J-4-102**, as last amended by Laws of Utah 2013, Chapter 310

108 **63J-4-201**, as last amended by Laws of Utah 2013, Chapter 310

109 **63J-4-202**, as last amended by Laws of Utah 2013, Chapters 12 and 310

110 **63J-4-301**, as last amended by Laws of Utah 2018, Chapters 423 and 469

111 **63J-4-401**, as last amended by Laws of Utah 2013, Chapter 101

112 **63J-5-201**, as last amended by Laws of Utah 2013, Chapter 310

113 **63J-5-202**, as last amended by Laws of Utah 2016, Chapter 272

114 **63J-7-201**, as last amended by Laws of Utah 2013, Chapter 310

115 **63J-8-102**, as last amended by Laws of Utah 2017, Chapter 181

116 **63J-8-104**, as last amended by Laws of Utah 2014, Chapter 328

117 **63J-8-105.2**, as enacted by Laws of Utah 2015, Chapter 88

118 **63J-8-105.5**, as last amended by Laws of Utah 2015, Chapter 88

119 **63J-8-105.7**, as last amended by Laws of Utah 2014, Chapter 321

120 **63J-8-105.8**, as last amended by Laws of Utah 2018, Chapter 50

- 121 **63J-8-105.9**, as last amended by Laws of Utah 2015, Chapter 87
- 122 **63J-8-106**, as repealed and reenacted by Laws of Utah 2012, Chapter 165
- 123 **63L-2-301**, as last amended by Laws of Utah 2020, Chapter 168
- 124 **63L-10-102**, as last amended by Laws of Utah 2019, Chapter 246
- 125 **63N-1-203**, as last amended by Laws of Utah 2018, Chapter 423
- 126 **63N-1-301**, as last amended by Laws of Utah 2020, Chapter 365
- 127 **63N-2-107**, as last amended by Laws of Utah 2016, Chapter 350
- 128 **63N-2-811**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 129 **63N-3-111**, as last amended by Laws of Utah 2018, Chapter 182
- 130 **63N-9-104**, as last amended by Laws of Utah 2016, Chapter 88
- 131 **64-13e-105**, as last amended by Laws of Utah 2020, Chapter 410
- 132 **67-4-16**, as last amended by Laws of Utah 2013, Chapter 310
- 133 **67-5-34**, as enacted by Laws of Utah 2016, Chapter 120
- 134 **67-19-11**, as last amended by Laws of Utah 2016, Chapters 228, 287 and last amended
- 135 by Coordination Clause, Laws of Utah 2016, Chapter 287
- 136 **67-19-43**, as last amended by Laws of Utah 2016, Chapter 310
- 137 **67-19d-202**, as last amended by Laws of Utah 2013, Chapter 310
- 138 **67-19f-202**, as last amended by Laws of Utah 2015, Chapter 368
- 139 **67-22-2**, as last amended by Laws of Utah 2018, Chapter 39
- 140 ENACTS:
- 141 **63L-11-101**, Utah Code Annotated 1953
- 142 **63L-11-103**, Utah Code Annotated 1953
- 143 **63L-11-301**, Utah Code Annotated 1953
- 144 **63L-11-302**, Utah Code Annotated 1953
- 145 **63L-11-303**, Utah Code Annotated 1953
- 146 RENUMBERS AND AMENDS:
- 147 **63L-11-102**, (Renumbered from 63J-4-601, as last amended by Laws of Utah 2009,
- 148 Chapter 121)
- 149 **63L-11-201**, (Renumbered from 63J-4-602, as last amended by Laws of Utah 2020,
- 150 Chapter 352)
- 151 **63L-11-202**, (Renumbered from 63J-4-603, as last amended by Laws of Utah 2018,

- 152 Chapter 411)
- 153 **63L-11-203**, (Renumbered from 63J-4-607, as last amended by Laws of Utah 2020,
- 154 Chapter 434)
- 155 **63L-11-304**, (Renumbered from 63J-4-606, as last amended by Laws of Utah 2019,
- 156 Chapter 246)
- 157 **63L-11-305**, (Renumbered from 63J-4-608, as last amended by Laws of Utah 2020,
- 158 Chapter 354)
- 159 **63L-11-401**, (Renumbered from 63J-4-501, as last amended by Laws of Utah 2013,
- 160 Chapter 310)
- 161 **63L-11-402**, (Renumbered from 63J-4-502, as last amended by Laws of Utah 2015,
- 162 Chapter 451)
- 163 **63L-11-403**, (Renumbered from 63J-4-503, as last amended by Laws of Utah 2009,
- 164 Chapter 121)
- 165 **63L-11-404**, (Renumbered from 63J-4-504, as renumbered and amended by Laws of
- 166 Utah 2008, Chapter 382)
- 167 **63L-11-405**, (Renumbered from 63J-4-505, as renumbered and amended by Laws of
- 168 Utah 2008, Chapter 382)
- 169 REPEALS:
- 170 **63J-4-701**, as enacted by Laws of Utah 2017, Chapter 253
- 171 **63J-4-702**, as last amended by Laws of Utah 2020, Chapter 352
- 172 **63J-4-703**, as enacted by Laws of Utah 2017, Chapter 253
- 173 **63J-4-704**, as enacted by Laws of Utah 2017, Chapter 253
- 174 **63J-4-705**, as enacted by Laws of Utah 2017, Chapter 253
- 175 **63J-4-706**, as enacted by Laws of Utah 2017, Chapter 253
- 176 **63J-4-707**, as enacted by Laws of Utah 2017, Chapter 253
- 177 **63J-4-708**, as last amended by Laws of Utah 2018, Chapter 423

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

180 Section 1. Section **4-20-103** is amended to read:

181 **4-20-103. State Grazing Advisory Board -- Duties.**

182 (1) (a) There is created within the department the State Grazing Advisory Board.

- 183 (b) The commissioner shall appoint the following members:
- 184 (i) one member from each regional board;
- 185 (ii) one member from the Conservation Commission, created in Section [4-18-104](#);
- 186 (iii) one representative of the Department of Natural Resources;
- 187 (iv) two livestock producers at-large; and
- 188 (v) one representative of the oil, gas, or mining industry.
- 189 (2) The term of office for a state board member is four years.
- 190 (3) Members of the state board shall elect a chair, who shall serve for two years.
- 191 (4) A member may not receive compensation or benefits for the member's service but
- 192 may receive per diem and travel expenses in accordance with:
- 193 (a) Section [63A-3-106](#);
- 194 (b) Section [63A-3-107](#); and
- 195 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
- 196 [63A-3-107](#).
- 197 (5) The state board shall:
- 198 (a) receive:
- 199 (i) advice and recommendations from a regional board concerning:
- 200 (A) management plans for public lands, state lands, and school and institutional trust
- 201 lands as defined in Section [53C-1-103](#), within the regional board's region; and
- 202 (B) any issue that impacts grazing on private lands, public lands, state lands, or school
- 203 and institutional trust lands as defined in Section [53C-1-103](#), in its region; and
- 204 (ii) requests for restricted account money from the entities described in Subsections
- 205 (5)(c)(i) through (iv);
- 206 (b) recommend state policy positions and cooperative agency participation in federal
- 207 and state land management plans to the department and to the Public Lands Policy
- 208 Coordinating Office, created under Section [[63J-4-602](#)] [63L-11-201](#); and
- 209 (c) advise the department on the requests and recommendations of:
- 210 (i) regional boards;
- 211 (ii) county weed control boards, created in Section [4-17-105](#);
- 212 (iii) cooperative weed management associations; and
- 213 (iv) conservation districts created under the authority of Title 17D, Chapter 3,

214 Conservation District Act.

215 Section 2. Section 11-38-201 is amended to read:

216 **11-38-201. Quality Growth Commission -- Term of office -- Vacancy --**

217 **Organization -- Expenses -- Staff.**

218 (1) (a) There is created a Quality Growth Commission consisting of:

219 (i) the director of the Department of Natural Resources;

220 (ii) the commissioner of the Department of Agriculture and Food;

221 (iii) six elected officials at the local government level, three of whom may not be

222 residents of a county of the first or second class; and

223 (iv) five persons from the profit and nonprofit private sector, two of whom may not be

224 residents of a county of the first or second class and no more than three of whom may be from

225 the same political party and one of whom shall be from the residential construction industry,

226 nominated by the Utah Home Builders Association, and one of whom shall be from the real

227 estate industry, nominated by the Utah Association of Realtors.

228 (b) (i) The director of the Department of Natural Resources and the commissioner of

229 the Department of Agriculture and Food may not assume their positions on the commission

230 until:

231 (A) after May 1, 2005; and

232 (B) the term of the respective predecessor in office, who is a state government level

233 appointee, expires.

234 (ii) The term of a commission member serving on May 1, 2005 as one of the six

235 elected local officials or five private sector appointees may not be shortened because of

236 application of the restriction under Subsections (1)(a)(iii) and (iv) on the number of appointees

237 from counties of the first or second class.

238 (2) (a) Each commission member appointed under Subsection (1)(a)(iii) or (iv) shall be

239 appointed by the governor with the advice and consent of the Senate.

240 (b) The governor shall select three of the six members under Subsection (1)(a)(iii) from

241 a list of names provided by the Utah League of Cities and Towns, and shall select the

242 remaining three from a list of names provided by the Utah Association of Counties.

243 (c) Two of the persons appointed under Subsection (1) shall be from the agricultural

244 community from a list of names provided by Utah farm organizations.

245 (3) (a) The term of office of each member is four years, except that the governor shall
246 appoint one of the persons at the state government level, three of the persons at the local
247 government level, and two of the persons under Subsection (1)(a)(iv) to an initial two-year
248 term.

249 (b) No member of the commission may serve more than two consecutive four-year
250 terms.

251 (4) Each mid-term vacancy shall be filled for the unexpired term in the same manner as
252 an appointment under Subsection (2).

253 (5) Commission members shall elect a chair from their number and establish rules for
254 the organization and operation of the commission.

255 (6) A member may not receive compensation or benefits for the member's service, but
256 may receive per diem and travel expenses in accordance with:

257 (a) Section 63A-3-106;

258 (b) Section 63A-3-107; and

259 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
260 63A-3-107.

261 (7) A member is not required to give bond for the performance of official duties.

262 (8) Staff services to the commission:

263 (a) shall be provided by the Governor's Office of [~~Management~~] Planning and Budget;
264 and

265 (b) may be provided by local entities through the Utah Association of Counties and the
266 Utah League of Cities and Towns, with funds approved by the commission from those
267 identified as available to local entities under Subsection 11-38-203(1)(a).

268 Section 3. Section 11-38-203 is amended to read:

269 **11-38-203. Commission may provide assistance to local entities.**

270 The commission may:

271 (1) from funds appropriated to the Governor's Office of [~~Management~~] Planning and
272 Budget by the Legislature for this purpose, grant money to local entities to help them obtain the
273 technical assistance they need to:

274 (a) conduct workshops or public hearings or use other similar methods to obtain public
275 input and participation in the process of identifying for that entity the principles of quality

276 growth referred to in Subsection [11-38-202\(1\)\(f\)](#);

277 (b) identify where and how quality growth areas could be established within the local
278 entity; and

279 (c) develop or modify the local entity's general plan to incorporate and implement the
280 principles of quality growth developed by the local entity and to establish quality growth areas;
281 and

282 (2) require each local entity to which the commission grants money under Subsection
283 (1) to report to the commission, in a format and upon a timetable determined by the
284 commission, on that local entity's process of developing quality growth principles and on the
285 quality growth principles developed by that local entity.

286 Section 4. Section **17B-1-106** is amended to read:

287 **17B-1-106. Notice before preparing or amending a long-range plan or acquiring**
288 **certain property.**

289 (1) As used in this section:

290 (a) (i) "Affected entity" means each county, municipality, local district under this title,
291 special service district, school district, interlocal cooperation entity established under Title 11,
292 Chapter 13, Interlocal Cooperation Act, and specified public utility:

293 (A) whose services or facilities are likely to require expansion or significant
294 modification because of an intended use of land; or

295 (B) that has filed with the local district a copy of the general or long-range plan of the
296 county, municipality, local district, school district, interlocal cooperation entity, or specified
297 public utility.

298 (ii) "Affected entity" does not include the local district that is required under this
299 section to provide notice.

300 (b) "Specified public utility" means an electrical corporation, gas corporation, or
301 telephone corporation, as those terms are defined in Section [54-2-1](#).

302 (2) (a) If a local district under this title located in a county of the first or second class
303 prepares a long-range plan regarding its facilities proposed for the future or amends an already
304 existing long-range plan, the local district shall, before preparing a long-range plan or
305 amendments to an existing long-range plan, provide written notice, as provided in this section,
306 of its intent to prepare a long-range plan or to amend an existing long-range plan.

307 (b) Each notice under Subsection (2)(a) shall:

308 (i) indicate that the local district intends to prepare a long-range plan or to amend a
309 long-range plan, as the case may be;

310 (ii) describe or provide a map of the geographic area that will be affected by the
311 long-range plan or amendments to a long-range plan;

312 (iii) be:

313 (A) sent to each county in whose unincorporated area and each municipality in whose
314 boundaries is located the land on which the proposed long-range plan or amendments to a
315 long-range plan are expected to indicate that the proposed facilities will be located;

316 (B) sent to each affected entity;

317 (C) sent to the Automated Geographic Reference Center created in Section [63F-1-506](#);

318 (D) sent to each association of governments, established pursuant to an interlocal
319 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or
320 municipality described in Subsection (2)(b)(iii)(A) is a member; and

321 (E) (I) placed on the Utah Public Notice Website created under Section [63F-1-701](#), if
322 the local district:

323 (Aa) is required under Subsection [52-4-203](#)(3) to use that website to provide public
324 notice of a meeting; or

325 (Bb) voluntarily chooses to place notice on that website despite not being required to
326 do so under Subsection (2)(b)(iii)(E)(I)(Aa); or

327 (II) the state planning coordinator appointed under Section [~~63J-4-202~~] [63J-4-401](#), if
328 the local district does not provide notice on the Utah Public Notice Website under Subsection
329 (2)(b)(iii)(E)(I);

330 (iv) with respect to the notice to counties and municipalities described in Subsection
331 (2)(b)(iii)(A) and affected entities, invite them to provide information for the local district to
332 consider in the process of preparing, adopting, and implementing the long-range plan or
333 amendments to a long-range plan concerning:

334 (A) impacts that the use of land proposed in the proposed long-range plan or
335 amendments to a long-range plan may have on the county, municipality, or affected entity; and

336 (B) uses of land that the county, municipality, or affected entity is planning or
337 considering that may conflict with the proposed long-range plan or amendments to a long-range

338 plan; and

339 (v) include the address of an Internet website, if the local district has one, and the name
340 and telephone number of a person where more information can be obtained concerning the
341 local district's proposed long-range plan or amendments to a long-range plan.

342 (3) (a) Except as provided in Subsection (3)(d), each local district intending to acquire
343 real property in a county of the first or second class for the purpose of expanding the district's
344 infrastructure or other facilities used for providing the services that the district is authorized to
345 provide shall provide written notice, as provided in this Subsection (3), of ~~[its]~~ the district's
346 intent to acquire the property if the intended use of the property is contrary to:

347 (i) the anticipated use of the property under the county or municipality's general plan;

348 or

349 (ii) the property's current zoning designation.

350 (b) Each notice under Subsection (3)(a) shall:

351 (i) indicate that the local district intends to acquire real property;

352 (ii) identify the real property; and

353 (iii) be sent to:

354 (A) each county in whose unincorporated area and each municipality in whose
355 boundaries the property is located; and

356 (B) each affected entity.

357 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
358 [63G-2-305](#)(8).

359 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the local district
360 previously provided notice under Subsection (2) identifying the general location within the
361 municipality or unincorporated part of the county where the property to be acquired is located.

362 (ii) If a local district is not required to comply with the notice requirement of
363 Subsection (3)(a) because of application of Subsection (3)(d)(i), the local district shall provide
364 the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of the real
365 property.

366 Section 5. Section **23-14-21** is amended to read:

367 **23-14-21. Transplants of big game, turkeys, wolves, or sensitive species.**

368 (1) The division may transplant big game, turkeys, wolves, or sensitive species only in

369 accordance with:

370 (a) a list of sites for the transplant of a particular species that is prepared and adopted in
371 accordance with Subsections (2) through (5);

372 (b) a species management plan, such as a deer or elk management plan adopted under
373 Section [23-16-7](#) or a recovery plan for a threatened or endangered species, provided that:

374 (i) the plan identifies sites for the transplant of the species or the lands or waters the
375 species are expected to occupy; and

376 (ii) the public has had an opportunity to comment and make recommendations on the
377 plan; or

378 (c) a legal agreement between the state and a tribal government that identifies potential
379 transplants; and

380 (d) the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.

381 (2) The division shall:

382 (a) consult with the landowner in determining the suitability of a site for the transplant
383 of a species;

384 (b) prepare a list of proposed sites for the transplant of species;

385 (c) provide notification of proposed sites for the transplant of species to:

386 (i) local government officials having jurisdiction over areas that may be affected by a
387 transplant; and

388 (ii) the Resource Development Coordinating Committee created in Section [~~63J-4-501~~]
389 [63L-11-401](#).

390 (3) After receiving comments from local government officials and the Resource
391 Development Coordinating Committee, the division shall submit the list of proposed transplant
392 sites, or a revised list, to regional advisory councils for regions that may be affected by the
393 transplants of species.

394 (4) Each regional advisory council reviewing a list of proposed sites for the transplant
395 of species may submit recommendations to the Wildlife Board.

396 (5) The Wildlife Board shall approve, modify, or reject each proposal for the transplant
397 of a species.

398 (6) Each list of proposed transplant sites approved by the Wildlife Board shall have a
399 termination date after which a transplant may not occur.

400 Section 6. Section **23-21-2.3** is amended to read:

401 **23-21-2.3. Review and adoption of management plans.**

402 (1) The division shall submit the draft management plan to the Resource Development
403 Coordinating Committee created in Section [~~63J-4-501~~] [63L-11-401](#) and the Habitat Council
404 created by the division for their review and recommendations.

405 (2) The division shall submit the draft management plan and any recommendations
406 received from the Resource Development Coordinating Committee and the Habitat Council to:

407 (a) the regional advisory council for the wildlife region in which the lands covered by
408 the management plan are located; and

409 (b) the regional advisory council for any wildlife region that may be affected by the
410 management plan.

411 (3) Each regional advisory council reviewing the draft management plan may make
412 recommendations to the division director.

413 (4) The division director has authority to adopt the management plan, adopt the plan
414 with amendments, or reject the plan.

415 (5) At the request of the division director or any member of the Wildlife Board, the
416 Wildlife Board may review a management plan to determine whether the plan is consistent
417 with board policies.

418 (6) The division director may amend a management plan in accordance with
419 recommendations made by the Wildlife Board.

420 Section 7. Section **26-18-405.5** is amended to read:

421 **26-18-405.5. Base budget appropriations for Medicaid accountable care**
422 **organizations.**

423 (1) For purposes of this section:

424 (a) "ACOs" means accountable care organizations.

425 (b) "Base budget" means the same as that term is defined in legislative rule.

426 (c) "Current fiscal year PMPM" means per-member-per-month funding for Medicaid
427 accountable care organizations under the Department of Health in the current fiscal year.

428 (d) "General Fund growth factor" means the amount determined by dividing the next
429 fiscal year ongoing General Fund revenue estimate by current fiscal year ongoing
430 appropriations from the General Fund.

431 (e) "Next fiscal year ongoing General Fund revenue estimate" means the next fiscal
432 year ongoing General Fund revenue estimate identified by the Executive Appropriations
433 Subcommittee, in accordance with legislative rule, for use by the Office of the Legislative
434 Fiscal Analyst in preparing budget recommendations.

435 (f) "Next fiscal year PMPM" means per-member-per-month funding for Medicaid
436 accountable care organizations under the Department of Health for the next fiscal year.

437 (2) If the General Fund growth factor is less than 100%, the next fiscal year base
438 budget shall include an appropriation to the Department of Health for Medicaid ACOs in an
439 amount necessary to ensure that next fiscal year PMPM equals current fiscal year PMPM
440 multiplied by 100%.

441 (3) If the General Fund growth factor is greater than or equal to 100%, but less than
442 102%, the next fiscal year base budget shall include an appropriation to the Department of
443 Health for Medicaid ACOs in an amount necessary to ensure that next fiscal year PMPM
444 equals current fiscal year PMPM multiplied by the General Fund growth factor.

445 (4) If the General Fund growth factor is greater than or equal to 102%, the next fiscal
446 year base budget shall include an appropriation to the Department of Health for Medicaid
447 ACOs in an amount necessary to ensure that next fiscal year PMPM is greater than or equal to
448 PMPM multiplied by 102% and less than or equal to current fiscal year PMPM multiplied by
449 the General Fund growth factor.

450 (5) In order for the department to estimate the impact of Subsections (2) through (4)
451 prior to identification of the next fiscal year ongoing General Fund revenue estimate under
452 Subsection (1)(e), the Governor's Office of ~~[Management]~~ Planning and Budget shall, in
453 cooperation with the Office of the Legislative Fiscal Analyst, develop an estimate of ongoing
454 General Fund revenue for the next fiscal year and provide it to the department no later than
455 ~~[September]~~ November 1 of each year.

456 Section 8. Section **32B-2-505** is amended to read:

457 **32B-2-505. Reporting requirements -- Building plan and market survey required**
458 **-- Department performance measures.**

459 (1) In 2018 and each year thereafter, the department shall present a five-year building
460 plan to the Infrastructure and General Government Appropriations Subcommittee that
461 describes the department's anticipated property acquisition, building, and remodeling for the

462 five years following the day on which the department presents the five-year building plan.

463 (2) (a) In 2018 and every other year thereafter, the department shall complete a market
464 survey to inform the department's five-year building plan described in Subsection (1).

465 (b) The department shall:

466 (i) provide a copy of each market survey to the Infrastructure and General Government
467 Appropriations Subcommittee and the Business and Labor Interim Committee; and

468 (ii) upon request, appear before the Infrastructure and General Government
469 Appropriations Subcommittee to present the results of the market survey.

470 (3) For fiscal year 2018-19 and each fiscal year thereafter, before the fiscal year begins,
471 the Governor's Office of [~~Management~~] Planning and Budget, in consultation with the
472 department and the Office of the Legislative Fiscal Analyst, shall establish performance
473 measures and goals to evaluate the department's operations during the fiscal year.

474 (4) (a) The department may not submit a request to the State Building Board for a
475 capital development project unless the department first obtains approval from the Governor's
476 Office of [~~Management~~] Planning and Budget.

477 (b) In determining whether to grant approval for a request described in Subsection
478 (4)(a), the Governor's Office of [~~Management~~] Planning and Budget shall evaluate the extent to
479 which the department met the performance measures and goals described in Subsection (3)
480 during the previous fiscal year.

481 Section 9. Section **35A-1-109** is amended to read:

482 **35A-1-109. Annual report -- Content -- Format.**

483 (1) The department shall prepare and submit to the governor and the Legislature, by
484 October 1 of each year, an annual written report of the operations, activities, programs, and
485 services of the department, including its divisions, offices, boards, commissions, councils, and
486 committees, for the preceding fiscal year.

487 (2) For each operation, activity, program, or service provided by the department, the
488 annual report shall include:

489 (a) a description of the operation, activity, program, or service;

490 (b) data and metrics:

491 (i) selected and used by the department to measure progress, performance,
492 effectiveness, and scope of the operation, activity, program, or service, including summary

493 data; and

494 (ii) that are consistent and comparable for each state operation, activity, program, or
495 service that primarily involves employment training or placement as determined by the
496 executive directors of the department, the Governor's Office of Economic Development, and
497 the Governor's Office of ~~Management~~ Planning and Budget;

498 (c) budget data, including the amount and source of funding, expenses, and allocation
499 of full-time employees for the operation, activity, program, or service;

500 (d) historical data from previous years for comparison with data reported under
501 Subsections (2)(b) and (c);

502 (e) goals, challenges, and achievements related to the operation, activity, program, or
503 service;

504 (f) relevant federal and state statutory references and requirements;

505 (g) contact information of officials knowledgeable and responsible for each operation,
506 activity, program, or service; and

507 (h) other information determined by the department that:

508 (i) may be needed, useful, or of historical significance; or

509 (ii) promotes accountability and transparency for each operation, activity, program, or
510 service with the public and elected officials.

511 (3) The annual report shall be designed to provide clear, accurate, and accessible
512 information to the public, the governor, and the Legislature.

513 (4) The department shall:

514 (a) submit the annual report in accordance with Section 68-3-14;

515 (b) make the annual report, and previous annual reports, accessible to the public by
516 placing a link to the reports on the department's website; and

517 (c) provide the data and metrics described in Subsection (2)(b) to the Talent Ready
518 Utah Board created in Section 63N-12-503.

519 Section 10. Section 35A-1-201 is amended to read:

520 **35A-1-201. Executive director -- Appointment -- Removal -- Compensation --**
521 **Qualifications -- Responsibilities -- Deputy directors.**

522 (1) (a) The chief administrative officer of the department is the executive director, who
523 is appointed by the governor with the advice and consent of the Senate.

- 524 (b) The executive director serves at the pleasure of the governor.
- 525 (c) The executive director shall receive a salary established by the governor within the
526 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
- 527 (d) The executive director shall be experienced in administration, management, and
528 coordination of complex organizations.
- 529 (2) The executive director shall:
- 530 (a) administer and supervise the department in compliance with Title 67, Chapter 19,
531 Utah State Personnel Management Act;
- 532 (b) supervise and coordinate between the economic service areas and directors created
533 under Chapter 2, Economic Service Areas;
- 534 (c) coordinate policies and program activities conducted through the divisions and
535 economic service areas of the department;
- 536 (d) approve the proposed budget of each division, the Workforce Appeals Board, and
537 each economic service area within the department;
- 538 (e) approve all applications for federal grants or assistance in support of any
539 department program;
- 540 (f) coordinate with the executive directors of the Governor's Office of Economic
541 Development and the Governor's Office of ~~[Management]~~ Planning and Budget to review data
542 and metrics to be reported to the Legislature as described in Subsection 35A-1-109(2)(b); and
- 543 (g) fulfill such other duties as assigned by the Legislature or as assigned by the
544 governor that are not inconsistent with this title.
- 545 (3) The executive director may appoint deputy or assistant directors to assist the
546 executive director in carrying out the department's responsibilities.
- 547 (4) The executive director shall at least annually provide for the sharing of information
548 between the advisory councils established under this title.
- 549 Section 11. Section **35A-8-601** is amended to read:
- 550 **35A-8-601. Creation.**
- 551 (1) There is created within the division the Homeless Coordinating Committee.
- 552 (2) (a) The committee shall consist of the following members:
- 553 (i) the lieutenant governor or the lieutenant governor's designee;
- 554 (ii) the ~~[state planning coordinator or the coordinator's designee]~~ executive director of

555 the Governor's Office of Planning and Budget or the executive director's designee;
556 (iii) the state superintendent of public instruction or the superintendent's designee;
557 (iv) the chair of the board of trustees of the Utah Housing Corporation or the chair's
558 designee;
559 (v) the executive director of the Department of Workforce Services or the executive
560 director's designee;
561 (vi) the executive director of the Department of Corrections or the executive director's
562 designee;
563 (vii) the executive director of the Department of Health or the executive director's
564 designee;
565 (viii) the executive director of the Department of Human Services or the executive
566 director's designee;
567 (ix) the mayor of Salt Lake City or the mayor's designee;
568 (x) the mayor of Salt Lake County or the mayor's designee;
569 (xi) the mayor of Ogden or the mayor's designee;
570 (xii) the mayor of Midvale or the mayor's designee;
571 (xiii) the mayor of St. George or the mayor's designee; and
572 (xiv) the mayor of South Salt Lake or the mayor's designee.
573 (b) (i) The lieutenant governor shall serve as the chair of the committee.
574 (ii) The lieutenant governor may appoint a vice chair from among committee members,
575 who shall conduct committee meetings in the absence of the lieutenant governor.
576 (3) The governor may appoint as members of the committee:
577 (a) representatives of local governments, local housing authorities, local law
578 enforcement agencies;
579 (b) representatives of federal and private agencies and organizations concerned with
580 the homeless, persons with a mental illness, the elderly, single-parent families, persons with a
581 substance use disorder, and persons with a disability; and
582 (c) a resident of Salt Lake County.
583 (4) (a) Except as required by Subsection (4)(b), as terms of current committee members
584 appointed under Subsection (3) expire, the governor shall appoint each new member or
585 reappointed member to a four-year term.

586 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
587 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
588 committee members are staggered so that approximately half of the committee is appointed
589 every two years.

590 (c) A member appointed under Subsection (3) may not be appointed to serve more than
591 three consecutive terms.

592 (5) When a vacancy occurs in the membership for any reason, the replacement is
593 appointed for the unexpired term.

594 (6) A member may not receive compensation or benefits for the member's service, but
595 may receive per diem and travel expenses in accordance with:

596 (a) Section 63A-3-106;

597 (b) Section 63A-3-107; and

598 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
599 63A-3-107.

600 Section 12. Section 36-2-4 is amended to read:

601 **36-2-4. Legislative Compensation Commission created -- Governor's**
602 **considerations in appointments -- Organization and expenses.**

603 (1) There is created a state Legislative Compensation Commission composed of seven
604 members appointed by the governor, not more than four of whom shall be from the same
605 political party.

606 (2) (a) Except as required by Subsection (2)(b), the members shall be appointed for
607 four-year terms.

608 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
609 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
610 board members are staggered so that approximately half of the board is appointed every two
611 years.

612 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
613 appointed for the unexpired term in the same manner as the vacated member was chosen.

614 (3) In appointing members of the commission, the governor shall give consideration to
615 achieving representation from the major geographic areas of the state, and representation from
616 a broad cross section of occupational, professional, employee, and management interests.

617 (4) The commission shall select a chair. Four members of the commission shall
618 constitute a quorum. The commission shall not make any final determination without the
619 concurrence of a majority of [~~its~~] the commission's members appointed and serving on the
620 commission being present.

621 (5) A member may not receive compensation or benefits for the member's service, but
622 may receive per diem and travel expenses in accordance with:

623 (a) Section 63A-3-106;

624 (b) Section 63A-3-107; and

625 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
626 63A-3-107.

627 (6) (a) The commission shall be a citizen commission and no member or employee of
628 the legislative, judicial, or executive branch is eligible for appointment to the commission.

629 (b) The executive director of the Governor's Office of [~~Management~~] Planning and
630 Budget:

631 (i) shall provide staff to the commission; and

632 (ii) is responsible for administration, budgeting, procurement, and related management
633 functions for the commission.

634 Section 13. Section 49-11-406 is amended to read:

635 **49-11-406. Governor's appointed executives and senior staff -- Appointed**
636 **legislative employees -- Transfer of value of accrued defined benefit -- Procedures.**

637 (1) As used in this section:

638 (a) "Defined benefit balance" means the total amount of the contributions made on
639 behalf of a member to a defined benefit system plus refund interest.

640 (b) "Senior staff" means an at-will employee who reports directly to an elected official,
641 executive director, or director and includes a deputy director and other similar, at-will
642 employee positions designated by the governor, the speaker of the House, or the president of
643 the Senate and filed with the Department of Human Resource Management and the Utah State
644 Retirement Office.

645 (2) In accordance with this section and subject to requirements under federal law and
646 rules made by the board, a member who has service credit from a system may elect to be
647 exempt from coverage under a defined benefit system and to have the member's defined benefit

648 balance transferred from the defined benefit system or plan to a defined contribution plan in the
649 member's own name if the member is:

- 650 (a) the state auditor;
- 651 (b) the state treasurer;
- 652 (c) an appointed executive under Subsection 67-22-2(1)(a);
- 653 (d) an employee in the Governor's Office;
- 654 (e) senior staff in the Governor's Office of ~~[Management]~~ Planning and Budget;
- 655 (f) senior staff in the Governor's Office of Economic Development;
- 656 (g) senior staff in the Commission on Criminal and Juvenile Justice;
- 657 (h) a legislative employee appointed under Subsection 36-12-7(3)(a); or
- 658 (i) a legislative employee appointed by the speaker of the House of Representatives, the
659 House of Representatives minority leader, the president of the Senate, or the Senate minority
660 leader~~[-or]~~.

661 ~~[(j) senior staff of the Utah Science Technology and Research Initiative created under
662 Title 63M, Chapter 2, Utah Science Technology and Research Governing Authority Act.]~~

- 663 (3) An election made under Subsection (2):
- 664 (a) is final, and no right exists to make any further election;
- 665 (b) is considered a request to be exempt from coverage under a defined benefits
666 system; and
- 667 (c) shall be made on forms provided by the office.

668 (4) The board shall adopt rules to implement and administer this section.

669 Section 14. Section 49-12-203 is amended to read:

670 **49-12-203. Exclusions from membership in system.**

- 671 (1) The following employees are not eligible for service credit in this system:
- 672 (a) subject to the requirements of Subsection (2), an employee whose employment
673 status is temporary in nature due to the nature or the type of work to be performed;
- 674 (b) except as provided under Subsection (3)(a), an employee of an institution of higher
675 education who participates in a retirement system with a public or private retirement system,
676 organization, or company designated by the Utah Board of Higher Education, or the technical
677 college board of trustees for an employee of each technical college, during any period in which
678 required contributions based on compensation have been paid on behalf of the employee by the

679 employer;

680 (c) an employee serving as an exchange employee from outside the state for an
681 employer who has not elected to make all of the employer's exchange employees eligible for
682 service credit in this system;

683 (d) an executive department head of the state, a member of the State Tax Commission,
684 the Public Service Commission, and a member of a full-time or part-time board or commission
685 who files a formal request for exemption;

686 (e) an employee of the Department of Workforce Services who is covered under
687 another retirement system allowed under Title 35A, Chapter 4, Employment Security Act;

688 (f) an employee who is employed on or after July 1, 2009, with an employer that has
689 elected, prior to July 1, 2009, to be excluded from participation in this system under Subsection
690 [49-12-202\(2\)\(c\)](#);

691 (g) an employee who is employed on or after July 1, 2014, with an employer that has
692 elected, prior to July 1, 2014, to be excluded from participation in this system under Subsection
693 [49-12-202\(2\)\(d\)](#);

694 (h) an employee who is employed with a withdrawing entity that has elected under
695 Section [49-11-623](#), prior to January 1, 2017, to exclude:

696 (i) new employees from participation in this system under Subsection [49-11-623\(3\)\(a\)](#);

697 or

698 (ii) all employees from participation in this system under Subsection [49-11-623\(3\)\(b\)](#);

699 or

700 (i) an employee described in Subsection (1)(i)(i) or (ii) who is employed with a
701 withdrawing entity that has elected under Section [49-11-624](#), before January 1, 2018, to
702 exclude:

703 (i) new employees from participation in this system under Subsection [49-11-624\(3\)\(a\)](#);

704 or

705 (ii) all employees from participation in this system under Subsection [49-11-624\(3\)\(b\)](#).

706 (2) If an employee whose status is temporary in nature due to the nature of type of
707 work to be performed:

708 (a) is employed for a term that exceeds six months and the employee otherwise
709 qualifies for service credit in this system, the participating employer shall report and certify to

710 the office that the employee is a regular full-time employee effective the beginning of the
711 seventh month of employment; or

712 (b) was previously terminated prior to being eligible for service credit in this system
713 and is reemployed within three months of termination by the same participating employer, the
714 participating employer shall report and certify that the member is a regular full-time employee
715 when the total of the periods of employment equals six months and the employee otherwise
716 qualifies for service credits in this system.

717 (3) (a) Upon cessation of the participating employer contributions, an employee under
718 Subsection (1)(b) is eligible for service credit in this system.

719 (b) Notwithstanding the provisions of Subsection (1)(f), any eligibility for service
720 credit earned by an employee under this chapter before July 1, 2009 is not affected under
721 Subsection (1)(f).

722 (c) Notwithstanding the provisions of Subsection (1)(g), any eligibility for service
723 credit earned by an employee under this chapter before July 1, 2014, is not affected under
724 Subsection (1)(g).

725 (4) Upon filing a written request for exemption with the office, the following
726 employees shall be exempt from coverage under this system:

727 (a) a full-time student or the spouse of a full-time student and individuals employed in
728 a trainee relationship;

729 (b) an elected official;

730 (c) an executive department head of the state, a member of the State Tax Commission,
731 a member of the Public Service Commission, and a member of a full-time or part-time board or
732 commission;

733 (d) an employee of the Governor's Office of ~~Management~~ Planning and Budget;

734 (e) an employee of the Governor's Office of Economic Development;

735 (f) an employee of the Commission on Criminal and Juvenile Justice;

736 (g) an employee of the Governor's Office;

737 (h) an employee of the State Auditor's Office;

738 (i) an employee of the State Treasurer's Office;

739 (j) any other member who is permitted to make an election under Section 49-11-406;

740 (k) a person appointed as a city manager or chief city administrator or another person

741 employed by a municipality, county, or other political subdivision, who is an at-will employee;

742 (l) an employee of an interlocal cooperative agency created under Title 11, Chapter 13,
743 Interlocal Cooperation Act, who is engaged in a specialized trade customarily provided through
744 membership in a labor organization that provides retirement benefits to ~~[its]~~ the organization's
745 members; and

746 (m) an employee serving as an exchange employee from outside the state for an
747 employer who has elected to make all of the employer's exchange employees eligible for
748 service credit in this system.

749 (5) (a) Each participating employer shall prepare and maintain a list designating those
750 positions eligible for exemption under Subsection (4).

751 (b) An employee may not be exempted unless the employee is employed in an
752 exempted position designated by the participating employer.

753 (6) (a) In accordance with this section, Section 49-13-203, and Section 49-22-205, a
754 municipality, county, or political subdivision may not exempt a total of more than 50 positions
755 or a number equal to 10% of the eligible employees of the municipality, county, or political
756 subdivision, whichever is less.

757 (b) A municipality, county, or political subdivision may exempt at least one regular
758 full-time employee.

759 (7) Each participating employer shall:

760 (a) maintain a list of employee exemptions; and

761 (b) update the employee exemptions in the event of any change.

762 (8) The office may make rules to implement this section.

763 (9) An employee's exclusion, exemption, participation, or election described in this
764 section:

765 (a) shall be made in accordance with this section; and

766 (b) is subject to requirements under federal law and rules made by the board.

767 Section 15. Section 49-20-410 is amended to read:

768 **49-20-410. High deductible health plan -- Health savings account --**

769 **Contributions.**

770 (1) (a) In addition to other employee benefit plans offered under Subsection
771 49-20-201(1), the office shall offer at least one federally qualified high deductible health plan

772 with a health savings account as an optional health plan.

773 (b) The provisions and limitations of the plan shall be:

774 (i) determined by the office in accordance with federal requirements and limitations;

775 and

776 (ii) designed to promote appropriate health care utilization by consumers, including
777 preventive health care services.

778 (c) A state employee hired on or after July 1, 2011, who is offered a plan under
779 Subsection 49-20-202(1)(a), shall be enrolled in a federally qualified high deductible health
780 plan unless the employee chooses a different health benefit plan during the employee's open
781 enrollment period.

782 (2) The office shall:

783 (a) administer the high deductible health plan in coordination with a health savings
784 account for medical expenses for each covered individual in the high deductible health plan;

785 (b) offer to all employees training regarding all health plans offered to employees;

786 (c) prepare online training as an option for the training required by Subsections (2)(b)
787 and (4);

788 (d) ensure the training offered under Subsections (2)(b) and (c) includes information on
789 changing coverages to the high deductible plan with a health savings account, including
790 coordination of benefits with other insurances, restrictions on other insurance coverages, and
791 general tax implications; and

792 (e) coordinate annual open enrollment with the Department of Human Resource
793 Management to give state employees the opportunity to affirmatively select preferences from
794 among insurance coverage options.

795 (3) (a) Contributions to the health savings account may be made by the employer.

796 (b) The amount of the employer contributions under Subsection (3)(a) shall be
797 determined annually by the office, after consultation with the Department of Human Resource
798 Management and the Governor's Office of ~~Management~~ Planning and Budget so that the
799 annual employer contribution amount is not less than the difference in the actuarial value
800 between the program's health maintenance organization coverage and the federally qualified
801 high deductible health plan coverage, after taking into account any difference in employee
802 premium contribution.

803 (c) The office shall distribute the annual amount determined under Subsection (3)(b) to
804 employees in two equal amounts with a pay date in January and a pay date in July of each plan
805 year.

806 (d) An employee may also make contributions to the health savings account.

807 (e) If an employee is ineligible for a contribution to a health savings account under
808 federal law and would otherwise be eligible for the contribution under Subsection (3)(a), the
809 contribution shall be distributed into a health reimbursement account or other tax-advantaged
810 arrangement authorized under the Internal Revenue Code for the benefit of the employee.

811 (4) (a) An employer participating in a plan offered under Subsection 49-20-202(1)(a)
812 shall require each employee to complete training on the health plan options available to the
813 employee.

814 (b) The training required by Subsection (4)(a):

815 (i) shall include materials prepared by the office under Subsection (2);

816 (ii) may be completed online; and

817 (iii) shall be completed:

818 (A) before the end of the 2012 open enrollment period for current enrollees in the
819 program; and

820 (B) for employees hired on or after July 1, 2011, before the employee's selection of a
821 plan in the program.

822 Section 16. Section 49-22-205 is amended to read:

823 **49-22-205. Exemptions from participation in system.**

824 (1) Upon filing a written request for exemption with the office, the following
825 employees are exempt from participation in the system as provided in this section:

826 (a) an executive department head of the state;

827 (b) a member of the State Tax Commission;

828 (c) a member of the Public Service Commission;

829 (d) a member of a full-time or part-time board or commission;

830 (e) an employee of the Governor's Office of ~~Management~~ Planning and Budget;

831 (f) an employee of the Governor's Office of Economic Development;

832 (g) an employee of the Commission on Criminal and Juvenile Justice;

833 (h) an employee of the Governor's Office;

- 834 (i) an employee of the State Auditor's Office;
- 835 (j) an employee of the State Treasurer's Office;
- 836 (k) any other member who is permitted to make an election under Section 49-11-406;
- 837 (l) a person appointed as a city manager or appointed as a city administrator or another
- 838 at-will employee of a municipality, county, or other political subdivision;
- 839 (m) an employee of an interlocal cooperative agency created under Title 11, Chapter
- 840 13, Interlocal Cooperation Act, who is engaged in a specialized trade customarily provided
- 841 through membership in a labor organization that provides retirement benefits to its members;
- 842 and

843 ~~[(n) an employee of the Utah Science Technology and Research Initiative created under~~
844 ~~Title 63M, Chapter 2, Utah Science Technology and Research Governing Authority Act; and]~~

845 ~~[(o)]~~ (n) an employee serving as an exchange employee from outside the state for an
846 employer who has elected to make all of the employer's exchange employees eligible for
847 service credit in this system.

848 (2) (a) A participating employer shall prepare and maintain a list designating those
849 positions eligible for exemption under Subsection (1).

850 (b) An employee may not be exempted unless the employee is employed in a position
851 designated by the participating employer under Subsection (1).

852 (3) (a) In accordance with this section, Section 49-12-203, and Section 49-13-203, a
853 municipality, county, or political subdivision may not exempt a total of more than 50 positions
854 or a number equal to 10% of the eligible employees of the municipality, county, or political
855 subdivision, whichever is less.

856 (b) A municipality, county, or political subdivision may exempt at least one regular
857 full-time employee.

858 (4) Each participating employer shall:

859 (a) maintain a list of employee exemptions; and

860 (b) update an employee exemption in the event of any change.

861 (5) Beginning on the effective date of the exemption for an employee who elects to be
862 exempt in accordance with Subsection (1):

863 (a) for a member of the Tier II defined contribution plan:

864 (i) the participating employer shall contribute the nonelective contribution and the

865 amortization rate described in Section 49-22-401, except that the nonelective contribution is
866 exempt from the vesting requirements of Subsection 49-22-401(3)(a); and

867 (ii) the member may make voluntary deferrals as provided in Section 49-22-401; and

868 (b) for a member of the Tier II hybrid retirement system:

869 (i) the participating employer shall contribute the nonelective contribution and the
870 amortization rate described in Section 49-22-401, except that the contribution is exempt from
871 the vesting requirements of Subsection 49-22-401(3)(a);

872 (ii) the member may make voluntary deferrals as provided in Section 49-22-401; and

873 (iii) the member is not eligible for additional service credit in the system.

874 (6) If an employee who is a member of the Tier II hybrid retirement system
875 subsequently revokes the election of exemption made under Subsection (1), the provisions
876 described in Subsection (5)(b) shall no longer be applicable and the coverage for the employee
877 shall be effective prospectively as provided in Part 3, Tier II Hybrid Retirement System.

878 (7) (a) All employer contributions made on behalf of an employee shall be invested in
879 accordance with Subsection 49-22-303(3)(a) or 49-22-401(4)(a) until the one-year election
880 period under Subsection 49-22-201(2)(c) is expired if the employee:

881 (i) elects to be exempt in accordance with Subsection (1); and

882 (ii) continues employment with the participating employer through the one-year
883 election period under Subsection 49-22-201(2)(c).

884 (b) An employee is entitled to receive a distribution of the employer contributions
885 made on behalf of the employee and all associated investment gains and losses if the employee:

886 (i) elects to be exempt in accordance with Subsection (1); and

887 (ii) terminates employment prior to the one-year election period under Subsection
888 49-22-201(2)(c).

889 (8) (a) The office shall make rules to implement this section.

890 (b) The rules made under this Subsection (8) shall include provisions to allow the
891 exemption provided under Subsection (1) to apply to all contributions made beginning on or
892 after July 1, 2011, on behalf of an exempted employee who began the employment before May
893 8, 2012.

894 (9) An employee's exemption, participation, or election described in this section:

895 (a) shall be made in accordance with this section; and

896 (b) is subject to requirements under federal law and rules made by the board.

897 Section 17. Section **51-10-202** is amended to read:

898 **51-10-202. Board of trustees of the fund -- Trust administrator.**

899 (1) (a) There is created a board of trustees of the fund composed of the following three
900 members:

901 (i) the state treasurer;

902 (ii) the director of the Division of Finance; and

903 (iii) the director of the Governor's Office of [~~Management~~] Planning and Budget or the
904 director's designee.

905 (b) The state treasurer is chair of the board.

906 (c) Three members of the board is a quorum.

907 (d) A member may not receive compensation or benefits for the member's service, but
908 may receive per diem and travel expenses in accordance with:

909 (i) Section [63A-3-106](#);

910 (ii) Section [63A-3-107](#); and

911 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
912 [63A-3-107](#).

913 (2) (a) The board shall:

914 (i) contract with a person to act as trust administrator in accordance with Title 63G,
915 Chapter 6a, Utah Procurement Code, and when not provided for by this chapter, define the trust
916 administrator's duties; or

917 (ii) if unable to find a qualified person under Subsection (2)(a)(i) to act as trust
918 administrator for a reasonable cost, hire a qualified person to act as trust administrator and,
919 when not provided for in this chapter, define the trust administrator's duties.

920 (b) If the board hires a trust administrator under Subsection (2)(a)(ii), the board may
921 hire or authorize the trust administrator to hire other persons necessary to assist the trust
922 administrator and the board to perform the duties required by this chapter.

923 (3) The board shall:

924 (a) on behalf of the state, act as trustee of the fund and exercise the state's fiduciary
925 responsibilities;

926 (b) meet at least once every other month;

927 (c) review and approve the policies, projections, rules, criteria, procedures, forms,
928 standards, and performance goals established by the trust administrator;

929 (d) review and approve the fund budget prepared by the trust administrator;

930 (e) review the progress reports from programs financed by the fund;

931 (f) review financial records of the fund, including fund receipts, expenditures, and
932 investments; and

933 (g) do any other thing necessary to perform the state's fiduciary obligations under the
934 fund.

935 (4) The attorney general shall:

936 (a) act as legal counsel and provide legal representation to the board; and

937 (b) attend or direct an attorney from the attorney general's office to attend each meeting
938 of the board.

939 (5) The board may consult with knowledgeable state personnel to advise the board on
940 policy and technical matters.

941 Section 18. Section **53-2c-201** is amended to read:

942 **53-2c-201. Public Health and Economic Emergency Commission -- Creation --**
943 **Membership -- Quorum -- Per diem -- Staff support -- Meetings.**

944 (1) There is created the Public Health and Economic Emergency Commission
945 consisting of the following members:

946 (a) the executive director of the Department of Health, or the executive director's
947 designee;

948 (b) four individuals, appointed by the governor, including:

949 (i) the chief executive of a for profit health care organization that operates at least one
950 hospital in the state;

951 (ii) the chief executive of a not-for-profit health care organization that operates at least
952 one hospital in the state; and

953 (iii) two other individuals;

954 (c) two individuals appointed by the president of the Senate;

955 (d) two individuals appointed by the speaker of the House of Representatives; and

956 (e) one individual appointed by the chief executive officer of the Utah Association of
957 Counties.

958 (2) (a) The president of the Senate and the speaker of the House of Representatives
959 shall jointly designate one of the members appointed under Subsection (1)(c) or (d) as chair of
960 the commission.

961 (b) For an appointment under Subsection (1)(c) or (d), the president of the Senate or
962 the speaker of the House of Representatives may appoint a legislator or a non-legislator.

963 (3) (a) If a vacancy occurs in the membership of the commission appointed under
964 Subsection (1)(b), (c), (d), or (e), the member shall be replaced in the same manner in which
965 the original appointment was made.

966 (b) A member of the commission serves until the member's successor is appointed and
967 qualified.

968 (4) (a) A majority of the commission members constitutes a quorum.

969 (b) The action of a majority of a quorum constitutes an action of the commission.

970 (5) (a) The salary and expenses of a commission member who is a legislator shall be
971 paid in accordance with Section 36-2-2, Legislative Joint Rules, Title 5, Chapter 2, Lodging,
972 Meal, and Transportation Expenses, and Legislative Joint Rules, Title 5, Chapter 3, Legislator
973 Compensation.

974 (b) A commission member who is not a legislator may not receive compensation or
975 benefits for the member's service on the commission, but may receive per diem and
976 reimbursement for travel expenses incurred as a commission member at the rates established by
977 the Division of Finance under:

978 (i) Sections 63A-3-106 and 63A-3-107; and

979 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
980 63A-3-107.

981 (6) The Governor's Office of [~~Management~~] Planning and Budget shall:

982 (a) provide staff support to the commission; and

983 (b) coordinate with the Office of Legislative Research and General Counsel regarding
984 the commission.

985 (7) A meeting of the commission that takes place during a public health emergency is
986 not subject to Title 52, Chapter 4, Open and Public Meetings Act.

987 Section 19. Section 53-17-402 is amended to read:

988 **53-17-402. Local Public Safety and Firefighter Surviving Spouse Trust Fund**

989 **Board of Trustees -- Quorum -- Duties -- Establish rates.**

990 (1) (a) There is created the Local Public Safety and Firefighter Surviving Spouse Trust
991 Fund Board of Trustees composed of four members:

992 (i) the commissioner of public safety or the commissioner's designee;

993 (ii) the executive director of the Governor's Office of [~~Management~~] Planning and
994 Budget or the executive director's designee;

995 (iii) one person representing municipalities, designated by the Utah League of Cities
996 and Towns; and

997 (iv) one person representing counties, designated by the Utah Association of Counties.

998 (b) The commissioner of public safety, or the commissioner's designee, is chair of the
999 board.

1000 (c) Three members of the board are a quorum.

1001 (d) A member may not receive compensation or benefits for the member's service, but
1002 may receive per diem and travel expenses in accordance with:

1003 (i) Section [63A-3-106](#);

1004 (ii) Section [63A-3-107](#); and

1005 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and
1006 [63A-3-107](#).

1007 (e) (i) The Department of Public Safety shall staff the board of trustees.

1008 (ii) The department shall provide accounting services for the trust fund.

1009 (2) The board shall:

1010 (a) establish rates to charge each employer based on the number of public safety
1011 service employees and firefighter service employees who are eligible for the health coverage
1012 under this chapter;

1013 (b) act as trustee of the trust fund and exercise the state's fiduciary responsibilities;

1014 (c) meet at least once per year;

1015 (d) review and approve all policies, projections, rules, criteria, procedures, forms,
1016 standards, performance goals, and actuarial reports;

1017 (e) review and approve the budget for the trust fund;

1018 (f) review financial records of the trust fund, including trust fund receipts,
1019 expenditures, and investments;

1020 (g) commission and obtain financial or actuarial studies of the liabilities for the trust
1021 fund;

1022 (h) calculate and approve administrative expenses of the trust fund; and

1023 (i) do any other things necessary to perform the fiduciary obligations under the trust.

1024 Section 20. Section **53B-2a-110** is amended to read:

1025 **53B-2a-110. Technical college board of trustees' powers and duties.**

1026 (1) A technical college board of trustees shall:

1027 (a) assist the technical college president in preparing a budget request for the technical
1028 college's annual operations to the board;

1029 (b) after consulting with the board, other higher education institutions, school districts,
1030 and charter schools within the technical college's region, prepare a comprehensive strategic
1031 plan for delivering technical education within the region;

1032 (c) consult with business, industry, the Department of Workforce Services, the
1033 Governor's Office of Economic Development, and the Governor's Office of [Management]
1034 Planning and Budget on an ongoing basis to determine what workers and skills are needed for
1035 employment in Utah businesses and industries;

1036 (d) in accordance with Section **53B-16-102**, develop programs based upon the
1037 information described in Subsection (1)(c), including expedited program approval and
1038 termination procedures to meet market needs;

1039 (e) adopt an annual budget and fund balances;

1040 (f) develop policies for the operation of technical education facilities under the
1041 technical college board of trustees' jurisdiction;

1042 (g) establish human resources and compensation policies for all employees in
1043 accordance with policies of the board;

1044 (h) approve credentials for employees and assign employees to duties in accordance
1045 with board policies and accreditation guidelines;

1046 (i) conduct annual program evaluations;

1047 (j) appoint program advisory committees and other advisory groups to provide counsel,
1048 support, and recommendations for updating and improving the effectiveness of training
1049 programs and services;

1050 (k) approve regulations, both regular and emergency, to be issued and executed by the

1051 technical college president;

1052 (l) coordinate with local school boards, school districts, and charter schools to meet the
1053 technical education needs of secondary students;

1054 (m) develop policies and procedures for the admission, classification, instruction, and
1055 examination of students in accordance with the policies and accreditation guidelines of the
1056 board and the State Board of Education; and

1057 (n) (i) approve a strategic plan for the technical college that is aligned with:

1058 (A) state attainment goals;

1059 (B) workforce needs; and

1060 (C) the technical college's role, mission, and distinctiveness; and

1061 (ii) monitor the technical college's progress toward achieving the strategic plan.

1062 (2) A policy described in Subsection (1)(g) does not apply to compensation for a
1063 technical college president.

1064 (3) A technical college board of trustees may not exercise jurisdiction over career and
1065 technical education provided by a school district or charter school or provided by a higher
1066 education institution independently of the technical college.

1067 (4) If a program advisory committee or other advisory group submits a printed
1068 recommendation to a technical college board of trustees, the technical college board of trustees
1069 shall acknowledge the recommendation with a printed response that explains the technical
1070 college board of trustees' action regarding the recommendation and the reasons for the action.

1071 Section 21. Section **53F-2-205** is amended to read:

1072 **53F-2-205. Powers and duties of state board to adjust Minimum School Program**
1073 **allocations -- Use of remaining funds at the end of a fiscal year.**

1074 (1) As used in this section:

1075 (a) "ESEA" means the Elementary and Secondary Education Act of 1965, 20 U.S.C.
1076 Sec. 6301 et seq.

1077 (b) "Program" means a program or allocation funded by a line item appropriation or
1078 other appropriation designated as:

1079 (i) Basic Program;

1080 (ii) Related to Basic Programs;

1081 (iii) Voted and Board Levy Programs; or

1082 (iv) Minimum School Program.

1083 (2) Except as provided in Subsection (3) or (5), if the number of weighted pupil units
1084 in a program is underestimated, the state board shall reduce the value of the weighted pupil unit
1085 in that program so that the total amount paid for the program does not exceed the amount
1086 appropriated for the program.

1087 (3) If the number of weighted pupil units in a program is overestimated, the state board
1088 shall spend excess money appropriated for the following purposes giving priority to the
1089 purpose described in Subsection (3)(a):

1090 (a) to support the value of the weighted pupil unit in a program within the basic
1091 state-supported school program in which the number of weighted pupil units is underestimated;

1092 (b) to support the state guaranteed local levy increments as defined in Section
1093 53F-2-601, if:

1094 (i) local contributions to the voted local levy program or board local levy program are
1095 overestimated; or

1096 (ii) the number of weighted pupil units within school districts qualifying for a
1097 guarantee is underestimated;

1098 (c) to support the state supplement to local property taxes allocated to charter schools,
1099 if the state supplement is less than the amount prescribed by Section 53F-2-704;

1100 (d) to fund the cost of the salary supplements described in Section 53F-2-504; or

1101 (e) to support a school district with a loss in student enrollment as provided in Section
1102 53F-2-207.

1103 (4) If local contributions from the minimum basic tax rate imposed under Section
1104 53F-2-301 or 53F-2-301.5, as applicable, are overestimated, the state board shall reduce the
1105 value of the weighted pupil unit for all programs within the basic state-supported school
1106 program so the total state contribution to the basic state-supported school program does not
1107 exceed the amount of state funds appropriated.

1108 (5) If local contributions from the minimum basic tax rate imposed under Section
1109 53F-2-301 or 53F-2-301.5, as applicable, are underestimated, the state board shall:

1110 (a) spend the excess local contributions for the purposes specified in Subsection (3),
1111 giving priority to supporting the value of the weighted pupil unit in programs within the basic
1112 state-supported school program in which the number of weighted pupil units is underestimated;

1113 and

1114 (b) reduce the state contribution to the basic state-supported school program so the
1115 total cost of the basic state-supported school program does not exceed the total state and local
1116 funds appropriated to the basic state-supported school program plus the local contributions
1117 necessary to support the value of the weighted pupil unit in programs within the basic
1118 state-supported school program in which the number of weighted pupil units is underestimated.

1119 (6) Except as provided in Subsection (3) or (5), the state board shall reduce the state
1120 guarantee per weighted pupil unit provided under the local levy state guarantee program
1121 described in Section [53F-2-601](#), if:

1122 (a) local contributions to the voted local levy program or board local levy program are
1123 overestimated; or

1124 (b) the number of weighted pupil units within school districts qualifying for a
1125 guarantee is underestimated.

1126 (7) Money appropriated to the state board is nonlapsing, including appropriations to the
1127 Minimum School Program and all agencies, line items, and programs under the jurisdiction of
1128 the state board.

1129 (8) The state board shall report actions taken by the state board under this section to the
1130 Office of the Legislative Fiscal Analyst and the Governor's Office of ~~[Management]~~ Planning
1131 and Budget.

1132 Section 22. Section **53F-2-208** is amended to read:

1133 **53F-2-208. Cost of adjustments for growth and inflation.**

1134 (1) In accordance with Subsection (2), the Legislature shall annually determine:

1135 (a) the estimated state cost of adjusting for inflation in the next fiscal year, based on a
1136 rolling five-year average ending in the current fiscal year, ongoing state tax fund appropriations
1137 to the following programs:

1138 (i) education for youth in custody, described in Section [53E-3-503](#);

1139 (ii) the Basic Program, described in Title 53F, Chapter 2, Part 3, Basic Program
1140 (Weighted Pupil Units);

1141 (iii) the Adult Education Program, described in Section [53F-2-401](#);

1142 (iv) state support of pupil transportation, described in Section ~~[53F-4-402]~~ [53F-2-402](#);

1143 (v) the Enhancement for Accelerated Students Program, described in Section

1144 53F-2-408;

1145 (vi) the Concurrent Enrollment Program, described in Section 53F-2-409; and

1146 (vii) the Enhancement for At-Risk Students Program, described in Section 53F-2-410;

1147 and

1148 (b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year,
1149 the current fiscal year's ongoing state tax fund appropriations to the following programs:

1150 (i) a program described in Subsection (1)(a);

1151 (ii) educator salary adjustments, described in Section 53F-2-405;

1152 (iii) the Teacher Salary Supplement Program, described in Section 53F-2-504;

1153 (iv) the Voted and Board Local Levy Guarantee programs, described in Section
1154 53F-2-601; and

1155 (v) charter school local replacement funding, described in Section 53F-2-702.

1156 (2) (a) In or before December each year, the Executive Appropriations Committee shall
1157 determine:

1158 (i) the cost of the inflation adjustment described in Subsection (1)(a); and

1159 (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).

1160 (b) The Executive Appropriations Committee shall make the determinations described
1161 in Subsection (2)(a) based on recommendations developed by the Office of the Legislative
1162 Fiscal Analyst, in consultation with the state board and the Governor's Office of [Management]
1163 Planning and Budget.

1164 Section 23. Section 53F-2-601 is amended to read:

1165 **53F-2-601. State guaranteed local levy increments -- Appropriation to increase**
1166 **number of guaranteed local levy increments -- No effect of change of minimum basic tax**
1167 **rate -- Voted and board local levy funding balance -- Use of guaranteed local levy**
1168 **increment funds.**

1169 (1) As used in this section:

1170 (a) "Board local levy" means a local levy described in Section 53F-8-302.

1171 (b) "Guaranteed local levy increment" means a local levy increment guaranteed by the
1172 state:

1173 (i) for the board local levy, described in Subsections (2)(a)(ii)(A) and (2)(b)(ii)(B); or

1174 (ii) for the voted local levy, described in Subsections (2)(a)(ii)(B) and (2)(b)(ii)(A).

- 1175 (c) "Local levy increment" means .0001 per dollar of taxable value.
- 1176 (d) (i) "Voted and board local levy funding balance" means the difference between:
- 1177 (A) the amount appropriated for the guaranteed local levy increments in a fiscal year;
- 1178 and
- 1179 (B) the amount necessary to fund in the same fiscal year the guaranteed local levy
- 1180 increments as determined under this section.
- 1181 (ii) "Voted and board local levy funding balance" does not include appropriations
- 1182 described in Subsection (2)(b)(i).
- 1183 (e) "Voted local levy" means a local levy described in Section [53F-8-301](#).
- 1184 (2) (a) (i) In addition to the revenue collected from the imposition of a voted local levy
- 1185 or a board local levy, the state shall guarantee that a school district receives, subject to
- 1186 Subsections (2)(b)(ii)(C) and (3)(a), for each guaranteed local levy increment, an amount
- 1187 sufficient to guarantee for a fiscal year that begins on July 1, 2018, \$43.10 per weighted pupil
- 1188 unit.
- 1189 (ii) Except as provided in Subsection (2)(b)(ii), the number of local levy increments
- 1190 that are subject to the guarantee amount described in Subsection (2)(a)(i) are:
- 1191 (A) for a board local levy, the first four local levy increments a local school board
- 1192 imposes under the board local levy; and
- 1193 (B) for a voted local levy, the first 16 local levy increments a local school board
- 1194 imposes under the voted local levy.
- 1195 (b) (i) Subject to future budget constraints and Subsection (2)(c), the Legislature shall
- 1196 annually appropriate money from the Local Levy Growth Account established in Section
- 1197 [53F-9-305](#) for purposes described in Subsection (2)(b)(ii).
- 1198 (ii) The state board shall, for a fiscal year beginning on or after July 1, 2018, and
- 1199 subject to Subsection (2)(c), allocate funds appropriated under Subsection (2)(b)(i) in the
- 1200 following order of priority by increasing:
- 1201 (A) by up to four increments the number of voted local levy guaranteed local levy
- 1202 increments above 16;
- 1203 (B) by up to 16 increments the number of board local levy guaranteed local levy
- 1204 increments above four; and
- 1205 (C) the guaranteed amount described in Subsection (2)(a)(i).

1206 (c) The number of guaranteed local levy increments under this Subsection (2) for a
1207 school district may not exceed 20 guaranteed local levy increments, regardless of whether the
1208 guaranteed local levy increments are from the imposition of a voted local levy, a board local
1209 levy, or a combination of the two.

