

**Representative Robert M. Spendlove** proposes the following substitute bill:

**STATE PLANNING AGENCIES AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Robert M. Spendlove**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to state planning agencies.

**Highlighted Provisions:**

This bill:

- ▶ modifies provisions relating to the Governor's Office of Management and Budget, the Public Lands Policy Coordinating Office, the state planning coordinator, and the Resource Development Coordinating Committee;
- ▶ changes the name of the Governor's Office of Management and Budget to the Governor's Office of Planning and Budget;
- ▶ moves the Public Lands Policy Coordinating Office to be within the Department of Natural Resources;
- ▶ modifies compensation and retirement provisions relating to the executive director and employees of the Public Lands Policy Coordinating Office;
- ▶ repeals language relating to the Employability to Careers Program within the Governor's Office of Management and Budget;
- ▶ replaces the state planning coordinator with the executive director of the renamed Governor's Office of Planning and Budget on the board of the Homeless Coordinating Committee;



- 26           ▶ modifies the date for the submission of an estimate of ongoing General Fund
- 27 revenue that involves the renamed Governor's Office of Planning and Budget;
- 28           ▶ provides for the state planning coordinator to be appointed by the executive director
- 29 of the Governor's Office of Planning and Budget rather than by the governor;
- 30           ▶ eliminates the responsibility of the state planning coordinator to oversee and
- 31 supervise the activities and duties of the public lands policy coordinator;
- 32           ▶ modifies the roles of the state planning coordinator and the Public Lands Policy
- 33 Coordinating Office; and
- 34           ▶ makes technical changes.

35 **Money Appropriated in this Bill:**

36           None

37 **Other Special Clauses:**

38           This bill provides a special effective date.

39           This bill provides revisor instructions.

40 **Utah Code Sections Affected:**

41 AMENDS:

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

57 [49-22-205](#), as last amended by Laws of Utah 2020, Chapter 24  
58 [51-10-202](#), as enacted by Laws of Utah 2015, Chapter 319  
59 [53-2c-201](#), as enacted by Laws of Utah 2020, Third Special Session, Chapter 1  
60 [53-17-402](#), as enacted by Laws of Utah 2015, Chapter 166  
61 [53B-2a-110](#), as last amended by Laws of Utah 2020, Chapter 365  
62 [53F-2-205](#), as last amended by Laws of Utah 2020, Chapter 330  
63 [53F-2-208](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 14  
64 [53F-2-601](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 14  
65 [53F-9-201](#), as last amended by Laws of Utah 2020, Chapters 207 and 354  
66 [54-3-28](#), as last amended by Laws of Utah 2013, Chapter 445  
67 [59-1-403](#), as last amended by Laws of Utah 2020, Chapter 294  
68 [59-1-403.1](#), as enacted by Laws of Utah 2018, Chapter 4  
69 [59-15-109](#), as last amended by Laws of Utah 2019, Chapter 336  
70 [62A-15-612](#), as last amended by Laws of Utah 2013, Chapters 17 and 310  
71 [63A-1-114](#), as last amended by Laws of Utah 2018, Chapter 137  
72 [63A-1-203](#), as renumbered and amended by Laws of Utah 2019, Chapter 370  
73 [63A-5b-201](#), as enacted by Laws of Utah 2020, Chapter 152  
74 [63A-5b-702](#), as enacted by Laws of Utah 2020, Chapter 152  
75 [63B-2-301](#), as last amended by Laws of Utah 2020, Chapter 152  
76 [63B-3-301](#), as last amended by Laws of Utah 2019, Chapter 61  
77 [63B-4-201](#), as last amended by Laws of Utah 2020, Chapter 152  
78 [63B-4-301](#), as last amended by Laws of Utah 2013, Chapter 310  
79 [63C-4a-308](#), as renumbered and amended by Laws of Utah 2019, Chapter 246  
80 [63C-4a-402](#), as last amended by Laws of Utah 2016, Chapter 378  
81 [63C-9-301](#), as last amended by Laws of Utah 2016, Chapters 215 and 245  
82 [63C-20-103](#), as enacted by Laws of Utah 2018, Chapter 330  
83 [63C-20-105](#), as enacted by Laws of Utah 2018, Chapter 330  
84 [63F-1-104](#), as last amended by Laws of Utah 2020, Chapter 94  
85 [63F-1-302](#), as last amended by Laws of Utah 2016, Chapter 287  
86 [63F-1-508](#), as last amended by Laws of Utah 2013, Chapter 310  
87 [63F-3-103](#), as last amended by Laws of Utah 2020, Chapter 270

- 88           **63F-4-102**, as enacted by Laws of Utah 2018, Chapter 144
- 89           **63G-2-305**, as last amended by Laws of Utah 2020, Chapters 112, 198, 339, 349, 382,
- 90 and 393
- 91           **63G-3-301**, as last amended by Laws of Utah 2020, Chapter 408
- 92           **63G-25-202**, as enacted by Laws of Utah 2020, Chapter 319
- 93           **63I-1-263**, as last amended by Laws of Utah 2020, Chapters 82, 152, 154, 199, 230,
- 94 303, 322, 336, 354, 360, 375, 405 and last amended by Coordination Clause, Laws
- 95 of Utah 2020, Chapter 360
- 96           **63I-2-263**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 12
- 97           **63J-1-105**, as last amended by Laws of Utah 2019, Chapter 182
- 98           **63J-1-201**, as last amended by Laws of Utah 2020, Chapter 152
- 99           **63J-1-205**, as last amended by Laws of Utah 2014, Chapter 430
- 100          **63J-1-209**, as last amended by Laws of Utah 2018, Chapter 469
- 101          **63J-1-217**, as last amended by Laws of Utah 2018, Chapter 469
- 102          **63J-1-220**, as last amended by Laws of Utah 2019, Chapters 136 and 293
- 103          **63J-1-411**, as last amended by Laws of Utah 2013, Chapter 310
- 104          **63J-1-504**, as last amended by Laws of Utah 2018, Chapter 229
- 105          **63J-1-602.1**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 106          **63J-3-102**, as last amended by Laws of Utah 2018, Chapter 415
- 107          **63J-3-103**, as last amended by Laws of Utah 2020, Chapters 152 and 365
- 108          **63J-3-202**, as last amended by Laws of Utah 2013, Chapter 310
- 109          **63J-4-101**, as last amended by Laws of Utah 2013, Chapter 310
- 110          **63J-4-102**, as last amended by Laws of Utah 2013, Chapter 310
- 111          **63J-4-201**, as last amended by Laws of Utah 2013, Chapter 310
- 112          **63J-4-202**, as last amended by Laws of Utah 2013, Chapters 12 and 310
- 113          **63J-4-301**, as last amended by Laws of Utah 2018, Chapters 423 and 469
- 114          **63J-4-401**, as last amended by Laws of Utah 2013, Chapter 101
- 115          **63J-5-201**, as last amended by Laws of Utah 2013, Chapter 310
- 116          **63J-5-202**, as last amended by Laws of Utah 2016, Chapter 272
- 117          **63J-7-201**, as last amended by Laws of Utah 2013, Chapter 310
- 118          **63J-8-102**, as last amended by Laws of Utah 2017, Chapter 181

- 119            **63J-8-104**, as last amended by Laws of Utah 2014, Chapter 328
- 120            **63J-8-105.2**, as enacted by Laws of Utah 2015, Chapter 88
- 121            **63J-8-105.5**, as last amended by Laws of Utah 2015, Chapter 88
- 122            **63J-8-105.7**, as last amended by Laws of Utah 2014, Chapter 321
- 123            **63J-8-105.8**, as last amended by Laws of Utah 2018, Chapter 50
- 124            **63J-8-105.9**, as last amended by Laws of Utah 2015, Chapter 87
- 125            **63J-8-106**, as repealed and reenacted by Laws of Utah 2012, Chapter 165
- 126            **63L-2-301**, as last amended by Laws of Utah 2020, Chapter 168
- 127            **63L-10-102**, as last amended by Laws of Utah 2019, Chapter 246
- 128            **63N-1-203**, as last amended by Laws of Utah 2018, Chapter 423
- 129            **63N-1-301**, as last amended by Laws of Utah 2020, Chapter 365
- 130            **63N-2-107**, as last amended by Laws of Utah 2016, Chapter 350
- 131            **63N-2-811**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 132            **63N-3-111**, as last amended by Laws of Utah 2018, Chapter 182
- 133            **63N-9-104**, as last amended by Laws of Utah 2016, Chapter 88
- 134            **64-13e-105**, as last amended by Laws of Utah 2020, Chapter 410
- 135            **67-4-16**, as last amended by Laws of Utah 2013, Chapter 310
- 136            **67-5-34**, as enacted by Laws of Utah 2016, Chapter 120
- 137            **67-19-11**, as last amended by Laws of Utah 2016, Chapters 228, 287 and last amended
- 138 by Coordination Clause, Laws of Utah 2016, Chapter 287
- 139            **67-19-15**, as last amended by Laws of Utah 2020, Chapter 360
- 140            **67-19-43**, as last amended by Laws of Utah 2016, Chapter 310
- 141            **67-19d-202**, as last amended by Laws of Utah 2013, Chapter 310
- 142            **67-19f-202**, as last amended by Laws of Utah 2015, Chapter 368
- 143            **67-22-2**, as last amended by Laws of Utah 2018, Chapter 39
- 144            **79-2-201**, as last amended by Laws of Utah 2020, Chapters 190 and 309

145 ENACTS:

- 146            **63L-11-101**, Utah Code Annotated 1953
- 147            **63L-11-103**, Utah Code Annotated 1953
- 148            **63L-11-301**, Utah Code Annotated 1953
- 149            **63L-11-302**, Utah Code Annotated 1953

150           **63L-11-303**, Utah Code Annotated 1953  
151 RENUMBERS AND AMENDS:  
152           **63L-11-102**, (Renumbered from 63J-4-601, as last amended by Laws of Utah 2009,  
153 Chapter 121)  
154           **63L-11-201**, (Renumbered from 63J-4-602, as last amended by Laws of Utah 2020,  
155 Chapter 352)  
156           **63L-11-202**, (Renumbered from 63J-4-603, as last amended by Laws of Utah 2018,  
157 Chapter 411)  
158           **63L-11-203**, (Renumbered from 63J-4-607, as last amended by Laws of Utah 2020,  
159 Chapter 434)  
160           **63L-11-304**, (Renumbered from 63J-4-606, as last amended by Laws of Utah 2019,  
161 Chapter 246)  
162           **63L-11-305**, (Renumbered from 63J-4-608, as last amended by Laws of Utah 2020,  
163 Chapter 354)  
164           **63L-11-401**, (Renumbered from 63J-4-501, as last amended by Laws of Utah 2013,  
165 Chapter 310)  
166           **63L-11-402**, (Renumbered from 63J-4-502, as last amended by Laws of Utah 2015,  
167 Chapter 451)  
168           **63L-11-403**, (Renumbered from 63J-4-503, as last amended by Laws of Utah 2009,  
169 Chapter 121)  
170           **63L-11-404**, (Renumbered from 63J-4-504, as renumbered and amended by Laws of  
171 Utah 2008, Chapter 382)  
172           **63L-11-405**, (Renumbered from 63J-4-505, as renumbered and amended by Laws of  
173 Utah 2008, Chapter 382)  
174 REPEALS:  
175           **63J-4-701**, as enacted by Laws of Utah 2017, Chapter 253  
176           **63J-4-702**, as last amended by Laws of Utah 2020, Chapter 352  
177           **63J-4-703**, as enacted by Laws of Utah 2017, Chapter 253  
178           **63J-4-704**, as enacted by Laws of Utah 2017, Chapter 253  
179           **63J-4-705**, as enacted by Laws of Utah 2017, Chapter 253  
180           **63J-4-706**, as enacted by Laws of Utah 2017, Chapter 253

181 [63J-4-707](#), as enacted by Laws of Utah 2017, Chapter 253

182 [63J-4-708](#), as last amended by Laws of Utah 2018, Chapter 423

183 **Uncodified Material Affected:**

184 ENACTS UNCODIFIED MATERIAL

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

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

188 **4-20-103. State Grazing Advisory Board -- Duties.**

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

190 (b) The commissioner shall appoint the following members:

191 (i) one member from each regional board;

192 (ii) one member from the Conservation Commission, created in Section [4-18-104](#);

193 (iii) one representative of the Department of Natural Resources;

194 (iv) two livestock producers at-large; and

195 (v) one representative of the oil, gas, or mining industry.

196 (2) The term of office for a state board member is four years.

197 (3) Members of the state board shall elect a chair, who shall serve for two years.

198 (4) A member may not receive compensation or benefits for the member's service but  
199 may receive per diem and travel expenses in accordance with:

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

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

202 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
203 [63A-3-107](#).

204 (5) The state board shall:

205 (a) receive:

206 (i) advice and recommendations from a regional board concerning:

207 (A) management plans for public lands, state lands, and school and institutional trust  
208 lands as defined in Section [53C-1-103](#), within the regional board's region; and

209 (B) any issue that impacts grazing on private lands, public lands, state lands, or school  
210 and institutional trust lands as defined in Section [53C-1-103](#), in its region; and

211 (ii) requests for restricted account money from the entities described in Subsections

212 (5)(c)(i) through (iv);

213 (b) recommend state policy positions and cooperative agency participation in federal  
214 and state land management plans to the department and to the Public Lands Policy  
215 Coordinating Office, created under Section [~~63J-4-602~~] [63L-11-201](#); and

216 (c) advise the department on the requests and recommendations of:

217 (i) regional boards;

218 (ii) county weed control boards, created in Section [4-17-105](#);

219 (iii) cooperative weed management associations; and

220 (iv) conservation districts created under the authority of Title 17D, Chapter 3,  
221 Conservation District Act.

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

223 **11-38-201. Quality Growth Commission -- Term of office -- Vacancy --**

224 **Organization -- Expenses -- Staff.**

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

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

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

228 (iii) six elected officials at the local government level, three of whom may not be  
229 residents of a county of the first or second class; and

230 (iv) five persons from the profit and nonprofit private sector, two of whom may not be  
231 residents of a county of the first or second class and no more than three of whom may be from  
232 the same political party and one of whom shall be from the residential construction industry,  
233 nominated by the Utah Home Builders Association, and one of whom shall be from the real  
234 estate industry, nominated by the Utah Association of Realtors.

235 (b) (i) The director of the Department of Natural Resources and the commissioner of  
236 the Department of Agriculture and Food may not assume their positions on the commission  
237 until:

238 (A) after May 1, 2005; and

239 (B) the term of the respective predecessor in office, who is a state government level  
240 appointee, expires.

241 (ii) The term of a commission member serving on May 1, 2005 as one of the six  
242 elected local officials or five private sector appointees may not be shortened because of



243 application of the restriction under Subsections (1)(a)(iii) and (iv) on the number of appointees  
244 from counties of the first or second class.

245 (2) (a) Each commission member appointed under Subsection (1)(a)(iii) or (iv) shall be  
246 appointed by the governor with the advice and consent of the Senate.

247 (b) The governor shall select three of the six members under Subsection (1)(a)(iii) from  
248 a list of names provided by the Utah League of Cities and Towns, and shall select the  
249 remaining three from a list of names provided by the Utah Association of Counties.

250 (c) Two of the persons appointed under Subsection (1) shall be from the agricultural  
251 community from a list of names provided by Utah farm organizations.

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

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

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

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

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

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

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

266 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
267 63A-3-107.

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

269 (8) Staff services to the commission:

270 (a) shall be provided by the Governor's Office of ~~Management~~ Planning and Budget;  
271 and

272 (b) may be provided by local entities through the Utah Association of Counties and the  
273 Utah League of Cities and Towns, with funds approved by the commission from those

274 identified as available to local entities under Subsection 11-38-203(1)(a).

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

276 **11-38-203. Commission may provide assistance to local entities.**

277 The commission may:

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

281 (a) conduct workshops or public hearings or use other similar methods to obtain public  
282 input and participation in the process of identifying for that entity the principles of quality  
283 growth referred to in Subsection 11-38-202(1)(f);

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

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

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

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

294 **17B-1-106. Notice before preparing or amending a long-range plan or acquiring**  
295 **certain property.**

296 (1) As used in this section:

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

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

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

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

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

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

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

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

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

319 (iii) be:

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

323 (B) sent to each affected entity;

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

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

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

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

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

334 (II) the state planning coordinator appointed under Section [~~[63J-4-202](#)~~ [63J-4-401](#)], if  
335 the local district does not provide notice on the Utah Public Notice Website under Subsection

336 (2)(b)(iii)(E)(I);

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

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

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

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

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

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

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

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

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

359 (ii) identify the real property; and

360 (iii) be sent to:

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

363 (B) each affected entity.

364 (c) A notice under this Subsection (3) is a protected record as provided in Subsection  
365 [63G-2-305\(8\)](#).

366 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the local district

367 previously provided notice under Subsection (2) identifying the general location within the  
368 municipality or unincorporated part of the county where the property to be acquired is located.

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

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

374 **23-14-21. Transplants of big game, turkeys, wolves, or sensitive species.**

375 (1) The division may transplant big game, turkeys, wolves, or sensitive species only in  
376 accordance with:

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

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

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

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

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

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

388 (2) The division shall:

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

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

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

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

395 (ii) the Resource Development Coordinating Committee created in Section [~~63J-4-501~~]  
396 [63L-11-401](#).

397 (3) After receiving comments from local government officials and the Resource

398 Development Coordinating Committee, the division shall submit the list of proposed transplant  
399 sites, or a revised list, to regional advisory councils for regions that may be affected by the  
400 transplants of species.

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

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

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

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

408 **23-21-2.3. Review and adoption of management plans.**

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

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

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

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

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

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

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

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

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

428 **26-18-405.5. Base budget appropriations for Medicaid accountable care**

429 **organizations.**

430 (1) For purposes of this section:

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

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

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

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

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

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

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

448 (3) If the General Fund growth factor is greater than or equal to 100%, but less than  
449 102%, the next fiscal year base budget shall include an appropriation to the Department of  
450 Health for Medicaid ACOs in an amount necessary to ensure that next fiscal year PMPM  
451 equals current fiscal year PMPM multiplied by the General Fund growth factor.

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

457 (5) In order for the department to estimate the impact of Subsections (2) through (4)  
458 prior to identification of the next fiscal year ongoing General Fund revenue estimate under  
459 Subsection (1)(e), the Governor's Office of ~~Management~~ Planning and Budget shall, in

460 cooperation with the Office of the Legislative Fiscal Analyst, develop an estimate of ongoing  
461 General Fund revenue for the next fiscal year and provide it to the department no later than  
462 [~~September~~] November 1 of each year.

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

464 **32B-2-505. Reporting requirements -- Building plan and market survey required**  
465 **-- Department performance measures.**

466 (1) In 2018 and each year thereafter, the department shall present a five-year building  
467 plan to the Infrastructure and General Government Appropriations Subcommittee that  
468 describes the department's anticipated property acquisition, building, and remodeling for the  
469 five years following the day on which the department presents the five-year building plan.

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

472 (b) The department shall:

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

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

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

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

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

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

489 **35A-1-109. Annual report -- Content -- Format.**

490 (1) The department shall prepare and submit to the governor and the Legislature, by



491 October 1 of each year, an annual written report of the operations, activities, programs, and  
492 services of the department, including its divisions, offices, boards, commissions, councils, and  
493 committees, for the preceding fiscal year.

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

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

497 (b) data and metrics:

498 (i) selected and used by the department to measure progress, performance,  
499 effectiveness, and scope of the operation, activity, program, or service, including summary  
500 data; and

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

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

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

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

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

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

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

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

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

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

520 (4) The department shall:

521 (a) submit the annual report in accordance with Section [68-3-14](#);

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

524 (c) provide the data and metrics described in Subsection (2)(b) to the Talent Ready  
525 Utah Board created in Section [63N-12-503](#).

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

527 **35A-1-201. Executive director -- Appointment -- Removal -- Compensation --**  
528 **Qualifications -- Responsibilities -- Deputy directors.**

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

531 (b) The executive director serves at the pleasure of the governor.

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

534 (d) The executive director shall be experienced in administration, management, and  
535 coordination of complex organizations.

536 (2) The executive director shall:

537 (a) administer and supervise the department in compliance with Title 67, Chapter 19,  
538 Utah State Personnel Management Act;

539 (b) supervise and coordinate between the economic service areas and directors created  
540 under Chapter 2, Economic Service Areas;

541 (c) coordinate policies and program activities conducted through the divisions and  
542 economic service areas of the department;

543 (d) approve the proposed budget of each division, the Workforce Appeals Board, and  
544 each economic service area within the department;

545 (e) approve all applications for federal grants or assistance in support of any  
546 department program;

547 (f) coordinate with the executive directors of the Governor's Office of Economic  
548 Development and the Governor's Office of ~~Management~~ Planning and Budget to review data  
549 and metrics to be reported to the Legislature as described in Subsection [35A-1-109\(2\)\(b\)](#); and

550 (g) fulfill such other duties as assigned by the Legislature or as assigned by the  
551 governor that are not inconsistent with this title.

552 (3) The executive director may appoint deputy or assistant directors to assist the

553 executive director in carrying out the department's responsibilities.

554 (4) The executive director shall at least annually provide for the sharing of information  
555 between the advisory councils established under this title.

556 Section 11. Section **35A-8-601** is amended to read:

557 **35A-8-601. Creation.**

558 (1) There is created within the division the Homeless Coordinating Committee.

559 (2) (a) The committee shall consist of the following members:

560 (i) the lieutenant governor or the lieutenant governor's designee;

561 (ii) the ~~[state planning coordinator or the coordinator's designee]~~ executive director of  
562 the Governor's Office of Planning and Budget or the executive director's designee;

563 (iii) the state superintendent of public instruction or the superintendent's designee;

564 (iv) the chair of the board of trustees of the Utah Housing Corporation or the chair's  
565 designee;

566 (v) the executive director of the Department of Workforce Services or the executive  
567 director's designee;

568 (vi) the executive director of the Department of Corrections or the executive director's  
569 designee;

570 (vii) the executive director of the Department of Health or the executive director's  
571 designee;

572 (viii) the executive director of the Department of Human Services or the executive  
573 director's designee;

574 (ix) the mayor of Salt Lake City or the mayor's designee;

575 (x) the mayor of Salt Lake County or the mayor's designee;

576 (xi) the mayor of Ogden or the mayor's designee;

577 (xii) the mayor of Midvale or the mayor's designee;

578 (xiii) the mayor of St. George or the mayor's designee; and

579 (xiv) the mayor of South Salt Lake or the mayor's designee.

580 (b) (i) The lieutenant governor shall serve as the chair of the committee.

581 (ii) The lieutenant governor may appoint a vice chair from among committee members,  
582 who shall conduct committee meetings in the absence of the lieutenant governor.

583 (3) The governor may appoint as members of the committee:

584 (a) representatives of local governments, local housing authorities, local law  
585 enforcement agencies;

586 (b) representatives of federal and private agencies and organizations concerned with  
587 the homeless, persons with a mental illness, the elderly, single-parent families, persons with a  
588 substance use disorder, and persons with a disability; and

589 (c) a resident of Salt Lake County.

590 (4) (a) Except as required by Subsection (4)(b), as terms of current committee members  
591 appointed under Subsection (3) expire, the governor shall appoint each new member or  
592 reappointed member to a four-year term.

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

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

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

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

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

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

605 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
606 63A-3-107.

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

608 **36-2-4. Legislative Compensation Commission created -- Governor's**  
609 **considerations in appointments -- Organization and expenses.**

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

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

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

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

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

624 (4) The commission shall select a chair. Four members of the commission shall  
625 constitute a quorum. The commission shall not make any final determination without the  
626 concurrence of a majority of [its] the commission's members appointed and serving on the  
627 commission being present.

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

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

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

632 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
633 63A-3-107.

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

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

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

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

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

642 **49-11-406. Governor's appointed executives and senior staff -- Appointed**  
643 **legislative employees -- Transfer of value of accrued defined benefit -- Procedures.**

644 (1) As used in this section:

645 (a) "Defined benefit balance" means the total amount of the contributions made on

646 behalf of a member to a defined benefit system plus refund interest.

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

652 (2) In accordance with this section and subject to requirements under federal law and  
653 rules made by the board, a member who has service credit from a system may elect to be  
654 exempt from coverage under a defined benefit system and to have the member's defined benefit  
655 balance transferred from the defined benefit system or plan to a defined contribution plan in the  
656 member's own name if the member is:

- 657 (a) the state auditor;
- 658 (b) the state treasurer;
- 659 (c) an appointed executive under Subsection [67-22-2\(1\)\(a\)](#);
- 660 (d) an employee in the Governor's Office;
- 661 (e) senior staff in the Governor's Office of ~~[Management]~~ Planning and Budget;
- 662 (f) senior staff in the Governor's Office of Economic Development;
- 663 (g) senior staff in the Commission on Criminal and Juvenile Justice;
- 664 (h) senior staff in the Public Lands Policy Coordinating Office, created in Section  
665 [63L-11-201](#);

666 ~~[(h)]~~ (i) a legislative employee appointed under Subsection [36-12-7\(3\)\(a\)](#); or

667 ~~[(i)]~~ (j) a legislative employee appointed by the speaker of the House of  
668 Representatives, the House of Representatives minority leader, the president of the Senate, or  
669 the Senate minority leader~~;~~ or.

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

672 (3) An election made under Subsection (2):

- 673 (a) is final, and no right exists to make any further election;
- 674 (b) is considered a request to be exempt from coverage under a defined benefits  
675 system; and
- 676 (c) shall be made on forms provided by the office.

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

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

679 **49-12-203. Exclusions from membership in system.**

680 (1) The following employees are not eligible for service credit in this system:

681 (a) subject to the requirements of Subsection (2), an employee whose employment  
682 status is temporary in nature due to the nature or the type of work to be performed;

683 (b) except as provided under Subsection (3)(a), an employee of an institution of higher  
684 education who participates in a retirement system with a public or private retirement system,  
685 organization, or company designated by the Utah Board of Higher Education, or the technical  
686 college board of trustees for an employee of each technical college, during any period in which  
687 required contributions based on compensation have been paid on behalf of the employee by the  
688 employer;

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

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

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

697 (f) an employee who is employed on or after July 1, 2009, with an employer that has  
698 elected, prior to July 1, 2009, to be excluded from participation in this system under Subsection  
699 [49-12-202\(2\)\(c\)](#);

700 (g) an employee who is employed on or after July 1, 2014, with an employer that has  
701 elected, prior to July 1, 2014, to be excluded from participation in this system under Subsection  
702 [49-12-202\(2\)\(d\)](#);

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

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

706 or

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

708 or

709 (i) an employee described in Subsection (1)(i)(i) or (ii) who is employed with a  
710 withdrawing entity that has elected under Section 49-11-624, before January 1, 2018, to  
711 exclude:

712 (i) new employees from participation in this system under Subsection 49-11-624(3)(a);  
713 or

714 (ii) all employees from participation in this system under Subsection 49-11-624(3)(b).

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

717 (a) is employed for a term that exceeds six months and the employee otherwise  
718 qualifies for service credit in this system, the participating employer shall report and certify to  
719 the office that the employee is a regular full-time employee effective the beginning of the  
720 seventh month of employment; or

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

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

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

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

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

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

738 (b) an elected official;



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

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

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

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

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

746 (h) an employee of the Public Lands Policy Coordinating Office, created in Section

747 63L-11-201;

748 ~~[(h)]~~ (i) an employee of the State Auditor's Office;

749 ~~[(i)]~~ (j) an employee of the State Treasurer's Office;

750 ~~[(j)]~~ (k) any other member who is permitted to make an election under Section

751 49-11-406;

752 ~~[(k)]~~ (l) a person appointed as a city manager or chief city administrator or another  
753 person employed by a municipality, county, or other political subdivision, who is an at-will  
754 employee;

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

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

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

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

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

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

772 (7) Each participating employer shall:

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

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

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

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

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

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

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

781 **49-20-410. High deductible health plan -- Health savings account --**

782 **Contributions.**

783 (1) (a) In addition to other employee benefit plans offered under Subsection  
784 **49-20-201**(1), the office shall offer at least one federally qualified high deductible health plan  
785 with a health savings account as an optional health plan.

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

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

788 and

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

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

795 (2) The office shall:

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

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

799 (c) prepare online training as an option for the training required by Subsections (2)(b)

800 and (4);

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

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

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

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

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

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

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

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

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

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

829 (ii) may be completed online; and

830 (iii) shall be completed:

831 (A) before the end of the 2012 open enrollment period for current enrollees in the

832 program; and

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

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

836 **49-22-205. Exemptions from participation in system.**

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

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

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

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

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

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

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

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

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

847 (i) an employee of the State Auditor's Office;

848 (j) an employee of the State Treasurer's Office;

849 (k) any other member who is permitted to make an election under Section [49-11-406](#);

850 (l) a person appointed as a city manager or appointed as a city administrator or another  
851 at-will employee of a municipality, county, or other political subdivision;

852 (m) an employee of an interlocal cooperative agency created under Title 11, Chapter  
853 13, Interlocal Cooperation Act, who is engaged in a specialized trade customarily provided  
854 through membership in a labor organization that provides retirement benefits to its members;  
855 and

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

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

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

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

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

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

871 (4) Each participating employer shall:

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

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

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

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

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

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

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

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

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

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

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

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

- 894 (i) elects to be exempt in accordance with Subsection (1); and  
895 (ii) continues employment with the participating employer through the one-year  
896 election period under Subsection 49-22-201(2)(c).
- 897 (b) An employee is entitled to receive a distribution of the employer contributions  
898 made on behalf of the employee and all associated investment gains and losses if the employee:
- 899 (i) elects to be exempt in accordance with Subsection (1); and  
900 (ii) terminates employment prior to the one-year election period under Subsection  
901 49-22-201(2)(c).
- 902 (8) (a) The office shall make rules to implement this section.  
903 (b) The rules made under this Subsection (8) shall include provisions to allow the  
904 exemption provided under Subsection (1) to apply to all contributions made beginning on or  
905 after July 1, 2011, on behalf of an exempted employee who began the employment before May  
906 8, 2012.
- 907 (9) An employee's exemption, participation, or election described in this section:  
908 (a) shall be made in accordance with this section; and  
909 (b) is subject to requirements under federal law and rules made by the board.
- 910 Section 17. Section 51-10-202 is amended to read:  
911 **51-10-202. Board of trustees of the fund -- Trust administrator.**
- 912 (1) (a) There is created a board of trustees of the fund composed of the following three  
913 members:  
914 (i) the state treasurer;  
915 (ii) the director of the Division of Finance; and  
916 (iii) the director of the Governor's Office of [Management] Planning and Budget or the  
917 director's designee.
- 918 (b) The state treasurer is chair of the board.  
919 (c) Three members of the board is a quorum.  
920 (d) A member may not receive compensation or benefits for the member's service, but  
921 may receive per diem and travel expenses in accordance with:  
922 (i) Section 63A-3-106;  
923 (ii) Section 63A-3-107; and  
924 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

925 63A-3-107.

926 (2) (a) The board shall:

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

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

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

936 (3) The board shall:

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

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

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

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

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

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

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

948 (4) The attorney general shall:

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

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

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

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

955 **53-2c-201. Public Health and Economic Emergency Commission -- Creation --**

956 **Membership -- Quorum -- Per diem -- Staff support -- Meetings.**

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

959 (a) the executive director of the Department of Health, or the executive director's  
960 designee;

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

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

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

966 (iii) two other individuals;

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

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

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

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

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

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

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

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

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

983 (5) (a) The salary and expenses of a commission member who is a legislator shall be  
984 paid in accordance with Section [36-2-2](#), Legislative Joint Rules, Title 5, Chapter 2, Lodging,  
985 Meal, and Transportation Expenses, and Legislative Joint Rules, Title 5, Chapter 3, Legislator  
986 Compensation.



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

- 991 (i) Sections 63A-3-106 and 63A-3-107; and
- 992 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
993 63A-3-107.

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

- 995 (a) provide staff support to the commission; and
- 996 (b) coordinate with the Office of Legislative Research and General Counsel regarding  
997 the commission.

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

1000 Section 19. Section 53-17-402 is amended to read:

1001 **53-17-402. Local Public Safety and Firefighter Surviving Spouse Trust Fund**  
1002 **Board of Trustees -- Quorum -- Duties -- Establish rates.**

1003 (1) (a) There is created the Local Public Safety and Firefighter Surviving Spouse Trust  
1004 Fund Board of Trustees composed of four members:

- 1005 (i) the commissioner of public safety or the commissioner's designee;
- 1006 (ii) the executive director of the Governor's Office of ~~Management~~ Planning and  
1007 Budget or the executive director's designee;
- 1008 (iii) one person representing municipalities, designated by the Utah League of Cities  
1009 and Towns; and
- 1010 (iv) one person representing counties, designated by the Utah Association of Counties.