1210 (3) (a) The guarantee described in Subsection (2)(a)(i) is indexed each year to the value
1211 of the weighted pupil unit by making the value of the guarantee equal to .011962 times the
1212 value of the prior year's weighted pupil unit.

1213 (b) The guarantee shall increase by .0005 times the value of the prior year's weighted
1214 pupil unit for each year subject to the Legislature appropriating funds for an increase in the
1215 guarantee.

1216 (4) (a) The amount of state guarantee money that a school district would otherwise be
1217 entitled to receive under this section may not be reduced for the sole reason that the school
1218 district's board local levy or voted local levy is reduced as a consequence of changes in the
1219 certified tax rate under Section 59-2-924 pursuant to changes in property valuation.

1220 (b) Subsection (4)(a) applies for a period of five years following a change in the
1221 certified tax rate as described in Subsection (4)(a).

1222 (5) The guarantee provided under this section does not apply to the portion of a voted
1223 local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal
1224 year, unless an increase in the voted local levy rate was authorized in an election conducted on
1225 or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.

1226 (6) (a) If a voted and board local levy funding balance exists for the prior fiscal year,
1227 the state board shall:

1228 (i) use the voted and board local levy funding balance to increase the value of the state
1229 guarantee per weighted pupil unit described in Subsection (3)(a) in the current fiscal year; and

1230 (ii) distribute guaranteed local levy increment funds to school districts based on the
1231 increased value of the state guarantee per weighted pupil unit described in Subsection (6)(a)(i).

1232 (b) The state board shall report action taken under Subsection (6)(a) to the Office of the
1233 Legislative Fiscal Analyst and the Governor's Office of ~~Management~~ Planning and Budget.

1234 (7) A local school board of a school district that receives funds described in this section
1235 shall budget and expend the funds for public education purposes.

1236 Section 24. Section **53F-9-201** is amended to read:

- 1237 **53F-9-201. Uniform School Fund -- Contents -- Trust Distribution Account.**
- 1238 (1) As used in this section:
- 1239 (a) "Annual distribution calculation" means, for a given fiscal year, the average of:
- 1240 (i) 4% of the average market value of the State School Fund for that fiscal year; and
- 1241 (ii) the distribution amount for the prior fiscal year, multiplied by the sum of:
- 1242 (A) one;
- 1243 (B) the percent change in student enrollment from the school year two years prior to
- 1244 the prior school year; and
- 1245 (C) the actual total percent change of the consumer price index during the last 12
- 1246 months as measured in June of the prior fiscal year.
- 1247 (b) "Average market value of the State School Fund" means the results of a calculation
- 1248 completed by the SITFO director each fiscal year that averages the value of the State School
- 1249 Fund for the past 12 consecutive quarters ending in the prior fiscal year.
- 1250 (c) "Consumer price index" means the Consumer Price Index for All Urban
- 1251 Consumers: All Items Less Food & Energy, as published by the Bureau of Labor Statistics of
- 1252 the United States Department of Labor.
- 1253 (d) "SITFO director" means the director of the School and Institutional Trust Fund
- 1254 Office appointed under Section [53D-1-401](#).
- 1255 (e) "State School Fund investment earnings distribution amount" or "distribution
- 1256 amount" means, for a fiscal year, the lesser of:
- 1257 (i) the annual distribution calculation; or
- 1258 (ii) 4% of the average market value of the State School Fund.
- 1259 (2) The Uniform School Fund, a special revenue fund within the Education Fund,
- 1260 established by Utah Constitution, Article X, Section 5, consists of:
- 1261 (a) distributions derived from the investment of money in the permanent State School
- 1262 Fund established by Utah Constitution, Article X, Section 5;
- 1263 (b) money transferred to the fund pursuant to Title 67, Chapter 4a, Revised Uniform
- 1264 Unclaimed Property Act; and
- 1265 (c) all other constitutional or legislative allocations to the fund, including:
- 1266 (i) appropriations for the Minimum School Program, enrollment growth, and inflation
- 1267 under Section [53F-9-201.1](#); and

1268 (ii) revenues received by donation.

1269 (3) (a) There is created within the Uniform School Fund a restricted account known as
1270 the Trust Distribution Account.

1271 (b) The Trust Distribution Account consists of:

1272 (i) in accordance with Subsection (4), quarterly deposits of the State School Fund
1273 investment earnings distribution amount from the prior fiscal year;

1274 (ii) all interest earned on the Trust Distribution Account in the prior fiscal year; and

1275 (iii) any unused appropriation for the administration of the School LAND Trust
1276 Program, as described in Subsection 53F-2-404(1)(c).

1277 (4) If, at the end of a fiscal year, the Trust Distribution Account has a balance
1278 remaining after subtracting the appropriation amount described in Subsection 53F-2-404(1)(a)
1279 for the next fiscal year, the SITFO director shall, during the next fiscal year, apply the amount
1280 of the remaining balance from the prior fiscal year toward the current fiscal year's distribution
1281 amount by reducing a quarterly deposit to the Trust Distribution Account by the amount of the
1282 remaining balance from the prior fiscal year.

1283 (5) On or before October 1 of each year, the SITFO director shall:

1284 (a) in accordance with this section, determine the distribution amount for the following
1285 fiscal year; and

1286 (b) report the amount described in Subsection (5)(a) as the funding amount, described
1287 in Subsection 53F-2-404(1)(c), for the School LAND Trust Program, to:

1288 (i) the State Treasurer;

1289 (ii) the Legislative Fiscal Analyst;

1290 (iii) the Division of Finance;

1291 (iv) the director of the Land Trusts Protection and Advocacy Office, appointed under
1292 Section 53D-2-203;

1293 (v) the School and Institutional Trust Lands Administration created in Section
1294 53C-1-201;

1295 (vi) the state board; and

1296 (vii) the Governor's Office of [~~Management~~] Planning and Budget.

1297 (6) The School and Institutional Trust Fund Board of Trustees created in Section
1298 53D-1-301 shall:

1299 (a) annually review the distribution amount; and
1300 (b) make recommendations, if necessary, to the Legislature for changes to the formula
1301 for calculating the distribution amount.

1302 (7) Upon appropriation by the Legislature, the SITFO director shall place in the Trust
1303 Distribution Account funds for the School LAND Trust Program as described in Subsections
1304 [53F-2-404](#)(1)(a) and (c).

1305 Section 25. Section **54-3-28** is amended to read:

1306 **54-3-28. Notice required of certain public utilities before preparing or amending**
1307 **a long-range plan or acquiring certain property.**

1308 (1) As used in this section:

1309 (a) (i) "Affected entity" means each county, municipality, local district under Title 17B,
1310 Limited Purpose Local Government Entities - Local Districts, special service district, school
1311 district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal
1312 Cooperation Act, and specified public utility:

1313 (A) whose services or facilities are likely to require expansion or significant
1314 modification because of expected uses of land under a proposed long-range plan or under
1315 proposed amendments to a long-range plan; or

1316 (B) that has filed with the specified public utility a copy of the general or long-range
1317 plan of the county, municipality, local district, special service district, school district, interlocal
1318 cooperation entity, or specified public utility.

1319 (ii) "Affected entity" does not include the specified public utility that is required under
1320 Subsection (2) to provide notice.

1321 (b) "Specified public utility" means an electrical corporation, gas corporation, or
1322 telephone corporation, as those terms are defined in Section [54-2-1](#).

1323 (2) (a) If a specified public utility prepares a long-range plan regarding its facilities
1324 proposed for the future in a county of the first or second class or amends an already existing
1325 long-range plan, the specified public utility shall, before preparing a long-range plan or
1326 amendments to an existing long-range plan, provide written notice, as provided in this section,
1327 of its intent to prepare a long-range plan or to amend an existing long-range plan.

1328 (b) Each notice under Subsection (2) shall:

1329 (i) indicate that the specified public utility intends to prepare a long-range plan or to

1330 amend a long-range plan, as the case may be;

1331 (ii) describe or provide a map of the geographic area that will be affected by the

1332 long-range plan or amendments to a long-range plan;

1333 (iii) be sent to:

1334 (A) each county in whose unincorporated area and each municipality in whose

1335 boundaries is located the land on which the proposed long-range plan or amendments to a

1336 long-range plan are expected to indicate that the proposed facilities will be located;

1337 (B) each affected entity;

1338 (C) the Automated Geographic Reference Center created in Section [63F-1-506](#);

1339 (D) each association of governments, established pursuant to an interlocal agreement

1340 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality

1341 described in Subsection (2)(b)(iii)(A) is a member; and

1342 (E) the state planning coordinator appointed under Section [~~63J-4-202~~] [63J-4-401](#);

1343 (iv) with respect to the notice to counties and municipalities described in Subsection

1344 (2)(b)(iii)(A) and affected entities, invite them to provide information for the specified public

1345 utility to consider in the process of preparing, adopting, and implementing the long-range plan

1346 or amendments to a long-range plan concerning:

1347 (A) impacts that the use of land proposed in the proposed long-range plan or

1348 amendments to a long-range plan may have on the county, municipality, or affected entity; and

1349 (B) uses of land that the county, municipality, or affected entity is planning or

1350 considering that may conflict with the proposed long-range plan or amendments to a long-range

1351 plan; and

1352 (v) include the address of an Internet website, if the specified public utility has one, and

1353 the name and telephone number of a person where more information can be obtained

1354 concerning the specified public utility's proposed long-range plan or amendments to a

1355 long-range plan.

1356 (3) (a) Except as provided in Subsection (3)(d), each specified public utility intending

1357 to acquire real property in a county of the first or second class for the purpose of expanding its

1358 infrastructure or other facilities used for providing the services that the specified public utility

1359 is authorized to provide shall provide written notice, as provided in this Subsection (3), of its

1360 intent to acquire the property if the intended use of the property is contrary to:

1361 (i) the anticipated use of the property under the county or municipality's general plan;

1362 or

1363 (ii) the property's current zoning designation.

1364 (b) Each notice under Subsection (3)(a) shall:

1365 (i) indicate that the specified public utility intends to acquire real property;

1366 (ii) identify the real property; and

1367 (iii) be sent to:

1368 (A) each county in whose unincorporated area and each municipality in whose

1369 boundaries the property is located; and

1370 (B) each affected entity.

1371 (c) A notice under this Subsection (3) is a protected record as provided in Subsection

1372 [63G-2-305](#)(8).

1373 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the specified

1374 public utility previously provided notice under Subsection (2) identifying the general location

1375 within the municipality or unincorporated part of the county where the property to be acquired

1376 is located.

1377 (ii) If a specified public utility is not required to comply with the notice requirement of

1378 Subsection (3)(a) because of application of Subsection (3)(d)(i), the specified public utility

1379 shall provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition

1380 of the real property.

1381 Section 26. Section **59-1-403** is amended to read:

1382 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

1383 (1) (a) Any of the following may not divulge or make known in any manner any

1384 information gained by that person from any return filed with the commission:

1385 (i) a tax commissioner;

1386 (ii) an agent, clerk, or other officer or employee of the commission; or

1387 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or

1388 town.

1389 (b) An official charged with the custody of a return filed with the commission is not

1390 required to produce the return or evidence of anything contained in the return in any action or

1391 proceeding in any court, except:

1392 (i) in accordance with judicial order;
1393 (ii) on behalf of the commission in any action or proceeding under:
1394 (A) this title; or
1395 (B) other law under which persons are required to file returns with the commission;
1396 (iii) on behalf of the commission in any action or proceeding to which the commission
1397 is a party; or
1398 (iv) on behalf of any party to any action or proceeding under this title if the report or
1399 facts shown by the return are directly involved in the action or proceeding.
1400 (c) Notwithstanding Subsection (1)(b), a court may require the production of, and may
1401 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically
1402 pertinent to the action or proceeding.
1403 (2) This section does not prohibit:
1404 (a) a person or that person's duly authorized representative from receiving a copy of
1405 any return or report filed in connection with that person's own tax;
1406 (b) the publication of statistics as long as the statistics are classified to prevent the
1407 identification of particular reports or returns; and
1408 (c) the inspection by the attorney general or other legal representative of the state of the
1409 report or return of any taxpayer:
1410 (i) who brings action to set aside or review a tax based on the report or return;
1411 (ii) against whom an action or proceeding is contemplated or has been instituted under
1412 this title; or
1413 (iii) against whom the state has an unsatisfied money judgment.
1414 (3) (a) Notwithstanding Subsection (1) and for purposes of administration, the
1415 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
1416 Rulemaking Act, provide for a reciprocal exchange of information with:
1417 (i) the United States Internal Revenue Service; or
1418 (ii) the revenue service of any other state.
1419 (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and
1420 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,
1421 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and
1422 other written statements with the federal government, any other state, any of the political

1423 subdivisions of another state, or any political subdivision of this state, except as limited by
1424 Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal
1425 government grant substantially similar privileges to this state.

1426 (c) Notwithstanding Subsection (1) and for all taxes except individual income tax and
1427 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,
1428 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the
1429 identity and other information of taxpayers who have failed to file tax returns or to pay any tax
1430 due.

1431 (d) Notwithstanding Subsection (1), the commission shall provide to the director of the
1432 Division of Environmental Response and Remediation, as defined in Section 19-6-402, as
1433 requested by the director of the Division of Environmental Response and Remediation, any
1434 records, returns, or other information filed with the commission under Chapter 13, Motor and
1435 Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program
1436 participation fee.

1437 (e) Notwithstanding Subsection (1), at the request of any person the commission shall
1438 provide that person sales and purchase volume data reported to the commission on a report,
1439 return, or other information filed with the commission under:

1440 (i) Chapter 13, Part 2, Motor Fuel; or

1441 (ii) Chapter 13, Part 4, Aviation Fuel.

1442 (f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer,
1443 as defined in Section 59-22-202, the commission shall report to the manufacturer:

1444 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
1445 manufacturer and reported to the commission for the previous calendar year under Section
1446 59-14-407; and

1447 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
1448 manufacturer for which a tax refund was granted during the previous calendar year under
1449 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

1450 (g) Notwithstanding Subsection (1), the commission shall notify manufacturers,
1451 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited
1452 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

1453 (h) Notwithstanding Subsection (1), the commission may:

1454 (i) provide to the Division of Consumer Protection within the Department of
1455 Commerce and the attorney general data:
1456 (A) reported to the commission under Section 59-14-212; or
1457 (B) related to a violation under Section 59-14-211; and
1458 (ii) upon request, provide to any person data reported to the commission under
1459 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).
1460 (i) Notwithstanding Subsection (1), the commission shall, at the request of a committee
1461 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of
1462 [~~Management~~] Planning and Budget, provide to the committee or office the total amount of
1463 revenues collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act,
1464 for the time period specified by the committee or office.
1465 (j) Notwithstanding Subsection (1), the commission shall make the directory required
1466 by Section 59-14-603 available for public inspection.
1467 (k) Notwithstanding Subsection (1), the commission may share information with
1468 federal, state, or local agencies as provided in Subsection 59-14-606(3).
1469 (l) (i) Notwithstanding Subsection (1), the commission shall provide the Office of
1470 Recovery Services within the Department of Human Services any relevant information
1471 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer
1472 who has become obligated to the Office of Recovery Services.
1473 (ii) The information described in Subsection (3)(l)(i) may be provided by the Office of
1474 Recovery Services to any other state's child support collection agency involved in enforcing
1475 that support obligation.
1476 (m) (i) Notwithstanding Subsection (1), upon request from the state court
1477 administrator, the commission shall provide to the state court administrator, the name, address,
1478 telephone number, county of residence, and social security number on resident returns filed
1479 under Chapter 10, Individual Income Tax Act.
1480 (ii) The state court administrator may use the information described in Subsection
1481 (3)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.
1482 (n) (i) As used in this Subsection (3)(n):
1483 (A) "GOED" means the Governor's Office of Economic Development created in
1484 Section 63N-1-201.

1485 (B) "Income tax information" means information gained by the commission that is
1486 required to be attached to or included in a return filed with the commission under Chapter 7,
1487 Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

1488 (C) "Other tax information" means information gained by the commission that is
1489 required to be attached to or included in a return filed with the commission except for a return
1490 filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual
1491 Income Tax Act.

1492 (D) "Tax information" means income tax information or other tax information.

1493 (ii) (A) Notwithstanding Subsection (1) and except as provided in Subsection
1494 (3)(n)(ii)(B) or (C), the commission shall at the request of GOED provide to GOED all income
1495 tax information.

1496 (B) For purposes of a request for income tax information made under Subsection
1497 (3)(n)(ii)(A), GOED may not request and the commission may not provide to GOED a person's
1498 address, name, social security number, or taxpayer identification number.

1499 (C) In providing income tax information to GOED, the commission shall in all
1500 instances protect the privacy of a person as required by Subsection (3)(n)(ii)(B).

1501 (iii) (A) Notwithstanding Subsection (1) and except as provided in Subsection
1502 (3)(n)(iii)(B), the commission shall at the request of GOED provide to GOED other tax
1503 information.

1504 (B) Before providing other tax information to GOED, the commission shall redact or
1505 remove any name, address, social security number, or taxpayer identification number.

1506 (iv) GOED may provide tax information received from the commission in accordance
1507 with this Subsection (3)(n) only:

1508 (A) as a fiscal estimate, fiscal note information, or statistical information; and

1509 (B) if the tax information is classified to prevent the identification of a particular
1510 return.

1511 (v) (A) A person may not request tax information from GOED under Title 63G,
1512 Chapter 2, Government Records Access and Management Act, or this section, if GOED
1513 received the tax information from the commission in accordance with this Subsection (3)(n).

1514 (B) GOED may not provide to a person that requests tax information in accordance
1515 with Subsection (3)(n)(v)(A) any tax information other than the tax information GOED

1516 provides in accordance with Subsection (3)(n)(iv).

1517 (o) Notwithstanding Subsection (1), the commission may provide to the governing
1518 board of the agreement or a taxing official of another state, the District of Columbia, the United
1519 States, or a territory of the United States:

1520 (i) the following relating to an agreement sales and use tax:

1521 (A) information contained in a return filed with the commission;

1522 (B) information contained in a report filed with the commission;

1523 (C) a schedule related to Subsection (3)(o)(i)(A) or (B); or

1524 (D) a document filed with the commission; or

1525 (ii) a report of an audit or investigation made with respect to an agreement sales and
1526 use tax.

1527 (p) Notwithstanding Subsection (1), the commission may provide information
1528 concerning a taxpayer's state income tax return or state income tax withholding information to
1529 the Driver License Division if the Driver License Division:

1530 (i) requests the information; and

1531 (ii) provides the commission with a signed release form from the taxpayer allowing the
1532 Driver License Division access to the information.

1533 (q) Notwithstanding Subsection (1), the commission shall provide to the Utah
1534 Communications Authority, or a division of the Utah Communications Authority, the
1535 information requested by the authority under Sections [63H-7a-302](#), [63H-7a-402](#), and
1536 [63H-7a-502](#).

1537 (r) Notwithstanding Subsection (1), the commission shall provide to the Utah
1538 Educational Savings Plan information related to a resident or nonresident individual's
1539 contribution to a Utah Educational Savings Plan account as designated on the resident or
1540 nonresident's individual income tax return as provided under Section [59-10-1313](#).

1541 (s) Notwithstanding Subsection (1), for the purpose of verifying eligibility under
1542 Sections [26-18-2.5](#) and [26-40-105](#), the commission shall provide an eligibility worker with the
1543 Department of Health or its designee with the adjusted gross income of an individual if:

1544 (i) an eligibility worker with the Department of Health or its designee requests the
1545 information from the commission; and

1546 (ii) the eligibility worker has complied with the identity verification and consent

1547 provisions of Sections 26-18-2.5 and 26-40-105.

1548 (t) Notwithstanding Subsection (1), the commission may provide to a county, as
1549 determined by the commission, information declared on an individual income tax return in
1550 accordance with Section 59-10-103.1 that relates to eligibility to claim a residential exemption
1551 authorized under Section 59-2-103.

1552 (u) Notwithstanding Subsection (1), the commission shall provide a report regarding
1553 any access line provider that is over 90 days delinquent in payment to the commission of
1554 amounts the access line provider owes under Title 69, Chapter 2, Part 4, Prepaid Wireless
1555 Telecommunications Service Charges, to the board of the Utah Communications Authority
1556 created in Section 63H-7a-201.

1557 (v) Notwithstanding Subsection (1), the commission shall provide the Department of
1558 Environmental Quality a report on the amount of tax paid by a radioactive waste facility for the
1559 previous calendar year under Section 59-24-103.5.

1560 (w) Notwithstanding Subsection (1), the commission may, upon request, provide to the
1561 Department of Workforce Services any information received under Chapter 10, Part 4,
1562 Withholding of Tax, that is relevant to the duties of the Department of Workforce Services.

1563 (x) Notwithstanding Subsection (1), the commission may provide the Public Service
1564 Commission or the Division of Public Utilities information related to a seller that collects and
1565 remits to the commission a charge described in Subsection 69-2-405(2), including the seller's
1566 identity and the number of charges described in Subsection 69-2-405(2) that the seller collects.

1567 (4) (a) Each report and return shall be preserved for at least three years.

1568 (b) After the three-year period provided in Subsection (4)(a) the commission may
1569 destroy a report or return.

1570 (5) (a) Any individual who violates this section is guilty of a class A misdemeanor.

1571 (b) If the individual described in Subsection (5)(a) is an officer or employee of the
1572 state, the individual shall be dismissed from office and be disqualified from holding public
1573 office in this state for a period of five years thereafter.

1574 (c) Notwithstanding Subsection (5)(a) or (b), GOED, when requesting information in
1575 accordance with Subsection (3)(n)(iii), or an individual who requests information in
1576 accordance with Subsection (3)(n)(v):

1577 (i) is not guilty of a class A misdemeanor; and

1578 (ii) is not subject to:
1579 (A) dismissal from office in accordance with Subsection (5)(b); or
1580 (B) disqualification from holding public office in accordance with Subsection (5)(b).
1581 (6) Except as provided in Section 59-1-404, this part does not apply to the property tax.
1582 Section 27. Section 59-1-403.1 is amended to read:
1583 **59-1-403.1. Disclosure of return information.**
1584 (1) As used in this section:
1585 (a) "Office" means:
1586 (i) the Office of the Legislative Fiscal Analyst, established in Section 36-12-13;
1587 (ii) the Office of Legislative Research and General Counsel, established in Section
1588 36-12-12; or
1589 (iii) the Governor's Office of [~~Management~~] Planning and Budget, created in Section
1590 63J-4-201.
1591 (b) (i) "Return information" means information gained by the commission that is
1592 required to be attached to or included in a return filed with the commission.
1593 (ii) "Return information" does not include information that the commission is
1594 prohibited from disclosing by federal law, federal regulation, or federal publication.
1595 (2) (a) Notwithstanding Subsection 59-1-403(1), the commission, at the request of an
1596 office, shall provide to the office all return information with the items described in Subsection
1597 (2)(b) removed.
1598 (b) For purposes of a request for return information made under Subsection (2)(a), the
1599 commission shall redact or remove any name, address, social security number, or taxpayer
1600 identification number.
1601 (3) (a) An office may disclose return information received from the commission in
1602 accordance with this section only:
1603 (i) (A) as a fiscal estimate, fiscal note information, or statistical information; and
1604 (B) in a manner that reasonably protects the identification of a particular taxpayer; or
1605 (ii) to another office.
1606 (b) A person may not request return information, other than the return information that
1607 the office discloses in accordance with Subsection (3)(a), from an office under Title 63G,
1608 Chapter 2, Government Records Access and Management Act, or this section, if that office

1609 received the return information from the commission in accordance with this section.

1610 (c) An office may not disclose to a person that requests return information any return
1611 information other than the return information that the office discloses in accordance with
1612 Subsection (3)(a).

1613 (4) Any individual who violates Subsection (3)(a):

1614 (a) is guilty of a class A misdemeanor; and

1615 (b) shall be:

1616 (i) dismissed from office; and

1617 (ii) disqualified from holding public office in this state for a period of five years after
1618 dismissal.

1619 (5) (a) An office and the commission may enter into an agreement specifying the
1620 procedures for accessing, storing, and destroying return information requested in accordance
1621 with this section.

1622 (b) An office's access to return information is governed by this section, and except as
1623 provided in Subsection (5)(a), may not be limited by any agreement.

1624 Section 28. Section **59-15-109** is amended to read:

1625 **59-15-109. Tax money to be paid to state treasurer.**

1626 (1) Except as provided in Subsection (2), taxes collected under this chapter shall be
1627 paid by the commission to the state treasurer daily for deposit as follows:

1628 (a) the greater of the following shall be deposited into the Alcoholic Beverage

1629 Enforcement and Treatment Restricted Account created in Section [32B-2-403](#):

1630 (i) an amount calculated by:

1631 (A) determining an amount equal to 40% of the revenue collected for the fiscal year
1632 two years preceding the fiscal year for which the deposit is made; and

1633 (B) subtracting \$30,000 from the amount determined under Subsection (1)(a)(i)(A); or

1634 (ii) \$4,350,000; and

1635 (b) the revenue collected in excess of the amount deposited in accordance with
1636 Subsection (1)(a) shall be deposited into the General Fund.

1637 (2) For a fiscal year beginning on or after July 1, 2020, the state treasurer shall annually
1638 deposit into the Alcoholic Beverage Enforcement and Treatment Restricted Account created in
1639 Section [32B-2-403](#) an amount equal to the amount of revenue generated in the current fiscal

1640 year by the portion of the tax imposed under Section 59-15-101 that exceeds:

1641 (a) \$12.80 per 31-gallon barrel for beer imported or manufactured:

1642 (i) on or after July 1, 2003; and

1643 (ii) for sale, use, or distribution in this state; and

1644 (b) a proportionate rate to the rate described in Subsection (2)(a) for:

1645 (i) any quantity of beer other than a 31-gallon barrel; or

1646 (ii) the fractional parts of a 31-gallon barrel.

1647 (3) (a) The commission shall notify the entities described in Subsection (3)(b) not later

1648 than the September 1 preceding the fiscal year of the deposit of:

1649 (i) the amount of the proceeds of the beer excise tax collected in accordance with this

1650 section for the fiscal year two years preceding the fiscal year of deposit; and

1651 (ii) an amount equal to 40% of the amount listed in Subsection (3)(a)(i).

1652 (b) The notification required by Subsection (3)(a) shall be sent to:

1653 (i) the Governor's Office of ~~Management~~ Planning and Budget; and

1654 (ii) the Legislative Fiscal Analyst.

1655 Section 29. Section **62A-15-612** is amended to read:

1656 **62A-15-612. Allocation of pediatric state hospital beds -- Formula.**

1657 (1) As used in this section:

1658 (a) "Mental health catchment area" means a county or group of counties governed by a
1659 local mental health authority.

1660 (b) "Pediatric beds" means the total number of patient beds located in the children's
1661 unit and the youth units at the state hospital, as determined by the superintendent of the state
1662 hospital.

1663 (2) On July 1, 1996, 72 pediatric beds shall be allocated to local mental health
1664 authorities under this section. The division shall review and adjust the number of pediatric beds
1665 as necessary every three years according to the state's population of persons under 18 years of
1666 age. All population figures utilized shall reflect the most recent available population estimates
1667 from the Governor's Office of ~~Management~~ Planning and Budget.

1668 (3) The allocation of beds shall be based on the percentage of the state's population of
1669 persons under the age of 18 located within a mental health catchment area. Each community
1670 mental health center shall be allocated at least one bed.

1671 (4) A local mental health authority may sell or loan its allocation of beds to another
1672 local mental health authority.

1673 (5) The division shall allocate 72 pediatric beds at the state hospital to local mental
1674 health authorities for their use in accordance with the formula established under this section. If
1675 a local mental health authority is unable to access a bed allocated to it under that formula, the
1676 division shall provide that local mental health authority with funding equal to the reasonable,
1677 average daily cost of an acute care bed purchased by the local mental health authority.

1678 Section 30. Section **63A-1-114** is amended to read:

1679 **63A-1-114. Rate committee -- Membership -- Duties.**

1680 (1) (a) There is created a rate committee consisting of the executive directors,
1681 commissioners, or superintendents of seven state agencies, which may include the State Board
1682 of Education, that use services and pay rates to one of the department internal service funds, or
1683 their designee, that the governor appoints for a two-year term.

1684 (b) (i) Of the seven state agencies represented on the rate committee under Subsection
1685 (1)(a), only one of the following may be represented on the committee, if at all, at any one
1686 time:

1687 (A) the Governor's Office of [~~Management~~] Planning and Budget; or

1688 (B) the Department of Technology Services.

1689 (ii) The department may not have a representative on the rate committee.

1690 (c) (i) The committee shall elect a chair from its members.

1691 (ii) Members of the committee who are state government employees and who do not
1692 receive salary, per diem, or expenses from their agency for their service on the committee shall
1693 receive no compensation, benefits, per diem, or expenses for the members' service on the
1694 committee.

1695 (d) The Department of Administrative Services shall provide staff services to the
1696 committee.

1697 (2) (a) A division described in Section **63A-1-109** that manages an internal service
1698 fund shall submit to the committee a proposed rate and fee schedule for services rendered by
1699 the division to an executive branch entity or an entity that subscribes to services rendered by
1700 the division.

1701 (b) The committee shall:

1702 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings

1703 Act;

1704 (ii) meet at least once each calendar year to:

1705 (A) discuss the service performance of each internal service fund;

1706 (B) review the proposed rate and fee schedules;

1707 (C) at the rate committee's discretion, approve, increase, or decrease the rate and fee
1708 schedules described in Subsection (2)(b)(ii)(B); and

1709 (D) discuss any prior or potential adjustments to the service level received by state
1710 agencies that pay rates to an internal service fund;

1711 (iii) recommend a proposed rate and fee schedule for each internal service fund to:

1712 (A) the Governor's Office of [~~Management~~] Planning and Budget; and

1713 (B) each legislative appropriations subcommittee that, in accordance with Section
1714 63J-1-410, approves the internal service fund agency's rates, fees, and budget; and

1715 (iv) review and approve, increase or decrease an interim rate, fee, or amount when an
1716 internal service fund agency begins a new service or introduces a new product between annual
1717 general sessions of the Legislature.

1718 (c) The committee may in accordance with Subsection 63J-1-410(4), decrease a rate,
1719 fee, or amount that has been approved by the Legislature.

1720 Section 31. Section 63A-1-203 is amended to read:

1721 **63A-1-203. Utah Transparency Advisory Board -- Creation -- Membership --**
1722 **Duties.**

1723 (1) There is created within the department the Utah Transparency Advisory Board
1724 comprised of members knowledgeable about public finance or providing public access to
1725 public information.

1726 (2) The board consists of:

1727 (a) the state auditor or the state auditor's designee;

1728 (b) an individual appointed by the executive director of the department;

1729 (c) an individual appointed by the executive director of the Governor's Office of
1730 [~~Management~~] Planning and Budget;

1731 (d) an individual appointed by the governor on advice from the Legislative Fiscal
1732 Analyst;

1733 (e) one member of the Senate, appointed by the governor on advice from the president
1734 of the Senate;

1735 (f) one member of the House of Representatives, appointed by the governor on advice
1736 from the speaker of the House of Representatives;

1737 (g) an individual appointed by the director of the Department of Technology Services;

1738 (h) the director of the Division of Archives and Records Service created in Section
1739 63A-12-101 or the director's designee;

1740 (i) an individual who is a member of the State Records Committee created in Section
1741 63G-2-501, appointed by the governor;

1742 (j) an individual representing counties, appointed by the governor;

1743 (k) an individual representing municipalities, appointed by the governor;

1744 (l) an individual representing special districts, appointed by the governor;

1745 (m) an individual representing the State Board of Education, appointed by the State
1746 Board of Education; and

1747 (n) one individual who is a member of the public and who has knowledge, expertise, or
1748 experience in matters relating to the board's duties under Subsection (10), appointed by the
1749 board members identified in Subsections (2)(a) through (m).

1750 (3) The board shall:

1751 (a) advise the state auditor and the department on matters related to the implementation
1752 and administration of this part;

1753 (b) develop plans, make recommendations, and assist in implementing the provisions
1754 of this part;

1755 (c) determine what public financial information shall be provided by a participating
1756 state entity, independent entity, and participating local entity, if the public financial
1757 information:

1758 (i) only includes records that:

1759 (A) are classified as public under Title 63G, Chapter 2, Government Records Access
1760 and Management Act, or, subject to any specific limitations and requirements regarding the
1761 provision of financial information from the entity described in Section 63A-1-202, if an entity
1762 is exempt from Title 63G, Chapter 2, Government Records Access and Management Act,
1763 records that would normally be classified as public if the entity were not exempt from Title

1764 63G, Chapter 2, Government Records Access and Management Act;

1765 (B) are an accounting of money, funds, accounts, bonds, loans, expenditures, or
1766 revenues, regardless of the source; and

1767 (C) are owned, held, or administered by the participating state entity, independent
1768 entity, or participating local entity that is required to provide the record; and

1769 (ii) is of the type or nature that should be accessible to the public via a website based
1770 on considerations of:

1771 (A) the cost effectiveness of providing the information;

1772 (B) the value of providing the information to the public; and

1773 (C) privacy and security considerations;

1774 (d) evaluate the cost effectiveness of implementing specific information resources and
1775 features on the website;

1776 (e) require participating local entities to provide public financial information in
1777 accordance with the requirements of this part, with a specified content, reporting frequency,
1778 and form;

1779 (f) require an independent entity's website or a participating local entity's website to be
1780 accessible by link or other direct route from the Utah Public Finance Website if the
1781 independent entity or participating local entity does not use the Utah Public Finance Website;

1782 (g) determine the search methods and the search criteria that shall be made available to
1783 the public as part of a website used by an independent entity or a participating local entity
1784 under the requirements of this part, which criteria may include:

1785 (i) fiscal year;

1786 (ii) expenditure type;

1787 (iii) name of the agency;

1788 (iv) payee;

1789 (v) date; and

1790 (vi) amount; and

1791 (h) analyze ways to improve the information on the Utah Public Finance Website so
1792 the information is more relevant to citizens, including through the use of:

1793 (i) infographics that provide more context to the data; and

1794 (ii) geolocation services, if possible.

- 1795 (4) Every two years, the board shall elect a chair and a vice chair from its members.
- 1796 (5) (a) Each member shall serve a four-year term.
- 1797 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
- 1798 appointed for a four-year term.
- 1799 (6) To accomplish its duties, the board shall meet as it determines necessary.
- 1800 (7) Reasonable notice shall be given to each member of the board before any meeting.
- 1801 (8) A majority of the board constitutes a quorum for the transaction of business.
- 1802 (9) (a) A member who is not a legislator may not receive compensation or benefits for
- 1803 the member's service, but may receive per diem and travel expenses as allowed in:
- 1804 (i) Section [63A-3-106](#);
- 1805 (ii) Section [63A-3-107](#); and
- 1806 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and
- 1807 [63A-3-107](#).
- 1808 (b) Compensation and expenses of a member who is a legislator are governed by
- 1809 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- 1810 (10) (a) As used in Subsections (10) and (11):
- 1811 (i) "Information website" means a single Internet website containing public information
- 1812 or links to public information.
- 1813 (ii) "Public information" means records of state government, local government, or an
- 1814 independent entity that are classified as public under Title 63G, Chapter 2, Government
- 1815 Records Access and Management Act, or, subject to any specific limitations and requirements
- 1816 regarding the provision of financial information from the entity described in Section
- 1817 [63A-1-202](#), if an entity is exempt from Title 63G, Chapter 2, Government Records Access and
- 1818 Management Act, records that would normally be classified as public if the entity were not
- 1819 exempt from Title 63G, Chapter 2, Government Records Access and Management Act.
- 1820 (b) The board shall:
- 1821 (i) study the establishment of an information website and develop recommendations for
- 1822 its establishment;
- 1823 (ii) develop recommendations about how to make public information more readily
- 1824 available to the public through the information website;
- 1825 (iii) develop standards to make uniform the format and accessibility of public

1826 information posted to the information website; and

1827 (iv) identify and prioritize public information in the possession of a state agency or
1828 political subdivision that may be appropriate for publication on the information website.

1829 (c) In fulfilling its duties under Subsection (10)(b), the board shall be guided by
1830 principles that encourage:

1831 (i) (A) the establishment of a standardized format of public information that makes the
1832 information more easily accessible by the public;

1833 (B) the removal of restrictions on the reuse of public information;

1834 (C) minimizing limitations on the disclosure of public information while appropriately
1835 safeguarding sensitive information; and

1836 (D) balancing factors in favor of excluding public information from an information
1837 website against the public interest in having the information accessible on an information
1838 website;

1839 (ii) (A) permanent, lasting, open access to public information; and

1840 (B) the publication of bulk public information;

1841 (iii) the implementation of well-designed public information systems that ensure data
1842 quality, create a public, comprehensive list or index of public information, and define a process
1843 for continuous publication of and updates to public information;

1844 (iv) the identification of public information not currently made available online and the
1845 implementation of a process, including a timeline and benchmarks, for making that public
1846 information available online; and

1847 (v) accountability on the part of those who create, maintain, manage, or store public
1848 information or post it to an information website.

1849 (d) The department shall implement the board's recommendations, including the
1850 establishment of an information website, to the extent that implementation:

1851 (i) is approved by the Legislative Management Committee;

1852 (ii) does not require further legislative appropriation; and

1853 (iii) is within the department's existing statutory authority.

1854 (11) The department shall, in consultation with the board and as funding allows,
1855 modify the information website described in Subsection (10) to:

1856 (a) by January 1, 2015, serve as a point of access for Government Records Access and

1857 Management Act requests for executive agencies;

1858 (b) by January 1, 2016, serve as a point of access for Government Records Access and

1859 Management Act requests for:

1860 (i) school districts;

1861 (ii) charter schools;

1862 (iii) public transit districts created under Title 17B, Chapter 2a, Part 8, Public Transit

1863 District Act;

1864 (iv) counties; and

1865 (v) municipalities;

1866 (c) by January 1, 2017, serve as a point of access for Government Records Access and

1867 Management Act requests for:

1868 (i) local districts under Title 17B, Limited Purpose Local Government Entities - Local

1869 Districts; and

1870 (ii) special service districts under Title 17D, Chapter 1, Special Service District Act;

1871 (d) except as provided in Subsection (12)(a), provide link capabilities to other existing

1872 repositories of public information, including maps, photograph collections, legislatively

1873 required reports, election data, statute, rules, regulations, and local ordinances that exist on

1874 other agency and political subdivision websites;

1875 (e) provide multiple download options in different formats, including nonproprietary,

1876 open formats where possible;

1877 (f) provide any other public information that the board, under Subsection (10),

1878 identifies as appropriate for publication on the information website; and

1879 (g) incorporate technical elements the board identifies as useful to a citizen using the

1880 information website.

1881 (12) (a) The department, in consultation with the board, shall establish by rule any

1882 restrictions on the inclusion of maps and photographs, as described in Subsection (11)(d), on

1883 the website described in Subsection (10) if the inclusion would pose a potential security

1884 concern.

1885 (b) The website described in Subsection (10) may not publish any record that is

1886 classified as private, protected, or controlled under Title 63G, Chapter 2, Government Records

1887 Access and Management Act.

1888 Section 32. Section **63A-5b-201** is amended to read:

1889 **63A-5b-201. Creation of state building board -- Composition -- Appointment --**
1890 **Per diem and expenses -- Board officers.**

1891 (1) There is created within the department the state building board.

1892 (2) (a) The board is composed of eight members, seven of whom are voting members
1893 appointed by the governor.

1894 (b) The executive director of the Governor's Office of ~~Management~~ Planning and
1895 Budget, or the executive director's designee, is a nonvoting member of the board.

1896 (3) The term of a voting board member is four years, except that the governor shall, at
1897 the time of a member's appointment or reappointment, adjust the length of the member's term,
1898 as necessary, to ensure that approximately half of the board is appointed every two years.

1899 (4) When a vacancy occurs in the membership of the voting members of the board for
1900 any reason, the governor shall appoint a replacement for the unexpired term of the member
1901 who created the vacancy.

1902 (5) (a) A voting board member shall hold office until a successor is appointed and
1903 qualified.

1904 (b) A voting board member may not serve more than two consecutive terms.

1905 (6) The governor shall designate one board member as the board chair.

1906 (7) A member of the board may not receive compensation or benefits for the member's
1907 service on the board, but may receive per diem and travel expenses in accordance with:

1908 (a) Sections [63A-3-106](#) and [63A-3-107](#); and

1909 (b) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
1910 [63A-3-107](#).

1911 (8) A member of the board is not required to post a bond for the performance of the
1912 member's official duties.

1913 (9) The executive director or the executive director's designee shall serve as secretary
1914 to the board and shall:

1915 (a) manage scheduling for the board and the board's calendar;

1916 (b) establish and manage the agenda for meetings of the board;

1917 (c) keep the minutes of board meetings;

1918 (d) assist the board in the board's obligation to comply with Title 52, Chapter 4, Open

1919 and Public Meetings Act;

1920 (e) (i) assist the board in the board's obligation to comply with Title 63G, Chapter 2,
1921 Government Records Access and Management Act; and

1922 (ii) act as the board's records officer, as defined in Section 63G-2-103; and

1923 (f) assist the board in the board's obligation to comply with Title 63G, Chapter 3, Utah
1924 Administrative Rulemaking Act.

1925 Section 33. Section 63A-5b-702 is amended to read:

1926 **63A-5b-702. Standards and requirements for state facilities -- Life-cycle cost**
1927 **effectiveness.**

1928 (1) As used in this section:

1929 (a) "Life cycle cost-effective" means the most prudent cost of owning, operating, and
1930 maintaining a facility, including the initial cost, energy costs, operation and maintenance costs,
1931 repair costs, and the costs of energy conservation and renewable energy systems.

1932 (b) "Renewable energy system" means a system designed to use solar, wind,
1933 geothermal power, wood, or other replenishable energy source to heat, cool, or provide
1934 electricity to a building.

1935 (2) The director shall, in accordance with Title 63G, Chapter 3, Utah Administrative
1936 Rulemaking Act, make rules:

1937 (a) that establish standards and requirements for determining whether a state facility
1938 project is life cycle cost-effective;

1939 (b) for the monitoring of an agency's operation and maintenance expenditures for a
1940 state-owned facility;

1941 (c) to establish standards and requirements for utility metering;

1942 (d) that create an operation and maintenance program for an agency's facilities;

1943 (e) that establish a methodology for determining reasonably anticipated inflationary
1944 costs for each operation and maintenance program described in Subsection (2)(d);

1945 (f) that require an agency to report the amount the agency receives and expends on
1946 operation and maintenance; and

1947 (g) that provide for determining the actual cost for operation and maintenance requests
1948 for a new facility.

1949 (3) The director shall:

1950 (a) ensure that state-owned facilities, except for facilities under the control of the State
1951 Capitol Preservation Board, are life cycle cost-effective;

1952 (b) conduct ongoing facilities audits of state-owned facilities; and

1953 (c) monitor an agency's operation and maintenance expenditures for state-owned
1954 facilities as provided in rules made under Subsection (2)(b).

1955 (4) (a) An agency shall comply with the rules made under Subsection (2) for new
1956 facility requests submitted to the Legislature for a session of the Legislature after the 2017
1957 General Session.

1958 (b) The Office of the Legislative Fiscal Analyst and the Governor's Office of
1959 [~~Management~~] Planning and Budget shall, for each agency with operation and maintenance
1960 expenses, ensure that each required budget for the agency is adjusted in accordance with the
1961 rules described in Subsection (2)(e).

1962 Section 34. Section **63B-2-301** is amended to read:

1963 **63B-2-301. Legislative intent -- Additional projects.**

1964 It is the intent of the Legislature that:

1965 (1) The Department of Employment Security use money in the special administrative
1966 fund to plan, design, and construct a Davis County facility under the supervision of the director
1967 of the Division of Facilities Construction and Management unless supervisory authority is
1968 delegated by him as authorized by Section [63A-5b-604](#).

1969 (2) The University of Utah may use donated funds to plan, design, and construct the
1970 Nora Eccles Harrison addition under the supervision of the director of the Division of Facilities
1971 Construction and Management unless supervisory authority is delegated by him as authorized
1972 by Section [63A-5b-604](#).

1973 (3) The University of Utah may use hospital funds to plan, design, and construct the
1974 West Patient Services Building under the supervision of the director of the Division of
1975 Facilities Construction and Management unless supervisory authority is delegated by him as
1976 authorized by Section [63A-5b-604](#).

1977 (4) The University of Utah may use federal funds to plan, design, and construct the
1978 Computational Science Building under the supervision of the director of the Division of
1979 Facilities Construction and Management unless supervisory authority is delegated by him as
1980 authorized by Section [63A-5b-604](#).

- 1981 (5) The Board of Regents may issue revenue bonds to provide:
- 1982 (a) \$6,700,000 to plan, design, and construct single student housing at Utah State
- 1983 University under the supervision of the director of the Division of Facilities Construction and
- 1984 Management unless supervisory authority is delegated by him as authorized by Section
- 1985 [63A-5b-604](#); and
- 1986 (b) additional money necessary to:
- 1987 (i) pay costs incident to the issuance and sale of the bonds;
- 1988 (ii) pay interest on the bonds that accrues during construction and acquisition of the
- 1989 project and for up to one year after construction is completed; and
- 1990 (iii) fund any reserve requirements for the bonds.
- 1991 (6) Utah State University may use federal funds to plan, design, and construct the
- 1992 Natural Resources Lab addition under the supervision of the director of the Division of
- 1993 Facilities Construction and Management unless supervisory authority is delegated by him as
- 1994 authorized by Section [63A-5b-604](#).
- 1995 (7) Utah State University may use funds derived from property sales to plan, design,
- 1996 and construct emergency relocation facilities for the Farmington Botanical Gardens under the
- 1997 supervision of the director of the Division of Facilities Construction and Management unless
- 1998 supervisory authority is delegated by him as authorized by Section [63A-5b-604](#).
- 1999 (8) Utah State University may use institutional funds to plan, design, and construct an
- 2000 institutional residence for the president under the supervision of the director of the Division of
- 2001 Facilities Construction and Management unless supervisory authority is delegated by him as
- 2002 authorized by Section [63A-5b-604](#).
- 2003 (9) Weber State University may use discretionary funds to construct a remodel and
- 2004 expansion of the stores building and mail service facilities under the supervision of the director
- 2005 of the Division of Facilities Construction and Management unless supervisory authority is
- 2006 delegated by him as authorized by Section [63A-5b-604](#).
- 2007 (10) Weber State University may use fees and auxiliary revenue to plan, design, and
- 2008 construct a remodel and expansion of the Shepherd Student Union Building under the
- 2009 supervision of the director of the Division of Facilities Construction and Management unless
- 2010 supervisory authority is delegated by him as authorized by Section [63A-5b-604](#).
- 2011 (11) Southern Utah University may use donated funds to plan, design, and construct an

2012 alumni house under the supervision of the director of the Division of Facilities Construction
2013 and Management unless supervisory authority is delegated by him as authorized by Section
2014 [63A-5b-604](#).

2015 (12) Utah State University Eastern may use auxiliary revenues and other fees to:
2016 (a) make lease or other payments;
2017 (b) redeem revenue bonds or repay loans issued on behalf of the college; and
2018 (c) plan, design, and construct a 200 person residence hall under the supervision of the
2019 director of the Division of Facilities Construction and Management unless supervisory
2020 authority is delegated by him as authorized by Section [63A-5b-604](#).

2021 (13) The Sevier Valley Applied Technology Center may use private and Community
2022 Impact Board funds, if approved, to plan, design, and construct a performing arts/multi-use
2023 facility under the supervision of the director of the Division of Facilities Construction and
2024 Management unless supervisory authority is delegated by him as authorized by Section
2025 [63A-5b-604](#).

2026 (14) Ogden City and Weber County may have offices and related space for their
2027 attorneys included in the Ogden Courts building if the city and county are able to provide
2028 upfront funding to cover all costs associated with the design and construction of that space. In
2029 addition, the city and county shall cover their proportionate share of all operations and
2030 maintenance costs of their facility, including future major repairs to the building.

2031 (15) If the Legislature authorizes the Division of Facilities Construction and
2032 Management to enter into a lease purchase agreement for the Department of Human Services
2033 facility at 1385 South State Street in Salt Lake City or for the State Board of Education facility
2034 and adjacent space in Salt Lake City, or for both of those facilities, the State Building
2035 Ownership Authority, at the reasonable rates and amounts it may determine, and with technical
2036 assistance from the state treasurer, the director of the Division of Finance, and the executive
2037 director of the Governor's Office of ~~Management~~ Planning and Budget, may seek out the
2038 most cost effective lease purchase plans available to the state and may, pursuant to Title 63B,
2039 Chapter 1, Part 3, State Building Ownership Authority Act, certificate out interests in, or
2040 obligations of the authority pertaining to:

- 2041 (a) the lease purchase obligation; or
2042 (b) lease rental payments under the lease purchase obligation.

2043 (16) Salt Lake Community College may use donated funds to plan, design, and
2044 construct an amphitheater under the supervision of the director of the Division of Facilities
2045 Construction and Management unless supervisory authority is delegated by him as authorized
2046 by Section 63A-5b-604.

2047 (17) For the Tax Commission building, that:

2048 (a) All costs associated with the construction and furnishing of the Tax Commission
2049 building that are incurred before the issuance of the 1993 general obligation bonds be
2050 reimbursed by bond proceeds.

2051 (b) The maximum amount of cost that may be reimbursed from the 1993 general
2052 obligation bond proceeds for the Tax Commission building and furnishings may not exceed
2053 \$14,230,000.

2054 (c) This intent statement for Subsection (17) constitutes a declaration of official intent
2055 under Section 1.103-18 of the U.S. Treasury Regulations.

2056 Section 35. Section 63B-3-301 is amended to read:

2057 **63B-3-301. Legislative intent -- Additional projects.**

2058 (1) It is the intent of the Legislature that, for any lease purchase agreement that the
2059 Legislature may authorize the Division of Facilities Construction and Management to enter into
2060 during its 1994 Annual General Session, the State Building Ownership Authority, at the
2061 reasonable rates and amounts it may determine, and with technical assistance from the state
2062 treasurer, the director of the Division of Finance, and the executive director of the Governor's
2063 Office of ~~Management~~ Planning and Budget, may seek out the most cost effective and
2064 prudent lease purchase plans available to the state and may, pursuant to Chapter 1, Part 3, State
2065 Building Ownership Authority Act, certificate out interests in, or obligations of the authority
2066 pertaining to:

2067 (a) the lease purchase obligation; or

2068 (b) lease rental payments under the lease purchase obligation.

2069 (2) It is the intent of the Legislature that the Department of Transportation dispose of
2070 surplus real properties and use the proceeds from those properties to acquire or construct
2071 through the Division of Facilities Construction and Management a new District Two Complex.

2072 (3) It is the intent of the Legislature that the State Building Board allocate funds from
2073 the Capital Improvement appropriation and donations to cover costs associated with the

2074 upgrade of the Governor's Residence that go beyond the restoration costs which can be covered
2075 by insurance proceeds.

2076 (4) (a) It is the intent of the Legislature to authorize the State Building Ownership
2077 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
2078 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
2079 participation interests may be created, to provide up to \$10,600,000 for the construction of a
2080 Natural Resources Building in Salt Lake City, together with additional amounts necessary to:

- 2081 (i) pay costs of issuance;
- 2082 (ii) pay capitalized interest; and
- 2083 (iii) fund any debt service reserve requirements.

2084 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2085 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2086 director of the Division of Finance, and the executive director of the Governor's Office of
2087 ~~Management~~ Planning and Budget.

2088 (c) It is the intent of the Legislature that the operating budget for the Department of
2089 Natural Resources not be increased to fund these lease payments.

2090 (5) (a) It is the intent of the Legislature to authorize the State Building Ownership
2091 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
2092 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
2093 participation interests may be created, to provide up to \$8,300,000 for the acquisition of the
2094 office buildings currently occupied by the Department of Environmental Quality and
2095 approximately 19 acres of additional vacant land at the Airport East Business Park in Salt Lake
2096 City, together with additional amounts necessary to:

- 2097 (i) pay costs of issuance;
- 2098 (ii) pay capitalized interest; and
- 2099 (iii) fund any debt service reserve requirements.

2100 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2101 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2102 director of the Division of Finance, and the executive director of the Governor's Office of
2103 ~~Management~~ Planning and Budget.

2104 (6) (a) It is the intent of the Legislature to authorize the State Building Ownership

2105 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
2106 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
2107 participation interests may be created, to provide up to \$9,000,000 for the acquisition or
2108 construction of up to two field offices for the Department of Human Services in the
2109 southwestern portion of Salt Lake County, together with additional amounts necessary to:

- 2110 (i) pay costs of issuance;
- 2111 (ii) pay capitalized interest; and
- 2112 (iii) fund any debt service reserve requirements.

2113 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2114 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2115 director of the Division of Finance, and the executive director of the Governor's Office of
2116 ~~[Management]~~ Planning and Budget.

2117 (7) (a) It is the intent of the Legislature to authorize the State Building Ownership
2118 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
2119 issue or execute obligations or enter into or arrange for lease purchase agreements in which
2120 participation interests may be created, to provide up to \$5,000,000 for the acquisition or
2121 construction of up to 13 stores for the Department of Alcoholic Beverage Control, together
2122 with additional amounts necessary to:

- 2123 (i) pay costs of issuance;
- 2124 (ii) pay capitalized interest; and
- 2125 (iii) fund any debt service reserve requirements.

2126 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2127 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2128 director of the Division of Finance, and the executive director of the Governor's Office of
2129 ~~[Management]~~ Planning and Budget.

2130 (c) It is the intent of the Legislature that the operating budget for the Department of
2131 Alcoholic Beverage Control not be increased to fund these lease payments.

2132 (8) (a) It is the intent of the Legislature to authorize the State Building Ownership
2133 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
2134 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
2135 participation interests may be created, to provide up to \$6,800,000 for the construction of a

2136 Prerelease and Parole Center for the Department of Corrections, containing a minimum of 300
2137 beds, together with additional amounts necessary to:

- 2138 (i) pay costs of issuance;
- 2139 (ii) pay capitalized interest; and
- 2140 (iii) fund any debt service reserve requirements.

2141 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2142 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2143 director of the Division of Finance, and the executive director of the Governor's Office of
2144 [~~Management~~] Planning and Budget.

2145 (9) If S.B. 275, 1994 General Session, which authorizes funding for a Courts Complex
2146 in Salt Lake City, becomes law, it is the intent of the Legislature that:

2147 (a) the Legislative Management Committee, the Interim Appropriation Subcommittees
2148 for General Government and Capital Facilities and Executive Offices, Courts, and Corrections,
2149 the Office of the Legislative Fiscal Analyst, the Governor's Office of [~~Management~~] Planning
2150 and Budget, and the State Building Board participate in a review of the proposed facility design
2151 for the Courts Complex no later than December 1994; and

2152 (b) although this review will not affect the funding authorization issued by the 1994
2153 Legislature, it is expected that Division of Facilities Construction and Management will give
2154 proper attention to concerns raised in these reviews and make appropriate design changes
2155 pursuant to the review.

2156 (10) It is the intent of the Legislature that:

2157 (a) the Division of Facilities Construction and Management, in cooperation with the
2158 Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services,
2159 develop a flexible use prototype facility for the Division of Youth Corrections renamed in 2003
2160 to the Division of Juvenile Justice Services;

2161 (b) the development process use existing prototype proposals unless it can be
2162 quantifiably demonstrated that the proposals cannot be used;

2163 (c) the facility is designed so that with minor modifications, it can accommodate
2164 detention, observation and assessment, transition, and secure programs as needed at specific
2165 geographical locations;

2166 (d) (i) funding as provided in the fiscal year 1995 bond authorization for the Division

2167 of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services is used to
2168 design and construct one facility and design the other;

2169 (ii) the Division of Youth Corrections renamed in 2003 to the Division of Juvenile
2170 Justice Services shall:

2171 (A) determine the location for the facility for which design and construction are fully
2172 funded; and

2173 (B) in conjunction with the Division of Facilities Construction and Management,
2174 determine the best methodology for design and construction of the fully funded facility;

2175 (e) the Division of Facilities Construction and Management submit the prototype as
2176 soon as possible to the Infrastructure and General Government Appropriations Subcommittee
2177 and Executive Offices, Criminal Justice, and Legislature Appropriation Subcommittee for
2178 review;

2179 (f) the Division of Facilities Construction and Management issue a Request for
2180 Proposal for one of the facilities, with that facility designed and constructed entirely by the
2181 winning firm;

2182 (g) the other facility be designed and constructed under the existing Division of
2183 Facilities Construction and Management process;

2184 (h) that both facilities follow the program needs and specifications as identified by
2185 Division of Facilities Construction and Management and the Division of Youth Corrections
2186 renamed in 2003 to the Division of Juvenile Justice Services in the prototype; and

2187 (i) the fully funded facility should be ready for occupancy by September 1, 1995.

2188 (11) It is the intent of the Legislature that the fiscal year 1995 funding for the State Fair
2189 Park Master Study be used by the Division of Facilities Construction and Management to
2190 develop a master plan for the State Fair Park that:

2191 (a) identifies capital facilities needs, capital improvement needs, building
2192 configuration, and other long term needs and uses of the State Fair Park and its buildings; and

2193 (b) establishes priorities for development, estimated costs, and projected timetables.

2194 (12) It is the intent of the Legislature that:

2195 (a) the Division of Facilities Construction and Management, in cooperation with the
2196 Division of Parks and Recreation and surrounding counties, develop a master plan and general
2197 program for the phased development of Antelope Island;

- 2198 (b) the master plan:
- 2199 (i) establish priorities for development;
- 2200 (ii) include estimated costs and projected time tables; and
- 2201 (iii) include recommendations for funding methods and the allocation of
- 2202 responsibilities between the parties; and
- 2203 (c) the results of the effort be reported to the Natural Resources, Agriculture, and
- 2204 Environmental Quality Appropriations Subcommittee and Infrastructure and General
- 2205 Government Appropriations Subcommittee.
- 2206 (13) It is the intent of the Legislature to authorize the University of Utah to use:
- 2207 (a) bond reserves to plan, design, and construct the Kingsbury Hall renovation under
- 2208 the supervision of the director of the Division of Facilities Construction and Management
- 2209 unless supervisory authority is delegated by the director; and
- 2210 (b) donated and other nonappropriated funds to plan, design, and construct the Biology
- 2211 Research Building under the supervision of the director of the Division of Facilities
- 2212 Construction and Management unless supervisory authority is delegated by the director.
- 2213 (14) It is the intent of the Legislature to authorize Utah State University to use:
- 2214 (a) federal and other funds to plan, design, and construct the Bee Lab under the
- 2215 supervision of the director of the Division of Facilities Construction and Management unless
- 2216 supervisory authority is delegated by the director;
- 2217 (b) donated and other nonappropriated funds to plan, design, and construct an Athletic
- 2218 Facility addition and renovation under the supervision of the director of the Division of
- 2219 Facilities Construction and Management unless supervisory authority is delegated by the
- 2220 director;
- 2221 (c) donated and other nonappropriated funds to plan, design, and construct a renovation
- 2222 to the Nutrition and Food Science Building under the supervision of the director of the
- 2223 Division of Facilities Construction and Management unless supervisory authority is delegated
- 2224 by the director; and
- 2225 (d) federal and private funds to plan, design, and construct the Millville Research
- 2226 Facility under the supervision of the director of the Division of Facilities Construction and
- 2227 Management unless supervisory authority is delegated by the director.
- 2228 (15) It is the intent of the Legislature to authorize Salt Lake Community College to use:

2229 (a) institutional funds to plan, design, and construct a remodel to the Auto Trades
2230 Office and Learning Center under the supervision of the director of the Division of Facilities
2231 Construction and Management unless supervisory authority is delegated by the director;

2232 (b) institutional funds to plan, design, and construct the relocation and expansion of a
2233 temporary maintenance compound under the supervision of the director of the Division of
2234 Facilities Construction and Management unless supervisory authority is delegated by the
2235 director; and

2236 (c) institutional funds to plan, design, and construct the Alder Amphitheater under the
2237 supervision of the director of the Division of Facilities Construction and Management unless
2238 supervisory authority is delegated by the director.

2239 (16) It is the intent of the Legislature to authorize Southern Utah University to use:

2240 (a) federal funds to plan, design, and construct a Community Services Building under
2241 the supervision of the director of the Division of Facilities Construction and Management
2242 unless supervisory authority is delegated by the director; and

2243 (b) donated and other nonappropriated funds to plan, design, and construct a stadium
2244 expansion under the supervision of the director of the Division of Facilities Construction and
2245 Management unless supervisory authority is delegated by the director.

2246 (17) It is the intent of the Legislature to authorize the Department of Corrections to use
2247 donated funds to plan, design, and construct a Prison Chapel at the Central Utah Correctional
2248 Facility in Gunnison under the supervision of the director of the Division of Facilities
2249 Construction and Management unless supervisory authority is delegated by the director.

2250 (18) If the Utah National Guard does not relocate in the Signetics Building, it is the
2251 intent of the Legislature to authorize the Guard to use federal funds and funds from Provo City
2252 to plan and design an Armory in Provo, Utah, under the supervision of the director of the
2253 Division of Facilities Construction and Management unless supervisory authority is delegated
2254 by the director.

2255 (19) It is the intent of the Legislature that the Utah Department of Transportation use
2256 \$250,000 of the fiscal year 1995 highway appropriation to fund an environmental study in
2257 Ogden, Utah of the 2600 North Corridor between Washington Boulevard and I-15.

2258 (20) It is the intent of the Legislature that the Ogden-Weber Applied Technology
2259 Center use the money appropriated for fiscal year 1995 to design the Metal Trades Building

2260 and purchase equipment for use in that building that could be used in metal trades or other
2261 programs in other Applied Technology Centers.

2262 (21) It is the intent of the Legislature that the Bridgerland Applied Technology Center
2263 and the Ogden-Weber Applied Technology Center projects as designed in fiscal year 1995 be
2264 considered as the highest priority projects for construction funding in fiscal year 1996.

2265 (22) It is the intent of the Legislature that:

2266 (a) the Division of Facilities Construction and Management complete physical space
2267 utilization standards by June 30, 1995, for the use of technology education activities;

2268 (b) these standards are to be developed with and approved by the State Board of
2269 Education, the Board of Regents, and the Utah State Building Board;

2270 (c) these physical standards be used as the basis for:

2271 (i) determining utilization of any technology space based on number of stations capable
2272 and occupied for any given hour of operation; and

2273 (ii) requests for any new space or remodeling;

2274 (d) the fiscal year 1995 projects at the Bridgerland Applied Technology Center and the
2275 Ogden-Weber Applied Technology Center are exempt from this process; and

2276 (e) the design of the Davis Applied Technology Center take into account the utilization
2277 formulas established by the Division of Facilities Construction and Management.

2278 (23) It is the intent of the Legislature that Utah Valley State College may use the
2279 money from the bond allocated to the remodel of the Signetics building to relocate its technical
2280 education programs at other designated sites or facilities under the supervision of the director
2281 of the Division of Facilities Construction and Management unless supervisory authority is
2282 delegated by the director.

2283 (24) It is the intent of the Legislature that the money provided for the fiscal year 1995
2284 project for the Bridgerland Applied Technology Center be used to design and construct the
2285 space associated with Utah State University and design the technology center portion of the
2286 project.

2287 (25) It is the intent of the Legislature that the governor provide periodic reports on the
2288 expenditure of the funds provided for electronic technology, equipment, and hardware to the
2289 Infrastructure and General Government Appropriations Subcommittee, and the Legislative
2290 Management Committee.

2291 Section 36. Section **63B-4-201** is amended to read:

2292 **63B-4-201. Legislative intent statements -- Capital facilities.**

2293 (1) (a) It is the intent of the Legislature that the University of Utah use institutional and
2294 other funds to plan, design, and construct two campus child care centers under the supervision
2295 of the director of the Division of Facilities Construction and Management unless supervisory
2296 authority is delegated by the director.

2297 (b) The university shall work with Salt Lake City and the surrounding neighborhood to
2298 ensure site compatibility for future recreational development by the city.

2299 (2) It is the intent of the Legislature that the University of Utah use institutional funds
2300 to plan, design, and construct:

2301 (a) the Union Parking structure under the supervision of the director of the Division of
2302 Facilities Construction and Management unless supervisory authority is delegated by the
2303 director;

2304 (b) the stadium renovation under the supervision of the director of the Division of
2305 Facilities Construction and Management unless supervisory authority is delegated by the
2306 director;

2307 (c) the Huntsman Cancer Institute under the supervision of the director of the Division
2308 of Facilities Construction and Management unless supervisory authority is delegated by the
2309 director;

2310 (d) the Business Case Method Building under the supervision of the director of the
2311 Division of Facilities Construction and Management unless supervisory authority is delegated
2312 by the director; and

2313 (e) the Fine Arts Museum expansion under the supervision of the director of the
2314 Division of Facilities Construction and Management unless supervisory authority is delegated
2315 by the director.

2316 (3) It is the intent of the Legislature that Utah State University use institutional funds to
2317 plan, design, and construct:

2318 (a) a student health services facility under the supervision of the director of the
2319 Division of Facilities Construction and Management unless supervisory authority is delegated
2320 by the director;

2321 (b) a women's softball field under the supervision of the director of the Division of

2322 Facilities Construction and Management unless supervisory authority is delegated by the
2323 director;

2324 (c) an addition to the Nutrition and Food Services Building under the supervision of
2325 the director of the Division of Facilities Construction and Management unless supervisory
2326 authority is delegated by the director; and

2327 (d) a Human Resource Research Center under the supervision of the director of the
2328 Division of Facilities Construction and Management unless supervisory authority is delegated
2329 by the director.

2330 (4) It is the intent of the Legislature that Weber State University use institutional funds
2331 to plan, design, and construct:

2332 (a) a track renovation under the supervision of the director of the Division of Facilities
2333 Construction and Management unless supervisory authority is delegated by the director; and

2334 (b) the Dee Events Center offices under the supervision of the director of the Division
2335 of Facilities Construction and Management unless supervisory authority is delegated by the
2336 director.

2337 (5) It is the intent of the Legislature that Southern Utah University use:

2338 (a) institutional funds to plan, design, and construct an institutional residence under the
2339 supervision of the director of the Division of Facilities Construction and Management unless
2340 supervisory authority is delegated by the director; and

2341 (b) project revenues and other funds to plan, design, and construct the Shakespearean
2342 Festival support facilities under the supervision of the director of the Division of Facilities
2343 Construction and Management unless supervisory authority is delegated by the director.

2344 (6) It is the intent of the Legislature that Dixie College use institutional funds to plan,
2345 design, and construct an institutional residence under the supervision of the director of the
2346 Division of Facilities Construction and Management unless supervisory authority is delegated
2347 by the director.

2348 (7) It is the intent of the Legislature that the Division of Forestry, Fire, and State Lands
2349 use federal and other funds to plan, design, and construct a wetlands enhancement facility
2350 under the supervision of the director of the Division of Facilities Construction and
2351 Management unless supervisory authority is delegated by the director.

2352 (8) (a) As provided in Subsection [63A-5b-609\(2\)](#), the funds appropriated to the Project

2353 Reserve Fund may only be used for the award of contracts in excess of the construction budget
2354 if these funds are required to meet the intent of the project.

2355 (b) It is the intent of the Legislature that:

2356 (i) up to \$2,000,000 of the amount may be used to award the construction contract for
2357 the Ogden Court Building; and

2358 (ii) the need for any funds remaining as of December 31, 1995 be reviewed by the 1996
2359 Legislature.

2360 (9) (a) It is the intent of the Legislature that the State Building Ownership Authority,
2361 under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue
2362 or execute obligations or enter into or arrange for a lease purchase agreement in which
2363 participation interests may be created to provide up to \$539,700 for the purchase and
2364 demolition of the Keyston property and construction of parking facilities adjacent to the State
2365 Board of Education building in Salt Lake City, with additional amounts necessary to:

2366 (i) pay costs of issuance;

2367 (ii) pay capitalized interest; and

2368 (iii) fund any debt service reserve requirements.

2369 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2370 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2371 director of the Division of Finance, and the executive director of the Governor's Office of
2372 [~~Management~~] Planning and Budget.

2373 (10) (a) It is the intent of the Legislature that the money appropriated for Phase One of
2374 the Remodeling/Life Safety Upgrades of the Browning Fine Arts Center at Weber State
2375 University is to include design of full code compliance, life safety, space necessary to maintain
2376 required programs, and seismic upgrades.

2377 (b) The design shall identify the full scope and cost of Phase Two of the remodeling for
2378 funding consideration in the fiscal year 1997 budget cycle.

2379 (11) It is the intent of the Legislature that:

2380 (a) the fiscal year 1996 appropriation for the Davis County Higher Education land
2381 purchase includes up to \$250,000 for planning purposes;

2382 (b) the Division of Facilities Construction and Management, the Board of Regents, and
2383 the assigned institution of higher education work jointly to ensure the following elements are

2384 part of the planning process:

2385 (i) projections of student enrollment and programmatic needs for the next 10 years;

2386 (ii) review and make recommendations for better use of existing space, current
2387 technologies, public/private partnerships, and other alternatives as a means to reduce the need
2388 for new facilities and still accommodate the projected student needs; and

2389 (iii) use of a master plan that includes issues of utilities, access, traffic circulation,
2390 drainage, rights of way, future developments, and other infrastructure items considered
2391 appropriate; and

2392 (c) every effort is used to minimize expenditures for this part until a definitive decision
2393 has been made by BRACC relative to Hill Air Force Base.

2394 (12) (a) It is the intent of the Legislature that the State Building Ownership Authority,
2395 under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue
2396 or execute obligations or enter into or arrange for a lease purchase agreement in which
2397 participation interests may be created, to provide up to \$7,400,000 for the acquisition and
2398 improvement of the Human Services Building located at 120 North 200 West, Salt Lake City,
2399 Utah, with associated parking for the Department of Human Services together with additional
2400 amounts necessary to:

2401 (i) pay costs of issuance;

2402 (ii) pay capitalized interest; and

2403 (iii) fund any debt service reserve requirements.

2404 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2405 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2406 director of the Division of Finance, and the executive director of the Governor's Office of
2407 [~~Management~~] Planning and Budget.

2408 (13) (a) It is the intent of the Legislature that the State Building Ownership Authority,
2409 under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue
2410 or execute obligations or enter into or arrange for a lease purchase agreement in which
2411 participation interests may be created to provide up to \$63,218,600 for the construction of a
2412 Salt Lake Courts Complex together with additional amounts necessary to:

2413 (i) pay costs of issuance;

2414 (ii) pay capitalized interest; and

2415 (iii) fund any debt service reserve requirements.

2416 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2417 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2418 director of the Division of Finance, and the executive director of the Governor's Office of
2419 [~~Management~~] Planning and Budget.

2420 (c) It is the intent of the Legislature that the Division of Facilities Construction and
2421 Management lease land to the State Building Ownership Authority for the construction of a
2422 Salt Lake Courts Complex.

2423 (14) It is the intent of the Legislature that:

2424 (a) the Board of Regents use the higher education design project money to design no
2425 more than two higher education projects from among the following projects:

2426 (i) Utah State University Eastern - Student Center;

2427 (ii) Snow College - Noyes Building;

2428 (iii) University of Utah - Gardner Hall;

2429 (iv) Utah State University - Widtsoe Hall; or

2430 (v) Southern Utah University - Physical Education Building; and

2431 (b) the higher education institutions that receive approval from the Board of Regents to
2432 design projects under this chapter design those projects under the supervision of the director of
2433 the Division of Facilities Construction and Management unless supervisory authority is
2434 delegated by the director.

2435 (15) It is the intent of the Legislature that:

2436 (a) the Board of Regents may authorize the University of Utah to use institutional
2437 funds and donated funds to design Gardner Hall; and

2438 (b) if authorized by the Board of Regents, the University of Utah may use institutional
2439 funds and donated funds to design Gardner Hall under the supervision of the director of the
2440 Division of Facilities Construction and Management unless supervisory authority is delegated
2441 by the director.

2442 (16) It is the intent of the Legislature that the Division of Facilities Construction and
2443 Management use up to \$250,000 of the capital improvement money to fund the site
2444 improvements required at the San Juan campus of the Utah State University Eastern.

2445 Section 37. Section **63B-4-301** is amended to read:

2446 **63B-4-301. Bonds for golf course at Wasatch Mountain State Park.**

2447 (1) The State Building Ownership Authority under authority of Title 63B, Chapter 1,
2448 Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into
2449 or arrange for a lease purchase agreement in which participation interests may be created, to
2450 provide up to \$2,500,000 for a new nine-hole golf course at Wasatch Mountain State Park for
2451 the Division of Parks and Recreation, together with additional amounts necessary to:

- 2452 (a) pay costs of issuance;
2453 (b) pay capitalized interest; and
2454 (c) fund any debt service reserve requirements.

2455 (2) (a) The State Building Ownership Authority shall work cooperatively with the
2456 Division of Parks and Recreation to seek out the most cost effective and prudent lease purchase
2457 plan available.

2458 (b) The state treasurer, the director of the Division of Finance, and the executive
2459 director of the Governor's Office of ~~Management~~ Planning and Budget shall provide technical
2460 assistance to accomplish the purpose specified in Subsection (2)(a).

2461 Section 38. Section **63C-4a-308** is amended to read:

2462 **63C-4a-308. Commission duties with regards to federal lands.**

2463 The commission shall:

2464 (1) review and make recommendations on the transfer of federally controlled public
2465 lands to the state;

2466 (2) review and make recommendations regarding the state's sovereign right to protect
2467 the health, safety, and welfare of its citizens as it relates to public lands, including
2468 recommendations concerning the use of funds in the account created in Section [63C-4a-404](#);

2469 (3) study and evaluate the recommendations of the public lands transfer study and
2470 economic analysis conducted by the Public Lands Policy Coordinating Office in accordance
2471 with Section ~~[63J-4-606]~~ [63L-11-304](#);

2472 (4) coordinate with and report on the efforts of the executive branch, the counties and
2473 political subdivisions of the state, the state congressional delegation, western governors, other
2474 states, and other stakeholders concerning the transfer of federally controlled public lands to the
2475 state including convening working groups, such as a working group composed of members of
2476 the Utah Association of Counties;

2477 (5) study and make recommendations regarding the appropriate designation of public
2478 lands transferred to the state, including stewardship of the land and appropriate uses of the
2479 land;

2480 (6) study and make recommendations regarding the use of funds received by the state
2481 from the public lands transferred to the state; and

2482 (7) receive reports from and make recommendations to the attorney general, the
2483 Legislature, and other stakeholders involved in litigation on behalf of the state's interest in the
2484 transfer of public lands to the state, regarding:

2485 (a) preparation for potential litigation;

2486 (b) selection of outside legal counsel;

2487 (c) ongoing legal strategy for the transfer of public lands; and

2488 (d) use of money:

2489 (i) appropriated by the Legislature for the purpose of securing the transfer of public
2490 lands to the state under Section [63C-4a-404](#); and

2491 (ii) disbursed from the Public Lands Litigation Expendable Special Revenue Fund
2492 created in Section [63C-4a-405](#).

2493 Section 39. Section **63C-4a-402** is amended to read:

2494 **63C-4a-402. Creation of Constitutional Defense Restricted Account -- Sources of**
2495 **funds -- Uses of funds -- Reports.**

2496 (1) There is created a restricted account within the General Fund known as the
2497 Constitutional Defense Restricted Account.

2498 (2) The account consists of money from the following revenue sources:

2499 (a) money deposited to the account as required by Section [53C-3-203](#);

2500 (b) voluntary contributions;

2501 (c) money received by the council from other state agencies; and

2502 (d) appropriations made by the Legislature.

2503 (3) The Legislature may annually appropriate money from the Constitutional Defense
2504 Restricted Account to one or more of the following:

2505 (a) the commission, to fund the commission and for the commission's duties;

2506 (b) the council, to fund the council and for the council's duties;

2507 (c) the Public Lands Policy Coordinating Office to carry out its duties in Section

2508 [~~63J-4-603~~] [63L-11-202](#);

2509 (d) the Office of the Governor, to be used only for the purpose of asserting, defending,
2510 or litigating:

2511 (i) an issue arising with another state regarding the use or ownership of water; or

2512 (ii) state and local government rights under R.S. 2477, in accordance with a plan
2513 developed and approved as provided in Section [63C-4a-403](#);

2514 (e) a county or association of counties to assist counties, consistent with the purposes
2515 of the council, in pursuing issues affecting the counties;

2516 (f) the Office of the Attorney General, to be used only:

2517 (i) for public lands counsel and assistance and litigation to the state or local
2518 governments including asserting, defending, or litigating state and local government rights
2519 under R.S. 2477 in accordance with a plan developed and approved as provided in Section
2520 [63C-4a-403](#);

2521 (ii) for an action filed in accordance with Section [67-5-29](#);

2522 (iii) to advise the council; or

2523 (iv) for asserting, defending, or litigating an issue arising with another state regarding
2524 the use or ownership of water;

2525 (g) the Office of the Attorney General or any other state or local government entity to
2526 bring an action to establish the right of a state or local government officer or employee to enter
2527 onto federal land or use a federal road or an R.S. 2477 road, in the officer's or employee's
2528 official capacity, to protect the health, safety, or welfare of a citizen of the state; or

2529 (h) the Office of Legislative Research and General Counsel, to provide staff support to
2530 the commission.

2531 (4) (a) The council shall require that any entity, other than the commission, that
2532 receives money from the account provide financial reports and litigation reports to the council.

2533 (b) Nothing in this Subsection (4) prohibits the commission or the council from closing
2534 a meeting under Title 52, Chapter 4, Open and Public Meetings Act, or prohibits the
2535 commission or the council from complying with Title 63G, Chapter 2, Government Records
2536 Access and Management Act.

2537 Section 40. Section **63C-9-301** is amended to read:

2538 **63C-9-301. Board powers -- Subcommittees.**

- 2539 (1) The board shall:
- 2540 (a) except as provided in Subsection (2), exercise complete jurisdiction and
- 2541 stewardship over capitol hill facilities, capitol hill grounds, and the capitol hill complex;
- 2542 (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities,
- 2543 capitol hill grounds, and their contents;
- 2544 (c) before October 1 of each year, review and approve the executive director's annual
- 2545 budget request for submittal to the governor and Legislature;
- 2546 (d) by October 1 of each year, prepare and submit a recommended budget request for
- 2547 the upcoming fiscal year for the capitol hill complex to:
- 2548 (i) the governor, through the Governor's Office of ~~Management~~ Planning and Budget;
- 2549 and
- 2550 (ii) the Legislature's appropriations subcommittee responsible for capitol hill facilities,
- 2551 through the Office of the Legislative Fiscal Analyst;
- 2552 (e) review and approve the executive director's:
- 2553 (i) annual work plan;
- 2554 (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and
- 2555 capitol hill grounds; and
- 2556 (iii) furnishings plan for placement and care of objects under the care of the board;
- 2557 (f) approve all changes to the buildings and their grounds, including:
- 2558 (i) restoration, remodeling, and rehabilitation projects;
- 2559 (ii) usual maintenance program; and
- 2560 (iii) any transfers or loans of objects under the board's care;
- 2561 (g) define and identify all significant aspects of the capitol hill complex, capitol hill
- 2562 facilities, and capitol hill grounds, after consultation with the:
- 2563 (i) Division of Facilities Construction and Management;
- 2564 (ii) State Library Division;
- 2565 (iii) Division of Archives and Records Service;
- 2566 (iv) Division of State History;
- 2567 (v) Office of Museum Services; and
- 2568 (vi) Arts Council;
- 2569 (h) inventory, define, and identify all significant contents of the buildings and all

2570 state-owned items of historical significance that were at one time in the buildings, after
2571 consultation with the:

- 2572 (i) Division of Facilities Construction and Management;
- 2573 (ii) State Library Division;
- 2574 (iii) Division of Archives and Records Service;
- 2575 (iv) Division of State History;
- 2576 (v) Office of Museum Services; and
- 2577 (vi) Arts Council;

2578 (i) maintain archives relating to the construction and development of the buildings, the
2579 contents of the buildings and their grounds, including documents such as plans, specifications,
2580 photographs, purchase orders, and other related documents, the original copies of which shall
2581 be maintained by the Division of Archives and Records Service;

2582 (j) comply with federal and state laws related to program and facility accessibility; and
2583 (k) establish procedures for receiving, hearing, and deciding complaints or other issues
2584 raised about the capitol hill complex, capitol hill facilities, and capitol hill grounds, or their
2585 use.

2586 (2) (a) Notwithstanding Subsection (1)(a), the supervision and control of the legislative
2587 area, as defined in Section 36-5-1, is reserved to the Legislature; and

2588 (b) the supervision and control of the governor's area, as defined in Section 67-1-16, is
2589 reserved to the governor.

2590 (3) (a) The board shall make rules to govern, administer, and regulate the capitol hill
2591 complex, capitol hill facilities, and capitol hill grounds by following the procedures and
2592 requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2593 (b) A violation of a rule relating to the use of the capitol hill complex adopted by the
2594 board under the authority of this Subsection (3) is an infraction.

2595 (c) If an act violating a rule under Subsection (3)(b) also amounts to an offense subject
2596 to a greater penalty under this title, Title 32B, Alcoholic Beverage Control Act, Title 41, Motor
2597 Vehicles, Title 76, Utah Criminal Code, or other provision of state law, Subsection (3)(b) does
2598 not prohibit prosecution and sentencing for the more serious offense.

2599 (d) In addition to any punishment allowed under Subsections (3)(b) and (c), a person
2600 who violates a rule adopted by the board under the authority of this Subsection (3) is subject to

2601 a civil penalty not to exceed \$2,500 for each violation, plus the amount of any actual damages,
2602 expenses, and costs related to the violation of the rule that are incurred by the state.

2603 (e) The board may take any other legal action allowed by law.

2604 (f) The board may not apply this section or rules adopted under the authority of this
2605 section in a manner that violates a person's rights under the Utah Constitution or the First
2606 Amendment to the United States Constitution, including the right of persons to peaceably
2607 assemble.

2608 (g) The board shall send proposed rules under this section to the legislative general
2609 counsel and the governor's general counsel for review and comment before the board adopts the
2610 rules.

2611 (4) The board is exempt from the requirements of Title 63G, Chapter 6a, Utah
2612 Procurement Code, but shall adopt procurement rules substantially similar to the requirements
2613 of that chapter.

2614 (5) The board shall name the House Building, that is defined in Section 36-5-1, the
2615 "Rebecca D. Lockhart House Building."

2616 (6) (a) The board may:

2617 (i) establish subcommittees made up of board members and members of the public to
2618 assist and support the executive director in accomplishing the executive director's duties;

2619 (ii) establish fees for the use of capitol hill facilities and capitol hill grounds;

2620 (iii) assign and allocate specific duties and responsibilities to any other state agency, if
2621 the other agency agrees to perform the duty or accept the responsibility;

2622 (iv) contract with another state agency to provide services;

2623 (v) delegate by specific motion of the board any authority granted to it by this section
2624 to the executive director;

2625 (vi) in conjunction with Salt Lake City, expend money to improve or maintain public
2626 property contiguous to East Capitol Boulevard and capitol hill;

2627 (vii) provide wireless Internet service to the public without a fee in any capitol hill
2628 facility; and

2629 (viii) when necessary, consult with the:

2630 (A) Division of Facilities Construction and Management;

2631 (B) State Library Division;

2632 (C) Division of Archives and Records Service;

2633 (D) Division of State History;

2634 (E) Office of Museum Services; and

2635 (F) Arts Council.

2636 (b) The board's provision of wireless Internet service under Subsection (6)(a)(vii) shall
2637 be discontinued in the legislative area if the president of the Senate and the speaker of the
2638 House of Representatives each submit a signed letter to the board indicating that the service is
2639 disruptive to the legislative process and is to be discontinued.

2640 (c) If a budget subcommittee is established by the board, the following shall serve as ex
2641 officio, nonvoting members of the budget subcommittee:

2642 (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the Office
2643 of the Legislative Fiscal Analyst; and

2644 (ii) the executive director of the Governor's Office of [~~Management~~] Planning and
2645 Budget, or the executive director's designee, who shall be from the Governor's Office of
2646 [~~Management~~] Planning and Budget.

2647 (d) If a preservation and maintenance subcommittee is established by the board, the
2648 board may, by majority vote, appoint one or each of the following to serve on the
2649 subcommittee as voting members of the subcommittee:

2650 (i) an architect, who shall be selected from a list of three architects submitted by the
2651 American Institute of Architects; or

2652 (ii) an engineer, who shall be selected from a list of three engineers submitted by the
2653 American Civil Engineers Council.

2654 (e) If the board establishes any subcommittees, the board may, by majority vote,
2655 appoint up to two people who are not members of the board to serve, at the will of the board, as
2656 nonvoting members of a subcommittee.

2657 (f) Members of each subcommittee shall, at the first meeting of each calendar year,
2658 select one individual to act as chair of the subcommittee for a one-year term.

2659 (7) (a) The board, and the employees of the board, may not move the office of the
2660 governor, lieutenant governor, president of the Senate, speaker of the House of
2661 Representatives, or a member of the Legislature from the State Capitol unless the removal is
2662 approved by:

- 2663 (i) the governor, in the case of the governor's office;
2664 (ii) the lieutenant governor, in the case of the lieutenant governor's office;
2665 (iii) the president of the Senate, in the case of the president's office or the office of a
2666 member of the Senate; or
2667 (iv) the speaker of the House of Representatives, in the case of the speaker's office or
2668 the office of a member of the House.

2669 (b) The board and the employees of the board have no control over the furniture,
2670 furnishings, and decorative objects in the offices of the governor, lieutenant governor, or the
2671 members of the Legislature except as necessary to inventory or conserve items of historical
2672 significance owned by the state.

2673 (c) The board and the employees of the board have no control over records and
2674 documents produced by or in the custody of a state agency, official, or employee having an
2675 office in a building on the capitol hill complex.

2676 (d) Except for items identified by the board as having historical significance, and
2677 except as provided in Subsection (7)(b), the board and the employees of the board have no
2678 control over moveable furnishings and equipment in the custody of a state agency, official, or
2679 employee having an office in a building on the capitol hill complex.

2680 Section 41. Section **63C-20-103** is amended to read:

2681 **63C-20-103. Utah Population Committee -- Creation.**

2682 (1) There is created the Utah Population Committee composed of the following
2683 members:

2684 (a) the director of the Kem C. Gardner Policy Institute at the University of Utah or the
2685 director's designee;

2686 (b) the director of the Population Research Laboratory at Utah State University or the
2687 director's designee;

2688 (c) the state planning coordinator appointed under Section [~~63J-4-202~~] [63J-4-401](#);

2689 (d) the director of the Workforce Research and Analysis Division within the
2690 Department of Workforce Services or the director's designee;

2691 (e) the director of the Office of Vital Records and Statistics or the director's designee;

2692 (f) the state superintendent of public instruction or the superintendent's designee;

2693 (g) the chair of the State Tax Commission or the chair's designee;

2694 (h) the legislative fiscal analyst or the legislative fiscal analyst's designee;
2695 (i) the commissioner of higher education or the commissioner's designee; and
2696 (j) any additional member appointed under Subsection (2).
2697 (2) (a) By a majority vote of the members of the committee, the committee may
2698 appoint one or more additional members to serve on the committee at the pleasure of the
2699 committee.

2700 (b) The committee shall ensure that each additional member appointed under
2701 Subsection (2)(a) is a data provider or a representative of a data provider.

2702 (3) The director of the Kem C. Gardner Policy Institute or the director's designee
2703 described in Subsection (1)(a) is the chair of the committee.

2704 Section 42. Section **63C-20-105** is amended to read:

2705 **63C-20-105. State use of committee estimates -- Compliance.**

2706 (1) Except as provided in Subsection (2), and unless otherwise provided in statute or
2707 rule, if an executive branch entity, legislative branch entity, or independent entity is required to
2708 perform an action or make a determination based on a population estimate, the entity shall use
2709 a population estimate that the committee produces, if available.

2710 (2) (a) The Governor's Office of [~~Management~~] Planning and Budget may make rules
2711 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to use a
2712 population estimate other than a population estimate that the committee produces.

2713 (b) For the purpose of creating a revenue estimate, the Governor's Office of
2714 [~~Management~~] Planning and Budget and the Office of the Legislative Fiscal Analyst are not
2715 required to use a population estimate that the committee produces.

2716 (c) For redistricting purposes, a legislative branch entity shall give priority to a
2717 population estimate that is produced by the United States Bureau of the Census.

2718 (3) A newly incorporated political subdivision shall provide the committee with a list
2719 of residential building permits issued within the boundaries of the political subdivision since
2720 the last decennial census.

2721 Section 43. Section **63F-1-104** is amended to read:

2722 **63F-1-104. Duties of Department of Technology Services.**

2723 The department shall:

2724 (1) lead state executive branch agency efforts to establish and reengineer the state's

2725 information technology architecture with the goal of coordinating central and individual agency
2726 information technology in a manner that:

- 2727 (a) ensures compliance with the executive branch agency strategic plan; and
- 2728 (b) ensures that cost-effective, efficient information and communication systems and
2729 resources are being used by agencies to:
 - 2730 (i) reduce data, hardware, and software redundancy;
 - 2731 (ii) improve system interoperability and data accessibility between agencies; and
 - 2732 (iii) meet the agency's and user's business and service needs;
- 2733 (2) coordinate an executive branch strategic plan for all agencies;
- 2734 (3) develop and implement processes to replicate information technology best practices
2735 and standards throughout the executive branch;
- 2736 (4) at least once every odd-numbered year:
 - 2737 (a) evaluate the adequacy of the department's and the executive branch agencies' data
2738 and information technology system security standards through an independent third party
2739 assessment; and
 - 2740 (b) communicate the results of the independent third party assessment to the
2741 appropriate executive branch agencies and to the president of the Senate and the speaker of the
2742 House of Representatives;
 - 2743 (5) oversee the expanded use and implementation of project and contract management
2744 principles as they relate to information technology projects within the executive branch;
 - 2745 (6) serve as general contractor between the state's information technology users and
2746 private sector providers of information technology products and services;
 - 2747 (7) work toward building stronger partnering relationships with providers;
 - 2748 (8) develop service level agreements with executive branch departments and agencies
2749 to ensure quality products and services are delivered on schedule and within budget;
 - 2750 (9) develop standards for application development including a standard methodology
2751 and cost-benefit analysis that all agencies shall utilize for application development activities;
 - 2752 (10) determine and implement statewide efforts to standardize data elements;
 - 2753 (11) coordinate with executive branch agencies to provide basic website standards for
2754 agencies that address common design standards and navigation standards, including:
 - 2755 (a) accessibility for individuals with disabilities in accordance with:

- 2756 (i) the standards of 29 U.S.C. Sec. 794d; and
- 2757 (ii) Section 63F-1-210;
- 2758 (b) consistency with standardized government security standards;
- 2759 (c) designing around user needs with data-driven analysis influencing management and
- 2760 development decisions, using qualitative and quantitative data to determine user goals, needs,
- 2761 and behaviors, and continual testing of the website, web-based form, web-based application, or
- 2762 digital service to ensure that user needs are addressed;
- 2763 (d) providing users of the website, web-based form, web-based application, or digital
- 2764 service with the option for a more customized digital experience that allows users to complete
- 2765 digital transactions in an efficient and accurate manner; and
- 2766 (e) full functionality and usability on common mobile devices;
- 2767 (12) consider, when making a purchase for an information system, cloud computing
- 2768 options, including any security benefits, privacy, data retention risks, and cost savings
- 2769 associated with cloud computing options;
- 2770 (13) develop systems and methodologies to review, evaluate, and prioritize existing
- 2771 information technology projects within the executive branch and report to the governor and the
- 2772 Public Utilities, Energy, and Technology Interim Committee in accordance with 63F-1-201 on
- 2773 a semiannual basis regarding the status of information technology projects;
- 2774 (14) assist the Governor's Office of [~~Management~~] Planning and Budget with the
- 2775 development of information technology budgets for agencies; and
- 2776 (15) ensure that any training or certification required of a public official or public
- 2777 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
- 2778 22, State Training and Certification Requirements, if the training or certification is required:
- 2779 (a) under this title;
- 2780 (b) by the department; or
- 2781 (c) by an agency or division within the department.

2782 Section 44. Section 63F-1-302 is amended to read:

2783 **63F-1-302. Information Technology Rate Committee -- Membership -- Duties.**

- 2784 (1) (a) There is created an Information Technology Rate Committee, which shall
- 2785 consist of the executive directors, or the executive director's designee, of seven executive
- 2786 branch agencies that use services and pay rates to one of the department internal service funds,

2787 appointed by the governor for a two-year term.

2788 (b) (i) Of the seven executive agencies represented on the rate committee under
2789 Subsection (1)(a), only one of the following may be represented on the committee, if at all, at
2790 any one time:

2791 (A) the Governor's Office of [~~Management~~] Planning and Budget;

2792 (B) the Division of Finance; or

2793 (C) the Department of Administrative Services.

2794 (ii) The department may not have a representative on the rate committee.

2795 (c) (i) The committee shall elect a chair from [~~its~~] the committee's members.

2796 (ii) Members of the committee who are state government employees and who do not
2797 receive salary, per diem, or expenses from their agency for their service on the committee shall
2798 receive no compensation, benefits, per diem, or expenses for the member's service on the
2799 committee.

2800 (d) The department shall provide staff services to the committee.

2801 (2) (a) Any internal service funds managed by the department shall submit to the
2802 committee a proposed rate and fee schedule for services rendered by the department to an
2803 executive branch agency or an entity that subscribes to services rendered by the department.

2804 (b) The committee shall:

2805 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings
2806 Act;

2807 (ii) meet at least once each calendar year to:

2808 (A) discuss the service performance of each internal service fund;

2809 (B) review the proposed rate and fee schedules;

2810 (C) determine whether each proposed fee is based on cost recovery as required by
2811 Subsection [63F-1-301\(2\)\(b\)](#);

2812 (D) at the rate committee's discretion, approve, increase, or decrease the rate and fee
2813 schedules described in Subsection (2)(b)(ii)(B); and

2814 (E) discuss any prior or potential adjustments to the service level received by state
2815 agencies that pay rates to an internal service fund;

2816 (iii) recommend a proposed rate and fee schedule for each internal service fund to:

2817 (A) the Governor's Office of [~~Management~~] Planning and Budget; and

2818 (B) the Office of the Legislative Fiscal Analyst for review by the Legislature in
2819 accordance with Section 63J-1-410, which requires the Legislature to approve the internal
2820 service fund agency's rates, fees, and budget in an appropriations act; and

2821 (iv) in accordance with Section 63J-1-410, review and approve, increase or decrease an
2822 interim rate, fee, or amount when an internal service fund agency begins a new service or
2823 introduces a new product between annual general sessions of the Legislature, which rate, fee, or
2824 amount shall be submitted to the Legislature at the next annual general session.

2825 (c) The committee may, in accordance with Subsection 63J-1-410(4), decrease a rate,
2826 fee, or amount that has been approved by the Legislature.

2827 Section 45. Section 63F-1-508 is amended to read:

2828 **63F-1-508. Committee to award grants to counties for inventory and mapping of**
2829 **R.S. 2477 rights-of-way -- Use of grants -- Request for proposals.**

2830 (1) There is created within the center a committee to award grants to counties to
2831 inventory and map R.S. 2477 rights-of-way, associated structures, and other features as
2832 provided by Subsection (5).

2833 (2) (a) The committee shall consist of:

2834 (i) the center manager;

2835 (ii) a representative of the Governor's Office of [~~Management~~] Planning and Budget;

2836 (iii) a representative of Utah State University Extension;

2837 (iv) a representative of the Utah Association of Counties; and

2838 (v) three county commissioners.

2839 (b) The committee members specified in Subsections (2)(a)(ii) through (2)(a)(iv) shall
2840 be selected by the organizations they represent.

2841 (c) The committee members specified in Subsection (2)(a)(v) shall be:

2842 (i) selected by the Utah Association of Counties;

2843 (ii) from rural counties; and

2844 (iii) from different regions of the state.

2845 (3) (a) The committee shall select a chair from [~~its~~] the committee's membership.

2846 (b) The committee shall meet upon the call of the chair or a majority of the committee
2847 members.

2848 (c) Four members shall constitute a quorum.

2849 (4) (a) Committee members who are state government employees shall receive no
2850 additional compensation for their work on the committee.

2851 (b) Committee members who are not state government employees shall receive no
2852 compensation or expenses from the state for their work on the committee.

2853 (5) (a) The committee shall award grants to counties to:

2854 (i) inventory and map R.S. 2477 rights-of-way using Global Positioning System (GPS)
2855 technology; and

2856 (ii) photograph:

2857 (A) roads and other evidence of construction of R.S. 2477 rights-of-way;

2858 (B) structures or natural features that may be indicative of the purpose for which an
2859 R.S. 2477 right-of-way was created, such as mines, agricultural facilities, recreational
2860 facilities, or scenic overlooks; and

2861 (C) evidence of valid and existing rights on federal lands, such as mines and
2862 agricultural facilities.

2863 (b) (i) The committee may allow counties, while they are conducting the activities
2864 described in Subsection (5)(a), to use grant money to inventory, map, or photograph other
2865 natural or cultural resources.

2866 (ii) Activities funded under Subsection (5)(b)(i) must be integrated with existing
2867 programs underway by state agencies, counties, or institutions of higher education.

2868 (c) Maps and other data acquired through the grants shall become a part of the State
2869 Geographic Information Database.

2870 (d) Counties shall provide an opportunity to interested parties to submit information
2871 relative to the mapping and photographing of R.S. 2477 rights-of-way and other structures as
2872 provided in Subsections (5)(a) and (5)(b).

2873 (6) (a) The committee shall develop a request for proposals process and issue a request
2874 for proposals.

2875 (b) The request for proposals shall require each grant applicant to submit an
2876 implementation plan and identify any monetary or in-kind contributions from the county.

2877 (c) In awarding grants, the committee shall give priority to proposals to inventory, map,
2878 and photograph R.S. 2477 rights-of-way and other structures as specified in Subsection (5)(a)
2879 which are located on federal lands that:

2880 (i) a federal land management agency proposes for special management, such as lands
2881 to be managed as an area of critical environmental concern or primitive area; or

2882 (ii) are proposed to receive a special designation by Congress, such as lands to be
2883 designated as wilderness or a national conservation area.

2884 (7) Each county that receives a grant under the provision of this section shall provide a
2885 copy of all data regarding inventory and mapping to the AGRC for inclusion in the state
2886 database.

2887 Section 46. Section **63F-3-103** is amended to read:

2888 **63F-3-103. Single sign-on business portal -- Creation.**

2889 (1) The department shall, in consultation with the entities described in Subsection (4),
2890 design and create a single sign-on business portal that is:

2891 (a) a web portal through which a person may access data described in Subsection (2),
2892 as agreed upon by the entities described in Subsection (4); and

2893 (b) secure, centralized, and interconnected.

2894 (2) The department shall ensure that the single sign-on business portal allows a person
2895 doing business in the state to access, at a single point of entry, all relevant state-collected
2896 business data about the person, including information related to:

2897 (a) business registration;

2898 (b) workers' compensation;

2899 (c) beginning December 1, 2020, tax liability and payment; and

2900 (d) other information collected by the state that the department determines is relevant
2901 to a person doing business in the state.

2902 (3) The department shall develop the single sign-on business portal:

2903 (a) using an open platform that:

2904 (i) facilitates participation in the web portal by a state entity;

2905 (ii) allows for optional participation by a political subdivision of the state; and

2906 (iii) contains a link to the State Tax Commission website; and

2907 (b) in a manner that anticipates the creation of the single sign-on citizen portal
2908 described in Section [63F-3-103.5](#).

2909 (4) In developing the single sign-on business portal, the department shall consult with:

2910 (a) the Department of Commerce;

- 2911 (b) the State Tax Commission;
- 2912 (c) the Labor Commission;
- 2913 (d) the Department of Workforce Services;
- 2914 (e) the Governor's Office of [~~Management~~] Planning and Budget;
- 2915 (f) the Utah League of Cities and Towns;
- 2916 (g) the Utah Association of Counties; and
- 2917 (h) the business community that is likely to use the single sign-on business portal.

2918 (5) The department shall ensure that the single sign-on business portal is fully
 2919 operational no later than May 1, 2021.

2920 Section 47. Section **63F-4-102** is amended to read:

2921 **63F-4-102. Definitions.**

2922 As used in this chapter:

2923 (1) "Executive branch agency" means a department, division, or other agency within
 2924 the executive branch of state government.

2925 (2) "Governor's budget office" means the Governor's Office of [~~Management~~] Planning
 2926 and Budget, created in Section [63J-4-201](#).

2927 (3) "Review board" means the Architecture Review Board established within the
 2928 department.

2929 (4) "Technology innovation" means a new information technology not previously in
 2930 use or a substantial adaptation or modification of an existing information technology.

2931 (5) "Technology proposal" means a proposal to implement a technology innovation
 2932 designed to result in a greater efficiency in a government process or a cost saving in the
 2933 delivery of a government service, or both.

2934 Section 48. Section **63G-2-305** is amended to read:

2935 **63G-2-305. Protected records.**

2936 The following records are protected if properly classified by a governmental entity:

2937 (1) trade secrets as defined in Section [13-24-2](#) if the person submitting the trade secret
 2938 has provided the governmental entity with the information specified in Section [63G-2-309](#);

2939 (2) commercial information or nonindividual financial information obtained from a
 2940 person if:

2941 (a) disclosure of the information could reasonably be expected to result in unfair

2942 competitive injury to the person submitting the information or would impair the ability of the
2943 governmental entity to obtain necessary information in the future;

2944 (b) the person submitting the information has a greater interest in prohibiting access
2945 than the public in obtaining access; and

2946 (c) the person submitting the information has provided the governmental entity with
2947 the information specified in Section [63G-2-309](#);

2948 (3) commercial or financial information acquired or prepared by a governmental entity
2949 to the extent that disclosure would lead to financial speculations in currencies, securities, or
2950 commodities that will interfere with a planned transaction by the governmental entity or cause
2951 substantial financial injury to the governmental entity or state economy;

2952 (4) records, the disclosure of which could cause commercial injury to, or confer a
2953 competitive advantage upon a potential or actual competitor of, a commercial project entity as
2954 defined in Subsection [11-13-103\(4\)](#);

2955 (5) test questions and answers to be used in future license, certification, registration,
2956 employment, or academic examinations;

2957 (6) records, the disclosure of which would impair governmental procurement
2958 proceedings or give an unfair advantage to any person proposing to enter into a contract or
2959 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
2960 Subsection (6) does not restrict the right of a person to have access to, after the contract or
2961 grant has been awarded and signed by all parties:

2962 (a) a bid, proposal, application, or other information submitted to or by a governmental
2963 entity in response to:

2964 (i) an invitation for bids;

2965 (ii) a request for proposals;

2966 (iii) a request for quotes;

2967 (iv) a grant; or

2968 (v) other similar document; or

2969 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);

2970 (7) information submitted to or by a governmental entity in response to a request for
2971 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
2972 the right of a person to have access to the information, after:

- 2973 (a) a contract directly relating to the subject of the request for information has been
2974 awarded and signed by all parties; or
- 2975 (b) (i) a final determination is made not to enter into a contract that relates to the
2976 subject of the request for information; and
- 2977 (ii) at least two years have passed after the day on which the request for information is
2978 issued;
- 2979 (8) records that would identify real property or the appraisal or estimated value of real
2980 or personal property, including intellectual property, under consideration for public acquisition
2981 before any rights to the property are acquired unless:
- 2982 (a) public interest in obtaining access to the information is greater than or equal to the
2983 governmental entity's need to acquire the property on the best terms possible;
- 2984 (b) the information has already been disclosed to persons not employed by or under a
2985 duty of confidentiality to the entity;
- 2986 (c) in the case of records that would identify property, potential sellers of the described
2987 property have already learned of the governmental entity's plans to acquire the property;
- 2988 (d) in the case of records that would identify the appraisal or estimated value of
2989 property, the potential sellers have already learned of the governmental entity's estimated value
2990 of the property; or
- 2991 (e) the property under consideration for public acquisition is a single family residence
2992 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
2993 the property as required under Section [78B-6-505](#);
- 2994 (9) records prepared in contemplation of sale, exchange, lease, rental, or other
2995 compensated transaction of real or personal property including intellectual property, which, if
2996 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
2997 of the subject property, unless:
- 2998 (a) the public interest in access is greater than or equal to the interests in restricting
2999 access, including the governmental entity's interest in maximizing the financial benefit of the
3000 transaction; or
- 3001 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
3002 the value of the subject property have already been disclosed to persons not employed by or
3003 under a duty of confidentiality to the entity;

3004 (10) records created or maintained for civil, criminal, or administrative enforcement
3005 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if
3006 release of the records:

3007 (a) reasonably could be expected to interfere with investigations undertaken for
3008 enforcement, discipline, licensing, certification, or registration purposes;

3009 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
3010 proceedings;

3011 (c) would create a danger of depriving a person of a right to a fair trial or impartial
3012 hearing;

3013 (d) reasonably could be expected to disclose the identity of a source who is not
3014 generally known outside of government and, in the case of a record compiled in the course of
3015 an investigation, disclose information furnished by a source not generally known outside of
3016 government if disclosure would compromise the source; or

3017 (e) reasonably could be expected to disclose investigative or audit techniques,
3018 procedures, policies, or orders not generally known outside of government if disclosure would
3019 interfere with enforcement or audit efforts;

3020 (11) records the disclosure of which would jeopardize the life or safety of an
3021 individual;

3022 (12) records the disclosure of which would jeopardize the security of governmental
3023 property, governmental programs, or governmental recordkeeping systems from damage, theft,
3024 or other appropriation or use contrary to law or public policy;

3025 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
3026 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere
3027 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

3028 (14) records that, if disclosed, would reveal recommendations made to the Board of
3029 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
3030 Board of Pardons and Parole, or the Department of Human Services that are based on the
3031 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
3032 jurisdiction;

3033 (15) records and audit workpapers that identify audit, collection, and operational
3034 procedures and methods used by the State Tax Commission, if disclosure would interfere with

3035 audits or collections;

3036 (16) records of a governmental audit agency relating to an ongoing or planned audit
3037 until the final audit is released;

3038 (17) records that are subject to the attorney client privilege;

3039 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
3040 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,
3041 quasi-judicial, or administrative proceeding;

3042 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
3043 from a member of the Legislature; and

3044 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
3045 legislative action or policy may not be classified as protected under this section; and

3046 (b) (i) an internal communication that is part of the deliberative process in connection
3047 with the preparation of legislation between:

3048 (A) members of a legislative body;

3049 (B) a member of a legislative body and a member of the legislative body's staff; or

3050 (C) members of a legislative body's staff; and

3051 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
3052 legislative action or policy may not be classified as protected under this section;

3053 (20) (a) records in the custody or control of the Office of Legislative Research and
3054 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
3055 legislation or contemplated course of action before the legislator has elected to support the
3056 legislation or course of action, or made the legislation or course of action public; and

3057 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
3058 Office of Legislative Research and General Counsel is a public document unless a legislator
3059 asks that the records requesting the legislation be maintained as protected records until such
3060 time as the legislator elects to make the legislation or course of action public;

3061 (21) research requests from legislators to the Office of Legislative Research and
3062 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
3063 in response to these requests;

3064 (22) drafts, unless otherwise classified as public;

3065 (23) records concerning a governmental entity's strategy about:

- 3066 (a) collective bargaining; or
- 3067 (b) imminent or pending litigation;
- 3068 (24) records of investigations of loss occurrences and analyses of loss occurrences that
- 3069 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
- 3070 Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 3071 (25) records, other than personnel evaluations, that contain a personal recommendation
- 3072 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
- 3073 personal privacy, or disclosure is not in the public interest;
- 3074 (26) records that reveal the location of historic, prehistoric, paleontological, or
- 3075 biological resources that if known would jeopardize the security of those resources or of
- 3076 valuable historic, scientific, educational, or cultural information;
- 3077 (27) records of independent state agencies if the disclosure of the records would
- 3078 conflict with the fiduciary obligations of the agency;
- 3079 (28) records of an institution within the state system of higher education defined in
- 3080 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,
- 3081 retention decisions, and promotions, which could be properly discussed in a meeting closed in
- 3082 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
- 3083 the final decisions about tenure, appointments, retention, promotions, or those students
- 3084 admitted, may not be classified as protected under this section;
- 3085 (29) records of the governor's office, including budget recommendations, legislative
- 3086 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
- 3087 policies or contemplated courses of action before the governor has implemented or rejected
- 3088 those policies or courses of action or made them public;
- 3089 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
- 3090 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
- 3091 recommendations in these areas;
- 3092 (31) records provided by the United States or by a government entity outside the state
- 3093 that are given to the governmental entity with a requirement that they be managed as protected
- 3094 records if the providing entity certifies that the record would not be subject to public disclosure
- 3095 if retained by it;
- 3096 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a

3097 public body except as provided in Section [52-4-206](#);

3098 (33) records that would reveal the contents of settlement negotiations but not including
3099 final settlements or empirical data to the extent that they are not otherwise exempt from
3100 disclosure;

3101 (34) memoranda prepared by staff and used in the decision-making process by an
3102 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
3103 other body charged by law with performing a quasi-judicial function;

3104 (35) records that would reveal negotiations regarding assistance or incentives offered
3105 by or requested from a governmental entity for the purpose of encouraging a person to expand
3106 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
3107 person or place the governmental entity at a competitive disadvantage, but this section may not
3108 be used to restrict access to a record evidencing a final contract;

3109 (36) materials to which access must be limited for purposes of securing or maintaining
3110 the governmental entity's proprietary protection of intellectual property rights including patents,
3111 copyrights, and trade secrets;

3112 (37) the name of a donor or a prospective donor to a governmental entity, including an
3113 institution within the state system of higher education defined in Section [53B-1-102](#), and other
3114 information concerning the donation that could reasonably be expected to reveal the identity of
3115 the donor, provided that:

3116 (a) the donor requests anonymity in writing;

3117 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
3118 classified protected by the governmental entity under this Subsection (37); and

3119 (c) except for an institution within the state system of higher education defined in
3120 Section [53B-1-102](#), the governmental unit to which the donation is made is primarily engaged
3121 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
3122 over the donor, a member of the donor's immediate family, or any entity owned or controlled
3123 by the donor or the donor's immediate family;

3124 (38) accident reports, except as provided in Sections [41-6a-404](#), [41-12a-202](#), and
3125 [73-18-13](#);

3126 (39) a notification of workers' compensation insurance coverage described in Section
3127 [34A-2-205](#);

3128 (40) (a) the following records of an institution within the state system of higher
3129 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
3130 or received by or on behalf of faculty, staff, employees, or students of the institution:

3131 (i) unpublished lecture notes;

3132 (ii) unpublished notes, data, and information:

3133 (A) relating to research; and

3134 (B) of:

3135 (I) the institution within the state system of higher education defined in Section

3136 53B-1-102; or

3137 (II) a sponsor of sponsored research;

3138 (iii) unpublished manuscripts;

3139 (iv) creative works in process;

3140 (v) scholarly correspondence; and

3141 (vi) confidential information contained in research proposals;

3142 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
3143 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

3144 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

3145 (41) (a) records in the custody or control of the Office of the Legislative Auditor

3146 General that would reveal the name of a particular legislator who requests a legislative audit
3147 prior to the date that audit is completed and made public; and

3148 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
3149 Office of the Legislative Auditor General is a public document unless the legislator asks that
3150 the records in the custody or control of the Office of the Legislative Auditor General that would
3151 reveal the name of a particular legislator who requests a legislative audit be maintained as
3152 protected records until the audit is completed and made public;

3153 (42) records that provide detail as to the location of an explosive, including a map or
3154 other document that indicates the location of:

3155 (a) a production facility; or

3156 (b) a magazine;

3157 (43) information:

3158 (a) contained in the statewide database of the Division of Aging and Adult Services

3159 created by Section [62A-3-311.1](#); or
3160 (b) received or maintained in relation to the Identity Theft Reporting Information
3161 System (IRIS) established under Section [67-5-22](#);
3162 (44) information contained in the Management Information System and Licensing
3163 Information System described in Title 62A, Chapter 4a, Child and Family Services;
3164 (45) information regarding National Guard operations or activities in support of the
3165 National Guard's federal mission;
3166 (46) records provided by any pawn or secondhand business to a law enforcement
3167 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and
3168 Secondhand Merchandise Transaction Information Act;
3169 (47) information regarding food security, risk, and vulnerability assessments performed
3170 by the Department of Agriculture and Food;
3171 (48) except to the extent that the record is exempt from this chapter pursuant to Section
3172 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
3173 prepared or maintained by the Division of Emergency Management, and the disclosure of
3174 which would jeopardize:
3175 (a) the safety of the general public; or
3176 (b) the security of:
3177 (i) governmental property;
3178 (ii) governmental programs; or
3179 (iii) the property of a private person who provides the Division of Emergency
3180 Management information;
3181 (49) records of the Department of Agriculture and Food that provides for the
3182 identification, tracing, or control of livestock diseases, including any program established under
3183 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
3184 of Animal Disease;
3185 (50) as provided in Section [26-39-501](#):
3186 (a) information or records held by the Department of Health related to a complaint
3187 regarding a child care program or residential child care which the department is unable to
3188 substantiate; and
3189 (b) information or records related to a complaint received by the Department of Health

3190 from an anonymous complainant regarding a child care program or residential child care;

3191 (51) unless otherwise classified as public under Section 63G-2-301 and except as
3192 provided under Section 41-1a-116, an individual's home address, home telephone number, or
3193 personal mobile phone number, if:

3194 (a) the individual is required to provide the information in order to comply with a law,
3195 ordinance, rule, or order of a government entity; and

3196 (b) the subject of the record has a reasonable expectation that this information will be
3197 kept confidential due to:

3198 (i) the nature of the law, ordinance, rule, or order; and

3199 (ii) the individual complying with the law, ordinance, rule, or order;

3200 (52) the portion of the following documents that contains a candidate's residential or
3201 mailing address, if the candidate provides to the filing officer another address or phone number
3202 where the candidate may be contacted:

3203 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
3204 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,
3205 20A-9-408.5, 20A-9-502, or 20A-9-601;

3206 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

3207 (c) a notice of intent to gather signatures for candidacy, described in Section
3208 20A-9-408;

3209 (53) the name, home address, work addresses, and telephone numbers of an individual
3210 that is engaged in, or that provides goods or services for, medical or scientific research that is:

3211 (a) conducted within the state system of higher education, as defined in Section
3212 53B-1-102; and

3213 (b) conducted using animals;

3214 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
3215 Evaluation Commission concerning an individual commissioner's vote on whether or not to
3216 recommend that the voters retain a judge including information disclosed under Subsection
3217 78A-12-203(5)(e);

3218 (55) information collected and a report prepared by the Judicial Performance
3219 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter
3220 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,

3221 the information or report;

3222 (56) records contained in the Management Information System created in Section

3223 [62A-4a-1003](#);

3224 (57) records provided or received by the Public Lands Policy Coordinating Office in

3225 furtherance of any contract or other agreement made in accordance with Section [~~63J-4-603~~]

3226 [63L-11-202](#);

3227 (58) information requested by and provided to the 911 Division under Section

3228 [63H-7a-302](#);

3229 (59) in accordance with Section [73-10-33](#):

3230 (a) a management plan for a water conveyance facility in the possession of the Division

3231 of Water Resources or the Board of Water Resources; or

3232 (b) an outline of an emergency response plan in possession of the state or a county or

3233 municipality;

3234 (60) the following records in the custody or control of the Office of Inspector General

3235 of Medicaid Services, created in Section [63A-13-201](#):

3236 (a) records that would disclose information relating to allegations of personal

3237 misconduct, gross mismanagement, or illegal activity of a person if the information or

3238 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services

3239 through other documents or evidence, and the records relating to the allegation are not relied

3240 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation

3241 report or final audit report;

3242 (b) records and audit workpapers to the extent they would disclose the identity of a

3243 person who, during the course of an investigation or audit, communicated the existence of any

3244 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or

3245 regulation adopted under the laws of this state, a political subdivision of the state, or any

3246 recognized entity of the United States, if the information was disclosed on the condition that

3247 the identity of the person be protected;

3248 (c) before the time that an investigation or audit is completed and the final

3249 investigation or final audit report is released, records or drafts circulated to a person who is not

3250 an employee or head of a governmental entity for the person's response or information;

3251 (d) records that would disclose an outline or part of any investigation, audit survey

3252 plan, or audit program; or

3253 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
3254 investigation or audit;

3255 (61) records that reveal methods used by the Office of Inspector General of Medicaid
3256 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or
3257 abuse;

3258 (62) information provided to the Department of Health or the Division of Occupational
3259 and Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
3260 58-68-304(3) and (4);

3261 (63) a record described in Section 63G-12-210;

3262 (64) captured plate data that is obtained through an automatic license plate reader
3263 system used by a governmental entity as authorized in Section 41-6a-2003;

3264 (65) any record in the custody of the Utah Office for Victims of Crime relating to a
3265 victim, including:

3266 (a) a victim's application or request for benefits;

3267 (b) a victim's receipt or denial of benefits; and

3268 (c) any administrative notes or records made or created for the purpose of, or used to,
3269 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim
3270 Reparations Fund;

3271 (66) an audio or video recording created by a body-worn camera, as that term is
3272 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
3273 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
3274 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
3275 that term is defined in Section 62A-2-101, except for recordings that:

3276 (a) depict the commission of an alleged crime;

3277 (b) record any encounter between a law enforcement officer and a person that results in
3278 death or bodily injury, or includes an instance when an officer fires a weapon;

3279 (c) record any encounter that is the subject of a complaint or a legal proceeding against
3280 a law enforcement officer or law enforcement agency;

3281 (d) contain an officer involved critical incident as defined in Subsection

3282 76-2-408(1)(f); or

3283 (e) have been requested for reclassification as a public record by a subject or
3284 authorized agent of a subject featured in the recording;

3285 (67) a record pertaining to the search process for a president of an institution of higher
3286 education described in Section 53B-2-102, except for application materials for a publicly
3287 announced finalist;

3288 (68) an audio recording that is:

3289 (a) produced by an audio recording device that is used in conjunction with a device or
3290 piece of equipment designed or intended for resuscitating an individual or for treating an
3291 individual with a life-threatening condition;

3292 (b) produced during an emergency event when an individual employed to provide law
3293 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

3294 (i) is responding to an individual needing resuscitation or with a life-threatening
3295 condition; and

3296 (ii) uses a device or piece of equipment designed or intended for resuscitating an
3297 individual or for treating an individual with a life-threatening condition; and

3298 (c) intended and used for purposes of training emergency responders how to improve
3299 their response to an emergency situation;

3300 (69) records submitted by or prepared in relation to an applicant seeking a
3301 recommendation by the Research and General Counsel Subcommittee, the Budget
3302 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
3303 employment position with the Legislature;

3304 (70) work papers as defined in Section 31A-2-204;

3305 (71) a record made available to Adult Protective Services or a law enforcement agency
3306 under Section 61-1-206;

3307 (72) a record submitted to the Insurance Department in accordance with Section
3308 31A-37-201 or 31A-22-653;

3309 (73) a record described in Section 31A-37-503.

3310 (74) any record created by the Division of Occupational and Professional Licensing as
3311 a result of Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);

3312 (75) a record described in Section 72-16-306 that relates to the reporting of an injury
3313 involving an amusement ride;

3314 (76) except as provided in Subsection 63G-2-305.5(1), the signature of an individual
3315 on a political petition, or on a request to withdraw a signature from a political petition,
3316 including a petition or request described in the following titles:

- 3317 (a) Title 10, Utah Municipal Code;
- 3318 (b) Title 17, Counties;
- 3319 (c) Title 17B, Limited Purpose Local Government Entities - Local Districts;
- 3320 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 3321 (e) Title 20A, Election Code;

3322 (77) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in
3323 a voter registration record;

3324 (78) except as provided in Subsection 63G-2-305.5(3), any signature, other than a
3325 signature described in Subsection (76) or (77), in the custody of the lieutenant governor or a
3326 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;

3327 (79) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part
3328 5, Victims Guidelines for Prosecutors Act;

3329 (80) a record submitted to the Insurance Department under Subsection
3330 31A-47-103(1)(b); and

3331 (81) personal information, as defined in Section 63G-26-102, to the extent disclosure is
3332 prohibited under Section 63G-26-103.

3333 Section 49. Section 63G-3-301 is amended to read:

3334 **63G-3-301. Rulemaking procedure.**

3335 (1) An agency authorized to make rules is also authorized to amend or repeal those
3336 rules.

3337 (2) Except as provided in Sections 63G-3-303 and 63G-3-304, when making,
3338 amending, or repealing a rule agencies shall comply with:

- 3339 (a) the requirements of this section;
- 3340 (b) consistent procedures required by other statutes;
- 3341 (c) applicable federal mandates; and
- 3342 (d) rules made by the office to implement this chapter.

3343 (3) Subject to the requirements of this chapter, each agency shall develop and use
3344 flexible approaches in drafting rules that meet the needs of the agency and that involve persons

3345 affected by the agency's rules.

3346 (4) (a) Each agency shall file the agency's proposed rule and rule analysis with the
3347 office.

3348 (b) Rule amendments shall be marked with new language underlined and deleted
3349 language struck out.

3350 (c) (i) The office shall publish the information required under Subsection (8) on the
3351 rule analysis and the text of the proposed rule in the next issue of the bulletin.

3352 (ii) For rule amendments, only the section or subsection of the rule being amended
3353 need be printed.

3354 (iii) If the director determines that the rule is too long to publish, the office shall
3355 publish the rule analysis and shall publish the rule by reference to a copy on file with the office.

3356 (5) Before filing a rule with the office, the agency shall conduct a thorough analysis,
3357 consistent with the criteria established by the Governor's Office of ~~Management~~ Planning and
3358 Budget, of the fiscal impact a rule may have on businesses, which criteria may include:

3359 (a) the type of industries that will be impacted by the rule, and for each identified
3360 industry, an estimate of the total number of businesses within the industry, and an estimate of
3361 the number of those businesses that are small businesses;

3362 (b) the individual fiscal impact that would incur to a typical business for a one-year
3363 period;

3364 (c) the aggregated total fiscal impact that would incur to all businesses within the state
3365 for a one-year period;

3366 (d) the total cost that would incur to all impacted entities over a five-year period; and

3367 (e) the department head's comments on the analysis.

3368 (6) If the agency reasonably expects that a proposed rule will have a measurable
3369 negative fiscal impact on small businesses, the agency shall consider, as allowed by federal
3370 law, each of the following methods of reducing the impact of the rule on small businesses:

3371 (a) establishing less stringent compliance or reporting requirements for small
3372 businesses;

3373 (b) establishing less stringent schedules or deadlines for compliance or reporting
3374 requirements for small businesses;

3375 (c) consolidating or simplifying compliance or reporting requirements for small

3376 businesses;

3377 (d) establishing performance standards for small businesses to replace design or
3378 operational standards required in the proposed rule; and

3379 (e) exempting small businesses from all or any part of the requirements contained in
3380 the proposed rule.

3381 (7) If during the public comment period an agency receives comment that the proposed
3382 rule will cost small business more than one day's annual average gross receipts, and the agency
3383 had not previously performed the analysis in Subsection (6), the agency shall perform the
3384 analysis described in Subsection (6).

3385 (8) The rule analysis shall contain:

3386 (a) a summary of the rule or change;

3387 (b) the purpose of the rule or reason for the change;

3388 (c) the statutory authority or federal requirement for the rule;

3389 (d) the anticipated cost or savings to:

3390 (i) the state budget;

3391 (ii) local governments;

3392 (iii) small businesses; and

3393 (iv) persons other than small businesses, businesses, or local governmental entities;

3394 (e) the compliance cost for affected persons;

3395 (f) how interested persons may review the full text of the rule;

3396 (g) how interested persons may present their views on the rule;

3397 (h) the time and place of any scheduled public hearing;

3398 (i) the name and telephone number of an agency employee who may be contacted
3399 about the rule;

3400 (j) the name of the agency head or designee who authorized the rule;

3401 (k) the date on which the rule may become effective following the public comment
3402 period;

3403 (l) the agency's analysis on the fiscal impact of the rule as required under Subsection
3404 (5);

3405 (m) any additional comments the department head may choose to submit regarding the
3406 fiscal impact the rule may have on businesses; and

3407 (n) if applicable, a summary of the agency's efforts to comply with the requirements of
3408 Subsection (6).

3409 (9) (a) For a rule being repealed and reenacted, the rule analysis shall contain a
3410 summary that generally includes the following:

3411 (i) a summary of substantive provisions in the repealed rule which are eliminated from
3412 the enacted rule; and

3413 (ii) a summary of new substantive provisions appearing only in the enacted rule.

3414 (b) The summary required under this Subsection (9) is to aid in review and may not be
3415 used to contest any rule on the ground of noncompliance with the procedural requirements of
3416 this chapter.

3417 (10) A copy of the rule analysis shall be mailed to all persons who have made timely
3418 request of the agency for advance notice of the agency's rulemaking proceedings and to any
3419 other person who, by statutory or federal mandate or in the judgment of the agency, should also
3420 receive notice.

3421 (11) (a) Following the publication date, the agency shall allow at least 30 days for
3422 public comment on the rule.

3423 (b) The agency shall review and evaluate all public comments submitted in writing
3424 within the time period under Subsection (11)(a) or presented at public hearings conducted by
3425 the agency within the time period under Subsection (11)(a).

3426 (12) (a) Except as provided in Sections [63G-3-303](#) and [63G-3-304](#), a proposed rule
3427 becomes effective on any date specified by the agency that is:

3428 (i) no fewer than seven calendar days after the day on which the public comment
3429 period closes under Subsection (11); and

3430 (ii) no more than 120 days after the day on which the rule is published.

3431 (b) The agency shall provide notice of the rule's effective date to the office in the form
3432 required by the office.

3433 (c) The notice of effective date may not provide for an effective date before the day on
3434 which the office receives the notice.

3435 (d) The office shall publish notice of the effective date of the rule in the next issue of
3436 the bulletin.

3437 (e) A proposed rule lapses if a notice of effective date or a change to a proposed rule is

3438 not filed with the office within 120 days after the day on which the rule is published.

3439 (13) (a) Except as provided in Subsection (13)(d), before an agency enacts a rule, the
3440 agency shall submit to the appropriations subcommittee and interim committee with
3441 jurisdiction over the agency the agency's proposed rule for review, if the proposed rule, over a
3442 three-year period, has a fiscal impact of more than:

- 3443 (i) \$250,000 to a single person; or
- 3444 (ii) \$7,500,000 to a group of persons.

3445 (b) An appropriations subcommittee or interim committee that reviews a rule
3446 submitted under Subsection (13)(a) shall:

- 3447 (i) before the review, directly inform the chairs of the Administrative Rules Review
3448 Committee of the coming review, including the date, time, and place of the review; and
- 3449 (ii) after the review, directly inform the chairs of the Administrative Rules Review
3450 Committee of the outcome of the review, including any recommendation.

3451 (c) An appropriations subcommittee or interim committee that reviews a rule submitted
3452 under Subsection (13)(a) may recommend to the Administrative Rules Review Committee that
3453 the Administrative Rules Review Committee not recommend reauthorization of the rule in the
3454 omnibus legislation described in Section [63G-3-502](#).

3455 (d) The requirement described in Subsection (13)(a) does not apply to:

- 3456 (i) the State Tax Commission; or
- 3457 (ii) the State Board of Education.

3458 (14) (a) As used in this Subsection (14), "initiate rulemaking proceedings" means the
3459 filing, for the purposes of publication in accordance with Subsection (4), of an agency's
3460 proposed rule that is required by state statute.