1011 (b) The commissioner of public safety, or the commissioner's designee, is chair of the  
1012 board.

1013 (c) Three members of the board are a quorum.

1014 (d) A member may not receive compensation or benefits for the member's service, but  
1015 may receive per diem and travel expenses in accordance with:

- 1016 (i) Section 63A-3-106;
- 1017 (ii) Section 63A-3-107; and

1018 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and  
1019 63A-3-107.

1020 (e) (i) The Department of Public Safety shall staff the board of trustees.

1021 (ii) The department shall provide accounting services for the trust fund.

1022 (2) The board shall:

1023 (a) establish rates to charge each employer based on the number of public safety  
1024 service employees and firefighter service employees who are eligible for the health coverage  
1025 under this chapter;

1026 (b) act as trustee of the trust fund and exercise the state's fiduciary responsibilities;

1027 (c) meet at least once per year;

1028 (d) review and approve all policies, projections, rules, criteria, procedures, forms,  
1029 standards, performance goals, and actuarial reports;

1030 (e) review and approve the budget for the trust fund;

1031 (f) review financial records of the trust fund, including trust fund receipts,  
1032 expenditures, and investments;

1033 (g) commission and obtain financial or actuarial studies of the liabilities for the trust  
1034 fund;

1035 (h) calculate and approve administrative expenses of the trust fund; and

1036 (i) do any other things necessary to perform the fiduciary obligations under the trust.

1037 Section 20. Section 53B-2a-110 is amended to read:

1038 **53B-2a-110. Technical college board of trustees' powers and duties.**

1039 (1) A technical college board of trustees shall:

1040 (a) assist the technical college president in preparing a budget request for the technical  
1041 college's annual operations to the board;

1042 (b) after consulting with the board, other higher education institutions, school districts,  
1043 and charter schools within the technical college's region, prepare a comprehensive strategic  
1044 plan for delivering technical education within the region;

1045 (c) consult with business, industry, the Department of Workforce Services, the  
1046 Governor's Office of Economic Development, and the Governor's Office of [Management]  
1047 Planning and Budget on an ongoing basis to determine what workers and skills are needed for  
1048 employment in Utah businesses and industries;

- 1049 (d) in accordance with Section 53B-16-102, develop programs based upon the  
1050 information described in Subsection (1)(c), including expedited program approval and  
1051 termination procedures to meet market needs;
- 1052 (e) adopt an annual budget and fund balances;
- 1053 (f) develop policies for the operation of technical education facilities under the  
1054 technical college board of trustees' jurisdiction;
- 1055 (g) establish human resources and compensation policies for all employees in  
1056 accordance with policies of the board;
- 1057 (h) approve credentials for employees and assign employees to duties in accordance  
1058 with board policies and accreditation guidelines;
- 1059 (i) conduct annual program evaluations;
- 1060 (j) appoint program advisory committees and other advisory groups to provide counsel,  
1061 support, and recommendations for updating and improving the effectiveness of training  
1062 programs and services;
- 1063 (k) approve regulations, both regular and emergency, to be issued and executed by the  
1064 technical college president;
- 1065 (l) coordinate with local school boards, school districts, and charter schools to meet the  
1066 technical education needs of secondary students;
- 1067 (m) develop policies and procedures for the admission, classification, instruction, and  
1068 examination of students in accordance with the policies and accreditation guidelines of the  
1069 board and the State Board of Education; and
- 1070 (n) (i) approve a strategic plan for the technical college that is aligned with:  
1071 (A) state attainment goals;  
1072 (B) workforce needs; and  
1073 (C) the technical college's role, mission, and distinctiveness; and  
1074 (ii) monitor the technical college's progress toward achieving the strategic plan.
- 1075 (2) A policy described in Subsection (1)(g) does not apply to compensation for a  
1076 technical college president.
- 1077 (3) A technical college board of trustees may not exercise jurisdiction over career and  
1078 technical education provided by a school district or charter school or provided by a higher  
1079 education institution independently of the technical college.

1080 (4) If a program advisory committee or other advisory group submits a printed  
1081 recommendation to a technical college board of trustees, the technical college board of trustees  
1082 shall acknowledge the recommendation with a printed response that explains the technical  
1083 college board of trustees' action regarding the recommendation and the reasons for the action.

1084 Section 21. Section **53F-2-205** is amended to read:

1085 **53F-2-205. Powers and duties of state board to adjust Minimum School Program**  
1086 **allocations -- Use of remaining funds at the end of a fiscal year.**

1087 (1) As used in this section:

1088 (a) "ESEA" means the Elementary and Secondary Education Act of 1965, 20 U.S.C.  
1089 Sec. 6301 et seq.

1090 (b) "Program" means a program or allocation funded by a line item appropriation or  
1091 other appropriation designated as:

1092 (i) Basic Program;

1093 (ii) Related to Basic Programs;

1094 (iii) Voted and Board Levy Programs; or

1095 (iv) Minimum School Program.

1096 (2) Except as provided in Subsection (3) or (5), if the number of weighted pupil units  
1097 in a program is underestimated, the state board shall reduce the value of the weighted pupil unit  
1098 in that program so that the total amount paid for the program does not exceed the amount  
1099 appropriated for the program.

1100 (3) If the number of weighted pupil units in a program is overestimated, the state board  
1101 shall spend excess money appropriated for the following purposes giving priority to the  
1102 purpose described in Subsection (3)(a):

1103 (a) to support the value of the weighted pupil unit in a program within the basic  
1104 state-supported school program in which the number of weighted pupil units is underestimated;

1105 (b) to support the state guaranteed local levy increments as defined in Section  
1106 [53F-2-601](#), if:

1107 (i) local contributions to the voted local levy program or board local levy program are  
1108 overestimated; or

1109 (ii) the number of weighted pupil units within school districts qualifying for a  
1110 guarantee is underestimated;

1111 (c) to support the state supplement to local property taxes allocated to charter schools,  
1112 if the state supplement is less than the amount prescribed by Section 53F-2-704;

1113 (d) to fund the cost of the salary supplements described in Section 53F-2-504; or

1114 (e) to support a school district with a loss in student enrollment as provided in Section  
1115 53F-2-207.

1116 (4) If local contributions from the minimum basic tax rate imposed under Section  
1117 53F-2-301 or 53F-2-301.5, as applicable, are overestimated, the state board shall reduce the  
1118 value of the weighted pupil unit for all programs within the basic state-supported school  
1119 program so the total state contribution to the basic state-supported school program does not  
1120 exceed the amount of state funds appropriated.

1121 (5) If local contributions from the minimum basic tax rate imposed under Section  
1122 53F-2-301 or 53F-2-301.5, as applicable, are underestimated, the state board shall:

1123 (a) spend the excess local contributions for the purposes specified in Subsection (3),  
1124 giving priority to supporting the value of the weighted pupil unit in programs within the basic  
1125 state-supported school program in which the number of weighted pupil units is underestimated;  
1126 and

1127 (b) reduce the state contribution to the basic state-supported school program so the  
1128 total cost of the basic state-supported school program does not exceed the total state and local  
1129 funds appropriated to the basic state-supported school program plus the local contributions  
1130 necessary to support the value of the weighted pupil unit in programs within the basic  
1131 state-supported school program in which the number of weighted pupil units is underestimated.

1132 (6) Except as provided in Subsection (3) or (5), the state board shall reduce the state  
1133 guarantee per weighted pupil unit provided under the local levy state guarantee program  
1134 described in Section 53F-2-601, if:

1135 (a) local contributions to the voted local levy program or board local levy program are  
1136 overestimated; or

1137 (b) the number of weighted pupil units within school districts qualifying for a  
1138 guarantee is underestimated.

1139 (7) Money appropriated to the state board is nonlapsing, including appropriations to the  
1140 Minimum School Program and all agencies, line items, and programs under the jurisdiction of  
1141 the state board.

1142 (8) The state board shall report actions taken by the state board under this section to the  
1143 Office of the Legislative Fiscal Analyst and the Governor's Office of ~~[Management]~~ Planning  
1144 and Budget.

1145 Section 22. Section **53F-2-208** is amended to read:

1146 **53F-2-208. Cost of adjustments for growth and inflation.**

1147 (1) In accordance with Subsection (2), the Legislature shall annually determine:

1148 (a) the estimated state cost of adjusting for inflation in the next fiscal year, based on a  
1149 rolling five-year average ending in the current fiscal year, ongoing state tax fund appropriations  
1150 to the following programs:

1151 (i) education for youth in custody, described in Section [53E-3-503](#);

1152 (ii) the Basic Program, described in Title 53F, Chapter 2, Part 3, Basic Program  
1153 (Weighted Pupil Units);

1154 (iii) the Adult Education Program, described in Section [53F-2-401](#);

1155 (iv) state support of pupil transportation, described in Section ~~[[53F-4-402](#)]~~ [53F-2-402](#);

1156 (v) the Enhancement for Accelerated Students Program, described in Section  
1157 [53F-2-408](#);

1158 (vi) the Concurrent Enrollment Program, described in Section [53F-2-409](#); and

1159 (vii) the Enhancement for At-Risk Students Program, described in Section [53F-2-410](#);

1160 and

1161 (b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year,  
1162 the current fiscal year's ongoing state tax fund appropriations to the following programs:

1163 (i) a program described in Subsection (1)(a);

1164 (ii) educator salary adjustments, described in Section [53F-2-405](#);

1165 (iii) the Teacher Salary Supplement Program, described in Section [53F-2-504](#);

1166 (iv) the Voted and Board Local Levy Guarantee programs, described in Section  
1167 [53F-2-601](#); and

1168 (v) charter school local replacement funding, described in Section [53F-2-702](#).

1169 (2) (a) In or before December each year, the Executive Appropriations Committee shall  
1170 determine:

1171 (i) the cost of the inflation adjustment described in Subsection (1)(a); and

1172 (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).

1173 (b) The Executive Appropriations Committee shall make the determinations described  
1174 in Subsection (2)(a) based on recommendations developed by the Office of the Legislative  
1175 Fiscal Analyst, in consultation with the state board and the Governor's Office of [Management]  
1176 Planning and Budget.

1177 Section 23. Section **53F-2-601** is amended to read:

1178 **53F-2-601. State guaranteed local levy increments -- Appropriation to increase**  
1179 **number of guaranteed local levy increments -- No effect of change of minimum basic tax**  
1180 **rate -- Voted and board local levy funding balance -- Use of guaranteed local levy**  
1181 **increment funds.**

1182 (1) As used in this section:

1183 (a) "Board local levy" means a local levy described in Section [53F-8-302](#).

1184 (b) "Guaranteed local levy increment" means a local levy increment guaranteed by the  
1185 state:

1186 (i) for the board local levy, described in Subsections (2)(a)(ii)(A) and (2)(b)(ii)(B); or

1187 (ii) for the voted local levy, described in Subsections (2)(a)(ii)(B) and (2)(b)(ii)(A).

1188 (c) "Local levy increment" means .0001 per dollar of taxable value.

1189 (d) (i) "Voted and board local levy funding balance" means the difference between:

1190 (A) the amount appropriated for the guaranteed local levy increments in a fiscal year;

1191 and

1192 (B) the amount necessary to fund in the same fiscal year the guaranteed local levy

1193 increments as determined under this section.

1194 (ii) "Voted and board local levy funding balance" does not include appropriations

1195 described in Subsection (2)(b)(i).

1196 (e) "Voted local levy" means a local levy described in Section [53F-8-301](#).

1197 (2) (a) (i) In addition to the revenue collected from the imposition of a voted local levy

1198 or a board local levy, the state shall guarantee that a school district receives, subject to

1199 Subsections (2)(b)(ii)(C) and (3)(a), for each guaranteed local levy increment, an amount

1200 sufficient to guarantee for a fiscal year that begins on July 1, 2018, \$43.10 per weighted pupil

1201 unit.

1202 (ii) Except as provided in Subsection (2)(b)(ii), the number of local levy increments

1203 that are subject to the guarantee amount described in Subsection (2)(a)(i) are:

1204 (A) for a board local levy, the first four local levy increments a local school board  
1205 imposes under the board local levy; and

1206 (B) for a voted local levy, the first 16 local levy increments a local school board  
1207 imposes under the voted local levy.

1208 (b) (i) Subject to future budget constraints and Subsection (2)(c), the Legislature shall  
1209 annually appropriate money from the Local Levy Growth Account established in Section  
1210 53F-9-305 for purposes described in Subsection (2)(b)(ii).

1211 (ii) The state board shall, for a fiscal year beginning on or after July 1, 2018, and  
1212 subject to Subsection (2)(c), allocate funds appropriated under Subsection (2)(b)(i) in the  
1213 following order of priority by increasing:

1214 (A) by up to four increments the number of voted local levy guaranteed local levy  
1215 increments above 16;

1216 (B) by up to 16 increments the number of board local levy guaranteed local levy  
1217 increments above four; and

1218 (C) the guaranteed amount described in Subsection (2)(a)(i).

1219 (c) The number of guaranteed local levy increments under this Subsection (2) for a  
1220 school district may not exceed 20 guaranteed local levy increments, regardless of whether the  
1221 guaranteed local levy increments are from the imposition of a voted local levy, a board local  
1222 levy, or a combination of the two.

1223 (3) (a) The guarantee described in Subsection (2)(a)(i) is indexed each year to the value  
1224 of the weighted pupil unit by making the value of the guarantee equal to .011962 times the  
1225 value of the prior year's weighted pupil unit.

1226 (b) The guarantee shall increase by .0005 times the value of the prior year's weighted  
1227 pupil unit for each year subject to the Legislature appropriating funds for an increase in the  
1228 guarantee.

1229 (4) (a) The amount of state guarantee money that a school district would otherwise be  
1230 entitled to receive under this section may not be reduced for the sole reason that the school  
1231 district's board local levy or voted local levy is reduced as a consequence of changes in the  
1232 certified tax rate under Section 59-2-924 pursuant to changes in property valuation.

1233 (b) Subsection (4)(a) applies for a period of five years following a change in the  
1234 certified tax rate as described in Subsection (4)(a).



1235 (5) The guarantee provided under this section does not apply to the portion of a voted  
1236 local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal  
1237 year, unless an increase in the voted local levy rate was authorized in an election conducted on  
1238 or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.

1239 (6) (a) If a voted and board local levy funding balance exists for the prior fiscal year,  
1240 the state board shall:

1241 (i) use the voted and board local levy funding balance to increase the value of the state  
1242 guarantee per weighted pupil unit described in Subsection (3)(a) in the current fiscal year; and

1243 (ii) distribute guaranteed local levy increment funds to school districts based on the  
1244 increased value of the state guarantee per weighted pupil unit described in Subsection (6)(a)(i).

1245 (b) The state board shall report action taken under Subsection (6)(a) to the Office of the  
1246 Legislative Fiscal Analyst and the Governor's Office of ~~Management~~ Planning and Budget.

1247 (7) A local school board of a school district that receives funds described in this section  
1248 shall budget and expend the funds for public education purposes.

1249 Section 24. Section **53F-9-201** is amended to read:

1250 **53F-9-201. Uniform School Fund -- Contents -- Trust Distribution Account.**

1251 (1) As used in this section:

1252 (a) "Annual distribution calculation" means, for a given fiscal year, the average of:

1253 (i) 4% of the average market value of the State School Fund for that fiscal year; and

1254 (ii) the distribution amount for the prior fiscal year, multiplied by the sum of:

1255 (A) one;

1256 (B) the percent change in student enrollment from the school year two years prior to  
1257 the prior school year; and

1258 (C) the actual total percent change of the consumer price index during the last 12  
1259 months as measured in June of the prior fiscal year.

1260 (b) "Average market value of the State School Fund" means the results of a calculation  
1261 completed by the SITFO director each fiscal year that averages the value of the State School  
1262 Fund for the past 12 consecutive quarters ending in the prior fiscal year.

1263 (c) "Consumer price index" means the Consumer Price Index for All Urban  
1264 Consumers: All Items Less Food & Energy, as published by the Bureau of Labor Statistics of  
1265 the United States Department of Labor.

1266 (d) "SITFO director" means the director of the School and Institutional Trust Fund  
1267 Office appointed under Section 53D-1-401.

1268 (e) "State School Fund investment earnings distribution amount" or "distribution  
1269 amount" means, for a fiscal year, the lesser of:

1270 (i) the annual distribution calculation; or

1271 (ii) 4% of the average market value of the State School Fund.

1272 (2) The Uniform School Fund, a special revenue fund within the Education Fund,  
1273 established by Utah Constitution, Article X, Section 5, consists of:

1274 (a) distributions derived from the investment of money in the permanent State School  
1275 Fund established by Utah Constitution, Article X, Section 5;

1276 (b) money transferred to the fund pursuant to Title 67, Chapter 4a, Revised Uniform  
1277 Unclaimed Property Act; and

1278 (c) all other constitutional or legislative allocations to the fund, including:

1279 (i) appropriations for the Minimum School Program, enrollment growth, and inflation  
1280 under Section 53F-9-201.1; and

1281 (ii) revenues received by donation.

1282 (3) (a) There is created within the Uniform School Fund a restricted account known as  
1283 the Trust Distribution Account.

1284 (b) The Trust Distribution Account consists of:

1285 (i) in accordance with Subsection (4), quarterly deposits of the State School Fund  
1286 investment earnings distribution amount from the prior fiscal year;

1287 (ii) all interest earned on the Trust Distribution Account in the prior fiscal year; and

1288 (iii) any unused appropriation for the administration of the School LAND Trust  
1289 Program, as described in Subsection 53F-2-404(1)(c).

1290 (4) If, at the end of a fiscal year, the Trust Distribution Account has a balance  
1291 remaining after subtracting the appropriation amount described in Subsection 53F-2-404(1)(a)  
1292 for the next fiscal year, the SITFO director shall, during the next fiscal year, apply the amount  
1293 of the remaining balance from the prior fiscal year toward the current fiscal year's distribution  
1294 amount by reducing a quarterly deposit to the Trust Distribution Account by the amount of the  
1295 remaining balance from the prior fiscal year.

1296 (5) On or before October 1 of each year, the SITFO director shall:

1297 (a) in accordance with this section, determine the distribution amount for the following  
1298 fiscal year; and

1299 (b) report the amount described in Subsection (5)(a) as the funding amount, described  
1300 in Subsection 53F-2-404(1)(c), for the School LAND Trust Program, to:

1301 (i) the State Treasurer;

1302 (ii) the Legislative Fiscal Analyst;

1303 (iii) the Division of Finance;

1304 (iv) the director of the Land Trusts Protection and Advocacy Office, appointed under  
1305 Section 53D-2-203;

1306 (v) the School and Institutional Trust Lands Administration created in Section  
1307 53C-1-201;

1308 (vi) the state board; and

1309 (vii) the Governor's Office of [Management] Planning and Budget.

1310 (6) The School and Institutional Trust Fund Board of Trustees created in Section  
1311 53D-1-301 shall:

1312 (a) annually review the distribution amount; and

1313 (b) make recommendations, if necessary, to the Legislature for changes to the formula  
1314 for calculating the distribution amount.

1315 (7) Upon appropriation by the Legislature, the SITFO director shall place in the Trust  
1316 Distribution Account funds for the School LAND Trust Program as described in Subsections  
1317 53F-2-404(1)(a) and (c).

1318 Section 25. Section 54-3-28 is amended to read:

1319 **54-3-28. Notice required of certain public utilities before preparing or amending**  
1320 **a long-range plan or acquiring certain property.**

1321 (1) As used in this section:

1322 (a) (i) "Affected entity" means each county, municipality, local district under Title 17B,  
1323 Limited Purpose Local Government Entities - Local Districts, special service district, school  
1324 district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal  
1325 Cooperation Act, and specified public utility:

1326 (A) whose services or facilities are likely to require expansion or significant  
1327 modification because of expected uses of land under a proposed long-range plan or under

1328 proposed amendments to a long-range plan; or

1329 (B) that has filed with the specified public utility a copy of the general or long-range  
1330 plan of the county, municipality, local district, special service district, school district, interlocal  
1331 cooperation entity, or specified public utility.

1332 (ii) "Affected entity" does not include the specified public utility that is required under  
1333 Subsection (2) to provide notice.

1334 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
1335 telephone corporation, as those terms are defined in Section [54-2-1](#).

1336 (2) (a) If a specified public utility prepares a long-range plan regarding its facilities  
1337 proposed for the future in a county of the first or second class or amends an already existing  
1338 long-range plan, the specified public utility shall, before preparing a long-range plan or  
1339 amendments to an existing long-range plan, provide written notice, as provided in this section,  
1340 of its intent to prepare a long-range plan or to amend an existing long-range plan.

1341 (b) Each notice under Subsection (2) shall:

1342 (i) indicate that the specified public utility intends to prepare a long-range plan or to  
1343 amend a long-range plan, as the case may be;

1344 (ii) describe or provide a map of the geographic area that will be affected by the  
1345 long-range plan or amendments to a long-range plan;

1346 (iii) be sent to:

1347 (A) each county in whose unincorporated area and each municipality in whose  
1348 boundaries is located the land on which the proposed long-range plan or amendments to a  
1349 long-range plan are expected to indicate that the proposed facilities will be located;

1350 (B) each affected entity;

1351 (C) the Automated Geographic Reference Center created in Section [63F-1-506](#);

1352 (D) each association of governments, established pursuant to an interlocal agreement  
1353 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality  
1354 described in Subsection (2)(b)(iii)(A) is a member; and

1355 (E) the state planning coordinator appointed under Section [~~63J-4-202~~] [63J-4-401](#);

1356 (iv) with respect to the notice to counties and municipalities described in Subsection  
1357 (2)(b)(iii)(A) and affected entities, invite them to provide information for the specified public  
1358 utility to consider in the process of preparing, adopting, and implementing the long-range plan

1359 or amendments to a long-range plan concerning:

1360 (A) impacts that the use of land proposed in the proposed long-range plan or  
1361 amendments to a long-range plan may have on the county, municipality, or affected entity; and

1362 (B) uses of land that the county, municipality, or affected entity is planning or  
1363 considering that may conflict with the proposed long-range plan or amendments to a long-range  
1364 plan; and

1365 (v) include the address of an Internet website, if the specified public utility has one, and  
1366 the name and telephone number of a person where more information can be obtained  
1367 concerning the specified public utility's proposed long-range plan or amendments to a  
1368 long-range plan.

1369 (3) (a) Except as provided in Subsection (3)(d), each specified public utility intending  
1370 to acquire real property in a county of the first or second class for the purpose of expanding its  
1371 infrastructure or other facilities used for providing the services that the specified public utility  
1372 is authorized to provide shall provide written notice, as provided in this Subsection (3), of its  
1373 intent to acquire the property if the intended use of the property is contrary to:

1374 (i) the anticipated use of the property under the county or municipality's general plan;

1375 or

1376 (ii) the property's current zoning designation.

1377 (b) Each notice under Subsection (3)(a) shall:

1378 (i) indicate that the specified public utility intends to acquire real property;

1379 (ii) identify the real property; and

1380 (iii) be sent to:

1381 (A) each county in whose unincorporated area and each municipality in whose  
1382 boundaries the property is located; and

1383 (B) each affected entity.

1384 (c) A notice under this Subsection (3) is a protected record as provided in Subsection  
1385 [63G-2-305\(8\)](#).

1386 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the specified  
1387 public utility previously provided notice under Subsection (2) identifying the general location  
1388 within the municipality or unincorporated part of the county where the property to be acquired  
1389 is located.

1390 (ii) If a specified public utility is not required to comply with the notice requirement of  
1391 Subsection (3)(a) because of application of Subsection (3)(d)(i), the specified public utility  
1392 shall provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition  
1393 of the real property.

1394 Section 26. Section **59-1-403** is amended to read:

1395 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

1396 (1) (a) Any of the following may not divulge or make known in any manner any  
1397 information gained by that person from any return filed with the commission:

1398 (i) a tax commissioner;

1399 (ii) an agent, clerk, or other officer or employee of the commission; or

1400 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or  
1401 town.

1402 (b) An official charged with the custody of a return filed with the commission is not  
1403 required to produce the return or evidence of anything contained in the return in any action or  
1404 proceeding in any court, except:

1405 (i) in accordance with judicial order;

1406 (ii) on behalf of the commission in any action or proceeding under:

1407 (A) this title; or

1408 (B) other law under which persons are required to file returns with the commission;

1409 (iii) on behalf of the commission in any action or proceeding to which the commission  
1410 is a party; or

1411 (iv) on behalf of any party to any action or proceeding under this title if the report or  
1412 facts shown by the return are directly involved in the action or proceeding.

1413 (c) Notwithstanding Subsection (1)(b), a court may require the production of, and may  
1414 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically  
1415 pertinent to the action or proceeding.

1416 (2) This section does not prohibit:

1417 (a) a person or that person's duly authorized representative from receiving a copy of  
1418 any return or report filed in connection with that person's own tax;

1419 (b) the publication of statistics as long as the statistics are classified to prevent the  
1420 identification of particular reports or returns; and

1421 (c) the inspection by the attorney general or other legal representative of the state of the  
1422 report or return of any taxpayer:

1423 (i) who brings action to set aside or review a tax based on the report or return;

1424 (ii) against whom an action or proceeding is contemplated or has been instituted under  
1425 this title; or

1426 (iii) against whom the state has an unsatisfied money judgment.

1427 (3) (a) Notwithstanding Subsection (1) and for purposes of administration, the  
1428 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative  
1429 Rulemaking Act, provide for a reciprocal exchange of information with:

1430 (i) the United States Internal Revenue Service; or

1431 (ii) the revenue service of any other state.

1432 (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
1433 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,  
1434 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and  
1435 other written statements with the federal government, any other state, any of the political  
1436 subdivisions of another state, or any political subdivision of this state, except as limited by  
1437 Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal  
1438 government grant substantially similar privileges to this state.

1439 (c) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
1440 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,  
1441 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the  
1442 identity and other information of taxpayers who have failed to file tax returns or to pay any tax  
1443 due.

1444 (d) Notwithstanding Subsection (1), the commission shall provide to the director of the  
1445 Division of Environmental Response and Remediation, as defined in Section 19-6-402, as  
1446 requested by the director of the Division of Environmental Response and Remediation, any  
1447 records, returns, or other information filed with the commission under Chapter 13, Motor and  
1448 Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program  
1449 participation fee.

1450 (e) Notwithstanding Subsection (1), at the request of any person the commission shall  
1451 provide that person sales and purchase volume data reported to the commission on a report,

1452 return, or other information filed with the commission under:

1453 (i) Chapter 13, Part 2, Motor Fuel; or

1454 (ii) Chapter 13, Part 4, Aviation Fuel.

1455 (f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer,

1456 as defined in Section 59-22-202, the commission shall report to the manufacturer:

1457 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the

1458 manufacturer and reported to the commission for the previous calendar year under Section

1459 59-14-407; and

1460 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the

1461 manufacturer for which a tax refund was granted during the previous calendar year under

1462 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

1463 (g) Notwithstanding Subsection (1), the commission shall notify manufacturers,

1464 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited

1465 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

1466 (h) Notwithstanding Subsection (1), the commission may:

1467 (i) provide to the Division of Consumer Protection within the Department of

1468 Commerce and the attorney general data:

1469 (A) reported to the commission under Section 59-14-212; or

1470 (B) related to a violation under Section 59-14-211; and

1471 (ii) upon request, provide to any person data reported to the commission under

1472 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

1473 (i) Notwithstanding Subsection (1), the commission shall, at the request of a committee

1474 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of

1475 ~~Management~~ Planning and Budget, provide to the committee or office the total amount of

1476 revenues collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act,

1477 for the time period specified by the committee or office.

1478 (j) Notwithstanding Subsection (1), the commission shall make the directory required

1479 by Section 59-14-603 available for public inspection.

1480 (k) Notwithstanding Subsection (1), the commission may share information with

1481 federal, state, or local agencies as provided in Subsection 59-14-606(3).

1482 (l) (i) Notwithstanding Subsection (1), the commission shall provide the Office of



1483 Recovery Services within the Department of Human Services any relevant information  
1484 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer  
1485 who has become obligated to the Office of Recovery Services.

1486 (ii) The information described in Subsection (3)(l)(i) may be provided by the Office of  
1487 Recovery Services to any other state's child support collection agency involved in enforcing  
1488 that support obligation.

1489 (m) (i) Notwithstanding Subsection (1), upon request from the state court  
1490 administrator, the commission shall provide to the state court administrator, the name, address,  
1491 telephone number, county of residence, and social security number on resident returns filed  
1492 under Chapter 10, Individual Income Tax Act.

1493 (ii) The state court administrator may use the information described in Subsection  
1494 (3)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.

1495 (n) (i) As used in this Subsection (3)(n):

1496 (A) "GOED" means the Governor's Office of Economic Development created in  
1497 Section 63N-1-201.

1498 (B) "Income tax information" means information gained by the commission that is  
1499 required to be attached to or included in a return filed with the commission under Chapter 7,  
1500 Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

1501 (C) "Other tax information" means information gained by the commission that is  
1502 required to be attached to or included in a return filed with the commission except for a return  
1503 filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual  
1504 Income Tax Act.

1505 (D) "Tax information" means income tax information or other tax information.

1506 (ii) (A) Notwithstanding Subsection (1) and except as provided in Subsection  
1507 (3)(n)(ii)(B) or (C), the commission shall at the request of GOED provide to GOED all income  
1508 tax information.

1509 (B) For purposes of a request for income tax information made under Subsection  
1510 (3)(n)(ii)(A), GOED may not request and the commission may not provide to GOED a person's  
1511 address, name, social security number, or taxpayer identification number.

1512 (C) In providing income tax information to GOED, the commission shall in all  
1513 instances protect the privacy of a person as required by Subsection (3)(n)(ii)(B).

1514 (iii) (A) Notwithstanding Subsection (1) and except as provided in Subsection  
1515 (3)(n)(iii)(B), the commission shall at the request of GOED provide to GOED other tax  
1516 information.

1517 (B) Before providing other tax information to GOED, the commission shall redact or  
1518 remove any name, address, social security number, or taxpayer identification number.

1519 (iv) GOED may provide tax information received from the commission in accordance  
1520 with this Subsection (3)(n) only:

1521 (A) as a fiscal estimate, fiscal note information, or statistical information; and

1522 (B) if the tax information is classified to prevent the identification of a particular  
1523 return.

1524 (v) (A) A person may not request tax information from GOED under Title 63G,  
1525 Chapter 2, Government Records Access and Management Act, or this section, if GOED  
1526 received the tax information from the commission in accordance with this Subsection (3)(n).

1527 (B) GOED may not provide to a person that requests tax information in accordance  
1528 with Subsection (3)(n)(v)(A) any tax information other than the tax information GOED  
1529 provides in accordance with Subsection (3)(n)(iv).

1530 (o) Notwithstanding Subsection (1), the commission may provide to the governing  
1531 board of the agreement or a taxing official of another state, the District of Columbia, the United  
1532 States, or a territory of the United States:

1533 (i) the following relating to an agreement sales and use tax:

1534 (A) information contained in a return filed with the commission;

1535 (B) information contained in a report filed with the commission;

1536 (C) a schedule related to Subsection (3)(o)(i)(A) or (B); or

1537 (D) a document filed with the commission; or

1538 (ii) a report of an audit or investigation made with respect to an agreement sales and  
1539 use tax.

1540 (p) Notwithstanding Subsection (1), the commission may provide information  
1541 concerning a taxpayer's state income tax return or state income tax withholding information to  
1542 the Driver License Division if the Driver License Division:

1543 (i) requests the information; and

1544 (ii) provides the commission with a signed release form from the taxpayer allowing the

1545 Driver License Division access to the information.

1546 (q) Notwithstanding Subsection (1), the commission shall provide to the Utah  
1547 Communications Authority, or a division of the Utah Communications Authority, the  
1548 information requested by the authority under Sections [63H-7a-302](#), [63H-7a-402](#), and  
1549 [63H-7a-502](#).

1550 (r) Notwithstanding Subsection (1), the commission shall provide to the Utah  
1551 Educational Savings Plan information related to a resident or nonresident individual's  
1552 contribution to a Utah Educational Savings Plan account as designated on the resident or  
1553 nonresident's individual income tax return as provided under Section [59-10-1313](#).

1554 (s) Notwithstanding Subsection (1), for the purpose of verifying eligibility under  
1555 Sections [26-18-2.5](#) and [26-40-105](#), the commission shall provide an eligibility worker with the  
1556 Department of Health or its designee with the adjusted gross income of an individual if:

1557 (i) an eligibility worker with the Department of Health or its designee requests the  
1558 information from the commission; and

1559 (ii) the eligibility worker has complied with the identity verification and consent  
1560 provisions of Sections [26-18-2.5](#) and [26-40-105](#).