3461 (b) A state agency shall initiate rulemaking proceedings no later than 180 days after the
3462 day on which the statutory provision that specifically requires the rulemaking takes effect,
3463 except under Subsection (14)(c).

3464 (c) When a statute is enacted that requires agency rulemaking and the affected agency
3465 already has rules in place that meet the statutory requirement, the agency shall submit the rules
3466 to the Administrative Rules Review Committee for review within 60 days after the day on
3467 which the statute requiring the rulemaking takes effect.

3468 (d) If a state agency does not initiate rulemaking proceedings in accordance with the

3469 time requirements in Subsection (14)(b), the state agency shall appear before the legislative
3470 Administrative Rules Review Committee and provide the reasons for the delay.

3471 Section 50. Section **63G-25-202** is amended to read:

3472 **63G-25-202. Citizen feedback annual report.**

3473 (1) The Governor's Office of [~~Management~~] Planning and Budget shall prepare an
3474 annual report that contains a summary of any feedback that state agencies gathered in
3475 accordance with Section **63G-25-201** during the preceding calendar year.

3476 (2) On or before July 1, the Governor's Office of [~~Management~~] Planning and Budget
3477 shall:

3478 (a) provide an electronic copy of the report described in Subsection (1) to each
3479 legislator; and

3480 (b) make the report described in Subsection (1) accessible to the public.

3481 Section 51. Section **63I-1-263** is amended to read:

3482 **63I-1-263. Repeal dates, Titles 63A to 63N.**

3483 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

3484 (a) Subsection **63A-1-201**(1) is repealed;

3485 (b) Subsection **63A-1-202**(2)(c), the language "using criteria established by the board"
3486 is repealed;

3487 (c) Section **63A-1-203** is repealed;

3488 (d) Subsections **63A-1-204**(1) and (2), the language "After consultation with the board,
3489 and" is repealed; and

3490 (e) Subsection **63A-1-204**(1)(b), the language "using the standards provided in
3491 Subsection **63A-1-203**(3)(c)" is repealed.

3492 (2) Subsection **63A-5b-405**(5), relating to prioritizing and allocating capital
3493 improvement funding, is repealed July 1, 2024.

3494 (3) Section **63A-5b-1003**, State Facility Energy Efficiency Fund, is repealed July 1,
3495 2023.

3496 (4) Sections **63A-9-301** and **63A-9-302**, related to the Motor Vehicle Review
3497 Committee, are repealed July 1, 2023.

3498 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
3499 1, 2028.

- 3500 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
3501 2025.
- 3502 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
3503 2024.
- 3504 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
3505 repealed July 1, 2021.
- 3506 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
3507 July 1, 2023.
- 3508 (10) Title 63C, Chapter 21, Outdoor Adventure Commission, is repealed July 1, 2025.
- 3509 (11) Title 63F, Chapter 2, Data Security Management Council, is repealed July 1,
3510 2025.
- 3511 (12) Section [63G-6a-805](#), which creates the Purchasing from Persons with Disabilities
3512 Advisory Board, is repealed July 1, 2026.
- 3513 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
3514 2025.
- 3515 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
3516 2024.
- 3517 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 3518 (16) Subsection [63J-1-602.1](#)(14), Nurse Home Visiting Restricted Account is repealed
3519 July 1, 2026.
- 3520 (17) (a) Subsection [63J-1-602.1](#)(58), relating to the Utah Statewide Radio System
3521 Restricted Account, is repealed July 1, 2022.
- 3522 (b) When repealing Subsection [63J-1-602.1](#)(58), the Office of Legislative Research and
3523 General Counsel shall, in addition to the office's authority under Subsection [36-12-12](#)(3), make
3524 necessary changes to subsection numbering and cross references.
- 3525 (18) Subsection [63J-1-602.2](#)(4), referring to dedicated credits to the Utah Marriage
3526 Commission, is repealed July 1, 2023.
- 3527 (19) Subsection [63J-1-602.2](#)(5), referring to the Trip Reduction Program, is repealed
3528 July 1, 2022.
- 3529 (20) Subsection [63J-1-602.2](#)(25), related to the Utah Seismic Safety Commission, is
3530 repealed January 1, 2025.

3531 (21) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is
3532 repealed July 1, 2027.

3533 (22) Subsection [~~63J-4-608~~] [63L-11-305](#)(3), which creates the Federal Land
3534 Application Advisory Committee, is repealed on July 1, 2021.

3535 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on
3536 January 1, 2023:

3537 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are
3538 repealed;

3539 (b) Section [63M-7-305](#), the language that states "council" is replaced with
3540 "commission";

3541 (c) Subsection [63M-7-305](#)(1) is repealed and replaced with:

3542 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

3543 (d) Subsection [63M-7-305](#)(2) is repealed and replaced with:

3544 "(2) The commission shall:

3545 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
3546 Drug-Related Offenses Reform Act; and

3547 (b) coordinate the implementation of Section [77-18-1.1](#) and related provisions in
3548 Subsections [77-18-1](#)(5)(b)(iii) and (iv).".

3549 (24) The Crime Victim Reparations and Assistance Board, created in Section
3550 [63M-7-504](#), is repealed July 1, 2027.

3551 (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July
3552 1, 2022.

3553 (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.

3554 (27) Subsection [63N-1-301](#)(4)(c), related to the Talent Ready Utah Board, is repealed
3555 January 1, 2023.

3556 (28) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating
3557 Council, is repealed July 1, 2024.

3558 (29) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

3559 (30) Section [63N-2-512](#) is repealed July 1, 2021.

3560 (31) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
3561 January 1, 2021.

3562 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
3563 calendar years beginning on or after January 1, 2021.

3564 (c) Notwithstanding Subsection (31)(b), an entity may carry forward a tax credit in
3565 accordance with Section 59-9-107 if:

3566 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
3567 31, 2020; and

3568 (ii) the qualified equity investment that is the basis of the tax credit is certified under
3569 Section 63N-2-603 on or before December 31, 2023.

3570 (32) Subsections 63N-3-109(2)(e) and 63N-3-109(2)(f)(i) are repealed July 1, 2023.

3571 (33) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed
3572 July 1, 2023.

3573 (34) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1,
3574 2025.

3575 (35) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,
3576 is repealed January 1, 2023.

3577 (36) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1,
3578 2023.

3579 Section 52. Section 63I-2-263 is amended to read:

3580 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

3581 (1) On July 1, 2020:

3582 (a) Subsection 63A-1-203(5)(a)(i) is repealed; and

3583 (b) in Subsection 63A-1-203(5)(a)(ii), the language that states "appointed on or after
3584 May 8, 2018," is repealed.

3585 (2) Section 63A-3-111 is repealed June 30, 2021.

3586 (3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is
3587 repealed July 1, 2021.

3588 (4) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology
3589 Commission is repealed July 1, 2023.

3590 (5) The following sections regarding the World War II Memorial Commission are
3591 repealed on July 1, 2022:

3592 (a) Section 63G-1-801;

- 3593 (b) Section [63G-1-802](#);
- 3594 (c) Section [63G-1-803](#); and
- 3595 (d) Section [63G-1-804](#).
- 3596 (6) Subsections [63G-6a-802\(1\)\(d\)](#) and [63G-6a-802\(3\)\(b\)\(iii\)](#), regarding a procurement
3597 relating to a vice presidential debate, are repealed January 1, 2021.
- 3598 (7) In relation to the State Fair Park Committee, on January 1, 2021:
- 3599 (a) Section [63H-6-104.5](#) is repealed; and
- 3600 (b) Subsections [63H-6-104\(8\)](#) and (9) are repealed.
- 3601 (8) Section [63H-7a-303](#) is repealed July 1, 2024.
- 3602 (9) Subsection [63J-1-206\(3\)\(c\)](#), relating to coronavirus, is repealed July 1, 2021.
- 3603 [~~(10) In relation to the Employability to Careers Program Board, on July 1, 2022:~~]
- 3604 [~~(a) Subsection [63J-1-602.1\(57\)](#) is repealed;~~]
- 3605 [~~(b) Subsection [63J-4-301\(1\)\(h\)](#), related to the review of data and metrics, is repealed;~~
- 3606 and]
- 3607 [~~(c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.~~]
- 3608 [(11)] (10) Title 63M, Chapter 4, Part 8, Voluntary Home Energy Information Pilot
3609 Program Act, is repealed January 1, 2022.
- 3610 [(12)] (11) Sections [63M-7-213](#) and [63M-7-213.5](#) are repealed on January 1, 2023.
- 3611 [(13)] (12) Subsection [63N-12-508\(3\)](#) is repealed December 31, 2021.
- 3612 [(14)] (13) Title 63N, Chapter 13, Part 3, Facilitating [~~Public-Private~~] Public-private
3613 Partnerships Act, is repealed January 1, 2024.
- 3614 [(15)] (14) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs, is
3615 repealed December 31, 2021.
- 3616 Section 53. Section **63J-1-105** is amended to read:
- 3617 **63J-1-105. Revenue types -- Disposition of dedicated credits and expendable**
3618 **receipts.**
- 3619 (1) (a) Dedicated credits are subject to appropriations and the restrictions in this
3620 chapter.
- 3621 (b) An agency may expend dedicated credits for any purpose within the program or line
3622 item.
- 3623 (2) Except as provided in Subsections (3) and (4), an agency may not expend dedicated

3624 credits in excess of the amount appropriated to a line item as dedicated credits by the
3625 Legislature.

3626 (3) Each agency that receives dedicated credits revenue greater than the amount
3627 appropriated to a line item by the Legislature in the annual appropriations acts may expend the
3628 excess up to 25% of the amount appropriated if the expenditure is included in a revised budget
3629 execution plan submitted as provided in Section [63J-1-209](#).

3630 (4) Notwithstanding the requirements of Subsection (3), when an agency's dedicated
3631 credits revenue represents over 90% of the budget of the line item for which the dedicated
3632 credits are collected, the agency may expend 100% of the excess of the amount appropriated if
3633 the agency submits a revised budget execution plan as provided in Subsection (3) and Section
3634 [63J-1-209](#).

3635 (5) An expenditure of dedicated credits in excess of amounts appropriated to a line
3636 item as dedicated credits by the Legislature may not be used to permanently increase personnel
3637 within the agency unless:

3638 (a) the increase is approved by the Legislature; or

3639 (b) the money is deposited as a dedicated credit in a line item covering tuition or
3640 federal vocational funds at an institution of higher education.

3641 (6) (a) All excess dedicated credits not received or expended in compliance with
3642 Subsection (3), (4), or (7) lapse to the General Fund or other appropriate fund as free or
3643 restricted revenue at the end of the fiscal year.

3644 (b) The Division of Finance shall determine the appropriate fund into which the
3645 dedicated credits lapse.

3646 (7) (a) When an agency has a line item that is funded by more than one major revenue
3647 type, one of which is dedicated credits, the agency shall completely expend authorized
3648 dedicated credits within the current fiscal year and allocate unused spending authorization
3649 among other funding sources based upon a proration of the amounts appropriated from each of
3650 those major revenue types not attributable to dedicated credits, unless the Legislature has
3651 designated a portion of the dedicated credits as nonlapsing, in which case the agency shall
3652 completely expend within the current fiscal year authorized dedicated credits minus the portion
3653 of dedicated credits designated as nonlapsing, and allocate unused spending authorization
3654 among the other funding sources based upon a proration of the amounts appropriated from each

3655 of those major revenue types not attributable to dedicated credits.

3656 (b) Nothing in Subsection (7)(a) shall be construed to allow an agency to receive and
3657 expend dedicated credits in excess of legislative appropriations to a line item without
3658 complying with Subsection (3) or (4).

3659 (c) Each agency that receives dedicated credits shall report, to the Division of Finance,
3660 any balances remaining in those funds at the conclusion of each fiscal year.

3661 (8) Each agency shall include in its annual budget request estimates of dedicated
3662 credits revenue that is identified by, collected for, or set by the agency.

3663 (9) Each agency may expend expendable receipts in accordance with the terms set by a
3664 nonstate entity that provides the funds.

3665 (10) (a) Expendable receipts are not limited by appropriations.

3666 (b) Each agency that receives expendable receipts revenue greater than the amount
3667 included for a line item by the Legislature in the annual appropriations acts may expend the
3668 excess if the expenditure is included in a revised budget execution plan submitted as provided
3669 in Section [63J-1-209](#).

3670 (c) If an agency receives excess expendable receipts revenue that is more than 25%
3671 greater than the amount included for a line item by the Legislature in the annual appropriations
3672 acts, the agency shall report the excess amount, the source of the expendable receipts, and the
3673 purpose for which the expendable receipts will be expended to the Governor's Office of
3674 ~~[Management]~~ Planning and Budget, the legislative fiscal analyst, and the Executive
3675 Appropriations Committee within 60 days of submitting a revised budget execution plan as
3676 provided in Section [63J-1-209](#).

3677 Section 54. Section **63J-1-201** is amended to read:

3678 **63J-1-201. Governor's proposed budget to Legislature -- Contents -- Preparation**
3679 **-- Appropriations based on current tax laws and not to exceed estimated revenues.**

3680 (1) The governor shall deliver, not later than 30 days before the date the Legislature
3681 convenes in the annual general session, a confidential draft copy of the governor's proposed
3682 budget recommendations to the Office of the Legislative Fiscal Analyst according to the
3683 requirements of this section.

3684 (2) (a) When submitting a proposed budget, the governor shall, within the first three
3685 days of the annual general session of the Legislature, submit to the presiding officer of each

3686 house of the Legislature:

3687 (i) a proposed budget for the ensuing fiscal year;

3688 (ii) a schedule for all of the proposed changes to appropriations in the proposed budget,

3689 with each change clearly itemized and classified; and

3690 (iii) as applicable, a document showing proposed changes in estimated revenues that

3691 are based on changes in state tax laws or rates.

3692 (b) The proposed budget shall include:

3693 (i) a projection of:

3694 (A) estimated revenues by major tax type;

3695 (B) 15-year trends for each major tax type;

3696 (C) estimated receipts of federal funds;

3697 (D) 15-year trends for federal fund receipts; and

3698 (E) appropriations for the next fiscal year;

3699 (ii) the source of changes to all direct, indirect, and in-kind matching funds for all

3700 federal grants or assistance programs included in the budget;

3701 (iii) changes to debt service;

3702 (iv) a plan of proposed changes to appropriations and estimated revenues for the next

3703 fiscal year that is based upon the current fiscal year state tax laws and rates and considers

3704 projected changes in federal grants or assistance programs included in the budget;

3705 (v) an itemized estimate of the proposed changes to appropriations for:

3706 (A) the Legislative Department as certified to the governor by the president of the

3707 Senate and the speaker of the House;

3708 (B) the Executive Department;

3709 (C) the Judicial Department as certified to the governor by the state court

3710 administrator;

3711 (D) changes to salaries payable by the state under the Utah Constitution or under law

3712 for lease agreements planned for the next fiscal year; and

3713 (E) all other changes to ongoing or one-time appropriations, including dedicated

3714 credits, restricted funds, nonlapsing balances, grants, and federal funds;

3715 (vi) for each line item, the average annual dollar amount of staff funding associated

3716 with all positions that were vacant during the last fiscal year;

- 3717 (vii) deficits or anticipated deficits;
- 3718 (viii) the recommendations for each state agency for new full-time employees for the
3719 next fiscal year, which shall also be provided to the director of the Division of Facilities
3720 Construction and Management as required by Subsection 63A-5b-501(3);
- 3721 (ix) a written description and itemized report submitted by a state agency to the
3722 Governor's Office of ~~[Management]~~ Planning and Budget under Section 63J-1-220, including:
- 3723 (A) a written description and an itemized report provided at least annually detailing the
3724 expenditure of the state money, or the intended expenditure of any state money that has not
3725 been spent; and
- 3726 (B) a final written itemized report when all the state money is spent;
- 3727 (x) any explanation that the governor may desire to make as to the important features
3728 of the budget and any suggestion as to methods for the reduction of expenditures or increase of
3729 the state's revenue; and
- 3730 (xi) information detailing certain fee increases as required by Section 63J-1-504.
- 3731 (3) For the purpose of preparing and reporting the proposed budget:
- 3732 (a) The governor shall require the proper state officials, including all public and higher
3733 education officials, all heads of executive and administrative departments and state institutions,
3734 bureaus, boards, commissions, and agencies expending or supervising the expenditure of the
3735 state money, and all institutions applying for state money and appropriations, to provide
3736 itemized estimates of changes in revenues and appropriations.
- 3737 (b) The governor may require the persons and entities subject to Subsection (3)(a) to
3738 provide other information under these guidelines and at times as the governor may direct,
3739 which may include a requirement for program productivity and performance measures, where
3740 appropriate, with emphasis on outcome indicators.
- 3741 (c) The governor may require representatives of public and higher education, state
3742 departments and institutions, and other institutions or individuals applying for state
3743 appropriations to attend budget meetings.
- 3744 (4) (a) The Governor's Office of ~~[Management]~~ Planning and Budget shall provide to
3745 the Office of the Legislative Fiscal Analyst, as soon as practicable, but no later than 30 days
3746 before the date the Legislature convenes in the annual general session, data, analysis, or
3747 requests used in preparing the governor's budget recommendations, notwithstanding the

3748 restrictions imposed on such recommendations by available revenue.

3749 (b) The information under Subsection (4)(a) shall include:

3750 (i) actual revenues and expenditures for the fiscal year ending the previous June 30;

3751 (ii) estimated or authorized revenues and expenditures for the current fiscal year;

3752 (iii) requested revenues and expenditures for the next fiscal year;

3753 (iv) detailed explanations of any differences between the amounts appropriated by the

3754 Legislature in the current fiscal year and the amounts reported under Subsections (4)(b)(ii) and

3755 (iii);

3756 (v) a statement of:

3757 (A) agency and program objectives, effectiveness measures, and program size

3758 indicators;

3759 (B) the final status of the program objectives, effectiveness measures, and program size

3760 indicators included in the appropriations act for the fiscal year ending the previous June 30; and

3761 (C) the current status of the program objectives, effectiveness measures, and program

3762 size indicators included in the appropriations act for the current fiscal year; and

3763 (vi) other budgetary information required by the Legislature in statute.

3764 (c) The budget information under Subsection (4)(a) shall cover:

3765 (i) all items of appropriation, funds, and accounts included in appropriations acts for

3766 the current and previous fiscal years; and

3767 (ii) any new appropriation, fund, or account items requested for the next fiscal year.

3768 (d) The information provided under Subsection (4)(a) may be provided as a shared

3769 record under Section [63G-2-206](#) as considered necessary by the Governor's Office of

3770 ~~[Management]~~ Planning and Budget.

3771 (5) (a) In submitting the budget for the Department of Public Safety, the governor shall

3772 include a separate recommendation in the governor's budget for maintaining a sufficient

3773 number of alcohol-related law enforcement officers to maintain the enforcement ratio equal to

3774 or below the number specified in Subsection [32B-1-201\(2\)](#).

3775 (b) If the governor does not include in the governor's budget an amount sufficient to

3776 maintain the number of alcohol-related law enforcement officers described in Subsection

3777 (5)(a), the governor shall include a message to the Legislature regarding the governor's reason

3778 for not including that amount.

3779 (6) (a) The governor may revise all estimates, except those relating to the Legislative
3780 Department, the Judicial Department, and those providing for the payment of principal and
3781 interest to the state debt and for the salaries and expenditures specified by the Utah
3782 Constitution or under the laws of the state.

3783 (b) The estimate for the Judicial Department, as certified by the state court
3784 administrator, shall also be included in the budget without revision, but the governor may make
3785 separate recommendations on the estimate.

3786 (7) The total appropriations requested for expenditures authorized by the budget may
3787 not exceed the estimated revenues from taxes, fees, and all other sources for the next ensuing
3788 fiscal year.

3789 (8) If any item of the budget as enacted is held invalid upon any ground, the invalidity
3790 does not affect the budget itself or any other item in it.

3791 Section 55. Section **63J-1-205** is amended to read:

3792 **63J-1-205. Revenue volatility report.**

3793 (1) Beginning in 2011 and continuing every three years after 2011, the Legislative
3794 Fiscal Analyst and the Governor's Office of [~~Management~~] Planning and Budget shall submit a
3795 joint revenue volatility report to the Executive Appropriations Committee prior to the
3796 committee's December meeting.

3797 (2) The Legislative Fiscal Analyst and the Governor's Office of [~~Management~~]
3798 Planning and Budget shall ensure that the report:

3799 (a) discusses the tax base and the tax revenue volatility of the revenue streams that
3800 provide the source of funding for the state budget;

3801 (b) considers federal funding included in the state budget and any projected changes in
3802 the amount or value of federal funding;

3803 (c) identifies the balances in the General Fund Budget Reserve Account and the
3804 Education Fund Budget Reserve Account;

3805 (d) analyzes the adequacy of the balances in the General Fund Budget Reserve Account
3806 and the Education Fund Budget Reserve Account in relation to the volatility of the revenue
3807 streams and the risk of a reduction in the amount or value of federal funding;

3808 (e) recommends changes to the deposit amounts or transfer limits established in
3809 Sections [63J-1-312](#) and [63J-1-313](#), if the Legislative Fiscal Analyst and Governor's Office of

3810 [Management] Planning and Budget consider it appropriate to recommend changes; and
3811 (f) presents options for a deposit mechanism linked to one or more tax sources on the
3812 basis of each tax source's observed volatility, including:

3813 (i) an analysis of how the options would have performed historically within the state;

3814 (ii) an analysis of how the options will perform based on the most recent revenue
3815 forecast; and

3816 (iii) recommendations for deposit mechanisms considered likely to meet the budget
3817 reserve account targets established in Sections [63J-1-312](#) and [63J-1-313](#).

3818 Section 56. Section **63J-1-209** is amended to read:

3819 **63J-1-209. Director of finance to exercise accounting control -- Budget execution**
3820 **plans -- Allotments and expenditures.**

3821 (1) The director of finance shall exercise accounting control over all state departments,
3822 institutions, and agencies other than the Legislature and legislative committees.

3823 (2) (a) The director shall require the head of each department to submit, by May 15 of
3824 each year, a budget execution plan for the next fiscal year.

3825 (b) The director may require any department to submit a budget execution plan for any
3826 other period.

3827 (3) The budget execution plan shall include appropriations and all other funds from any
3828 source made available to the department for its operation and maintenance for the period and
3829 program authorized by legislation that appropriates funds.

3830 (4) (a) In order to revise a budget execution plan, the department, agency, or institution
3831 seeking to revise the budget execution plan shall:

3832 (i) develop a new budget execution plan that consists of the currently approved budget
3833 execution plan and the revision sought to be made;

3834 (ii) prepare a written justification for the new budget execution plan that sets forth the
3835 purpose and necessity of the revision; and

3836 (iii) submit the new budget execution plan and the written justification for the new
3837 budget execution plan to the Division of Finance.

3838 (b) The Division of Finance shall process the new budget execution plan with written
3839 justification and make this information available to the Governor's Office of [Management]

3840 Planning and Budget and the legislative fiscal analyst.

3841 (5) Upon request from the Governor's Office of ~~Management~~ Planning and Budget,
3842 the Division of Finance shall revise budget execution plans.

3843 (6) Notwithstanding the requirements of Title 63J, Chapter 2, Revenue Procedures and
3844 Control Act, the aggregate of the budget execution plan revisions may not exceed the total
3845 appropriations or other funds from any source that are available to the agency line item for the
3846 fiscal year in question.

3847 (7) Upon transmittal of the new budget execution plan to the entities in Subsection (4),
3848 the Division of Finance shall permit all expenditures to be made from the appropriations or
3849 other funds from any source on the basis of those budget execution plans.

3850 (8) The Division of Finance shall, through statistical sampling methods or other means,
3851 audit all claims against the state for which an appropriation has been made.

3852 Section 57. Section **63J-1-217** is amended to read:

3853 **63J-1-217. Overexpenditure of budget by agency -- Prorating budget income**
3854 **shortfall.**

3855 (1) Expenditures of departments, agencies, and institutions of state government shall be
3856 kept within revenues available for such expenditures.

3857 (2) (a) Line items of appropriation shall not be overexpended.

3858 (b) Notwithstanding Subsection (2)(a), if an agency's line item is overexpended at the
3859 close of a fiscal year:

3860 (i) the director of the Division of Finance may make payments from the line item to
3861 vendors for goods or services that were received on or before June 30; and

3862 (ii) the director of the Division of Finance shall immediately reduce the agency's line
3863 item budget in the current year by the amount of the overexpenditure.

3864 (c) Each agency with an overexpended line item shall:

3865 (i) prepare a written report explaining the reasons for the overexpenditure; and

3866 (ii) present the report to:

3867 (A) the Board of Examiners as required by Section [63G-9-301](#); and

3868 (B) the Office of the Legislative Fiscal Analyst.

3869 (3) (a) As used in this Subsection (3):

3870 (i) "Education Fund budget deficit" has the same meaning as in Section [63J-1-312](#); and

3871 (ii) "General Fund budget deficit" has the same meaning as in Section [63J-1-312](#).

3872 (b) If an Education Fund budget deficit or a General Fund budget deficit exists and the
3873 adopted estimated revenues were prepared in consensus with the Governor's Office of
3874 [~~Management~~] Planning and Budget, the governor shall:

3875 (i) direct state agencies to reduce commitments and expenditures by an amount
3876 proportionate to the amount of the deficiency; and

3877 (ii) direct the Division of Finance to reduce allotments to institutions of higher
3878 education by an amount proportionate to the amount of the deficiency.

3879 (c) The governor's directions under Subsection (3)(b) are rescinded when the
3880 Legislature rectifies the Education Fund budget deficit and the General Fund budget deficit.

3881 (4) (a) A department may not receive an advance of funds that cannot be covered by
3882 anticipated revenue within the budget execution plan of the fiscal year, unless the governor
3883 allocates money from the governor's emergency appropriations.

3884 (b) All allocations made from the governor's emergency appropriations shall be
3885 reported to the budget subcommittee of the Legislative Management Committee by notifying
3886 the Office of the Legislative Fiscal Analyst at least 15 days before the effective date of the
3887 allocation.

3888 (c) Emergency appropriations shall be allocated only to support activities having
3889 existing legislative approval and appropriation, and may not be allocated to any activity or
3890 function rejected directly or indirectly by the Legislature.

3891 Section 58. Section **63J-1-220** is amended to read:

3892 **63J-1-220. Reporting related to pass through money distributed by state**
3893 **agencies.**

3894 (1) As used in this section:

3895 (a) "Local government entity" means a county, municipality, school district, local
3896 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, special
3897 service district under Title 17D, Chapter 1, Special Service District Act, or any other political
3898 subdivision of the state.

3899 (b) (i) "Pass through funding" means money appropriated by the Legislature to a state
3900 agency that is intended to be passed through the state agency to one or more:

3901 (A) local government entities;

3902 (B) private organizations, including not-for-profit organizations; or

- 3903 (C) persons in the form of a loan or grant.
- 3904 (ii) "Pass through funding" may be:
- 3905 (A) general funds, dedicated credits, or any combination of state funding sources; and
- 3906 (B) ongoing or one-time.
- 3907 (c) "Recipient entity" means a local government entity or private entity, including a
- 3908 nonprofit entity, that receives money by way of pass through funding from a state agency.
- 3909 (d) "State agency" means a department, commission, board, council, agency,
- 3910 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
- 3911 unit, bureau, panel, or other administrative unit of the executive branch of the state.
- 3912 (e) (i) "State money" means money that is owned, held, or administered by a state
- 3913 agency and derived from state fees or tax revenues.
- 3914 (ii) "State money" does not include contributions or donations received by a state
- 3915 agency.
- 3916 (2) A state agency may not provide a recipient entity state money through pass through
- 3917 funding unless:
- 3918 (a) the state agency enters into a written agreement with the recipient entity; and
- 3919 (b) the written agreement described in Subsection (2)(a) requires the recipient entity to
- 3920 provide the state agency:
- 3921 (i) a written description and an itemized report at least annually detailing the
- 3922 expenditure of the state money, or the intended expenditure of any state money that has not
- 3923 been spent; and
- 3924 (ii) a final written itemized report when all the state money is spent.
- 3925 (3) A state agency shall provide to the Governor's Office of ~~[Management]~~ Planning
- 3926 and Budget a copy of a written description or itemized report received by the state agency
- 3927 under Subsection (2).
- 3928 (4) Notwithstanding Subsection (2), a state agency is not required to comply with this
- 3929 section to the extent that the pass through funding is issued:
- 3930 (a) under a competitive award process;
- 3931 (b) in accordance with a formula enacted in statute;
- 3932 (c) in accordance with a state program under parameters in statute or rule that guides
- 3933 the distribution of the pass through funding; or

3934 (d) under the authority of the Minimum School Program, as defined in Section
3935 53F-2-102.

3936 Section 59. Section **63J-1-411** is amended to read:

3937 **63J-1-411. Internal service funds -- End of fiscal year -- Unused authority for**
3938 **capital acquisition.**

3939 (1) An internal service fund agency's authority to acquire capital assets under
3940 Subsection 63J-1-410(8)(a) shall lapse if the acquisition of the capital asset does not occur in
3941 the fiscal year in which the authorization is included in the appropriations act, unless the
3942 Legislature identifies the authority to acquire the capital asset as nonlapsing authority:

3943 (a) for a specific one-time project and a limited period of time in the Legislature's
3944 initial appropriation to the agency; or

3945 (b) in a supplemental appropriation in accordance with Subsection (2).

3946 (2) (a) An internal service fund agency's authority to acquire capital assets may be
3947 retained as nonlapsing authorization if the internal service fund agency includes a one-time
3948 project's list as part of the budget request that it submits to the governor and the Legislature at
3949 the annual general session of the Legislature immediately before the end of the fiscal year in
3950 which the agency may have unused capital acquisition authority.

3951 (b) The governor:

3952 (i) may approve some or all of the items from an agency's one-time project's list; and

3953 (ii) shall identify and prioritize any approved one-time projects in the budget that the
3954 governor submits to the Legislature.

3955 (c) The Legislature:

3956 (i) may approve some or all of the specific items from an agency's one-time project's
3957 list as an approved capital acquisition for an agency's appropriation balance;

3958 (ii) shall identify any authorized one-time projects in the appropriate line item
3959 appropriation; and

3960 (iii) may prioritize one-time projects in intent language.

3961 (3) An internal service fund agency shall submit a status report of outstanding
3962 nonlapsing authority to acquire capital assets and associated one-time projects to the
3963 Governor's Office of ~~Management~~ Planning and Budget and the Legislative Fiscal Analyst's
3964 Office with the proposed budget submitted by the governor as provided under Section

3965 63J-1-201.

3966 Section 60. Section 63J-1-504 is amended to read:

3967 **63J-1-504. Fees -- Adoption, procedure, and approval -- Establishing and**
3968 **assessing fees without legislative approval.**

3969 (1) As used in this section:

3970 (a) (i) "Agency" means each department, commission, board, council, agency,
3971 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
3972 unit, bureau, panel, or other administrative unit of the state.

3973 (ii) "Agency" does not mean the Legislature or its committees.

3974 (b) "Fee agency" means any agency that is authorized to establish fees.

3975 (c) "Fee schedule" means the complete list of fees charged by a fee agency and the
3976 amount of those fees.

3977 (2) Each fee agency shall adopt a schedule of fees assessed for services provided by the
3978 fee agency that are:

3979 (a) reasonable, fair, and reflect the cost of services provided; and

3980 (b) established according to a cost formula determined by the executive director of the
3981 Governor's Office of ~~Management~~ Planning and Budget and the director of the Division of
3982 Finance in conjunction with the agency seeking to establish the fee.

3983 (3) Except as provided in Subsection (6), a fee agency may not:

3984 (a) set fees by rule; or

3985 (b) create, change, or collect any fee unless the fee has been established according to
3986 the procedures and requirements of this section.

3987 (4) Each fee agency that is proposing a new fee or proposing to change a fee shall:

3988 (a) present each proposed fee at a public hearing, subject to the requirements of Title
3989 52, Chapter 4, Open and Public Meetings Act;

3990 (b) increase, decrease, or affirm each proposed fee based on the results of the public
3991 hearing;

3992 (c) except as provided in Subsection (6), submit the fee schedule to the Legislature as
3993 part of the agency's annual appropriations request; and

3994 (d) where necessary, modify the fee schedule to implement the Legislature's actions.

3995 (5) (a) Each fee agency shall submit ~~[its]~~ the agency's fee schedule or special

3996 assessment amount to the Legislature for [its] the legislature's approval on an annual basis.

3997 (b) The Legislature may approve, increase or decrease and approve, or reject any fee
3998 submitted to it by a fee agency.

3999 (6) After conducting the public hearing required by this section, a fee agency may
4000 establish and assess fees without first obtaining legislative approval if:

4001 (a) (i) the Legislature creates a new program that is to be funded by fees to be set by the
4002 Legislature;

4003 (ii) the new program's effective date is before the Legislature's next annual general
4004 session; and

4005 (iii) the fee agency submits the fee schedule for the new program to the Legislature for
4006 its approval at a special session, if allowed in the governor's call, or at the next annual general
4007 session of the Legislature, whichever is sooner; or

4008 (b) (i) the fee agency proposes to increase or decrease an existing fee for the purpose of
4009 adding or removing a transactional fee that is charged or assessed by a non-governmental third
4010 party but is included as part of the fee charged by the fee agency;

4011 (ii) the amount of the increase or decrease in the fee is equal to the amount of the
4012 transactional fee charged or assessed by the non-governmental third party; and

4013 (iii) the increased or decreased fee is submitted to the Legislature for [its] the
4014 Legislature's approval at a special session, if allowed in the governor's call, or at the next
4015 annual session of the Legislature, whichever is sooner.

4016 (7) (a) Each fee agency that wishes to change any fee shall submit to the governor as
4017 part of the agency's annual appropriation request a list that identifies:

4018 (i) the title or purpose of the fee;

4019 (ii) the present amount of the fee;

4020 (iii) the proposed new amount of the fee;

4021 (iv) the percent that the fee will have increased if the Legislature approves the higher
4022 fee;

4023 (v) the estimated total annual revenue change that will result from the change in the
4024 fee;

4025 (vi) the account or fund into which the fee will be deposited; and

4026 (vii) the reason for the change in the fee.

4027 (b) (i) The governor may review and approve, modify and approve, or reject the fee
4028 increases.

4029 (ii) The governor shall transmit the list required by Subsection (7)(a), with any
4030 modifications, to the [~~Legislative Fiscal Analyst~~] legislative fiscal analyst with the governor's
4031 budget recommendations.

4032 (c) Bills approving any fee change shall be filed before the beginning of the
4033 Legislature's annual general session, if possible.

4034 (8) (a) Except as provided in Subsection (8)(b), the School and Institutional Trust
4035 Lands Administration, established in Section [53C-1-201](#), is exempt from the requirements of
4036 this section.

4037 (b) The following fees of the School and Institutional Trust Lands Administration are
4038 subject to the requirements of this section: application, assignment, amendment, affidavit for
4039 lost documents, name change, reinstatement, grazing nonuse, extension of time, partial
4040 conveyance, patent reissue, collateral assignment, electronic payment, and processing.

4041 Section 61. Section **63J-1-602.1** is amended to read:

4042 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

4043 Appropriations made from the following accounts or funds are nonlapsing:

4044 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
4045 and Leadership Restricted Account created in Section [4-42-102](#).

4046 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

4047 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
4048 Section [9-18-102](#).

4049 (4) The National Professional Men's Soccer Team Support of Building Communities
4050 Restricted Account created in Section [9-19-102](#).

4051 (5) Funds collected for directing and administering the C-PACE district created in
4052 Section [11-42a-106](#).

4053 (6) Money received by the Utah Inland Port Authority, as provided in Section
4054 [11-58-105](#).

4055 (7) The "Latino Community Support Restricted Account" created in Section [13-1-16](#).

4056 (8) The Clean Air Support Restricted Account created in Section [19-1-109](#).

4057 (9) The "Support for State-Owned Shooting Ranges Restricted Account" created in

- 4058 Section [23-14-13.5](#).
- 4059 (10) Award money under the State Asset Forfeiture Grant Program, as provided under
4060 Section [24-4-117](#).
- 4061 (11) Funds collected from the program fund for local health department expenses
4062 incurred in responding to a local health emergency under Section [26-1-38](#).
- 4063 (12) The Children with Cancer Support Restricted Account created in Section
4064 [26-21a-304](#).
- 4065 (13) State funds for matching federal funds in the Children's Health Insurance Program
4066 as provided in Section [26-40-108](#).
- 4067 (14) The Children with Heart Disease Support Restricted Account created in Section
4068 [26-58-102](#).
- 4069 (15) The Nurse Home Visiting Restricted Account created in Section [26-63-601](#).
- 4070 (16) The Technology Development Restricted Account created in Section [31A-3-104](#).
- 4071 (17) The Criminal Background Check Restricted Account created in Section
4072 [31A-3-105](#).
- 4073 (18) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except
4074 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.
- 4075 (19) The Title Licensee Enforcement Restricted Account created in Section
4076 [31A-23a-415](#).
- 4077 (20) The Health Insurance Actuarial Review Restricted Account created in Section
4078 [31A-30-115](#).
- 4079 (21) The Insurance Fraud Investigation Restricted Account created in Section
4080 [31A-31-108](#).
- 4081 (22) The Underage Drinking Prevention Media and Education Campaign Restricted
4082 Account created in Section [32B-2-306](#).
- 4083 (23) The School Readiness Restricted Account created in Section [35A-15-203](#).
- 4084 (24) Money received by the Utah State Office of Rehabilitation for the sale of certain
4085 products or services, as provided in Section [35A-13-202](#).
- 4086 (25) The Oil and Gas Administrative Penalties Account created in Section [40-6-11](#).
- 4087 (26) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 4088 (27) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to

4089 the Motor Vehicle Division.

4090 (28) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
4091 created by Section 41-3-110 to the State Tax Commission.

4092 (29) The Utah Law Enforcement Memorial Support Restricted Account created in
4093 Section 53-1-120.

4094 (30) The State Disaster Recovery Restricted Account to the Division of Emergency
4095 Management, as provided in Section 53-2a-603.

4096 (31) The Department of Public Safety Restricted Account to the Department of Public
4097 Safety, as provided in Section 53-3-106.

4098 (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
4099 53-8-303.

4100 (33) The DNA Specimen Restricted Account created in Section 53-10-407.

4101 (34) The Canine Body Armor Restricted Account created in Section 53-16-201.

4102 (35) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.

4103 (36) The Higher Education Capital Projects Fund created in Section 53B-22-202.

4104 (37) A certain portion of money collected for administrative costs under the School
4105 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

4106 (38) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5,
4107 subject to Subsection 54-5-1.5(4)(d).

4108 (39) Funds collected from a surcharge fee to provide certain licensees with access to an
4109 electronic reference library, as provided in Section 58-3a-105.

4110 (40) Certain fines collected by the Division of Occupational and Professional Licensing
4111 for violation of unlawful or unprofessional conduct that are used for education and enforcement
4112 purposes, as provided in Section 58-17b-505.

4113 (41) Funds collected from a surcharge fee to provide certain licensees with access to an
4114 electronic reference library, as provided in Section 58-22-104.

4115 (42) Funds collected from a surcharge fee to provide certain licensees with access to an
4116 electronic reference library, as provided in Section 58-55-106.

4117 (43) Funds collected from a surcharge fee to provide certain licensees with access to an
4118 electronic reference library, as provided in Section 58-56-3.5.

4119 (44) Certain fines collected by the Division of Occupational and Professional Licensing

4120 for use in education and enforcement of the Security Personnel Licensing Act, as provided in
4121 Section 58-63-103.

4122 (45) The Relative Value Study Restricted Account created in Section 59-9-105.

4123 (46) The Cigarette Tax Restricted Account created in Section 59-14-204.

4124 (47) Funds paid to the Division of Real Estate for the cost of a criminal background
4125 check for a mortgage loan license, as provided in Section 61-2c-202.

4126 (48) Funds paid to the Division of Real Estate for the cost of a criminal background
4127 check for principal broker, associate broker, and sales agent licenses, as provided in Section
4128 61-2f-204.

4129 (49) Certain funds donated to the Department of Human Services, as provided in
4130 Section 62A-1-111.

4131 (50) The National Professional Men's Basketball Team Support of Women and
4132 Children Issues Restricted Account created in Section 62A-1-202.

4133 (51) Certain funds donated to the Division of Child and Family Services, as provided
4134 in Section 62A-4a-110.

4135 (52) The Choose Life Adoption Support Restricted Account created in Section
4136 62A-4a-608.

4137 (53) Funds collected by the Office of Administrative Rules for publishing, as provided
4138 in Section 63G-3-402.

4139 (54) The Immigration Act Restricted Account created in Section 63G-12-103.

4140 (55) Money received by the military installation development authority, as provided in
4141 Section 63H-1-504.

4142 (56) The Computer Aided Dispatch Restricted Account created in Section 63H-7a-303.

4143 (57) The Unified Statewide 911 Emergency Service Account created in Section
4144 63H-7a-304.

4145 (58) The Utah Statewide Radio System Restricted Account created in Section
4146 63H-7a-403.

4147 [~~(59) The Employability to Careers Program Restricted Account created in Section~~
4148 ~~63J-4-703.~~]

4149 [(60)] (59) The Motion Picture Incentive Account created in Section 63N-8-103.

4150 [(61)] (60) Certain money payable for expenses of the Pete Suazo Utah Athletic

- 4151 Commission, as provided under Section [63N-10-301](#).
- 4152 ~~[(62)]~~ [\(61\)](#) Funds collected by the housing of state probationary inmates or state parole
4153 inmates, as provided in Subsection [64-13e-104\(2\)](#).
- 4154 ~~[(63)]~~ [\(62\)](#) Certain forestry and fire control funds utilized by the Division of Forestry,
4155 Fire, and State Lands, as provided in Section [65A-8-103](#).
- 4156 ~~[(64)]~~ [\(63\)](#) The Transportation of Veterans to Memorials Support Restricted Account
4157 created in Section [71-14-102](#).
- 4158 ~~[(65)]~~ [\(64\)](#) The Amusement Ride Safety Restricted Account, as provided in Section
4159 [72-16-204](#).
- 4160 ~~[(66)]~~ [\(65\)](#) Certain funds received by the Office of the State Engineer for well drilling
4161 fines or bonds, as provided in Section [73-3-25](#).
- 4162 ~~[(67)]~~ [\(66\)](#) The Water Resources Conservation and Development Fund, as provided in
4163 Section [73-23-2](#).
- 4164 ~~[(68)]~~ [\(67\)](#) Funds donated or paid to a juvenile court by private sources, as provided in
4165 Subsection [78A-6-203\(1\)\(c\)](#).
- 4166 ~~[(69)]~~ [\(68\)](#) Fees for certificate of admission created under Section [78A-9-102](#).
- 4167 ~~[(70)]~~ [\(69\)](#) Funds collected for adoption document access as provided in Sections
4168 [78B-6-141](#), [78B-6-144](#), and [78B-6-144.5](#).
- 4169 ~~[(71)]~~ [\(70\)](#) Funds collected for indigent defense as provided in Title 78B, Chapter 22,
4170 Part 4, Utah Indigent Defense Commission.
- 4171 ~~[(72)]~~ [\(71\)](#) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades
4172 State Park, Jordan River State Park, and Green River State Park, as provided under Section
4173 [79-4-403](#).
- 4174 ~~[(73)]~~ [\(72\)](#) Certain funds received by the Division of Parks and Recreation from the
4175 sale or disposal of buffalo, as provided under Section [79-4-1001](#).
- 4176 ~~[(74)]~~ [\(73\)](#) The Drinking While Pregnant Prevention Media and Education Campaign
4177 Restricted Account created in Section [32B-2-308](#).
- 4178 Section 62. Section **63J-3-102** is amended to read:
- 4179 **63J-3-102. Purpose of chapter -- Limitations on state mandated property tax,**
4180 **state appropriations, and state debt.**
- 4181 (1) (a) It is the purpose of this chapter to:

4182 (i) place a limitation on the state mandated property tax rate under Title 53F, Chapter
4183 2, State Funding -- Minimum School Program;

4184 (ii) place limitations on state government appropriations based upon the combined
4185 changes in population and inflation; and

4186 (iii) place a limitation on the state's outstanding general obligation debt.

4187 (b) The limitations imposed by this chapter are in addition to limitations on tax levies,
4188 rates, and revenues otherwise provided for by law.

4189 (2) (a) This chapter may not be construed as requiring the state to collect the full
4190 amount of tax revenues permitted to be appropriated by this chapter.

4191 (b) This chapter's purpose is to provide a ceiling, not a floor, limitation on the
4192 appropriations of state government.

4193 (3) The recommendations and budget analysis prepared by the Governor's Office of
4194 [~~Management~~] Planning and Budget and the Office of the Legislative Fiscal Analyst, as
4195 required by Title 36, Chapter 12, Legislative Organization, shall be in strict compliance with
4196 the limitations imposed under this chapter.

4197 Section 63. Section **63J-3-103** is amended to read:

4198 **63J-3-103. Definitions.**

4199 As used in this chapter:

4200 (1) (a) "Appropriations" means actual unrestricted capital and operating appropriations
4201 from unrestricted General Fund and Education Fund sources.

4202 (b) "Appropriations" includes appropriations that are contingent upon available
4203 surpluses in the General Fund and Education Fund.

4204 (c) "Appropriations" does not mean:

4205 (i) public education expenditures;

4206 (ii) Utah Education and Telehealth Network expenditures in support of public
4207 education;

4208 (iii) Utah Board of Higher Education expenditures in support of public education;

4209 (iv) State Tax Commission expenditures related to collection of income taxes in
4210 support of public education;

4211 (v) debt service expenditures;

4212 (vi) emergency expenditures;

- 4213 (vii) expenditures from all other fund or subfund sources;
- 4214 (viii) transfers or appropriations from the Education Fund to the Uniform School Fund;
- 4215 (ix) transfers into, or appropriations made to, the General Fund Budget Reserve
- 4216 Account established in Section [63J-1-312](#);
- 4217 (x) transfers into, or appropriations made to, the Education Budget Reserve Account
- 4218 established in Section [63J-1-313](#);
- 4219 (xi) transfers in accordance with Section [63J-1-314](#) into, or appropriations made to the
- 4220 Wildland Fire Suppression Fund created in Section [65A-8-204](#) or the State Disaster Recovery
- 4221 Restricted Account created in Section [53-2a-603](#);
- 4222 (xii) money appropriated to fund the total one-time project costs for the construction of
- 4223 capital development projects as defined in Section [63A-5b-401](#);
- 4224 (xiii) transfers or deposits into or appropriations made to the Centennial Highway Fund
- 4225 created by Section [72-2-118](#);
- 4226 (xiv) transfers or deposits into or appropriations made to the Transportation Investment
- 4227 Fund of 2005 created by Section [72-2-124](#);
- 4228 (xv) transfers or deposits into or appropriations made to:
- 4229 (A) the Department of Transportation from any source; or
- 4230 (B) any transportation-related account or fund from any source; or
- 4231 (xvi) supplemental appropriations from the General Fund to the Division of Forestry,
- 4232 Fire, and State Lands to provide money for wildland fire control expenses incurred during the
- 4233 current or previous fire years.
- 4234 (2) "Base year real per capita appropriations" means the result obtained for the state by
- 4235 dividing the fiscal year 1985 actual appropriations of the state less debt money by:
- 4236 (a) the state's July 1, 1983 population; and
- 4237 (b) the fiscal year 1983 inflation index divided by 100.
- 4238 (3) "Calendar year" means the time period beginning on January 1 of any given year
- 4239 and ending on December 31 of the same year.
- 4240 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate
- 4241 expenditures and includes the settlement under Laws of Utah 1988, Fourth Special Session,
- 4242 Chapter 4.
- 4243 (5) "Fiscal year" means the time period beginning on July 1 of any given year and

4244 ending on June 30 of the subsequent year.

4245 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual
4246 capital and operations appropriations from General Fund and non-Uniform School Fund
4247 income tax revenue sources, less debt money.

4248 (7) "Inflation index" means the change in the general price level of goods and services
4249 as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic
4250 Analysis, U.S. Department of Commerce calculated as provided in Section [63J-3-202](#).

4251 (8) (a) "Maximum allowable appropriations limit" means the appropriations that could
4252 be, or could have been, spent in any given year under the limitations of this chapter.

4253 (b) "Maximum allowable appropriations limit" does not mean actual appropriations
4254 spent or actual expenditures.

4255 (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two
4256 fiscal years previous to the fiscal year for which the maximum allowable inflation and
4257 population appropriations limit is being computed under this chapter.

4258 (10) "Most recent fiscal year's population" means the fiscal year population two fiscal
4259 years previous to the fiscal year for which the maximum allowable inflation and population
4260 appropriations limit is being computed under this chapter.

4261 (11) "Population" means the number of residents of the state as of July 1 of each year
4262 as calculated by the Governor's Office of ~~[Management]~~ Planning and Budget according to the
4263 procedures and requirements of Section [63J-3-202](#).

4264 (12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and
4265 other monetary exaction and interest connected with it that are recorded as unrestricted revenue
4266 of the General Fund and from non-Uniform School Fund income tax revenues, except as
4267 specifically exempted by this chapter.

4268 (13) "Security" means any bond, note, warrant, or other evidence of indebtedness,
4269 whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an
4270 "indebtedness" within the meaning of any provision of the constitution or laws of this state.

4271 Section 64. Section [63J-3-202](#) is amended to read:

4272 **63J-3-202. Computing formula elements.**

4273 (1) For purposes of calculating fiscal year inflation indexes for the previous fiscal year,
4274 the Governor's Office of ~~[Management]~~ Planning and Budget shall use:

4275 (a) the actual quarterly data released by the U.S. Department of Commerce as of
4276 January 31 of each year; and

4277 (b) the most recent U.S. Bureau of Census population estimates as of January 31 of
4278 each year.

4279 (2) (a) For purposes of computing the inflation index, the Governor's Office of
4280 ~~[Management]~~ Planning and Budget shall:

4281 (i) assign the bureau's 1982 calendar year inflation index value of 100 to fiscal year
4282 1989 for purposes of computing fiscal year index values;

4283 (ii) compute all subsequent fiscal year inflation indexes after having assigned the fiscal
4284 year 1989 inflation index a value of 100; and

4285 (iii) use the quarterly index values published by the Bureau of Economic Analysis,
4286 U.S. Department of Commerce, to compute fiscal year index values.

4287 (b) If the bureau changes its calendar base year, appropriate adjustments are to be made
4288 in this chapter to accommodate those changes.

4289 (3) (a) For purposes of computing the most recent fiscal year's population, the
4290 Governor's Office of ~~[Management]~~ Planning and Budget shall convert the April 1 decennial
4291 census estimate to a July 1 estimate, unless otherwise estimated by the Bureau of Census.

4292 (b) If the bureau changes the state's July 1, 1983 base year population after it conducts
4293 the 1990 Census, appropriate adjustments shall be made in this chapter to accommodate those
4294 changes.

4295 Section 65. Section **63J-4-101** is amended to read:

4296 **CHAPTER 4. GOVERNOR'S OFFICE OF PLANNING AND BUDGET**

4297 **63J-4-101. Title.**

4298 This chapter is known as the "Governor's Office of ~~[Management]~~ Planning and
4299 Budget."

4300 Section 66. Section **63J-4-102** is amended to read:

4301 **63J-4-102. Definitions.**

4302 As used in this chapter:

4303 ~~[(1) "Committee" means the Resource Development Coordinating Committee created
4304 by this chapter.]~~

4305 ~~[(2)]~~ (1) "Executive director" means the chief administrative officer of the ~~[Governor's~~

4306 ~~Office of Management and Budget appointed as provided in this chapter]~~ office, appointed
 4307 under Section 63J-4-202.

4308 ~~[(3)]~~ (2) "Office" means the Governor's Office of ~~[Management]~~ Planning and Budget
 4309 created [by this chapter:] in Section 63J-4-201.

4310 (3) "Planning coordinator" means the individual appointed as the planning coordinator
 4311 under Section 63J-4-401.

4312 (4) "Political subdivision" means:

4313 (a) a county, municipality, local district, special service district, school district, or
 4314 interlocal ~~[cooperation agreement entity, or any]~~ entity, as defined in Section 11-13-103; or

4315 (b) an administrative subunit of [them] an entity listed in Subsection (4)(a).

4316 ~~[(5) "State planning coordinator" means the person appointed as planning coordinator~~
 4317 ~~as provided in this chapter.]~~

4318 Section 67. Section **63J-4-201** is amended to read:

4319 **63J-4-201. Creation.**

4320 There is created within the governor's office the Governor's Office of ~~[Management]~~
 4321 Planning and Budget to be administered by an executive director.

4322 Section 68. Section **63J-4-202** is amended to read:

4323 **63J-4-202. Appointment of executive director -- Salary.**

4324 (1) ~~[(a)]~~ The governor shall appoint an executive director of the office, to serve at the
 4325 governor's pleasure~~[-]~~.

4326 ~~[(i) an executive director of the Governor's Office of Management and Budget; and]~~

4327 ~~[(ii) a state planning coordinator.]~~

4328 ~~[(b) The state planning coordinator is considered part of the office for purposes of~~
 4329 ~~administration.]~~

4330 (2) The governor shall establish the executive director's salary within the salary range
 4331 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

4332 Section 69. Section **63J-4-301** is amended to read:

4333 **63J-4-301. Duties of the executive director and office.**

4334 (1) The executive director and the office shall:

4335 (a) comply with the procedures and requirements of Title 63J, Chapter 1, Budgetary
 4336 Procedures Act;

4337 (b) under the direct supervision of the governor, assist the governor in the preparation
4338 of the governor's budget recommendations;

4339 (c) review agency budget execution plans as specified in Section [63J-1-209](#);

4340 (d) establish benchmarking practices for measuring operational costs, quality of
4341 service, and effectiveness across all state agencies and programs;

4342 (e) assist agencies with the development of an operational plan that uses continuous
4343 improvement tools and operational metrics to increase statewide capacity and improve
4344 interagency integration;

4345 (f) review and assess agency budget requests and expenditures using a clear set of goals
4346 and measures;

4347 (g) develop and maintain enterprise portfolio and electronic information systems to
4348 select and oversee the execution of projects, ensure a return on investment, and trace and report
4349 performance metrics; and

4350 ~~[(h) coordinate with the executive directors of the Department of Workforce Services
4351 and the Governor's Office of Economic Development to review data and metrics to be reported
4352 to the Legislature as described in Subsection [63J-4-708\(2\)\(d\)](#); and]~~

4353 ~~[(i)]~~ (h) perform other duties and responsibilities as assigned by the governor.

4354 (2) (a) The executive director ~~[of the Governor's Office of Management and Budget]~~ or
4355 the executive director's designee is the Federal Assistance Management Officer.

4356 (b) In acting as the Federal Assistance Management Officer, the executive director or
4357 designee shall:

4358 (i) study the administration and effect of federal assistance programs in the state and
4359 advise the governor and the Legislature, through the Office of the Legislative Fiscal Analyst
4360 and the Executive Appropriations Committee, of alternative recommended methods and
4361 procedures for the administration of these programs;

4362 (ii) assist in the coordination of federal assistance programs that involve or are
4363 administered by more than one state agency; and

4364 (iii) analyze and advise on applications for new federal assistance programs submitted
4365 to the governor for approval as required by Chapter 5, Federal Funds Procedures Act.

4366 Section 70. Section **63J-4-401** is amended to read:

4367 **63J-4-401. Planning duties of the planning coordinator and office.**

4368 (1) (a) The executive director shall appoint a planning coordinator to perform the
4369 functions and duties stated in this section.

4370 (b) The planning coordinator serves at the pleasure of and under the direction of the
4371 executive director.

4372 [~~(1)~~] (2) The [~~state~~] planning coordinator shall:

4373 (a) act as the governor's adviser on state, regional, metropolitan, and local
4374 governmental planning matters relating to public improvements and land use;

4375 (b) counsel with the authorized representatives of the Department of Transportation,
4376 the State Building Board, the Department of Health, the Department of Workforce Services,
4377 the Labor Commission, the Department of Natural Resources, the School and Institutional
4378 Trust Lands Administration, and other proper persons concerning all state planning matters;

4379 (c) when designated to do so by the governor, receive funds made available to [~~Utah~~]
4380 the state by the federal government;

4381 (d) receive [~~and~~]₂ review, and provide an internet-accessible repository of plans and
4382 studies of the various state agencies and political subdivisions relating to public improvements
4383 [~~and programs~~], housing, land use, economic development, transportation infrastructure, water
4384 infrastructure, and utility infrastructure;

4385 (e) [~~when conflicts occur~~] if a conflict occurs between the plans and proposals of state
4386 agencies, prepare specific recommendations for the resolution of the [~~conflicts~~] conflict and
4387 submit the recommendations to the governor for a decision resolving the conflict;

4388 (f) [~~when conflicts occur~~] if a conflict occurs between the plans and proposals of a state
4389 agency and a political subdivision or between two or more political subdivisions, advise these
4390 entities of the conflict and make specific recommendations for the resolution of the conflict;

4391 (g) act as the governor's planning agent in planning public improvements and land use
4392 and, in this capacity, undertake special studies and investigations, participate in
4393 cross-jurisdictional planning activities, and, if needed, provide coordination;

4394 (h) provide information and cooperate with the Legislature or any of its committees in
4395 conducting planning studies;

4396 (i) cooperate and exchange information with federal agencies and local, metropolitan,
4397 or regional agencies as necessary to assist with federal, state, regional, metropolitan, and local
4398 programs;

4399 (j) make recommendations to the governor that the planning coordinator considers
 4400 advisable for the proper development and coordination of plans for state government and
 4401 political subdivisions; ~~[and]~~
 4402 ~~[(k) oversee and supervise the activities and duties of the public lands policy~~
 4403 ~~coordinator.]~~
 4404 (k) assist in the interpretation of projections and analyses with respect to future growth
 4405 needs; and
 4406 (l) actively participate in informing the short-term and long-term budgetary needs of
 4407 the state.
 4408 ~~[(2)]~~ (3) (a) The ~~[state]~~ planning coordinator may:
 4409 ~~[(a)]~~ (i) perform regional and state planning and assist state government planning
 4410 agencies in performing state planning;
 4411 ~~[(b)]~~ (ii) provide planning assistance to Indian tribes regarding planning for Indian
 4412 reservations; ~~[and]~~
 4413 ~~[(c)]~~ (iii) assist city, county, metropolitan, and regional planning agencies in
 4414 performing local, metropolitan, and regional planning~~[, provided that the state planning~~
 4415 ~~coordinator and the state planning coordinator's agents and designees recognize and promote~~
 4416 ~~the plans, policies, programs, processes, and desired outcomes of each planning agency~~
 4417 ~~whenever possible.];~~ subject to Subsection (3)(b); and
 4418 (iv) conduct, or coordinate with stakeholders to conduct, public meetings or hearings
 4419 to:
 4420 (A) encourage maximum public understanding of and agreement with the factual data
 4421 and assumptions upon which projections and analyses are based; and
 4422 (B) receive suggestions as to the types of projections and analyses that are needed.
 4423 (b) In performing the duties described in Subsection (3)(a)(iii), to the extent possible
 4424 the planning coordinator and any agent or designee of the planning coordinator shall recognize
 4425 and promote the plans, policies, programs, processes, and desired outcomes of the city, county,
 4426 metropolitan, or regional planning agency that the planning coordinator or the planning
 4427 coordinator's agent or designee is assisting.
 4428 ~~[(3) When preparing or]~~ (4) In assisting in the preparation of plans, policies, programs,
 4429 or processes related to the management or use of federal lands or natural resources on federal

4430 lands in [~~Utah~~] the state, the [~~state~~] planning coordinator shall[:] coordinate with the Public
4431 Lands Policy Coordinating Office created in Section [63L-11-201](#).

4432 [~~(a) incorporate the plans, policies, programs, processes, and desired outcomes of the~~
4433 ~~counties where the federal lands or natural resources are located, to the maximum extent~~
4434 ~~consistent with state and federal law, provided that this requirement shall not be interpreted to~~
4435 ~~infringe upon the authority of the governor;~~]

4436 [~~(b) identify inconsistencies or conflicts between the plans, policies, programs,~~
4437 ~~processes, and desired outcomes prepared under Subsection (3)(a) and the plans, programs,~~
4438 ~~processes, and desired outcomes of local government as early in the preparation process as~~
4439 ~~possible, and seek resolution of the inconsistencies through meetings or other conflict~~
4440 ~~resolution mechanisms involving the necessary and immediate parties to the inconsistency or~~
4441 ~~conflict;~~]

4442 [~~(c) present to the governor the nature and scope of any inconsistency or other conflict~~
4443 ~~that is not resolved under the procedures in Subsection (3)(b) for the governor's decision about~~
4444 ~~the position of the state concerning the inconsistency or conflict;~~]

4445 [~~(d) develop, research, and use factual information, legal analysis, and statements of~~
4446 ~~desired future condition for the state, or subregion of the state, as necessary to support the~~
4447 ~~plans, policies, programs, processes, and desired outcomes of the state and the counties where~~
4448 ~~the federal lands or natural resources are located;~~]

4449 [~~(e) establish and coordinate agreements between the state and federal land~~
4450 ~~management agencies, federal natural resource management agencies, and federal natural~~
4451 ~~resource regulatory agencies to facilitate state and local participation in the development,~~
4452 ~~revision, and implementation of land use plans, guidelines, regulations, other instructional~~
4453 ~~memoranda, or similar documents proposed or promulgated for lands and natural resources~~
4454 ~~administered by federal agencies; and]~~

4455 [~~(f) work in conjunction with political subdivisions to establish agreements with~~
4456 ~~federal land management agencies, federal natural resource management agencies, and federal~~
4457 ~~natural resource regulatory agencies to provide a process for state and local participation in the~~
4458 ~~preparation of, or coordinated state and local response to, environmental impact analysis~~
4459 ~~documents and similar documents prepared pursuant to law by state or federal agencies.]~~

4460 [~~(4) The state planning coordinator shall comply with the requirements of Subsection~~

4461 ~~63C-4a-203~~(8) before submitting any comments on a draft environmental impact statement or
4462 on an environmental assessment for a proposed land management plan, if the governor would
4463 be subject to Subsection ~~63C-4a-203~~(8) if the governor were submitting the material.]