1561 (t) Notwithstanding Subsection (1), the commission may provide to a county, as  
1562 determined by the commission, information declared on an individual income tax return in  
1563 accordance with Section [59-10-103.1](#) that relates to eligibility to claim a residential exemption  
1564 authorized under Section [59-2-103](#).

1565 (u) Notwithstanding Subsection (1), the commission shall provide a report regarding  
1566 any access line provider that is over 90 days delinquent in payment to the commission of  
1567 amounts the access line provider owes under Title 69, Chapter 2, Part 4, Prepaid Wireless  
1568 Telecommunications Service Charges, to the board of the Utah Communications Authority  
1569 created in Section [63H-7a-201](#).

1570 (v) Notwithstanding Subsection (1), the commission shall provide the Department of  
1571 Environmental Quality a report on the amount of tax paid by a radioactive waste facility for the  
1572 previous calendar year under Section [59-24-103.5](#).

1573 (w) Notwithstanding Subsection (1), the commission may, upon request, provide to the  
1574 Department of Workforce Services any information received under Chapter 10, Part 4,  
1575 Withholding of Tax, that is relevant to the duties of the Department of Workforce Services.

1576 (x) Notwithstanding Subsection (1), the commission may provide the Public Service  
1577 Commission or the Division of Public Utilities information related to a seller that collects and  
1578 remits to the commission a charge described in Subsection 69-2-405(2), including the seller's  
1579 identity and the number of charges described in Subsection 69-2-405(2) that the seller collects.

1580 (4) (a) Each report and return shall be preserved for at least three years.

1581 (b) After the three-year period provided in Subsection (4)(a) the commission may  
1582 destroy a report or return.

1583 (5) (a) Any individual who violates this section is guilty of a class A misdemeanor.

1584 (b) If the individual described in Subsection (5)(a) is an officer or employee of the  
1585 state, the individual shall be dismissed from office and be disqualified from holding public  
1586 office in this state for a period of five years thereafter.

1587 (c) Notwithstanding Subsection (5)(a) or (b), GOED, when requesting information in  
1588 accordance with Subsection (3)(n)(iii), or an individual who requests information in  
1589 accordance with Subsection (3)(n)(v):

1590 (i) is not guilty of a class A misdemeanor; and

1591 (ii) is not subject to:

1592 (A) dismissal from office in accordance with Subsection (5)(b); or

1593 (B) disqualification from holding public office in accordance with Subsection (5)(b).

1594 (6) Except as provided in Section 59-1-404, this part does not apply to the property tax.  
1595 Section 27. Section 59-1-403.1 is amended to read:

1596 **59-1-403.1. Disclosure of return information.**

1597 (1) As used in this section:

1598 (a) "Office" means:

1599 (i) the Office of the Legislative Fiscal Analyst, established in Section 36-12-13;

1600 (ii) the Office of Legislative Research and General Counsel, established in Section  
1601 36-12-12; or

1602 (iii) the Governor's Office of ~~Management~~ Planning and Budget, created in Section  
1603 63J-4-201.

1604 (b) (i) "Return information" means information gained by the commission that is  
1605 required to be attached to or included in a return filed with the commission.

1606 (ii) "Return information" does not include information that the commission is

1607 prohibited from disclosing by federal law, federal regulation, or federal publication.

1608 (2) (a) Notwithstanding Subsection 59-1-403(1), the commission, at the request of an  
1609 office, shall provide to the office all return information with the items described in Subsection  
1610 (2)(b) removed.

1611 (b) For purposes of a request for return information made under Subsection (2)(a), the  
1612 commission shall redact or remove any name, address, social security number, or taxpayer  
1613 identification number.

1614 (3) (a) An office may disclose return information received from the commission in  
1615 accordance with this section only:

1616 (i) (A) as a fiscal estimate, fiscal note information, or statistical information; and  
1617 (B) in a manner that reasonably protects the identification of a particular taxpayer; or  
1618 (ii) to another office.

1619 (b) A person may not request return information, other than the return information that  
1620 the office discloses in accordance with Subsection (3)(a), from an office under Title 63G,  
1621 Chapter 2, Government Records Access and Management Act, or this section, if that office  
1622 received the return information from the commission in accordance with this section.

1623 (c) An office may not disclose to a person that requests return information any return  
1624 information other than the return information that the office discloses in accordance with  
1625 Subsection (3)(a).

1626 (4) Any individual who violates Subsection (3)(a):

1627 (a) is guilty of a class A misdemeanor; and  
1628 (b) shall be:

1629 (i) dismissed from office; and

1630 (ii) disqualified from holding public office in this state for a period of five years after  
1631 dismissal.

1632 (5) (a) An office and the commission may enter into an agreement specifying the  
1633 procedures for accessing, storing, and destroying return information requested in accordance  
1634 with this section.

1635 (b) An office's access to return information is governed by this section, and except as  
1636 provided in Subsection (5)(a), may not be limited by any agreement.

1637 Section 28. Section 59-15-109 is amended to read:

1638 **59-15-109. Tax money to be paid to state treasurer.**

1639 (1) Except as provided in Subsection (2), taxes collected under this chapter shall be  
1640 paid by the commission to the state treasurer daily for deposit as follows:

1641 (a) the greater of the following shall be deposited into the Alcoholic Beverage  
1642 Enforcement and Treatment Restricted Account created in Section [32B-2-403](#):

1643 (i) an amount calculated by:

1644 (A) determining an amount equal to 40% of the revenue collected for the fiscal year  
1645 two years preceding the fiscal year for which the deposit is made; and

1646 (B) subtracting \$30,000 from the amount determined under Subsection (1)(a)(i)(A); or

1647 (ii) \$4,350,000; and

1648 (b) the revenue collected in excess of the amount deposited in accordance with  
1649 Subsection (1)(a) shall be deposited into the General Fund.

1650 (2) For a fiscal year beginning on or after July 1, 2020, the state treasurer shall annually  
1651 deposit into the Alcoholic Beverage Enforcement and Treatment Restricted Account created in  
1652 Section [32B-2-403](#) an amount equal to the amount of revenue generated in the current fiscal  
1653 year by the portion of the tax imposed under Section [59-15-101](#) that exceeds:

1654 (a) \$12.80 per 31-gallon barrel for beer imported or manufactured:

1655 (i) on or after July 1, 2003; and

1656 (ii) for sale, use, or distribution in this state; and

1657 (b) a proportionate rate to the rate described in Subsection (2)(a) for:

1658 (i) any quantity of beer other than a 31-gallon barrel; or

1659 (ii) the fractional parts of a 31-gallon barrel.

1660 (3) (a) The commission shall notify the entities described in Subsection (3)(b) not later  
1661 than the September 1 preceding the fiscal year of the deposit of:

1662 (i) the amount of the proceeds of the beer excise tax collected in accordance with this  
1663 section for the fiscal year two years preceding the fiscal year of deposit; and

1664 (ii) an amount equal to 40% of the amount listed in Subsection (3)(a)(i).

1665 (b) The notification required by Subsection (3)(a) shall be sent to:

1666 (i) the Governor's Office of [Management] Planning and Budget; and

1667 (ii) the Legislative Fiscal Analyst.

1668 Section 29. Section **62A-15-612** is amended to read:

1669           **62A-15-612. Allocation of pediatric state hospital beds -- Formula.**

1670           (1) As used in this section:

1671           (a) "Mental health catchment area" means a county or group of counties governed by a  
1672 local mental health authority.

1673           (b) "Pediatric beds" means the total number of patient beds located in the children's  
1674 unit and the youth units at the state hospital, as determined by the superintendent of the state  
1675 hospital.

1676           (2) On July 1, 1996, 72 pediatric beds shall be allocated to local mental health  
1677 authorities under this section. The division shall review and adjust the number of pediatric beds  
1678 as necessary every three years according to the state's population of persons under 18 years of  
1679 age. All population figures utilized shall reflect the most recent available population estimates  
1680 from the Governor's Office of [~~Management~~] Planning and Budget.

1681           (3) The allocation of beds shall be based on the percentage of the state's population of  
1682 persons under the age of 18 located within a mental health catchment area. Each community  
1683 mental health center shall be allocated at least one bed.

1684           (4) A local mental health authority may sell or loan its allocation of beds to another  
1685 local mental health authority.

1686           (5) The division shall allocate 72 pediatric beds at the state hospital to local mental  
1687 health authorities for their use in accordance with the formula established under this section. If  
1688 a local mental health authority is unable to access a bed allocated to it under that formula, the  
1689 division shall provide that local mental health authority with funding equal to the reasonable,  
1690 average daily cost of an acute care bed purchased by the local mental health authority.

1691           Section 30. Section **63A-1-114** is amended to read:

1692           **63A-1-114. Rate committee -- Membership -- Duties.**

1693           (1) (a) There is created a rate committee consisting of the executive directors,  
1694 commissioners, or superintendents of seven state agencies, which may include the State Board  
1695 of Education, that use services and pay rates to one of the department internal service funds, or  
1696 their designee, that the governor appoints for a two-year term.

1697           (b) (i) Of the seven state agencies represented on the rate committee under Subsection  
1698 (1)(a), only one of the following may be represented on the committee, if at all, at any one  
1699 time:

- 1700 (A) the Governor's Office of [~~Management~~] Planning and Budget; or
- 1701 (B) the Department of Technology Services.
- 1702 (ii) The department may not have a representative on the rate committee.
- 1703 (c) (i) The committee shall elect a chair from its members.
- 1704 (ii) Members of the committee who are state government employees and who do not
- 1705 receive salary, per diem, or expenses from their agency for their service on the committee shall
- 1706 receive no compensation, benefits, per diem, or expenses for the members' service on the
- 1707 committee.
- 1708 (d) The Department of Administrative Services shall provide staff services to the
- 1709 committee.
- 1710 (2) (a) A division described in Section [63A-1-109](#) that manages an internal service
- 1711 fund shall submit to the committee a proposed rate and fee schedule for services rendered by
- 1712 the division to an executive branch entity or an entity that subscribes to services rendered by
- 1713 the division.
- 1714 (b) The committee shall:
- 1715 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings
- 1716 Act;
- 1717 (ii) meet at least once each calendar year to:
- 1718 (A) discuss the service performance of each internal service fund;
- 1719 (B) review the proposed rate and fee schedules;
- 1720 (C) at the rate committee's discretion, approve, increase, or decrease the rate and fee
- 1721 schedules described in Subsection (2)(b)(ii)(B); and
- 1722 (D) discuss any prior or potential adjustments to the service level received by state
- 1723 agencies that pay rates to an internal service fund;
- 1724 (iii) recommend a proposed rate and fee schedule for each internal service fund to:
- 1725 (A) the Governor's Office of [~~Management~~] Planning and Budget; and
- 1726 (B) each legislative appropriations subcommittee that, in accordance with Section
- 1727 [63J-1-410](#), approves the internal service fund agency's rates, fees, and budget; and
- 1728 (iv) review and approve, increase or decrease an interim rate, fee, or amount when an
- 1729 internal service fund agency begins a new service or introduces a new product between annual
- 1730 general sessions of the Legislature.



1731 (c) The committee may in accordance with Subsection 63J-1-410(4), decrease a rate,  
1732 fee, or amount that has been approved by the Legislature.

1733 Section 31. Section 63A-1-203 is amended to read:

1734 **63A-1-203. Utah Transparency Advisory Board -- Creation -- Membership --**

1735 **Duties.**

1736 (1) There is created within the department the Utah Transparency Advisory Board  
1737 comprised of members knowledgeable about public finance or providing public access to  
1738 public information.

1739 (2) The board consists of:

1740 (a) the state auditor or the state auditor's designee;

1741 (b) an individual appointed by the executive director of the department;

1742 (c) an individual appointed by the executive director of the Governor's Office of

1743 [~~Management~~] Planning and Budget;

1744 (d) an individual appointed by the governor on advice from the Legislative Fiscal

1745 Analyst;

1746 (e) one member of the Senate, appointed by the governor on advice from the president

1747 of the Senate;

1748 (f) one member of the House of Representatives, appointed by the governor on advice

1749 from the speaker of the House of Representatives;

1750 (g) an individual appointed by the director of the Department of Technology Services;

1751 (h) the director of the Division of Archives and Records Service created in Section

1752 63A-12-101 or the director's designee;

1753 (i) an individual who is a member of the State Records Committee created in Section

1754 63G-2-501, appointed by the governor;

1755 (j) an individual representing counties, appointed by the governor;

1756 (k) an individual representing municipalities, appointed by the governor;

1757 (l) an individual representing special districts, appointed by the governor;

1758 (m) an individual representing the State Board of Education, appointed by the State

1759 Board of Education; and

1760 (n) one individual who is a member of the public and who has knowledge, expertise, or

1761 experience in matters relating to the board's duties under Subsection (10), appointed by the

1762 board members identified in Subsections (2)(a) through (m).  
1763 (3) The board shall:  
1764 (a) advise the state auditor and the department on matters related to the implementation  
1765 and administration of this part;  
1766 (b) develop plans, make recommendations, and assist in implementing the provisions  
1767 of this part;  
1768 (c) determine what public financial information shall be provided by a participating  
1769 state entity, independent entity, and participating local entity, if the public financial  
1770 information:  
1771 (i) only includes records that:  
1772 (A) are classified as public under Title 63G, Chapter 2, Government Records Access  
1773 and Management Act, or, subject to any specific limitations and requirements regarding the  
1774 provision of financial information from the entity described in Section 63A-1-202, if an entity  
1775 is exempt from Title 63G, Chapter 2, Government Records Access and Management Act,  
1776 records that would normally be classified as public if the entity were not exempt from Title  
1777 63G, Chapter 2, Government Records Access and Management Act;  
1778 (B) are an accounting of money, funds, accounts, bonds, loans, expenditures, or  
1779 revenues, regardless of the source; and  
1780 (C) are owned, held, or administered by the participating state entity, independent  
1781 entity, or participating local entity that is required to provide the record; and  
1782 (ii) is of the type or nature that should be accessible to the public via a website based  
1783 on considerations of:  
1784 (A) the cost effectiveness of providing the information;  
1785 (B) the value of providing the information to the public; and  
1786 (C) privacy and security considerations;  
1787 (d) evaluate the cost effectiveness of implementing specific information resources and  
1788 features on the website;  
1789 (e) require participating local entities to provide public financial information in  
1790 accordance with the requirements of this part, with a specified content, reporting frequency,  
1791 and form;  
1792 (f) require an independent entity's website or a participating local entity's website to be

- 1793 accessible by link or other direct route from the Utah Public Finance Website if the  
1794 independent entity or participating local entity does not use the Utah Public Finance Website;
- 1795 (g) determine the search methods and the search criteria that shall be made available to  
1796 the public as part of a website used by an independent entity or a participating local entity  
1797 under the requirements of this part, which criteria may include:
- 1798 (i) fiscal year;  
1799 (ii) expenditure type;  
1800 (iii) name of the agency;  
1801 (iv) payee;  
1802 (v) date; and  
1803 (vi) amount; and
- 1804 (h) analyze ways to improve the information on the Utah Public Finance Website so  
1805 the information is more relevant to citizens, including through the use of:
- 1806 (i) infographics that provide more context to the data; and  
1807 (ii) geolocation services, if possible.
- 1808 (4) Every two years, the board shall elect a chair and a vice chair from its members.
- 1809 (5) (a) Each member shall serve a four-year term.  
1810 (b) When a vacancy occurs in the membership for any reason, the replacement shall be  
1811 appointed for a four-year term.
- 1812 (6) To accomplish its duties, the board shall meet as it determines necessary.
- 1813 (7) Reasonable notice shall be given to each member of the board before any meeting.
- 1814 (8) A majority of the board constitutes a quorum for the transaction of business.
- 1815 (9) (a) A member who is not a legislator may not receive compensation or benefits for  
1816 the member's service, but may receive per diem and travel expenses as allowed in:
- 1817 (i) Section [63A-3-106](#);  
1818 (ii) Section [63A-3-107](#); and  
1819 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and  
1820 [63A-3-107](#).
- 1821 (b) Compensation and expenses of a member who is a legislator are governed by  
1822 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- 1823 (10) (a) As used in Subsections (10) and (11):

1824 (i) "Information website" means a single Internet website containing public information  
1825 or links to public information.

1826 (ii) "Public information" means records of state government, local government, or an  
1827 independent entity that are classified as public under Title 63G, Chapter 2, Government  
1828 Records Access and Management Act, or, subject to any specific limitations and requirements  
1829 regarding the provision of financial information from the entity described in Section  
1830 [63A-1-202](#), if an entity is exempt from Title 63G, Chapter 2, Government Records Access and  
1831 Management Act, records that would normally be classified as public if the entity were not  
1832 exempt from Title 63G, Chapter 2, Government Records Access and Management Act.

1833 (b) The board shall:

1834 (i) study the establishment of an information website and develop recommendations for  
1835 its establishment;

1836 (ii) develop recommendations about how to make public information more readily  
1837 available to the public through the information website;

1838 (iii) develop standards to make uniform the format and accessibility of public  
1839 information posted to the information website; and

1840 (iv) identify and prioritize public information in the possession of a state agency or  
1841 political subdivision that may be appropriate for publication on the information website.

1842 (c) In fulfilling its duties under Subsection (10)(b), the board shall be guided by  
1843 principles that encourage:

1844 (i) (A) the establishment of a standardized format of public information that makes the  
1845 information more easily accessible by the public;

1846 (B) the removal of restrictions on the reuse of public information;

1847 (C) minimizing limitations on the disclosure of public information while appropriately  
1848 safeguarding sensitive information; and

1849 (D) balancing factors in favor of excluding public information from an information  
1850 website against the public interest in having the information accessible on an information  
1851 website;

1852 (ii) (A) permanent, lasting, open access to public information; and

1853 (B) the publication of bulk public information;

1854 (iii) the implementation of well-designed public information systems that ensure data

1855 quality, create a public, comprehensive list or index of public information, and define a process  
1856 for continuous publication of and updates to public information;

1857 (iv) the identification of public information not currently made available online and the  
1858 implementation of a process, including a timeline and benchmarks, for making that public  
1859 information available online; and

1860 (v) accountability on the part of those who create, maintain, manage, or store public  
1861 information or post it to an information website.

1862 (d) The department shall implement the board's recommendations, including the  
1863 establishment of an information website, to the extent that implementation:

1864 (i) is approved by the Legislative Management Committee;

1865 (ii) does not require further legislative appropriation; and

1866 (iii) is within the department's existing statutory authority.

1867 (11) The department shall, in consultation with the board and as funding allows,  
1868 modify the information website described in Subsection (10) to:

1869 (a) by January 1, 2015, serve as a point of access for Government Records Access and  
1870 Management Act requests for executive agencies;

1871 (b) by January 1, 2016, serve as a point of access for Government Records Access and  
1872 Management Act requests for:

1873 (i) school districts;

1874 (ii) charter schools;

1875 (iii) public transit districts created under Title 17B, Chapter 2a, Part 8, Public Transit  
1876 District Act;

1877 (iv) counties; and

1878 (v) municipalities;

1879 (c) by January 1, 2017, serve as a point of access for Government Records Access and  
1880 Management Act requests for:

1881 (i) local districts under Title 17B, Limited Purpose Local Government Entities - Local  
1882 Districts; and

1883 (ii) special service districts under Title 17D, Chapter 1, Special Service District Act;

1884 (d) except as provided in Subsection (12)(a), provide link capabilities to other existing  
1885 repositories of public information, including maps, photograph collections, legislatively

1886 required reports, election data, statute, rules, regulations, and local ordinances that exist on  
1887 other agency and political subdivision websites;

1888 (e) provide multiple download options in different formats, including nonproprietary,  
1889 open formats where possible;

1890 (f) provide any other public information that the board, under Subsection (10),  
1891 identifies as appropriate for publication on the information website; and

1892 (g) incorporate technical elements the board identifies as useful to a citizen using the  
1893 information website.

1894 (12) (a) The department, in consultation with the board, shall establish by rule any  
1895 restrictions on the inclusion of maps and photographs, as described in Subsection (11)(d), on  
1896 the website described in Subsection (10) if the inclusion would pose a potential security  
1897 concern.

1898 (b) The website described in Subsection (10) may not publish any record that is  
1899 classified as private, protected, or controlled under Title 63G, Chapter 2, Government Records  
1900 Access and Management Act.

1901 Section 32. Section **63A-5b-201** is amended to read:

1902 **63A-5b-201. Creation of state building board -- Composition -- Appointment --**  
1903 **Per diem and expenses -- Board officers.**

1904 (1) There is created within the department the state building board.

1905 (2) (a) The board is composed of eight members, seven of whom are voting members  
1906 appointed by the governor.

1907 (b) The executive director of the Governor's Office of [~~Management~~] Planning and  
1908 Budget, or the executive director's designee, is a nonvoting member of the board.

1909 (3) The term of a voting board member is four years, except that the governor shall, at  
1910 the time of a member's appointment or reappointment, adjust the length of the member's term,  
1911 as necessary, to ensure that approximately half of the board is appointed every two years.

1912 (4) When a vacancy occurs in the membership of the voting members of the board for  
1913 any reason, the governor shall appoint a replacement for the unexpired term of the member  
1914 who created the vacancy.

1915 (5) (a) A voting board member shall hold office until a successor is appointed and  
1916 qualified.

- 1917 (b) A voting board member may not serve more than two consecutive terms.
- 1918 (6) The governor shall designate one board member as the board chair.
- 1919 (7) A member of the board may not receive compensation or benefits for the member's
- 1920 service on the board, but may receive per diem and travel expenses in accordance with:
- 1921 (a) Sections [63A-3-106](#) and [63A-3-107](#); and
- 1922 (b) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
- 1923 [63A-3-107](#).
- 1924 (8) A member of the board is not required to post a bond for the performance of the
- 1925 member's official duties.
- 1926 (9) The executive director or the executive director's designee shall serve as secretary
- 1927 to the board and shall:
- 1928 (a) manage scheduling for the board and the board's calendar;
- 1929 (b) establish and manage the agenda for meetings of the board;
- 1930 (c) keep the minutes of board meetings;
- 1931 (d) assist the board in the board's obligation to comply with Title 52, Chapter 4, Open
- 1932 and Public Meetings Act;
- 1933 (e) (i) assist the board in the board's obligation to comply with Title 63G, Chapter 2,
- 1934 Government Records Access and Management Act; and
- 1935 (ii) act as the board's records officer, as defined in Section [63G-2-103](#); and
- 1936 (f) assist the board in the board's obligation to comply with Title 63G, Chapter 3, Utah
- 1937 Administrative Rulemaking Act.
- 1938 Section 33. Section **63A-5b-702** is amended to read:
- 1939 **63A-5b-702. Standards and requirements for state facilities -- Life-cycle cost**
- 1940 **effectiveness.**
- 1941 (1) As used in this section:
- 1942 (a) "Life cycle cost-effective" means the most prudent cost of owning, operating, and
- 1943 maintaining a facility, including the initial cost, energy costs, operation and maintenance costs,
- 1944 repair costs, and the costs of energy conservation and renewable energy systems.
- 1945 (b) "Renewable energy system" means a system designed to use solar, wind,
- 1946 geothermal power, wood, or other replenishable energy source to heat, cool, or provide
- 1947 electricity to a building.

1948 (2) The director shall, in accordance with Title 63G, Chapter 3, Utah Administrative  
1949 Rulemaking Act, make rules:

1950 (a) that establish standards and requirements for determining whether a state facility  
1951 project is life cycle cost-effective;

1952 (b) for the monitoring of an agency's operation and maintenance expenditures for a  
1953 state-owned facility;

1954 (c) to establish standards and requirements for utility metering;

1955 (d) that create an operation and maintenance program for an agency's facilities;

1956 (e) that establish a methodology for determining reasonably anticipated inflationary  
1957 costs for each operation and maintenance program described in Subsection (2)(d);

1958 (f) that require an agency to report the amount the agency receives and expends on  
1959 operation and maintenance; and

1960 (g) that provide for determining the actual cost for operation and maintenance requests  
1961 for a new facility.

1962 (3) The director shall:

1963 (a) ensure that state-owned facilities, except for facilities under the control of the State  
1964 Capitol Preservation Board, are life cycle cost-effective;

1965 (b) conduct ongoing facilities audits of state-owned facilities; and

1966 (c) monitor an agency's operation and maintenance expenditures for state-owned  
1967 facilities as provided in rules made under Subsection (2)(b).

1968 (4) (a) An agency shall comply with the rules made under Subsection (2) for new  
1969 facility requests submitted to the Legislature for a session of the Legislature after the 2017  
1970 General Session.

1971 (b) The Office of the Legislative Fiscal Analyst and the Governor's Office of  
1972 [~~Management~~] Planning and Budget shall, for each agency with operation and maintenance  
1973 expenses, ensure that each required budget for the agency is adjusted in accordance with the  
1974 rules described in Subsection (2)(e).

1975 Section 34. Section **63B-2-301** is amended to read:

1976 **63B-2-301. Legislative intent -- Additional projects.**

1977 It is the intent of the Legislature that:

1978 (1) The Department of Employment Security use money in the special administrative



1979 fund to plan, design, and construct a Davis County facility under the supervision of the director  
1980 of the Division of Facilities Construction and Management unless supervisory authority is  
1981 delegated by him as authorized by Section [63A-5b-604](#).

1982 (2) The University of Utah may use donated funds to plan, design, and construct the  
1983 Nora Eccles Harrison addition under the supervision of the director of the Division of Facilities  
1984 Construction and Management unless supervisory authority is delegated by him as authorized  
1985 by Section [63A-5b-604](#).

1986 (3) The University of Utah may use hospital funds to plan, design, and construct the  
1987 West Patient Services Building under the supervision of the director of the Division of  
1988 Facilities Construction and Management unless supervisory authority is delegated by him as  
1989 authorized by Section [63A-5b-604](#).

1990 (4) The University of Utah may use federal funds to plan, design, and construct the  
1991 Computational Science Building under the supervision of the director of the Division of  
1992 Facilities Construction and Management unless supervisory authority is delegated by him as  
1993 authorized by Section [63A-5b-604](#).

1994 (5) The Board of Regents may issue revenue bonds to provide:

1995 (a) \$6,700,000 to plan, design, and construct single student housing at Utah State  
1996 University under the supervision of the director of the Division of Facilities Construction and  
1997 Management unless supervisory authority is delegated by him as authorized by Section  
1998 [63A-5b-604](#); and

1999 (b) additional money necessary to:

2000 (i) pay costs incident to the issuance and sale of the bonds;

2001 (ii) pay interest on the bonds that accrues during construction and acquisition of the  
2002 project and for up to one year after construction is completed; and

2003 (iii) fund any reserve requirements for the bonds.

2004 (6) Utah State University may use federal funds to plan, design, and construct the  
2005 Natural Resources Lab addition under the supervision of the director of the Division of  
2006 Facilities Construction and Management unless supervisory authority is delegated by him as  
2007 authorized by Section [63A-5b-604](#).

2008 (7) Utah State University may use funds derived from property sales to plan, design,  
2009 and construct emergency relocation facilities for the Farmington Botanical Gardens under the

2010 supervision of the director of the Division of Facilities Construction and Management unless  
2011 supervisory authority is delegated by him as authorized by Section 63A-5b-604.

2012 (8) Utah State University may use institutional funds to plan, design, and construct an  
2013 institutional residence for the president under the supervision of the director of the Division of  
2014 Facilities Construction and Management unless supervisory authority is delegated by him as  
2015 authorized by Section 63A-5b-604.

2016 (9) Weber State University may use discretionary funds to construct a remodel and  
2017 expansion of the stores building and mail service facilities under the supervision of the director  
2018 of the Division of Facilities Construction and Management unless supervisory authority is  
2019 delegated by him as authorized by Section 63A-5b-604.

2020 (10) Weber State University may use fees and auxiliary revenue to plan, design, and  
2021 construct a remodel and expansion of the Shepherd Student Union Building under the  
2022 supervision of the director of the Division of Facilities Construction and Management unless  
2023 supervisory authority is delegated by him as authorized by Section 63A-5b-604.

2024 (11) Southern Utah University may use donated funds to plan, design, and construct an  
2025 alumni house under the supervision of the director of the Division of Facilities Construction  
2026 and Management unless supervisory authority is delegated by him as authorized by Section  
2027 63A-5b-604.

2028 (12) Utah State University Eastern may use auxiliary revenues and other fees to:

2029 (a) make lease or other payments;

2030 (b) redeem revenue bonds or repay loans issued on behalf of the college; and

2031 (c) plan, design, and construct a 200 person residence hall under the supervision of the  
2032 director of the Division of Facilities Construction and Management unless supervisory  
2033 authority is delegated by him as authorized by Section 63A-5b-604.

2034 (13) The Sevier Valley Applied Technology Center may use private and Community  
2035 Impact Board funds, if approved, to plan, design, and construct a performing arts/multi-use  
2036 facility under the supervision of the director of the Division of Facilities Construction and  
2037 Management unless supervisory authority is delegated by him as authorized by Section  
2038 63A-5b-604.

2039 (14) Ogden City and Weber County may have offices and related space for their  
2040 attorneys included in the Ogden Courts building if the city and county are able to provide

2041 upfront funding to cover all costs associated with the design and construction of that space. In  
2042 addition, the city and county shall cover their proportionate share of all operations and  
2043 maintenance costs of their facility, including future major repairs to the building.

2044 (15) If the Legislature authorizes the Division of Facilities Construction and  
2045 Management to enter into a lease purchase agreement for the Department of Human Services  
2046 facility at 1385 South State Street in Salt Lake City or for the State Board of Education facility  
2047 and adjacent space in Salt Lake City, or for both of those facilities, the State Building  
2048 Ownership Authority, at the reasonable rates and amounts it may determine, and with technical  
2049 assistance from the state treasurer, the director of the Division of Finance, and the executive  
2050 director of the Governor's Office of ~~Management~~ Planning and Budget, may seek out the  
2051 most cost effective lease purchase plans available to the state and may, pursuant to Title 63B,  
2052 Chapter 1, Part 3, State Building Ownership Authority Act, certificate out interests in, or  
2053 obligations of the authority pertaining to:

- 2054 (a) the lease purchase obligation; or  
2055 (b) lease rental payments under the lease purchase obligation.

2056 (16) Salt Lake Community College may use donated funds to plan, design, and  
2057 construct an amphitheater under the supervision of the director of the Division of Facilities  
2058 Construction and Management unless supervisory authority is delegated by him as authorized  
2059 by Section [63A-5b-604](#).

2060 (17) For the Tax Commission building, that:

2061 (a) All costs associated with the construction and furnishing of the Tax Commission  
2062 building that are incurred before the issuance of the 1993 general obligation bonds be  
2063 reimbursed by bond proceeds.

2064 (b) The maximum amount of cost that may be reimbursed from the 1993 general  
2065 obligation bond proceeds for the Tax Commission building and furnishings may not exceed  
2066 \$14,230,000.

2067 (c) This intent statement for Subsection (17) constitutes a declaration of official intent  
2068 under Section 1.103-18 of the U.S. Treasury Regulations.

2069 Section 35. Section **63B-3-301** is amended to read:

2070 **63B-3-301. Legislative intent -- Additional projects.**

2071 (1) It is the intent of the Legislature that, for any lease purchase agreement that the

2072 Legislature may authorize the Division of Facilities Construction and Management to enter into  
2073 during its 1994 Annual General Session, the State Building Ownership Authority, at the  
2074 reasonable rates and amounts it may determine, and with technical assistance from the state  
2075 treasurer, the director of the Division of Finance, and the executive director of the Governor's  
2076 Office of [~~Management~~] Planning and Budget, may seek out the most cost effective and  
2077 prudent lease purchase plans available to the state and may, pursuant to Chapter 1, Part 3, State  
2078 Building Ownership Authority Act, certificate out interests in, or obligations of the authority  
2079 pertaining to:

2080 (a) the lease purchase obligation; or

2081 (b) lease rental payments under the lease purchase obligation.

2082 (2) It is the intent of the Legislature that the Department of Transportation dispose of  
2083 surplus real properties and use the proceeds from those properties to acquire or construct  
2084 through the Division of Facilities Construction and Management a new District Two Complex.

2085 (3) It is the intent of the Legislature that the State Building Board allocate funds from  
2086 the Capital Improvement appropriation and donations to cover costs associated with the  
2087 upgrade of the Governor's Residence that go beyond the restoration costs which can be covered  
2088 by insurance proceeds.