4464 [~~(5) The state planning coordinator shall cooperate with and work in conjunction with~~
4465 ~~appropriate state agencies and political subdivisions to develop policies, plans, programs,~~
4466 ~~processes, and desired outcomes authorized by this section by coordinating the development of~~
4467 ~~positions;]~~

4468 [~~(a) through the Resource Development Coordinating Committee;]~~

4469 [~~(b) in conjunction with local government officials concerning general local~~
4470 ~~government plans;]~~

4471 [~~(c) by soliciting public comment through the Resource Development Coordinating~~
4472 ~~Committee; and]~~

4473 [~~(d) by working with the Public Lands Policy Coordinating Office;]~~

4474 [~~(6) The state planning coordinator shall recognize and promote the following~~
4475 ~~principles when preparing any policies, plans, programs, processes, or desired outcomes~~
4476 ~~relating to federal lands and natural resources on federal lands pursuant to this section:]~~

4477 [~~(a) (i) the citizens of the state are best served by applying multiple-use and~~
4478 ~~sustained-yield principles in public land use planning and management; and]~~

4479 [~~(ii) multiple-use and sustained-yield management means that federal agencies should~~
4480 ~~develop and implement management plans and make other resource-use decisions that:]~~

4481 [~~(A) achieve and maintain in perpetuity a high-level annual or regular periodic output~~
4482 ~~of mineral and various renewable resources from public lands;]~~

4483 [~~(B) support valid existing transportation, mineral, and grazing privileges at the highest~~
4484 ~~reasonably sustainable levels;]~~

4485 [~~(C) support the specific plans, programs, processes, and policies of state agencies and~~
4486 ~~local governments;]~~

4487 [~~(D) are designed to produce and provide the desired vegetation for the watersheds,~~
4488 ~~timber, food, fiber, livestock forage, and wildlife forage, and minerals that are necessary to~~
4489 ~~meet present needs and future economic growth and community expansion without permanent~~
4490 ~~impairment of the productivity of the land;]~~

4491 [~~(E) meet the recreational needs and the personal and business-related transportation~~

4492 needs of the citizens of the state by providing access throughout the state;]
4493 [~~(F) meet the recreational needs of the citizens of the state;~~]
4494 [~~(G) meet the needs of wildlife;~~]
4495 [~~(H) provide for the preservation of cultural resources, both historical and
4496 archaeological;~~]
4497 [~~(I) meet the needs of economic development;~~]
4498 [~~(J) meet the needs of community development; and]~~
4499 [~~(K) provide for the protection of water rights;~~]
4500 [~~(b) managing public lands for "wilderness characteristics" circumvents the statutory
4501 wilderness process and is inconsistent with the multiple-use and sustained-yield management
4502 standard that applies to all Bureau of Land Management and U.S. Forest Service lands that are
4503 not wilderness areas or wilderness study areas;~~]
4504 [~~(c) all waters of the state are:
4505 (i) owned exclusively by the state in trust for its citizens;
4506 (ii) are subject to appropriation for beneficial use; and
4507 (iii) are essential to the future prosperity of the state and the quality of life within the
4508 state;~~]
4509 [~~(d) the state has the right to develop and use its entitlement to interstate rivers;~~]
4510 [~~(e) all water rights desired by the federal government must be obtained through the
4511 state water appropriation system;~~]
4512 [~~(f) land management and resource-use decisions which affect federal lands should
4513 give priority to and support the purposes of the compact between the state and the United
4514 States related to school and institutional trust lands;~~]
4515 [~~(g) development of the solid, fluid, and gaseous mineral resources of the state is an
4516 important part of the economy of the state, and of local regions within the state;~~]
4517 [~~(h) the state should foster and support industries that take advantage of the state's
4518 outstanding opportunities for outdoor recreation;~~]
4519 [~~(i) wildlife constitutes an important resource and provides recreational and economic
4520 opportunities for the state's citizens;~~]
4521 [~~(j) proper stewardship of the land and natural resources is necessary to ensure the
4522 health of the watersheds, timber, forage, and wildlife resources to provide for a continuous~~

4523 supply of resources for the people of the state and the people of the local communities who
4524 depend on these resources for a sustainable economy;]

4525 [~~(k) forests, rangelands, timber, and other vegetative resources;~~]
4526 [~~(i) provide forage for livestock;~~]
4527 [~~(ii) provide forage and habitat for wildlife;~~]
4528 [~~(iii) provide resources for the state's timber and logging industries;~~]
4529 [~~(iv) contribute to the state's economic stability and growth; and~~]
4530 [~~(v) are important for a wide variety of recreational pursuits;~~]
4531 [~~(f) management programs and initiatives that improve watersheds, forests, and
4532 increase forage for the mutual benefit of wildlife species and livestock, logging, and other
4533 agricultural industries by utilizing proven techniques and tools are vital to the state's economy
4534 and the quality of life in Utah; and~~]

4535 [~~(m) (i) land management plans, programs, and initiatives should provide that the
4536 amount of domestic livestock forage, expressed in animal unit months, for permitted, active
4537 use as well as the wildlife forage included in that amount, be no less than the maximum
4538 number of animal unit months sustainable by range conditions in grazing allotments and
4539 districts, based on an on-the-ground and scientific analysis;~~]

4540 [~~(ii) the state opposes the relinquishment or retirement of grazing animal unit months
4541 in favor of conservation, wildlife, and other uses;~~]

4542 [~~(iii) (A) the state favors the best management practices that are jointly sponsored by
4543 cattlemen's, sportsmen's, and wildlife management groups such as chaining, logging, seeding,
4544 burning, and other direct soil and vegetation prescriptions that are demonstrated to restore
4545 forest and rangeland health, increase forage, and improve watersheds in grazing districts and
4546 allotments for the mutual benefit of domestic livestock and wildlife;~~]

4547 [~~(B) when practices described in Subsection (6)(m)(iii)(A) increase a grazing
4548 allotment's forage beyond the total permitted forage use that was allocated to that allotment in
4549 the last federal land use plan or allotment management plan still in existence as of January 1,
4550 2005, a reasonable and fair portion of the increase in forage beyond the previously allocated
4551 total permitted use should be allocated to wildlife as recommended by a joint, evenly balanced
4552 committee of livestock and wildlife representatives that is appointed and constituted by the
4553 governor for that purpose;~~]

4554 ~~[(C) the state favors quickly and effectively adjusting wildlife population goals and~~
4555 ~~population census numbers in response to variations in the amount of available forage caused~~
4556 ~~by drought or other climatic adjustments, and state agencies responsible for managing wildlife~~
4557 ~~population goals and population census numbers will give due regard to both the needs of the~~
4558 ~~livestock industry and the need to prevent the decline of species to a point where listing under~~
4559 ~~the terms of the Endangered Species Act when making such adjustments;]~~

4560 ~~[(iv) the state opposes the transfer of grazing animal unit months to wildlife for~~
4561 ~~supposed reasons of rangeland health;]~~

4562 ~~[(v) reductions in domestic livestock animal unit months must be temporary and~~
4563 ~~scientifically based upon rangeland conditions;]~~

4564 ~~[(vi) policies, plans, programs, initiatives, resource management plans, and forest plans~~
4565 ~~may not allow the placement of grazing animal unit months in a suspended use category unless~~
4566 ~~there is a rational and scientific determination that the condition of the rangeland allotment or~~
4567 ~~district in question will not sustain the animal unit months sought to be placed in suspended~~
4568 ~~use;]~~

4569 ~~[(vii) any grazing animal unit months that are placed in a suspended use category~~
4570 ~~should be returned to active use when range conditions improve;]~~

4571 ~~[(viii) policies, plans, programs, and initiatives related to vegetation management~~
4572 ~~should recognize and uphold the preference for domestic grazing over alternate forage uses in~~
4573 ~~established grazing districts while upholding management practices that optimize and expand~~
4574 ~~forage for grazing and wildlife in conjunction with state wildlife management plans and~~
4575 ~~programs in order to provide maximum available forage for all uses; and]~~

4576 ~~[(ix) in established grazing districts, animal unit months that have been reduced due to~~
4577 ~~rangeland health concerns should be restored to livestock when rangeland conditions improve;~~
4578 ~~and should not be converted to wildlife use.]~~

4579 ~~[(7) The state planning coordinator shall recognize and promote the following findings~~
4580 ~~in the preparation of any policies, plans, programs, processes, or desired outcomes relating to~~
4581 ~~federal lands and natural resources on federal lands under this section:]~~

4582 ~~[(a) as a coholder of R.S. 2477 rights-of-way with the counties, the state supports its~~
4583 ~~recognition by the federal government and the public use of R.S. 2477 rights-of-way and urges~~
4584 ~~the federal government to fully recognize the rights-of-way and their use by the public as~~

4585 expeditiously as possible;]

4586 ~~[(b) it is the policy of the state to use reasonable administrative and legal measures to~~
4587 ~~protect and preserve valid existing rights-of-way granted by Congress under R.S. 2477, and to~~
4588 ~~support and work in conjunction with counties to redress cases where R.S. 2477 rights-of-way~~
4589 ~~are not recognized or are impaired; and]~~

4590 ~~[(c) transportation and access routes to and across federal lands, including all~~
4591 ~~rights-of-way vested under R.S. 2477, are vital to the state's economy and to the quality of life~~
4592 ~~in the state, and must provide, at a minimum, a network of roads throughout the resource~~
4593 ~~planning area that provides for:]~~

4594 ~~[(i) movement of people, goods, and services across public lands;]~~

4595 ~~[(ii) reasonable access to a broad range of resources and opportunities throughout the~~
4596 ~~resource planning area, including:]~~

4597 ~~[(A) livestock operations and improvements;]~~

4598 ~~[(B) solid, fluid, and gaseous mineral operations;]~~

4599 ~~[(C) recreational opportunities and operations, including motorized and nonmotorized~~
4600 ~~recreation;]~~

4601 ~~[(D) search and rescue needs;]~~

4602 ~~[(E) public safety needs; and]~~

4603 ~~[(F) access for transportation of wood products to market;]~~

4604 ~~[(iii) access to federal lands for people with disabilities and the elderly; and]~~

4605 ~~[(iv) access to state lands and school and institutional trust lands to accomplish the~~
4606 ~~purposes of those lands.]]~~

4607 ~~[(8) The state planning coordinator shall recognize and promote the following findings~~
4608 ~~in the preparation of any plans, policies, programs, processes, or desired outcomes relating to~~
4609 ~~federal lands and natural resources on federal lands pursuant to this section:]~~

4610 ~~[(a) the state's support for the addition of a river segment to the National Wild and~~
4611 ~~Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:]~~

4612 ~~[(i) it is clearly demonstrated that water is present and flowing at all times;]~~

4613 ~~[(ii) it is clearly demonstrated that the required water-related value is considered~~
4614 ~~outstandingly remarkable within a region of comparison consisting of one of the three~~
4615 ~~physiographic provinces in the state, and that the rationale and justification for the conclusions~~

4616 are disclosed;]

4617 ~~[(iii) it is clearly demonstrated that the inclusion of each river segment is consistent~~
4618 ~~with the plans and policies of the state and the county or counties where the river segment is~~
4619 ~~located as those plans and policies are developed according to Subsection (3);]~~

4620 ~~[(iv) the effects of the addition upon the local and state economies, agricultural and~~
4621 ~~industrial operations and interests, outdoor recreation, water rights, water quality, water~~
4622 ~~resource planning, and access to and across river corridors in both upstream and downstream~~
4623 ~~directions from the proposed river segment have been evaluated in detail by the relevant federal~~
4624 ~~agency;]~~

4625 ~~[(v) it is clearly demonstrated that the provisions and terms of the process for review of~~
4626 ~~potential additions have been applied in a consistent manner by all federal agencies;]~~

4627 ~~[(vi) the rationale and justification for the proposed addition, including a comparison~~
4628 ~~with protections offered by other management tools, is clearly analyzed within the multiple-use~~
4629 ~~mandate, and the results disclosed;]~~

4630 ~~[(vii) it is clearly demonstrated that the federal agency with management authority over~~
4631 ~~the river segment, and which is proposing the segment for inclusion in the National Wild and~~
4632 ~~Scenic River System will not use the actual or proposed designation as a basis to impose~~
4633 ~~management standards outside of the federal land management plan;]~~

4634 ~~[(viii) it is clearly demonstrated that the terms and conditions of the federal land and~~
4635 ~~resource management plan containing a recommendation for inclusion in the National Wild~~
4636 ~~and Scenic River System:]~~

4637 ~~[(A) evaluates all eligible river segments in the resource planning area completely and~~
4638 ~~fully for suitability for inclusion in the National Wild and Scenic River System;]~~

4639 ~~[(B) does not suspend or terminate any studies for inclusion in the National Wild and~~
4640 ~~Scenic River System at the eligibility phase;]~~

4641 ~~[(C) fully disclaims any interest in water rights for the recommended segment as a~~
4642 ~~result of the adoption of the plan; and]~~

4643 ~~[(D) fully disclaims the use of the recommendation for inclusion in the National Wild~~
4644 ~~and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for~~
4645 ~~projects upstream, downstream, or within the recommended segment;]~~

4646 ~~[(ix) it is clearly demonstrated that the agency with management authority over the~~

4647 river segment commits not to use an actual or proposed designation as a basis to impose Visual
4648 Resource Management Class I or II management prescriptions that do not comply with the
4649 provisions of Subsection (8)(t); and]

4650 [~~(x) it is clearly demonstrated that including the river segment and the terms and
4651 conditions for managing the river segment as part of the National Wild and Scenic River
4652 System will not prevent, reduce, impair, or otherwise interfere with;~~]

4653 [~~(A) the state and its citizens' enjoyment of complete and exclusive water rights in and
4654 to the rivers of the state as determined by the laws of the state; or]~~

4655 [~~(B) local, state, regional, or interstate water compacts to which the state or any county
4656 is a party;~~]

4657 [~~(b) the conclusions of all studies related to potential additions to the National Wild
4658 and Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and
4659 action by the Legislature and governor, and the results, in support of or in opposition to, are
4660 included in any planning documents or other proposals for addition and are forwarded to the
4661 United States Congress;~~]

4662 [~~(c) the state's support for designation of an Area of Critical Environmental Concern
4663 (ACEC), as defined in 43 U.S.C. Sec. 1702, within federal land management plans will be
4664 withheld until;~~]

4665 [~~(i) it is clearly demonstrated that the proposed area satisfies all the definitional
4666 requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec.
4667 1702(a);]~~

4668 [~~(ii) it is clearly demonstrated that the area proposed for designation as an ACEC is
4669 limited in geographic size and that the proposed management prescriptions are limited in scope
4670 to the minimum necessary to specifically protect and prevent irreparable damage to the relevant
4671 and important values identified, or limited in geographic size and management prescriptions to
4672 the minimum required to specifically protect human life or safety from natural hazards;]~~

4673 [~~(iii) it is clearly demonstrated that the proposed area is limited only to areas that are
4674 already developed or used or to areas where no development is required;]~~

4675 [~~(iv) it is clearly demonstrated that the proposed area contains relevant and important
4676 historic, cultural or scenic values, fish or wildlife resources, or natural processes which are
4677 unique or substantially significant on a regional basis, or contain natural hazards which~~

4678 significantly threaten human life or safety;]

4679 [~~(v) the federal agency has analyzed regional values, resources, processes, or hazards~~
4680 ~~for irreparable damage and its potential causes resulting from potential actions which are~~
4681 ~~consistent with the multiple-use, sustained-yield principles, and the analysis describes the~~
4682 ~~rationale for any special management attention required to protect, or prevent irreparable~~
4683 ~~damage to the values, resources, processes, or hazards;]~~

4684 [~~(vi) it is clearly demonstrated that the proposed designation is consistent with the~~
4685 ~~plans and policies of the state and of the county where the proposed designation is located as~~
4686 ~~those plans and policies are developed according to Subsection (3);]~~

4687 [~~(vii) it is clearly demonstrated that the proposed ACEC designation will not be applied~~
4688 ~~redundantly over existing protections provided by other state and federal laws for federal lands~~
4689 ~~or resources on federal lands, and that the federal statutory requirement for special management~~
4690 ~~attention for a proposed ACEC will discuss and justify any management requirements needed~~
4691 ~~in addition to those specified by the other state and federal laws;]~~

4692 [~~(viii) the difference between special management attention required for an ACEC and~~
4693 ~~normal multiple-use management has been identified and justified, and that any determination~~
4694 ~~of irreparable damage has been analyzed and justified for short and long-term horizons;]~~

4695 [~~(ix) it is clearly demonstrated that the proposed designation:]~~

4696 [~~(A) is not a substitute for a wilderness suitability recommendation;]~~

4697 [~~(B) is not a substitute for managing areas inventoried for wilderness characteristics~~
4698 ~~after 1993 under the BLM interim management plan for valid wilderness study areas; and]~~

4699 [~~(C) it is not an excuse or justification to apply de facto wilderness management~~
4700 ~~standards; and]~~

4701 [~~(x) the conclusions of all studies are submitted to the state, as a cooperating agency,~~
4702 ~~for review, and the results, in support of or in opposition to, are included in all planning~~
4703 ~~documents;]~~

4704 [~~(d) sufficient federal lands are made available for government-to-government~~
4705 ~~exchanges of school and institutional trust lands and federal lands without regard for a~~
4706 ~~resource-to-resource correspondence between the surface or mineral characteristics of the~~
4707 ~~offered trust lands and the offered federal lands;]~~

4708 [~~(e) federal agencies should support government-to-government exchanges of land~~

4709 with the state based on a fair process of valuation which meets the fiduciary obligations of both
4710 the state and federal governments toward trust lands management, and which assures that
4711 revenue authorized by federal statute to the state from mineral or timber production, present or
4712 future, is not diminished in any manner during valuation, negotiation, or implementation
4713 processes;]

4714 [~~(f) agricultural and grazing lands should continue to produce the food and fiber
4715 needed by the citizens of the state and the nation, and the rural character and open landscape of
4716 rural Utah should be preserved through a healthy and active agricultural and grazing industry,
4717 consistent with private property rights and state fiduciary duties;~~]

4718 [~~(g) the resources of the forests and rangelands of the state should be integrated as part
4719 of viable, robust, and sustainable state and local economies, and available forage should be
4720 evaluated for the full complement of herbivores the rangelands can support in a sustainable
4721 manner, and forests should contain a diversity of timber species, and disease or insect
4722 infestations in forests should be controlled using logging or other best management practices;~~]

4723 [~~(h) the state opposes any additional evaluation of national forest service lands as
4724 "roadless" or "unroaded" beyond the forest service's second roadless area review evaluation and
4725 opposes efforts by agencies to specially manage those areas in a way that;~~]

4726 [~~(i) closes or declassifies existing roads unless multiple side by side roads exist running
4727 to the same destination and state and local governments consent to close or declassify the extra
4728 roads;~~]

4729 [~~(ii) permanently bars travel on existing roads;~~]

4730 [~~(iii) excludes or diminishes traditional multiple-use activities, including grazing and
4731 proper forest harvesting;~~]

4732 [~~(iv) interferes with the enjoyment and use of valid, existing rights, including water
4733 rights, local transportation plan rights, R.S. 2477 rights, grazing allotment rights, and mineral
4734 leasing rights; or]~~

4735 [~~(v) prohibits development of additional roads reasonably necessary to pursue
4736 traditional multiple-use activities;~~]

4737 [~~(i) the state's support for any forest plan revision or amendment will be withheld until
4738 the appropriate plan revision or plan amendment clearly demonstrates that;~~]

4739 [~~(i) established roads are not referred to as unclassified roads or a similar~~

4740 classification;]

4741 [~~(ii) lands in the vicinity of established roads are managed under the multiple-use,~~
4742 ~~sustained-yield management standard; and]~~

4743 [~~(iii) no roadless or unroaded evaluations or inventories are recognized or upheld~~
4744 ~~beyond those that were recognized or upheld in the forest service's second roadless area review~~
4745 ~~evaluation;]~~

4746 [~~(j) the state's support for any recommendations made under the statutory requirement~~
4747 ~~to examine the wilderness option during the revision of land and resource management plans~~
4748 ~~by the U.S. Forest Service will be withheld until it is clearly demonstrated that:]~~

4749 [~~(i) the duly adopted transportation plans of the state and county or counties within the~~
4750 ~~planning area are fully and completely incorporated into the baseline inventory of information~~
4751 ~~from which plan provisions are derived;]~~

4752 [~~(ii) valid state or local roads and rights-of-way are recognized and not impaired in any~~
4753 ~~way by the recommendations;]~~

4754 [~~(iii) the development of mineral resources by underground mining is not affected by~~
4755 ~~the recommendations;]~~

4756 [~~(iv) the need for additional administrative or public roads necessary for the full use of~~
4757 ~~the various multiple-uses, including recreation, mineral exploration and development, forest~~
4758 ~~health activities, and grazing operations is not unduly affected by the recommendations;]~~

4759 [~~(v) analysis and full disclosure is made concerning the balance of multiple-use~~
4760 ~~management in the proposed areas, and that the analysis compares the full benefit of~~
4761 ~~multiple-use management to the recreational, forest health, and economic needs of the state and~~
4762 ~~the counties to the benefits of the requirements of wilderness management; and]~~

4763 [~~(vi) the conclusions of all studies related to the requirement to examine the wilderness~~
4764 ~~option are submitted to the state for review and action by the Legislature and governor, and the~~
4765 ~~results, in support of or in opposition to, are included in any planning documents or other~~
4766 ~~proposals that are forwarded to the United States Congress;]~~

4767 [~~(k) the invasion of noxious weeds and undesirable invasive plant species into the state~~
4768 ~~should be reversed, their presence eliminated, and their return prevented;]~~

4769 [~~(l) management and resource-use decisions by federal land management and~~
4770 ~~regulatory agencies concerning the vegetative resources within the state should reflect serious~~

4771 consideration of the proper optimization of the yield of water within the watersheds of the
4772 state;]

4773 [~~(m) (i) it is the policy of the state that:]~~

4774 [~~(A) mineral and energy production and environmental protection are not mutually~~
4775 ~~exclusive;]~~

4776 [~~(B) it is technically feasible to permit appropriate access to mineral and energy~~
4777 ~~resources while preserving nonmineral and nonenergy resources;]~~

4778 [~~(C) resource management planning should seriously consider all available mineral and~~
4779 ~~energy resources;]~~

4780 [~~(D) the development of the solid, fluid, and gaseous mineral resources of the state and~~
4781 ~~the renewable resources of the state should be encouraged;]~~

4782 [~~(E) the waste of fluid and gaseous minerals within developed areas should be~~
4783 ~~prohibited; and]~~

4784 [~~(F) requirements to mitigate or reclaim mineral development projects should be based~~
4785 ~~on credible evidence of significant impacts to natural or cultural resources;]~~

4786 [~~(ii) the state's support for mineral development provisions within federal land~~
4787 ~~management plans will be withheld until the appropriate land management plan environmental~~
4788 ~~impact statement clearly demonstrates:]~~

4789 [~~(A) that the authorized planning agency has:]~~

4790 [~~(f) considered and evaluated the mineral and energy potential in all areas of the~~
4791 ~~planning area as if the areas were open to mineral development under standard lease~~
4792 ~~agreements; and]~~

4793 [~~(H) evaluated any management plan prescription for its impact on the area's baseline~~
4794 ~~mineral and energy potential;]~~

4795 [~~(B) that the development provisions do not unduly restrict access to public lands for~~
4796 ~~energy exploration and development;]~~

4797 [~~(C) that the authorized planning agency has supported any closure of additional areas~~
4798 ~~to mineral leasing and development or any increase of acres subject to no surface occupancy~~
4799 ~~restrictions by adhering to:]~~

4800 [~~(f) the relevant provisions of the Federal Land Policy and Management Act of 1976;~~
4801 ~~43 U.S.C. Sec. 1701 et seq.;~~]

4802 ~~[(H) other controlling mineral development laws; and]~~
4803 ~~[(HI) the controlling withdrawal and reporting procedures set forth in the Federal Land~~
4804 ~~Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;~~
4805 ~~[(D) that the authorized planning agency evaluated whether to repeal any moratorium~~
4806 ~~that may exist on the issuance of additional mining patents and oil and gas leases;]~~
4807 ~~[(E) that the authorized planning agency analyzed all proposed mineral lease~~
4808 ~~stipulations and considered adopting the least restrictive necessary to protect against damage to~~
4809 ~~other significant resource values;]~~
4810 ~~[(F) that the authorized planning agency evaluated mineral lease restrictions to~~
4811 ~~determine whether to waive, modify, or make exceptions to the restrictions on the basis that~~
4812 ~~they are no longer necessary or effective;]~~
4813 ~~[(G) that the authorized federal agency analyzed all areas proposed for no surface~~
4814 ~~occupancy restrictions, and that the analysis evaluated:]~~
4815 ~~[(I) whether directional drilling is economically feasible and ecologically necessary for~~
4816 ~~each proposed no surface occupancy area;]~~
4817 ~~[(H) whether the directional drilling feasibility analysis, or analysis of other~~
4818 ~~management prescriptions, demonstrates that the proposed no surface occupancy prescription,~~
4819 ~~in effect, sterilizes the mineral and energy resources beneath the area; and]~~
4820 ~~[(HI) whether, if the minerals are effectively sterilized, the area must be reported as~~
4821 ~~withdrawn under the provisions of the Federal Land Policy and Management Act; and]~~
4822 ~~[(H) that the authorized planning agency has evaluated all directional drilling~~
4823 ~~requirements in no surface occupancy areas to determine whether directional drilling is feasible~~
4824 ~~from an economic, ecological, and engineering standpoint;]~~
4825 ~~[(n) motorized, human, and animal-powered outdoor recreation should be integrated~~
4826 ~~into a fair and balanced allocation of resources within the historical and cultural framework of~~
4827 ~~multiple-uses in rural Utah, and outdoor recreation should be supported as part of a balanced~~
4828 ~~plan of state and local economic support and growth;]~~
4829 ~~[(o) off-highway vehicles should be used responsibly, the management of off-highway~~
4830 ~~vehicles should be uniform across all jurisdictions, and laws related to the use of off-highway~~
4831 ~~vehicles should be uniformly applied across all jurisdictions;]~~
4832 ~~[(p) (i) rights-of-way granted and vested under the provisions of R.S. 2477 should be~~

4833 ~~preserved and acknowledged;]~~

4834 ~~[(ii) land use management plans, programs, and initiatives should be consistent with~~
4835 ~~both state and county transportation plans developed according to Subsection (3) in order to~~
4836 ~~provide a network of roads throughout the planning area that provides for:]~~

4837 ~~[(A) movement of people, goods, and services across public lands;]~~

4838 ~~[(B) reasonable access to a broad range of resources and opportunities throughout the~~
4839 ~~planning area, including access to livestock, water, and minerals;]~~

4840 ~~[(C) economic and business needs;]~~

4841 ~~[(D) public safety;]~~

4842 ~~[(E) search and rescue;]~~

4843 ~~[(F) access for people with disabilities and the elderly;]~~

4844 ~~[(G) access to state lands; and]~~

4845 ~~[(H) recreational opportunities;]~~

4846 ~~[(q) transportation and access provisions for all other existing routes, roads, and trails~~

4847 ~~across federal, state, and school trust lands within the state should be determined and~~

4848 ~~identified, and agreements should be executed and implemented, as necessary to fully authorize~~

4849 ~~and determine responsibility for maintenance of all routes, roads, and trails;]~~

4850 ~~[(r) the reasonable development of new routes and trails for motorized, human, and~~

4851 ~~animal-powered recreation should be implemented;]~~

4852 ~~[(s) (i) forests, rangelands, and watersheds, in a healthy condition, are necessary and~~
4853 ~~beneficial for wildlife, livestock grazing, and other multiple-uses;]~~

4854 ~~[(ii) management programs and initiatives that are implemented to increase forage for~~

4855 ~~the mutual benefit of the agricultural industry, livestock operations, and wildlife species should~~

4856 ~~utilize all proven techniques and tools;]~~

4857 ~~[(iii) the continued viability of livestock operations and the livestock industry should~~

4858 ~~be supported on the federal lands within the state by management of the lands and forage~~

4859 ~~resources, by the proper optimization of animal unit months for livestock, in accordance with~~

4860 ~~the multiple-use provisions of the Federal Land Policy and Management Act of 1976, 43~~

4861 ~~U.S.C. 1701 et seq., the provisions of the Taylor Grazing Act of 1934, 43 U.S.C. 315 et seq.,~~

4862 ~~and the provisions of the Public Rangelands Improvement Act of 1978, 43 U.S.C. 1901 et~~

4863 ~~seq.;]~~

4864 ~~[(iv) provisions for predator control initiatives or programs under the direction of state~~
4865 ~~and local authorities should be implemented; and]~~

4866 ~~[(v) resource-use and management decisions by federal land management and~~
4867 ~~regulatory agencies should support state-sponsored initiatives or programs designed to stabilize~~
4868 ~~wildlife populations that may be experiencing a scientifically demonstrated decline in those~~
4869 ~~populations; and]~~

4870 ~~[(t) management and resource use decisions by federal land management and~~
4871 ~~regulatory agencies concerning the scenic resources of the state must balance the protection of~~
4872 ~~scenery with the full management requirements of the other authorized uses of the land under~~
4873 ~~multiple-use management, and should carefully consider using Visual Resource Management~~
4874 ~~Class I protection only for areas of inventoried Class A scenery or equivalent.]~~

4875 ~~[(9) Notwithstanding any provision of Section [63J-8-105.5](#), the state is committed to~~
4876 ~~establishing and administering an effective statewide conservation strategy for greater sage~~
4877 ~~grouse.]~~

4878 ~~[(10) Nothing contained in this section may be construed to restrict or supersede the~~
4879 ~~planning powers conferred upon state departments, agencies, instrumentalities, or advisory~~
4880 ~~councils of the state or the planning powers conferred upon political subdivisions by any other~~
4881 ~~existing law.]~~

4882 ~~[(11) Nothing in this section may be construed to affect any lands withdrawn from the~~
4883 ~~public domain for military purposes, which are administered by the United States Army, Air~~
4884 ~~Force, or Navy.]~~

4885 Section 71. Section **63J-5-201** is amended to read:

4886 **63J-5-201. Legislative appropriation subcommittees to review certain federal**
4887 **funds reauthorizations -- Executive appropriations review -- Legislative approval.**

4888 (1) The Governor's Office of ~~[Management]~~ Planning and Budget shall annually
4889 prepare and submit a federal funds request summary for each agency to the Legislative Fiscal
4890 Analyst at the same time the governor submits the confidential draft budget under Section
4891 [63J-1-201](#).

4892 (2) (a) The Legislative Fiscal Analyst, as directed by the Executive Appropriations
4893 Committee, may include federal funds in the base budget appropriations act or acts, when those
4894 acts are prepared as provided in [JR3-2-402](#).

4895 (b) The Legislative Fiscal Analyst shall submit a federal funds request summary for
4896 each agency to the legislative appropriations subcommittee responsible for that agency's budget
4897 for review during each annual general session.

4898 (3) Each legislative appropriations subcommittee shall review the federal funds request
4899 summary and may:

4900 (a) recommend that the agency accept the federal funds or participate in the federal
4901 program for the fiscal year under consideration; or

4902 (b) recommend that the agency not accept the federal funds or not participate in the
4903 federal program for the fiscal year under consideration.

4904 (4) The Legislative Executive Appropriations Committee shall:

4905 (a) review each subcommittee's recommendation;

4906 (b) determine whether or not the agency should be authorized to accept the federal
4907 funds or participate in the federal program; and

4908 (c) direct the Legislative Fiscal Analyst to include or exclude those federal funds and
4909 federal programs in an annual appropriations act for approval by the Legislature.

4910 (5) Legislative approval of an appropriations act containing federal funds constitutes
4911 legislative approval of the federal grants or awards associated with the federal funds for the
4912 purposes of compliance with the requirements of this chapter.

4913 Section 72. Section **63J-5-202** is amended to read:

4914 **63J-5-202. Governor to approve certain new federal funds requests.**

4915 (1) (a) Before obligating the state to accept or receive new federal funds or to
4916 participate in a new federal program, and no later than three months after submitting a new
4917 federal funds request, and, where possible, before formally submitting the new federal funds
4918 request, an executive branch agency shall submit a federal funds request summary to the
4919 governor or the governor's designee for approval or rejection when:

4920 (i) the state will receive total payments of \$1,000,000 or less per year if the new federal
4921 funds request is approved;

4922 (ii) receipt of the new federal funds will require no additional permanent full-time
4923 employees, permanent part-time employees, or combination of additional permanent full-time
4924 employees and permanent part-time employees; and

4925 (iii) no new state money will be required to match the new federal funds or to

4926 implement the new federal program for which the grant is issued.

4927 (b) The Governor's Office of [~~Management~~] Planning and Budget shall report each new
4928 federal funds request that is approved by the governor or the governor's designee and each new
4929 federal funds request granted by the federal government to:

4930 (i) the Legislature's Executive Appropriations Committee;

4931 (ii) the Office of the Legislative Fiscal Analyst; and

4932 (iii) the Office of Legislative Research and General Counsel.

4933 (2) The governor or the governor's designee shall approve or reject each new federal
4934 funds request submitted under the authority of this section.

4935 (3) (a) If the governor or the governor's designee approves the new federal funds
4936 request, the executive branch agency may accept the new federal funds or participate in the new
4937 federal program.

4938 (b) If the governor or the governor's designee rejects the new federal funds request, the
4939 executive branch agency may not accept the new federal funds or participate in the new federal
4940 program.

4941 (4) If an executive branch agency fails to obtain the governor's or the governor's
4942 designee's approval under this section, the governor may require the agency to:

4943 (a) withdraw the new federal funds request;

4944 (b) return the federal funds;

4945 (c) withdraw from the federal program; or

4946 (d) any combination of Subsections (4)(a), (4)(b), and (4)(c).

4947 (5) If a letter or other official documentation awarding an agency a grant of federal
4948 funds is not available to be included in a federal funds request summary submitted to the
4949 Governor's Office of [~~Management~~] Planning and Budget under this section, the agency shall
4950 submit to the Governor's Office of [~~Management~~] Planning and Budget the letter or other
4951 official documentation awarding the agency a grant of federal funds before expending the
4952 federal funds granted.

4953 Section 73. Section **63J-7-201** is amended to read:

4954 **63J-7-201. Governor to approve certain grant requests.**

4955 (1) (a) Before obligating the state to accept or receive a grant, an executive branch
4956 agency shall submit a grant summary to the governor or the governor's designee for approval or

4957 rejection when:

4958 (i) the executive branch agency would receive a grant of at least \$10,000 but no more
4959 than \$50,000 if the grant is approved;

4960 (ii) receipt of the grant will require no additional permanent full-time employees,
4961 permanent part-time employees, or combination of additional permanent full-time employees
4962 and permanent part-time employees; and

4963 (iii) no new state money will be required to match the grant.

4964 (b) The Governor's Office of ~~Management~~ Planning and Budget shall report each
4965 grant authorized under this section to:

4966 (i) the Legislature's Executive Appropriations Committee; and

4967 (ii) the Office of the Legislative Fiscal Analyst.

4968 (2) The governor or the governor's designee shall approve or reject each grant
4969 submitted under the authority of this section.

4970 (3) (a) If the governor or the governor's designee approves the grant, the executive
4971 branch agency may accept the grant.

4972 (b) If the governor or the governor's designee rejects the grant, the executive branch
4973 agency may not accept the grant.

4974 (4) If an executive branch agency fails to obtain the governor's or the governor's
4975 designee's approval under this section, the governor may require the agency to return the grant.

4976 Section 74. Section **63J-8-102** is amended to read:

4977 **63J-8-102. Definitions.**

4978 As used in this chapter:

4979 (1) "ACEC" means an area of critical environmental concern as defined in 43 U.S.C.
4980 Sec. 1702.

4981 (2) "AUM" means animal unit months, a unit of grazing forage.

4982 (3) "BLM" means the United States Bureau of Land Management.

4983 (4) "BLM recommended wilderness" means a wilderness study area recommended for
4984 wilderness designation in the final report of the president of the United States to the United
4985 States Congress in 1993.

4986 (5) "Federal land use designation" means one or a combination of the following
4987 congressional or federal actions included in proposed congressional land use legislation:

- 4988 (a) designation of wilderness within the National Wilderness Preservation System;
- 4989 (b) designation of a national conservation area;
- 4990 (c) designation of a watercourse within the National Wild and Scenic River System;
- 4991 (d) designation of an ACEC;
- 4992 (e) designation of a national monument in accordance with the Antiquities Act or by
- 4993 Congress;

- 4994 (f) designation of a national park within the National Park System;
- 4995 (g) designation of a national recreational area; or
- 4996 (h) any other designation, classification, categorization, reservation, withdrawal, or
- 4997 similar action that has the purpose or effect of eliminating, restricting, or reducing energy and
- 4998 mineral development, motorized travel, grazing, active vegetation management, or any other
- 4999 traditional multiple use on public land.

5000 (6) "FLPMA" means the Federal Land Policy and Management Act of 1976, 43 U.S.C.

5001 Sec. 1701 et seq.

5002 (7) "Forest Service" means the United States Forest Service within the United States

5003 Department of Agriculture.

5004 (8) "Green River Energy Zone" means the lands described as follows in Subsections

5005 (8)(a) and (b), as more fully illustrated in the maps prepared by the Carbon County and Emery

5006 County GIS Departments in February 2013, each entitled "2013 Green River Energy Zone":

- 5007 (a) BLM and Forest Service lands in Carbon County that are situated in the following
- 5008 townships: Township 12S Range 6E, Township 12S Range 7E, Township 12S Range 8E,
- 5009 Township 12S Range 9E, Township 12S Range 10E, Township 12S Range 11E, Township 12S
- 5010 Range 12E, Township 12S Range 13E, Township 12S Range 14E, Township 12S Range 15E,
- 5011 Township 12S Range 16E, Township 12S Range 17E, Township 12S Range 18E, Township
- 5012 13S Range 6E, Township 13S Range 8E, Township 13S Range 9E, Township 13S Range 10E,
- 5013 Township 13S Range 11E, Township 13S Range 12E, Township 13S Range 13E, Township
- 5014 13S Range 14E, Township 13S Range 15E, Township 13S Range 16E, Township 13S Range
- 5015 17E, Township 14S Range 6E, Township 14S Range 8E, Township 14S Range 9E, Township
- 5016 14S Range 11E, Township 14S Range 12E, Township 14S Range 13E, Township 14S Range
- 5017 14E, Township 14S Range 15E, Township 14S Range 16E, Township 14S Range 17E,
- 5018 Township 15S Range 7E, Township 15S Range 8E, Township 15S Range 9E, Township 15S

5019 Range 10E, Township 15S Range 11E, Township 15S Range 12E, Township 15S Range 13E,
5020 Township 15S Range 14E, Township 15S Range 15E, and Township 15S Range 16E; and
5021 (b) BLM and Forest Service lands in Emery County, excluding any areas that are or
5022 may be designated as wilderness, national conservation areas, or wild or scenic rivers, that are
5023 situated in the following townships and represented in the Emery County Public Land
5024 Management Act DRAFT Map prepared by Emery County and available at
5025 emerycounty.com/publiclands/LANDS-USE-15.pdf: Township 13S Range 6E, Township 14S
5026 Range 6E, Township 14S Range 7E, Township 15S Range 6E, Township 15S Range 7E,
5027 Township 16S Range 6E, Township 16S Range 7E, Township 16S Range 8E, Township 16S
5028 Range 9E, Township 16S Range 10E, Township 16S Range 11E, Township 16S Range 12E,
5029 Township 16S Range 13E, Township 16S Range 14E, Township 16S Range 15E, Township
5030 17S Range 6E, Township 17S Range 7E, Township 17S Range 8E, Township 17S Range 9E,
5031 Township 17S Range 10E, Township 17S Range 11E, Township 17S Range 12E, Township
5032 17S Range 13E, Township 17S Range 14E, Township 17S Range 15E, Township 18S Range
5033 6E, Township 18S Range 7E, Township 18S Range 8E, Township 18S Range 9E, Township
5034 18S Range 10E, Township 18S Range 11E, Township 18S Range 12E, Township 18S Range
5035 13E, Township 18S Range 14E, Township 18S Range 15E, Township 19S Range 6E,
5036 Township 19S Range 7E, Township 19S Range 8E, Township 19S Range 9E, Township 19S
5037 Range 10E, Township 19S Range 11E, Township 19S Range 12E, Township 19S Range 13E,
5038 Township 19S Range 14E, Township 19S Range 15E, Township 20S Range 6E, Township 20S
5039 Range 7E, Township 20S Range 8E, Township 20S Range 9E, Township 20S Range 10E,
5040 Township 20S Range 11E, Township 20S Range 12E, Township 20S Range 13E, Township
5041 20S Range 14E, Township 20S Range 15E, Township 20S Range 16E, Township 21S Range
5042 6E, Township 21S Range 7E, Township 21S Range 8E, Township 21S Range 9E, Township
5043 21S Range 14E, Township 21S Range 15E, Township 21S Range 16E, Township 22S Range
5044 6E, Township 22S Range 7E, Township 22S Range 8E, Township 22S Range 9E, Township
5045 22S Range 14E, Township 22S Range 15E, Township 22S Range 16E, Township 23S Range
5046 6E, Township 23S Range 7E, Township 23S Range 8E, Township 23S Range 9E, Township
5047 23S Range 13E, Township 23S Range 14E, Township 23S Range 15E, Township 23S Range
5048 16E, Township 24S Range 6E, Township 24S Range 7E, Township 24S Range 8E, Township
5049 24S Range 12E, Township 24S Range 13E, Township 24S Range 14E, Township 24S Range

5050 15E, Township 24S Range 16E, Township 24S Range 17E, Township 25S Range 6E,
5051 Township 25S Range 7E, Township 25S Range 8E, Township 25S Range 11E, Township 25S
5052 Range 12E, Township 25S Range 13E, Township 25S Range 14E, Township 25S Range 15E,
5053 Township 25S Range 16E, Township 25S Range 17E, Township 26S Range 6E, Township 26S
5054 Range 7E, Township 26S Range 8E, Township 26S Range 9E, Township 26S Range 10E,
5055 Township 26S Range 11E, Township 26S Range 12E, Township 26S Range 13E, Township
5056 26S Range 14E, Township 26S Range 15E, Township 26S Range 16E, and Township 26S
5057 Range 17E.

5058 (9) "Multiple use" means proper stewardship of the subject lands pursuant to Section
5059 103(c) of FLPMA, 43 U.S.C. Sec. 1702(c).

5060 (10) "National conservation area" means an area designated by Congress and managed
5061 by the BLM.

5062 (11) "National wild and scenic river" means a watercourse:

5063 (a) identified in a BLM or Forest Service planning process; or

5064 (b) designated as part of the National Wild and Scenic River System.

5065 (12) "National Wild and Scenic River System" means the National Wild and Scenic
5066 River System established in 16 U.S.C. Sec. 1271 et seq.

5067 (13) "Office" means the Public Lands Policy Coordinating Office created in Section
5068 [~~63J-4-602~~] [63L-11-201](#).

5069 (14) "OHV" means off-highway vehicle as defined in Section [41-22-2](#).

5070 (15) "Proposed congressional land use legislation" means a draft or a working
5071 document of congressional legislation prepared by a person that includes a federal land use
5072 designation.

5073 (16) "RARE II" means the second United States Forest Service Roadless Area Review
5074 and Evaluation report of 1984.

5075 (17) "R.S. 2477 right-of-way" means a right-of-way established in accordance with 43
5076 U.S.C. Sec. 932 repealed by FLPMA 1976.

5077 (18) "San Juan County Energy Zone" means BLM and Forest Service lands situated in
5078 the following townships in San Juan County, as more fully illustrated in the map prepared by
5079 the San Juan County GIS department in December 2014 entitled "San Juan County Energy
5080 Zone": Township 26S Range 21E, Township 26S Range 22E, Township 26S Range 23E,

5081 Township 26S Range 24E, Township 26S Range 25E, Township 26S Range 26E, Township
5082 27S Range 21E, Township 27S Range 22E, Township 27S Range 23E, Township 27S Range
5083 24E, Township 27S Range 25E, Township 27S Range 26E, Township 28S Range 21E,
5084 Township 28S Range 22E, Township 28S Range 23E, Township 28S Range 24E, Township
5085 28S Range 25E, Township 28S Range 26E, Township 29S Range 21E, Township 29S Range
5086 22E, Township 29S Range 23E, Township 29S Range 24E, Township 29S Range 25E,
5087 Township 29S Range 26E, Township 30S Range 21E, Township 30S Range 22E, Township
5088 30S Range 23E, Township 30S Range 24E, Township 30S Range 25E, Township 30S Range
5089 26E, Township 31S Range 22E, Township 31S Range 23E, Township 31S Range 24E,
5090 Township 31S Range 25E, Township 31S Range 26E, Township 32S Range 20E, Township
5091 32S Range 21E, Township 32S Range 22E, Township 32S Range 23E, Township 32S Range
5092 24E, Township 32S Range 25E, Township 32S Range 26E, Township 33S Range 19E,
5093 Township 33S Range 20E, Township 33S Range 21E, Township 33S Range 22E, Township
5094 33S Range 23E, Township 33S Range 24E, Township 33S Range 25E, Township 33S Range
5095 26E, Township 34S Range 19E, Township 34S Range 20E, Township 34S Range 21E,
5096 Township 34S Range 22E, Township 34S Range 23E, Township 34S Range 24E, Township
5097 34S Range 25E, Township 34S Range 26E, Township 35S Range 14E, Township 35S Range
5098 15E, Township 35S Range 16E, Township 35S Range 17E, Township 35S Range 18E,
5099 Township 35S Range 19E, Township 35S Range 20E, Township 35S Range 21E, Township
5100 35S Range 22E, Township 35S Range 23E, Township 35S Range 24E, Township 35S Range
5101 25E, Township 35S Range 26E, Township 36S Range 14E, Township 36S Range 15E,
5102 Township 36S Range 16E, Township 36S Range 17E, Township 36S Range 18E, Township
5103 36S Range 19E, Township 36S Range 21E, Township 36S Range 22E, Township 36S Range
5104 23E, Township 36S Range 24E, Township 36S Range 25E, Township 36S Range 26E,
5105 Township 37S Range 14E, Township 37S Range 15E, Township 37S Range 16E, Township
5106 37S Range 17E, Township 37S Range 21E, Township 37S Range 22E, Township 37S Range
5107 23E, Township 37S Range 24E, Township 37S Range 25E, Township 37S Range 26E,
5108 Township 38S Range 12E, Township 38S Range 21E, Township 38S Range 22E, Township
5109 38S Range 23E, Township 38S Range 24E, Township 38S Range 25E, Township 38S Range
5110 26E, Township 39S Range 12E, Township 39S Range 13E, Township 39S Range 15E,
5111 Township 39S Range 21E, Township 39S Range 22E, Township 39S Range 23E, Township

5112 39S Range 24E, Township 39S Range 25E, Township 39S Range 26E, Township 40S Range
5113 14E, Township 40S Range 15E, Township 40S Range 16E, Township 40S Range 19E,
5114 Township 40S Range 20E, Township 40S Range 21E, Township 40S Range 22E, Township
5115 40S Range 23E, Township 40S Range 24E, Township 40S Range 25E, Township 40S Range
5116 26E, Township 41S Range 16E, Township 41S Range 17E, Township 41S Range 18E,
5117 Township 41S Range 19E, Township 41S Range 20E, Township 41S Range 21E, Township
5118 41S Range 22E, Township 41S Range 23E, Township 41S Range 24E, Township 41S Range
5119 25E, Township 41S Range 26E, Township 42S Range 14E, Township 42S Range 15E,
5120 Township 42S Range 16E, Township 42S Range 17E, Township 42S Range 18E, Township
5121 42S Range 19E, Township 42S Range 20E, Township 42S Range 21E, Township 42S Range
5122 22E, Township 42S Range 23E, Township 42S Range 24E, Township 42S Range 25E,
5123 Township 42S Range 26E, Township 43S Range 14E, Township 43S Range 15E, Township
5124 43S Range 16E, Township 43S Range 17E, Township 43S Range 18E, Township 43S Range
5125 19E, Township 43S Range 20E, Township 43S Range 21E, Township 43S Range 22E,
5126 Township 43S Range 23E, Township 43S Range 24E, Township 43S Range 25E, and
5127 Township 43S Range 26E.

5128 (19) "Settlement Agreement" means the written agreement between the state and the
5129 Department of the Interior in 2003 (revised in 2005) that resolved the case of State of Utah v.
5130 Gale Norton, Secretary of Interior (United States District Court, D. Utah, Case No.
5131 2:96cv0870).

5132 (20) "SITLA" means the School and Institutional Trust Lands Administration as
5133 created in Section 53C-1-201.

5134 (21) (a) "Subject lands" means the following non-WSA BLM lands:

5135 (i) in Beaver County:

5136 (A) Mountain Home Range South, Jackson Wash, The Toad, North Wah Wah
5137 Mountains, Central Wah Wah Mountains, and San Francisco Mountains according to the
5138 region map entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal
5139 for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5140 existed on February 17, 2011; and

5141 (B) White Rock Range, South Wah Wah Mountains, and Granite Peak according to the
5142 region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal for

5143 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5144 existed on February 17, 2011;

5145 (ii) in Box Elder County: Little Goose Creek, Grouse Creek Mountains North, Grouse
5146 Creek Mountains South, Bald Eagle Mountain, Central Pilot Range, Pilot Peak, Crater Island
5147 West, Crater Island East, Newfoundland Mountains, and Grassy Mountains North according to
5148 the region map entitled "Great Basin North" linked in the webpage entitled "Citizen's Proposal
5149 for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5150 existed on February 17, 2011;

5151 (iii) in Carbon County: Desbrough Canyon and Turtle Canyon according to the region
5152 map entitled "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in
5153 Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on
5154 February 17, 2011;

5155 (iv) in Daggett County: Goslin Mountain, Home Mountain, Red Creek Badlands,
5156 O-wi-yu-kuts, Lower Flaming Gorge, Crouse Canyon, and Diamond Breaks according to the
5157 region map entitled "Dinosaur" linked in the webpage entitled "Citizen's Proposal for
5158 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5159 existed on February 17, 2011;

5160 (v) in Duchesne County: Desbrough Canyon according to the region map entitled
5161 "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at
5162 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5163 2011;

5164 (vi) in Emery County:

5165 (A) San Rafael River and Sweetwater Reef, according to the region map entitled
5166 "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness in
5167 Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on
5168 February 17, 2011;

5169 (B) Flat Tops according to the region map entitled "Glen Canyon," which is available
5170 by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for
5171 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5172 existed on February 17, 2011; and

5173 (C) Price River, Lost Spring Wash, Eagle Canyon, Upper Muddy Creek, Molen Reef,

5174 Rock Canyon, Mussentuchit Badland, and Muddy Creek, according to the region map entitled
5175 "San Rafael Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah"
5176 at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5177 2011;

5178 (vii) in Garfield County:

5179 (A) Pole Canyon, according to the region map entitled "Great Basin South" linked in
5180 the webpage entitled "Citizen's Proposal for Wilderness in Utah" at
5181 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5182 2011;

5183 (B) Dirty Devil, Fiddler Butte, Little Rockies, Cane Spring Desert, and Cane Spring
5184 Desert Adjacents, according to the region map entitled "Glen Canyon," which is available by
5185 clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for
5186 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5187 existed on February 17, 2011;

5188 (C) Lampstand, Wide Hollow, Steep Creek, Brinkerhof Flats, Little Valley Canyon,
5189 Death Hollow, Studhorse Peaks, Box Canyon, Heaps Canyon, North Escalante Canyon, Colt
5190 Mesa, East of Bryce, Slopes of Canaan Peak, Horse Spring Canyon, Muley Twist Flank,
5191 Pioneer Mesa, Slopes of Bryce, Blue Hills, Mud Springs Canyon, Carcass Canyon, Willis
5192 Creek North, Kodachrome Basin, and Kodachrome Headlands, according to the region map
5193 entitled "Grand Staircase Escalante" linked at the webpage entitled "Citizen's Proposal for
5194 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5195 existed on February 17, 2011; and

5196 (D) Notom Bench, Mount Ellen, Bull Mountain, Dogwater Creek, Ragged Mountain,
5197 Mount Pennell, Mount Hillers, Bullfrog Creek, and Long Canyon, according to the region map
5198 entitled "Henry Mountains" linked at the webpage entitled "Citizen's Proposal for Wilderness
5199 in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on
5200 February 17, 2011;

5201 (viii) in Iron County: Needle Mountains, Steamboat Mountain, Broken Ridge, Paradise
5202 Mountains, Crook Canyon, Hamlin, North Peaks, Mount Escalante, and Antelope Ridge,
5203 according to the region map entitled "Great Basin South" linked in the webpage entitled
5204 "Citizen's Proposal for Wilderness in Utah" at

5205 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5206 2011;

5207 (ix) in Juab County: Deep Creek Mountains, Essex Canyon, Kern Mountains, Wild
5208 Horse Pass, Disappointment Hills, Granite Mountain, Middle Mountains, Tule Valley, Fish
5209 Springs Ridge, Thomas Range, Drum Mountains, Dugway Mountains, Keg Mountains West,
5210 Keg Mountains East, Lion Peak, and Rockwell Little Sahara, according to the region map
5211 entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for
5212 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5213 existed on February 17, 2011;

5214 (x) in Kane County:

5215 (A) Willis Creek North, Willis Creek, Kodachrome Badlands, Mud Springs Canyon,
5216 Carcass Canyon, Scorpion, Bryce Boot, Paria-Hackberry Canyons, Fiftymile Canyon,
5217 Hurricane Wash, Upper Kanab Creek, Timber Mountain, Nephi Point, Paradise Canyon,
5218 Wahweap Burning Hills, Fiftymile Bench, Forty Mile Gulch, Sooner Bench 1, 2, & 3, Rock
5219 Cove, Warm Bench, Andalex Not, Vermillion Cliffs, Ladder Canyon, The Cockscomb, Nipple
5220 Bench, Moquith Mountain, Bunting Point, Glass Eye Canyon, and Pine Hollow, according to
5221 the region map entitled "Grand Staircase Escalante" linked at the webpage entitled "Citizen's
5222 Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the
5223 webpage existed on February 17, 2011; and

5224 (B) Orderville Canyon, Jolley Gulch, and Parunuweap Canyon, according to the region
5225 map entitled "Zion/Mohave" linked at the webpage entitled "Citizen's Proposal for Wilderness
5226 in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on
5227 February 17, 2011;

5228 (xi) in Millard County: Kern Mountains, Wild Horse Pass, Disappointment Hills,
5229 Granite Mountain, Middle Mountains, Tule Valley, Swasey Mountain, Little Drum Mountains
5230 North, Little Drum Mountains South, Drum Mountains, Snake Valley, Coyote Knoll, Howell
5231 Peak, Tule Valley South, Ledger Canyon, Chalk Knolls, Orr Ridge, Notch View, Bullgrass
5232 Knoll, Notch Peak, Barn Hills, Cricket Mountains, Burbank Pass, Middle Burbank Hills, King
5233 Top, Barn Hills, Red Tops, Middle Burbank Hills, Juniper, Painted Rock Mountain, Black
5234 Hills, Tunnel Springs, Red Canyon, Sand Ridge, Little Sage Valley, Cat Canyon, Headlight
5235 Mountain, Black Hills, Mountain Range Home North, Tweedy Wash, North Wah Wah

5236 Mountains, Jackson Wash, and San Francisco Mountains, according to the region map entitled
5237 "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for Wilderness in
5238 Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on
5239 February 17, 2011;

5240 (xii) in Piute County: Kingston Ridge, Rocky Ford, and Phonolite Hill, according to
5241 the region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal
5242 for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5243 existed on February 17, 2011;

5244 (xiii) in San Juan County:

5245 (A) Horseshoe Point, Deadhorse Cliffs, Gooseneck, Demon's Playground, Hatch
5246 Canyon, Lockhart Basin, Indian Creek, Hart's Point, Butler Wash, Bridger Jack Mesa, and Shay
5247 Mountain, according to the region map entitled "Canyonlands Basin" linked in the webpage
5248 entitled "Citizen's Proposal for Wilderness in Utah" at
5249 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5250 2011;

5251 (B) Dark Canyon, Copper Point, Fortknocker Canyon, White Canyon, The Needle, Red
5252 Rock Plateau, Upper Red Canyon, and Tuwa Canyon, according to the region map entitled
5253 "Glen Canyon," which is available by clicking the link entitled "Dirty Devil" at the webpage
5254 entitled "Citizen's Proposal for Wilderness in Utah" at
5255 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5256 2011;

5257 (C) Hunters Canyon, Behind the Rocks, Mill Creek, and Coyote Wash, according to
5258 the region map entitled "Moab/La Sal" linked at the webpage entitled "Citizen's Proposal for
5259 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5260 existed on February 17, 2011; and

5261 (D) Hammond Canyon, Allen Canyon, Mancos Jim Butte, Arch Canyon, Monument
5262 Canyon, Tin Cup Mesa, Cross Canyon, Nokai Dome, Grand Gulch, Fish and Owl Creek
5263 Canyons, Comb Ridge, Road Canyon, The Tabernacle, Lime Creek, San Juan River, and
5264 Valley of the Gods, according to the region map entitled "San Juan" linked at the webpage
5265 entitled "Citizen's Proposal for Wilderness in Utah" at
5266 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,

5267 2011;

5268 (xiv) in Sevier County: Rock Canyon, Mussentuchit Badland, Limestone Cliffs, and
5269 Jones' Bench, according to the region map entitled "San Rafael Swell" linked at the webpage
5270 entitled "Citizen's Proposal for Wilderness in Utah" at
5271 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5272 2011;

5273 (xv) in Tooele County:

5274 (A) Silver Island Mountains, Crater Island East, Grassy Mountains North, Grassy
5275 Mountains South, Stansbury Island, Cedar Mountains North, Cedar Mountains Central, Cedar
5276 Mountains South, North Stansbury Mountains, Oquirrh Mountains, and Big Hollow, according
5277 to the region map entitled "Great Basin North" linked in the webpage entitled "Citizen's
5278 Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the
5279 webpage existed on February 17, 2011, excluding the areas that Congress designated as
5280 wilderness under the National Defense Authorization Act for Fiscal Year 2006; and

5281 (B) Ochre Mountain, Deep Creek Mountains, Dugway Mountains, Indian Peaks, and
5282 Lion Peak, according to the region map entitled "Great Basin Central" linked in the webpage
5283 entitled "Citizen's Proposal for Wilderness in Utah" at
5284 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5285 2011;

5286 (xvi) in Uintah County:

5287 (A) White River, Lower Bitter Creek, Sunday School Canyon, Dragon Canyon, Wolf
5288 Point, Winter Ridge, Seep Canyon, Bitter Creek, Hideout Canyon, Sweetwater Canyon, and
5289 Hell's Hole, according to the region map entitled "Book Cliffs" linked in the webpage entitled
5290 "Citizen's Proposal for Wilderness in Utah" at
5291 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5292 2011; and

5293 (B) Lower Flaming Gorge, Crouse Canyon Stone Bridge Draw, Diamond Mountain,
5294 Wild Mountain, Split Mountain Benches, Vivas Cake Hill, Split Mountain Benches South,
5295 Beach Draw, Stuntz Draw, Moonshine Draw, Bourdette Draw, and Bull Canyon, according to
5296 the region map entitled "Dinosaur" linked in the webpage entitled "Citizen's Proposal for
5297 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage

5298 existed on February 17, 2011;

5299 (xvii) in Washington County: Cougar Canyon, Docs Pass, Slaughter Creek, Butcher
5300 Knife Canyon, Square Top, Scarecrow Creek, Beaver Dam Wash, Beaver Dam Mountains
5301 North, Beaver Dam Mountains South, Joshua Tree, Beaver Dam Wilderness Expansion, Red
5302 Mountain, Cottonwood Canyon, Taylor Canyon, LaVerkin Creek, Beartrap Canyon, Deep
5303 Creek, Black Ridge, Red Butte, Kolob Creek, Goose Creek, Dry Creek, Zion National Park
5304 Adjacents, Crater Hill, The Watchman, and Canaan Mountain, according to the region map
5305 entitled "Zion/Mohave" linked at the webpage entitled "Citizen's Proposal for Wilderness in
5306 Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on
5307 February 17, 2011, excluding the areas that Congress designated as wilderness and
5308 conservation areas under the Omnibus Public Lands Management Act of 2009; and

5309 (xviii) in Wayne County:

5310 (A) Sweetwater Reef, Upper Horseshoe Canyon, and Labyrinth Canyon, according to
5311 the region map entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal
5312 for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5313 existed on February 17, 2011;

5314 (B) Flat Tops and Dirty Devil, according to the region map entitled "Glen Canyon,"
5315 which is available by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's
5316 Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the
5317 webpage existed on February 17, 2011;

5318 (C) Fremont Gorge, Pleasant Creek Bench, Notom Bench, Mount Ellen, and Bull
5319 Mountain, according to the region map entitled "Henry Mountains" linked at the webpage
5320 entitled "Citizen's Proposal for Wilderness in Utah" at
5321 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5322 2011; and

5323 (D) Capital Reef Adjacents, Muddy Creek, Wild Horse Mesa, North Blue Flats, Red
5324 Desert, and Factory Butte, according to the region map entitled "San Rafael Swell" linked at
5325 the webpage entitled "Citizen's Proposal for Wilderness in Utah" at
5326 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5327 2011.

5328 (b) "Subject lands" also includes all BLM and Forest Service lands in the state that are

5329 not Wilderness Area or Wilderness Study Areas;

5330 (c) "Subject lands" does not include the following lands that are the subject of
5331 consideration for a possible federal lands bill and should be managed according to the 2008
5332 Price BLM Field Office Resource Management Plan until a federal lands bill provides
5333 otherwise:

5334 (i) Turtle Canyon and Desolation Canyon according to the region map entitled "Book
5335 Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at
5336 <http://protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

5337 (ii) Labyrinth Canyon, Duma Point, and Horseshoe Point, according to the region map
5338 entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness
5339 in Utah" at <http://protectwildutah.org/proposal/index.html> as the webpage existed on February
5340 17, 2011; and

5341 (iii) Devil's Canyon, Sid's Mountain, Mexican Mountain, San Rafael Reef, Hondu
5342 Country, Cedar Mountain, and Wild Horse, according to the region map entitled "San Rafael
5343 Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at
5344 <http://protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011.

5345 (22) "Uintah Basin Energy Zone" means BLM and Forest Service lands situated in the
5346 following townships in Daggett, Duchesne, and Uintah counties, as more fully illustrated in the
5347 map prepared by the Uintah County GIS Department in February 2012 entitled "Uintah Basin
5348 Utah Energy Zone":

5349 (a) in Daggett County, Township 3N Range 17 E, Township 3N Range 18E, Township
5350 3N Range 19E, Township 3N Range 20E, Township 3N Range 22E, Township 3N Range 23E,
5351 Township 3N Range 24E, Township 3N Range 25E, Township 2N Range 17E, Township 2N
5352 Range 18E, Township 2N Range 19E, Township 2N Range 20E, Township 2N Range 21E, and
5353 Township 2S Range 25E;

5354 (b) in Duchesne County, Township 3N Range 4W, Township 3N Range 3W, Township
5355 3N Range 2W, Township 3N Range 1W, Township 2N Range 6W, Township 2N Range 5W,
5356 Township 2N Range 4W, Township 2N Range 3W, Township 2N Range 1W, Township 1N
5357 Range 9W, Township 1N Range 8W, Township 1N Range 7W, Township 1N Range 6W,
5358 Township 1S Range 9W, Township 1S Range 8W, Township 4S Range 9W, Township 4S
5359 Range 3W, Township 4S Range 2W, Township 4S Range 1W, Township 8S Range 15E,

5360 Township 8S Range 16E, Township 8S Range 17E, Township 5S Range 9W, Township 5S
5361 Range 3W, Township 9S Range 15E, Township 9S Range 16E, Township 9S Range 17E,
5362 Township 6S Range 9W, Township 6S Range 8W, Township 6S Range 7W, Township 6S
5363 Range 6W, Township 6S Range 5W, Township 6S Range 3W, Township 10S Range 15E,
5364 Township 10S Range 16E, Township 10S Range 17E, Township 7S Range 9W, Township 7S
5365 Range 8W, Township 7S Range 7W, Township 7S Range 6W, Township 7S Range 5W,
5366 Township 7S Range 4W, Township 10S Range 11E, Township 10S Range 12E, Township 10S
5367 Range 13E, Township 10S Range 14E, Township 10S Range 15E, Township 10S Range 16E,
5368 Township 10S Range 17E, Township 11S Range 10E, Township 11S Range 11E, Township
5369 11S Range 12E, Township 11S Range 13E, Township 11S Range 14E, Township 11S Range
5370 15E, Township 11S Range 16E, and Township 11S Range 17E; and

5371 (c) in Uintah County: Township 2S Range 18E, Township 2S Range 19E, Township
5372 2S Range 20E, Township 2S Range 21E, Township 2S Range 22E, Township 2S Range 23E,
5373 Township 2S Range 24E, Township 2N Range 1W, Township 2N Range 1E, Township 2N
5374 Range 2E, Township 3S Range 18E, Township 3S Range 19E, Township 3S Range 20E,
5375 Township 3S Range 21E, Township 3S Range 22E, Township 3S Range 23E, Township 3S
5376 Range 24E, Township 4S Range 19E, Township 4S Range 20E, Township 4S Range 21E,
5377 Township 4S Range 22E, Township 4S Range 23E, Township 4S Range 24E, Township 4S
5378 Range 25E, Township 5S Range 19E, Township 5S Range 20E, Township 5S Range 21E,
5379 Township 5S Range 22E, Township 5S Range 23E, Township 5S Range 24E, Township 5S
5380 Range 25E, Township 6S Range 19E, Township 6S Range 20E, Township 6S Range 21E,
5381 Township 6S Range 22E, Township 6S Range 23E, Township 6S Range 24E, Township 6S
5382 Range 25E, Township 7S Range 19E, Township 7S Range 20E, Township 7S Range 21E,
5383 Township 7S Range 22E, Township 7S Range 23E, Township 7S Range 24E, Township 7S
5384 Range 25E, Township 8S Range 17E, Township 8S Range 18E, Township 8S Range 19E,
5385 Township 8S Range 20E, Township 8S Range 21E, Township 8S Range 22E, Township 8S
5386 Range 23E, Township 8S Range 24E, Township 8S Range 25E, Township 9S Range 17E,
5387 Township 9S Range 18E, Township 9S Range 19E, Township 9S Range 20E, Township 9S
5388 Range 21E, Township 9S Range 22E, Township 9S Range 23E, Township 9S Range 24E,
5389 Township 9S Range 25E, Township 10S Range 17E, Township 10S Range 18E, Township 10S
5390 Range 19E, Township 10S Range 20E, Township 10S Range 21E, Township 10S Range 22E,

5391 Township 10S Range 23E, Township 10S Range 24E, Township 10S Range 25E, Township
5392 11S Range 17E, Township 11S Range 18E, Township 11S Range 19E, Township 11S Range
5393 20E, Township 11S Range 21E, Township 11S Range 22E, Township 11S Range 23E,
5394 Township 11S Range 24E, Township 11S Range 25E, Township 12S Range 20E, Township
5395 12S Range 21E, Township 12S Range 22E, Township 12S Range 23E, Township 12S Range
5396 24E, Township 12S Range 25E, Township 13S Range 20E, Township 13S Range 21E,
5397 Township 13S Range 22E, Township 13S Range 23E, Township 13S Range 24E, Township
5398 13S Range 25E, Township 13S Range 26 E, Township 14S Range 21E, Township 14S Range
5399 22E, Township 14S Range 23E, Township 14S Range 24E, Township 14S Range 25E, and
5400 Township 14S Range 26E.