2089 (4) (a) It is the intent of the Legislature to authorize the State Building Ownership  
2090 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to  
2091 issue or execute obligations or enter into or arrange for a lease purchase agreement in which  
2092 participation interests may be created, to provide up to \$10,600,000 for the construction of a  
2093 Natural Resources Building in Salt Lake City, together with additional amounts necessary to:

2094 (i) pay costs of issuance;

2095 (ii) pay capitalized interest; and

2096 (iii) fund any debt service reserve requirements.

2097 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
2098 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
2099 director of the Division of Finance, and the executive director of the Governor's Office of  
2100 [~~Management~~] Planning and Budget.

2101 (c) It is the intent of the Legislature that the operating budget for the Department of  
2102 Natural Resources not be increased to fund these lease payments.

2103 (5) (a) It is the intent of the Legislature to authorize the State Building Ownership  
2104 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to  
2105 issue or execute obligations or enter into or arrange for a lease purchase agreement in which  
2106 participation interests may be created, to provide up to \$8,300,000 for the acquisition of the  
2107 office buildings currently occupied by the Department of Environmental Quality and  
2108 approximately 19 acres of additional vacant land at the Airport East Business Park in Salt Lake  
2109 City, 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 (6) (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 a lease purchase agreement in which  
2120 participation interests may be created, to provide up to \$9,000,000 for the acquisition or  
2121 construction of up to two field offices for the Department of Human Services in the  
2122 southwestern portion of Salt Lake County, together 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 (7) (a) It is the intent of the Legislature to authorize the State Building Ownership  
2131 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to  
2132 issue or execute obligations or enter into or arrange for lease purchase agreements in which  
2133 participation interests may be created, to provide up to \$5,000,000 for the acquisition or

2134 construction of up to 13 stores for the Department of Alcoholic Beverage Control, together  
2135 with additional amounts necessary to:

- 2136 (i) pay costs of issuance;
- 2137 (ii) pay capitalized interest; and
- 2138 (iii) fund any debt service reserve requirements.

2139 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
2140 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
2141 director of the Division of Finance, and the executive director of the Governor's Office of  
2142 [~~Management~~] Planning and Budget.

2143 (c) It is the intent of the Legislature that the operating budget for the Department of  
2144 Alcoholic Beverage Control not be increased to fund these lease payments.

2145 (8) (a) It is the intent of the Legislature to authorize the State Building Ownership  
2146 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to  
2147 issue or execute obligations or enter into or arrange for a lease purchase agreement in which  
2148 participation interests may be created, to provide up to \$6,800,000 for the construction of a  
2149 Prerelease and Parole Center for the Department of Corrections, containing a minimum of 300  
2150 beds, together with additional amounts necessary to:

- 2151 (i) pay costs of issuance;
- 2152 (ii) pay capitalized interest; and
- 2153 (iii) fund any debt service reserve requirements.

2154 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
2155 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
2156 director of the Division of Finance, and the executive director of the Governor's Office of  
2157 [~~Management~~] Planning and Budget.

2158 (9) If S.B. 275, 1994 General Session, which authorizes funding for a Courts Complex  
2159 in Salt Lake City, becomes law, it is the intent of the Legislature that:

2160 (a) the Legislative Management Committee, the Interim Appropriation Subcommittees  
2161 for General Government and Capital Facilities and Executive Offices, Courts, and Corrections,  
2162 the Office of the Legislative Fiscal Analyst, the Governor's Office of [~~Management~~] Planning  
2163 and Budget, and the State Building Board participate in a review of the proposed facility design  
2164 for the Courts Complex no later than December 1994; and

2165 (b) although this review will not affect the funding authorization issued by the 1994  
2166 Legislature, it is expected that Division of Facilities Construction and Management will give  
2167 proper attention to concerns raised in these reviews and make appropriate design changes  
2168 pursuant to the review.

2169 (10) It is the intent of the Legislature that:

2170 (a) the Division of Facilities Construction and Management, in cooperation with the  
2171 Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services,  
2172 develop a flexible use prototype facility for the Division of Youth Corrections renamed in 2003  
2173 to the Division of Juvenile Justice Services;

2174 (b) the development process use existing prototype proposals unless it can be  
2175 quantifiably demonstrated that the proposals cannot be used;

2176 (c) the facility is designed so that with minor modifications, it can accommodate  
2177 detention, observation and assessment, transition, and secure programs as needed at specific  
2178 geographical locations;

2179 (d) (i) funding as provided in the fiscal year 1995 bond authorization for the Division  
2180 of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services is used to  
2181 design and construct one facility and design the other;

2182 (ii) the Division of Youth Corrections renamed in 2003 to the Division of Juvenile  
2183 Justice Services shall:

2184 (A) determine the location for the facility for which design and construction are fully  
2185 funded; and

2186 (B) in conjunction with the Division of Facilities Construction and Management,  
2187 determine the best methodology for design and construction of the fully funded facility;

2188 (e) the Division of Facilities Construction and Management submit the prototype as  
2189 soon as possible to the Infrastructure and General Government Appropriations Subcommittee  
2190 and Executive Offices, Criminal Justice, and Legislature Appropriation Subcommittee for  
2191 review;

2192 (f) the Division of Facilities Construction and Management issue a Request for  
2193 Proposal for one of the facilities, with that facility designed and constructed entirely by the  
2194 winning firm;

2195 (g) the other facility be designed and constructed under the existing Division of

2196 Facilities Construction and Management process;

2197 (h) that both facilities follow the program needs and specifications as identified by  
2198 Division of Facilities Construction and Management and the Division of Youth Corrections  
2199 renamed in 2003 to the Division of Juvenile Justice Services in the prototype; and

2200 (i) the fully funded facility should be ready for occupancy by September 1, 1995.

2201 (11) It is the intent of the Legislature that the fiscal year 1995 funding for the State Fair  
2202 Park Master Study be used by the Division of Facilities Construction and Management to  
2203 develop a master plan for the State Fair Park that:

2204 (a) identifies capital facilities needs, capital improvement needs, building  
2205 configuration, and other long term needs and uses of the State Fair Park and its buildings; and

2206 (b) establishes priorities for development, estimated costs, and projected timetables.

2207 (12) It is the intent of the Legislature that:

2208 (a) the Division of Facilities Construction and Management, in cooperation with the  
2209 Division of Parks and Recreation and surrounding counties, develop a master plan and general  
2210 program for the phased development of Antelope Island;

2211 (b) the master plan:

2212 (i) establish priorities for development;

2213 (ii) include estimated costs and projected time tables; and

2214 (iii) include recommendations for funding methods and the allocation of  
2215 responsibilities between the parties; and

2216 (c) the results of the effort be reported to the Natural Resources, Agriculture, and  
2217 Environmental Quality Appropriations Subcommittee and Infrastructure and General  
2218 Government Appropriations Subcommittee.

2219 (13) It is the intent of the Legislature to authorize the University of Utah to use:

2220 (a) bond reserves to plan, design, and construct the Kingsbury Hall renovation under  
2221 the supervision of the director of the Division of Facilities Construction and Management  
2222 unless supervisory authority is delegated by the director; and

2223 (b) donated and other nonappropriated funds to plan, design, and construct the Biology  
2224 Research Building under the supervision of the director of the Division of Facilities  
2225 Construction and Management unless supervisory authority is delegated by the director.

2226 (14) It is the intent of the Legislature to authorize Utah State University to use:



2227 (a) federal and other funds to plan, design, and construct the Bee Lab under the  
2228 supervision of the director of the Division of Facilities Construction and Management unless  
2229 supervisory authority is delegated by the director;

2230 (b) donated and other nonappropriated funds to plan, design, and construct an Athletic  
2231 Facility addition and renovation under the supervision of the director of the Division of  
2232 Facilities Construction and Management unless supervisory authority is delegated by the  
2233 director;

2234 (c) donated and other nonappropriated funds to plan, design, and construct a renovation  
2235 to the Nutrition and Food Science Building under the supervision of the director of the  
2236 Division of Facilities Construction and Management unless supervisory authority is delegated  
2237 by the director; and

2238 (d) federal and private funds to plan, design, and construct the Millville Research  
2239 Facility under the supervision of the director of the Division of Facilities Construction and  
2240 Management unless supervisory authority is delegated by the director.

2241 (15) It is the intent of the Legislature to authorize Salt Lake Community College to use:

2242 (a) institutional funds to plan, design, and construct a remodel to the Auto Trades  
2243 Office and Learning Center under the supervision of the director of the Division of Facilities  
2244 Construction and Management unless supervisory authority is delegated by the director;

2245 (b) institutional funds to plan, design, and construct the relocation and expansion of a  
2246 temporary maintenance compound under the supervision of the director of the Division of  
2247 Facilities Construction and Management unless supervisory authority is delegated by the  
2248 director; and

2249 (c) institutional funds to plan, design, and construct the Alder Amphitheater under the  
2250 supervision of the director of the Division of Facilities Construction and Management unless  
2251 supervisory authority is delegated by the director.

2252 (16) It is the intent of the Legislature to authorize Southern Utah University to use:

2253 (a) federal funds to plan, design, and construct a Community Services Building under  
2254 the supervision of the director of the Division of Facilities Construction and Management  
2255 unless supervisory authority is delegated by the director; and

2256 (b) donated and other nonappropriated funds to plan, design, and construct a stadium  
2257 expansion under the supervision of the director of the Division of Facilities Construction and

2258 Management unless supervisory authority is delegated by the director.

2259 (17) It is the intent of the Legislature to authorize the Department of Corrections to use  
2260 donated funds to plan, design, and construct a Prison Chapel at the Central Utah Correctional  
2261 Facility in Gunnison under the supervision of the director of the Division of Facilities  
2262 Construction and Management unless supervisory authority is delegated by the director.

2263 (18) If the Utah National Guard does not relocate in the Signetics Building, it is the  
2264 intent of the Legislature to authorize the Guard to use federal funds and funds from Provo City  
2265 to plan and design an Armory in Provo, Utah, under the supervision of the director of the  
2266 Division of Facilities Construction and Management unless supervisory authority is delegated  
2267 by the director.

2268 (19) It is the intent of the Legislature that the Utah Department of Transportation use  
2269 \$250,000 of the fiscal year 1995 highway appropriation to fund an environmental study in  
2270 Ogden, Utah of the 2600 North Corridor between Washington Boulevard and I-15.

2271 (20) It is the intent of the Legislature that the Ogden-Weber Applied Technology  
2272 Center use the money appropriated for fiscal year 1995 to design the Metal Trades Building  
2273 and purchase equipment for use in that building that could be used in metal trades or other  
2274 programs in other Applied Technology Centers.

2275 (21) It is the intent of the Legislature that the Bridgerland Applied Technology Center  
2276 and the Ogden-Weber Applied Technology Center projects as designed in fiscal year 1995 be  
2277 considered as the highest priority projects for construction funding in fiscal year 1996.

2278 (22) It is the intent of the Legislature that:

2279 (a) the Division of Facilities Construction and Management complete physical space  
2280 utilization standards by June 30, 1995, for the use of technology education activities;

2281 (b) these standards are to be developed with and approved by the State Board of  
2282 Education, the Board of Regents, and the Utah State Building Board;

2283 (c) these physical standards be used as the basis for:

2284 (i) determining utilization of any technology space based on number of stations capable  
2285 and occupied for any given hour of operation; and

2286 (ii) requests for any new space or remodeling;

2287 (d) the fiscal year 1995 projects at the Bridgerland Applied Technology Center and the  
2288 Ogden-Weber Applied Technology Center are exempt from this process; and

2289 (e) the design of the Davis Applied Technology Center take into account the utilization  
2290 formulas established by the Division of Facilities Construction and Management.

2291 (23) It is the intent of the Legislature that Utah Valley State College may use the  
2292 money from the bond allocated to the remodel of the Signetics building to relocate its technical  
2293 education programs at other designated sites or facilities under the supervision of the director  
2294 of the Division of Facilities Construction and Management unless supervisory authority is  
2295 delegated by the director.

2296 (24) It is the intent of the Legislature that the money provided for the fiscal year 1995  
2297 project for the Bridgerland Applied Technology Center be used to design and construct the  
2298 space associated with Utah State University and design the technology center portion of the  
2299 project.

2300 (25) It is the intent of the Legislature that the governor provide periodic reports on the  
2301 expenditure of the funds provided for electronic technology, equipment, and hardware to the  
2302 Infrastructure and General Government Appropriations Subcommittee, and the Legislative  
2303 Management Committee.

2304 Section 36. Section **63B-4-201** is amended to read:

2305 **63B-4-201. Legislative intent statements -- Capital facilities.**

2306 (1) (a) It is the intent of the Legislature that the University of Utah use institutional and  
2307 other funds to plan, design, and construct two campus child care centers under the supervision  
2308 of the director of the Division of Facilities Construction and Management unless supervisory  
2309 authority is delegated by the director.

2310 (b) The university shall work with Salt Lake City and the surrounding neighborhood to  
2311 ensure site compatibility for future recreational development by the city.

2312 (2) It is the intent of the Legislature that the University of Utah use institutional funds  
2313 to plan, design, and construct:

2314 (a) the Union Parking structure under the supervision of the director of the Division of  
2315 Facilities Construction and Management unless supervisory authority is delegated by the  
2316 director;

2317 (b) the stadium renovation under the supervision of the director of the Division of  
2318 Facilities Construction and Management unless supervisory authority is delegated by the  
2319 director;

2320 (c) the Huntsman Cancer Institute under the supervision of the director of the Division  
2321 of Facilities Construction and Management unless supervisory authority is delegated by the  
2322 director;

2323 (d) the Business Case Method Building under the supervision of the director of the  
2324 Division of Facilities Construction and Management unless supervisory authority is delegated  
2325 by the director; and

2326 (e) the Fine Arts Museum expansion under the supervision of the director of the  
2327 Division of Facilities Construction and Management unless supervisory authority is delegated  
2328 by the director.

2329 (3) It is the intent of the Legislature that Utah State University use institutional funds to  
2330 plan, design, and construct:

2331 (a) a student health services facility under the supervision of the director of the  
2332 Division of Facilities Construction and Management unless supervisory authority is delegated  
2333 by the director;

2334 (b) a women's softball field under the supervision of the director of the Division of  
2335 Facilities Construction and Management unless supervisory authority is delegated by the  
2336 director;

2337 (c) an addition to the Nutrition and Food Services Building under the supervision of  
2338 the director of the Division of Facilities Construction and Management unless supervisory  
2339 authority is delegated by the director; and

2340 (d) a Human Resource Research Center under the supervision of the director of the  
2341 Division of Facilities Construction and Management unless supervisory authority is delegated  
2342 by the director.

2343 (4) It is the intent of the Legislature that Weber State University use institutional funds  
2344 to plan, design, and construct:

2345 (a) a track renovation under the supervision of the director of the Division of Facilities  
2346 Construction and Management unless supervisory authority is delegated by the director; and

2347 (b) the Dee Events Center offices under the supervision of the director of the Division  
2348 of Facilities Construction and Management unless supervisory authority is delegated by the  
2349 director.

2350 (5) It is the intent of the Legislature that Southern Utah University use:

2351 (a) institutional funds to plan, design, and construct an institutional residence under the  
2352 supervision of the director of the Division of Facilities Construction and Management unless  
2353 supervisory authority is delegated by the director; and

2354 (b) project revenues and other funds to plan, design, and construct the Shakespearean  
2355 Festival support facilities under the supervision of the director of the Division of Facilities  
2356 Construction and Management unless supervisory authority is delegated by the director.

2357 (6) It is the intent of the Legislature that Dixie College use institutional funds to plan,  
2358 design, and construct an institutional residence under the supervision of the director of the  
2359 Division of Facilities Construction and Management unless supervisory authority is delegated  
2360 by the director.

2361 (7) It is the intent of the Legislature that the Division of Forestry, Fire, and State Lands  
2362 use federal and other funds to plan, design, and construct a wetlands enhancement facility  
2363 under the supervision of the director of the Division of Facilities Construction and  
2364 Management unless supervisory authority is delegated by the director.

2365 (8) (a) As provided in Subsection 63A-5b-609(2), the funds appropriated to the Project  
2366 Reserve Fund may only be used for the award of contracts in excess of the construction budget  
2367 if these funds are required to meet the intent of the project.

2368 (b) It is the intent of the Legislature that:

2369 (i) up to \$2,000,000 of the amount may be used to award the construction contract for  
2370 the Ogden Court Building; and

2371 (ii) the need for any funds remaining as of December 31, 1995 be reviewed by the 1996  
2372 Legislature.

2373 (9) (a) It is the intent of the Legislature that the State Building Ownership Authority,  
2374 under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue  
2375 or execute obligations or enter into or arrange for a lease purchase agreement in which  
2376 participation interests may be created to provide up to \$539,700 for the purchase and  
2377 demolition of the Keyston property and construction of parking facilities adjacent to the State  
2378 Board of Education building in Salt Lake City, with additional amounts necessary to:

2379 (i) pay costs of issuance;

2380 (ii) pay capitalized interest; and

2381 (iii) fund any debt service reserve requirements.

2382 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
2383 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
2384 director of the Division of Finance, and the executive director of the Governor's Office of  
2385 [~~Management~~] Planning and Budget.

2386 (10) (a) It is the intent of the Legislature that the money appropriated for Phase One of  
2387 the Remodeling/Life Safety Upgrades of the Browning Fine Arts Center at Weber State  
2388 University is to include design of full code compliance, life safety, space necessary to maintain  
2389 required programs, and seismic upgrades.

2390 (b) The design shall identify the full scope and cost of Phase Two of the remodeling for  
2391 funding consideration in the fiscal year 1997 budget cycle.

2392 (11) It is the intent of the Legislature that:

2393 (a) the fiscal year 1996 appropriation for the Davis County Higher Education land  
2394 purchase includes up to \$250,000 for planning purposes;

2395 (b) the Division of Facilities Construction and Management, the Board of Regents, and  
2396 the assigned institution of higher education work jointly to ensure the following elements are  
2397 part of the planning process:

2398 (i) projections of student enrollment and programmatic needs for the next 10 years;

2399 (ii) review and make recommendations for better use of existing space, current  
2400 technologies, public/private partnerships, and other alternatives as a means to reduce the need  
2401 for new facilities and still accommodate the projected student needs; and

2402 (iii) use of a master plan that includes issues of utilities, access, traffic circulation,  
2403 drainage, rights of way, future developments, and other infrastructure items considered  
2404 appropriate; and

2405 (c) every effort is used to minimize expenditures for this part until a definitive decision  
2406 has been made by BRACC relative to Hill Air Force Base.

2407 (12) (a) It is the intent of the Legislature that the State Building Ownership Authority,  
2408 under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue  
2409 or execute obligations or enter into or arrange for a lease purchase agreement in which  
2410 participation interests may be created, to provide up to \$7,400,000 for the acquisition and  
2411 improvement of the Human Services Building located at 120 North 200 West, Salt Lake City,  
2412 Utah, with associated parking for the Department of Human Services together with additional

2413 amounts necessary to:

- 2414 (i) pay costs of issuance;  
2415 (ii) pay capitalized interest; and  
2416 (iii) fund any debt service reserve requirements.

2417 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
2418 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
2419 director of the Division of Finance, and the executive director of the Governor's Office of  
2420 [~~Management~~] Planning and Budget.

2421 (13) (a) It is the intent of the Legislature that the State Building Ownership Authority,  
2422 under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue  
2423 or execute obligations or enter into or arrange for a lease purchase agreement in which  
2424 participation interests may be created to provide up to \$63,218,600 for the construction of a  
2425 Salt Lake Courts Complex together with additional amounts necessary to:

- 2426 (i) pay costs of issuance;  
2427 (ii) pay capitalized interest; and  
2428 (iii) fund any debt service reserve requirements.

2429 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
2430 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
2431 director of the Division of Finance, and the executive director of the Governor's Office of  
2432 [~~Management~~] Planning and Budget.

2433 (c) It is the intent of the Legislature that the Division of Facilities Construction and  
2434 Management lease land to the State Building Ownership Authority for the construction of a  
2435 Salt Lake Courts Complex.

2436 (14) It is the intent of the Legislature that:

2437 (a) the Board of Regents use the higher education design project money to design no  
2438 more than two higher education projects from among the following projects:

- 2439 (i) Utah State University Eastern - Student Center;  
2440 (ii) Snow College - Noyes Building;  
2441 (iii) University of Utah - Gardner Hall;  
2442 (iv) Utah State University - Widtsoe Hall; or  
2443 (v) Southern Utah University - Physical Education Building; and

2444 (b) the higher education institutions that receive approval from the Board of Regents to  
2445 design projects under this chapter design those projects under the supervision of the director of  
2446 the Division of Facilities Construction and Management unless supervisory authority is  
2447 delegated by the director.

2448 (15) It is the intent of the Legislature that:

2449 (a) the Board of Regents may authorize the University of Utah to use institutional  
2450 funds and donated funds to design Gardner Hall; and

2451 (b) if authorized by the Board of Regents, the University of Utah may use institutional  
2452 funds and donated funds to design Gardner Hall under the supervision of the director of the  
2453 Division of Facilities Construction and Management unless supervisory authority is delegated  
2454 by the director.

2455 (16) It is the intent of the Legislature that the Division of Facilities Construction and  
2456 Management use up to \$250,000 of the capital improvement money to fund the site  
2457 improvements required at the San Juan campus of the Utah State University Eastern.

2458 Section 37. Section **63B-4-301** is amended to read:

2459 **63B-4-301. Bonds for golf course at Wasatch Mountain State Park.**

2460 (1) The State Building Ownership Authority under authority of Title 63B, Chapter 1,  
2461 Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into  
2462 or arrange for a lease purchase agreement in which participation interests may be created, to  
2463 provide up to \$2,500,000 for a new nine-hole golf course at Wasatch Mountain State Park for  
2464 the Division of Parks and Recreation, together with additional amounts necessary to:

2465 (a) pay costs of issuance;

2466 (b) pay capitalized interest; and

2467 (c) fund any debt service reserve requirements.

2468 (2) (a) The State Building Ownership Authority shall work cooperatively with the  
2469 Division of Parks and Recreation to seek out the most cost effective and prudent lease purchase  
2470 plan available.

2471 (b) The state treasurer, the director of the Division of Finance, and the executive  
2472 director of the Governor's Office of ~~[Management]~~ Planning and Budget shall provide technical  
2473 assistance to accomplish the purpose specified in Subsection (2)(a).

2474 Section 38. Section **63C-4a-308** is amended to read:



2475 **63C-4a-308. Commission duties with regards to federal lands.**

2476 The commission shall:

2477 (1) review and make recommendations on the transfer of federally controlled public  
2478 lands to the state;2479 (2) review and make recommendations regarding the state's sovereign right to protect  
2480 the health, safety, and welfare of its citizens as it relates to public lands, including  
2481 recommendations concerning the use of funds in the account created in Section [63C-4a-404](#);2482 (3) study and evaluate the recommendations of the public lands transfer study and  
2483 economic analysis conducted by the Public Lands Policy Coordinating Office in accordance  
2484 with Section [~~63J-4-606~~] [63L-11-304](#);2485 (4) coordinate with and report on the efforts of the executive branch, the counties and  
2486 political subdivisions of the state, the state congressional delegation, western governors, other  
2487 states, and other stakeholders concerning the transfer of federally controlled public lands to the  
2488 state including convening working groups, such as a working group composed of members of  
2489 the Utah Association of Counties;2490 (5) study and make recommendations regarding the appropriate designation of public  
2491 lands transferred to the state, including stewardship of the land and appropriate uses of the  
2492 land;2493 (6) study and make recommendations regarding the use of funds received by the state  
2494 from the public lands transferred to the state; and2495 (7) receive reports from and make recommendations to the attorney general, the  
2496 Legislature, and other stakeholders involved in litigation on behalf of the state's interest in the  
2497 transfer of public lands to the state, regarding:

2498 (a) preparation for potential litigation;

2499 (b) selection of outside legal counsel;

2500 (c) ongoing legal strategy for the transfer of public lands; and

2501 (d) use of money:

2502 (i) appropriated by the Legislature for the purpose of securing the transfer of public  
2503 lands to the state under Section [63C-4a-404](#); and2504 (ii) disbursed from the Public Lands Litigation Expendable Special Revenue Fund  
2505 created in Section [63C-4a-405](#).

2506 Section 39. Section **63C-4a-402** is amended to read:

2507 **63C-4a-402. Creation of Constitutional Defense Restricted Account -- Sources of**  
2508 **funds -- Uses of funds -- Reports.**

2509 (1) There is created a restricted account within the General Fund known as the  
2510 Constitutional Defense Restricted Account.

2511 (2) The account consists of money from the following revenue sources:

2512 (a) money deposited to the account as required by Section [53C-3-203](#);

2513 (b) voluntary contributions;

2514 (c) money received by the council from other state agencies; and

2515 (d) appropriations made by the Legislature.

2516 (3) The Legislature may annually appropriate money from the Constitutional Defense  
2517 Restricted Account to one or more of the following:

2518 (a) the commission, to fund the commission and for the commission's duties;

2519 (b) the council, to fund the council and for the council's duties;

2520 (c) the Public Lands Policy Coordinating Office to carry out its duties in Section  
2521 [~~63J-4-603~~] [63L-11-202](#);

2522 (d) the Office of the Governor, to be used only for the purpose of asserting, defending,  
2523 or litigating:

2524 (i) an issue arising with another state regarding the use or ownership of water; or

2525 (ii) state and local government rights under R.S. 2477, in accordance with a plan  
2526 developed and approved as provided in Section [63C-4a-403](#);

2527 (e) a county or association of counties to assist counties, consistent with the purposes  
2528 of the council, in pursuing issues affecting the counties;

2529 (f) the Office of the Attorney General, to be used only:

2530 (i) for public lands counsel and assistance and litigation to the state or local  
2531 governments including asserting, defending, or litigating state and local government rights  
2532 under R.S. 2477 in accordance with a plan developed and approved as provided in Section  
2533 [63C-4a-403](#);

2534 (ii) for an action filed in accordance with Section [67-5-29](#);

2535 (iii) to advise the council; or

2536 (iv) for asserting, defending, or litigating an issue arising with another state regarding

2537 the use or ownership of water;

2538 (g) the Office of the Attorney General or any other state or local government entity to  
2539 bring an action to establish the right of a state or local government officer or employee to enter  
2540 onto federal land or use a federal road or an R.S. 2477 road, in the officer's or employee's  
2541 official capacity, to protect the health, safety, or welfare of a citizen of the state; or

2542 (h) the Office of Legislative Research and General Counsel, to provide staff support to  
2543 the commission.

2544 (4) (a) The council shall require that any entity, other than the commission, that  
2545 receives money from the account provide financial reports and litigation reports to the council.

2546 (b) Nothing in this Subsection (4) prohibits the commission or the council from closing  
2547 a meeting under Title 52, Chapter 4, Open and Public Meetings Act, or prohibits the  
2548 commission or the council from complying with Title 63G, Chapter 2, Government Records  
2549 Access and Management Act.

2550 Section 40. Section **63C-9-301** is amended to read:

2551 **63C-9-301. Board powers -- Subcommittees.**

2552 (1) The board shall:

2553 (a) except as provided in Subsection (2), exercise complete jurisdiction and  
2554 stewardship over capitol hill facilities, capitol hill grounds, and the capitol hill complex;

2555 (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities,  
2556 capitol hill grounds, and their contents;

2557 (c) before October 1 of each year, review and approve the executive director's annual  
2558 budget request for submittal to the governor and Legislature;

2559 (d) by October 1 of each year, prepare and submit a recommended budget request for  
2560 the upcoming fiscal year for the capitol hill complex to:

2561 (i) the governor, through the Governor's Office of [~~Management~~] Planning and Budget;  
2562 and

2563 (ii) the Legislature's appropriations subcommittee responsible for capitol hill facilities,  
2564 through the Office of the Legislative Fiscal Analyst;

2565 (e) review and approve the executive director's:

2566 (i) annual work plan;

2567 (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and

2568 capitol hill grounds; and  
2569 (iii) furnishings plan for placement and care of objects under the care of the board;  
2570 (f) approve all changes to the buildings and their grounds, including:  
2571 (i) restoration, remodeling, and rehabilitation projects;  
2572 (ii) usual maintenance program; and  
2573 (iii) any transfers or loans of objects under the board's care;  
2574 (g) define and identify all significant aspects of the capitol hill complex, capitol hill  
2575 facilities, and capitol hill grounds, after consultation with the:  
2576 (i) Division of Facilities Construction and Management;  
2577 (ii) State Library Division;  
2578 (iii) Division of Archives and Records Service;  
2579 (iv) Division of State History;  
2580 (v) Office of Museum Services; and  
2581 (vi) Arts Council;  
2582 (h) inventory, define, and identify all significant contents of the buildings and all  
2583 state-owned items of historical significance that were at one time in the buildings, after  
2584 consultation with the:  
2585 (i) Division of Facilities Construction and Management;  
2586 (ii) State Library Division;  
2587 (iii) Division of Archives and Records Service;  
2588 (iv) Division of State History;  
2589 (v) Office of Museum Services; and  
2590 (vi) Arts Council;  
2591 (i) maintain archives relating to the construction and development of the buildings, the  
2592 contents of the buildings and their grounds, including documents such as plans, specifications,  
2593 photographs, purchase orders, and other related documents, the original copies of which shall  
2594 be maintained by the Division of Archives and Records Service;  
2595 (j) comply with federal and state laws related to program and facility accessibility; and  
2596 (k) establish procedures for receiving, hearing, and deciding complaints or other issues  
2597 raised about the capitol hill complex, capitol hill facilities, and capitol hill grounds, or their  
2598 use.

2599 (2) (a) Notwithstanding Subsection (1)(a), the supervision and control of the legislative  
2600 area, as defined in Section 36-5-1, is reserved to the Legislature; and

2601 (b) the supervision and control of the governor's area, as defined in Section 67-1-16, is  
2602 reserved to the governor.

2603 (3) (a) The board shall make rules to govern, administer, and regulate the capitol hill  
2604 complex, capitol hill facilities, and capitol hill grounds by following the procedures and  
2605 requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2606 (b) A violation of a rule relating to the use of the capitol hill complex adopted by the  
2607 board under the authority of this Subsection (3) is an infraction.

2608 (c) If an act violating a rule under Subsection (3)(b) also amounts to an offense subject  
2609 to a greater penalty under this title, Title 32B, Alcoholic Beverage Control Act, Title 41, Motor  
2610 Vehicles, Title 76, Utah Criminal Code, or other provision of state law, Subsection (3)(b) does  
2611 not prohibit prosecution and sentencing for the more serious offense.

2612 (d) In addition to any punishment allowed under Subsections (3)(b) and (c), a person  
2613 who violates a rule adopted by the board under the authority of this Subsection (3) is subject to  
2614 a civil penalty not to exceed \$2,500 for each violation, plus the amount of any actual damages,  
2615 expenses, and costs related to the violation of the rule that are incurred by the state.

2616 (e) The board may take any other legal action allowed by law.

2617 (f) The board may not apply this section or rules adopted under the authority of this  
2618 section in a manner that violates a person's rights under the Utah Constitution or the First  
2619 Amendment to the United States Constitution, including the right of persons to peaceably  
2620 assemble.

2621 (g) The board shall send proposed rules under this section to the legislative general  
2622 counsel and the governor's general counsel for review and comment before the board adopts the  
2623 rules.

2624 (4) The board is exempt from the requirements of Title 63G, Chapter 6a, Utah  
2625 Procurement Code, but shall adopt procurement rules substantially similar to the requirements  
2626 of that chapter.

2627 (5) The board shall name the House Building, that is defined in Section 36-5-1, the  
2628 "Rebecca D. Lockhart House Building."