5401 (23) "Wilderness" means the same as that term is defined in 16 U.S.C. Sec. 1131.

5402 (24) "Wilderness area" means those BLM and Forest Service lands added to the
5403 National Wilderness Preservation System by an act of Congress.

5404 (25) "Wilderness Preservation System" means the Wilderness Preservation System
5405 established in 16 U.S.C. Sec. 1131 et seq.

5406 (26) "WSA" and "Wilderness Study Area" mean the BLM lands in Utah that were
5407 identified as having the necessary wilderness character and were classified as wilderness study
5408 areas during the BLM wilderness review conducted between 1976 and 1993 by authority of 43
5409 U.S.C. Sec. 1782 and labeled as Wilderness Study Areas within the final report of the President
5410 of the United States to the United States Congress in 1993.

5411 Section 75. Section **63J-8-104** is amended to read:

5412 **63J-8-104. State land use planning and management program.**

5413 (1) The BLM and Forest Service land use plans should produce planning documents
5414 consistent with state and local land use plans to the maximum extent consistent with federal
5415 law and FLPMA's purposes, by incorporating the state's land use planning and management
5416 program for the subject lands that is as follows:

5417 (a) preserve traditional multiple use and sustained yield management on the subject
5418 lands to:

5419 (i) achieve and maintain in perpetuity a high-level annual or regular periodic output of
5420 agricultural, mineral, and various other resources from the subject lands;

5421 (ii) support valid existing transportation, mineral, and grazing privileges in the subject

5422 lands at the highest reasonably sustainable levels;

5423 (iii) produce and maintain the desired vegetation for watersheds, timber, food, fiber,
5424 livestock forage, wildlife forage, and minerals that are necessary to meet present needs and
5425 future economic growth and community expansion in each county where the subject lands are
5426 situated without permanent impairment of the productivity of the land;

5427 (iv) meet the recreational needs and the personal and business-related transportation
5428 needs of the citizens of each county where the subject lands are situated by providing access
5429 throughout each such county;

5430 (v) meet the needs of wildlife, provided that the respective forage needs of wildlife and
5431 livestock are balanced according to the provisions of Subsection [~~63J-4-401(6)(m)~~]

5432 [63L-11-302\(13\)](#);

5433 (vi) protect against adverse effects to historic properties, as defined by 36 C.F.R. Sec.
5434 800;

5435 (vii) meet the needs of community economic growth and development;

5436 (viii) provide for the protection of existing water rights and the reasonable
5437 development of additional water rights; and

5438 (ix) provide for reasonable and responsible development of electrical transmission and
5439 energy pipeline infrastructure on the subject lands;

5440 (b) (i) do not designate, establish, manage, or treat any of the subject lands as an area
5441 with management prescriptions that parallel, duplicate, or resemble the management
5442 prescriptions established for wilderness areas or wilderness study areas, including the
5443 nonimpairment standard applicable to WSAs or anything that parallels, duplicates, or
5444 resembles that nonimpairment standard; and

5445 (ii) recognize, follow, and apply the agreement between the state and the Department
5446 of the Interior in the settlement agreement;

5447 (c) call upon the BLM to revoke and revise BLM Manuals H 6301, H 6302, and H
5448 6303, issued on or about February 25, 2011, in light of the settlement agreement and the
5449 following principles of this state plan:

5450 (i) BLM lacks congressional authority to manage subject lands, other than WSAs, as if
5451 they are or may become wilderness;

5452 (ii) BLM lacks authority to designate geographic areas as lands with wilderness

5453 characteristics or designate management prescriptions for such areas other than to use specific
5454 geographic-based tools and prescriptions expressly identified in FLPMA;

5455 (iii) BLM lacks authority to manage the subject lands in any manner other than to
5456 prevent unnecessary or undue degradation, unless the BLM uses geographic tools expressly
5457 identified in FLPMA and does so pursuant to a duly adopted provision of a resource
5458 management plan adopted under FLPMA, 43 U.S.C. Sec. 1712;

5459 (iv) BLM inventories for the presence of wilderness characteristics must be closely
5460 coordinated with inventories for those characteristics conducted by state and local
5461 governments, and should reflect a consensus among those governmental agencies about the
5462 existence of wilderness characteristics, as follows:

5463 (A) any inventory of wilderness characteristics should reflect all of the criteria
5464 identified in the Wilderness Act of 1964, including:

5465 (I) a size of 5,000 acres or more, containing no visible roads; and

5466 (II) the presence of naturalness, the opportunity for primitive and unconfined
5467 recreation, and the opportunity for solitude;

5468 (B) geographic areas found to contain the presence of naturalness must appear pristine
5469 to the average viewer, and not contain any of the implements, artifacts, or effects of human
5470 presence, including:

5471 (I) visible roads, whether maintained or not; and

5472 (II) human-made features such as vehicle bridges, fire breaks, fisheries, enhancement
5473 facilities, fire rings, historic mining and other properties, including tailings piles, commercial
5474 radio and communication repeater sites, fencing, spring developments, linear disturbances,
5475 stock ponds, visible drill pads, pipeline and transmission line rights-of-way, and other similar
5476 features;

5477 (C) factors, such as the following, though not necessarily conclusive, should weigh
5478 against a determination that a land area has the presence of naturalness:

5479 (I) the area is or once was the subject of mining and drilling activities;

5480 (II) mineral and hard rock mining leases exist in the area; and

5481 (III) the area is in a grazing district with active grazing allotments and visible range
5482 improvements;

5483 (D) geographic areas found to contain the presence of solitude should convey the sense

5484 of solitude within the entire geographic area identified, otherwise boundary adjustments should
5485 be performed in accordance with Subsection (1)(c)(iv)(F);

5486 (E) geographic areas found to contain the presence of an opportunity for primitive and
5487 unconfined recreation must find these features within the entire area and provide analysis about
5488 the effect of the number of visitors to the geographic area upon the presence of primitive or
5489 unconfined recreation, otherwise boundary adjustments should be performed in accordance
5490 with Subsection (1)(c)(iv)(F);

5491 (F) in addition to the actions required by the review for roads pursuant to the
5492 definitions of roads contained in BLM Manual H 6301, or any similar authority, the BLM
5493 should, pursuant to its authority to inventory, identify and list all roads or routes identified as
5494 part of a local or state governmental transportation system, and consider those routes or roads
5495 as qualifying as roads within the definition of the Wilderness Act of 1964; and

5496 (G) BLM should adjust the boundaries for a geographic area to exclude areas that do
5497 not meet the criteria of lacking roads, lacking solitude, and lacking primitive and unconfined
5498 recreation and the boundaries should be redrawn to reflect an area that clearly meets the criteria
5499 above, and which does not employ minor adjustments to simply exclude small areas with
5500 human intrusions, specifically:

5501 (I) the boundaries of a proposed geographic area containing lands with wilderness
5502 characteristics should not be drawn around roads, rights-of-way, and intrusions; and

5503 (II) lands located between individual human impacts that do not meet the requirements
5504 for lands with wilderness characteristics should be excluded;

5505 (v) BLM should consider the responses of the Department of the Interior under cover
5506 of the letter dated May 20, 2009, clearly stating that BLM does not have the authority to apply
5507 the nonimpairment management standard to the subject lands, or to manage the subject lands in
5508 any manner to preserve their suitability for designation as wilderness, when considering the
5509 proper management principles for areas that meet the full definition of lands with wilderness
5510 characteristics; and

5511 (vi) even if the BLM were to properly inventory an area for the presence of wilderness
5512 characteristics, the BLM still lacks authority to make or alter project level decisions to
5513 automatically avoid impairment of any wilderness characteristics without express
5514 congressional authority to do so;

5515 (d) achieve and maintain at the highest reasonably sustainable levels a continuing yield
5516 of energy, hard rock, and nuclear resources in those subject lands with economically
5517 recoverable amounts of such resources as follows:

5518 (i) the development of the solid, fluid, and gaseous mineral resources in portions of the
5519 subject lands is an important part of the state's economy and the economies of the respective
5520 counties, and should be recognized that it is technically feasible to access mineral and energy
5521 resources in portions of the subject lands while preserving or, as necessary, restoring
5522 nonmineral and nonenergy resources;

5523 (ii) all available, recoverable solid, fluid, gaseous, and nuclear mineral resources in the
5524 subject lands should be seriously considered for contribution or potential contribution to the
5525 state's economy and the economies of the respective counties;

5526 (iii) those portions of the subject lands shown to have reasonable mineral, energy, and
5527 nuclear potential should be open to leasing, drilling, and other access with reasonable
5528 stipulations and conditions, including mitigation, reclamation, and bonding measures where
5529 necessary, that will protect the lands against unnecessary and undue damage to other significant
5530 resource values;

5531 (iv) federal oil and gas existing lease conditions and restrictions should not be
5532 modified, waived, or removed unless the lease conditions or restrictions are no longer
5533 necessary or effective;

5534 (v) any prior existing lease restrictions in the subject lands that are no longer necessary
5535 or effective should be modified, waived, or removed;

5536 (vi) restrictions against surface occupancy should be eliminated, modified, or waived,
5537 where reasonable;

5538 (vii) in the case of surface occupancy restrictions that cannot be reasonably eliminated,
5539 modified, or waived, directional drilling should be considered where the mineral and energy
5540 resources beneath the area can be reached employing available directional drilling technology;

5541 (viii) applications for permission to drill in the subject lands that meet standard
5542 qualifications, including reasonable and effective mitigation and reclamation requirements,
5543 should be expeditiously processed and granted; and

5544 (ix) any moratorium that may exist against the issuance of qualified mining patents and
5545 oil and gas leases in the subject lands, and any barriers that may exist against developing

5546 unpatented mining claims and filing for new claims, should be carefully evaluated for removal;

5547 (e) achieve and maintain livestock grazing in the subject lands at the highest reasonably
5548 sustainable levels by adhering to the policies, goals, and management practices set forth in
5549 Subsection [~~63J-4-401(6)(m)~~] 63L-11-302(13);

5550 (f) manage the watershed in the subject lands to achieve and maintain water resources
5551 at the highest reasonably sustainable levels as follows:

5552 (i) adhere to the policies, goals, and management practices set forth in Subsection
5553 [~~63J-4-401(6)(m)~~] 63L-11-302(13);

5554 (ii) deter unauthorized cross-country OHV use in the subject lands by establishing a
5555 reasonable system of roads and trails in the subject lands for the use of an OHV, as closing the
5556 subject lands to all OHV use will only spur increased and unauthorized use; and

5557 (iii) keep open any road or trail in the subject lands that historically has been open to
5558 OHV use, as identified on respective county road maps;

5559 (g) achieve and maintain traditional access to outdoor recreational opportunities
5560 available in the subject lands as follows:

5561 (i) hunting, trapping, fishing, hiking, family and group parties, family and group
5562 campouts and campfires, rock hounding, OHV travel, geological exploring, pioneering,
5563 recreational vehicle parking, or just touring in personal vehicles are activities that are important
5564 to the traditions, customs, and character of the state and individual counties where the subject
5565 lands are located and should continue;

5566 (ii) wildlife hunting, trapping, and fishing should continue at levels determined by the
5567 Wildlife Board and the Division of Wildlife Resources and traditional levels of group camping,
5568 group day use, and other traditional forms of outdoor recreation, both motorized and
5569 nonmotorized, should continue; and

5570 (iii) the broad spectrum of outdoor recreational activities available on the subject lands
5571 should be available to citizens for whom a primitive, nonmotorized, outdoor experience is not
5572 preferred, affordable, or physically achievable;

5573 (h) (i) keep open to motorized travel, any road in the subject lands that is part of the
5574 respective counties' duly adopted transportation plan;

5575 (ii) provide that R.S. 2477 rights-of-way should be recognized by the BLM;

5576 (iii) provide that a county road may be temporarily closed or permanently abandoned

5577 only by statutorily authorized action of the county or state;

5578 (iv) provide that the BLM and the Forest Service must recognize and not unduly
5579 interfere with a county's ability to maintain and repair roads and, where reasonably necessary,
5580 make improvements to the roads; and

5581 (v) recognize that additional roads and trails may be needed in the subject lands from
5582 time to time to facilitate reasonable access to a broad range of resources and opportunities
5583 throughout the subject lands, including livestock operations and improvements, solid, fluid,
5584 and gaseous mineral operations, recreational opportunities and operations, search and rescue
5585 needs, other public safety needs, access to public lands for people with disabilities and the
5586 elderly, and access to Utah school and institutional trust lands for the accomplishment of the
5587 purposes of those lands;

5588 (i) manage the subject lands so as to protect prehistoric rock art, three dimensional
5589 structures, and other artifacts and sites recognized as culturally important and significant by the
5590 state historic preservation officer or each respective county by imposing reasonable and
5591 effective stipulations and conditions reached by agreement between the federal agency and the
5592 state authorized officer pursuant to the authority granted by the National Historic Preservation
5593 Act, 16 U.S.C. Sec. 470 et seq.;

5594 (j) manage the subject lands so as to not interfere with the property rights of private
5595 landowners as follows:

5596 (i) the state recognizes that there are parcels of private fee land throughout the subject
5597 lands;

5598 (ii) land management policies and standards in the subject lands should not interfere
5599 with the property rights of any private landowner to enjoy and engage in uses and activities on
5600 an individual's private property consistent with controlling county zoning and land use laws;
5601 and

5602 (iii) a private landowner or a guest or client of a private landowner should not be
5603 denied the right of motorized access to the private landowner's property consistent with past
5604 uses of the private property;

5605 (k) manage the subject lands in a manner that supports the fiduciary agreement made
5606 between the state and the federal government concerning the school and institutional trust
5607 lands, as managed according to state law, by:

5608 (i) formally recognizing, by duly authorized federal proclamation, the duty of the
5609 federal government to support the purposes of the school and institutional trust lands owned by
5610 the state and administered by SITLA in trust for the benefit of public schools and other
5611 institutions as mandated in the Utah Constitution and the Utah Enabling Act of 1894, 28 Stat.
5612 107;

5613 (ii) actively seeking to support SITLA's fiduciary responsibility to manage the school
5614 trust lands to optimize revenue by making the school trust lands available for sale and private
5615 development and for other multiple and consumptive use activities such as mineral
5616 development, grazing, recreation, timber, and agriculture;

5617 (iii) not interfering with SITLA's ability to carry out its fiduciary responsibilities by the
5618 creation of geographical areas burdened with management restrictions that prohibit or
5619 discourage the optimization of revenue, without just compensation;

5620 (iv) recognizing SITLA's right of economic access to the school trust lands to enable
5621 SITLA to put those sections to use in its fiduciary responsibilities;

5622 (v) recognizing any management plan enacted by SITLA pursuant to Section
5623 [53C-2-201](#); and

5624 (vi) acting responsibly as the owner of land parcels with potential for exchange for
5625 state land parcels by:

5626 (A) moving forward with the process for identifying federal land parcels suitable and
5627 desirable for exchange for state land parcels;

5628 (B) removing barriers to the exchange of federal land parcels for state land parcels;

5629 (C) expediting the procedures and processes necessary to execute the exchange of
5630 federal land parcels for state land parcels; and

5631 (D) lobbying and supporting in good faith any congressional legislation to enact and
5632 finalize the exchange of federal land parcels for state land parcels;

5633 (l) oppose the designation of BLM lands as areas of critical environmental concern
5634 (ACEC), as the BLM lands are generally not compatible with the state's plan and policy for
5635 managing the subject lands, but special cases may exist where such a designation is appropriate
5636 if compliance with FLPMA, 43 U.S.C. Sec. 1702(a) is clearly demonstrated and where the
5637 proposed designation and protection:

5638 (i) is limited to the geographic size to the minimum necessary to meet the standards

5639 required by [~~Section 63J-4-401~~] Sections 63L-11-302 and 63L-11-303;

5640 (ii) is necessary to protect not just a temporary change in ground conditions or visual
5641 resources that can be reclaimed or reversed naturally, but is clearly shown as necessary to
5642 protect against visible damage on the ground that will persist on a time scale beyond that which
5643 would effectively disqualify the land for a later inventory of wilderness characteristics;

5644 (iii) will not be applied in a geographic area already protected by other protective
5645 designations available pursuant to law; and

5646 (iv) is not a substitute for the nonimpairment management requirements of wilderness
5647 study areas; and

5648 (m) recognize that a BLM visual resource management class I or II rating is generally
5649 not compatible with the state's plan and policy for managing the subject lands, but special cases
5650 may exist where such a rating is appropriate if jointly considered and created by state, local,
5651 and federal authorities as part of an economic development plan for a region of the state, with
5652 due regard for school trust lands and private lands within the area.

5653 (2) All BLM and Forest Service decision documents should be accompanied with an
5654 analysis of the social and economic impact of the decision. Such analysis should:

5655 (a) consider all facets of the decision in light of valuation techniques for the potential
5656 costs and benefits of the decision;

5657 (b) clarify whether the costs and benefits employ monetized or nonmonetized
5658 techniques;

5659 (c) compare the accuracy, completeness, and viability of monetized and nonmonetized
5660 valuation techniques used as part of the analysis, including all caveats on use of the techniques;
5661 and

5662 (d) compare the valuation techniques employed in the analysis to the federal standards
5663 for valuation employed by the U.S. Department of Justice in court actions.

5664 Section 76. Section **63J-8-105.2** is amended to read:

5665 **63J-8-105.2. San Juan County Energy Zone established -- Finding --**
5666 **Management and land use priorities.**

5667 (1) There is established the San Juan County Energy Zone in San Juan County for the
5668 purpose of maximizing efficient and responsible development of energy and mineral resources.

5669 (2) The land area and boundaries of the San Juan County Energy Zone are described in

5670 Subsection 63J-8-102(18) and illustrated on the map described in Section 63J-8-105.

5671 (3) The state finds that:

5672 (a) the lands comprising the San Juan County Energy Zone contain abundant
5673 world-class deposits of energy and mineral resources, including oil, natural gas, potash,
5674 uranium, vanadium, limestone, copper, sand, gravel, wind, and solar; and

5675 (b) the highest management priority is the responsible management, development, and
5676 extraction of existing energy and mineral resources in order to provide long-term domestic
5677 energy and supplies for the state and the United States.

5678 (4) The state supports:

5679 (a) efficient and responsible full development of all existing energy and mineral
5680 resources located within the San Juan County Energy Zone, including oil, natural gas, potash,
5681 uranium, vanadium, limestone, copper, sand, gravel, wind, and solar; and

5682 (b) a cooperative management approach by federal agencies, the state, and local
5683 governments to achieve broadly supported management plans for the full development of all
5684 energy and mineral resources within the San Juan County Energy Zone.

5685 (5) The state requests that the federal agencies that administer lands within the San
5686 Juan County Energy Zone:

5687 (a) fully cooperate and coordinate with the state and with San Juan County to develop,
5688 amend, and implement land and resource management plans and to implement management
5689 decisions that are consistent with the purposes, goals, and policies described in this section to
5690 the maximum extent allowed under federal law;

5691 (b) expedite the processing, granting, and streamlining of mineral and energy leases
5692 and applications to drill, extract, and otherwise develop all existing energy and mineral
5693 resources located within the San Juan County Energy Zone, including oil, natural gas, potash,
5694 uranium, vanadium, copper, sand, gravel, wind, and solar resources;

5695 (c) allow continued maintenance and increased development of roads, power lines,
5696 pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies
5697 described in this section;

5698 (d) refrain from any planning decisions and management actions that will undermine,
5699 restrict, or diminish the goals, purposes, and policies for the San Juan County Energy Zone as
5700 stated in this section; and

5701 (e) refrain from implementing a policy that is contrary to the goals and purposes within
5702 this section.

5703 (6) The state calls upon Congress to establish an intergovernmental standing
5704 commission, with membership consisting of representatives from the United States
5705 government, the state, and local governments, to guide and control planning and management
5706 actions in the San Juan County Energy Zone in order to achieve and maintain the goals,
5707 purposes, and policies described in this section.

5708 (7) Notwithstanding the provisions of this section, the state's grazing and livestock
5709 policies and plans on land within the San Juan County Energy Zone shall continue to be
5710 governed by Sections [~~63J-4-401~~] [63L-11-302](#), [63L-11-303](#), and [63J-8-104](#).

5711 Section 77. Section **63J-8-105.5** is amended to read:

5712 **63J-8-105.5. Uintah Basin Energy Zone established -- Findings -- Management**
5713 **and land use priorities.**

5714 (1) There is established the Uintah Basin Energy Zone in Daggett, Uintah, and
5715 Duchesne Counties for the purpose of maximizing efficient and responsible development of
5716 energy and mineral resources.

5717 (2) The land area and boundaries of the Uintah Basin Energy Zone are described in
5718 Subsection [63J-8-102\(22\)](#) and illustrated on the map described in Section [63J-8-105](#).

5719 (3) The state finds that:

5720 (a) the lands comprising the Uintah Basin Energy Zone contain abundant, world-class
5721 deposits of energy and mineral resources, including oil, natural gas, oil shale, oil sands,
5722 gilsonite, coal, phosphate, gold, uranium, and copper, as well as areas with high wind and solar
5723 energy potential; and

5724 (b) the highest management priority for all lands within the Uintah Basin Energy Zone
5725 is responsible management and development of existing energy and mineral resources in order
5726 to provide long-term domestic energy and supplies for Utah and the United States.

5727 (4) The state supports:

5728 (a) efficient and responsible full development of all existing energy and mineral
5729 resources located within the Uintah Basin Energy Zone, including oil, oil shale, natural gas, oil
5730 sands, gilsonite, phosphate, gold, uranium, copper, solar, and wind resources; and

5731 (b) a cooperative management approach among federal agencies, state, and local

5732 governments to achieve broadly supported management plans for the full development of all
5733 energy and mineral resources within the Uintah Basin Energy Zone.

5734 (5) The state calls upon the federal agencies who administer lands within the Uintah
5735 Basin Energy Zone to:

5736 (a) fully cooperate and coordinate with the state and with Daggett, Uintah, and
5737 Duchesne Counties to develop, amend, and implement land and resource management plans
5738 and to implement management decisions that are consistent with the purposes, goals, and
5739 policies described in this section to the maximum extent allowed under federal law;

5740 (b) expedite the processing, granting, and streamlining of mineral and energy leases
5741 and applications to drill, extract, and otherwise develop all existing energy and mineral
5742 resources located within the Uintah Basin Energy Zone, including oil, natural gas, oil shale, oil
5743 sands, gilsonite, phosphate, gold, uranium, copper, solar, and wind resources;

5744 (c) allow continued maintenance and increased development of roads, power lines,
5745 pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies
5746 described in this section;

5747 (d) refrain from any planning decisions and management actions that will undermine,
5748 restrict, or diminish the goals, purposes, and policies for the Uintah Basin Energy Zone as
5749 stated in this section; and

5750 (e) refrain from implementing a policy that is contrary to the goals and purposes
5751 described within this section.

5752 (6) The state calls upon Congress to establish an intergovernmental standing
5753 commission among federal, state, and local governments to guide and control planning
5754 decisions and management actions in the Uintah Basin Energy Zone in order to achieve and
5755 maintain the goals, purposes, and policies described in this section.

5756 (7) Notwithstanding the provisions of this section, the state's grazing and livestock
5757 policies and plans on land within the Uintah Basin Energy Zone shall continue to be governed
5758 by Sections [~~63J-4-401~~] [63L-11-302](#), [63L-11-303](#), and [63J-8-104](#).

5759 Section 78. Section **63J-8-105.7** is amended to read:

5760 **63J-8-105.7. Green River Energy Zone established -- Findings -- Management**
5761 **and land use priorities.**

5762 (1) There is established the Green River Energy Zone in Carbon and Emery Counties

5763 for the purpose of maximizing efficient and responsible development of energy and mineral
5764 resources.

5765 (2) The land area and boundaries of the Green River Energy Zone are described in
5766 Subsection 63J-8-102(8) and illustrated on the maps described in Section 63J-8-105.

5767 (3) The state finds that:

5768 (a) the lands comprising the Green River Energy Zone contain abundant world-class
5769 deposits of energy and mineral resources, including oil, natural gas, oil shale, oil sands,
5770 gilsonite, coal, phosphate, gold, uranium, and copper, as well as areas with high wind and solar
5771 energy potential;

5772 (b) for lands within the Carbon County portion of the Green River Energy Zone, the
5773 highest management priority is the responsible management, development, and extraction of
5774 existing energy and mineral resources in order to provide long-term domestic energy and
5775 supplies for Utah and the United States; and

5776 (c) for lands within the Emery County portion of the Green River Energy Zone:

5777 (i) the responsible management and development of existing energy and mineral
5778 resources in order to provide long-term domestic energy and supplies for Utah and the United
5779 States is a high management priority; and

5780 (ii) the management priority described in Subsection (3)(c)(i) should be balanced with
5781 the following high management priorities:

5782 (A) watershed health;

5783 (B) water storage and water delivery systems;

5784 (C) Emery County Heritage Sites;

5785 (D) facilities and resources associated with the domestic livestock industry;

5786 (E) wildlife and wildlife habitat; and

5787 (F) recreation opportunities.

5788 (4) The state supports:

5789 (a) efficient and responsible full development of all existing energy and mineral
5790 resources located within the Green River Energy Zone, including oil, oil shale, natural gas, oil
5791 sands, gilsonite, coal, phosphate, gold, uranium, copper, solar, and wind resources; and

5792 (b) a cooperative management approach by federal agencies, the state of Utah, and
5793 local governments to achieve broadly supported management plans for the full development of

5794 all energy and mineral resources within the Green River Energy Zone.

5795 (5) The state requests that the federal agencies that administer lands within the Green
5796 River Energy Zone:

5797 (a) fully cooperate and coordinate with the state of Utah and with Carbon and Emery
5798 Counties to develop, amend, and implement land and resource management plans and to
5799 implement management decisions that are consistent with the purposes, goals, and policies
5800 described in this section to the maximum extent allowed under federal law;

5801 (b) expedite the processing, granting, and streamlining of mineral and energy leases
5802 and applications to drill, extract, and otherwise develop all existing energy and mineral
5803 resources located within the Green River Energy Zone, including oil, natural gas, oil shale, oil
5804 sands, gilsonite, coal, phosphate, gold, uranium, copper, solar, and wind resources;

5805 (c) allow continued maintenance and increased development of roads, power lines,
5806 pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies
5807 described in this section;

5808 (d) refrain from any planning decisions and management actions that will undermine,
5809 restrict, or diminish the goals, purposes, and policies for the Green River Energy Zone as stated
5810 in this section; and

5811 (e) refrain from implementing a policy that is contrary to the goals and purposes within
5812 this section.

5813 (6) The state calls upon Congress to establish an intergovernmental standing
5814 commission, with membership consisting of representatives from the United States
5815 government, the state of Utah, and local governments to guide and control planning and
5816 management actions in the Green River Energy Zone in order to achieve and maintain the
5817 goals, purposes, and policies described in this section.

5818 (7) Notwithstanding the provisions of this section, the state's grazing and livestock
5819 policies and plans on land within the Green River Energy Zone shall continue to be governed
5820 by Sections [~~63J-4-401~~] [63L-11-302](#), [63L-11-303](#), and [63J-8-104](#).

5821 Section 79. Section **63J-8-105.8** is amended to read:

5822 **63J-8-105.8. Utah Grazing Agricultural Commodity Zones established --**
5823 **Findings -- Management and land use priorities.**

5824 (1) There are established Utah Grazing Agricultural Commodity Zones in the counties

5825 of Beaver, Emery, Garfield, Kane, Piute, Iron, Sanpete, San Juan, Sevier, Washington, and
5826 Wayne for the purpose of:

5827 (a) preserving and protecting the agricultural livestock industry from ongoing threats;

5828 (b) preserving and protecting the history, culture, custom, and economic value of the
5829 agricultural livestock industry from ongoing threats; and

5830 (c) maximizing efficient and responsible restoration, reclamation, preservation,
5831 enhancement, and development of forage and watering resources for grazing and wildlife
5832 practices and affected natural, historical, and cultural activities.

5833 (2) The titles, land area, and boundaries of the zones are as follows:

5834 (a) "Escalante Region Grazing Zone," consisting of certain BLM, National Park
5835 Service, and Forest Service lands in the following townships in Garfield and Kane counties, as
5836 more fully illustrated in the map jointly prepared by the Garfield County and Kane County
5837 Geographic Information Systems departments entitled "Escalante Region Grazing Zone":

5838 (i) in Garfield County, Township 32S Range 6E, Township 32S Range 7E, Township
5839 33S Range 4E, Township 33S Range 5E, Township 33S Range 6E, Township 33S Range 7E,
5840 Township 33S Range 8E, Township 34S Range 2E, Township 34S Range 3E, Township 34S
5841 Range 4E, Township 34S Range 5E, Township 34S Range 6E, Township 34S Range 7E,
5842 Township 34S Range 8E, Township 35S Range 1E, Township 35S Range 2E, Township 35S
5843 Range 3E, Township 35S Range 4E, Township 35S Range 5E, Township 35S Range 6E,
5844 Township 35S Range 7E, Township 35S Range 8E, Township 36S Range 1W, Township 36S
5845 Range 2W, Township 36S Range 3W, Township 36S Range 1E, Township 36S Range 2E,
5846 Township 36S Range 3E, Township 36S Range 4E, Township 36S Range 5E, Township 36S
5847 Range 6E, Township 36S Range 7E, Township 36S Range 8E, Township 36S Range 9E,
5848 Township 37S Range 1W, Township 37S Range 2W, Township 37S Range 3W, Township 37S
5849 Range 4W, Township 37S Range 1E, Township 37S Range 2E, Township 37S Range 3E,
5850 Township 37S Range 4E, Township 37S Range 5E, Township 37S Range 6E, Township 37S
5851 Range 7E, Township 37S Range 8E, and Township 37S Range 9E; and

5852 (ii) in Kane County, Township 38S Range 1W, Township 38S Range 2W, Township
5853 38S Range 3W, Township 38S Range 4W, Township 38S Range 1E, Township 38S Range 2E,
5854 Township 38S Range 3E, Township 38S Range 4E, Township 38S Range 5E, Township 38S
5855 Range 6E, Township 38S Range 7E, Township 38S Range 8E, Township 38S Range 9E,

5856 Township 39S Range 1W, Township 39S Range 2W, Township 39S Range 3W, Township 39S
5857 Range 4W, Township 39S Range 4.5W, Township 39S Range 1E, Township 39S Range 2E,
5858 Township 39S Range 3E, Township 39S Range 4E, Township 39S Range 5E, Township 39S
5859 Range 6E, Township 39S Range 7E, Township 39S Range 8E, Township 39S Range 9E,
5860 Township 40S Range 1W, Township 40S Range 2W, Township 40S Range 3W, Township 40S
5861 Range 4W, Township 40S Range 4.5W, Township 40S Range 5W, Township 40S Range 1E,
5862 Township 40S Range 2E, Township 40S Range 3E, Township 40S Range 4E, Township 40S
5863 Range 5E, Township 40S Range 6E, Township 40S Range 7E, Township 40S Range 8E,
5864 Township 40S Range 9E, Township 40.5S Range 9E, Township 41S Range 1W, Township
5865 41S Range 2W, Township 41S Range 3W, Township 41S Range 4W, Township 41S Range
5866 4.5W, Township 41S Range 5W, Township 41S Range 1E, Township 41S Range 2E,
5867 Township 41S Range 3E, Township 41S Range 4E, Township 41S Range 5E, Township 41S
5868 Range 6E, Township 41S Range 7E, Township 41S Range 8E, Township 41S Range 9E,
5869 Township 42S Range 1W, Township 42S Range 2W, Township 42S Range 3W, Township 42S
5870 Range 4W, Township 42S Range 4.5W, Township 42S Range 5W, Township 42S Range 1E,
5871 Township 42S Range 2E, Township 42S Range 3E, Township 42S Range 4E, Township 42S
5872 Range 5E, Township 42S Range 6E, Township 42S Range 7E, Township 42S Range 8E,
5873 Township 42S Range 9E, Township 42.5S Range 6.5E, Township 42.5S Range 7E, Township
5874 43S Range 1W, Township 43S Range 2W, Township 43S Range 3W, Township 43S Range
5875 4W, Township 43S Range 4.5W, Township 43S Range 5W, Township 43S Range 1E,
5876 Township 43S Range 2E, Township 43S Range 3E, Township 43S Range 4E, Township 43S
5877 Range 5E, Township 43S Range 6E, Township 44S Range 1W, Township 44S Range 2W,
5878 Township 44S Range 3W, Township 44S Range 4W, Township 44S Range 4.5W, Township
5879 44S Range 5W, Township 44S Range 1E, Township 44S Range 2E, Township 44S Range 3E,
5880 Township 44S Range 4E, and Township 44S Range 5E;

5881 (b) "Beaver County Southwest Desert Region Grazing Zone," consisting of certain
5882 BLM lands in the following townships in Beaver County, as more fully illustrated in the map
5883 prepared by the Beaver County Geographic Information Systems Departments entitled "Beaver
5884 County Southeast Desert Grazing Zone": Township 26S Range 11W, Township 27S Range
5885 11W, Township 28S Range 11W, Township 29S Range 11W, Township 30S Range 11W,
5886 Township 26S Range 12W, Township 27S Range 12W, Township 28S Range 12W, Township

5887 29S Range 12W, Township 30S Range 12W, Township 26S Range 13W, Township 27S
5888 Range 13W, Township 28S Range 13W, Township 29S Range 13W, Township 30S Range
5889 13W, Township 26S Range 14W, Township 27S Range 14W, Township 28S Range 14W,
5890 Township 29S Range 14W, Township 30S Range 14W, Township 26S Range 15W, Township
5891 27S Range 15W, Township 28S Range 15W, Township 29S Range 15W, Township 30S
5892 Range 15W, Township 26S Range 16W, Township 27S Range 16W, Township 28S Range
5893 16W, Township 29S Range 16W, Township 30S Range 16W, Township 26S Range 17W,
5894 Township 27S Range 17W, Township 28S Range 17W, Township 29S Range 17W, Township
5895 30S Range 17W, Township 26S Range 18W, Township 27S Range 18W, Township 28S
5896 Range 18W, Township 29S Range 18W, Township 30S Range 18W, Township 26S Range
5897 19W, Township 27S Range 19W, Township 28S Range 19W, Township 29S Range 19W,
5898 Township 30S Range 19W, Township 26S Range 20W, Township 27S Range 20W, Township
5899 28S Range 20W, Township 29S Range 20W, and Township 30S Range 20W;

5900 (c) "Beaver County Central Grazing Zone," consisting of certain BLM and Forest
5901 Service lands in the following townships in Beaver County, as more fully illustrated in the map
5902 prepared by the Beaver County Geographic Information Systems Department entitled "Beaver
5903 County Central Grazing Zone": Township 26S Range 7W, Township 26S Range 8W,
5904 Township 26S Range 9W, Township 26S Range 10W, Township 27S Range 7W, Township
5905 27S Range 8W, Township 27S Range 9W, Township 27S Range 10W, Township 28S Range
5906 7W, Township 28S Range 8W, Township 28S Range 9W, Township 28S Range 10W,
5907 Township 29S Range 7W, Township 29S Range 8W, Township 29S Range 9W, Township 29S
5908 Range 10W, Township 30S Range 7W, Township 30S Range 8W, Township 30S Range 9W,
5909 and Township 30S Range 10W;

5910 (d) "Tushar Mountain Region Grazing Zone," consisting of certain BLM and Forest
5911 Service lands in the following townships in Beaver, Garfield, and Piute counties, as more fully
5912 illustrated in the map jointly prepared by the Beaver, Garfield, and Piute counties GIS
5913 departments in February 2014, entitled "Tushar Mountain Region Grazing Zone":

5914 (i) in Beaver County, Township 28S Range 4W, Township 29S Range 4W, Township
5915 27S Range 5W, Township 28S Range 5W, Township 29S Range 5W, Township 30S Range
5916 5W, Township 26S Range 6W, Township 27S Range 6W, Township 28S Range 6W,
5917 Township 29S Range 6W, and Township 30S Range 6W;

5918 (ii) in Piute County, Township 26S Range 6W, Township 27S Range 6W, Township
5919 26S Range 5W, Township 27S Range 5W, Township 28S Range 5W, Township 29S Range
5920 5W, Township 30S Range 5W, Township 26S Range 4.5W, Township 26S Range 4W,
5921 Township 27S Range 4W, Township 28S Range 4W, Township 29S Range 4W, and Township
5922 30S Range 4W; and

5923 (iii) in Garfield County, Township 31S Range 5W;

5924 (e) "Last Chance Region Grazing Zone," consisting of certain BLM and Forest Service
5925 lands in the following townships in Sevier County, as more fully illustrated in the map
5926 prepared by the Sevier County GIS department in February 2014, entitled "Last Chance Region
5927 Grazing Zone": Township 23S Range 5E, Township 24S Range 4E, Township 24S Range 5E,
5928 Township 25S Range 5E, and Township 26S Range 5E;

5929 (f) "Muddy Creek Region Grazing Zone," consisting of certain BLM lands in the
5930 following townships in Emery County, as more fully illustrated in the map prepared by the
5931 Emery County GIS department in February 2014, entitled "Muddy Creek Region Grazing
5932 Zone": Township 22S Range 7E, Township 23S Range 7E, Township 24S Range 7E,
5933 Township 25S Range 7E, Township 22S Range 8E, Township 23S Range 8E, Township 24S
5934 Range 8E, Township 25S Range 8E, Township 23S Range 9E, and Township 24S Range 9E;

5935 (g) "McKay Flat Region Grazing Zone," consisting of certain BLM lands in the
5936 following townships in Emery County, as more fully illustrated in the map prepared by the
5937 Emery County GIS department in February 2014, entitled "McKay Flat Region Grazing Zone":
5938 Township 25S Range 9E, Township 26S Range 9E, Township 23S Range 10E, Township 24S
5939 Range 10E, Township 25S Range 10E, Township 24S Range 11E, and Township 25S Range
5940 11E;

5941 (h) "Sinbad Region Grazing Zone," consisting of certain BLM lands in the following
5942 townships in Emery County, as more fully illustrated in the map prepared by the Emery County
5943 GIS department in February 2014, entitled "Sinbad Region Grazing Zone": Township 20S
5944 Range 11E, Township 21S Range 11E, Township 21S Range 12E, Township 22S Range 12E,
5945 Township 23S Range 12E, Township 21S Range 13E, Township 22S Range 13E, and
5946 Township 23S Range 13E;

5947 (i) "Robbers Roost Region Grazing Zone," consisting of certain BLM lands in the
5948 following townships in Emery County, as more fully illustrated in the map prepared by the

5949 Emery County GIS department in February 2014, entitled "Robbers Roost Region Grazing
5950 Zone": Township 25S Range 13E, Township 26S Range 13E, Township 25S Range 14E,
5951 Township 26S Range 14E, Township 25S Range 15E, and Township 26S Range 15E;

5952 (j) "Western Iron County Region Grazing Zone," consisting of certain BLM and Forest
5953 Service lands in the following townships in Iron County, as more fully illustrated in the map
5954 prepared by the Iron County GIS department in February 2014, entitled "Western Iron County
5955 Region Grazing Zone": Township 31S Range 7W, Township 31S Range 8W, Township 31S
5956 Range 9W, Township 31S Range 10W, Township 31S Range 11W, Township 31S Range
5957 12W, Township 31S Range 13W, Township 31S Range 14W, Township 31S Range 15W,
5958 Township 31S Range 16W, Township 31S Range 17W, Township 31S Range 18W, Township
5959 31S Range 19W, Township 31S Range 20W, Township 32S Range 8W, Township 32S Range
5960 9W, Township 32S Range 10W, Township 32S Range 11W, Township 32S Range 12W,
5961 Township 32S Range 13W, Township 32S Range 14W, Township 32S Range 15W, Township
5962 32S Range 16W, Township 32S Range 17W, Township 32S Range 18W, Township 32S
5963 Range 19W, Township 32S Range 20W, Township 33S Range 8W, Township 33S Range 9W,
5964 Township 33S Range 10W, Township 33S Range 11W, Township 33S Range 12W, Township
5965 33S Range 13W, Township 33S Range 14W, Township 33S Range 15W, Township 33S
5966 Range 16W, Township 33S Range 17W, Township 33S Range 18W, Township 33S Range
5967 19W, Township 33S Range 20W, Township 34S Range 9W, Township 34S Range 10W,
5968 Township 34S Range 11W, Township 34S Range 12W, Township 34S Range 13W, Township
5969 34S Range 14W, Township 34S Range 15W, Township 34S Range 17W, Township 34S
5970 Range 18W, Township 34S Range 19W, Township 34S Range 20W, Township 35S Range
5971 10W, Township 35S Range 12W, Township 35S Range 13W, Township 35S Range 14W,
5972 Township 35S Range 15W, Township 35S Range 17W, Township 35S Range 18W, Township
5973 35S Range 19W, Township 35S Range 20W, Township 36S Range 11W, Township 36S
5974 Range 12W, Township 36S Range 13W, Township 36S Range 14W, Township 36S Range
5975 15W, Township 36S Range 17W, Township 36S Range 18W, Township 36S Range 19W,
5976 Township 36S Range 20W, Township 37S Range 12W, Township 37S Range 13W, Township
5977 37S Range 14W, and Township 38S Range 12W;

5978 (k) "Eastern Iron County Region Grazing Zone," consisting of certain BLM and Forest
5979 Service lands in the following townships in Iron County, as more fully illustrated in the map

5980 prepared by the Iron County GIS department in February 2014, entitled "Eastern Iron County
5981 Region Grazing Zone": Township 31S Range 6W, Township 31S Range 7W, Township 32S
5982 Range 6W, Township 32S Range 7W, Township 33S Range 6W, Township 33S Range 7W,
5983 Township 33S Range 8W, Township 34S Range 7W, Township 34S Range 8W, Township 34S
5984 Range 9W, Township 35S Range 8W, Township 35S Range 9W, Township 35S Range 10W,
5985 Township 36S Range 8W, Township 36S Range 9W, Township 36S Range 10W, Township
5986 36S Range 11W, Township 37S Range 8W, Township 37S Range 9W, Township 37S Range
5987 11W, Township 37S Range 12W, Township 38S Range 11W, Township 38S Range 12W,
5988 Township 38S Range 10W, Township 38S Range 11W, and Township 38S Range 12W,
5989 excluding Zion National Park;

5990 (l) "Panguitch Lake Region Grazing Zone," consisting of certain BLM and Forest
5991 Service lands in the following townships in Kane and Garfield counties, as more fully
5992 illustrated in the map prepared by the Kane County GIS department in February 2014, entitled
5993 "Panguitch Lake Region Grazing Zone," and the map prepared by the Garfield County GIS
5994 department in February 2017 entitled "Panguitch Lake Region Grazing Zone":

5995 (i) in Kane County, Township 38S Range 9W, Township 38S Range 8W, Township
5996 38S Range 7W, Township 38S Range 6W, Township 39S Range 8W, and Township 39S
5997 Range 7W; and

5998 (ii) in Garfield County, Township 35S Range 7W, Township 36S Range 7W,
5999 Township 37S Range 7W, Township 34S Range 6W, Township 35S Range 6W, Township 36S
6000 Range 6W, and Township 37S Range 6W;

6001 (m) "East Fork Region Grazing Zone," consisting of certain BLM and Forest Service
6002 lands in the following townships in Kane and Garfield counties, as more fully illustrated in the
6003 map jointly prepared by the Kane and Garfield counties GIS departments in February 2017,
6004 entitled "East Fork Region Grazing Zone":

6005 (i) in Kane County, Township 38S Range 5W, Township 38S Range 4.5W, Township
6006 39S Range 5W, and Township 39S Range 4.5W; and

6007 (ii) in Garfield County, Township 36S Range 5W, Township 37S Range 5W,
6008 Township 32S Range 4.5W, Township 33S Range 4.5W, Township 34S Range 4.5W,
6009 Township 35S Range 4.5W, Township 36S Range 4.5W, Township 37S Range 4.5W,
6010 Township 31S Range 4W, Township 32S Range 4W, Township 33S Range 4W, Township 34S

6011 Range 4W, Township 35S Range 4W, Township 36S Range 4W, Township 37S Range 4W,
6012 Township 31S Range 3W, Township 32S Range 3W, Township 33S Range 3W, Township 34S
6013 Range 3W, Township 35S Range 3W, Township 36S Range 3W, Township 37S Range 3W,
6014 Township 31S Range 2.5W, Township 32S Range 2W, Township 33S Range 2W, Township
6015 34S Range 2W, and Township 35S Range 2W;

6016 (n) "Sevier River Region Grazing Zone," consisting of certain BLM and Forest Service
6017 lands in the following townships in Piute County, as more fully illustrated in the map prepared
6018 by the Piute GIS department in February 2014, entitled "Sevier River Region Grazing Zone":
6019 Township 27S Range 3W, Township 28S Range 3W, and Township 29S Range 3W;

6020 (o) "Kingston Canyon Region Grazing Zone," consisting of certain BLM and Forest
6021 Service lands in the following townships in Piute and Garfield counties, as more fully
6022 illustrated in the map jointly prepared by the Piute and Garfield counties GIS departments in
6023 February 2017, entitled "Kingston Canyon Region Grazing Zone":

6024 (i) in Piute County, Township 30S Range 3W, Township 30S Range 2.5W, and
6025 Township 30S Range 2W; and

6026 (ii) in Garfield County, Township 31S Range 2W, Township 32S Range 2W,
6027 Township 31S Range 1W, and Township 32S Range 1W;

6028 (p) "Monroe Mountain Region Grazing Zone," consisting of certain BLM and Forest
6029 Service lands in the following townships in Piute County, as more fully illustrated in the map
6030 prepared by the Piute County GIS department in February 2014, entitled "Monroe Mountain
6031 Region Grazing Zone": Township 26S Range 3W, Township 27S Range 2.5W, Township 28S
6032 Range 2.5W, Township 29S Range 2.5W, Township 26S Range 2W, Township 27S Range
6033 2W, Township 28S Range 2W, Township 29S Range 2W, Township 26S Range 1W, and
6034 Township 27S Range 1W;

6035 (q) "Parker Mountain Region Grazing Zone," consisting of certain BLM and Forest
6036 Service lands in the following townships in Wayne County, as more fully illustrated in the map
6037 prepared by the Wayne County GIS department in February 2014, entitled "Parker Mountain
6038 Region Grazing Zone": Township 26S Range 2E, Township 27S Range 2E, Township 28S
6039 Range 2E, Township 29S Range 2E, and Township 30S Range 2E;

6040 (r) "Boulder Mountain Region Grazing Zone," consisting of certain BLM and Forest
6041 Service lands in the following townships in Wayne and Garfield counties, as more fully

6042 illustrated in the map jointly prepared by the Wayne and Garfield counties GIS departments in
6043 February 2017, entitled "Boulder Mountain Region Grazing Zone":

6044 (i) in Wayne County, Township 30S Range 3E, Township 30S Range 4E, and
6045 Township 30S Range 5E; and

6046 (ii) in Garfield County, Township 35S Range 3W, Township 36S Range 3W,
6047 Township 33S Range 2W, Township 34S Range 2W, Township 35S Range 2W, Township 36S
6048 Range 2W, Township 31S Range 1W, Township 32S Range 1W, Township 33S Range 1W,
6049 Township 34S Range 1W, Township 35S Range 1W, Township 36S Range 1W, Township 31S
6050 Range 1E, Township 32S Range 1E, Township 33S Range 1E, Township 34S Range 1E,
6051 Township 35S Range 1E, Township 36S Range 1E, Township 37S Range 1E, Township 31S
6052 Range 2E, Township 32S Range 2E, Township 33S Range 2E, Township 34S Range 2E,
6053 Township 31S Range 3E, Township 32S Range 3E, Township 33S Range 3E, Township 34S
6054 Range 3E, Township 31S Range 4E, Township 32S Range 4E, Township 33S Range 4E,
6055 Township 30.5S Range 5E, Township 31S Range 5E, Township 32S Range 5E, Township 33S
6056 Range 5E, Township 31S Range 6E, and Township 32S Range 6E;

6057 (s) "Thousand Lake Region Grazing Zone," consisting of certain Forest Service lands
6058 in the following townships in Wayne County, as more fully illustrated in the map prepared by
6059 the Wayne County GIS department in February 2014, entitled "Thousand Lake Region Grazing
6060 Zone": Township 26S Range 4E, Township 27S Range 4E, and Township 28S Range 4E;

6061 (t) "Hartnet-Middle Desert Region Grazing Zone," consisting of certain BLM lands in
6062 the following townships in Wayne County, as more fully illustrated in the map prepared by the
6063 Wayne County GIS department in February 2014, entitled "Hartnet-Middle Desert Region
6064 Grazing Zone": Township 28S Range 7E, Township 27S Range 8E, and Township 28S Range
6065 8E;

6066 (u) "Sandy No. 1 Region Grazing Zone," consisting of certain BLM lands in the
6067 following townships in Wayne County, as more fully illustrated in the map prepared by the
6068 Wayne County GIS department in February 2014, entitled "Sandy No. 1 Region Grazing
6069 Zone": Township 29S Range 8E and Township 30S Range 8E;

6070 (v) "Blue Benches Region Grazing Zone," consisting of certain BLM lands in the
6071 following townships in Wayne County, as more fully illustrated in the map prepared by the
6072 Wayne County GIS department in February 2014, entitled "Blue Benches Region Grazing

6073 Zone": Township 29S Range 9E, Township 29S Range 10E, and Township 30S Range 10E;

6074 (w) "Wild Horse Region Grazing Zone," consisting of certain BLM lands in the
6075 following townships in Wayne County, as more fully illustrated in the map prepared by the
6076 Wayne County GIS department in February 2014, entitled "Wild Horse Region Grazing Zone":
6077 Township 27S Range 10E and Township 27S Range 11E;

6078 (x) "Hanksville Region Grazing Zone," consisting of certain BLM lands in the
6079 following townships in Wayne County, as more fully illustrated in the map prepared by the
6080 Wayne County GIS department in February 2014, entitled "Hanksville Region Grazing Zone":
6081 Township 29S Range 11E, Township 30S Range 11E, Township 28S Range 12E, Township
6082 29S Range 12E, Township 30S Range 12E, and Township 30S Range 13E;

6083 (y) "Jeffery Wells Region Grazing Zone," consisting of certain BLM lands in the
6084 following townships in Wayne County, as more fully illustrated in the map prepared by the
6085 Wayne County GIS department in February 2014, entitled "Jeffery Wells Region Grazing
6086 Zone": Township 27S Range 14E and Township 27S Range 15E;

6087 (z) "Robbers Roost Region Grazing Zone," consisting of certain BLM lands in the
6088 following townships in Wayne County, as more fully illustrated in the map prepared by the
6089 Wayne County GIS department in February 2014, entitled "Robbers Roost Region Grazing
6090 Zone": Township 29S Range 14E;

6091 (aa) "French Springs Region Grazing Zone," consisting of certain BLM lands in the
6092 following townships in Wayne County, as more fully illustrated in the map prepared by the
6093 Wayne County GIS department in February 2014, entitled "French Springs Region Grazing
6094 Zone": Township 30S Range 16E;

6095 (bb) "12 Mile C&H Region Grazing Zone," consisting of certain Forest Service lands
6096 in the following townships in Sanpete County, as more fully illustrated in the map prepared by
6097 the Sanpete County GIS department in February 2014, entitled "12 Mile C&H Region Grazing
6098 Zone": Township 19S Range 3E and Township 20S Range 3E;

6099 (cc) "Horseshoe Region Grazing Zone," consisting of certain Forest Service lands in
6100 the following townships in Sanpete County, as more fully illustrated in the map prepared by the
6101 Sanpete County GIS department in February 2014, entitled "Horseshoe Region Grazing Zone":
6102 Township 14S Range 5E, Township 14S Range 6E, Township 15S Range 5E, and Township
6103 15S Range 6E;

6104 (dd) "Nokai Dome Region Grazing Zone," consisting of certain BLM and National
6105 Park Service lands in the following townships in San Juan County, as more fully illustrated in
6106 the map prepared by the San Juan County GIS department in February 2014, entitled "Nokai
6107 Dome Region Grazing Zone": Township 38S Range 11E, Township 38S Range 12E, Township
6108 39S Range 11E, Township 39S Range 12E, Township 39S Range 13E, Township 39S Range
6109 14E, Township 39S Range 15E, Township 40S Range 10E, Township 40S Range 11E,
6110 Township 40S Range 12E, Township 40S Range 13E, Township 40S Range 14E, Township
6111 41S Range 9E, Township 41S Range 10E, Township 41S Range 11E, and Township 41S
6112 Range 12E;

6113 (ee) "Grand Gulch Region Grazing Zone," consisting of certain BLM and National
6114 Park Service lands in the following townships in San Juan County, as more fully illustrated in
6115 the map prepared by the San Juan County GIS department in February 2014, entitled "Grand
6116 Gulch Region Grazing Zone": Township 37S Range 17E, Township 37S Range 18E, Township
6117 38S Range 16E, Township 38S Range 17E, Township 38S Range 18E, Township 39S Range
6118 14E, Township 39S Range 15E, Township 39S Range 16E, Township 39S Range 17E,
6119 Township 39S Range 18E, Township 40S Range 14E, Township 40S Range 15E, Township
6120 40S Range 16E, Township 40S Range 17E, and Township 40S Range 18E;

6121 (ff) "Cedar Mesa East Region Grazing Zone," consisting of certain BLM and National
6122 Park Service lands in the following townships in San Juan County, as more fully illustrated in
6123 the map prepared by the San Juan County GIS department in February 2014, entitled "Cedar
6124 Mesa East Region Grazing Zone": Township 36S Range 20E, Township 37S Range 18E,
6125 Township 37S Range 19E, Township 37S Range 20E, Township 37S Range 21E, Township
6126 38S Range 18E, Township 38S Range 19E, Township 38S Range 20E, Township 38S Range
6127 21E, Township 39S Range 18E, Township 39S Range 19E, Township 39S Range 20E,
6128 Township 39S Range 21E, Township 40S Range 18E, Township 40S Range 19E, Township
6129 40S Range 20E, Township 40S Range 21E, Township 41S Range 18E, Township 41S Range
6130 19E, Township 41S Range 20E, and Township 41S Range 21E;

6131 (gg) "Mancos Mesa Region Grazing Zone," consisting of certain BLM and National
6132 Park Service lands in the following townships in San Juan County, as more fully illustrated in
6133 the map prepared by the San Juan County GIS department in February 2014, entitled "Mancos
6134 Mesa Region Grazing Zone": Township 35S Range 13E, Township 36S Range 12E, Township

6135 36S Range 13E, Township 36S Range 14E, Township 37S Range 12E, Township 37S Range
6136 13E, Township 37S Range 14E, Township 37S Range 15E, Township 38S Range 11E,
6137 Township 38S Range 12E, Township 38S Range 13E, Township 38S Range 14E, Township
6138 38S Range 15E, Township 38S Range 18E, Township 39S Range 13E, Township 39S Range
6139 14E, and Township 39S Range 15E;

6140 (hh) "Red Canyon Region Grazing Zone," consisting of certain BLM and National Park
6141 Service lands in the following townships in San Juan County, as more fully illustrated in the
6142 map prepared by the San Juan County GIS department in February 2014, entitled "Red Canyon
6143 Region Grazing Zone": Township 33S Range 14E, Township 34S Range 13E, Township 34S
6144 Range 14E, Township 34S Range 15E, Township 35S Range 13E, Township 35S Range 14E,
6145 Township 35S Range 15E, Township 36S Range 14E, Township 36S Range 15E, Township
6146 36S Range 16E, Township 36S Range 17E, Township 37S Range 14E, Township 37S Range
6147 15E, Township 37S Range 16E, Township 37S Range 17E, Township 38S Range 15E, and
6148 Township 38S Range 16E;

6149 (ii) "White Canyon Region Grazing Zone," consisting of certain BLM and National
6150 Park Service lands in the following townships in San Juan County, as more fully illustrated in
6151 the map prepared by the San Juan County GIS department in February 2014, entitled "White
6152 Canyon Region Grazing Zone": Township 33S Range 14E, Township 33S Range 15E,
6153 Township 33S Range 16E, Township 34S Range 14E, Township 34S Range 15E, Township
6154 34S Range 16E, Township 34S Range 17E, Township 35S Range 15E, Township 35S Range
6155 16E, Township 35S Range 17E, Township 35S Range 18E, Township 36S Range 15E,
6156 Township 36S Range 16E, Township 36S Range 17E, Township 36S Range 18E, Township
6157 37S Range 17E, and Township 37S Range 18E;

6158 (jj) "Dark Canyon/Hammond Canyon Region Grazing Zone," consisting of certain
6159 Forest Service lands in the following townships in San Juan County, as more fully illustrated in
6160 the map prepared by the San Juan County GIS department in February 2014, entitled "Dark
6161 Canyon/Hammond Canyon Region Grazing Zone": Township 34S Range 17E, Township 34S
6162 Range 18E, Township 34S Range 19E, Township 34S Range 20E, Township 35S Range 17E,
6163 Township 35S Range 18E, Township 35S Range 19E, Township 35S Range 20E, Township
6164 36S Range 18E, Township 36S Range 19E, Township 36S Range 20E, and Township 37S
6165 Range 19E;

6166 (kk) "Chippean/Indian Creek Region Grazing Zone," consisting of certain Forest
6167 Service lands in the following townships in San Juan County, as more fully illustrated in the
6168 map prepared by the San Juan County GIS department in February 2014, entitled
6169 "Chippean/Indian Creek Region Grazing Zone": Township 32S Range 21E, Township 32S
6170 Range 22E, Township 33S Range 21E, Township 33S Range 22E, Township 34S Range 20E,
6171 Township 34S Range 21E, Township 34S Range 22E, Township 35S Range 20E, Township
6172 35S Range 21E, and Township 35S Range 22E;

6173 (ll) "Henry Mountain Region Grazing Zone," consisting of certain BLM and National
6174 Park Service lands in the following townships in Garfield County, as more fully illustrated in
6175 the map prepared by the Garfield County GIS department in February 2017, entitled "Henry
6176 Mountain Region Grazing Zone": Township 31S Range 7E, Township 32S Range 7E,
6177 Township 31S Range 8E, Township 32S Range 8E, Township 33S Range 8E, Township 34S
6178 Range 8E, Township 31S Range 9E, Township 32S Range 9E, Township 33S Range 9E,
6179 Township 34S Range 9E, Township 35S Range 9E, Township 31S Range 10E, Township 32S
6180 Range 10E, Township 33S Range 10E, Township 34S Range 10E, Township 35S Range 10E,
6181 Township 31S Range 11E, Township 32S Range 11E, Township 33S Range 11E, Township
6182 34S Range 11E, Township 31S Range 12E, Township 32S Range 12E, Township 33S Range
6183 12E, and Township 34S Range 12E;

6184 (mm) "Glen Canyon Region Grazing Zone," consisting of certain BLM and National
6185 Park Service lands in the following townships in Garfield County, as more fully illustrated in
6186 the map prepared by the Garfield County GIS department in February 2017, entitled "Glen
6187 Canyon Region Grazing Zone": Township 36S Range 9E, Township 37S Range 9E, Township
6188 36S Range 10E, Township 37S Range 10E, Township 35S Range 11E, Township 36S Range
6189 11E, Township 37S Range 11E, Township 31S Range 12E, Township 32S Range 12E,
6190 Township 33S Range 12E, Township 34S Range 12E, Township 35S Range 12E, Township
6191 35.5S Range 12E, Township 36S Range 12E, Township 37S Range 12E, Township 31S Range
6192 13E, Township 32S Range 13E, Township 33S Range 13E, Township 34S Range 13E,
6193 Township 35S Range 13E, Township 35.5S Range 13E, Township 36S Range 13E, Township
6194 31S Range 14E, Township 32S Range 14E, Township 32.5S Range 14E, Township 33S Range
6195 14E, Township 31S Range 15E, Township 32S Range 15E, Township 32.5S Range 15E,
6196 Township 33S Range 15E, Township 30.5S Range 16E, Township 31S Range 16E, Township

6197 32S Range 16E, Township 30.5S Range 17E, Township 31S Range 17E, Township 32S Range
6198 17E, Township 30.5S Range 18E, and Township 31S Range 18E;

6199 (nn) "Glendale Bench Region Grazing Zone," consisting of certain BLM and Forest
6200 Service lands in the following townships in Kane County, as more fully illustrated in the map
6201 prepared by the Kane County GIS department in February 2014, entitled "Glendale Bench
6202 Region Grazing Zone": Township 39S Range 6W, Township 39S Range 5W, Township 39S
6203 Range 4.5W, Township 40S Range 7W, Township 40S Range 6W, Township 41S Range 7W,
6204 and Township 41S Range 6W;

6205 (oo) "John R. Region Grazing Zone," consisting of certain BLM and Forest Service
6206 lands in the following townships in Kane County, as more fully illustrated in the map prepared
6207 by the Kane County GIS department in February 2014, entitled "John R. Region Grazing
6208 Zone": Township 41S Range 7W, Township 41S Range 6W, Township 42S Range 7W,
6209 Township 42S Range 6W, Township 43S Range 6W, and Township 44S Range 6W;

6210 (pp) "Beaver Dam Scope Region Grazing Zone," consisting of certain BLM lands in
6211 the following townships in Washington County, as more fully illustrated in the map prepared
6212 by the Washington County GIS department: Township 42 South Range 17 West, Township 43
6213 South Range 18 West, Township 43 South Range 19 West, Township 43 South Range 20
6214 West, Township 42 South Range 18 West, Township 42 South Range 19 West, Township 42
6215 South Range 20 West, Township 41 South Range 17 West, Township 41 South Range 18
6216 West, Township 41 South Range 19 West, Township 41 South Range 20 West, Township 40
6217 South Range 18 West, Township 40 South Range 19 West, and Township 40 South Range 20
6218 West;

6219 (qq) "Square Top Daggett Flat Region Grazing Zone," consisting of certain BLM lands
6220 in the following townships in Washington County, as more fully illustrated in the map prepared
6221 by the Washington County GIS department: Township 40 South Range 17 West, Township 40
6222 South Range 18 West, Township 40 South Range 19 West, Township 40 South Range 20
6223 West, Township 39 South Range 16 West, Township 39 South Range 17 West, Township 39
6224 South Range 18 West, Township 39 South Range 19 West, Township 39 South Range 20
6225 West, Township 38 South Range 18 West, Township 38 South Range 19 West, and Township
6226 38 South Range 20 West;

6227 (rr) "Enterprise Region Grazing Zone," consisting of certain BLM and Forest Service

6228 lands in the following townships in Washington County, as more fully illustrated in the map
6229 prepared by the Washington County GIS department: Township 37 South Range 17 West and
6230 Township 37 South Range 18 West;

6231 (ss) "Apex Region Grazing Zone," consisting of certain BLM lands in the following
6232 townships in Washington County, as more fully illustrated in the map prepared by the
6233 Washington County GIS department: Township 42 South Range 16 West, Township 42 South
6234 Range 17 West, Township 43 South Range 16 West, and Township 43 South Range 17 West;

6235 (tt) "Veyo/Gunlock Region Grazing Zone," consisting of certain BLM lands in the
6236 following townships in Washington County, as more fully illustrated in the map prepared by
6237 the Washington County GIS department: Township 39 South Range 16 West, Township 39
6238 South Range 17 West, Township 40 South Range 16 West, Township 40 South Range 17
6239 West, Township 41 South Range 16 West, Township 41 South Range 17 West, and Township
6240 41 South Range 18 West;

6241 (uu) "Pine Valley Dixie National Forest Grazing Zone," consisting of certain Forest
6242 Service lands in the following townships in Washington County, as more fully illustrated in the
6243 map prepared by the Washington County GIS department: Township 37 South Range 15 West,
6244 Township 37 South Range 16 West, Township 37 South Range 17 West, Township 37 South
6245 Range 18 West, Township 37 South Range 19 West, Township 37 South Range 20 West,
6246 Township 38 South Range 13 West, Township 38 South Range 14 West, Township 38 South
6247 Range 15 West, Township 38 South Range 16 West, Township 38 South Range 17 West,
6248 Township 38 South Range 18 West, Township 38 South Range 19 West, Township 39 South
6249 Range 13 West, Township 39 South Range 14 West, Township 39 South Range 15 West,
6250 Township 39 South Range 16 West, Township 39 South Range 17 West, and Township 39
6251 South Range 18 West;

6252 (vv) "New Harmony Region Grazing Zone," consisting of certain BLM lands in the
6253 following township in Washington County, as more fully illustrated in the map prepared by the
6254 Washington County GIS department: Township 38 South Range 13 West;

6255 (ww) "Kanarra Region Grazing Zone," consisting of certain BLM lands in the
6256 following township in Washington County, as more fully illustrated in the map prepared by the
6257 Washington County GIS department: Township 38 South Range 11 West;

6258 (xx) "Kolob Region Grazing Zone," consisting of certain BLM lands in the following

6259 townships in Washington County, as more fully illustrated in the map prepared by the
6260 Washington County GIS department: Township 38 South Range 10 West and Township 39
6261 South Range 10 West;

6262 (yy) "La Verkin Creek/Dry Creek Region Grazing Zone," consisting of certain BLM
6263 lands in the following townships in Washington County, as more fully illustrated in the map
6264 prepared by the Washington County GIS department: Township 39 South Range 11 West,
6265 Township 39 South Range 12 West, Township 39 South Range 13 West, Township 40 South
6266 Range 11 West, Township 40 South Range 12 West, Township 40 South Range 13 West,
6267 Township 41 South Range 11 West, Township 41 South Range 12 West, and Township 41
6268 South Range 13 West;

6269 (zz) "Grafton Region Grazing Zone," consisting of certain BLM lands in the following
6270 townships in Washington County: Township 41 South Range 11 West, Township 41 South
6271 Range 12 West, Township 41 South Range 13 West, Township 42 South Range 11 West,
6272 Township 42 South Range 12 West, and Township 42 South Range 13 West;

6273 (aaa) "Hurricane Region Grazing Zone," consisting of certain BLM lands in the
6274 following townships in Washington County, as more fully illustrated in the map prepared by
6275 the Washington County GIS department: Township 42 South Range 13 West, Township 42
6276 South Range 14 West, Township 42 South Range 15 West, Township 43 South Range 13
6277 West, Township 43 South Range 14 West, and Township 43 South Range 15 West;

6278 (bbb) "Little Creek Region Grazing Zone," consisting of certain BLM lands in the
6279 following townships in Washington County, as more fully illustrated in the map prepared by
6280 the Washington County GIS department: Township 42 South Range 11 West, Township 42
6281 South Range 12 West, Township 42 South Range 13 West, Township 43 South Range 11
6282 West, Township 43 South Range 12 West, and Township 43 South Range 13 West;

6283 (ccc) "Canaan Mountain Grazing Zone," consisting of certain BLM lands in the
6284 following townships in Washington County, as more fully illustrated in the map prepared by
6285 the Washington County GIS department: Township 42 South Range 9.5 West, Township 42
6286 South Range 10 West, Township 42 South Range 11 West, Township 43 South Range 9.5
6287 West, Township 43 South Range 10 West, and Township 43 South Range 11 West; and

6288 (ddd) "Panguitch Valley Regional Grazing Zone," consisting of certain BLM lands in
6289 the following townships in Garfield County, as more fully illustrated in the map prepared by

6290 the Garfield County GIS department in February 2017, entitled "Panguitch Valley Region
6291 Grazing Zone": Township 34S Range 6W, Township 35S Range 6W, Township 36S Range
6292 6W, Township 37S Range 6W, Township 32S Range 5.5W, Township 31S Range 5W,
6293 Township 32S Range 5W, Township 33S Range 5W, Township 34S Range 5W, Township 35S
6294 Range 5W, Township 36S Range 5W, Township 37S Range 5W, Township 32S Range 4.5W,
6295 Township 33S Range 4.5W, Township 34S Range 4.5W, Township 35S Range 4.5W,
6296 Township 36S Range 4.5W, Township 31S Range 4W, and Township 31S Range 3W.