2629 (6) (a) The board may:

- 2630 (i) establish subcommittees made up of board members and members of the public to  
2631 assist and support the executive director in accomplishing the executive director's duties;
- 2632 (ii) establish fees for the use of capitol hill facilities and capitol hill grounds;
- 2633 (iii) assign and allocate specific duties and responsibilities to any other state agency, if  
2634 the other agency agrees to perform the duty or accept the responsibility;
- 2635 (iv) contract with another state agency to provide services;
- 2636 (v) delegate by specific motion of the board any authority granted to it by this section  
2637 to the executive director;
- 2638 (vi) in conjunction with Salt Lake City, expend money to improve or maintain public  
2639 property contiguous to East Capitol Boulevard and capitol hill;
- 2640 (vii) provide wireless Internet service to the public without a fee in any capitol hill  
2641 facility; and
- 2642 (viii) when necessary, consult with the:
- 2643 (A) Division of Facilities Construction and Management;
- 2644 (B) State Library Division;
- 2645 (C) Division of Archives and Records Service;
- 2646 (D) Division of State History;
- 2647 (E) Office of Museum Services; and
- 2648 (F) Arts Council.
- 2649 (b) The board's provision of wireless Internet service under Subsection (6)(a)(vii) shall  
2650 be discontinued in the legislative area if the president of the Senate and the speaker of the  
2651 House of Representatives each submit a signed letter to the board indicating that the service is  
2652 disruptive to the legislative process and is to be discontinued.
- 2653 (c) If a budget subcommittee is established by the board, the following shall serve as ex  
2654 officio, nonvoting members of the budget subcommittee:
- 2655 (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the Office  
2656 of the Legislative Fiscal Analyst; and
- 2657 (ii) the executive director of the Governor's Office of [~~Management~~] Planning and  
2658 Budget, or the executive director's designee, who shall be from the Governor's Office of  
2659 [~~Management~~] Planning and Budget.
- 2660 (d) If a preservation and maintenance subcommittee is established by the board, the

2661 board may, by majority vote, appoint one or each of the following to serve on the  
2662 subcommittee as voting members of the subcommittee:

2663 (i) an architect, who shall be selected from a list of three architects submitted by the  
2664 American Institute of Architects; or

2665 (ii) an engineer, who shall be selected from a list of three engineers submitted by the  
2666 American Civil Engineers Council.

2667 (e) If the board establishes any subcommittees, the board may, by majority vote,  
2668 appoint up to two people who are not members of the board to serve, at the will of the board, as  
2669 nonvoting members of a subcommittee.

2670 (f) Members of each subcommittee shall, at the first meeting of each calendar year,  
2671 select one individual to act as chair of the subcommittee for a one-year term.

2672 (7) (a) The board, and the employees of the board, may not move the office of the  
2673 governor, lieutenant governor, president of the Senate, speaker of the House of  
2674 Representatives, or a member of the Legislature from the State Capitol unless the removal is  
2675 approved by:

2676 (i) the governor, in the case of the governor's office;

2677 (ii) the lieutenant governor, in the case of the lieutenant governor's office;

2678 (iii) the president of the Senate, in the case of the president's office or the office of a  
2679 member of the Senate; or

2680 (iv) the speaker of the House of Representatives, in the case of the speaker's office or  
2681 the office of a member of the House.

2682 (b) The board and the employees of the board have no control over the furniture,  
2683 furnishings, and decorative objects in the offices of the governor, lieutenant governor, or the  
2684 members of the Legislature except as necessary to inventory or conserve items of historical  
2685 significance owned by the state.

2686 (c) The board and the employees of the board have no control over records and  
2687 documents produced by or in the custody of a state agency, official, or employee having an  
2688 office in a building on the capitol hill complex.

2689 (d) Except for items identified by the board as having historical significance, and  
2690 except as provided in Subsection (7)(b), the board and the employees of the board have no  
2691 control over moveable furnishings and equipment in the custody of a state agency, official, or

2692 employee having an office in a building on the capitol hill complex.

2693 Section 41. Section **63C-20-103** is amended to read:

2694 **63C-20-103. Utah Population Committee -- Creation.**

2695 (1) There is created the Utah Population Committee composed of the following  
2696 members:

2697 (a) the director of the Kem C. Gardner Policy Institute at the University of Utah or the  
2698 director's designee;

2699 (b) the director of the Population Research Laboratory at Utah State University or the  
2700 director's designee;

2701 (c) the state planning coordinator appointed under Section [~~63J-4-202~~] [63J-4-401](#);

2702 (d) the director of the Workforce Research and Analysis Division within the  
2703 Department of Workforce Services or the director's designee;

2704 (e) the director of the Office of Vital Records and Statistics or the director's designee;

2705 (f) the state superintendent of public instruction or the superintendent's designee;

2706 (g) the chair of the State Tax Commission or the chair's designee;

2707 (h) the legislative fiscal analyst or the legislative fiscal analyst's designee;

2708 (i) the commissioner of higher education or the commissioner's designee; and

2709 (j) any additional member appointed under Subsection (2).

2710 (2) (a) By a majority vote of the members of the committee, the committee may  
2711 appoint one or more additional members to serve on the committee at the pleasure of the  
2712 committee.

2713 (b) The committee shall ensure that each additional member appointed under  
2714 Subsection (2)(a) is a data provider or a representative of a data provider.

2715 (3) The director of the Kem C. Gardner Policy Institute or the director's designee  
2716 described in Subsection (1)(a) is the chair of the committee.

2717 Section 42. Section **63C-20-105** is amended to read:

2718 **63C-20-105. State use of committee estimates -- Compliance.**

2719 (1) Except as provided in Subsection (2), and unless otherwise provided in statute or  
2720 rule, if an executive branch entity, legislative branch entity, or independent entity is required to  
2721 perform an action or make a determination based on a population estimate, the entity shall use  
2722 a population estimate that the committee produces, if available.



2723 (2) (a) The Governor's Office of [~~Management~~] Planning and Budget may make rules  
2724 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to use a  
2725 population estimate other than a population estimate that the committee produces.

2726 (b) For the purpose of creating a revenue estimate, the Governor's Office of  
2727 [~~Management~~] Planning and Budget and the Office of the Legislative Fiscal Analyst are not  
2728 required to use a population estimate that the committee produces.

2729 (c) For redistricting purposes, a legislative branch entity shall give priority to a  
2730 population estimate that is produced by the United States Bureau of the Census.

2731 (3) A newly incorporated political subdivision shall provide the committee with a list  
2732 of residential building permits issued within the boundaries of the political subdivision since  
2733 the last decennial census.

2734 Section 43. Section **63F-1-104** is amended to read:

2735 **63F-1-104. Duties of Department of Technology Services.**

2736 The department shall:

2737 (1) lead state executive branch agency efforts to establish and reengineer the state's  
2738 information technology architecture with the goal of coordinating central and individual agency  
2739 information technology in a manner that:

2740 (a) ensures compliance with the executive branch agency strategic plan; and

2741 (b) ensures that cost-effective, efficient information and communication systems and  
2742 resources are being used by agencies to:

2743 (i) reduce data, hardware, and software redundancy;

2744 (ii) improve system interoperability and data accessibility between agencies; and

2745 (iii) meet the agency's and user's business and service needs;

2746 (2) coordinate an executive branch strategic plan for all agencies;

2747 (3) develop and implement processes to replicate information technology best practices  
2748 and standards throughout the executive branch;

2749 (4) at least once every odd-numbered year:

2750 (a) evaluate the adequacy of the department's and the executive branch agencies' data  
2751 and information technology system security standards through an independent third party  
2752 assessment; and

2753 (b) communicate the results of the independent third party assessment to the

2754 appropriate executive branch agencies and to the president of the Senate and the speaker of the  
2755 House of Representatives;

2756 (5) oversee the expanded use and implementation of project and contract management  
2757 principles as they relate to information technology projects within the executive branch;

2758 (6) serve as general contractor between the state's information technology users and  
2759 private sector providers of information technology products and services;

2760 (7) work toward building stronger partnering relationships with providers;

2761 (8) develop service level agreements with executive branch departments and agencies  
2762 to ensure quality products and services are delivered on schedule and within budget;

2763 (9) develop standards for application development including a standard methodology  
2764 and cost-benefit analysis that all agencies shall utilize for application development activities;

2765 (10) determine and implement statewide efforts to standardize data elements;

2766 (11) coordinate with executive branch agencies to provide basic website standards for  
2767 agencies that address common design standards and navigation standards, including:

2768 (a) accessibility for individuals with disabilities in accordance with:

2769 (i) the standards of 29 U.S.C. Sec. 794d; and

2770 (ii) Section [63F-1-210](#);

2771 (b) consistency with standardized government security standards;

2772 (c) designing around user needs with data-driven analysis influencing management and  
2773 development decisions, using qualitative and quantitative data to determine user goals, needs,  
2774 and behaviors, and continual testing of the website, web-based form, web-based application, or  
2775 digital service to ensure that user needs are addressed;

2776 (d) providing users of the website, web-based form, web-based application, or digital  
2777 service with the option for a more customized digital experience that allows users to complete  
2778 digital transactions in an efficient and accurate manner; and

2779 (e) full functionality and usability on common mobile devices;

2780 (12) consider, when making a purchase for an information system, cloud computing  
2781 options, including any security benefits, privacy, data retention risks, and cost savings  
2782 associated with cloud computing options;

2783 (13) develop systems and methodologies to review, evaluate, and prioritize existing  
2784 information technology projects within the executive branch and report to the governor and the

2785 Public Utilities, Energy, and Technology Interim Committee in accordance with 63F-1-201 on  
2786 a semiannual basis regarding the status of information technology projects;

2787 (14) assist the Governor's Office of [~~Management~~] Planning and Budget with the  
2788 development of information technology budgets for agencies; and

2789 (15) ensure that any training or certification required of a public official or public  
2790 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter  
2791 22, State Training and Certification Requirements, if the training or certification is required:

2792 (a) under this title;

2793 (b) by the department; or

2794 (c) by an agency or division within the department.

2795 Section 44. Section 63F-1-302 is amended to read:

2796 **63F-1-302. Information Technology Rate Committee -- Membership -- Duties.**

2797 (1) (a) There is created an Information Technology Rate Committee, which shall  
2798 consist of the executive directors, or the executive director's designee, of seven executive  
2799 branch agencies that use services and pay rates to one of the department internal service funds,  
2800 appointed by the governor for a two-year term.

2801 (b) (i) Of the seven executive agencies represented on the rate committee under  
2802 Subsection (1)(a), only one of the following may be represented on the committee, if at all, at  
2803 any one time:

2804 (A) the Governor's Office of [~~Management~~] Planning and Budget;

2805 (B) the Division of Finance; or

2806 (C) the Department of Administrative Services.

2807 (ii) The department may not have a representative on the rate committee.

2808 (c) (i) The committee shall elect a chair from [~~its~~] the committee's members.

2809 (ii) Members of the committee who are state government employees and who do not  
2810 receive salary, per diem, or expenses from their agency for their service on the committee shall  
2811 receive no compensation, benefits, per diem, or expenses for the member's service on the  
2812 committee.

2813 (d) The department shall provide staff services to the committee.

2814 (2) (a) Any internal service funds managed by the department shall submit to the  
2815 committee a proposed rate and fee schedule for services rendered by the department to an

- 2816 executive branch agency or an entity that subscribes to services rendered by the department.
- 2817 (b) The committee shall:
- 2818 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings
- 2819 Act;
- 2820 (ii) meet at least once each calendar year to:
- 2821 (A) discuss the service performance of each internal service fund;
- 2822 (B) review the proposed rate and fee schedules;
- 2823 (C) determine whether each proposed fee is based on cost recovery as required by
- 2824 Subsection [63F-1-301\(2\)\(b\)](#);
- 2825 (D) at the rate committee's discretion, approve, increase, or decrease the rate and fee
- 2826 schedules described in Subsection (2)(b)(ii)(B); and
- 2827 (E) discuss any prior or potential adjustments to the service level received by state
- 2828 agencies that pay rates to an internal service fund;
- 2829 (iii) recommend a proposed rate and fee schedule for each internal service fund to:
- 2830 (A) the Governor's Office of ~~Management~~ Planning and Budget; and
- 2831 (B) the Office of the Legislative Fiscal Analyst for review by the Legislature in
- 2832 accordance with Section [63J-1-410](#), which requires the Legislature to approve the internal
- 2833 service fund agency's rates, fees, and budget in an appropriations act; and
- 2834 (iv) in accordance with Section [63J-1-410](#), review and approve, increase or decrease an
- 2835 interim rate, fee, or amount when an internal service fund agency begins a new service or
- 2836 introduces a new product between annual general sessions of the Legislature, which rate, fee, or
- 2837 amount shall be submitted to the Legislature at the next annual general session.
- 2838 (c) The committee may, in accordance with Subsection [63J-1-410\(4\)](#), decrease a rate,
- 2839 fee, or amount that has been approved by the Legislature.
- 2840 Section 45. Section [63F-1-508](#) is amended to read:
- 2841 **63F-1-508. Committee to award grants to counties for inventory and mapping of**
- 2842 **R.S. 2477 rights-of-way -- Use of grants -- Request for proposals.**
- 2843 (1) There is created within the center a committee to award grants to counties to
- 2844 inventory and map R.S. 2477 rights-of-way, associated structures, and other features as
- 2845 provided by Subsection (5).
- 2846 (2) (a) The committee shall consist of:

- 2847 (i) the center manager;
- 2848 (ii) a representative of the Governor's Office of [~~Management~~] Planning and Budget;
- 2849 (iii) a representative of Utah State University Extension;
- 2850 (iv) a representative of the Utah Association of Counties; and
- 2851 (v) three county commissioners.
- 2852 (b) The committee members specified in Subsections (2)(a)(ii) through (2)(a)(iv) shall
- 2853 be selected by the organizations they represent.
- 2854 (c) The committee members specified in Subsection (2)(a)(v) shall be:
- 2855 (i) selected by the Utah Association of Counties;
- 2856 (ii) from rural counties; and
- 2857 (iii) from different regions of the state.
- 2858 (3) (a) The committee shall select a chair from [~~its~~] the committee's membership.
- 2859 (b) The committee shall meet upon the call of the chair or a majority of the committee
- 2860 members.
- 2861 (c) Four members shall constitute a quorum.
- 2862 (4) (a) Committee members who are state government employees shall receive no
- 2863 additional compensation for their work on the committee.
- 2864 (b) Committee members who are not state government employees shall receive no
- 2865 compensation or expenses from the state for their work on the committee.
- 2866 (5) (a) The committee shall award grants to counties to:
- 2867 (i) inventory and map R.S. 2477 rights-of-way using Global Positioning System (GPS)
- 2868 technology; and
- 2869 (ii) photograph:
- 2870 (A) roads and other evidence of construction of R.S. 2477 rights-of-way;
- 2871 (B) structures or natural features that may be indicative of the purpose for which an
- 2872 R.S. 2477 right-of-way was created, such as mines, agricultural facilities, recreational
- 2873 facilities, or scenic overlooks; and
- 2874 (C) evidence of valid and existing rights on federal lands, such as mines and
- 2875 agricultural facilities.
- 2876 (b) (i) The committee may allow counties, while they are conducting the activities
- 2877 described in Subsection (5)(a), to use grant money to inventory, map, or photograph other

2878 natural or cultural resources.

2879 (ii) Activities funded under Subsection (5)(b)(i) must be integrated with existing  
2880 programs underway by state agencies, counties, or institutions of higher education.

2881 (c) Maps and other data acquired through the grants shall become a part of the State  
2882 Geographic Information Database.

2883 (d) Counties shall provide an opportunity to interested parties to submit information  
2884 relative to the mapping and photographing of R.S. 2477 rights-of-way and other structures as  
2885 provided in Subsections (5)(a) and (5)(b).

2886 (6) (a) The committee shall develop a request for proposals process and issue a request  
2887 for proposals.

2888 (b) The request for proposals shall require each grant applicant to submit an  
2889 implementation plan and identify any monetary or in-kind contributions from the county.

2890 (c) In awarding grants, the committee shall give priority to proposals to inventory, map,  
2891 and photograph R.S. 2477 rights-of-way and other structures as specified in Subsection (5)(a)  
2892 which are located on federal lands that:

2893 (i) a federal land management agency proposes for special management, such as lands  
2894 to be managed as an area of critical environmental concern or primitive area; or

2895 (ii) are proposed to receive a special designation by Congress, such as lands to be  
2896 designated as wilderness or a national conservation area.

2897 (7) Each county that receives a grant under the provision of this section shall provide a  
2898 copy of all data regarding inventory and mapping to the AGRC for inclusion in the state  
2899 database.

2900 Section 46. Section **63F-3-103** is amended to read:

2901 **63F-3-103. Single sign-on business portal -- Creation.**

2902 (1) The department shall, in consultation with the entities described in Subsection (4),  
2903 design and create a single sign-on business portal that is:

2904 (a) a web portal through which a person may access data described in Subsection (2),  
2905 as agreed upon by the entities described in Subsection (4); and

2906 (b) secure, centralized, and interconnected.

2907 (2) The department shall ensure that the single sign-on business portal allows a person  
2908 doing business in the state to access, at a single point of entry, all relevant state-collected

- 2909 business data about the person, including information related to:
- 2910 (a) business registration;
- 2911 (b) workers' compensation;
- 2912 (c) beginning December 1, 2020, tax liability and payment; and
- 2913 (d) other information collected by the state that the department determines is relevant
- 2914 to a person doing business in the state.
- 2915 (3) The department shall develop the single sign-on business portal:
- 2916 (a) using an open platform that:
- 2917 (i) facilitates participation in the web portal by a state entity;
- 2918 (ii) allows for optional participation by a political subdivision of the state; and
- 2919 (iii) contains a link to the State Tax Commission website; and
- 2920 (b) in a manner that anticipates the creation of the single sign-on citizen portal
- 2921 described in Section [63F-3-103.5](#).
- 2922 (4) In developing the single sign-on business portal, the department shall consult with:
- 2923 (a) the Department of Commerce;
- 2924 (b) the State Tax Commission;
- 2925 (c) the Labor Commission;
- 2926 (d) the Department of Workforce Services;
- 2927 (e) the Governor's Office of [~~Management~~] Planning and Budget;
- 2928 (f) the Utah League of Cities and Towns;
- 2929 (g) the Utah Association of Counties; and
- 2930 (h) the business community that is likely to use the single sign-on business portal.
- 2931 (5) The department shall ensure that the single sign-on business portal is fully
- 2932 operational no later than May 1, 2021.
- 2933 Section 47. Section **63F-4-102** is amended to read:
- 2934 **63F-4-102. Definitions.**
- 2935 As used in this chapter:
- 2936 (1) "Executive branch agency" means a department, division, or other agency within
- 2937 the executive branch of state government.
- 2938 (2) "Governor's budget office" means the Governor's Office of [~~Management~~] Planning
- 2939 and Budget, created in Section [63J-4-201](#).

2940 (3) "Review board" means the Architecture Review Board established within the  
2941 department.

2942 (4) "Technology innovation" means a new information technology not previously in  
2943 use or a substantial adaptation or modification of an existing information technology.

2944 (5) "Technology proposal" means a proposal to implement a technology innovation  
2945 designed to result in a greater efficiency in a government process or a cost saving in the  
2946 delivery of a government service, or both.

2947 Section 48. Section **63G-2-305** is amended to read:

2948 **63G-2-305. Protected records.**

2949 The following records are protected if properly classified by a governmental entity:

2950 (1) trade secrets as defined in Section [13-24-2](#) if the person submitting the trade secret  
2951 has provided the governmental entity with the information specified in Section [63G-2-309](#);

2952 (2) commercial information or nonindividual financial information obtained from a  
2953 person if:

2954 (a) disclosure of the information could reasonably be expected to result in unfair  
2955 competitive injury to the person submitting the information or would impair the ability of the  
2956 governmental entity to obtain necessary information in the future;

2957 (b) the person submitting the information has a greater interest in prohibiting access  
2958 than the public in obtaining access; and

2959 (c) the person submitting the information has provided the governmental entity with  
2960 the information specified in Section [63G-2-309](#);

2961 (3) commercial or financial information acquired or prepared by a governmental entity  
2962 to the extent that disclosure would lead to financial speculations in currencies, securities, or  
2963 commodities that will interfere with a planned transaction by the governmental entity or cause  
2964 substantial financial injury to the governmental entity or state economy;

2965 (4) records, the disclosure of which could cause commercial injury to, or confer a  
2966 competitive advantage upon a potential or actual competitor of, a commercial project entity as  
2967 defined in Subsection [11-13-103\(4\)](#);

2968 (5) test questions and answers to be used in future license, certification, registration,  
2969 employment, or academic examinations;

2970 (6) records, the disclosure of which would impair governmental procurement



2971 proceedings or give an unfair advantage to any person proposing to enter into a contract or  
2972 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this  
2973 Subsection (6) does not restrict the right of a person to have access to, after the contract or  
2974 grant has been awarded and signed by all parties:

2975 (a) a bid, proposal, application, or other information submitted to or by a governmental  
2976 entity in response to:

2977 (i) an invitation for bids;

2978 (ii) a request for proposals;

2979 (iii) a request for quotes;

2980 (iv) a grant; or

2981 (v) other similar document; or

2982 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);

2983 (7) information submitted to or by a governmental entity in response to a request for  
2984 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict  
2985 the right of a person to have access to the information, after:

2986 (a) a contract directly relating to the subject of the request for information has been  
2987 awarded and signed by all parties; or

2988 (b) (i) a final determination is made not to enter into a contract that relates to the  
2989 subject of the request for information; and

2990 (ii) at least two years have passed after the day on which the request for information is  
2991 issued;

2992 (8) records that would identify real property or the appraisal or estimated value of real  
2993 or personal property, including intellectual property, under consideration for public acquisition  
2994 before any rights to the property are acquired unless:

2995 (a) public interest in obtaining access to the information is greater than or equal to the  
2996 governmental entity's need to acquire the property on the best terms possible;

2997 (b) the information has already been disclosed to persons not employed by or under a  
2998 duty of confidentiality to the entity;

2999 (c) in the case of records that would identify property, potential sellers of the described  
3000 property have already learned of the governmental entity's plans to acquire the property;

3001 (d) in the case of records that would identify the appraisal or estimated value of

3002 property, the potential sellers have already learned of the governmental entity's estimated value  
3003 of the property; or

3004 (e) the property under consideration for public acquisition is a single family residence  
3005 and the governmental entity seeking to acquire the property has initiated negotiations to acquire  
3006 the property as required under Section 78B-6-505;

3007 (9) records prepared in contemplation of sale, exchange, lease, rental, or other  
3008 compensated transaction of real or personal property including intellectual property, which, if  
3009 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value  
3010 of the subject property, unless:

3011 (a) the public interest in access is greater than or equal to the interests in restricting  
3012 access, including the governmental entity's interest in maximizing the financial benefit of the  
3013 transaction; or

3014 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of  
3015 the value of the subject property have already been disclosed to persons not employed by or  
3016 under a duty of confidentiality to the entity;

3017 (10) records created or maintained for civil, criminal, or administrative enforcement  
3018 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if  
3019 release of the records:

3020 (a) reasonably could be expected to interfere with investigations undertaken for  
3021 enforcement, discipline, licensing, certification, or registration purposes;

3022 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement  
3023 proceedings;

3024 (c) would create a danger of depriving a person of a right to a fair trial or impartial  
3025 hearing;

3026 (d) reasonably could be expected to disclose the identity of a source who is not  
3027 generally known outside of government and, in the case of a record compiled in the course of  
3028 an investigation, disclose information furnished by a source not generally known outside of  
3029 government if disclosure would compromise the source; or

3030 (e) reasonably could be expected to disclose investigative or audit techniques,  
3031 procedures, policies, or orders not generally known outside of government if disclosure would  
3032 interfere with enforcement or audit efforts;

- 3033 (11) records the disclosure of which would jeopardize the life or safety of an  
3034 individual;
- 3035 (12) records the disclosure of which would jeopardize the security of governmental  
3036 property, governmental programs, or governmental recordkeeping systems from damage, theft,  
3037 or other appropriation or use contrary to law or public policy;
- 3038 (13) records that, if disclosed, would jeopardize the security or safety of a correctional  
3039 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere  
3040 with the control and supervision of an offender's incarceration, treatment, probation, or parole;
- 3041 (14) records that, if disclosed, would reveal recommendations made to the Board of  
3042 Pardons and Parole by an employee of or contractor for the Department of Corrections, the  
3043 Board of Pardons and Parole, or the Department of Human Services that are based on the  
3044 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's  
3045 jurisdiction;
- 3046 (15) records and audit workpapers that identify audit, collection, and operational  
3047 procedures and methods used by the State Tax Commission, if disclosure would interfere with  
3048 audits or collections;
- 3049 (16) records of a governmental audit agency relating to an ongoing or planned audit  
3050 until the final audit is released;
- 3051 (17) records that are subject to the attorney client privilege;
- 3052 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,  
3053 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,  
3054 quasi-judicial, or administrative proceeding;
- 3055 (19) (a) (i) personal files of a state legislator, including personal correspondence to or  
3056 from a member of the Legislature; and
- 3057 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of  
3058 legislative action or policy may not be classified as protected under this section; and
- 3059 (b) (i) an internal communication that is part of the deliberative process in connection  
3060 with the preparation of legislation between:
- 3061 (A) members of a legislative body;
- 3062 (B) a member of a legislative body and a member of the legislative body's staff; or
- 3063 (C) members of a legislative body's staff; and

3064 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of  
3065 legislative action or policy may not be classified as protected under this section;

3066 (20) (a) records in the custody or control of the Office of Legislative Research and  
3067 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated  
3068 legislation or contemplated course of action before the legislator has elected to support the  
3069 legislation or course of action, or made the legislation or course of action public; and

3070 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the  
3071 Office of Legislative Research and General Counsel is a public document unless a legislator  
3072 asks that the records requesting the legislation be maintained as protected records until such  
3073 time as the legislator elects to make the legislation or course of action public;

3074 (21) research requests from legislators to the Office of Legislative Research and  
3075 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared  
3076 in response to these requests;

3077 (22) drafts, unless otherwise classified as public;

3078 (23) records concerning a governmental entity's strategy about:

3079 (a) collective bargaining; or

3080 (b) imminent or pending litigation;

3081 (24) records of investigations of loss occurrences and analyses of loss occurrences that  
3082 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the  
3083 Uninsured Employers' Fund, or similar divisions in other governmental entities;

3084 (25) records, other than personnel evaluations, that contain a personal recommendation  
3085 concerning an individual if disclosure would constitute a clearly unwarranted invasion of  
3086 personal privacy, or disclosure is not in the public interest;

3087 (26) records that reveal the location of historic, prehistoric, paleontological, or  
3088 biological resources that if known would jeopardize the security of those resources or of  
3089 valuable historic, scientific, educational, or cultural information;

3090 (27) records of independent state agencies if the disclosure of the records would  
3091 conflict with the fiduciary obligations of the agency;

3092 (28) records of an institution within the state system of higher education defined in  
3093 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,  
3094 retention decisions, and promotions, which could be properly discussed in a meeting closed in

3095 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of  
3096 the final decisions about tenure, appointments, retention, promotions, or those students  
3097 admitted, may not be classified as protected under this section;

3098 (29) records of the governor's office, including budget recommendations, legislative  
3099 proposals, and policy statements, that if disclosed would reveal the governor's contemplated  
3100 policies or contemplated courses of action before the governor has implemented or rejected  
3101 those policies or courses of action or made them public;

3102 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,  
3103 revenue estimates, and fiscal notes of proposed legislation before issuance of the final  
3104 recommendations in these areas;

3105 (31) records provided by the United States or by a government entity outside the state  
3106 that are given to the governmental entity with a requirement that they be managed as protected  
3107 records if the providing entity certifies that the record would not be subject to public disclosure  
3108 if retained by it;

3109 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a  
3110 public body except as provided in Section [52-4-206](#);

3111 (33) records that would reveal the contents of settlement negotiations but not including  
3112 final settlements or empirical data to the extent that they are not otherwise exempt from  
3113 disclosure;

3114 (34) memoranda prepared by staff and used in the decision-making process by an  
3115 administrative law judge, a member of the Board of Pardons and Parole, or a member of any  
3116 other body charged by law with performing a quasi-judicial function;

3117 (35) records that would reveal negotiations regarding assistance or incentives offered  
3118 by or requested from a governmental entity for the purpose of encouraging a person to expand  
3119 or locate a business in Utah, but only if disclosure would result in actual economic harm to the  
3120 person or place the governmental entity at a competitive disadvantage, but this section may not  
3121 be used to restrict access to a record evidencing a final contract;

3122 (36) materials to which access must be limited for purposes of securing or maintaining  
3123 the governmental entity's proprietary protection of intellectual property rights including patents,  
3124 copyrights, and trade secrets;

3125 (37) the name of a donor or a prospective donor to a governmental entity, including an

3126 institution within the state system of higher education defined in Section 53B-1-102, and other  
3127 information concerning the donation that could reasonably be expected to reveal the identity of  
3128 the donor, provided that:

3129 (a) the donor requests anonymity in writing;

3130 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be  
3131 classified protected by the governmental entity under this Subsection (37); and

3132 (c) except for an institution within the state system of higher education defined in  
3133 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged  
3134 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority  
3135 over the donor, a member of the donor's immediate family, or any entity owned or controlled  
3136 by the donor or the donor's immediate family;

3137 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and  
3138 73-18-13;

3139 (39) a notification of workers' compensation insurance coverage described in Section  
3140 34A-2-205;

3141 (40) (a) the following records of an institution within the state system of higher  
3142 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,  
3143 or received by or on behalf of faculty, staff, employees, or students of the institution:

3144 (i) unpublished lecture notes;

3145 (ii) unpublished notes, data, and information:

3146 (A) relating to research; and

3147 (B) of:

3148 (I) the institution within the state system of higher education defined in Section  
3149 53B-1-102; or

3150 (II) a sponsor of sponsored research;

3151 (iii) unpublished manuscripts;

3152 (iv) creative works in process;

3153 (v) scholarly correspondence; and

3154 (vi) confidential information contained in research proposals;

3155 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public  
3156 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

3157 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;  
3158 (41) (a) records in the custody or control of the Office of the Legislative Auditor  
3159 General that would reveal the name of a particular legislator who requests a legislative audit  
3160 prior to the date that audit is completed and made public; and  
3161 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the  
3162 Office of the Legislative Auditor General is a public document unless the legislator asks that  
3163 the records in the custody or control of the Office of the Legislative Auditor General that would  
3164 reveal the name of a particular legislator who requests a legislative audit be maintained as  
3165 protected records until the audit is completed and made public;  
3166 (42) records that provide detail as to the location of an explosive, including a map or  
3167 other document that indicates the location of:  
3168 (a) a production facility; or  
3169 (b) a magazine;  
3170 (43) information:  
3171 (a) contained in the statewide database of the Division of Aging and Adult Services  
3172 created by Section [62A-3-311.1](#); or  
3173 (b) received or maintained in relation to the Identity Theft Reporting Information  
3174 System (IRIS) established under Section [67-5-22](#);  
3175 (44) information contained in the Management Information System and Licensing  
3176 Information System described in Title 62A, Chapter 4a, Child and Family Services;  
3177 (45) information regarding National Guard operations or activities in support of the  
3178 National Guard's federal mission;  
3179 (46) records provided by any pawn or secondhand business to a law enforcement  
3180 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and  
3181 Secondhand Merchandise Transaction Information Act;  
3182 (47) information regarding food security, risk, and vulnerability assessments performed  
3183 by the Department of Agriculture and Food;  
3184 (48) except to the extent that the record is exempt from this chapter pursuant to Section  
3185 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or  
3186 prepared or maintained by the Division of Emergency Management, and the disclosure of  
3187 which would jeopardize:

- 3188 (a) the safety of the general public; or  
3189 (b) the security of:  
3190 (i) governmental property;  
3191 (ii) governmental programs; or  
3192 (iii) the property of a private person who provides the Division of Emergency  
3193 Management information;  
3194 (49) records of the Department of Agriculture and Food that provides for the  
3195 identification, tracing, or control of livestock diseases, including any program established under  
3196 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control  
3197 of Animal Disease;  
3198 (50) as provided in Section [26-39-501](#):  
3199 (a) information or records held by the Department of Health related to a complaint  
3200 regarding a child care program or residential child care which the department is unable to  
3201 substantiate; and  
3202 (b) information or records related to a complaint received by the Department of Health  
3203 from an anonymous complainant regarding a child care program or residential child care;  
3204 (51) unless otherwise classified as public under Section [63G-2-301](#) and except as  
3205 provided under Section [41-1a-116](#), an individual's home address, home telephone number, or  
3206 personal mobile phone number, if:  
3207 (a) the individual is required to provide the information in order to comply with a law,  
3208 ordinance, rule, or order of a government entity; and  
3209 (b) the subject of the record has a reasonable expectation that this information will be  
3210 kept confidential due to:  
3211 (i) the nature of the law, ordinance, rule, or order; and  
3212 (ii) the individual complying with the law, ordinance, rule, or order;  
3213 (52) the portion of the following documents that contains a candidate's residential or  
3214 mailing address, if the candidate provides to the filing officer another address or phone number  
3215 where the candidate may be contacted:  
3216 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,  
3217 described in Section [20A-9-201](#), [20A-9-202](#), [20A-9-203](#), [20A-9-404](#), [20A-9-405](#), [20A-9-408](#),  
3218 [20A-9-408.5](#), [20A-9-502](#), or [20A-9-601](#);