6297 (3) Printed copies of the maps referenced in Subsection (2) shall be available for
6298 inspection by the public at the offices of the Utah Association of Counties.

6299 (4) The state finds with respect to the grazing zones described in Subsection (2) that:

6300 (a) agricultural livestock industry on the lands comprising these zones has provided a
6301 significant contribution to the history, customs, culture, economy, welfare, and other values of
6302 each area for more than 100 years;

6303 (b) the potential for abundant natural and vegetative resources exists within these zones
6304 if managed properly, that will support and expand continued, responsible agricultural livestock
6305 activities and wildlife habitat;

6306 (c) agricultural livestock activities in these zones and the associated historic resources,
6307 human history, shaping of human endeavors, variety of cultural resources, landmarks,
6308 structures, and other objects of historic or scientific interest are worthy of recognition,
6309 preservation, and protection;

6310 (d) (i) the highest management priority for lands within these zones is the preservation,
6311 restoration, and enhancement of watershed and rangeland health to sustain and expand forage
6312 production for both livestock grazing and wildlife habitat, and the restoration and development
6313 of historic, existing, and future livestock grazing and wildlife habitat resources in order to
6314 provide protection for the resources, objects, customs, culture, and values identified above; and

6315 (ii) notwithstanding Subsection (4)(d)(i), if part or all of any zone lies within a sage
6316 grouse management area, then the management priorities for such part shall be consistent with
6317 the management priorities set forth in Subsection (4)(d)(i) to the maximum extent consistent
6318 with the management priorities of the sage grouse management area;

6319 (e) subject to Subsection (4)(d)(ii), responsible development of any deposits of energy
6320 and mineral resources, including oil, natural gas, oil shale, oil sands, coal, phosphate, gold,

6321 uranium, and copper, as well as areas with wind and solar energy potential, that may exist in
6322 these zones is compatible with the management priorities of Subsection (4)(d)(i) in these
6323 zones; and

6324 (f) subject to Subsection (4)(d)(ii), responsible development of any recreation
6325 resources, including roads, campgrounds, water resources, trails, OHV use, sightseeing,
6326 canyoneering, hunting, fishing, trapping, and hiking resources that may exist in these grazing
6327 zones is compatible with the management priorities of Subsection (4)(d)(i) in these grazing
6328 zones.

6329 (5) The state finds with respect to the zones described in Subsection (2) that the
6330 historic levels of livestock grazing activity and other values identified in Subsection (4) in each
6331 zone have greatly diminished, or are under other serious threat, due to:

6332 (a) unreasonable, arbitrary, and unlawfully restrictive federal management policies,
6333 including:

6334 (i) de facto managing for wilderness in nonwilderness areas and non-WSAs;

6335 (ii) ignoring the chiefly valuable for grazing designation of the Secretary of the Interior
6336 applicable to each of these zones; and

6337 (iii) the arbitrary administrative reductions in animal unit months of permitted forage;

6338 (b) inflexible federal grazing practices that disallow grazing at different times each year
6339 proven to be most effective for maintaining and enhancing rangeland conditions;

6340 (c) mismanagement of wild horses and burros resulting in competition for forage by
6341 excess and mismanaged populations of wild horses and burros in Beaver and Emery counties;

6342 (d) improper management of vegetation resulting in the overgrowth of pinion, invasive
6343 species, and juniper, and other woody vegetation that:

6344 (i) compromise watershed and rangeland health;

6345 (ii) crowd out grazing forage;

6346 (iii) degrade habitat and limit wildlife populations;

6347 (iv) reduce water yield; and

6348 (v) heighten the risk of catastrophic wildfire; and

6349 (e) other practices that degrade overall rangeland health.

6350 (6) To protect and preserve against the threats described in Subsection (5), the state
6351 supports the following with respect to the zones described in Subsection (2):

6352 (a) efficient and sustained policies, programs, and practices directed at preserving,
6353 restoring, and enhancing watershed and rangeland health to maximize:
6354 (i) all permitted forage production for livestock grazing and other compatible uses,
6355 including flexible grazing on and off dates adaptive to yearly climate and range conditions; and
6356 (ii) forage for fish and wildlife;

6357 (b) a cooperative management approach by federal agencies, the state, and local
6358 government agencies to achieve broadly supported management plans for the full development
6359 of:

6360 (i) forage resources for grazing livestock and wildlife; and
6361 (ii) other uses compatible with livestock grazing and wildlife utilization;

6362 (c) effective and responsible management of wild horses and burros to eliminate excess
6363 populations; and
6364 (d) effective and responsible management of wildlife habitat.

6365 (7) The state requests that the federal agencies that administer lands within each
6366 grazing zone:

6367 (a) fully cooperate and coordinate with the state and the respective counties within
6368 which each grazing zone is situated to develop, amend, and implement land and resource
6369 management plans, and implement management decisions that are consistent with the
6370 purposes, goals, and policies described in this section to the maximum extent allowed under
6371 federal law;

6372 (b) expedite the processing, granting, and streamlining of grazing permits, range
6373 improvements, and applications to enhance and otherwise develop all existing and permitted
6374 grazing resources located within each grazing zone, including renewable vegetative resources;

6375 (c) allow continued maintenance and increased development of roads, power lines,
6376 pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies
6377 described in this section and consistent with multiple use and sustained yield principles;

6378 (d) refrain from any planning decisions and management actions that will undermine,
6379 restrict, or diminish the goals, purposes, and policies for each grazing zone as stated in this
6380 section;

6381 (e) subject to Subsection (4)(d)(ii), refrain from implementing a policy that is contrary
6382 to the goals and purposes described within this section; and

- 6383 (f) refrain from implementing utilization standards less than 50%, unless:
- 6384 (i) implementing a standard of less than 50% utilization on a temporary basis is
- 6385 necessary to resolve site-specific concerns; and
- 6386 (ii) the federal agency consults, coordinates, and cooperates fully with local
- 6387 governments.
- 6388 (8) (a) If a grazing zone described in Subsection (2) is managed or neglected in such a
- 6389 way as to increase the risk of catastrophic wildfire, and if the chief executive officer of a
- 6390 county or a county sheriff finds that the catastrophic wildfire risk adversely affects the health,
- 6391 safety, and welfare of the people of the political subdivision and that increased livestock
- 6392 grazing in part or all of the grazing zone would substantially reduce that adverse effect:
- 6393 (i) Subsections 11-51-103(1)(a) and (b) shall govern and apply to the chief executive
- 6394 officer and the county sheriff with respect to making increased livestock grazing available in
- 6395 the grazing zone; and
- 6396 (ii) Subsection 11-51-103(1)(b) shall govern and apply to the attorney general with
- 6397 respect to making increased livestock grazing available in the grazing zone.
- 6398 (b) If a grazing zone described in Subsection (2) is managed or neglected in such a way
- 6399 as to increase the risk of catastrophic wildfire, and if the chief executive officer of a county or a
- 6400 county sheriff finds that the catastrophic wildfire risk constitutes an imminent threat to the
- 6401 health, safety, and welfare of the people of the political subdivision and that increased livestock
- 6402 grazing in part or all of the grazing zone would substantially reduce that imminent threat:
- 6403 (i) Subsections 11-51-103(2) and (3) shall govern and apply to the chief executive
- 6404 officer and the county sheriff with respect to making increased livestock grazing available in
- 6405 the grazing zone; and
- 6406 (ii) Subsection 11-51-103(3) and Section 11-51-104 shall govern and apply to the
- 6407 attorney general with respect to making increased livestock grazing available in the grazing
- 6408 zone.
- 6409 (9) (a) The state recognizes the importance of all grazing districts on Utah BLM and
- 6410 Forest Service lands but establishes the grazing zones described in Subsection (2) to provide
- 6411 special protection and preservation against the identified threats found in Subsection (5) to
- 6412 exist in these zones.
- 6413 (b) It is the intent of the state to designate additional grazing agricultural commodity

6414 zones in future years, if circumstances warrant special protection and preservation for new
6415 zones.

6416 (10) The state calls upon applicable federal, state, and local agencies to coordinate with
6417 each other and establish applicable intergovernmental standing commissions, with membership
6418 consisting of representatives from the United States government, the state, and local
6419 governments to coordinate and achieve consistency in planning decisions and management
6420 actions in zones described in Subsection (2) in order to achieve the goals, purposes, and
6421 policies described in this section.

6422 (11) Notwithstanding the provisions of this section, and subject to Subsection
6423 (4)(d)(ii), the state's mineral, oil, gas, and energy policies and plans on land within the zones
6424 described in Subsection (2) shall be governed by Sections [~~63J-4-401~~] [63L-11-302](#),
6425 [63L-11-303](#), and [63J-8-104](#).

6426 Section 80. Section **63J-8-105.9** is amended to read:

6427 **63J-8-105.9. Utah Timber Agricultural Commodity Zones established -- Findings**
6428 **-- Management and land use priorities.**

6429 (1) There are established and designated Utah Timber Agricultural Commodity Zones
6430 for the purpose of:

6431 (a) preserving and protecting the agricultural timber, logging, and forest products
6432 industry within these zones from ongoing threats;

6433 (b) preserving and protecting the significant history, culture, customs, and economic
6434 value of the agricultural timber, logging, and forest products industry within these zones from
6435 ongoing threats; and

6436 (c) maximizing efficient and responsible restoration, reclamation, preservation,
6437 enhancement, and development of timber, logging, and forest products and affected natural,
6438 historical, and cultural activities within these zones, in order to protect and preserve these
6439 zones from ongoing threats.

6440 (2) The titles, land area, and boundaries of these zones are described as follows:

6441 (a) "Tushar Mountain Region Timber Zone," consisting of certain Forest Service lands
6442 in the following townships in Beaver County and Piute County, as more fully illustrated in the
6443 map jointly prepared by the Beaver and Piute counties GIS departments in February 2014,
6444 entitled "Tushar Mountain Region Timber Zone":

6445 (i) in Beaver County, Township 28S Range 4W, Township 29S Range 4W, Township
6446 27S Range 5W, Township 28S Range 5W, Township 29S Range 5W, Township 30S Range
6447 5W, Township 26S Range 6W, Township 27S Range 6W, Township 28S Range 6W,
6448 Township 29S Range 6W, and Township 30S Range 6W; and

6449 (ii) in Piute County, Township 26S Range 6W, Township 27S Range 6W, Township
6450 26S Range 5W, Township 27S Range 5W, Township 28S Range 5W, Township 29S Range
6451 5W, Township 30S Range 5W, Township 26S Range 4.5W, Township 26S Range 4W,
6452 Township 28S Range 4W, Township 29S Range 4W, and Township 30S Range 4W;

6453 (b) "Panguitch Lake Region Timber Zone," consisting of certain Forest Service lands
6454 situated in the following townships in Iron, Kane, and Garfield counties, as more fully
6455 illustrated in the map jointly prepared by the Iron, Kane, and Garfield counties GIS
6456 departments in February 2014, entitled "Panguitch Lake Region Timber Zone":

6457 (i) in Iron County, Township 34S Range 7W, Township 35S Range 8W, Township 36S
6458 Range 8W, Township 36S Range 9W (excluding Cedar Breaks National Monument and
6459 Ashdown Wilderness Area), Township 37S Range 8W, and Township 37S Range 9W;

6460 (ii) in Kane County, Township 38S Range 9W, Township 38S Range 8W, Township
6461 38S Range 7W, Township 38S Range 6W, Township 39S Range 8W, Township 39S Range
6462 7W, and Township 39S Range 6W; and

6463 (iii) in Garfield County, Township 35S Range 7W, Township 35S Range 6W,
6464 Township 36S Range 7W, Township 36S Range 6W, Township 37S Range 7W, and Township
6465 37S Range 6W;

6466 (c) "Monroe Mountain Region Timber Zone," consisting of certain Forest Service
6467 lands in the following townships in Piute County, as more fully illustrated in the map prepared
6468 by the Piute County GIS department in February 2014, entitled "Monroe Mountain Region
6469 Timber Zone": Township 26S Range 3W, Township 27S Range 2.5W, Township 28S Range
6470 2.5W, Township 29S Range 2.5W, Township 26S Range 2W, Township 27S Range 2W,
6471 Township 28S Range 2W, Township 29S Range 2W, Township 26S Range 1W, and Township
6472 7S Range 1W;

6473 (d) "Boulder Mountain Region Timber Zone," consisting of certain Forest Service
6474 lands situated in the following townships in Wayne and Garfield counties, as more fully
6475 illustrated in the map jointly prepared by the Wayne and Garfield counties GIS departments in

6476 February 2014, entitled "Boulder Mountain Region Timber Zone":

6477 (i) in Wayne County, Township 30S Range 3E, Township 30S Range 4E, and
6478 Township 30S Range 5E; and

6479 (ii) in Garfield County, Township 31S Range 1E, Township 31S Range 2E, Township
6480 31S Range 3E, Township 32S Range 2E, Township 32S Range 3E, Township 32S Range 4E,
6481 Township 33S Range 3E, Township 33S Range 4E, Township 30 1/2S Range 5E, Township
6482 31S Range 5E, Township 31S Range 6E, Township 32S Range 5E, and Township 32S Range
6483 6E;

6484 (e) "Thousand Lake Region Timber Zone," consisting of certain Forest Service lands in
6485 the following townships in Wayne County, as more fully illustrated in the map prepared by the
6486 Wayne County GIS department in February 2014, entitled "Thousand Lake Region Timber
6487 Zone": Township 26S Range 4E, Township 27S Range 4E, and Township 28S Range 4E;

6488 (f) "Millers Flat Region Timber Zone," consisting of certain Forest Service lands
6489 situated in the following townships in Sanpete County, as more fully illustrated in the map
6490 prepared by the Sanpete County GIS department in February 2014, entitled "Millers Flat
6491 Region Timber Zone": Township 16S Range 5E, Township 17S Range 5E, Township 17S
6492 Range 4E, and Township 17S Range 6E;

6493 (g) "East Fork Timber Zone," consisting of certain Forest Service lands situated in the
6494 following townships in Garfield and Kane counties, as more fully illustrated in the map jointly
6495 prepared by the Garfield and Kane counties GIS departments in February 2014, entitled "East
6496 Fork Region Timber Zone":

6497 (i) in Garfield County, Township 36S Range 4 1/2W, Township 36S Range 4W,
6498 Township 37S Range 5W, Township 37S Range 4 1/2W, and Township 37S Range 4W; and

6499 (ii) in Kane County, Township 38S Range 5W, Township 38S Range 4.5W, Township
6500 39S Range 5W, and Township 39S Range 4.5W;

6501 (h) "Upper Valley Timber Zone," consisting of certain Forest Service lands situated in
6502 the following townships in Garfield County, as more fully illustrated in the map prepared by
6503 the Garfield County GIS department in February 2014, entitled "Upper Valley Region Timber
6504 Zone": Township 34S Range 1W, Township 35S Range 1W, Township 35S Range 1E,
6505 Township 36S Range 1W, Township 36S Range 1E, and Township 37S Range 1E;

6506 (i) "Iron Springs Timber Zone," consisting of certain Forest Service lands situated in

6507 the following townships in Garfield County, as more fully illustrated in the map prepared by
6508 the Garfield County GIS department in February 2014, entitled "Iron Springs Region Timber
6509 Zone": Township 32S Range 1E, Township 33S Range 1W, Township 33S Range 1E, and
6510 Township 34S Range 1W; and

6511 (j) "Dutton Timber Zone," consisting of certain Forest Service lands situated in the
6512 following townships in Garfield County, as more fully illustrated in the map prepared by the
6513 Garfield County GIS department in February 2014, entitled "Dutton Region Timber Zone":
6514 Township 32S Range 3W, Township 32S Range 2W, Township 33S Range 3W, and Township
6515 33S Range 2W.

6516 (3) Printed copies of the maps referenced in Subsection (2) shall be available for
6517 inspection by the public at the offices of the Utah Association of Counties.

6518 (4) The state finds with respect to the zones described in Subsection (2) that:

6519 (a) agricultural timber, logging, and forest product industries on the lands comprising
6520 these timber zones have provided a significant contribution to the history, customs, culture,
6521 economy, welfare, and other values of each area for many decades;

6522 (b) abundant natural and vegetative resources exist within these zones to support and
6523 expand continued, responsible timber, logging, and other forest product activities;

6524 (c) agricultural timber, logging, and forest product activities in these zones, and the
6525 associated historic resources, human history, shaping of human endeavors, variety of cultural
6526 resources, landmarks, structures, and other objects of historic or scientific interest are worthy of
6527 recognition, preservation, and protection;

6528 (d) (i) the highest management priority for lands within these zones is maintenance and
6529 promotion of forest and vegetation ecosystem health achieved by responsible active
6530 management in development of historic, existing, and future timber, logging, and forest
6531 product resources in order to provide protection for the resources, objects, customs, culture,
6532 and values identified above; and

6533 (ii) notwithstanding Subsection (4)(d)(i), if part or all of any zone lies within a sage
6534 grouse management area, then the management priorities for such part shall be consistent with
6535 the management priorities set forth in Subsection (4)(d)(i) to the maximum extent consistent
6536 with the management priorities of the sage grouse management area;

6537 (e) subject to Subsection (4)(d)(ii), responsible development of any deposits of energy

6538 and mineral resources, including oil, natural gas, oil shale, oil sands, coal, phosphate, gold,
6539 uranium, and copper, as well as areas with wind and solar energy potential, that may exist in
6540 these zones is compatible with the management priorities of Subsection (4)(d)(i) in these
6541 zones; and

6542 (f) subject to Subsection (4)(d)(ii), responsible development of any recreation
6543 resources, including wildlife, roads, campgrounds, water resources, trails, OHV use,
6544 sightseeing, canyoneering, hunting, fishing, trapping, and hiking resources that may exist in
6545 these timber zones is compatible with the management priorities of Subsection (4)(d)(i) in
6546 these timber zones.

6547 (5) The state finds that the historic levels of timber, logging, and forest products
6548 activities in the zones described in Subsection (2) have greatly diminished, or are under serious
6549 threat, due to:

6550 (a) unreasonable, arbitrary, and unlawfully restrictive federal management policies,
6551 including:

6552 (i) de facto managing for wilderness in nonwilderness areas;

6553 (ii) ignoring the multiple use sustained yield mission of the Forest Service;

6554 (iii) ignoring the fact that the Forest Service's parent agency is the United States
6555 Department of Agriculture whose mission includes providing timber as an important
6556 agriculture resource; and

6557 (iv) the arbitrary administrative reductions in timber, logging, and forest products
6558 activities;

6559 (b) improper management of forest vegetation resulting in the overcrowding of old
6560 growth alpine species and the crowding out of aspen diversity, all of which results in:

6561 (i) devastation of entire mountainsides due to insect infestation and disease;

6562 (ii) reduced water yield;

6563 (iii) increased catastrophic wildfire;

6564 (iv) increased soil erosion;

6565 (v) degradation of wildlife habitat; and

6566 (vi) suppression and threatened extinction of important rural economic activities; and

6567 (c) other practices that degrade overall forest health.

6568 (6) To protect and preserve against the threats described in Subsection (5), the state

6569 supports the following with respect to the zones described in Subsection (2):

6570 (a) efficient and responsible development, within each timber zone, of:

6571 (i) robust timber thinning and harvesting programs and activities; and

6572 (ii) other uses compatible with increased timber, logging, and forest product activities,

6573 including a return to historic levels of timber, logging, and forest product activity in each of

6574 these zones;

6575 (b) a cooperative management approach by federal agencies, the state, and local

6576 governments to achieve broadly supported management plans for the full development, within

6577 each timber zone, of:

6578 (i) forest product resources; and

6579 (ii) other uses compatible with timber activities; and

6580 (c) effective and responsible management of wildlife habitat.

6581 (7) The state requests that the federal agencies that administer lands within each timber

6582 zone:

6583 (a) fully cooperate and coordinate with the state and the respective counties within

6584 which each timber zone is situated to develop, amend, and implement land and resource

6585 management plans and implement management decisions that are consistent with the purposes,

6586 goals, and policies described in this section to the maximum extent allowed under federal law;

6587 (b) expedite the processing, granting, and streamlining of logging and forest product

6588 harvesting permits, range improvements, and applications to enhance and otherwise develop

6589 existing and permitted timber resources located within each timber zone, including renewable

6590 vegetative resources;

6591 (c) expedite stewardship programs to allow private enterprise to carry out the timber,

6592 logging, and forest activities described in this section;

6593 (d) allow continued maintenance and increased development of roads, power lines,

6594 pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies

6595 described in this section and consistent with multiple use and sustained yield principles;

6596 (e) refrain from any planning decisions and management actions that will undermine,

6597 restrict, or diminish the goals, purposes, and policies for each timber zone as stated in this

6598 section; and

6599 (f) subject to Subsection (4)(d)(ii), refrain from implementing a policy that is contrary

6600 to the goals and purposes described within this section.

6601 (8) (a) The state recognizes the importance of all areas on BLM and Forest Service
6602 lands high value lumber and forest product resources but establishes the special Timber
6603 Agricultural Commodity Zones to provide special protection and preservation against the
6604 identified threats found in Subsection (5) to exist in these zones.

6605 (b) It is the intent of the Legislature to designate additional Timber Agricultural
6606 Commodity Zones in future years, if circumstances warrant special protection and preservation
6607 for new zones.

6608 (9) The state calls upon applicable federal, state, and local agencies to coordinate with
6609 each other and establish applicable intergovernmental standing commissions, with membership
6610 consisting of representatives from the United States government, the state, and local
6611 governments to coordinate and achieve consistency in planning decisions and management
6612 actions in the zones described in Subsection (2).

6613 (10) Notwithstanding the provisions of this section, and subject to Subsection
6614 (4)(d)(ii), the state's mineral, oil, gas, and energy policies, as well as its grazing policies, on
6615 land within zones described in Subsection (2), shall continue to be governed by Sections
6616 [~~63J-4-401~~] [63L-11-302](#), [63L-11-303](#), and [63J-8-104](#).

6617 Section 81. Section **63J-8-106** is amended to read:

6618 **63J-8-106. County supported federal land use designation proposed in proposed**
6619 **congressional land use legislation -- Process for legislative review of proposed federal**
6620 **legislation land use within a county.**

6621 (1) (a) Notwithstanding any other provision of this chapter, the Legislature may, in
6622 accordance with this section, recommend to the Utah congressional delegation proposed
6623 congressional land use legislation that is supported by a county.

6624 (b) A county that fails to comply with the requirements of this section may not
6625 communicate or otherwise represent in any way that a federal land use designation contained in
6626 proposed congressional land use legislation has the support or approval of the Legislature.

6627 (2) If a county supports a federal land use designation contained in proposed
6628 congressional land use legislation, the county shall:

6629 (a) prepare a report on the proposed congressional land use legislation in accordance
6630 with Subsection (3);

6631 (b) draft a concurrent resolution for a legislative committee's consideration, in
6632 accordance with Subsection (7)(a), in support of the proposed congressional land use
6633 legislation; and

6634 (c) subject to Subsection (4)(a), deliver the report and draft concurrent resolution to the
6635 office.

6636 (3) The report required in Subsection (2)(a) shall include:

6637 (a) a copy of the proposed congressional land use legislation;

6638 (b) a detailed description of the land or watercourse proposed for a federal land use
6639 designation, including:

6640 (i) the total acres of federal land proposed for a federal land use designation;

6641 (ii) (A) a map showing the location of the land or watercourse; and
6642 (B) the proposed type of federal land use designation for each location;

6643 (iii) a proposed land conveyance or land proposed for auction by the BLM, if any; and
6644 (iv) (A) school and institutional trust land, as defined in Section [53C-1-103](#), proposed
6645 for a land exchange, if any; and
6646 (B) whether the county has coordinated with SITLA on the proposed land exchange;

6647 (c) an explanation of whether a federal land use designation will assist in resolving
6648 long-standing public lands issues, such as wilderness disputes, economic development,
6649 recreational use, and access to public lands;

6650 (d) a narrative description of the economic, recreational, and cultural impacts, taken as
6651 a whole, on a county and the state that would occur if Congress adopted the proposed
6652 congressional land use legislation, including an impact on state revenues;

6653 (e) an account of actions, if any, proposed in a federal land use designation to minimize
6654 impacts on:

6655 (i) resource extraction activities occurring on the land or in the watercourse proposed
6656 for a federal land use designation, including mining and energy development; and
6657 (ii) motorized recreational use and public access;

6658 (f) a summary of potential benefits gained by the county and state if Congress adopts
6659 the proposed congressional land use legislation;

6660 (g) a description of the stakeholders and their positions on a federal land use
6661 designation;

- 6662 (h) whether land identified for a federal land use designation is BLM recommended
6663 wilderness;
- 6664 (i) an explanation of what the proposed congressional land use legislation proposes for
6665 federal land located in the county other than land identified for the federal land use designation;
- 6666 (j) (i) a description of the impact that, if adopted by Congress, the proposed
6667 congressional land use legislation would have on access to roads currently identified as part of
6668 an adopted county transportation plan as described in Section [~~63J-4-401~~] [63L-11-303](#); and
6669 (ii) if a federal land use designation proposes to close a road described in Subsection
6670 (3)(j)(i), an explanation for the road closure and a copy of the minutes of any county public
6671 hearing in which the proposed road closures were discussed and public comment was taken;
- 6672 (k) (i) a description of a proposed resolution for an R.S. 2477 right-of-way, if any,
6673 located within the area identified in a federal land use designation; and
6674 (ii) whether a proposed resolution described in Subsection (3)(k)(i) would include a
6675 quiet title action concerning an R.S. 2477 right-of-way;
- 6676 (l) an explanation of whether a federal land use designation proposes a hard release of
6677 all public lands and watercourses not included in the federal land use designation, placing the
6678 land and watercourses in multiple use management;
- 6679 (m) an explanation of whether a federal land use designation proposes a prohibition on
6680 further federal action under the Antiquities Act of 1906, 16 U.S.C. Sec. 431 et seq.;
- 6681 (n) a narrative description of a federal land use designation's interaction with, if any, a
6682 regional haze rule adopted by the United States Environmental Protection Agency;
- 6683 (o) an explanation of whether a federal land use designation would authorize best
6684 management practices as part of an active effort to control on the land or watercourse proposed
6685 for a federal land use designation:
- 6686 (i) wildfire;
6687 (ii) invasive species, including insects; and
6688 (iii) disease;
- 6689 (p) if applicable, a statement as to whether a federal land use designation would allow
6690 for the continuation of existing grazing permits;
- 6691 (q) a statement as to the presence or need of passive water management facilities or
6692 activities for livestock or wildlife, such as guzzlers or fencing, for the management of wildlife

6693 or livestock;

6694 (r) if a federal land use designation identifies land that has oil, gas, or mineral deposits,
6695 an explanation as to why the federal land use designation includes the land;

6696 (s) (i) a statement as to whether a federal land use designation:

6697 (A) affects land or a watercourse located exclusively within the county; or

6698 (B) affects, whether by an actual federal land use designation or by implication if a
6699 federal land use designation is adopted, land or a watercourse located in another county; and

6700 (ii) if the land use proposal would affect land or a watercourse located in another
6701 county, whether that county supports the proposed congressional land use legislation;

6702 (t) an explanation of whether a proposed land use designation designates land as
6703 wilderness in the National Wilderness Preservation System or designates land as a national
6704 conservation area that is not part of:

6705 (i) BLM recommended wilderness; or

6706 (ii) Forest Service land recommended for wilderness designation in RARE II; and

6707 (u) a statement explaining whether and to what extent members of Utah's congressional
6708 delegation and their staff were consulted in preparing the proposed congressional land use
6709 legislation and the federal land use designation contained therein.

6710 (4) (a) No later than 60 days before delivering a report and draft concurrent resolution
6711 in accordance with Subsection (2), a county shall contact and inform the office of the county's
6712 intention to prepare and deliver the report and draft concurrent resolution.

6713 (b) The office may give general guidance to a county described in Subsection (4)(a), as
6714 requested, as to compliance with this section.

6715 (5) The office shall prepare an evaluation of the county's report, including whether the
6716 county has addressed each matter described in Subsection (3).

6717 (6) The office shall deliver the evaluation described in Subsection (5), including a copy
6718 of the county's report, the proposed congressional land use legislation, and the draft concurrent
6719 resolution, no later than 30 days after receiving the county's report:

6720 (a) if the Legislature is not in session, and subject to Subsection (6)(b), to the chair of
6721 the Natural Resources, Agriculture, and Environment Interim Committee; or

6722 (b) if the Legislature is in session or there are no scheduled meetings of the Natural
6723 Resources, Agriculture, and Environment Interim Committee before the beginning of the next

6724 legislative session, to the chair of either the House Natural Resources, Agriculture, and
6725 Environment Committee or the Senate Natural Resources, Agriculture, and Environment
6726 Committee.

6727 (7) (a) At a committee's next scheduled meeting after receiving a report, the draft
6728 concurrent resolution, and a copy of the proposed congressional land use legislation, the
6729 committee shall:

6730 (i) review:

6731 (A) the county's report;

6732 (B) the draft concurrent resolution, if the concurrent resolution has a legislative
6733 sponsor; and

6734 (C) the office's evaluation;

6735 (ii) if the draft concurrent resolution is presented to the committee, consider whether to
6736 approve or reject the draft concurrent resolution;

6737 (iii) if the draft concurrent resolution is rejected, provide direction to the county as to
6738 the reasons the resolution was rejected and the actions that the county might take to secure
6739 committee approval of the resolution; and

6740 (iv) take any additional action the committee finds necessary.

6741 (b) A legislative committee may not accept for review a county-supported federal land
6742 use designation contained in proposed congressional land use legislation that does not meet the
6743 requirements of this section.

6744 (8) (a) If the committee rejects the draft concurrent resolution, a county may resubmit a
6745 revised report and draft concurrent resolution to the office in accordance with the terms of this
6746 section.

6747 (b) Upon receipt of a revised report and draft concurrent resolution, the office shall
6748 comply with the procedures set forth in this section.

6749 (c) Upon receipt of a revised report, evaluation, and draft concurrent resolution by the
6750 office, a committee described in Subsection (6) shall comply with the procedures set forth in
6751 this section.

6752 (9) The governor may call a special session to consider the concurrent resolution
6753 presented to and approved by a committee described in Subsection (7)(a).

6754 (10) If a concurrent resolution described in this section is adopted by the Legislature

6755 and signed by the governor, the Office of the Governor shall forward a copy of the concurrent
 6756 resolution, the county's report, and the proposed congressional land use legislation to Utah's
 6757 congressional delegation.

6758 Section 82. Section **63L-2-301** is amended to read:

6759 **63L-2-301. Promoting or lobbying for a federal designation within the state.**

6760 (1) As used in this section:

6761 (a) "Federal designation" means the designation of a:

6762 (i) national monument;

6763 (ii) national conservation area;

6764 (iii) wilderness area or wilderness study area;

6765 (iv) area of critical environmental concern;

6766 (v) research natural area; or

6767 (vi) national recreation area.

6768 (b) (i) "Governmental entity" means:

6769 (A) a state-funded institution of higher education or public education;

6770 (B) a political subdivision of the state;

6771 (C) an office, agency, board, bureau, committee, department, advisory board, or
 6772 commission that the government funds or establishes to carry out the public's business,
 6773 regardless of whether the office, agency board, bureau, committee, department, advisory board,
 6774 or commission is composed entirely of public officials or employees;

6775 (D) an interlocal entity as defined in Section [11-13-103](#) or a joint or cooperative
 6776 undertaking as defined in Section [11-13-103](#);

6777 (E) a governmental nonprofit corporation as defined in Section [11-13a-102](#); or

6778 (F) an association as defined in Section [53G-7-1101](#).

6779 (ii) "Governmental entity" does not mean:

6780 (A) the School and Institutional Trust Lands Administration created in Section
 6781 [53C-1-201](#);

6782 (B) the School and Institutional Trust Lands Board of Trustees created in Section
 6783 [53C-1-202](#);

6784 (C) the Office of the Governor;

6785 (D) the Governor's Office of ~~[Management]~~ Planning and Budget created in Section

6786 [63J-4-201](#);

6787 (E) the Public Lands Policy Coordinating Office created in Section [~~63J-4-602~~]

6788 [63L-11-201](#);

6789 (F) the Office of Energy Development created in Section [63M-4-401](#); or

6790 (G) the Governor's Office of Economic Development created in Section [63N-1-201](#),
6791 including the Office of Tourism and the Utah Office of Outdoor Recreation created in Section
6792 [63N-9-104](#).

6793 (2) (a) A governmental entity, or a person a governmental entity employs and
6794 designates as a representative, may investigate the possibility of a federal designation within
6795 the state.

6796 (b) A governmental entity that intends to advocate for a federal designation within the
6797 state shall:

6798 (i) notify the chairs of the following committees before the introduction of federal
6799 legislation:

6800 (A) the Natural Resources, Agriculture, and Environment Interim Committee, if
6801 constituted, and the Federalism Commission; or

6802 (B) if the notice is given during a General Session, the House and Senate Natural
6803 Resources, Agriculture, and Environment Standing Committees; and

6804 (ii) upon request of the chairs, meet with the relevant committee to review the proposal.

6805 (3) This section does not apply to a political subdivision supporting a federal
6806 designation if the federal designation:

6807 (a) applies to 5,000 acres or less; and

6808 (b) has an economical or historical benefit to the political subdivision.

6809 Section 83. Section **63L-10-102** is amended to read:

6810 **63L-10-102. Definitions.**

6811 As used in this chapter:

6812 (1) "Commission" means the Federalism Commission.

6813 (2) "Office" means the Public Lands Policy Coordinating Office established in Section
6814 [~~63J-4-602~~] [63L-11-201](#).

6815 (3) "Plan" means the statewide resource management plan, created pursuant to Section
6816 [~~63J-4-607~~] [63L-11-203](#) and adopted in Section [63L-10-103](#).

- 6817 (4) "Public lands" means:
- 6818 (a) land other than a national park that is managed by the United States Parks Service;
- 6819 (b) land that is managed by the United States Forest Service; and
- 6820 (c) land that is managed by the Bureau of Land Management.

6821 Section 84. Section **63L-11-101** is enacted to read:

CHAPTER 11. PUBLIC LANDS PLANNING

Part 1. General Provisions

63L-11-101. Title.

This chapter is known as "Public Lands Planning."

6826 Section 85. Section **63L-11-102**, which is renumbered from Section 63J-4-601 is
6827 renumbered and amended to read:

~~[63J-4-601].~~ **63L-11-102. Definitions.**

As used in this [part] chapter:

(1) "Coordinating committee" means the committee created in Section 63L-11-401.

~~[(1) "Coordinator"]~~ (2) "Executive director" means the public lands policy
[coordinator] executive director appointed [in this part] under Section 63L-11-201.

~~[(2)]~~ (3) "Office" means the Public Lands Policy Coordinating Office created [by this
part] in Section 63L-11-201.

~~[(3)]~~ (4) "Political subdivision" means:

(a) a county, municipality, local district, special service district, school district, or
interlocal [cooperation agreement entity, or any] entity, as defined in Section 11-13-103; or

(b) an administrative subunit of [them] an entity listed in Subsection (4)(a).

~~[(4) "State planning coordinator" means the person appointed under Subsection
63J-4-202(1)(a)(ii).]~~

Section 86. Section **63L-11-103** is enacted to read:

63L-11-103. Interrelationship with other law.

(1) Notwithstanding any provision of Section 63J-8-105.5, the state is committed to
establishing and administering an effective statewide conservation strategy for greater sage
grouse.

(2) Nothing in this chapter may be construed to restrict or supersede the planning
powers conferred upon departments, agencies, instrumentalities, or advisory councils of the

6848 state or the planning powers conferred upon political subdivisions by any other existing law.

6849 (3) Nothing in this chapter may be construed to affect any lands withdrawn from the
 6850 public domain for military purposes to be administered by the United States Army, Air Force,
 6851 or Navy.

6852 Section 87. Section **63L-11-201**, which is renumbered from Section 63J-4-602 is
 6853 renumbered and amended to read:

6854 **Part 2. Public Lands Policy Coordinating Office**

6855 ~~[63J-4-602].~~ **63L-11-201. Public Lands Policy Coordinating Office --**
 6856 **Executive director -- Appointment -- Qualifications -- Compensation.**

6857 (1) There is created within ~~[state government]~~ the governor's office the Public Lands
 6858 Policy Coordinating Office~~[-The office shall]~~ to be administered by [a public lands policy
 6859 coordinator] an executive director.

6860 (2) The ~~[coordinator]~~ executive director shall be appointed by the governor with the
 6861 advice and consent of the Senate and shall serve at the pleasure of the governor.

6862 (3) The ~~[coordinator]~~ executive director shall have demonstrated the necessary
 6863 administrative and professional ability through education and experience to efficiently and
 6864 effectively manage the office's affairs.

6865 (4) (a) The ~~[coordinator]~~ executive director and employees of the office shall receive
 6866 compensation as provided in Title 67, Chapter 19, Utah State Personnel Management Act.

6867 (b) The office space for the executive director and employees of the office shall be in a
 6868 building where the Department of Natural Resources is located.

6869 Section 88. Section **63L-11-202**, which is renumbered from Section 63J-4-603 is
 6870 renumbered and amended to read:

6871 ~~[63J-4-603].~~ **63L-11-202. Powers and duties of the office and executive**
 6872 **director.**

6873 (1) The ~~[coordinator and the]~~ office shall:

6874 (a) make a report to the Constitutional Defense Council created under Section
 6875 [63C-4a-202](#) concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter
 6876 4a, Constitutional and Federalism Defense Act;

6877 (b) provide staff assistance to the Constitutional Defense Council created under Section
 6878 [63C-4a-202](#) for meetings of the council;

- 6879 (c) (i) prepare and submit a constitutional defense plan under Section [63C-4a-403](#); and
6880 (ii) execute any action assigned in a constitutional defense plan;
- 6881 (d) [~~under the direction of the state planning coordinator, assist in fulfilling the state~~
6882 ~~planning coordinator's duties outlined in Section [63J-4-401](#) as those duties relate to the~~
6883 ~~development of] develop public lands policies by:~~
- 6884 (i) developing cooperative contracts and agreements between the state, political
6885 subdivisions, and agencies of the federal government for involvement in the development of
6886 public lands policies;
- 6887 (ii) producing research, documents, maps, studies, analysis, or other information that
6888 supports the state's participation in the development of public lands policy;
- 6889 (iii) preparing comments to ensure that the positions of the state and political
6890 subdivisions are considered in the development of public lands policy; and
- 6891 (iv) partnering with state agencies and political subdivisions in an effort to:
- 6892 (A) prepare coordinated public lands policies;
- 6893 (B) develop consistency reviews and responses to public lands policies;
- 6894 (C) develop management plans that relate to public lands policies; and
- 6895 (D) develop and maintain a statewide land use plan that is based on cooperation and in
6896 conjunction with political subdivisions; [~~and~~
- 6897 [~~providing other information or services related to public lands policies as~~
6898 ~~requested by the state planning coordinator;]~~
- 6899 (e) facilitate and coordinate the exchange of information, comments, and
6900 recommendations on public lands policies between and among:
- 6901 (i) state agencies;
- 6902 (ii) political subdivisions;
- 6903 (iii) the Office of Rural Development created under Section [63N-4-102](#);
- 6904 (iv) the [~~Resource Development Coordinating Committee created under Section~~
6905 ~~[63J-4-501](#)] coordinating committee;~~
- 6906 (v) School and Institutional Trust Lands Administration created under Section
6907 [53C-1-201](#);
- 6908 (vi) the committee created under Section [63F-1-508](#) to award grants to counties to
6909 inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and

- 6910 (vii) the Constitutional Defense Council created under Section [63C-4a-202](#);
- 6911 (f) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9,
6912 Chapter 8, Part 4, Historic Sites;
- 6913 (g) consistent with other statutory duties, encourage agencies to responsibly preserve
6914 archaeological resources;
- 6915 (h) maintain information concerning grants made under Subsection (1)(j), if available;
- 6916 (i) report annually, or more often if necessary or requested, concerning the office's
6917 activities and expenditures to:
- 6918 (i) the Constitutional Defense Council; and
- 6919 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim
6920 Committee jointly with the Constitutional Defense Council;
- 6921 (j) make grants of up to 16% of the office's total annual appropriations from the
6922 Constitutional Defense Restricted Account to a county or statewide association of counties to
6923 be used by the county or association of counties for public lands matters if the [~~coordinator~~
6924 executive director], with the advice of the Constitutional Defense Council, determines that the
6925 action provides a state benefit;
- 6926 (k) provide staff services to the Snake Valley Aquifer Advisory Council created in
6927 Section [63C-12-103](#);
- 6928 (l) coordinate and direct the Snake Valley Aquifer Research Team created in Section
6929 [63C-12-107](#);
- 6930 (m) conduct the public lands transfer study and economic analysis required by Section
6931 [~~63J-4-606~~] [63L-11-304](#); and
- 6932 (n) fulfill the duties described in Section [63L-10-103](#).
- 6933 (2) The [~~coordinator and office~~] executive director shall comply with Subsection
6934 [63C-4a-203](#)(8) before submitting a comment to a federal agency, if the governor would be
6935 subject to Subsection [63C-4a-203](#)(8) [~~if the governor were~~] in submitting the [~~material~~
6936 comment].
- 6937 [~~(3) The office may enter into a contract or other agreement with another state agency~~
6938 ~~to provide information and services related to:~~]
- 6939 [~~(a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and~~
6940 ~~Classification Act;~~]

6941 ~~[(b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and~~
 6942 ~~Classification Act, or R.S. 2477 matters; or]~~

6943 ~~[(c) any other matter within the office's responsibility.]~~

6944 (3) The office may enter into an agreement with another state agency to provide
 6945 information and services related to:

6946 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and
 6947 Classification Act;

6948 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and
 6949 Classification Act, or R.S. 2477 matters; or

6950 (c) any other matter within the office's responsibility.

6951 (4) In fulfilling the duties under this part, the office shall consult, as necessary, with:

6952 (a) the Department of Natural Resources;

6953 (b) the Department of Agriculture and Food;

6954 (c) the Department of Environmental Quality;

6955 (d) other applicable state agencies;

6956 (e) political subdivisions of the state;

6957 (f) federal land management agencies; and

6958 (g) elected officials.

6959 Section 89. Section **63L-11-203**, which is renumbered from Section 63J-4-607 is
 6960 renumbered and amended to read:

6961 ~~[63J-4-607].~~ **63L-11-203. Resource management plan administration.**

6962 (1) The office shall consult with the Federalism Commission before expending funds
 6963 appropriated by the Legislature for the implementation of this section.

6964 (2) To the extent that the Legislature appropriates sufficient funding, the office may
 6965 procure the services of a non-public entity in accordance with Title 63G, Chapter 6a, Utah
 6966 Procurement Code, to assist the office with the office's responsibilities described in Subsection

6967 (3).

6968 (3) The office shall:

6969 (a) assist each county with the creation of the county's resource management plan by:

6970 (i) consulting with the county on policy and legal issues related to the county's resource
 6971 management plan; and

6972 (ii) helping the county ensure that the county's resource management plan meets the
6973 requirements of Subsection 17-27a-401(3);

6974 (b) promote quality standards among all counties' resource management plans; and

6975 (c) upon submission by a county, review and verify the county's:

6976 (i) estimated cost for creating a resource management plan; and

6977 (ii) actual cost for creating a resource management plan.

6978 (4) (a) A county shall cooperate with the office, or an entity procured by the office
6979 under Subsection (2), with regards to the office's responsibilities under Subsection (3).

6980 (b) To the extent that the Legislature appropriates sufficient funding, the office may, in
6981 accordance with Subsection (4)(c), provide funding to a county before the county completes a
6982 resource management plan.

6983 (c) The office may provide pre-completion funding described in Subsection (4)(b):

6984 (i) after:

6985 (A) the county submits an estimated cost for completing the resource management plan
6986 to the office; and

6987 (B) the office reviews and verifies the estimated cost in accordance with Subsection
6988 (3)(c)(i); and

6989 (ii) in an amount up to:

6990 (A) 50% of the estimated cost of completing the resource management plan, verified
6991 by the office; or

6992 (B) \$25,000, if the amount described in Subsection (4)(c)(i)(A) is greater than \$25,000.

6993 (d) To the extent that the Legislature appropriates sufficient funding, the office shall
6994 provide funding to a county in the amount described in Subsection (4)(e) after:

6995 (i) a county's resource management plan:

6996 (A) meets the requirements described in Subsection 17-27a-401(3); and

6997 (B) is adopted under Subsection 17-27a-404(5)(d);

6998 (ii) the county submits the actual cost of completing the resource management plan to
6999 the office; and

7000 (iii) the office reviews and verifies the actual cost in accordance with Subsection
7001 (3)(c)(ii).

7002 (e) The office shall provide funding to a county under Subsection (4)(d) in an amount

7003 equal to the difference between:

7004 (i) the lesser of:

7005 (A) the actual cost of completing the resource management plan, verified by the office;

7006 or

7007 (B) \$50,000; and

7008 (ii) the amount of any pre-completion funding that the county received under

7009 Subsections (4)(b) and (c).

7010 (5) To the extent that the Legislature appropriates sufficient funding, after the deadline

7011 established in Subsection 17-27a-404(5)(d) for a county to adopt a resource management plan,

7012 the office shall:

7013 (a) obtain a copy of each county's resource management plan;

7014 (b) create a statewide resource management plan that:

7015 (i) meets the same requirements described in Subsection 17-27a-401(3); and

7016 (ii) to the extent reasonably possible, coordinates and is consistent with any resource

7017 management plan or land use plan established under Chapter 8, State of Utah Resource

7018 Management Plan for Federal Lands; and

7019 (c) submit a copy of the statewide resource management plan to the Federalism

7020 Commission for review.

7021 (6) Following review of the statewide resource management plan, the Federalism

7022 Commission shall prepare a concurrent resolution approving the statewide resource

7023 management plan for consideration during the 2018 General Session.

7024 (7) To the extent that the Legislature appropriates sufficient funding, the office shall

7025 provide legal support to a county that becomes involved in litigation with the federal

7026 government over the requirements of Subsection 17-27a-405(3).

7027 (8) After the statewide resource management plan is approved, as described in

7028 Subsection (6), and to the extent that the Legislature appropriates sufficient funding, the office

7029 shall monitor the implementation of the statewide resource management plan at the federal,

7030 state, and local levels.

7031 Section 90. Section **63L-11-301** is enacted to read:

7032 **Part 3. Office Duties Related to Federal Land**

7033 **63L-11-301. Office duties relating to plans for the management of federal land.**

7034 (1) (a) In preparing or assisting in the preparation of plans, policies, programs, or
7035 processes related to the management or use of federal land or natural resources on federal land
7036 in the state, the office shall:

7037 (i) incorporate the plans, policies, programs, processes, and desired outcomes of the
7038 counties where the federal lands or natural resources are located, to the maximum extent
7039 consistent with state and federal law, subject to Subsection (1)(b);

7040 (ii) identify inconsistencies or conflicts between the plans, policies, programs,
7041 processes, and desired outcomes prepared under Subsection (1)(a)(i) and the plans, programs,
7042 processes, and desired outcomes of local government as early in the preparation process as
7043 possible, and seek resolution of the inconsistencies through meetings or other conflict
7044 resolution mechanisms involving the necessary and immediate parties to the inconsistency or
7045 conflict;

7046 (iii) present to the governor the nature and scope of any inconsistency or other conflict
7047 that is not resolved under the procedures in Subsection (1)(a)(i) for the governor's decision
7048 about the position of the state concerning the inconsistency or conflict;

7049 (iv) develop, research, and use factual information, legal analysis, and statements of
7050 desired future condition for the state, or subregion of the state, as necessary to support the
7051 plans, policies, programs, processes, and desired outcomes of the state and the counties where
7052 the federal lands or natural resources are located;

7053 (v) establish and coordinate agreements between the state and federal land management
7054 agencies, federal natural resource management agencies, and federal natural resource
7055 regulatory agencies to facilitate state and local participation in the development, revision, and
7056 implementation of land use plans, guidelines, regulations, other instructional memoranda, or
7057 similar documents proposed or promulgated for lands and natural resources administered by
7058 federal agencies; and

7059 (vi) work in conjunction with political subdivisions to establish agreements with
7060 federal land management agencies, federal natural resource management agencies, and federal
7061 natural resource regulatory agencies to provide a process for state and local participation in the
7062 preparation of, or coordinated state and local response to, environmental impact analysis
7063 documents and similar documents prepared pursuant to law by state or federal agencies.

7064 (b) The requirement in Subsection (1)(a)(i) may not be interpreted to infringe upon the

7065 authority of the governor.

7066 (2) The office shall cooperate with and work in conjunction with appropriate state
7067 agencies and political subdivisions to develop policies, plans, programs, processes, and desired
7068 outcomes authorized by this section by coordinating the development of positions:

7069 (a) through the coordinating committee;

7070 (b) in conjunction with local government officials concerning general local government
7071 plans; and

7072 (c) by soliciting public comment through the coordinating committee.

7073 Section 91. Section **63L-11-302** is enacted to read:

7074 **63L-11-302. Principles to be recognized and promoted.**

7075 The office shall recognize and promote the following principles when preparing any
7076 policies, plans, programs, processes, or desired outcomes relating to federal lands and natural
7077 resources on federal lands under Section [63L-11-301](#):

7078 (1) (a) the citizens of the state are best served by applying multiple-use and
7079 sustained-yield principles in public land use planning and management; and

7080 (b) multiple-use and sustained-yield management means that federal agencies should
7081 develop and implement management plans and make other resource-use decisions that:

7082 (i) achieve and maintain in perpetuity a high-level annual or regular periodic output of
7083 mineral and various renewable resources from public lands;

7084 (ii) support valid existing transportation, mineral, and grazing privileges at the highest
7085 reasonably sustainable levels;

7086 (iii) support the specific plans, programs, processes, and policies of state agencies and
7087 local governments;

7088 (iv) are designed to produce and provide the desired vegetation for the watersheds,
7089 timber, food, fiber, livestock forage, wildlife forage, and minerals that are necessary to meet
7090 present needs and future economic growth and community expansion without permanent
7091 impairment of the productivity of the land;

7092 (v) meet the recreational needs and the personal and business-related transportation
7093 needs of the citizens of the state by providing access throughout the state;

7094 (vi) meet the recreational needs of the citizens of the state;

7095 (vii) meet the needs of wildlife;

- 7096 (viii) provide for the preservation of cultural resources, both historical and
7097 archaeological;
- 7098 (ix) meet the needs of economic development;
7099 (x) meet the needs of community development; and
7100 (xi) provide for the protection of water rights;
- 7101 (2) managing public lands for wilderness characteristics circumvents the statutory
7102 wilderness process and is inconsistent with the multiple-use and sustained-yield management
7103 standard that applies to all Bureau of Land Management and United States. Forest Service
7104 lands that are not wilderness areas or wilderness study areas;
- 7105 (3) all waters of the state are:
- 7106 (a) owned exclusively by the state in trust for the state's citizens;
7107 (b) are subject to appropriation for beneficial use; and
7108 (c) are essential to the future prosperity of the state and the quality of life within the
7109 state;
- 7110 (4) the state has the right to develop and use the state's entitlement to interstate rivers;
7111 (5) all water rights desired by the federal government must be obtained through the
7112 state water appropriation system;
- 7113 (6) land management and resource-use decisions which affect federal lands should give
7114 priority to and support the purposes of the compact between the state and the United States
7115 related to school and institutional trust lands;
- 7116 (7) development of the solid, fluid, and gaseous mineral resources of the state is an
7117 important part of the economy of the state, and of local regions within the state;
- 7118 (8) the state should foster and support industries that take advantage of the state's
7119 outstanding opportunities for outdoor recreation;
- 7120 (9) wildlife constitutes an important resource and provides recreational and economic
7121 opportunities for the state's citizens;
- 7122 (10) proper stewardship of the land and natural resources is necessary to ensure the
7123 health of the watersheds, timber, forage, and wildlife resources to provide for a continuous
7124 supply of resources for the people of the state and the people of the local communities who
7125 depend on these resources for a sustainable economy;
- 7126 (11) forests, rangelands, timber, and other vegetative resources;

- 7127 (a) provide forage for livestock;
7128 (b) provide forage and habitat for wildlife;
7129 (c) provide resources for the state's timber and logging industries;
7130 (d) contribute to the state's economic stability and growth; and
7131 (e) are important for a wide variety of recreational pursuits;
7132 (12) management programs and initiatives that improve watersheds and forests and
7133 increase forage for the mutual benefit of wildlife species and livestock, logging, and other
7134 agricultural industries by utilizing proven techniques and tools are vital to the state's economy
7135 and the quality of life in the state; and
7136 (13) (a) land management plans, programs, and initiatives should provide that the
7137 amount of domestic livestock forage, expressed in animal unit months, for permitted, active
7138 use as well as the wildlife forage included in that amount, be no less than the maximum
7139 number of animal unit months sustainable by range conditions in grazing allotments and
7140 districts, based on an on-the-ground and scientific analysis;
7141 (b) the state opposes the relinquishment or retirement of grazing animal unit months in
7142 favor of conservation, wildlife, and other uses;
7143 (c) (i) the state favors the best management practices that are jointly sponsored by
7144 cattlemen, sportsmen, and wildlife management groups such as chaining, logging, seeding,
7145 burning, and other direct soil and vegetation prescriptions that are demonstrated to restore
7146 forest and rangeland health, increase forage, and improve watersheds in grazing districts and
7147 allotments for the benefit of domestic livestock and wildlife;
7148 (ii) when practices described in Subsection (13)(c)(i) increase a grazing allotment's
7149 forage beyond the total permitted forage use that was allocated to that allotment in the last
7150 federal land use plan or allotment management plan still in existence as of January 1, 2005, a
7151 reasonable and fair portion of the increase in forage beyond the previously allocated total
7152 permitted use should be allocated to wildlife as recommended by a joint, evenly balanced
7153 committee of livestock and wildlife representatives that is appointed and constituted by the
7154 governor for that purpose; and
7155 (iii) the state favors quickly and effectively adjusting wildlife population goals and
7156 population census numbers in response to variations in the amount of available forage caused
7157 by drought or other climatic adjustments, and state agencies responsible for managing wildlife

7158 population goals and population census numbers will, when making those adjustments, give
7159 due regard to both the needs of the livestock industry and the need to prevent the decline of
7160 species to a point of listing under the terms of the Endangered Species Act;

7161 (d) the state opposes the transfer of grazing animal unit months to wildlife for
7162 supposed reasons of rangeland health;

7163 (e) reductions in domestic livestock animal unit months must be temporary and
7164 scientifically based upon rangeland conditions;

7165 (f) policies, plans, programs, initiatives, resource management plans, and forest plans
7166 may not allow the placement of grazing animal unit months in a suspended use category unless
7167 there is a rational and scientific determination that the condition of the rangeland allotment or
7168 district in question will not sustain the animal unit months sought to be placed in suspended
7169 use;

7170 (g) any grazing animal unit months that are placed in a suspended use category should
7171 be returned to active use when range conditions improve;

7172 (h) policies, plans, programs, and initiatives related to vegetation management should
7173 recognize and uphold the preference for domestic grazing over alternate forage uses in
7174 established grazing districts while upholding management practices that optimize and expand
7175 forage for grazing and wildlife in conjunction with state wildlife management plans and
7176 programs in order to provide maximum available forage for all uses; and

7177 (i) in established grazing districts, animal unit months that have been reduced due to
7178 rangeland health concerns should be restored to livestock when rangeland conditions improve,
7179 and should not be converted to wildlife use.