- 3219 (b) an affidavit of impecuniosity, described in Section [20A-9-201](#); or
- 3220 (c) a notice of intent to gather signatures for candidacy, described in Section
- 3221 [20A-9-408](#);
- 3222 (53) the name, home address, work addresses, and telephone numbers of an individual
- 3223 that is engaged in, or that provides goods or services for, medical or scientific research that is:
- 3224 (a) conducted within the state system of higher education, as defined in Section
- 3225 [53B-1-102](#); and
- 3226 (b) conducted using animals;
- 3227 (54) in accordance with Section [78A-12-203](#), any record of the Judicial Performance
- 3228 Evaluation Commission concerning an individual commissioner's vote on whether or not to
- 3229 recommend that the voters retain a judge including information disclosed under Subsection
- 3230 [78A-12-203\(5\)\(e\)](#);
- 3231 (55) information collected and a report prepared by the Judicial Performance
- 3232 Evaluation Commission concerning a judge, unless Section [20A-7-702](#) or Title 78A, Chapter
- 3233 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
- 3234 the information or report;
- 3235 (56) records contained in the Management Information System created in Section
- 3236 [62A-4a-1003](#);
- 3237 (57) records provided or received by the Public Lands Policy Coordinating Office in
- 3238 furtherance of any contract or other agreement made in accordance with Section [~~[63J-4-603](#)~~]
- 3239 [63L-11-202](#);
- 3240 (58) information requested by and provided to the 911 Division under Section
- 3241 [63H-7a-302](#);
- 3242 (59) in accordance with Section [73-10-33](#):
- 3243 (a) a management plan for a water conveyance facility in the possession of the Division
- 3244 of Water Resources or the Board of Water Resources; or
- 3245 (b) an outline of an emergency response plan in possession of the state or a county or
- 3246 municipality;
- 3247 (60) the following records in the custody or control of the Office of Inspector General
- 3248 of Medicaid Services, created in Section [63A-13-201](#):
- 3249 (a) records that would disclose information relating to allegations of personal

3250 misconduct, gross mismanagement, or illegal activity of a person if the information or  
3251 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services  
3252 through other documents or evidence, and the records relating to the allegation are not relied  
3253 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation  
3254 report or final audit report;

3255 (b) records and audit workpapers to the extent they would disclose the identity of a  
3256 person who, during the course of an investigation or audit, communicated the existence of any  
3257 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or  
3258 regulation adopted under the laws of this state, a political subdivision of the state, or any  
3259 recognized entity of the United States, if the information was disclosed on the condition that  
3260 the identity of the person be protected;

3261 (c) before the time that an investigation or audit is completed and the final  
3262 investigation or final audit report is released, records or drafts circulated to a person who is not  
3263 an employee or head of a governmental entity for the person's response or information;

3264 (d) records that would disclose an outline or part of any investigation, audit survey  
3265 plan, or audit program; or

3266 (e) requests for an investigation or audit, if disclosure would risk circumvention of an  
3267 investigation or audit;

3268 (61) records that reveal methods used by the Office of Inspector General of Medicaid  
3269 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or  
3270 abuse;

3271 (62) information provided to the Department of Health or the Division of Occupational  
3272 and Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections  
3273 58-68-304(3) and (4);

3274 (63) a record described in Section 63G-12-210;

3275 (64) captured plate data that is obtained through an automatic license plate reader  
3276 system used by a governmental entity as authorized in Section 41-6a-2003;

3277 (65) any record in the custody of the Utah Office for Victims of Crime relating to a  
3278 victim, including:

3279 (a) a victim's application or request for benefits;

3280 (b) a victim's receipt or denial of benefits; and

3281 (c) any administrative notes or records made or created for the purpose of, or used to,  
3282 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim  
3283 Reparations Fund;

3284 (66) an audio or video recording created by a body-worn camera, as that term is  
3285 defined in Section 77-7a-103, that records sound or images inside a hospital or health care  
3286 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care  
3287 provider, as that term is defined in Section 78B-3-403, or inside a human service program as  
3288 that term is defined in Section 62A-2-101, except for recordings that:

3289 (a) depict the commission of an alleged crime;

3290 (b) record any encounter between a law enforcement officer and a person that results in  
3291 death or bodily injury, or includes an instance when an officer fires a weapon;

3292 (c) record any encounter that is the subject of a complaint or a legal proceeding against  
3293 a law enforcement officer or law enforcement agency;

3294 (d) contain an officer involved critical incident as defined in Subsection  
3295 76-2-408(1)(f); or

3296 (e) have been requested for reclassification as a public record by a subject or  
3297 authorized agent of a subject featured in the recording;

3298 (67) a record pertaining to the search process for a president of an institution of higher  
3299 education described in Section 53B-2-102, except for application materials for a publicly  
3300 announced finalist;

3301 (68) an audio recording that is:

3302 (a) produced by an audio recording device that is used in conjunction with a device or  
3303 piece of equipment designed or intended for resuscitating an individual or for treating an  
3304 individual with a life-threatening condition;

3305 (b) produced during an emergency event when an individual employed to provide law  
3306 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

3307 (i) is responding to an individual needing resuscitation or with a life-threatening  
3308 condition; and

3309 (ii) uses a device or piece of equipment designed or intended for resuscitating an  
3310 individual or for treating an individual with a life-threatening condition; and

3311 (c) intended and used for purposes of training emergency responders how to improve

3312 their response to an emergency situation;

3313 (69) records submitted by or prepared in relation to an applicant seeking a  
3314 recommendation by the Research and General Counsel Subcommittee, the Budget  
3315 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an  
3316 employment position with the Legislature;

3317 (70) work papers as defined in Section 31A-2-204;

3318 (71) a record made available to Adult Protective Services or a law enforcement agency  
3319 under Section 61-1-206;

3320 (72) a record submitted to the Insurance Department in accordance with Section  
3321 31A-37-201 or 31A-22-653;

3322 (73) a record described in Section 31A-37-503.

3323 (74) any record created by the Division of Occupational and Professional Licensing as  
3324 a result of Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);

3325 (75) a record described in Section 72-16-306 that relates to the reporting of an injury  
3326 involving an amusement ride;

3327 (76) except as provided in Subsection 63G-2-305.5(1), the signature of an individual  
3328 on a political petition, or on a request to withdraw a signature from a political petition,  
3329 including a petition or request described in the following titles:

3330 (a) Title 10, Utah Municipal Code;

3331 (b) Title 17, Counties;

3332 (c) Title 17B, Limited Purpose Local Government Entities - Local Districts;

3333 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and

3334 (e) Title 20A, Election Code;

3335 (77) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in  
3336 a voter registration record;

3337 (78) except as provided in Subsection 63G-2-305.5(3), any signature, other than a  
3338 signature described in Subsection (76) or (77), in the custody of the lieutenant governor or a  
3339 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;

3340 (79) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part  
3341 5, Victims Guidelines for Prosecutors Act;

3342 (80) a record submitted to the Insurance Department under Subsection

3343 31A-47-103(1)(b); and

3344 (81) personal information, as defined in Section 63G-26-102, to the extent disclosure is  
3345 prohibited under Section 63G-26-103.

3346 Section 49. Section 63G-3-301 is amended to read:

3347 **63G-3-301. Rulemaking procedure.**

3348 (1) An agency authorized to make rules is also authorized to amend or repeal those  
3349 rules.

3350 (2) Except as provided in Sections 63G-3-303 and 63G-3-304, when making,  
3351 amending, or repealing a rule agencies shall comply with:

3352 (a) the requirements of this section;

3353 (b) consistent procedures required by other statutes;

3354 (c) applicable federal mandates; and

3355 (d) rules made by the office to implement this chapter.

3356 (3) Subject to the requirements of this chapter, each agency shall develop and use  
3357 flexible approaches in drafting rules that meet the needs of the agency and that involve persons  
3358 affected by the agency's rules.

3359 (4) (a) Each agency shall file the agency's proposed rule and rule analysis with the  
3360 office.

3361 (b) Rule amendments shall be marked with new language underlined and deleted  
3362 language struck out.

3363 (c) (i) The office shall publish the information required under Subsection (8) on the  
3364 rule analysis and the text of the proposed rule in the next issue of the bulletin.

3365 (ii) For rule amendments, only the section or subsection of the rule being amended  
3366 need be printed.

3367 (iii) If the director determines that the rule is too long to publish, the office shall  
3368 publish the rule analysis and shall publish the rule by reference to a copy on file with the office.

3369 (5) Before filing a rule with the office, the agency shall conduct a thorough analysis,  
3370 consistent with the criteria established by the Governor's Office of ~~Management~~ Planning and  
3371 Budget, of the fiscal impact a rule may have on businesses, which criteria may include:

3372 (a) the type of industries that will be impacted by the rule, and for each identified  
3373 industry, an estimate of the total number of businesses within the industry, and an estimate of

3374 the number of those businesses that are small businesses;

3375 (b) the individual fiscal impact that would incur to a typical business for a one-year  
3376 period;

3377 (c) the aggregated total fiscal impact that would incur to all businesses within the state  
3378 for a one-year period;

3379 (d) the total cost that would incur to all impacted entities over a five-year period; and

3380 (e) the department head's comments on the analysis.

3381 (6) If the agency reasonably expects that a proposed rule will have a measurable  
3382 negative fiscal impact on small businesses, the agency shall consider, as allowed by federal  
3383 law, each of the following methods of reducing the impact of the rule on small businesses:

3384 (a) establishing less stringent compliance or reporting requirements for small  
3385 businesses;

3386 (b) establishing less stringent schedules or deadlines for compliance or reporting  
3387 requirements for small businesses;

3388 (c) consolidating or simplifying compliance or reporting requirements for small  
3389 businesses;

3390 (d) establishing performance standards for small businesses to replace design or  
3391 operational standards required in the proposed rule; and

3392 (e) exempting small businesses from all or any part of the requirements contained in  
3393 the proposed rule.

3394 (7) If during the public comment period an agency receives comment that the proposed  
3395 rule will cost small business more than one day's annual average gross receipts, and the agency  
3396 had not previously performed the analysis in Subsection (6), the agency shall perform the  
3397 analysis described in Subsection (6).

3398 (8) The rule analysis shall contain:

3399 (a) a summary of the rule or change;

3400 (b) the purpose of the rule or reason for the change;

3401 (c) the statutory authority or federal requirement for the rule;

3402 (d) the anticipated cost or savings to:

3403 (i) the state budget;

3404 (ii) local governments;

- 3405 (iii) small businesses; and
- 3406 (iv) persons other than small businesses, businesses, or local governmental entities;
- 3407 (e) the compliance cost for affected persons;
- 3408 (f) how interested persons may review the full text of the rule;
- 3409 (g) how interested persons may present their views on the rule;
- 3410 (h) the time and place of any scheduled public hearing;
- 3411 (i) the name and telephone number of an agency employee who may be contacted
- 3412 about the rule;
- 3413 (j) the name of the agency head or designee who authorized the rule;
- 3414 (k) the date on which the rule may become effective following the public comment
- 3415 period;
- 3416 (l) the agency's analysis on the fiscal impact of the rule as required under Subsection
- 3417 (5);
- 3418 (m) any additional comments the department head may choose to submit regarding the
- 3419 fiscal impact the rule may have on businesses; and
- 3420 (n) if applicable, a summary of the agency's efforts to comply with the requirements of
- 3421 Subsection (6).
- 3422 (9) (a) For a rule being repealed and reenacted, the rule analysis shall contain a
- 3423 summary that generally includes the following:
- 3424 (i) a summary of substantive provisions in the repealed rule which are eliminated from
- 3425 the enacted rule; and
- 3426 (ii) a summary of new substantive provisions appearing only in the enacted rule.
- 3427 (b) The summary required under this Subsection (9) is to aid in review and may not be
- 3428 used to contest any rule on the ground of noncompliance with the procedural requirements of
- 3429 this chapter.
- 3430 (10) A copy of the rule analysis shall be mailed to all persons who have made timely
- 3431 request of the agency for advance notice of the agency's rulemaking proceedings and to any
- 3432 other person who, by statutory or federal mandate or in the judgment of the agency, should also
- 3433 receive notice.
- 3434 (11) (a) Following the publication date, the agency shall allow at least 30 days for
- 3435 public comment on the rule.

3436 (b) The agency shall review and evaluate all public comments submitted in writing  
3437 within the time period under Subsection (11)(a) or presented at public hearings conducted by  
3438 the agency within the time period under Subsection (11)(a).

3439 (12) (a) Except as provided in Sections 63G-3-303 and 63G-3-304, a proposed rule  
3440 becomes effective on any date specified by the agency that is:

3441 (i) no fewer than seven calendar days after the day on which the public comment  
3442 period closes under Subsection (11); and

3443 (ii) no more than 120 days after the day on which the rule is published.

3444 (b) The agency shall provide notice of the rule's effective date to the office in the form  
3445 required by the office.

3446 (c) The notice of effective date may not provide for an effective date before the day on  
3447 which the office receives the notice.

3448 (d) The office shall publish notice of the effective date of the rule in the next issue of  
3449 the bulletin.

3450 (e) A proposed rule lapses if a notice of effective date or a change to a proposed rule is  
3451 not filed with the office within 120 days after the day on which the rule is published.

3452 (13) (a) Except as provided in Subsection (13)(d), before an agency enacts a rule, the  
3453 agency shall submit to the appropriations subcommittee and interim committee with  
3454 jurisdiction over the agency the agency's proposed rule for review, if the proposed rule, over a  
3455 three-year period, has a fiscal impact of more than:

3456 (i) \$250,000 to a single person; or

3457 (ii) \$7,500,000 to a group of persons.

3458 (b) An appropriations subcommittee or interim committee that reviews a rule  
3459 submitted under Subsection (13)(a) shall:

3460 (i) before the review, directly inform the chairs of the Administrative Rules Review  
3461 Committee of the coming review, including the date, time, and place of the review; and

3462 (ii) after the review, directly inform the chairs of the Administrative Rules Review  
3463 Committee of the outcome of the review, including any recommendation.

3464 (c) An appropriations subcommittee or interim committee that reviews a rule submitted  
3465 under Subsection (13)(a) may recommend to the Administrative Rules Review Committee that  
3466 the Administrative Rules Review Committee not recommend reauthorization of the rule in the



3467 omnibus legislation described in Section [63G-3-502](#).

3468 (d) The requirement described in Subsection (13)(a) does not apply to:

3469 (i) the State Tax Commission; or

3470 (ii) the State Board of Education.

3471 (14) (a) As used in this Subsection (14), "initiate rulemaking proceedings" means the  
3472 filing, for the purposes of publication in accordance with Subsection (4), of an agency's  
3473 proposed rule that is required by state statute.

3474 (b) A state agency shall initiate rulemaking proceedings no later than 180 days after the  
3475 day on which the statutory provision that specifically requires the rulemaking takes effect,  
3476 except under Subsection (14)(c).

3477 (c) When a statute is enacted that requires agency rulemaking and the affected agency  
3478 already has rules in place that meet the statutory requirement, the agency shall submit the rules  
3479 to the Administrative Rules Review Committee for review within 60 days after the day on  
3480 which the statute requiring the rulemaking takes effect.

3481 (d) If a state agency does not initiate rulemaking proceedings in accordance with the  
3482 time requirements in Subsection (14)(b), the state agency shall appear before the legislative  
3483 Administrative Rules Review Committee and provide the reasons for the delay.

3484 Section 50. Section **63G-25-202** is amended to read:

3485 **63G-25-202. Citizen feedback annual report.**

3486 (1) The Governor's Office of ~~Management~~ Planning and Budget shall prepare an  
3487 annual report that contains a summary of any feedback that state agencies gathered in  
3488 accordance with Section [63G-25-201](#) during the preceding calendar year.

3489 (2) On or before July 1, the Governor's Office of ~~Management~~ Planning and Budget  
3490 shall:

3491 (a) provide an electronic copy of the report described in Subsection (1) to each  
3492 legislator; and

3493 (b) make the report described in Subsection (1) accessible to the public.

3494 Section 51. Section **63I-1-263** is amended to read:

3495 **63I-1-263. Repeal dates, Titles 63A to 63N.**

3496 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

3497 (a) Subsection [63A-1-201](#)(1) is repealed;

- 3498 (b) Subsection 63A-1-202(2)(c), the language "using criteria established by the board"  
3499 is repealed;
- 3500 (c) Section 63A-1-203 is repealed;
- 3501 (d) Subsections 63A-1-204(1) and (2), the language "After consultation with the board,  
3502 and" is repealed; and
- 3503 (e) Subsection 63A-1-204(1)(b), the language "using the standards provided in  
3504 Subsection 63A-1-203(3)(c)" is repealed.
- 3505 (2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital  
3506 improvement funding, is repealed July 1, 2024.
- 3507 (3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,  
3508 2023.
- 3509 (4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review  
3510 Committee, are repealed July 1, 2023.
- 3511 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July  
3512 1, 2028.
- 3513 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,  
3514 2025.
- 3515 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,  
3516 2024.
- 3517 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is  
3518 repealed July 1, 2021.
- 3519 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed  
3520 July 1, 2023.
- 3521 (10) Title 63C, Chapter 21, Outdoor Adventure Commission, is repealed July 1, 2025.
- 3522 (11) Title 63F, Chapter 2, Data Security Management Council, is repealed July 1,  
3523 2025.
- 3524 (12) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities  
3525 Advisory Board, is repealed July 1, 2026.
- 3526 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,  
3527 2025.
- 3528 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,

- 3529 2024.
- 3530 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 3531 (16) Subsection [63J-1-602.1](#)(14), Nurse Home Visiting Restricted Account is repealed
- 3532 July 1, 2026.
- 3533 (17) (a) Subsection [63J-1-602.1](#)(58), relating to the Utah Statewide Radio System
- 3534 Restricted Account, is repealed July 1, 2022.
- 3535 (b) When repealing Subsection [63J-1-602.1](#)(58), the Office of Legislative Research and
- 3536 General Counsel shall, in addition to the office's authority under Subsection [36-12-12](#)(3), make
- 3537 necessary changes to subsection numbering and cross references.
- 3538 (18) Subsection [63J-1-602.2](#)(4), referring to dedicated credits to the Utah Marriage
- 3539 Commission, is repealed July 1, 2023.
- 3540 (19) Subsection [63J-1-602.2](#)(5), referring to the Trip Reduction Program, is repealed
- 3541 July 1, 2022.
- 3542 (20) Subsection [63J-1-602.2](#)(25), related to the Utah Seismic Safety Commission, is
- 3543 repealed January 1, 2025.
- 3544 (21) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is
- 3545 repealed July 1, 2027.
- 3546 (22) Subsection [~~[63J-4-608](#)~~] [63L-11-305](#)(3), which creates the Federal Land
- 3547 Application Advisory Committee, is repealed on July 1, 2021.
- 3548 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on
- 3549 January 1, 2023:
- 3550 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are
- 3551 repealed;
- 3552 (b) Section [63M-7-305](#), the language that states "council" is replaced with
- 3553 "commission";
- 3554 (c) Subsection [63M-7-305](#)(1) is repealed and replaced with:
- 3555 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and
- 3556 (d) Subsection [63M-7-305](#)(2) is repealed and replaced with:
- 3557 "(2) The commission shall:
- 3558 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
- 3559 Drug-Related Offenses Reform Act; and

3560 (b) coordinate the implementation of Section 77-18-1.1 and related provisions in  
3561 Subsections 77-18-1(5)(b)(iii) and (iv).".

3562 (24) The Crime Victim Reparations and Assistance Board, created in Section  
3563 63M-7-504, is repealed July 1, 2027.

3564 (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July  
3565 1, 2022.

3566 (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.

3567 (27) Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is repealed  
3568 January 1, 2023.

3569 (28) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating  
3570 Council, is repealed July 1, 2024.

3571 (29) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

3572 (30) Section 63N-2-512 is repealed July 1, 2021.

3573 (31) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed  
3574 January 1, 2021.

3575 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for  
3576 calendar years beginning on or after January 1, 2021.

3577 (c) Notwithstanding Subsection (31)(b), an entity may carry forward a tax credit in  
3578 accordance with Section 59-9-107 if:

3579 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December  
3580 31, 2020; and

3581 (ii) the qualified equity investment that is the basis of the tax credit is certified under  
3582 Section 63N-2-603 on or before December 31, 2023.

3583 (32) Subsections 63N-3-109(2)(e) and 63N-3-109(2)(f)(i) are repealed July 1, 2023.

3584 (33) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed  
3585 July 1, 2023.

3586 (34) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1,  
3587 2025.

3588 (35) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,  
3589 is repealed January 1, 2023.

3590 (36) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1,

3591 2023.

3592 Section 52. Section **63I-2-263** is amended to read:

3593 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

3594 (1) On July 1, 2020:

3595 (a) Subsection **63A-1-203**(5)(a)(i) is repealed; and

3596 (b) in Subsection **63A-1-203**(5)(a)(ii), the language that states "appointed on or after  
3597 May 8, 2018," is repealed.

3598 (2) Section **63A-3-111** is repealed June 30, 2021.

3599 (3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is  
3600 repealed July 1, 2021.

3601 (4) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology  
3602 Commission is repealed July 1, 2023.

3603 (5) The following sections regarding the World War II Memorial Commission are  
3604 repealed on July 1, 2022:

3605 (a) Section **63G-1-801**;

3606 (b) Section **63G-1-802**;

3607 (c) Section **63G-1-803**; and

3608 (d) Section **63G-1-804**.

3609 (6) Subsections **63G-6a-802**(1)(d) and **63G-6a-802**(3)(b)(iii), regarding a procurement  
3610 relating to a vice presidential debate, are repealed January 1, 2021.

3611 (7) In relation to the State Fair Park Committee, on January 1, 2021:

3612 (a) Section **63H-6-104.5** is repealed; and

3613 (b) Subsections **63H-6-104**(8) and (9) are repealed.

3614 (8) Section **63H-7a-303** is repealed July 1, 2024.

3615 (9) Subsection **63J-1-206**(3)(c), relating to coronavirus, is repealed July 1, 2021.

3616 [~~(10) In relation to the Employability to Careers Program Board, on July 1, 2022:~~]

3617 [~~(a) Subsection **63J-1-602.1**(57) is repealed;~~]

3618 [~~(b) Subsection **63J-4-301**(1)(h), related to the review of data and metrics, is repealed;~~

3619 and]

3620 [~~(c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.]~~

3621 [~~(H)~~] (10) Title 63M, Chapter 4, Part 8, Voluntary Home Energy Information Pilot

3622 Program Act, is repealed January 1, 2022.

3623 [~~(11)~~] (11) Sections [63M-7-213](#) and [63M-7-213.5](#) are repealed on January 1, 2023.

3624 [~~(12)~~] (12) Subsection [63N-12-508](#)(3) is repealed December 31, 2021.

3625 [~~(13)~~] (13) Title 63N, Chapter 13, Part 3, Facilitating [~~Public-Private~~] Public-private  
3626 Partnerships Act, is repealed January 1, 2024.

3627 [~~(14)~~] (14) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs, is  
3628 repealed December 31, 2021.

3629 Section 53. Section **63J-1-105** is amended to read:

3630 **63J-1-105. Revenue types -- Disposition of dedicated credits and expendable**  
3631 **receipts.**

3632 (1) (a) Dedicated credits are subject to appropriations and the restrictions in this  
3633 chapter.

3634 (b) An agency may expend dedicated credits for any purpose within the program or line  
3635 item.

3636 (2) Except as provided in Subsections (3) and (4), an agency may not expend dedicated  
3637 credits in excess of the amount appropriated to a line item as dedicated credits by the  
3638 Legislature.

3639 (3) Each agency that receives dedicated credits revenue greater than the amount  
3640 appropriated to a line item by the Legislature in the annual appropriations acts may expend the  
3641 excess up to 25% of the amount appropriated if the expenditure is included in a revised budget  
3642 execution plan submitted as provided in Section [63J-1-209](#).

3643 (4) Notwithstanding the requirements of Subsection (3), when an agency's dedicated  
3644 credits revenue represents over 90% of the budget of the line item for which the dedicated  
3645 credits are collected, the agency may expend 100% of the excess of the amount appropriated if  
3646 the agency submits a revised budget execution plan as provided in Subsection (3) and Section  
3647 [63J-1-209](#).

3648 (5) An expenditure of dedicated credits in excess of amounts appropriated to a line  
3649 item as dedicated credits by the Legislature may not be used to permanently increase personnel  
3650 within the agency unless:

3651 (a) the increase is approved by the Legislature; or

3652 (b) the money is deposited as a dedicated credit in a line item covering tuition or

3653 federal vocational funds at an institution of higher education.

3654 (6) (a) All excess dedicated credits not received or expended in compliance with  
3655 Subsection (3), (4), or (7) lapse to the General Fund or other appropriate fund as free or  
3656 restricted revenue at the end of the fiscal year.

3657 (b) The Division of Finance shall determine the appropriate fund into which the  
3658 dedicated credits lapse.

3659 (7) (a) When an agency has a line item that is funded by more than one major revenue  
3660 type, one of which is dedicated credits, the agency shall completely expend authorized  
3661 dedicated credits within the current fiscal year and allocate unused spending authorization  
3662 among other funding sources based upon a proration of the amounts appropriated from each of  
3663 those major revenue types not attributable to dedicated credits, unless the Legislature has  
3664 designated a portion of the dedicated credits as nonlapsing, in which case the agency shall  
3665 completely expend within the current fiscal year authorized dedicated credits minus the portion  
3666 of dedicated credits designated as nonlapsing, and allocate unused spending authorization  
3667 among the other funding sources based upon a proration of the amounts appropriated from each  
3668 of those major revenue types not attributable to dedicated credits.

3669 (b) Nothing in Subsection (7)(a) shall be construed to allow an agency to receive and  
3670 expend dedicated credits in excess of legislative appropriations to a line item without  
3671 complying with Subsection (3) or (4).

3672 (c) Each agency that receives dedicated credits shall report, to the Division of Finance,  
3673 any balances remaining in those funds at the conclusion of each fiscal year.

3674 (8) Each agency shall include in its annual budget request estimates of dedicated  
3675 credits revenue that is identified by, collected for, or set by the agency.

3676 (9) Each agency may expend expendable receipts in accordance with the terms set by a  
3677 nonstate entity that provides the funds.

3678 (10) (a) Expendable receipts are not limited by appropriations.

3679 (b) Each agency that receives expendable receipts revenue greater than the amount  
3680 included for a line item by the Legislature in the annual appropriations acts may expend the  
3681 excess if the expenditure is included in a revised budget execution plan submitted as provided  
3682 in Section [63J-1-209](#).

3683 (c) If an agency receives excess expendable receipts revenue that is more than 25%



3684 greater than the amount included for a line item by the Legislature in the annual appropriations  
3685 acts, the agency shall report the excess amount, the source of the expendable receipts, and the  
3686 purpose for which the expendable receipts will be expended to the Governor's Office of  
3687 [~~Management~~] Planning and Budget, the legislative fiscal analyst, and the Executive  
3688 Appropriations Committee within 60 days of submitting a revised budget execution plan as  
3689 provided in Section [63J-1-209](#).

3690 Section 54. Section **63J-1-201** is amended to read:

3691 **63J-1-201. Governor's proposed budget to Legislature -- Contents -- Preparation**  
3692 **-- Appropriations based on current tax laws and not to exceed estimated revenues.**

3693 (1) The governor shall deliver, not later than 30 days before the date the Legislature  
3694 convenes in the annual general session, a confidential draft copy of the governor's proposed  
3695 budget recommendations to the Office of the Legislative Fiscal Analyst according to the  
3696 requirements of this section.

3697 (2) (a) When submitting a proposed budget, the governor shall, within the first three  
3698 days of the annual general session of the Legislature, submit to the presiding officer of each  
3699 house of the Legislature:

3700 (i) a proposed budget for the ensuing fiscal year;

3701 (ii) a schedule for all of the proposed changes to appropriations in the proposed budget,  
3702 with each change clearly itemized and classified; and

3703 (iii) as applicable, a document showing proposed changes in estimated revenues that  
3704 are based on changes in state tax laws or rates.

3705 (b) The proposed budget shall include:

3706 (i) a projection of:

3707 (A) estimated revenues by major tax type;

3708 (B) 15-year trends for each major tax type;

3709 (C) estimated receipts of federal funds;

3710 (D) 15-year trends for federal fund receipts; and

3711 (E) appropriations for the next fiscal year;

3712 (ii) the source of changes to all direct, indirect, and in-kind matching funds for all  
3713 federal grants or assistance programs included in the budget;

3714 (iii) changes to debt service;



- 3715 (iv) a plan of proposed changes to appropriations and estimated revenues for the next  
3716 fiscal year that is based upon the current fiscal year state tax laws and rates and considers  
3717 projected changes in federal grants or assistance programs included in the budget;
- 3718 (v) an itemized estimate of the proposed changes to appropriations for:
- 3719 (A) the Legislative Department as certified to the governor by the president of the  
3720 Senate and the speaker of the House;
- 3721 (B) the Executive Department;
- 3722 (C) the Judicial Department as certified to the governor by the state court  
3723 administrator;
- 3724 (D) changes to salaries payable by the state under the Utah Constitution or under law  
3725 for lease agreements planned for the next fiscal year; and
- 3726 (E) all other changes to ongoing or one-time appropriations, including dedicated  
3727 credits, restricted funds, nonlapsing balances, grants, and federal funds;
- 3728 (vi) for each line item, the average annual dollar amount of staff funding associated  
3729 with all positions that were vacant during the last fiscal year;
- 3730 (vii) deficits or anticipated deficits;
- 3731 (viii) the recommendations for each state agency for new full-time employees for the  
3732 next fiscal year, which shall also be provided to the director of the Division of Facilities  
3733 Construction and Management as required by Subsection [63A-5b-501\(3\)](#);
- 3734 (ix) a written description and itemized report submitted by a state agency to the  
3735 Governor's Office of ~~Management~~ Planning and Budget under Section [63J-1-220](#), including:
- 3736 (A) a written description and an itemized report provided at least annually detailing the  
3737 expenditure of the state money, or the intended expenditure of any state money that has not  
3738 been spent; and
- 3739 (B) a final written itemized report when all the state money is spent;
- 3740 (x) any explanation that the governor may desire to make as to the important features  
3741 of the budget and any suggestion as to methods for the reduction of expenditures or increase of  
3742 the state's revenue; and
- 3743 (xi) information detailing certain fee increases as required by Section [63J-1-504](#).
- 3744 (3) For the purpose of preparing and reporting the proposed budget:
- 3745 (a) The governor shall require the proper state officials, including all public and higher

3746 education officials, all heads of executive and administrative departments and state institutions,  
3747 bureaus, boards, commissions, and agencies expending or supervising the expenditure of the  
3748 state money, and all institutions applying for state money and appropriations, to provide  
3749 itemized estimates of changes in revenues and appropriations.

3750 (b) The governor may require the persons and entities subject to Subsection (3)(a) to  
3751 provide other information under these guidelines and at times as the governor may direct,  
3752 which may include a requirement for program productivity and performance measures, where  
3753 appropriate, with emphasis on outcome indicators.

3754 (c) The governor may require representatives of public and higher education, state  
3755 departments and institutions, and other institutions or individuals applying for state  
3756 appropriations to attend budget meetings.

3757 (4) (a) The Governor's Office of [~~Management~~] Planning and Budget shall provide to  
3758 the Office of the Legislative Fiscal Analyst, as soon as practicable, but no later than 30 days  
3759 before the date the Legislature convenes in the annual general session, data, analysis, or  
3760 requests used in preparing the governor's budget recommendations, notwithstanding the  
3761 restrictions imposed on such recommendations by available revenue.

3762 (b) The information under Subsection (4)(a) shall include:

3763 (i) actual revenues and expenditures for the fiscal year ending the previous June 30;

3764 (ii) estimated or authorized revenues and expenditures for the current fiscal year;

3765 (iii) requested revenues and expenditures for the next fiscal year;

3766 (iv) detailed explanations of any differences between the amounts appropriated by the  
3767 Legislature in the current fiscal year and the amounts reported under Subsections (4)(b)(ii) and  
3768 (iii);

3769 (v) a statement of:

3770 (A) agency and program objectives, effectiveness measures, and program size  
3771 indicators;

3772 (B) the final status of the program objectives, effectiveness measures, and program size  
3773 indicators included in the appropriations act for the fiscal year ending the previous June 30; and

3774 (C) the current status of the program objectives, effectiveness measures, and program  
3775 size indicators included in the appropriations act for the current fiscal year; and

3776 (vi) other budgetary information required by the Legislature in statute.

3777 (c) The budget information under Subsection (4)(a) shall cover:

3778 (i) all items of appropriation, funds, and accounts included in appropriations acts for  
3779 the current and previous fiscal years; and

3780 (ii) any new appropriation, fund, or account items requested for the next fiscal year.

3781 (d) The information provided under Subsection (4)(a) may be provided as a shared  
3782 record under Section 63G-2-206 as considered necessary by the Governor's Office of  
3783 [~~Management~~] Planning and Budget.

3784 (5) (a) In submitting the budget for the Department of Public Safety, the governor shall  
3785 include a separate recommendation in the governor's budget for maintaining a sufficient  
3786 number of alcohol-related law enforcement officers to maintain the enforcement ratio equal to  
3787 or below the number specified in Subsection 32B-1-201(2).

3788 (b) If the governor does not include in the governor's budget an amount sufficient to  
3789 maintain the number of alcohol-related law enforcement officers described in Subsection  
3790 (5)(a), the governor shall include a message to the Legislature regarding the governor's reason  
3791 for not including that amount.

3792 (6) (a) The governor may revise all estimates, except those relating to the Legislative  
3793 Department, the Judicial Department, and those providing for the payment of principal and  
3794 interest to the state debt and for the salaries and expenditures specified by the Utah  
3795 Constitution or under the laws of the state.

3796 (b) The estimate for the Judicial Department, as certified by the state court  
3797 administrator, shall also be included in the budget without revision, but the governor may make  
3798 separate recommendations on the estimate.

3799 (7) The total appropriations requested for expenditures authorized by the budget may  
3800 not exceed the estimated revenues from taxes, fees, and all other sources for the next ensuing  
3801 fiscal year.

3802 (8) If any item of the budget as enacted is held invalid upon any ground, the invalidity  
3803 does not affect the budget itself or any other item in it.

3804 Section 55. Section 63J-1-205 is amended to read:

3805 **63J-1-205. Revenue volatility report.**

3806 (1) Beginning in 2011 and continuing every three years after 2011, the Legislative  
3807 Fiscal Analyst and the Governor's Office of [~~Management~~] Planning and Budget shall submit a

3808 joint revenue volatility report to the Executive Appropriations Committee prior to the  
3809 committee's December meeting.

3810 (2) The Legislative Fiscal Analyst and the Governor's Office of [Management]  
3811 Planning and Budget shall ensure that the report:

3812 (a) discusses the tax base and the tax revenue volatility of the revenue streams that  
3813 provide the source of funding for the state budget;

3814 (b) considers federal funding included in the state budget and any projected changes in  
3815 the amount or value of federal funding;

3816 (c) identifies the balances in the General Fund Budget Reserve Account and the  
3817 Education Fund Budget Reserve Account;

3818 (d) analyzes the adequacy of the balances in the General Fund Budget Reserve Account  
3819 and the Education Fund Budget Reserve Account in relation to the volatility of the revenue  
3820 streams and the risk of a reduction in the amount or value of federal funding;

3821 (e) recommends changes to the deposit amounts or transfer limits established in  
3822 Sections 63J-1-312 and 63J-1-313, if the Legislative Fiscal Analyst and Governor's Office of  
3823 [Management] Planning and Budget consider it appropriate to recommend changes; and

3824 (f) presents options for a deposit mechanism linked to one or more tax sources on the  
3825 basis of each tax source's observed volatility, including:

3826 (i) an analysis of how the options would have performed historically within the state;

3827 (ii) an analysis of how the options will perform based on the most recent revenue  
3828 forecast; and

3829 (iii) recommendations for deposit mechanisms considered likely to meet the budget  
3830 reserve account targets established in Sections 63J-1-312 and 63J-1-313.

3831 Section 56. Section 63J-1-209 is amended to read:

3832 **63J-1-209. Director of finance to exercise accounting control -- Budget execution**  
3833 **plans -- Allotments and expenditures.**

3834 (1) The director of finance shall exercise accounting control over all state departments,  
3835 institutions, and agencies other than the Legislature and legislative committees.

3836 (2) (a) The director shall require the head of each department to submit, by May 15 of  
3837 each year, a budget execution plan for the next fiscal year.

3838 (b) The director may require any department to submit a budget execution plan for any

3839 other period.

3840 (3) The budget execution plan shall include appropriations and all other funds from any  
3841 source made available to the department for its operation and maintenance for the period and  
3842 program authorized by legislation that appropriates funds.

3843 (4) (a) In order to revise a budget execution plan, the department, agency, or institution  
3844 seeking to revise the budget execution plan shall:

3845 (i) develop a new budget execution plan that consists of the currently approved budget  
3846 execution plan and the revision sought to be made;

3847 (ii) prepare a written justification for the new budget execution plan that sets forth the  
3848 purpose and necessity of the revision; and

3849 (iii) submit the new budget execution plan and the written justification for the new  
3850 budget execution plan to the Division of Finance.

3851 (b) The Division of Finance shall process the new budget execution plan with written  
3852 justification and make this information available to the Governor's Office of [Management]  
3853 Planning and Budget and the legislative fiscal analyst.

3854 (5) Upon request from the Governor's Office of [Management] Planning and Budget,  
3855 the Division of Finance shall revise budget execution plans.

3856 (6) Notwithstanding the requirements of Title 63J, Chapter 2, Revenue Procedures and  
3857 Control Act, the aggregate of the budget execution plan revisions may not exceed the total  
3858 appropriations or other funds from any source that are available to the agency line item for the  
3859 fiscal year in question.

3860 (7) Upon transmittal of the new budget execution plan to the entities in Subsection (4),  
3861 the Division of Finance shall permit all expenditures to be made from the appropriations or  
3862 other funds from any source on the basis of those budget execution plans.

3863 (8) The Division of Finance shall, through statistical sampling methods or other means,  
3864 audit all claims against the state for which an appropriation has been made.

3865 Section 57. Section **63J-1-217** is amended to read:

3866 **63J-1-217. Overexpenditure of budget by agency -- Prorating budget income**  
3867 **shortfall.**

3868 (1) Expenditures of departments, agencies, and institutions of state government shall be  
3869 kept within revenues available for such expenditures.

3870 (2) (a) Line items of appropriation shall not be overexpended.  
3871 (b) Notwithstanding Subsection (2)(a), if an agency's line item is overexpended at the  
3872 close of a fiscal year:  
3873 (i) the director of the Division of Finance may make payments from the line item to  
3874 vendors for goods or services that were received on or before June 30; and  
3875 (ii) the director of the Division of Finance shall immediately reduce the agency's line  
3876 item budget in the current year by the amount of the overexpenditure.  
3877 (c) Each agency with an overexpended line item shall:  
3878 (i) prepare a written report explaining the reasons for the overexpenditure; and  
3879 (ii) present the report to:  
3880 (A) the Board of Examiners as required by Section 63G-9-301; and  
3881 (B) the Office of the Legislative Fiscal Analyst.  
3882 (3) (a) As used in this Subsection (3):  
3883 (i) "Education Fund budget deficit" has the same meaning as in Section 63J-1-312; and  
3884 (ii) "General Fund budget deficit" has the same meaning as in Section 63J-1-312.  
3885 (b) If an Education Fund budget deficit or a General Fund budget deficit exists and the  
3886 adopted estimated revenues were prepared in consensus with the Governor's Office of  
3887 [~~Management~~] Planning and Budget, the governor shall:  
3888 (i) direct state agencies to reduce commitments and expenditures by an amount  
3889 proportionate to the amount of the deficiency; and  
3890 (ii) direct the Division of Finance to reduce allotments to institutions of higher  
3891 education by an amount proportionate to the amount of the deficiency.  
3892 (c) The governor's directions under Subsection (3)(b) are rescinded when the  
3893 Legislature rectifies the Education Fund budget deficit and the General Fund budget deficit.  
3894 (4) (a) A department may not receive an advance of funds that cannot be covered by  
3895 anticipated revenue within the budget execution plan of the fiscal year, unless the governor  
3896 allocates money from the governor's emergency appropriations.  
3897 (b) All allocations made from the governor's emergency appropriations shall be  
3898 reported to the budget subcommittee of the Legislative Management Committee by notifying  
3899 the Office of the Legislative Fiscal Analyst at least 15 days before the effective date of the  
3900 allocation.

3901 (c) Emergency appropriations shall be allocated only to support activities having  
3902 existing legislative approval and appropriation, and may not be allocated to any activity or  
3903 function rejected directly or indirectly by the Legislature.

3904 Section 58. Section **63J-1-220** is amended to read:

3905 **63J-1-220. Reporting related to pass through money distributed by state**  
3906 **agencies.**

3907 (1) As used in this section:

3908 (a) "Local government entity" means a county, municipality, school district, local  
3909 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, special  
3910 service district under Title 17D, Chapter 1, Special Service District Act, or any other political  
3911 subdivision of the state.

3912 (b) (i) "Pass through funding" means money appropriated by the Legislature to a state  
3913 agency that is intended to be passed through the state agency to one or more:

3914 (A) local government entities;

3915 (B) private organizations, including not-for-profit organizations; or

3916 (C) persons in the form of a loan or grant.

3917 (ii) "Pass through funding" may be:

3918 (A) general funds, dedicated credits, or any combination of state funding sources; and

3919 (B) ongoing or one-time.

3920 (c) "Recipient entity" means a local government entity or private entity, including a  
3921 nonprofit entity, that receives money by way of pass through funding from a state agency.

3922 (d) "State agency" means a department, commission, board, council, agency,  
3923 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,  
3924 unit, bureau, panel, or other administrative unit of the executive branch of the state.

3925 (e) (i) "State money" means money that is owned, held, or administered by a state  
3926 agency and derived from state fees or tax revenues.

3927 (ii) "State money" does not include contributions or donations received by a state  
3928 agency.

3929 (2) A state agency may not provide a recipient entity state money through pass through  
3930 funding unless:

3931 (a) the state agency enters into a written agreement with the recipient entity; and

3932 (b) the written agreement described in Subsection (2)(a) requires the recipient entity to  
3933 provide the state agency:

3934 (i) a written description and an itemized report at least annually detailing the  
3935 expenditure of the state money, or the intended expenditure of any state money that has not  
3936 been spent; and

3937 (ii) a final written itemized report when all the state money is spent.

3938 (3) A state agency shall provide to the Governor's Office of ~~Management~~ Planning  
3939 and Budget a copy of a written description or itemized report received by the state agency  
3940 under Subsection (2).

3941 (4) Notwithstanding Subsection (2), a state agency is not required to comply with this  
3942 section to the extent that the pass through funding is issued:

3943 (a) under a competitive award process;

3944 (b) in accordance with a formula enacted in statute;

3945 (c) in accordance with a state program under parameters in statute or rule that guides  
3946 the distribution of the pass through funding; or

3947 (d) under the authority of the Minimum School Program, as defined in Section  
3948 [53F-2-102](#).

3949 Section 59. Section **63J-1-411** is amended to read:

3950 **63J-1-411. Internal service funds -- End of fiscal year -- Unused authority for**  
3951 **capital acquisition.**

3952 (1) An internal service fund agency's authority to acquire capital assets under  
3953 Subsection [63J-1-410](#)(8)(a) shall lapse if the acquisition of the capital asset does not occur in  
3954 the fiscal year in which the authorization is included in the appropriations act, unless the  
3955 Legislature identifies the authority to acquire the capital asset as nonlapsing authority:

3956 (a) for a specific one-time project and a limited period of time in the Legislature's  
3957 initial appropriation to the agency; or

3958 (b) in a supplemental appropriation in accordance with Subsection (2).

3959 (2) (a) An internal service fund agency's authority to acquire capital assets may be  
3960 retained as nonlapsing authorization if the internal service fund agency includes a one-time  
3961 project's list as part of the budget request that it submits to the governor and the Legislature at  
3962 the annual general session of the Legislature immediately before the end of the fiscal year in



3963 which the agency may have unused capital acquisition authority.

3964 (b) The governor:

3965 (i) may approve some or all of the items from an agency's one-time project's list; and

3966 (ii) shall identify and prioritize any approved one-time projects in the budget that the

3967 governor submits to the Legislature.

3968 (c) The Legislature:

3969 (i) may approve some or all of the specific items from an agency's one-time project's

3970 list as an approved capital acquisition for an agency's appropriation balance;

3971 (ii) shall identify any authorized one-time projects in the appropriate line item

3972 appropriation; and

3973 (iii) may prioritize one-time projects in intent language.

3974 (3) An internal service fund agency shall submit a status report of outstanding

3975 nonlapsing authority to acquire capital assets and associated one-time projects to the

3976 Governor's Office of ~~[Management]~~ Planning and Budget and the Legislative Fiscal Analyst's

3977 Office with the proposed budget submitted by the governor as provided under Section

3978 [63J-1-201](#).

3979 Section 60. Section **63J-1-504** is amended to read:

3980 **63J-1-504. Fees -- Adoption, procedure, and approval -- Establishing and**

3981 **assessing fees without legislative approval.**

3982 (1) As used in this section:

3983 (a) (i) "Agency" means each department, commission, board, council, agency,

3984 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,

3985 unit, bureau, panel, or other administrative unit of the state.

3986 (ii) "Agency" does not mean the Legislature or its committees.

3987 (b) "Fee agency" means any agency that is authorized to establish fees.

3988 (c) "Fee schedule" means the complete list of fees charged by a fee agency and the

3989 amount of those fees.

3990 (2) Each fee agency shall adopt a schedule of fees assessed for services provided by the

3991 fee agency that are:

3992 (a) reasonable, fair, and reflect the cost of services provided; and

3993 (b) established according to a cost formula determined by the executive director of the

3994 Governor's Office of ~~Management~~ Planning and Budget and the director of the Division of  
3995 Finance in conjunction with the agency seeking to establish the fee.

3996 (3) Except as provided in Subsection (6), a fee agency may not:

3997 (a) set fees by rule; or

3998 (b) create, change, or collect any fee unless the fee has been established according to  
3999 the procedures and requirements of this section.

4000 (4) Each fee agency that is proposing a new fee or proposing to change a fee shall:

4001 (a) present each proposed fee at a public hearing, subject to the requirements of Title  
4002 52, Chapter 4, Open and Public Meetings Act;

4003 (b) increase, decrease, or affirm each proposed fee based on the results of the public  
4004 hearing;

4005 (c) except as provided in Subsection (6), submit the fee schedule to the Legislature as  
4006 part of the agency's annual appropriations request; and

4007 (d) where necessary, modify the fee schedule to implement the Legislature's actions.

4008 (5) (a) Each fee agency shall submit ~~[its]~~ the agency's fee schedule or special  
4009 assessment amount to the Legislature for ~~[its]~~ the legislature's approval on an annual basis.

4010 (b) The Legislature may approve, increase or decrease and approve, or reject any fee  
4011 submitted to it by a fee agency.

4012 (6) After conducting the public hearing required by this section, a fee agency may  
4013 establish and assess fees without first obtaining legislative approval if:

4014 (a) (i) the Legislature creates a new program that is to be funded by fees to be set by the  
4015 Legislature;

4016 (ii) the new program's effective date is before the Legislature's next annual general  
4017 session; and

4018 (iii) the fee agency submits the fee schedule for the new program to the Legislature for  
4019 its approval at a special session, if allowed in the governor's call, or at the next annual general  
4020 session of the Legislature, whichever is sooner; or

4021 (b) (i) the fee agency proposes to increase or decrease an existing fee for the purpose of  
4022 adding or removing a transactional fee that is charged or assessed by a non-governmental third  
4023 party but is included as part of the fee charged by the fee agency;

4024 (ii) the amount of the increase or decrease in the fee is equal to the amount of the

4025 transactional fee charged or assessed by the non-governmental third party; and

4026 (iii) the increased or decreased fee is submitted to the Legislature for [its] the  
4027 Legislature's approval at a special session, if allowed in the governor's call, or at the next  
4028 annual session of the Legislature, whichever is sooner.

4029 (7) (a) Each fee agency that wishes to change any fee shall submit to the governor as  
4030 part of the agency's annual appropriation request a list that identifies:

4031 (i) the title or purpose of the fee;

4032 (ii) the present amount of the fee;

4033 (iii) the proposed new amount of the fee;

4034 (iv) the percent that the fee will have increased if the Legislature approves the higher  
4035 fee;

4036 (v) the estimated total annual revenue change that will result from the change in the  
4037 fee;

4038 (vi) the account or fund into which the fee will be deposited; and

4039 (vii) the reason for the change in the fee.

4040 (b) (i) The governor may review and approve, modify and approve, or reject the fee  
4041 increases.

4042 (ii) The governor shall transmit the list required by Subsection (7)(a), with any  
4043 modifications, to the [~~Legislative Fiscal Analyst~~] legislative fiscal analyst with the governor's  
4044 budget recommendations.

4045 (c) Bills approving any fee change shall be filed before the beginning of the  
4046 Legislature's annual general session, if possible.

4047 (8) (a) Except as provided in Subsection (8)(b), the School and Institutional Trust  
4048 Lands Administration, established in Section [53C-1-201](#), is exempt from the requirements of  
4049 this section.

4050 (b) The following fees of the School and Institutional Trust Lands Administration are  
4051 subject to the requirements of this section: application, assignment, amendment, affidavit for  
4052 lost documents, name change, reinstatement, grazing nonuse, extension of time, partial  
4053 conveyance, patent reissue, collateral assignment, electronic payment, and processing.

4054 Section 61. Section **63J-1-602.1** is amended to read:

4055 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

- 4056 Appropriations made from the following accounts or funds are nonlapsing:
- 4057 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
- 4058 and Leadership Restricted Account created in Section [4-42-102](#).
- 4059 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).
- 4060 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
- 4061 Section [9-18-102](#).
- 4062 (4) The National Professional Men's Soccer Team Support of Building Communities
- 4063 Restricted Account created in Section [9-19-102](#).
- 4064 (5) Funds collected for directing and administering the C-PACE district created in
- 4065 Section [11-42a-106](#).
- 4066 (6) Money received by the Utah Inland Port Authority, as provided in Section
- 4067 [11-58-105](#).
- 4068 (7) The "Latino Community Support Restricted Account" created in Section [13-1-16](#).
- 4069 (8) The Clean Air Support Restricted Account created in Section [19-1-109](#).
- 4070 (9) The "Support for State-Owned Shooting Ranges Restricted Account" created in
- 4071 Section [23-14-13.5](#).
- 4072 (10) Award money under the State Asset Forfeiture Grant Program, as provided under
- 4073 Section [24-4-117](#).
- 4074 (11) Funds collected from the program fund for local health department expenses
- 4075 incurred in responding to a local health emergency under Section [26-1-38](#).
- 4076 (12) The Children with Cancer Support Restricted Account created in Section
- 4077 [26-21a-304](#).
- 4078 (13) State funds for matching federal funds in the Children's Health Insurance Program
- 4079 as provided in Section [26-40-108](#).
- 4080 (14) The Children with Heart Disease Support Restricted Account created in Section
- 4081 [26-58-102](#).
- 4082 (15) The Nurse Home Visiting Restricted Account created in Section [26-63-601](#).
- 4083 (16) The Technology Development Restricted Account created in Section [31A-3-104](#).
- 4084 (17) The Criminal Background Check Restricted Account created in Section
- 4085 [31A-3-105](#).
- 4086 (18) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except

4087 to the extent that Section 31A-3-304 makes the money received under that section free revenue.

4088 (19) The Title Licensee Enforcement Restricted Account created in Section  
4089 31A-23a-415.

4090 (20) The Health Insurance Actuarial Review Restricted Account created in Section  
4091 31A-30-115.

4092 (21) The Insurance Fraud Investigation Restricted Account created in Section  
4093 31A-31-108.

4094 (22) The Underage Drinking Prevention Media and Education Campaign Restricted  
4095 Account created in Section 32B-2-306.

4096 (23) The School Readiness Restricted Account created in Section 35A-15-203.

4097 (24) Money received by the Utah State Office of Rehabilitation for the sale of certain  
4098 products or services, as provided in Section 35A-13-202.

4099 (25) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.

4100 (26) The Oil and Gas Conservation Account created in Section 40-6-14.5.

4101 (27) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to  
4102 the Motor Vehicle Division.

4103 (28) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account  
4104 created by Section 41-3-110 to the State Tax Commission.

4105 (29) The Utah Law Enforcement Memorial Support Restricted Account created in  
4106 Section 53-1-120.

4107 (30) The State Disaster Recovery Restricted Account to the Division of Emergency  
4108 Management, as provided in Section 53-2a-603.

4109 (31) The Department of Public Safety Restricted Account to the Department of Public  
4110 Safety, as provided in Section 53-3-106.

4111 (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section  
4112 53-8-303.

4113 (33) The DNA Specimen Restricted Account created in Section 53-10-407.

4114 (34) The Canine Body Armor Restricted Account created in Section 53-16-201.

4115 (35) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.

4116 (36) The Higher Education Capital Projects Fund created in Section 53B-22-202.

4117 (37) A certain portion of money collected for administrative costs under the School

- 4118 Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).
- 4119 (38) The Public Utility Regulatory Restricted Account created in Section [54-5-1.5](#),  
4120 subject to Subsection [54-5-1.5\(4\)\(d\)](#).
- 4121 (39) Funds collected from a surcharge fee to provide certain licensees with access to an  
4122 electronic reference library, as provided in Section [58-3a-105](#).
- 4123 (40) Certain fines collected by the Division of Occupational and Professional Licensing  
4124 for violation of unlawful or unprofessional conduct that are used for education and enforcement  
4125 purposes, as provided in Section [58-17b-505](#).
- 4126 (41) Funds collected from a surcharge fee to provide certain licensees with access to an  
4127 electronic reference library, as provided in Section [58-22-104](#).
- 4128 (42) Funds collected from a surcharge fee to provide certain licensees with access to an  
4129 electronic reference library, as provided in Section [58-55-106](#).
- 4130 (43) Funds collected from a surcharge fee to provide certain licensees with access to an  
4131 electronic reference library, as provided in Section [58-56-3.5](#).
- 4132 (44) Certain fines collected by the Division of Occupational and Professional Licensing  
4133 for use in education and enforcement of the Security Personnel Licensing Act, as provided in  
4134 Section [58-63-103](#).
- 4135 (45) The Relative Value Study Restricted Account created in Section [59-9-105](#).
- 4136 (46) The Cigarette Tax Restricted Account created in Section [59-14-204](#).
- 4137 (47) Funds paid to the Division of Real Estate for the cost of a criminal background  
4138 check for a mortgage loan license, as provided in Section [61-2c-202](#).
- 4139 (48) Funds paid to the Division of Real Estate for the cost of a criminal background  
4140 check for principal broker, associate broker, and sales agent licenses, as provided in Section  
4141 [61-2f-204](#).
- 4142 (49) Certain funds donated to the Department of Human Services, as provided in  
4143 Section [62A-1-111](#).
- 4144 (50) The National Professional Men's Basketball Team Support of Women and  
4145 Children Issues Restricted Account created in Section [62A-1-202](#).
- 4146 (51) Certain funds donated to the Division of Child and Family Services, as provided  
4147 in Section [62A-4a-110](#).
- 4148 (52) The Choose Life Adoption Support Restricted Account created in Section

- 4149 [62A-4a-608](#).
- 4150 (53) Funds collected by the Office of Administrative Rules for publishing, as provided  
4151 in Section [63G-3-402](#).
- 4152 (54) The Immigration Act Restricted Account created in Section [63G-12-103](#).
- 4153 (55) Money received by the military installation development authority, as provided in  
4154 Section [63H-1-504](#).
- 4155 (56) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).
- 4156 (57) The Unified Statewide 911 Emergency Service Account created in Section  
4157 [63H-7a-304](#).
- 4158 (58) The Utah Statewide Radio System Restricted Account created in Section  
4159 [63H-7a-403](#).
- 4160 [~~(59) The Employability to Careers Program Restricted Account created in Section~~  
4161 [63J-4-703](#).]
- 4162 [~~(60)~~] (59) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 4163 [~~(61)~~] (60) Certain money payable for expenses of the Pete Suazo Utah Athletic  
4164 Commission, as provided under Section [63N-10-301](#).
- 4165 [~~(62)~~] (61) Funds collected by the housing of state probationary inmates or state parole  
4166 inmates, as provided in Subsection [64-13e-104](#)(2).
- 4167 [~~(63)~~] (62) Certain forestry and fire control funds utilized by the Division of Forestry,  
4168 Fire, and State Lands, as provided in Section [65A-8-103](#).
- 4169 [~~(64)~~] (63) The Transportation of Veterans to Memorials Support Restricted Account  
4170 created in Section [71-14-102](#).
- 4171 [~~(65)~~] (64) The Amusement Ride Safety Restricted Account, as provided in Section  
4172 [72-16-204](#).
- 4173 [~~(66)~~] (65) Certain funds received by the Office of the State Engineer for well drilling  
4174 fines or bonds, as provided in Section [73-3-25](#).
- 4175 [~~(67)~~] (66) The Water Resources Conservation and Development Fund, as provided in  
4176 Section [73-23-2](#).
- 4177 [~~(68)~~] (67) Funds donated or paid to a juvenile court by private sources, as provided in  
4178 Subsection [78A-6-203](#)(1)(c).
- 4179 [~~(69)~~] (68) Fees for certificate of admission created under Section [78A-9-102](#).

4180 [~~(70)~~] (69) Funds collected for adoption document access as provided in Sections  
4181 78B-6-141, 78B-6-144, and 78B-6-144.5.

4182 [~~(71)~~] (70) Funds collected for indigent defense as provided in Title 78B, Chapter 22,  
4183 Part 4, Utah Indigent Defense Commission.

4184 [~~(72)~~] (71) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades  
4185 State Park, Jordan River State Park, and Green River State Park, as provided under Section  
4186 79-4-403.

4187 [~~(73)~~] (72) Certain funds received by the Division of Parks and Recreation from the  
4188 sale or disposal of buffalo, as provided under Section 79-4-1001.

4189 [~~(74)~~] (73) The Drinking While Pregnant Prevention Media and Education Campaign  
4190 Restricted Account created in Section 32B-2-308.

4191 Section 62. Section **63J-3-102** is amended to read:

4192 **63J-3-102. Purpose of chapter -- Limitations on state mandated property tax,**  
4193 **state appropriations, and state debt.**

4194 (1) (a) It is the purpose of this chapter to:

4195 (i) place a limitation on the state mandated property tax rate under Title 53F, Chapter  
4196 2, State Funding -- Minimum School Program;

4197 (ii) place limitations on state government appropriations based upon the combined  
4198 changes in population and inflation; and

4199 (iii) place a limitation on the state's outstanding general obligation debt.

4200 (b) The limitations imposed by this chapter are in addition to limitations on tax levies,  
4201 rates, and revenues otherwise provided for by law.

4202 (2) (a) This chapter may not be construed as requiring the state to collect the full  
4203 amount of tax revenues permitted to be appropriated by this chapter.

4204 (b) This chapter's purpose is to provide a ceiling, not a floor, limitation on the  
4205 appropriations of state government.

4206 (3) The recommendations and budget analysis prepared by the Governor's Office of  
4207 ~~Management~~ Planning and Budget and the Office of the Legislative Fiscal Analyst, as  
4208 required by Title 36, Chapter 12, Legislative Organization, shall be in strict compliance with  
4209 the limitations imposed under this chapter.

4210 Section 63. Section **63J-3-103** is amended to read:



4211 **63J-3-103. Definitions.**

4212 As used in this chapter:

4213 (1) (a) "Appropriations" means actual unrestricted capital and operating appropriations  
4214 from unrestricted General Fund and Education Fund sources.

4215 (b) "Appropriations" includes appropriations that are contingent upon available  
4216 surpluses in the General Fund and Education Fund.

4217 (c) "Appropriations" does not mean:

4218 (i) public education expenditures;

4219 (ii) Utah Education and Telehealth Network expenditures in support of public  
4220 education;

4221 (iii) Utah Board of Higher Education expenditures in support of public education;

4222 (iv) State Tax Commission expenditures related to collection of income taxes in  
4223 support of public education;

4224 (v) debt service expenditures;

4225 (vi) emergency expenditures;

4226 (vii) expenditures from all other fund or subfund sources;

4227 (viii) transfers or appropriations from the Education Fund to the Uniform School Fund;

4228 (ix) transfers into, or appropriations made to, the General Fund Budget Reserve  
4229 Account established in Section [63J-1-312](#);

4230 (x) transfers into, or appropriations made to, the Education Budget Reserve Account  
4231 established in Section [63J-1-313](#);

4232 (xi) transfers in accordance with Section [63J-1-314](#) into, or appropriations made to the  
4233 Wildland Fire Suppression Fund created in Section [65A-8-204](#) or the State Disaster Recovery  
4234 Restricted Account created in Section [53-2a-603](#);

4235 (xii) money appropriated to fund the total one-time project costs for the construction of  
4236 capital development projects as defined in Section [63A-5b-401](#);

4237 (xiii) transfers or deposits into or appropriations made to the Centennial Highway Fund  
4238 created by Section [72-2-118](#);

4239 (xiv) transfers or deposits into or appropriations made to the Transportation Investment  
4240 Fund of 2005 created by Section [72-2-124](#);

4241 (xv) transfers or deposits into or appropriations made to:

- 4242 (A) the Department of Transportation from any source; or  
4243 (B) any transportation-related account or fund from any source; or  
4244 (xvi) supplemental appropriations from the General Fund to the Division of Forestry,  
4245 Fire, and State Lands to provide money for wildland fire control expenses incurred during the  
4246 current or previous fire years.
- 4247 (2) "Base year real per capita appropriations" means the result obtained for the state by  
4248 dividing the fiscal year 1985 actual appropriations of the state less debt money by:  
4249 (a) the state's July 1, 1983 population; and  
4250 (b) the fiscal year 1983 inflation index divided by 100.
- 4251 (3) "Calendar year" means the time period beginning on January 1 of any given year  
4252 and ending on December 31 of the same year.
- 4253 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate  
4254 expenditures and includes the settlement under Laws of Utah 1988, Fourth Special Session,  
4255 Chapter 4.
- 4256 (5) "Fiscal year" means the time period beginning on July 1 of any given year and  
4257 ending on June 30 of the subsequent year.
- 4258 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual  
4259 capital and operations appropriations from General Fund and non-Uniform School Fund  
4260 income tax revenue sources, less debt money.
- 4261 (7) "Inflation index" means the change in the general price level of goods and services  
4262 as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic  
4263 Analysis, U.S. Department of Commerce calculated as provided in Section [63J-3-202](#).
- 4264 (8) (a) "Maximum allowable appropriations limit" means the appropriations that could  
4265 be, or could have been, spent in any given year under the limitations of this chapter.  
4266 (b) "Maximum allowable appropriations limit" does not mean actual appropriations  
4267 spent or actual expenditures.
- 4268 (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two  
4269 fiscal years previous to the fiscal year for which the maximum allowable inflation and  
4270 population appropriations limit is being computed under this chapter.
- 4271 (10) "Most recent fiscal year's population" means the fiscal year population two fiscal  
4272 years previous to the fiscal year for which the maximum allowable inflation and population

4273 appropriations limit is being computed under this chapter.

4274 (11) "Population" means the number of residents of the state as of July 1 of each year  
4275 as calculated by the Governor's Office of [~~Management~~] Planning and Budget according to the  
4276 procedures and requirements of Section [63J-3-202](#).

4277 (12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and  
4278 other monetary exaction and interest connected with it that are recorded as unrestricted revenue  
4279 of the General Fund and from non-Uniform School Fund income tax revenues, except as  
4280 specifically exempted by this chapter.

4281 (13) "Security" means any bond, note, warrant, or other evidence of indebtedness,  
4282 whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an  
4283 "indebtedness" within the meaning of any provision of the constitution or laws of this state.

4284 Section 64. Section [63J-3-202](#) is amended to read:

4285 **[63J-3-202](#). Computing formula elements.**

4286 (1) For purposes of calculating fiscal year inflation indexes for the previous fiscal year,  
4287 the Governor's Office of [~~Management~~] Planning and Budget shall use:

4288 (a) the actual quarterly data released by the U.S. Department of Commerce as of  
4289 January 31 of each year; and

4290 (b) the most recent U.S. Bureau of Census population estimates as of January 31 of  
4291 each year.

4292 (2) (a) For purposes of computing the inflation index, the Governor's Office of  
4293 [~~Management~~] Planning and Budget shall:

4294 (i) assign the bureau's 1982 calendar year inflation index value of 100 to fiscal year  
4295 1989 for purposes of computing fiscal year index values;

4296 (ii) compute all subsequent fiscal year inflation indexes after having assigned the fiscal  
4297 year 1989 inflation index a value of 100; and

4298 (iii) use the quarterly index values published by the Bureau of Economic Analysis,  
4299 U.S. Department of Commerce, to compute fiscal year index values.

4300 (b) If the bureau changes its calendar base year, appropriate adjustments are to be made  
4301 in this chapter to accommodate those changes.