7180 Section 92. Section **63L-11-303** is enacted to read:

7181 **63L-11-303. Findings to be recognized and promoted.**

7182 The office shall recognize and promote the following findings in the preparation of any
7183 policies, plans, programs, processes, or desired outcomes under Section [63L-11-301](#) relating to
7184 federal lands and natural resources on federal lands:

7185 (1) as a coholder of R.S. 2477 rights-of-way with the counties, the state supports the
7186 state's recognition by the federal government and the public use of R.S. 2477 rights-of-way and
7187 urges the federal government to fully recognize the rights-of-way and their use by the public as
7188 expeditiously as possible;

7189 (2) it is the policy of the state to use reasonable administrative and legal measures to
7190 protect and preserve valid existing rights-of-way granted by Congress under R.S. 2477, and to
7191 support and work in conjunction with counties to redress cases where R.S. 2477 rights-of-way
7192 are not recognized or are impaired; and

7193 (3) transportation and access routes to and across federal lands, including all
7194 rights-of-way vested under R.S. 2477, are vital to the state's economy and to the quality of life
7195 in the state, and must provide, at a minimum, a network of roads throughout the resource
7196 planning area that provides for:

7197 (a) movement of people, goods, and services across public lands;

7198 (b) reasonable access to a broad range of resources and opportunities throughout the
7199 resource planning area, including:

7200 (i) livestock operations and improvements;

7201 (ii) solid, fluid, and gaseous mineral operations;

7202 (iii) recreational opportunities and operations, including motorized and nonmotorized
7203 recreation;

7204 (iv) search and rescue needs;

7205 (v) public safety needs; and

7206 (vi) access for transportation of wood products to market;

7207 (c) access to federal lands for people with disabilities and the elderly; and

7208 (d) access to state lands and school and institutional trust lands to accomplish the
7209 purposes of those lands;

7210 (4) the state's support for the addition of a river segment to the National Wild and
7211 Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:

7212 (a) it is clearly demonstrated that water is present and flowing at all times;

7213 (b) it is clearly demonstrated that the required water-related value is considered
7214 outstandingly remarkable within a region of comparison consisting of one of the three
7215 physiographic provinces in the state, and that the rationale and justification for the conclusions
7216 are disclosed;

7217 (c) it is clearly demonstrated that the inclusion of each river segment is consistent with
7218 the plans and policies of the state and the county or counties where the river segment is located
7219 as those plans and policies are developed according to Subsection (3);

7220 (d) the effects of the addition upon the local and state economies, agricultural and
7221 industrial operations and interests, outdoor recreation, water rights, water quality, water
7222 resource planning, and access to and across river corridors in both upstream and downstream
7223 directions from the proposed river segment have been evaluated in detail by the relevant federal
7224 agency;

7225 (e) it is clearly demonstrated that the provisions and terms of the process for review of
7226 potential additions have been applied in a consistent manner by all federal agencies;

7227 (f) the rationale and justification for the proposed addition, including a comparison
7228 with protections offered by other management tools, is clearly analyzed within the multiple-use
7229 mandate, and the results disclosed;

7230 (g) it is clearly demonstrated that the federal agency that has management authority
7231 over the river segment and that is proposing the segment for inclusion in the National Wild and
7232 Scenic River System will not use the actual or proposed designation as a basis to impose
7233 management standards outside of the federal land management plan;

7234 (h) it is clearly demonstrated that the federal land and resource management plan
7235 containing a recommendation for inclusion in the National Wild and Scenic River System:

7236 (i) evaluates all eligible river segments in the resource planning area completely and
7237 fully for suitability for inclusion in the National Wild and Scenic River System;

7238 (ii) does not suspend or terminate any studies for inclusion in the National Wild and
7239 Scenic River System at the eligibility phase;

7240 (iii) fully disclaims any interest in water rights for the recommended segment as a
7241 result of the adoption of the plan; and

7242 (iv) fully disclaims the use of the recommendation for inclusion in the National Wild
7243 and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for
7244 projects upstream, downstream, or within the recommended segment;

7245 (i) it is clearly demonstrated that the agency with management authority over the river
7246 segment commits not to use an actual or proposed designation as a basis to impose Visual
7247 Resource Management Class I or II management prescriptions that do not comply with the
7248 provisions of Subsection (24); and

7249 (j) it is clearly demonstrated that including the river segment and the terms and
7250 conditions for managing the river segment as part of the National Wild and Scenic River

7251 System will not prevent, reduce, impair, or otherwise interfere with:

7252 (i) the enjoyment of the state and the state's citizens of complete and exclusive water
7253 rights in and to the rivers of the state as determined by the laws of the state; or

7254 (ii) local, state, regional, or interstate water compacts to which the state or any county
7255 is a party;

7256 (5) the conclusions of all studies related to potential additions to the National Wild and
7257 Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and
7258 action by the Legislature and governor, and the results, in support of or in opposition to, are
7259 included in any planning documents or other proposals for addition and are forwarded to the
7260 United States Congress;

7261 (6) the state's support for designation of an Area of Critical Environmental Concern
7262 (ACEC), as defined in 43 U.S.C. Sec. 1702, within federal land management plans will be
7263 withheld until:

7264 (a) it is clearly demonstrated that the proposed area satisfies all the definitional
7265 requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec.
7266 1702(a);

7267 (b) it is clearly demonstrated that:

7268 (i) the area proposed for designation as an ACEC is limited in geographic size; and

7269 (ii) that the proposed management prescriptions are limited in scope to the minimum
7270 necessary to specifically protect and prevent irreparable damage to the relevant and important
7271 values identified, or limited in geographic size and management prescriptions to the minimum
7272 required to specifically protect human life or safety from natural hazards;

7273 (c) it is clearly demonstrated that the proposed area is limited only to areas that are
7274 already developed or used or to areas where no development is required;

7275 (d) it is clearly demonstrated that the proposed area contains relevant and important
7276 historic, cultural or scenic values, fish or wildlife resources, or natural processes which are
7277 unique or substantially significant on a regional basis, or contain natural hazards which
7278 significantly threaten human life or safety;

7279 (e) the federal agency has analyzed regional values, resources, processes, or hazards for
7280 irreparable damage and potential causes of the damage resulting from potential actions which
7281 are consistent with the multiple-use, sustained-yield principles, and the analysis describes the

7282 rationale for any special management attention required to protect, or prevent irreparable
7283 damage to, the values, resources, processes, or hazards;

7284 (f) it is clearly demonstrated that the proposed designation is consistent with the plans
7285 and policies of the state and of the county where the proposed designation is located as those
7286 plans and policies are developed according to Subsection (3);

7287 (g) it is clearly demonstrated that the proposed ACEC designation will not be applied
7288 redundantly over existing protections provided by other state and federal laws for federal lands
7289 or resources on federal lands, and that the federal statutory requirement for special management
7290 attention for a proposed ACEC will discuss and justify any management requirements needed
7291 in addition to those specified by the other state and federal laws;

7292 (h) the difference between special management attention required for an ACEC and
7293 normal multiple-use management has been identified and justified, and any determination of
7294 irreparable damage has been analyzed and justified for short-term and long-term horizons;

7295 (i) it is clearly demonstrated that the proposed designation:

7296 (i) is not a substitute for a wilderness suitability recommendation;

7297 (ii) is not a substitute for managing areas inventoried for wilderness characteristics
7298 after 1993 under the Bureau of Land Management interim management plan for valid
7299 wilderness study areas; and

7300 (iii) it is not an excuse or justification to apply de facto wilderness management
7301 standards; and

7302 (j) the conclusions of all studies are submitted to the state, as a cooperating agency, for
7303 review, and the results, in support of or in opposition to, are included in all planning
7304 documents;

7305 (7) sufficient federal lands are made available for government-to-government
7306 exchanges of school and institutional trust lands and federal lands without regard for a
7307 resource-to-resource correspondence between the surface or mineral characteristics of the
7308 offered trust lands and the offered federal lands;

7309 (8) federal agencies should support government-to-government exchanges of land with
7310 the state based on a fair process of valuation which meets the fiduciary obligations of both the
7311 state and federal governments toward trust lands management, and which assures that revenue
7312 authorized by federal statute to the state from mineral or timber production, present or future, is

7313 not diminished in any manner during valuation, negotiation, or implementation processes;

7314 (9) agricultural and grazing lands should continue to produce the food and fiber needed

7315 by the citizens of the state and the nation, and the rural character and open landscape of rural

7316 Utah should be preserved through a healthy and active agricultural and grazing industry,

7317 consistent with private property rights and state fiduciary duties;

7318 (10) (a) the resources of the forests and rangelands of the state should be integrated as

7319 part of viable, robust, and sustainable state and local economies;

7320 (b) available forage should be evaluated for the full complement of herbivores the

7321 rangelands can support in a sustainable manner;

7322 (c) forests should contain a diversity of timber species; and

7323 (d) disease or insect infestations in forests should be controlled using logging or other

7324 best management practices;

7325 (11) the state opposes any additional evaluation of national forest service lands as

7326 roadless or unroaded beyond the forest service's second roadless area review evaluation and

7327 opposes efforts by agencies to specially manage those areas in a way that:

7328 (a) closes or declassifies existing roads unless multiple side-by-side roads exist running

7329 to the same destination and state and local governments consent to close or declassify the extra

7330 roads;

7331 (b) permanently bars travel on existing roads;

7332 (c) excludes or diminishes traditional multiple-use activities, including grazing and

7333 proper forest harvesting;

7334 (d) interferes with the enjoyment and use of valid, existing rights, including water

7335 rights, local transportation plan rights, R.S. 2477 rights, grazing allotment rights, and mineral

7336 leasing rights; or

7337 (e) prohibits development of additional roads reasonably necessary to pursue

7338 traditional multiple-use activities;

7339 (12) the state's support for any forest plan revision or amendment will be withheld until

7340 the appropriate plan revision or plan amendment clearly demonstrates that:

7341 (a) established roads are not referred to as unclassified roads or a similar classification;

7342 (b) lands in the vicinity of established roads are managed under the multiple-use,

7343 sustained-yield management standard; and

7344 (c) no roadless or unroaded evaluations or inventories are recognized or upheld beyond
7345 those that were recognized or upheld in the forest service's second roadless area review
7346 evaluation;

7347 (13) the state's support for any recommendations made under the statutory requirement
7348 to examine the wilderness option during the revision of land and resource management plans
7349 by the United States Forest Service will be withheld until it is clearly demonstrated that:

7350 (a) the duly adopted transportation plans of the state and each county within the
7351 planning area are fully and completely incorporated into the baseline inventory of information
7352 from which plan provisions are derived;

7353 (b) valid state or local roads and rights-of-way are recognized and not impaired in any
7354 way by the recommendations;

7355 (c) the development of mineral resources by underground mining is not affected by the
7356 recommendations;

7357 (d) the need for additional administrative or public roads necessary for the full use of
7358 the various multiple uses, including recreation, mineral exploration and development, forest
7359 health activities, and grazing operations, is not unduly affected by the recommendations;

7360 (e) analysis and full disclosure are made concerning the balance of multiple-use
7361 management in the proposed areas, and that the analysis compares the full benefit of
7362 multiple-use management to the recreational, forest health, and economic needs of the state and
7363 the counties to the benefits of the requirements of wilderness management; and

7364 (f) the conclusions of all studies related to the requirement to examine the wilderness
7365 option are submitted to the state for review and action by the Legislature and governor, and the
7366 results, in support of or in opposition to, are included in any planning documents or other
7367 proposals that are forwarded to the United States Congress;

7368 (14) the invasion of noxious weeds and undesirable invasive plant species into the state
7369 should be reversed, their presence eliminated, and their return prevented;

7370 (15) management and resource-use decisions by federal land management and
7371 regulatory agencies concerning the vegetative resources within the state should reflect serious
7372 consideration of the proper optimization of the yield of water within the watersheds of the
7373 state;

7374 (16) it is the policy of the state that:

- 7375 (a) mineral and energy production and environmental protection are not mutually
7376 exclusive;
- 7377 (b) it is technically feasible to permit appropriate access to mineral and energy
7378 resources while preserving nonmineral and nonenergy resources;
- 7379 (c) resource management planning should seriously consider all available mineral and
7380 energy resources;
- 7381 (d) the development of the solid, fluid, and gaseous mineral resources of the state and
7382 the renewable resources of the state should be encouraged;
- 7383 (e) the waste of fluid and gaseous minerals within developed areas should be
7384 prohibited; and
- 7385 (f) requirements to mitigate or reclaim mineral development projects should be based
7386 on credible evidence of significant impacts to natural or cultural resources;
- 7387 (17) the state's support for mineral development provisions within federal land
7388 management plans will be withheld until the appropriate land management plan environmental
7389 impact statement clearly demonstrates:
- 7390 (a) that the authorized planning agency has:
- 7391 (i) considered and evaluated the mineral and energy potential in all areas of the
7392 planning area as if the areas were open to mineral development under standard lease
7393 agreements; and
- 7394 (ii) evaluated any management plan prescription for the plan's impact on the area's
7395 baseline mineral and energy potential;
- 7396 (b) that the development provisions do not unduly restrict access to public lands for
7397 energy exploration and development;
- 7398 (c) that the authorized planning agency has supported any closure of additional areas to
7399 mineral leasing and development or any increase of acres subject to no surface occupancy
7400 restrictions by adhering to:
- 7401 (i) the relevant provisions of the Federal Land Policy and Management Act of 1976, 43
7402 U.S.C. Sec. 1701 et seq.;
- 7403 (ii) other controlling mineral development laws; and
- 7404 (iii) the controlling withdrawal and reporting procedures set forth in the Federal Land
7405 Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;

7406 (d) that the authorized planning agency evaluated whether to repeal any moratorium
7407 that may exist on the issuance of additional mining patents and oil and gas leases;

7408 (e) that the authorized planning agency analyzed all proposed mineral lease stipulations
7409 and considered adopting the least restrictive necessary to protect against damage to other
7410 significant resource values;

7411 (f) that the authorized planning agency evaluated mineral lease restrictions to
7412 determine whether to waive, modify, or make exceptions to the restrictions on the basis that
7413 they are no longer necessary or effective;

7414 (g) that the authorized federal agency analyzed all areas proposed for no surface
7415 occupancy restrictions, and that the analysis evaluated:

7416 (i) whether directional drilling is economically feasible and ecologically necessary for
7417 each proposed no surface occupancy area;

7418 (ii) whether the directional drilling feasibility analysis, or analysis of other
7419 management prescriptions, demonstrates that the proposed no surface occupancy prescription,
7420 in effect, sterilizes the mineral and energy resources beneath the area; and

7421 (iii) whether, if the minerals are effectively sterilized, the area must be reported as
7422 withdrawn under the provisions of the Federal Land Policy and Management Act; and

7423 (h) that the authorized planning agency has evaluated all directional drilling
7424 requirements in no surface occupancy areas to determine whether directional drilling is feasible
7425 from an economic, ecological, and engineering standpoint;

7426 (18) motorized, human-powered, and animal-powered outdoor recreation should be
7427 integrated into a fair and balanced allocation of resources within the historical and cultural
7428 framework of multiple uses in rural areas of the state, and outdoor recreation should be
7429 supported as part of a balanced plan of state and local economic support and growth;

7430 (19) off-highway vehicles should be used responsibly, the management of off-highway
7431 vehicles should be uniform across all jurisdictions, and laws related to the use of off-highway
7432 vehicles should be uniformly applied across all jurisdictions;

7433 (20) (a) rights-of-way granted and vested under the provisions of R.S. 2477 should be
7434 preserved and acknowledged; and

7435 (b) land use management plans, programs, and initiatives should be consistent with
7436 both state and county transportation plans developed according to Subsection (3) in order to

7437 provide a network of roads throughout the planning area that provides for:
7438 (i) movement of people, goods, and services across public lands;
7439 (ii) reasonable access to a broad range of resources and opportunities throughout the
7440 planning area, including access to livestock, water, and minerals;
7441 (iii) economic and business needs;
7442 (iv) public safety;
7443 (v) search and rescue;
7444 (vi) access for people with disabilities and the elderly;
7445 (vii) access to state lands; and
7446 (viii) recreational opportunities;
7447 (21) transportation and access provisions for all other existing routes, roads, and trails
7448 across federal, state, and school trust lands within the state should be determined and
7449 identified, and agreements should be executed and implemented, as necessary to fully authorize
7450 and determine responsibility for maintenance of all routes, roads, and trails;
7451 (22) the reasonable development of new routes and trails for motorized,
7452 human-powered, and animal-powered recreation should be implemented;
7453 (23) (a) forests, rangelands, and watersheds, in a healthy condition, are necessary and
7454 beneficial for wildlife, livestock grazing, and other multiple uses;
7455 (b) management programs and initiatives that are implemented to increase forage for
7456 the benefit of the agricultural industry, livestock operations, and wildlife species should utilize
7457 all proven techniques and tools;
7458 (c) the continued viability of livestock operations and the livestock industry should be
7459 supported on the federal lands within the state by management of the lands and forage
7460 resources, by the proper optimization of animal unit months for livestock, in accordance with
7461 the multiple-use provisions of the Federal Land Policy and Management Act of 1976, 43
7462 U.S.C. Sec. 1701 et seq., the provisions of the Taylor Grazing Act of 1934, 43 U.S.C. Sec. 315
7463 et seq., and the provisions of the Public Rangelands Improvement Act of 1978, 43 U.S.C. Sec.
7464 1901 et seq.;
7465 (d) provisions for predator control initiatives or programs under the direction of state
7466 and local authorities should be implemented; and
7467 (e) resource use and management decisions by federal land management and regulatory

7468 agencies should support state-sponsored initiatives or programs designed to stabilize wildlife
 7469 populations that may be experiencing a scientifically demonstrated decline in those
 7470 populations; and

7471 (24) management and resource use decisions by federal land management and
 7472 regulatory agencies concerning the scenic resources of the state must balance the protection of
 7473 scenery with the full management requirements of the other authorized uses of the land under
 7474 multiple-use management, and should carefully consider using Visual Resource Management
 7475 Class I protection only for areas of inventoried Class A scenery or equivalent.

7476 Section 93. Section **63L-11-304**, which is renumbered from Section 63J-4-606 is
 7477 renumbered and amended to read:

7478 ~~[63J-4-606]~~. **63L-11-304. Public lands transfer study and economic**
 7479 **analysis -- Report.**

7480 (1) As used in this section:

7481 (a) "Public lands" means the same as that term is defined in Section **63L-6-102**.

7482 (b) "Transfer of public lands" means the transfer of public lands from federal
 7483 ownership to state ownership.

7484 (2) The ~~[coordinator and the]~~ office shall, on an ongoing basis, report to the Federalism
 7485 Commission regarding the ramifications and economic impacts of the transfer of public lands.

7486 (3) The ~~[coordinator and]~~ office shall:

7487 (a) on an ongoing basis, discuss issues related to the transfer of public lands with:

7488 (i) the School and Institutional Trust Lands Administration;

7489 (ii) local governments;

7490 (iii) water managers;

7491 (iv) environmental advocates;

7492 (v) outdoor recreation advocates;

7493 (vi) nonconventional and renewable energy producers;

7494 (vii) tourism representatives;

7495 (viii) wilderness advocates;

7496 (ix) ranchers and agriculture advocates;

7497 (x) oil, gas, and mining producers;

7498 (xi) fishing, hunting, and other wildlife interests;

7499 (xii) timber producers;
 7500 (xiii) other interested parties; and
 7501 (xiv) the Federalism Commission; and
 7502 (b) develop ways to obtain input from [~~Utah~~] citizens of the state regarding the transfer
 7503 of public lands and the future care and use of public lands.

7504 Section 94. Section **63L-11-305**, which is renumbered from Section 63J-4-608 is
 7505 renumbered and amended to read:

7506 ~~[63J-4-608]~~. **63L-11-305. Facilitating the acquisition of federal land --**

7507 **Advisory committee.**

7508 (1) As used in this section:

7509 (a) "Advisory committee" means the committee established under Subsection (3).

7510 (b) "Federal land" means land that the secretary is authorized to dispose of under the
 7511 federal land disposal law.

7512 (c) "Federal land disposal law" means the Recreation and Public Purposes Act, 43
 7513 U.S.C. Sec. 869 et seq.

7514 (d) "Government entity" means any state or local government entity allowed to submit
 7515 a land application under the federal land disposal law.

7516 (e) "Land application" means an application under the federal land disposal law
 7517 requesting the secretary to sell or lease federal land.

7518 (f) "Land application process" means all actions involved in the process of submitting
 7519 and obtaining a final decision on a land application.

7520 (g) "Secretary" means the Secretary of the Interior of the United States.

7521 (2) The [~~coordinator and the~~] office shall:

7522 (a) develop expertise:

7523 (i) in the land application process; and

7524 (ii) concerning the factors that tend to increase the chances that a land application will
 7525 result in the secretary selling or leasing federal land as requested in the land application;

7526 (b) work to educate government entities concerning:

7527 (i) the availability of federal land pursuant to the federal land disposal law; and

7528 (ii) the land application process;

7529 (c) advise and consult with a government entity that requests assistance from [~~the~~

7530 ~~coordinator or~~] the office to formulate and submit a land application and to pursue a decision
7531 on the land application;

7532 (d) advise and consult with a government entity that requests assistance from [~~the~~
7533 ~~coordinator or~~] the office to identify and quantify the amount of any funds needed to provide
7534 the public use described in a land application;

7535 (e) with the advice and recommendations of the advisory committee:

7536 (i) adopt a list of factors to be considered in determining the degree to which a land
7537 application or potential land application is in the public interest; and

7538 (ii) recommend a prioritization of all land applications or potential land applications in
7539 the state according to the extent to which the land applications are in the public interest, based
7540 on the factors adopted under Subsection (2)[~~(f)~~](e)(i);

7541 (f) prepare and submit a written report of land applications:

7542 (i) to the Natural Resources, Agriculture, and Environment Interim Committee and the
7543 Federalism Commission;

7544 (ii) (A) annually no later than August 31; and

7545 (B) at other times, if and as requested by the committee or commission; and

7546 (iii) (A) on the activities of [~~the coordinator and~~] the office under this section;

7547 (B) on the land applications and potential land applications in the state; and

7548 (C) on the decisions of the secretary on land applications submitted by government
7549 entities in the state and the quantity of land acquired under the land applications;

7550 (g) present a summary of information contained in the report described in Subsection
7551 [~~(3)~~] (2)(f):

7552 (i) at a meeting of the Natural Resources, Agriculture, and Environment Interim
7553 Committee and at a meeting of the Federalism Commission;

7554 (ii) annually no later than August 31; and

7555 (iii) at other times, if and as requested by the committee or commission; and

7556 (h) report to the Executive Appropriations Committee of the Legislature, as frequently
7557 as the [~~coordinator~~] executive director considers appropriate or as requested by the committee,
7558 on the need for legislative appropriations to provide funds for the public purposes described in
7559 land applications.

7560 (3) (a) There is created [~~a~~] an advisory committee comprised of:

- 7561 (i) an individual designated by the chairs of the Federalism Commission;
- 7562 (ii) an individual designated by the director of the Division of Facilities Construction
7563 and Management;
- 7564 (iii) a representative of the Antiquities Section, created in Section 9-8-304, designated
7565 by the director of the Division of State History;
- 7566 (iv) a representative of municipalities designated by the Utah League of Cities and
7567 Towns;
- 7568 (v) a representative of counties designated by the Utah Association of Counties;
- 7569 (vi) an individual designated by the Governor's Office of Economic Development; and
- 7570 (vii) an individual designated by the director of the Division of Parks and Recreation,
7571 created in Section 79-4-201.
- 7572 (b) The seven members of the advisory committee under Subsection (3)(a) may, by
7573 majority vote, appoint up to four additional volunteer members of the advisory committee.
- 7574 (c) The advisory committee shall advise and provide recommendations to [~~the~~
7575 ~~coordinator and~~] the office on:
- 7576 (i) factors the [~~coordinator and~~] office should consider in determining the degree to
7577 which a land application or potential land application is in the public interest; and
- 7578 (ii) the prioritization of land applications or potential land applications in the state
7579 according to the extent to which the land applications are in the public interest, based on the
7580 factors adopted under Subsection (2)[~~(f)~~](e)(i).
- 7581 (d) A member of the advisory committee may not receive compensation, benefits, or
7582 expense reimbursement for the member's service on the advisory committee.
- 7583 (e) The advisory committee may:
- 7584 (i) select a chair from among the advisory committee members; and
- 7585 (ii) meet as often as necessary to perform the advisory committee's duties under this
7586 section.
- 7587 (f) The [~~coordinator~~] executive director shall facilitate the convening of the first
7588 meeting of the advisory committee.
- 7589 Section 95. Section 63L-11-401, which is renumbered from Section 63J-4-501 is
7590 renumbered and amended to read:

7591 **Part 4. Resource Development Coordinating Committee**

7592 ~~[63J-4-501].~~ **63L-11-401. Creation of coordinating committee.**

7593 There is created the Resource Development Coordinating Committee within the

7594 ~~[Governor's Office of Management and Budget]~~ office to:

7595 (1) assist the ~~[state planning coordinator]~~ office in fulfilling the responsibilities of
7596 reviewing and coordinating technical and policy actions that may affect the physical resources
7597 of the state; and

7598 (2) facilitate the exchange of information on those actions among state agencies and
7599 other levels of government.

7600 Section 96. Section **63L-11-402**, which is renumbered from Section 63J-4-502 is
7601 renumbered and amended to read:

7602 ~~[63J-4-502].~~ **63L-11-402. Membership -- Terms -- Chair -- Expenses.**

7603 (1) The Resource Development Coordinating Committee ~~[shall consist]~~ consists of the
7604 following 24 members:

7605 (a) the state science advisor;

7606 (b) a representative from the Department of Agriculture and Food appointed by the
7607 executive director of the Department of Agriculture and Food;

7608 (c) a representative from the Department of Heritage and Arts appointed by the
7609 executive director of the Department of Heritage and Arts;

7610 (d) a representative from the Department of Environmental Quality appointed by the
7611 executive director of the Department of Environmental Quality;

7612 (e) a representative from the Department of Natural Resources appointed by the
7613 executive director of the Department of Natural Resources;

7614 (f) a representative from the Department of Transportation appointed by the executive
7615 director of the Department of Transportation;

7616 (g) a representative from the Governor's Office of Economic Development appointed
7617 by the director of the Governor's Office of Economic Development;

7618 (h) a representative from the Housing and Community Development Division
7619 appointed by the director of the Housing and Community Development Division;

7620 (i) a representative from the Division of State History appointed by the director of the
7621 Division of State History;

7622 (j) a representative from the Division of Air Quality appointed by the director of the

7623 Division of Air Quality;

7624 (k) a representative from the Division of Drinking Water appointed by the director of
7625 the Division of Air Quality;

7626 (l) a representative from the Division of Environmental Response and Remediation
7627 appointed by the director of the Division of Environmental Response and Remediation;

7628 (m) a representative from the Division of Waste Management and Radiation Control
7629 appointed by the director of the Division of Waste Management and Radiation Control;

7630 (n) a representative from the Division of Water Quality appointed by the director of the
7631 Division of Water Quality;

7632 (o) a representative from the Division of Oil, Gas, and Mining appointed by the
7633 director of the Division of Oil, Gas, and Mining;

7634 (p) a representative from the Division of Parks and Recreation appointed by the
7635 director of the Division of Parks and Recreation;

7636 (q) a representative from the Division of Forestry, Fire, and State Lands appointed by
7637 the director of the Division of Forestry, Fire, and State Lands;

7638 (r) a representative from the Utah Geological Survey appointed by the director of the
7639 Utah Geological Survey;

7640 (s) a representative from the Division of Water Resources appointed by the director of
7641 the Division of Water Resources;

7642 (t) a representative from the Division of Water Rights appointed by the director of the
7643 Division of Water Rights;

7644 (u) a representative from the Division of Wildlife Resources appointed by the director
7645 of the Division of Wildlife Resources;

7646 (v) a representative from the School and Institutional Trust Lands Administration
7647 appointed by the director of the School and Institutional Trust Lands Administration;

7648 (w) a representative from the Division of Facilities Construction and Management
7649 appointed by the director of the Division of Facilities Construction and Management; and

7650 (x) a representative from the Division of Emergency Management appointed by the
7651 director of the Division of Emergency Management.

7652 (2) (a) As particular issues require, the coordinating committee may, by majority vote
7653 of the members present, [~~and with the concurrence of the state planning coordinator,~~] appoint

7654 additional temporary members to serve as ex officio voting members.

7655 (b) Those ex officio members may discuss and vote on the issue or issues for which
7656 they were appointed.

7657 (3) A chair shall be selected by a majority vote of committee members with the
7658 concurrence of the [~~state planning coordinator~~] executive director.

7659 (4) A member may not receive compensation or benefits for the member's service, but
7660 may receive per diem and travel expenses in accordance with:

7661 (a) [~~Section~~] Sections [63A-3-106](#)[; ~~(b) Section~~] and [63A-3-107](#); and

7662 [~~(c)~~] (b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
7663 [63A-3-107](#).

7664 Section 97. Section **63L-11-403**, which is renumbered from Section 63J-4-503 is
7665 renumbered and amended to read:

7666 [~~63J-4-503~~]. **63L-11-403. Executive director responsibilities.**

7667 [~~(1) The state planning coordinator shall:~~]

7668 The executive director shall:

7669 [~~(a)~~] (1) administer this part;

7670 [~~(b)~~] (2) subject to the direction and approval of the governor, take necessary action
7671 [~~for its implementation~~] to implement this part; and

7672 [~~(c)~~] (3) inform political subdivision representatives, in advance, of all coordinating
7673 committee meetings.

7674 [~~(2) The state planning coordinator may delegate the state planning coordinator's~~
7675 ~~responsibilities under this part to the Public Lands Policy Coordinating Office.~~]

7676 Section 98. Section **63L-11-404**, which is renumbered from Section 63J-4-504 is
7677 renumbered and amended to read:

7678 [~~63J-4-504~~]. **63L-11-404. Coordinating committee duties.**

7679 (1) The coordinating committee shall assist the [~~state planning coordinator~~] office:

7680 (a) in the review of:

7681 (i) proposed state actions affecting physical resources;

7682 (ii) federal and federally assisted actions for which state review is provided by federal
7683 law, regulation, or policy; and

7684 (iii) proposed federal regulations and policies pertaining to natural resource issues; and

7685 (b) in the development and implementation of a procedure that will expedite the review
 7686 of proposed energy and industrial facilities that require permits to be issued by more than one
 7687 state agency.

7688 (2) The [~~state planning coordinator~~] office shall review and forward the comments and
 7689 recommendations of the committee to:

7690 (a) the governor;

7691 (b) the initiating state agency, in the case of a proposed state action; and

7692 (c) the Office of Legislative Research and General Counsel.

7693 Section 99. Section **63L-11-405**, which is renumbered from Section 63J-4-505 is
 7694 renumbered and amended to read:

7695 ~~[63J-4-505]~~. **63L-11-405. Powers of state agencies and local governments**
 7696 **not limited.**

7697 This part does not limit powers conferred upon [~~state~~] departments, agencies, [~~or~~]
 7698 instrumentalities [~~of the state~~], or political subdivisions of the state by existing law.

7699 Section 100. Section **63N-1-203** is amended to read:

7700 **63N-1-203. Powers and duties of executive director.**

7701 (1) Unless otherwise expressly provided by statute, the executive director may organize
 7702 the office in any appropriate manner, including the appointment of deputy directors of the
 7703 office.

7704 (2) The executive director may consolidate personnel and service functions for
 7705 efficiency and economy in the office.

7706 (3) The executive director, with the approval of the governor:

7707 (a) may, by following the procedures and requirements of Title 63J, Chapter 5, Federal
 7708 Funds Procedures Act, seek federal grants, loans, or participation in federal programs;

7709 (b) may enter into a lawful contract or agreement with another state, a chamber of
 7710 commerce organization, a service club, or a private entity; and

7711 (c) shall annually prepare and submit to the governor a budget of the office's financial
 7712 requirements.

7713 (4) With the governor's approval, if a federal program requires the expenditure of state
 7714 funds as a condition for the state to participate in a fund, property, or service, the executive
 7715 director may expend necessary funds from money provided by the Legislature for the use of the

7716 office.

7717 (5) The executive director shall coordinate with the executive directors of the
7718 Department of Workforce Services and the Governor's Office of [~~Management~~] Planning and
7719 Budget to review data and metrics to be reported to the Legislature as described in Subsection
7720 63N-1-301(2)(b).

7721 Section 101. Section **63N-1-301** is amended to read:

7722 **63N-1-301. Annual report -- Content -- Format -- Strategic plan.**

7723 (1) The office shall prepare and submit to the governor and the Legislature, by October
7724 1 of each year, an annual written report of the operations, activities, programs, and services of
7725 the office, including the divisions, sections, boards, commissions, councils, and committees
7726 established under this title, for the preceding fiscal year.

7727 (2) For each operation, activity, program, or service provided by the office, the annual
7728 report shall include:

7729 (a) a description of the operation, activity, program, or service;

7730 (b) data and metrics:

7731 (i) selected and used by the office to measure progress, performance, effectiveness, and
7732 scope of the operation, activity, program, or service, including summary data; and

7733 (ii) that are consistent and comparable for each state operation, activity, program, or
7734 service that primarily involves employment training or placement as determined by the
7735 executive directors of the office, the Department of Workforce Services, and the Governor's
7736 Office of [~~Management~~] Planning and Budget;

7737 (c) budget data, including the amount and source of funding, expenses, and allocation
7738 of full-time employees for the operation, activity, program, or service;

7739 (d) historical data from previous years for comparison with data reported under
7740 Subsections (2)(b) and (c);

7741 (e) goals, challenges, and achievements related to the operation, activity, program, or
7742 service;

7743 (f) relevant federal and state statutory references and requirements;

7744 (g) contact information of officials knowledgeable and responsible for each operation,
7745 activity, program, or service; and

7746 (h) other information determined by the office that:

- 7747 (i) may be needed, useful, or of historical significance; or
- 7748 (ii) promotes accountability and transparency for each operation, activity, program, or
- 7749 service with the public and elected officials.
- 7750 (3) The annual report shall be designed to provide clear, accurate, and accessible
- 7751 information to the public, the governor, and the Legislature.
- 7752 (4) The office shall:
- 7753 (a) submit the annual report in accordance with Section 68-3-14;
- 7754 (b) make the annual report, and previous annual reports, accessible to the public by
- 7755 placing a link to the reports on the office's website; and
- 7756 (c) provide the data and metrics described in Subsection (2)(b) to the Talent Ready
- 7757 Utah Board created in Section 63N-12-503.
- 7758 (5) (a) On or before October 1, 2019, the office shall:
- 7759 (i) in consultation with the organizations described in Subsection (5)(c), coordinate the
- 7760 development of a written strategic plan that contains a coordinated economic development
- 7761 strategy for the state; and
- 7762 (ii) provide the strategic plan to the president of the Senate, the speaker of the House of
- 7763 Representatives, and the Economic Development and Workforce Services Interim Committee.
- 7764 (b) The strategic plan shall:
- 7765 (i) establish a statewide economic development strategy that consists of a limited set of
- 7766 clear, concise, and defined principles and goals;
- 7767 (ii) recommend targeted economic development policies that will further the
- 7768 implementation of the economic development strategy described in this section;
- 7769 (iii) identify each of the relevant state-level economic development agencies, including
- 7770 the agencies described in Subsection (5)(c);
- 7771 (iv) outline the functional role in furthering the state's economic development strategy
- 7772 for each relevant state-level economic development agency;
- 7773 (v) establish specific principles and make specific recommendations to decrease
- 7774 competition and increase communication and cooperation among state-level economic
- 7775 development agencies, providers and administrators of economic development programs in the
- 7776 state, nonprofit entities that participate in economic development in the state, and local
- 7777 governments;

7778 (vi) recommend a fundamental realignment of economic development programs in the
7779 state to ensure each program's purpose is congruent with the mission of the organization within
7780 which the program is located;

7781 (vii) address rural economic development by:

7782 (A) establishing goals and principles to ensure the state's economic development
7783 strategy works for both urban and rural areas of the state; and

7784 (B) providing recommendations on how existing rural economic development
7785 programs should be restructured or realigned;

7786 (viii) assess the effectiveness of the state's economic development incentives and make
7787 recommendations regarding:

7788 (A) how incentive policies could be improved; and

7789 (B) how incentives could be better coordinated among state-level economic
7790 development agencies and local governments;

7791 (ix) make recommendations regarding how to align the state's economic development
7792 strategy and policies in order to take advantage of the strengths and address the weaknesses of
7793 the state's current and projected urban and rural workforce;

7794 (x) make recommendations regarding how to monitor and assess whether certain
7795 economic development policies further the statewide economic development strategy described
7796 in this section, including recommendations on performance metrics to measure results; and

7797 (xi) align the strategic plan with each element of the statewide economic development
7798 strategy.

7799 (c) The office shall coordinate the development of the strategic plan by working in
7800 coordination with and obtaining information from other state agencies, including:

7801 (i) the Department of Workforce Services;

7802 (ii) the Office of Energy Development;

7803 (iii) the State Board of Education; and

7804 (iv) the Utah Board of Higher Education.

7805 (d) If contacted by the office, other state agencies, including those described in
7806 Subsection (5)(c), shall, in accordance with state and federal law, share information and
7807 cooperate with the office in coordinating the development of the strategic plan.

7808 Section 102. Section **63N-2-107** is amended to read:

7809 **63N-2-107. Reports of new state revenues, partial rebates, and tax credits.**

7810 (1) Before October 1 of each year, the office shall submit a report to the Governor's
7811 Office of [~~Management~~] Planning and Budget, the Office of the Legislative Fiscal Analyst, and
7812 the Division of Finance identifying:

7813 (a) (i) the total estimated amount of new state revenues created from new commercial
7814 projects in development zones;

7815 (ii) the estimated amount of new state revenues from new commercial projects in
7816 development zones that will be generated from:

7817 (A) sales tax;

7818 (B) income tax; and

7819 (C) corporate franchise and income tax; and

7820 (iii) the minimum number of new incremental jobs and high paying jobs that will be
7821 created before any tax credit is awarded; and

7822 (b) the total estimated amount of tax credits that the office projects that business
7823 entities, local government entities, or community reinvestment agencies will qualify to claim
7824 under this part.

7825 (2) By the first business day of each month, the office shall submit a report to the
7826 Governor's Office of [~~Management~~] Planning and Budget, the Office of the Legislative Fiscal
7827 Analyst, and the Division of Finance identifying:

7828 (a) each new agreement entered into by the office since the last report;

7829 (b) the estimated amount of new state revenues that will be generated under each
7830 agreement;

7831 (c) the estimated maximum amount of tax credits that a business entity, local
7832 government entity, or community reinvestment agency could qualify for under each agreement;
7833 and

7834 (d) the minimum number of new incremental jobs and high paying jobs that will be
7835 created before any tax credit is awarded.

7836 (3) At the reasonable request of the Governor's Office of [~~Management~~] Planning and
7837 Budget, the Office of the Legislative Fiscal Analyst, or the Division of Finance, the office shall
7838 provide additional information about the tax credit, new incremental jobs and high paying jobs,
7839 costs, and economic benefits related to this part, if the information is part of a public record as

7840 defined in Section [63G-2-103](#).

7841 Section 103. Section **63N-2-811** is amended to read:

7842 **63N-2-811. Reports of tax credits.**

7843 (1) Before December 1 of each year, the office shall submit a report to the Governor's
7844 Office of [~~Management~~] Planning and Budget, the Office of the Legislative Fiscal Analyst, and
7845 the Division of Finance identifying:

7846 (a) the total amount listed on tax credit certificates the office issues under this part; and

7847 (b) the criteria that the office uses in prioritizing the issuance of tax credits amongst tax
7848 credit applicants.

7849 (2) By the first business day of each month, the office shall submit a report to the
7850 Governor's Office of [~~Management~~] Planning and Budget, the Office of the Legislative Fiscal
7851 Analyst, and the Division of Finance identifying:

7852 (a) each new agreement entered into by the office since the last report;

7853 (b) the total amount listed on tax credit certificates the office issues under this part; and

7854 (c) the criteria that the office uses in prioritizing the issuance of tax credits amongst tax
7855 credit applicants.

7856 Section 104. Section **63N-3-111** is amended to read:

7857 **63N-3-111. Annual policy considerations.**

7858 (1) (a) The board shall determine annually which industries or groups of industries
7859 shall be targeted industries as defined in Section [63N-3-102](#).

7860 (b) The office shall make recommendations to state and federal agencies, local
7861 governments, the governor, and the Legislature regarding policies and initiatives that promote
7862 the economic development of targeted industries.

7863 (c) The office may create one or more voluntary advisory committees that may include
7864 public and private stakeholders to solicit input on policy guidance and best practices in
7865 encouraging the economic development of targeted industries.

7866 (2) In designating an economically disadvantaged rural area, the board shall consider
7867 the average agricultural and nonagricultural wage, personal income, unemployment, and
7868 employment in the area.

7869 (3) In evaluating the economic impact of applications for assistance, the board shall use
7870 an econometric cost-benefit model or models adopted by the Governor's Office of

7871 [~~Management~~] Planning and Budget.

7872 (4) The board may establish:

7873 (a) minimum interest rates to be applied to loans granted that reflect a fair social rate of
7874 return to the state comparable to prevailing market-based rates such as the prime rate, U.S.
7875 Government T-bill rate, or bond coupon rate as paid by the state, adjusted by social indicators
7876 such as the rate of unemployment; and

7877 (b) minimum applicant expense ratios, as long as they are at least equal to those
7878 required under Subsection [63N-3-105\(1\)\(a\)](#) or [63N-3-108\(1\)\(b\)\(i\)\(A\)](#).

7879 Section 105. Section **63N-9-104** is amended to read:

7880 **63N-9-104. Creation of outdoor recreation office and appointment of director --**
7881 **Responsibilities of outdoor recreation office.**

7882 (1) There is created within the Governor's Office of Economic Development the Utah
7883 Office of Outdoor Recreation.

7884 (2) (a) The executive director shall appoint a director of the outdoor recreation office.

7885 (b) The director shall report to the executive director and may appoint staff.

7886 (3) The outdoor recreation office shall:

7887 (a) coordinate outdoor recreation policy, management, and promotion:

7888 (i) among state and federal agencies and local government entities in the state; and

7889 (ii) with the Public Lands Policy Coordinating Office created in Section [~~63J-4-602~~]
7890 [63L-11-201](#), if public land is involved;

7891 (b) promote economic development in the state by:

7892 (i) coordinating with outdoor recreation stakeholders;

7893 (ii) improving recreational opportunities; and

7894 (iii) recruiting outdoor recreation business;

7895 (c) recommend to the governor and Legislature policies and initiatives to enhance
7896 recreational amenities and experiences in the state and help implement those policies and
7897 initiatives;

7898 (d) develop data regarding the impacts of outdoor recreation in the state; and

7899 (e) promote the health and social benefits of outdoor recreation, especially to young
7900 people.

7901 (4) By following the procedures and requirements of Title 63J, Chapter 5, Federal

7902 Funds Procedures Act, the outdoor recreation office may:

- 7903 (a) seek federal grants or loans;
- 7904 (b) seek to participate in federal programs; and
- 7905 (c) in accordance with applicable federal program guidelines, administer federally
- 7906 funded outdoor recreation programs.

7907 (5) For purposes of administering this part, the outdoor recreation office may make

7908 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

7909 Section 106. Section **64-13e-105** is amended to read:

7910 **64-13e-105. Meeting to discuss daily incarceration rates.**

7911 (1) Before September 30 of each year, the individuals described in Subsection (2) shall

7912 meet to review and discuss:

- 7913 (a) the actual state daily incarceration rate, described in Section [64-13e-103.1](#);
- 7914 (b) the actual county daily incarceration rate; and
- 7915 (c) the compilation described in Subsection [64-13e-104\(7\)](#).

7916 (2) The following individuals shall meet in accordance with Subsection (1):

7917 (a) as designated by the Utah Sheriffs Association:

7918 (i) one sheriff of a county that is currently under contract with the department to house

7919 state inmates; and

7920 (ii) one sheriff of a county that is currently receiving reimbursement from the

7921 department for housing state probationary inmates or state parole inmates;

7922 (b) the executive director of the department or the executive director's designee;

7923 (c) as designated by the Utah Association of Counties:

7924 (i) one member of the legislative body of one county that is currently under contract

7925 with the department to house state inmates; and

7926 (ii) one member of the legislative body of one county that is currently receiving

7927 reimbursement from the department for housing state probationary inmates or state parole

7928 inmates;

7929 (d) the executive director of the Commission on Criminal and Juvenile Justice or the

7930 executive director's designee; and

7931 (e) the executive director of the Governor's Office of ~~Management~~ Planning and

7932 Budget or the executive director's designee.

7933 Section 107. Section **67-4-16** is amended to read:

7934 **67-4-16. State financial advisor -- Duties -- Conflict of interest restrictions.**

7935 (1) The state treasurer may hire a state financial advisor on a fee-for-service basis.

7936 (2) The state financial advisor shall advise the state treasurer, the executive director of
7937 the Governor's Office of [~~Management~~] Planning and Budget, the director of the Division of
7938 Finance, the director of the Division of Facilities Construction and Management, and the
7939 Legislature and its staff offices on the issuance of bonds and other debt, and on all other public
7940 debt matters generally.

7941 (3) The financial advisor may assist in the preparation of the official statement,
7942 represent the state's creditworthiness before credit rating agencies, and assist in the preparation,
7943 marketing, or issuance of public debt.

7944 (4) (a) The state financial advisor or the firm that the advisor represents may not
7945 negotiate to underwrite debt issued by the state of Utah for which he has provided financial
7946 advisor services.

7947 (b) The state financial advisor may enter a competitive bid, either for his own account
7948 or in cooperation with others, in response to a call for public bids for the sale of state debt.

7949 (5) (a) Fees directly related to the preparation, marketing, or issuance of public debt,
7950 including ordinary and necessary expenses, may be paid from the debt proceeds.

7951 (b) Fees for other services shall be paid from the state treasurer's budget.

7952 Section 108. Section **67-5-34** is amended to read:

7953 **67-5-34. Rate committee -- Membership -- Duties.**

7954 (1) (a) There is created a rate committee that consists of:

7955 (i) the executive director of the Governor's Office of [~~Management~~] Planning and
7956 Budget, or the executive director's designee; and

7957 (ii) the executive directors of six state agencies that use or are likely to use services and
7958 pay rates to the Office of the Attorney General's internal service fund, appointed by the
7959 governor for a two-year term, or the executive directors' designees.

7960 (b) The rate committee shall elect a chair from the rate committee's members.

7961 (2) Each member of the rate committee who is a state government employee and does
7962 not receive salary, per diem, or expenses from the member's agency for the member's service
7963 on the rate committee shall receive no compensation, benefits, per diem, or expenses for the

7964 member's service on the rate committee.

7965 (3) The Office of the Attorney General shall provide staff services to the rate
7966 committee.

7967 (4) The Office of the Attorney General shall submit to the rate committee a proposed
7968 rate and fee schedule for legal services rendered by the Office of the Attorney General to an
7969 agency.

7970 (5) (a) The rate committee shall:

7971 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings
7972 Act;

7973 (ii) review the proposed rate and fee schedules and, at the rate committee's discretion,
7974 approve, increase, or decrease the rate and fee schedules;

7975 (iii) recommend a proposed rate and fee schedule for the internal service fund to:

7976 (A) the Governor's Office of ~~Management~~ Planning and Budget; and

7977 (B) each legislative appropriations subcommittee that, in accordance with Section
7978 [63J-1-410](#), approves the internal service fund rates, fees, and budget; and

7979 (iv) review and approve, increase or decrease an interim rate, fee, or amount when the
7980 office begins a new service or introduces a new product between annual general sessions of the
7981 Legislature.

7982 (b) The committee may, in accordance with Subsection [63J-1-410](#)(4), decrease a rate,
7983 fee, or amount that has been approved by the Legislature.

7984 Section 109. Section **67-19-11** is amended to read:

7985 **67-19-11. Use of department facilities -- Field office facilities cost allocation --**
7986 **Rate committee.**

7987 (1) (a) An agency or a political subdivision of the state shall allow the department to
7988 use public buildings under the agency's of the political subdivision's control, and furnish heat,
7989 light, and furniture, for any examination, training, hearing, or investigation authorized by this
7990 chapter.

7991 (b) An agency or political subdivision that allows the department to use a public
7992 building under Subsection (1)(a) shall pay the cost of the department's use of the public
7993 building.

7994 (2) The executive director shall:

- 7995 (a) prepare an annual budget request for the department;
- 7996 (b) submit the budget request to the governor and the Legislature; and
- 7997 (c) before charging a fee for services provided by the department's internal service fund
- 7998 to an executive branch agency:
- 7999 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established
- 8000 under Subsection (3); and
- 8001 (ii) obtain the approval of the Legislature as required under Section 63J-1-410.
- 8002 (3) (a) There is created a rate committee that shall consist of the executive directors of
- 8003 seven state agencies that use services and pay rates to one of the department internal service
- 8004 funds, or their designee, appointed by the governor for a two-year term.
- 8005 (b) (i) Of the seven executive agencies represented on the rate committee under
- 8006 Subsection (3)(a), only one of the following may be represented on the committee, if at all, at
- 8007 any one time:
- 8008 (A) the Governor's Office of [~~Management~~] Planning and Budget;
- 8009 (B) the Division of Finance;
- 8010 (C) the Department of Administrative Services; or
- 8011 (D) the Department of Technology Services.
- 8012 (ii) The department may not have a representative on the rate committee.
- 8013 (c) (i) The rate committee shall elect a chair from the rate committee's members.
- 8014 (ii) Each member of the rate committee who is a state government employee and who
- 8015 does not receive salary, per diem, or expenses from the member's agency for the member's
- 8016 service on the rate committee shall receive no compensation, benefits, per diem, or expenses
- 8017 for the member's service on the rate committee.
- 8018 (d) The department shall provide staff services to the rate committee.
- 8019 (4) (a) The department shall submit to the rate committee a proposed rate and fee
- 8020 schedule for:
- 8021 (i) human resource management services rendered; and
- 8022 (ii) costs incurred by the Office of the Attorney General in defending the state in a
- 8023 grievance under review by the Career Service Review Office.
- 8024 (b) The rate committee shall:
- 8025 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings

8026 Act;

8027 (ii) meet at least once each calendar year to:

8028 (A) discuss the service performance of each internal service fund;

8029 (B) review the proposed rate and fee schedules;

8030 (C) at the rate committee's discretion, approve, increase, or decrease the rate and fee

8031 schedules described in Subsection (4)(b)(ii)(B); and

8032 (D) discuss any prior or potential adjustments to the service level received by state

8033 agencies that pay rates to an internal service fund;

8034 (iii) recommend a proposed rate and fee schedule for the internal service fund to:

8035 (A) the Governor's Office of ~~Management~~ Planning and Budget; and

8036 (B) each legislative appropriations subcommittee that, in accordance with Section

8037 63J-1-410, approves the internal service fund rates, fees, and budget; and

8038 (iv) review and approve, increase or decrease an interim rate, fee, or amount when the

8039 department begins a new service or introduces a new product between annual general sessions

8040 of the Legislature.

8041 (c) The committee may in accordance with Subsection 63J-1-410(4) decrease a rate,

8042 fee, or amount that has been approved by the Legislature.

8043 Section 110. Section **67-19-43** is amended to read:

8044 **67-19-43. State employee matching supplemental defined contribution benefit.**

8045 (1) As used in this section:

8046 (a) "Qualifying account" means:

8047 (i) a defined contribution plan qualified under Section 401(k) of the Internal Revenue

8048 Code, which is sponsored by the Utah State Retirement Board; or

8049 (ii) a deemed Individual Retirement Account authorized under the Internal Revenue

8050 Code, which is sponsored by the Utah State Retirement Board; or

8051 (iii) a similar savings plan or account authorized under the Internal Revenue Code,

8052 which is sponsored by the Utah State Retirement Board.

8053 (b) "Qualifying employee" means an employee who is:

8054 (i) in a position that is:

8055 (A) receiving retirement benefits under Title 49, Utah State Retirement and Insurance

8056 Benefit Act; and

8057 (B) accruing paid leave benefits that can be used in the current and future calendar
8058 years; and

8059 (ii) not an employee who is reemployed as that term is:

8060 (A) defined in Section 49-11-1202; or

8061 (B) used in Section 49-11-504.

8062 (2) Subject to the requirements of Subsection (3) and beginning on or after January 4,
8063 2014, an employer shall make a biweekly matching contribution to every qualifying employee's
8064 defined contribution plan qualified under Section 401(k) of the Internal Revenue Code, subject
8065 to federal requirements and limitations, which is sponsored by the Utah State Retirement
8066 Board.

8067 (3) (a) In accordance with the requirements of this Subsection (3), each qualifying
8068 employee shall be eligible to receive the same dollar amount for the contribution under
8069 Subsection (2).

8070 (b) A qualifying employee:

8071 (i) shall receive the contribution amount determined under Subsection (3)(c) if the
8072 qualifying employee makes a voluntary personal contribution to one or more qualifying
8073 accounts in an amount equal to or greater than the employer's contribution amount determined
8074 in Subsection (3)(c);

8075 (ii) shall receive a partial contribution amount that is equal to the qualifying employee's
8076 personal contribution amount if the employee makes a voluntary personal contribution to one
8077 or more qualifying accounts in an amount less than the employer's contribution amount
8078 determined in Subsection (3)(c); or

8079 (iii) may not receive a contribution under Subsection (2) if the qualifying employee
8080 does not make a voluntary personal contribution to a qualifying account.

8081 (c) (i) Subject to the maximum limit under Subsection (3)(c)(iii), the Legislature shall
8082 annually determine the contribution amount that an employer shall provide to each qualifying
8083 employee under Subsection (2).

8084 (ii) The department shall make recommendations annually to the Legislature on the
8085 contribution amount required under Subsection (2), in consultation with the Governor's Office
8086 of ~~Management~~ Planning and Budget and the Division of Finance.

8087 (iii) The biweekly matching contribution amount required under Subsection (2) may

8088 not exceed \$26 for each qualifying employee.

8089 (4) A qualifying employee is eligible to receive the biweekly contribution under this
8090 section for any pay period in which the employee is in a paid status or other status protected by
8091 federal or state law.

8092 (5) The employer and employee contributions made and related earnings under this
8093 section vest immediately upon deposit and can be withdrawn by the employee at any time,
8094 subject to Internal Revenue Code regulations on the withdrawals.

8095 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8096 executive director shall make rules establishing procedures to implement the provisions of this
8097 section.

8098 Section 111. Section **67-19d-202** is amended to read:

8099 **67-19d-202. Board of trustees of the State Post-Retirement Benefits Trust Fund**
8100 **and the Elected Official Post-Retirement Benefits Trust Fund.**

8101 (1) (a) There is created a board of trustees of the State Post-Retirement Benefits Trust
8102 Fund and the Elected Official Post-Retirement Benefits Trust Fund composed of three
8103 members:

8104 (i) the state treasurer or designee;
8105 (ii) the director of the Division of Finance or designee; and
8106 (iii) the executive director of the Governor's Office of [~~Management~~] Planning and
8107 Budget or designee.

8108 (b) The state treasurer is chair of the board.

8109 (c) Three members of the board are a quorum.

8110 (d) A member may not receive compensation or benefits for the member's service, but
8111 may receive per diem and travel expenses in accordance with:

8112 (i) Section [63A-3-106](#);

8113 (ii) Section [63A-3-107](#); and

8114 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
8115 [63A-3-107](#).

8116 (e) (i) Except as provided in Subsection (1)(e)(ii), the state treasurer shall staff the
8117 board of trustees.

8118 (ii) The Division of Finance shall provide accounting services for the trust fund.

- 8119 (2) The board shall:
- 8120 (a) on behalf of the state, act as trustee of the State Post-Retirement Benefits Trust
- 8121 Fund created under Section 67-19d-201 and the Elected Official Post-Retirement Benefits
- 8122 Trust Fund created under Section 67-19d-201.5 and exercise the state's fiduciary
- 8123 responsibilities;
- 8124 (b) meet at least twice per year;
- 8125 (c) review and approve all policies, projections, rules, criteria, procedures, forms,
- 8126 standards, performance goals, and actuarial reports;
- 8127 (d) review and approve the budget for each trust fund described under Subsection
- 8128 (2)(a);
- 8129 (e) review financial records for each trust fund described under Subsection (2)(a),
- 8130 including trust fund receipts, expenditures, and investments;
- 8131 (f) commission and obtain actuarial studies of the liabilities for each trust fund
- 8132 described under Subsection (2)(a);
- 8133 (g) for purposes of the State Post-Retirement Benefits Trust Fund, establish labor
- 8134 additive rates to charge all federal, state, and other programs to cover:
- 8135 (i) the annual required contribution as determined by actuary; and
- 8136 (ii) the administrative expenses of the trust fund; and
- 8137 (h) do any other things necessary to perform the state's fiduciary obligations under each
- 8138 trust fund described under Subsection (2)(a).
- 8139 (3) The attorney general shall:
- 8140 (a) act as legal counsel and provide legal representation to the board of trustees; and
- 8141 (b) attend, or direct an attorney from the Office of the Attorney General to attend, each
- 8142 meeting of the board of trustees.
- 8143 Section 112. Section 67-19f-202 is amended to read:
- 8144 **67-19f-202. Board of trustees of the State Employees' Annual Leave Trust Fund.**
- 8145 (1) (a) There is created a board of trustees of the State Employees' Annual Leave Trust
- 8146 Fund composed of the following three members:
- 8147 (i) the state treasurer or the state treasurer's designee;
- 8148 (ii) the director of the Division of Finance or the director's designee; and
- 8149 (iii) the executive director of the Governor's Office of [Management] Planning and

8150 Budget or the executive director's designee.

8151 (b) The state treasurer is chair of the board.

8152 (c) Three members of the board is a quorum.

8153 (d) A member may not receive compensation or benefits for the member's service, but

8154 may receive per diem and travel expenses as allowed in:

8155 (i) Section [63A-3-106](#);

8156 (ii) Section [63A-3-107](#); and

8157 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and

8158 [63A-3-107](#).

8159 (e) (i) Except as provided in Subsection (1)(e)(ii), the state treasurer shall staff the

8160 board of trustees.

8161 (ii) The Division of Finance shall provide accounting services for the trust fund.

8162 (2) The board shall:

8163 (a) on behalf of the state, act as trustee of the trust fund created under Section

8164 [67-19f-201](#) and exercise the state's fiduciary responsibilities;

8165 (b) meet at least twice per year;

8166 (c) review and approve the policies, projections, rules, criteria, procedures, forms,

8167 standards, performance goals, and actuarial reports for the trust fund;

8168 (d) review and approve the budget for the trust fund;

8169 (e) review financial records for the trust fund, including trust fund receipts,

8170 expenditures, and investments; and

8171 (f) do any other things necessary to perform the state's fiduciary obligations under the

8172 trust fund.

8173 (3) The board may:

8174 (a) commission and obtain actuarial studies of the liabilities for the trust fund; and

8175 (b) for purposes of the trust fund, establish labor additive rates to charge for the

8176 administrative expenses of the trust fund.

8177 (4) The attorney general shall:

8178 (a) act as legal counsel and provide legal representation to the board of trustees; and

8179 (b) attend, or direct an attorney from the Office of the Attorney General to attend, each

8180 meeting of the board of trustees.

- 8181 Section 113. Section **67-22-2** is amended to read:
- 8182 **67-22-2. Compensation -- Other state officers.**
- 8183 (1) As used in this section:
- 8184 (a) "Appointed executive" means the:
- 8185 (i) commissioner of the Department of Agriculture and Food;
- 8186 (ii) commissioner of the Insurance Department;
- 8187 (iii) commissioner of the Labor Commission;
- 8188 (iv) director, Department of Alcoholic Beverage Control;
- 8189 (v) commissioner of the Department of Financial Institutions;
- 8190 (vi) executive director, Department of Commerce;
- 8191 (vii) executive director, Commission on Criminal and Juvenile Justice;
- 8192 (viii) adjutant general;
- 8193 (ix) executive director, Department of Heritage and Arts;
- 8194 (x) executive director, Department of Corrections;
- 8195 (xi) commissioner, Department of Public Safety;
- 8196 (xii) executive director, Department of Natural Resources;
- 8197 (xiii) executive director, Governor's Office of [~~Management~~] Planning and Budget;
- 8198 (xiv) executive director, Department of Administrative Services;
- 8199 (xv) executive director, Department of Human Resource Management;
- 8200 (xvi) executive director, Department of Environmental Quality;
- 8201 (xvii) director, Governor's Office of Economic Development;
- 8202 (xviii) executive director, Utah Science Technology and Research Governing
- 8203 Authority;
- 8204 (xix) executive director, Department of Workforce Services;
- 8205 (xx) executive director, Department of Health, Nonphysician;
- 8206 (xxi) executive director, Department of Human Services;
- 8207 (xxii) executive director, Department of Transportation;
- 8208 (xxiii) executive director, Department of Technology Services; and
- 8209 (xxiv) executive director, Department of Veterans and Military Affairs.
- 8210 (b) "Board or commission executive" means:
- 8211 (i) members, Board of Pardons and Parole;

8212 (ii) chair, State Tax Commission;
8213 (iii) commissioners, State Tax Commission;
8214 (iv) executive director, State Tax Commission;
8215 (v) chair, Public Service Commission; and
8216 (vi) commissioners, Public Service Commission.

8217 (c) "Deputy" means the person who acts as the appointed executive's second in
8218 command as determined by the Department of Human Resource Management.

8219 (2) (a) The executive director of the Department of Human Resource Management
8220 shall:

8221 (i) before October 31 of each year, recommend to the governor a compensation plan for
8222 the appointed executives and the board or commission executives; and

8223 (ii) base those recommendations on market salary studies conducted by the Department
8224 of Human Resource Management.

8225 (b) (i) The Department of Human Resource Management shall determine the salary
8226 range for the appointed executives by:

8227 (A) identifying the salary range assigned to the appointed executive's deputy;
8228 (B) designating the lowest minimum salary from those deputies' salary ranges as the
8229 minimum salary for the appointed executives' salary range; and

8230 (C) designating 105% of the highest maximum salary range from those deputies' salary
8231 ranges as the maximum salary for the appointed executives' salary range.

8232 (ii) If the deputy is a medical doctor, the Department of Human Resource Management
8233 may not consider that deputy's salary range in designating the salary range for appointed
8234 executives.

8235 (c) (i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for
8236 board or commission executives, the Department of Human Resource Management shall set
8237 the maximum salary in the salary range for each of those positions at 90% of the salary for
8238 district judges as established in the annual appropriation act under Section 67-8-2.

8239 (ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii)
8240 or (iii), the Department of Human Resource Management shall set the maximum salary in the
8241 salary range for each of those positions at 100% of the salary for district judges as established
8242 in the annual appropriation act under Section 67-8-2.

8243 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), the governor shall establish a
8244 specific salary for each appointed executive within the range established under Subsection
8245 (2)(b).

8246 (ii) If the executive director of the Department of Health is a physician, the governor
8247 shall establish a salary within the highest physician salary range established by the Department
8248 of Human Resource Management.

8249 (iii) The governor may provide salary increases for appointed executives within the
8250 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).

8251 (b) The governor shall apply the same overtime regulations applicable to other FLSA
8252 exempt positions.

8253 (c) The governor may develop standards and criteria for reviewing the appointed
8254 executives.

8255 (4) Salaries for other Schedule A employees, as defined in Section [67-19-15](#), that are
8256 not provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial
8257 Salary Act, shall be established as provided in Section [67-19-15](#).

8258 (5) (a) The Legislature fixes benefits for the appointed executives and the board or
8259 commission executives as follows:

8260 (i) the option of participating in a state retirement system established by Title 49, Utah
8261 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered
8262 by the State Retirement Office in accordance with the Internal Revenue Code and its
8263 accompanying rules and regulations;

8264 (ii) health insurance;

8265 (iii) dental insurance;

8266 (iv) basic life insurance;

8267 (v) unemployment compensation;

8268 (vi) workers' compensation;

8269 (vii) required employer contribution to Social Security;

8270 (viii) long-term disability income insurance;

8271 (ix) the same additional state-paid life insurance available to other noncareer service
8272 employees;

8273 (x) the same severance pay available to other noncareer service employees;

8274 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as
8275 follows:

8276 (A) sick leave;

8277 (B) converted sick leave if accrued prior to January 1, 2014;

8278 (C) educational allowances;

8279 (D) holidays; and

8280 (E) annual leave except that annual leave shall be accrued at the maximum rate
8281 provided to Schedule B state employees;

8282 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
8283 provided by law or rule upon resignation or retirement according to the same criteria and
8284 procedures applied to Schedule B state employees;

8285 (xiii) the option to purchase additional life insurance at group insurance rates according
8286 to the same criteria and procedures applied to Schedule B state employees; and

8287 (xiv) professional memberships if being a member of the professional organization is a
8288 requirement of the position.

8289 (b) Each department shall pay the cost of additional state-paid life insurance for its
8290 executive director from its existing budget.

8291 (6) The Legislature fixes the following additional benefits:

8292 (a) for the executive director of the State Tax Commission a vehicle for official and
8293 personal use;

8294 (b) for the executive director of the Department of Transportation a vehicle for official
8295 and personal use;

8296 (c) for the executive director of the Department of Natural Resources a vehicle for
8297 commute and official use;

8298 (d) for the commissioner of Public Safety:

8299 (i) an accidental death insurance policy if POST certified; and

8300 (ii) a public safety vehicle for official and personal use;

8301 (e) for the executive director of the Department of Corrections:

8302 (i) an accidental death insurance policy if POST certified; and

8303 (ii) a public safety vehicle for official and personal use;

8304 (f) for the adjutant general a vehicle for official and personal use; and

8305 (g) for each member of the Board of Pardons and Parole a vehicle for commute and
8306 official use.

8307 Section 114. **Repealer.**

8308 This bill repeals:

8309 Section **63J-4-701, Definitions.**

8310 Section **63J-4-702, Employability to Careers Program Board.**

8311 Section **63J-4-703, Employability to Careers Program Restricted Account.**

8312 Section **63J-4-704, Results-based contracts -- Board duties.**

8313 Section **63J-4-705, Employability to Careers Program.**

8314 Section **63J-4-706, Feasibility analysis.**

8315 Section **63J-4-707, Components of an education, employability training, and**
8316 **workforce placement program.**

8317 Section **63J-4-708, Reporting.**

8318 Section 115. **Revisor instructions.**

8319 The Legislature intends that the Office of Legislative Research and General Counsel, in
8320 preparing the Utah Code database for publication, on May 5, 2021, replace "Management and
8321 Budget," when referring to the Governor's Office of Management and Budget, with "Planning
8322 and Budget" in any new language added to the Utah Code by legislation passed during the 2021
8323 General Session.