4302 (3) (a) For purposes of computing the most recent fiscal year's population, the  
4303 Governor's Office of [~~Management~~] Planning and Budget shall convert the April 1 decennial

4304 census estimate to a July 1 estimate, unless otherwise estimated by the Bureau of Census.

4305 (b) If the bureau changes the state's July 1, 1983 base year population after it conducts  
4306 the 1990 Census, appropriate adjustments shall be made in this chapter to accommodate those  
4307 changes.

4308 Section 65. Section **63J-4-101** is amended to read:

4309 **CHAPTER 4. GOVERNOR'S OFFICE OF PLANNING AND BUDGET**

4310 **63J-4-101. Title.**

4311 This chapter is known as the "Governor's Office of [~~Management~~] Planning and  
4312 Budget."

4313 Section 66. Section **63J-4-102** is amended to read:

4314 **63J-4-102. Definitions.**

4315 As used in this chapter:

4316 [~~(1) "Committee" means the Resource Development Coordinating Committee created~~  
4317 ~~by this chapter.~~]

4318 [~~(2) (1) "Executive director" means the chief administrative officer of the [Governor's~~  
4319 ~~Office of Management and Budget appointed as provided in this chapter] office, appointed~~  
4320 ~~under Section 63J-4-202.~~]

4321 [~~(3) (2) "Office" means the Governor's Office of [Management] Planning and Budget~~  
4322 ~~created [by this chapter.] in Section 63J-4-201.~~]

4323 (3) "Planning coordinator" means the individual appointed as the planning coordinator  
4324 under Section 63J-4-401.

4325 (4) "Political subdivision" means:

4326 (a) a county, municipality, local district, special service district, school district, or  
4327 interlocal [~~cooperation agreement entity, or any~~] entity, as defined in Section 11-13-103; or

4328 (b) an administrative subunit of [them] an entity listed in Subsection (4)(a).

4329 [~~(5) "State planning coordinator" means the person appointed as planning coordinator~~  
4330 ~~as provided in this chapter.~~]

4331 Section 67. Section **63J-4-201** is amended to read:

4332 **63J-4-201. Creation.**

4333 There is created within the governor's office the Governor's Office of [~~Management~~]  
4334 Planning and Budget to be administered by an executive director.

4335 Section 68. Section **63J-4-202** is amended to read:

4336 **63J-4-202. Appointment of executive director -- Salary.**

4337 (1) ~~[(a)]~~ The governor shall appoint an executive director of the office, to serve at the  
4338 governor's pleasure~~[:]~~.

4339 ~~[(i) an executive director of the Governor's Office of Management and Budget; and]~~

4340 ~~[(ii) a state planning coordinator.]~~

4341 ~~[(b) The state planning coordinator is considered part of the office for purposes of~~  
4342 ~~administration.]~~

4343 (2) The governor shall establish the executive director's salary within the salary range  
4344 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

4345 Section 69. Section **63J-4-301** is amended to read:

4346 **63J-4-301. Duties of the executive director and office.**

4347 (1) The executive director and the office shall:

4348 (a) comply with the procedures and requirements of Title 63J, Chapter 1, Budgetary  
4349 Procedures Act;

4350 (b) under the direct supervision of the governor, assist the governor in the preparation  
4351 of the governor's budget recommendations;

4352 (c) review agency budget execution plans as specified in Section **63J-1-209**;

4353 (d) establish benchmarking practices for measuring operational costs, quality of  
4354 service, and effectiveness across all state agencies and programs;

4355 (e) assist agencies with the development of an operational plan that uses continuous  
4356 improvement tools and operational metrics to increase statewide capacity and improve  
4357 interagency integration;

4358 (f) review and assess agency budget requests and expenditures using a clear set of goals  
4359 and measures;

4360 (g) develop and maintain enterprise portfolio and electronic information systems to  
4361 select and oversee the execution of projects, ensure a return on investment, and trace and report  
4362 performance metrics; and

4363 ~~[(h) coordinate with the executive directors of the Department of Workforce Services~~  
4364 ~~and the Governor's Office of Economic Development to review data and metrics to be reported~~  
4365 ~~to the Legislature as described in Subsection **63J-4-708(2)(d)**; and]~~

4366 [(†)] (h) perform other duties and responsibilities as assigned by the governor.

4367 (2) (a) The executive director [~~of the Governor's Office of Management and Budget~~] or  
4368 the executive director's designee is the Federal Assistance Management Officer.

4369 (b) In acting as the Federal Assistance Management Officer, the executive director or  
4370 designee shall:

4371 (i) study the administration and effect of federal assistance programs in the state and  
4372 advise the governor and the Legislature, through the Office of the Legislative Fiscal Analyst  
4373 and the Executive Appropriations Committee, of alternative recommended methods and  
4374 procedures for the administration of these programs;

4375 (ii) assist in the coordination of federal assistance programs that involve or are  
4376 administered by more than one state agency; and

4377 (iii) analyze and advise on applications for new federal assistance programs submitted  
4378 to the governor for approval as required by Chapter 5, Federal Funds Procedures Act.

4379 Section 70. Section **63J-4-401** is amended to read:

4380 **63J-4-401. Planning duties of the planning coordinator and office.**

4381 (1) (a) The executive director shall appoint a planning coordinator to perform the  
4382 functions and duties stated in this section.

4383 (b) The planning coordinator serves at the pleasure of and under the direction of the  
4384 executive director.

4385 [(†)] (2) The [~~state~~] planning coordinator shall:

4386 (a) act as the governor's adviser on state, regional, metropolitan, and local  
4387 governmental planning matters relating to public improvements and land use;

4388 (b) counsel with the authorized representatives of the Department of Transportation,  
4389 the State Building Board, the Department of Health, the Department of Workforce Services,  
4390 the Labor Commission, the Department of Natural Resources, the School and Institutional  
4391 Trust Lands Administration, and other proper persons concerning all state planning matters;

4392 (c) when designated to do so by the governor, receive funds made available to [~~Utah~~]  
4393 the state by the federal government;

4394 (d) receive [~~and~~], review, and provide an internet-accessible repository of plans and  
4395 studies of the various state agencies and political subdivisions relating to public improvements  
4396 [~~and programs~~], housing, land use, economic development, transportation infrastructure, water

4397 infrastructure, and utility infrastructure;

4398 (e) ~~[when conflicts occur]~~ if a conflict occurs between the plans and proposals of state  
4399 agencies, prepare specific recommendations for the resolution of the ~~[conflicts]~~ conflict and  
4400 submit the recommendations to the governor for a decision resolving the conflict;

4401 (f) ~~[when conflicts occur]~~ if a conflict occurs between the plans and proposals of a state  
4402 agency and a political subdivision or between two or more political subdivisions, advise these  
4403 entities of the conflict and make specific recommendations for the resolution of the conflict;

4404 (g) act as the governor's planning agent in planning public improvements and land use  
4405 and, in this capacity, undertake special studies and investigations, participate in  
4406 cross-jurisdictional planning activities, and, if needed, provide coordination;

4407 (h) provide information and cooperate with the Legislature or any of its committees in  
4408 conducting planning studies;

4409 (i) cooperate and exchange information with federal agencies and local, metropolitan,  
4410 or regional agencies as necessary to assist with federal, state, regional, metropolitan, and local  
4411 programs;

4412 (j) make recommendations to the governor that the planning coordinator considers  
4413 advisable for the proper development and coordination of plans for state government and  
4414 political subdivisions; ~~[and]~~

4415 ~~[(k) oversee and supervise the activities and duties of the public lands policy~~  
4416 ~~coordinator.]~~

4417 (k) assist in the interpretation of projections and analyses with respect to future growth  
4418 needs; and

4419 (l) actively participate in informing the short-term and long-term budgetary needs of  
4420 the state.

4421 ~~[(2)]~~ (3) (a) The [state] planning coordinator may:

4422 ~~[(a)]~~ (i) perform regional and state planning and assist state government planning  
4423 agencies in performing state planning;

4424 ~~[(b)]~~ (ii) provide planning assistance to Indian tribes regarding planning for Indian  
4425 reservations; ~~[and]~~

4426 ~~[(c)]~~ (iii) assist city, county, metropolitan, and regional planning agencies in  
4427 performing local, metropolitan, and regional planning~~[- provided that the state planning~~

4428 ~~coordinator and the state planning coordinator's agents and designees recognize and promote~~  
4429 ~~the plans, policies, programs, processes, and desired outcomes of each planning agency~~  
4430 ~~whenever possible.], subject to Subsection (3)(b); and~~

4431 (iv) conduct, or coordinate with stakeholders to conduct, public meetings or hearings  
4432 to:

4433 (A) encourage maximum public understanding of and agreement with the factual data  
4434 and assumptions upon which projections and analyses are based; and

4435 (B) receive suggestions as to the types of projections and analyses that are needed.

4436 (b) In performing the duties described in Subsection (3)(a)(iii), to the extent possible  
4437 the planning coordinator and any agent or designee of the planning coordinator shall recognize  
4438 and promote the plans, policies, programs, processes, and desired outcomes of the city, county,  
4439 metropolitan, or regional planning agency that the planning coordinator or the planning  
4440 coordinator's agent or designee is assisting.

4441 ~~[(3) When preparing or]~~ (4) In assisting in the preparation of plans, policies, programs,  
4442 or processes related to the management or use of federal lands or natural resources on federal  
4443 lands in [~~Utah~~] the state, the [~~state~~] planning coordinator shall[:] coordinate with the Public  
4444 Lands Policy Coordinating Office created in Section [63L-11-201](#).

4445 ~~[(a) incorporate the plans, policies, programs, processes, and desired outcomes of the~~  
4446 ~~counties where the federal lands or natural resources are located, to the maximum extent~~  
4447 ~~consistent with state and federal law, provided that this requirement shall not be interpreted to~~  
4448 ~~infringe upon the authority of the governor;]~~

4449 ~~[(b) identify inconsistencies or conflicts between the plans, policies, programs,~~  
4450 ~~processes, and desired outcomes prepared under Subsection (3)(a) and the plans, programs,~~  
4451 ~~processes, and desired outcomes of local government as early in the preparation process as~~  
4452 ~~possible, and seek resolution of the inconsistencies through meetings or other conflict~~  
4453 ~~resolution mechanisms involving the necessary and immediate parties to the inconsistency or~~  
4454 ~~conflict;]~~

4455 ~~[(c) present to the governor the nature and scope of any inconsistency or other conflict~~  
4456 ~~that is not resolved under the procedures in Subsection (3)(b) for the governor's decision about~~  
4457 ~~the position of the state concerning the inconsistency or conflict;]~~

4458 ~~[(d) develop, research, and use factual information, legal analysis, and statements of~~



4459 ~~desired future condition for the state, or subregion of the state, as necessary to support the~~  
4460 ~~plans, policies, programs, processes, and desired outcomes of the state and the counties where~~  
4461 ~~the federal lands or natural resources are located;]~~

4462 ~~[(e) establish and coordinate agreements between the state and federal land~~  
4463 ~~management agencies, federal natural resource management agencies, and federal natural~~  
4464 ~~resource regulatory agencies to facilitate state and local participation in the development,~~  
4465 ~~revision, and implementation of land use plans, guidelines, regulations, other instructional~~  
4466 ~~memoranda, or similar documents proposed or promulgated for lands and natural resources~~  
4467 ~~administered by federal agencies; and]~~

4468 ~~[(f) work in conjunction with political subdivisions to establish agreements with~~  
4469 ~~federal land management agencies, federal natural resource management agencies, and federal~~  
4470 ~~natural resource regulatory agencies to provide a process for state and local participation in the~~  
4471 ~~preparation of, or coordinated state and local response to, environmental impact analysis~~  
4472 ~~documents and similar documents prepared pursuant to law by state or federal agencies;]~~

4473 ~~[(4) The state planning coordinator shall comply with the requirements of Subsection~~  
4474 ~~63C-4a-203(8) before submitting any comments on a draft environmental impact statement or~~  
4475 ~~on an environmental assessment for a proposed land management plan, if the governor would~~  
4476 ~~be subject to Subsection 63C-4a-203(8) if the governor were submitting the material.]~~

4477 ~~[(5) The state planning coordinator shall cooperate with and work in conjunction with~~  
4478 ~~appropriate state agencies and political subdivisions to develop policies, plans, programs,~~  
4479 ~~processes, and desired outcomes authorized by this section by coordinating the development of~~  
4480 ~~positions:]~~

4481 ~~[(a) through the Resource Development Coordinating Committee;]~~

4482 ~~[(b) in conjunction with local government officials concerning general local~~  
4483 ~~government plans;]~~

4484 ~~[(c) by soliciting public comment through the Resource Development Coordinating~~  
4485 ~~Committee; and]~~

4486 ~~[(d) by working with the Public Lands Policy Coordinating Office.]~~

4487 ~~[(6) The state planning coordinator shall recognize and promote the following~~  
4488 ~~principles when preparing any policies, plans, programs, processes, or desired outcomes~~  
4489 ~~relating to federal lands and natural resources on federal lands pursuant to this section:]~~

4490           ~~[(a) (i) the citizens of the state are best served by applying multiple-use and~~  
4491 ~~sustained-yield principles in public land use planning and management; and]~~

4492           ~~[(ii) multiple-use and sustained-yield management means that federal agencies should~~  
4493 ~~develop and implement management plans and make other resource-use decisions that:]~~

4494           ~~[(A) achieve and maintain in perpetuity a high-level annual or regular periodic output~~  
4495 ~~of mineral and various renewable resources from public lands;]~~

4496           ~~[(B) support valid existing transportation, mineral, and grazing privileges at the highest~~  
4497 ~~reasonably sustainable levels;]~~

4498           ~~[(C) support the specific plans, programs, processes, and policies of state agencies and~~  
4499 ~~local governments;]~~

4500           ~~[(D) are designed to produce and provide the desired vegetation for the watersheds,~~  
4501 ~~timber, food, fiber, livestock forage, and wildlife forage, and minerals that are necessary to~~  
4502 ~~meet present needs and future economic growth and community expansion without permanent~~  
4503 ~~impairment of the productivity of the land;]~~

4504           ~~[(E) meet the recreational needs and the personal and business-related transportation~~  
4505 ~~needs of the citizens of the state by providing access throughout the state;]~~

4506           ~~[(F) meet the recreational needs of the citizens of the state;]~~

4507           ~~[(G) meet the needs of wildlife;]~~

4508           ~~[(H) provide for the preservation of cultural resources, both historical and~~  
4509 ~~archaeological;]~~

4510           ~~[(I) meet the needs of economic development;]~~

4511           ~~[(J) meet the needs of community development; and]~~

4512           ~~[(K) provide for the protection of water rights;]~~

4513           ~~[(b) managing public lands for "wilderness characteristics" circumvents the statutory~~  
4514 ~~wilderness process and is inconsistent with the multiple-use and sustained-yield management~~  
4515 ~~standard that applies to all Bureau of Land Management and U.S. Forest Service lands that are~~  
4516 ~~not wilderness areas or wilderness study areas;]~~

4517           ~~[(c) all waters of the state are:]~~

4518           ~~[(i) owned exclusively by the state in trust for its citizens;]~~

4519           ~~[(ii) are subject to appropriation for beneficial use; and]~~

4520           ~~[(iii) are essential to the future prosperity of the state and the quality of life within the~~

4521 state;]

4522 [~~(d) the state has the right to develop and use its entitlement to interstate rivers;~~]

4523 [~~(e) all water rights desired by the federal government must be obtained through the~~

4524 ~~state water appropriation system;~~]

4525 [~~(f) land management and resource-use decisions which affect federal lands should~~

4526 ~~give priority to and support the purposes of the compact between the state and the United~~

4527 ~~States related to school and institutional trust lands;~~]

4528 [~~(g) development of the solid, fluid, and gaseous mineral resources of the state is an~~

4529 ~~important part of the economy of the state, and of local regions within the state;~~]

4530 [~~(h) the state should foster and support industries that take advantage of the state's~~

4531 ~~outstanding opportunities for outdoor recreation;~~]

4532 [~~(i) wildlife constitutes an important resource and provides recreational and economic~~

4533 ~~opportunities for the state's citizens;~~]

4534 [~~(j) proper stewardship of the land and natural resources is necessary to ensure the~~

4535 ~~health of the watersheds, timber, forage, and wildlife resources to provide for a continuous~~

4536 ~~supply of resources for the people of the state and the people of the local communities who~~

4537 ~~depend on these resources for a sustainable economy;~~]

4538 [~~(k) forests, rangelands, timber, and other vegetative resources:~~]

4539 [~~(i) provide forage for livestock;~~]

4540 [~~(ii) provide forage and habitat for wildlife;~~]

4541 [~~(iii) provide resources for the state's timber and logging industries;~~]

4542 [~~(iv) contribute to the state's economic stability and growth, and]~~

4543 [~~(v) are important for a wide variety of recreational pursuits;~~]

4544 [~~(t) management programs and initiatives that improve watersheds, forests, and~~

4545 ~~increase forage for the mutual benefit of wildlife species and livestock, logging, and other~~

4546 ~~agricultural industries by utilizing proven techniques and tools are vital to the state's economy~~

4547 ~~and the quality of life in Utah, and]~~

4548 [~~(m) (i) land management plans, programs, and initiatives should provide that the~~

4549 ~~amount of domestic livestock forage, expressed in animal unit months, for permitted, active~~

4550 ~~use as well as the wildlife forage included in that amount, be no less than the maximum~~

4551 ~~number of animal unit months sustainable by range conditions in grazing allotments and~~

4552 ~~districts, based on an on-the-ground and scientific analysis;]~~

4553 ~~[(ii) the state opposes the relinquishment or retirement of grazing animal unit months~~  
4554 ~~in favor of conservation, wildlife, and other uses;]~~

4555 ~~[(iii) (A) the state favors the best management practices that are jointly sponsored by~~  
4556 ~~cattlemen's, sportsmen's, and wildlife management groups such as chaining, logging, seeding,~~  
4557 ~~burning, and other direct soil and vegetation prescriptions that are demonstrated to restore~~  
4558 ~~forest and rangeland health, increase forage, and improve watersheds in grazing districts and~~  
4559 ~~allotments for the mutual benefit of domestic livestock and wildlife;]~~

4560 ~~[(B) when practices described in Subsection (6)(m)(iii)(A) increase a grazing~~  
4561 ~~allotment's forage beyond the total permitted forage use that was allocated to that allotment in~~  
4562 ~~the last federal land use plan or allotment management plan still in existence as of January 1,~~  
4563 ~~2005, a reasonable and fair portion of the increase in forage beyond the previously allocated~~  
4564 ~~total permitted use should be allocated to wildlife as recommended by a joint, evenly balanced~~  
4565 ~~committee of livestock and wildlife representatives that is appointed and constituted by the~~  
4566 ~~governor for that purpose;]~~

4567 ~~[(C) the state favors quickly and effectively adjusting wildlife population goals and~~  
4568 ~~population census numbers in response to variations in the amount of available forage caused~~  
4569 ~~by drought or other climatic adjustments, and state agencies responsible for managing wildlife~~  
4570 ~~population goals and population census numbers will give due regard to both the needs of the~~  
4571 ~~livestock industry and the need to prevent the decline of species to a point where listing under~~  
4572 ~~the terms of the Endangered Species Act when making such adjustments;]~~

4573 ~~[(iv) the state opposes the transfer of grazing animal unit months to wildlife for~~  
4574 ~~supposed reasons of rangeland health;]~~

4575 ~~[(v) reductions in domestic livestock animal unit months must be temporary and~~  
4576 ~~scientifically based upon rangeland conditions;]~~

4577 ~~[(vi) policies, plans, programs, initiatives, resource management plans, and forest plans~~  
4578 ~~may not allow the placement of grazing animal unit months in a suspended use category unless~~  
4579 ~~there is a rational and scientific determination that the condition of the rangeland allotment or~~  
4580 ~~district in question will not sustain the animal unit months sought to be placed in suspended~~  
4581 ~~use;]~~

4582 ~~[(vii) any grazing animal unit months that are placed in a suspended use category~~

4583 should be returned to active use when range conditions improve;]

4584 [~~(viii) policies, plans, programs, and initiatives related to vegetation management~~  
4585 should recognize and uphold the preference for domestic grazing over alternate forage uses in  
4586 established grazing districts while upholding management practices that optimize and expand  
4587 forage for grazing and wildlife in conjunction with state wildlife management plans and  
4588 programs in order to provide maximum available forage for all uses; and]

4589 [~~(ix) in established grazing districts, animal unit months that have been reduced due to~~  
4590 rangeland health concerns should be restored to livestock when rangeland conditions improve,  
4591 and should not be converted to wildlife use.]

4592 [~~(7) The state planning coordinator shall recognize and promote the following findings~~  
4593 in the preparation of any policies, plans, programs, processes, or desired outcomes relating to  
4594 federal lands and natural resources on federal lands under this section:]

4595 [~~(a) as a coholder of R.S. 2477 rights-of-way with the counties, the state supports its~~  
4596 recognition by the federal government and the public use of R.S. 2477 rights-of-way and urges  
4597 the federal government to fully recognize the rights-of-way and their use by the public as  
4598 expeditiously as possible;]

4599 [~~(b) it is the policy of the state to use reasonable administrative and legal measures to~~  
4600 protect and preserve valid existing rights-of-way granted by Congress under R.S. 2477, and to  
4601 support and work in conjunction with counties to redress cases where R.S. 2477 rights-of-way  
4602 are not recognized or are impaired; and]

4603 [~~(c) transportation and access routes to and across federal lands, including all~~  
4604 rights-of-way vested under R.S. 2477, are vital to the state's economy and to the quality of life  
4605 in the state, and must provide, at a minimum, a network of roads throughout the resource  
4606 planning area that provides for:]

4607 [~~(i) movement of people, goods, and services across public lands;]~~

4608 [~~(ii) reasonable access to a broad range of resources and opportunities throughout the~~  
4609 resource planning area, including:]

4610 [~~(A) livestock operations and improvements;]~~

4611 [~~(B) solid, fluid, and gaseous mineral operations;]~~

4612 [~~(C) recreational opportunities and operations, including motorized and nonmotorized~~  
4613 recreation;]

4614 ~~[(D) search and rescue needs;]~~

4615 ~~[(E) public safety needs; and]~~

4616 ~~[(F) access for transportation of wood products to market;]~~

4617 ~~[(iii) access to federal lands for people with disabilities and the elderly; and]~~

4618 ~~[(iv) access to state lands and school and institutional trust lands to accomplish the~~  
4619 ~~purposes of those lands.]~~

4620 ~~[(8) The state planning coordinator shall recognize and promote the following findings~~  
4621 ~~in the preparation of any plans, policies, programs, processes, or desired outcomes relating to~~  
4622 ~~federal lands and natural resources on federal lands pursuant to this section:]~~

4623 ~~[(a) the state's support for the addition of a river segment to the National Wild and~~  
4624 ~~Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:]~~

4625 ~~[(i) it is clearly demonstrated that water is present and flowing at all times;]~~

4626 ~~[(ii) it is clearly demonstrated that the required water-related value is considered~~  
4627 ~~outstandingly remarkable within a region of comparison consisting of one of the three~~  
4628 ~~physiographic provinces in the state, and that the rationale and justification for the conclusions~~  
4629 ~~are disclosed;]~~

4630 ~~[(iii) it is clearly demonstrated that the inclusion of each river segment is consistent~~  
4631 ~~with the plans and policies of the state and the county or counties where the river segment is~~  
4632 ~~located as those plans and policies are developed according to Subsection (3);]~~

4633 ~~[(iv) the effects of the addition upon the local and state economies, agricultural and~~  
4634 ~~industrial operations and interests, outdoor recreation, water rights, water quality, water~~  
4635 ~~resource planning, and access to and across river corridors in both upstream and downstream~~  
4636 ~~directions from the proposed river segment have been evaluated in detail by the relevant federal~~  
4637 ~~agency;]~~

4638 ~~[(v) it is clearly demonstrated that the provisions and terms of the process for review of~~  
4639 ~~potential additions have been applied in a consistent manner by all federal agencies;]~~

4640 ~~[(vi) the rationale and justification for the proposed addition, including a comparison~~  
4641 ~~with protections offered by other management tools, is clearly analyzed within the multiple-use~~  
4642 ~~mandate, and the results disclosed;]~~

4643 ~~[(vii) it is clearly demonstrated that the federal agency with management authority over~~  
4644 ~~the river segment, and which is proposing the segment for inclusion in the National Wild and~~

4645 Scenic River System will not use the actual or proposed designation as a basis to impose  
4646 management standards outside of the federal land management plan;]

4647 [~~(viii) it is clearly demonstrated that the terms and conditions of the federal land and  
4648 resource management plan containing a recommendation for inclusion in the National Wild  
4649 and Scenic River System;~~]

4650 [~~(A) evaluates all eligible river segments in the resource planning area completely and  
4651 fully for suitability for inclusion in the National Wild and Scenic River System;~~]

4652 [~~(B) does not suspend or terminate any studies for inclusion in the National Wild and  
4653 Scenic River System at the eligibility phase;~~]

4654 [~~(C) fully disclaims any interest in water rights for the recommended segment as a  
4655 result of the adoption of the plan; and]~~

4656 [~~(D) fully disclaims the use of the recommendation for inclusion in the National Wild  
4657 and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for  
4658 projects upstream, downstream, or within the recommended segment;~~]

4659 [~~(ix) it is clearly demonstrated that the agency with management authority over the  
4660 river segment commits not to use an actual or proposed designation as a basis to impose Visual  
4661 Resource Management Class I or II management prescriptions that do not comply with the  
4662 provisions of Subsection (8)(t); and]~~

4663 [~~(x) it is clearly demonstrated that including the river segment and the terms and  
4664 conditions for managing the river segment as part of the National Wild and Scenic River  
4665 System will not prevent, reduce, impair, or otherwise interfere with;~~]

4666 [~~(A) the state and its citizens' enjoyment of complete and exclusive water rights in and  
4667 to the rivers of the state as determined by the laws of the state; or]~~

4668 [~~(B) local, state, regional, or interstate water compacts to which the state or any county  
4669 is a party;~~]

4670 [~~(b) the conclusions of all studies related to potential additions to the National Wild  
4671 and Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and  
4672 action by the Legislature and governor, and the results, in support of or in opposition to, are  
4673 included in any planning documents or other proposals for addition and are forwarded to the  
4674 United States Congress;~~]

4675 [~~(c) the state's support for designation of an Area of Critical Environmental Concern~~

4676 ~~(ACEC), as defined in 43 U.S.C. Sec. 1702, within federal land management plans will be~~  
4677 ~~withheld until:]~~

4678 ~~[(i) it is clearly demonstrated that the proposed area satisfies all the definitional~~  
4679 ~~requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec.~~  
4680 ~~1702(a);]~~

4681 ~~[(ii) it is clearly demonstrated that the area proposed for designation as an ACEC is~~  
4682 ~~limited in geographic size and that the proposed management prescriptions are limited in scope~~  
4683 ~~to the minimum necessary to specifically protect and prevent irreparable damage to the relevant~~  
4684 ~~and important values identified, or limited in geographic size and management prescriptions to~~  
4685 ~~the minimum required to specifically protect human life or safety from natural hazards;]~~

4686 ~~[(iii) it is clearly demonstrated that the proposed area is limited only to areas that are~~  
4687 ~~already developed or used or to areas where no development is required;]~~

4688 ~~[(iv) it is clearly demonstrated that the proposed area contains relevant and important~~  
4689 ~~historic, cultural or scenic values, fish or wildlife resources, or natural processes which are~~  
4690 ~~unique or substantially significant on a regional basis, or contain natural hazards which~~  
4691 ~~significantly threaten human life or safety;]~~

4692 ~~[(v) the federal agency has analyzed regional values, resources, processes, or hazards~~  
4693 ~~for irreparable damage and its potential causes resulting from potential actions which are~~  
4694 ~~consistent with the multiple-use, sustained-yield principles, and the analysis describes the~~  
4695 ~~rationale for any special management attention required to protect, or prevent irreparable~~  
4696 ~~damage to the values, resources, processes, or hazards;]~~

4697 ~~[(vi) it is clearly demonstrated that the proposed designation is consistent with the~~  
4698 ~~plans and policies of the state and of the county where the proposed designation is located as~~  
4699 ~~those plans and policies are developed according to Subsection (3);]~~

4700 ~~[(vii) it is clearly demonstrated that the proposed ACEC designation will not be applied~~  
4701 ~~redundantly over existing protections provided by other state and federal laws for federal lands~~  
4702 ~~or resources on federal lands, and that the federal statutory requirement for special management~~  
4703 ~~attention for a proposed ACEC will discuss and justify any management requirements needed~~  
4704 ~~in addition to those specified by the other state and federal laws;]~~

4705 ~~[(viii) the difference between special management attention required for an ACEC and~~  
4706 ~~normal multiple-use management has been identified and justified, and that any determination~~



4707 of irreparable damage has been analyzed and justified for short and long-term horizons;]  
4708        ~~[(ix) it is clearly demonstrated that the proposed designation:]~~  
4709        ~~[(A) is not a substitute for a wilderness suitability recommendation;]~~  
4710        ~~[(B) is not a substitute for managing areas inventoried for wilderness characteristics~~  
4711 ~~after 1993 under the BLM interim management plan for valid wilderness study areas; and]~~  
4712        ~~[(C) it is not an excuse or justification to apply de facto wilderness management~~  
4713 ~~standards; and]~~  
4714        ~~[(x) the conclusions of all studies are submitted to the state, as a cooperating agency,~~  
4715 ~~for review, and the results, in support of or in opposition to, are included in all planning~~  
4716 ~~documents;]~~  
4717        ~~[(d) sufficient federal lands are made available for government-to-government~~  
4718 ~~exchanges of school and institutional trust lands and federal lands without regard for a~~  
4719 ~~resource-to-resource correspondence between the surface or mineral characteristics of the~~  
4720 ~~offered trust lands and the offered federal lands;]~~  
4721        ~~[(e) federal agencies should support government-to-government exchanges of land~~  
4722 ~~with the state based on a fair process of valuation which meets the fiduciary obligations of both~~  
4723 ~~the state and federal governments toward trust lands management, and which assures that~~  
4724 ~~revenue authorized by federal statute to the state from mineral or timber production, present or~~  
4725 ~~future, is not diminished in any manner during valuation, negotiation, or implementation~~  
4726 ~~processes;]~~  
4727        ~~[(f) agricultural and grazing lands should continue to produce the food and fiber~~  
4728 ~~needed by the citizens of the state and the nation, and the rural character and open landscape of~~  
4729 ~~rural Utah should be preserved through a healthy and active agricultural and grazing industry,~~  
4730 ~~consistent with private property rights and state fiduciary duties;]~~  
4731        ~~[(g) the resources of the forests and rangelands of the state should be integrated as part~~  
4732 ~~of viable, robust, and sustainable state and local economies, and available forage should be~~  
4733 ~~evaluated for the full complement of herbivores the rangelands can support in a sustainable~~  
4734 ~~manner, and forests should contain a diversity of timber species, and disease or insect~~  
4735 ~~infestations in forests should be controlled using logging or other best management practices;]~~  
4736        ~~[(h) the state opposes any additional evaluation of national forest service lands as~~  
4737 ~~"roadless" or "unroaded" beyond the forest service's second roadless area review evaluation and~~

4738 opposes efforts by agencies to specially manage those areas in a way that:]  
4739        ~~[(i) closes or declassifies existing roads unless multiple side by side roads exist running~~  
4740 ~~to the same destination and state and local governments consent to close or declassify the extra~~  
4741 ~~roads;]~~  
4742        ~~[(ii) permanently bars travel on existing roads;]~~  
4743        ~~[(iii) excludes or diminishes traditional multiple-use activities, including grazing and~~  
4744 ~~proper forest harvesting;]~~  
4745        ~~[(iv) interferes with the enjoyment and use of valid, existing rights, including water~~  
4746 ~~rights, local transportation plan rights, R.S. 2477 rights, grazing allotment rights, and mineral~~  
4747 ~~leasing rights; or]~~  
4748        ~~[(v) prohibits development of additional roads reasonably necessary to pursue~~  
4749 ~~traditional multiple-use activities;]~~  
4750        ~~[(i) the state's support for any forest plan revision or amendment will be withheld until~~  
4751 ~~the appropriate plan revision or plan amendment clearly demonstrates that:]~~  
4752        ~~[(i) established roads are not referred to as unclassified roads or a similar~~  
4753 ~~classification;]~~  
4754        ~~[(ii) lands in the vicinity of established roads are managed under the multiple-use,~~  
4755 ~~sustained-yield management standard; and]~~  
4756        ~~[(iii) no roadless or unroaded evaluations or inventories are recognized or upheld~~  
4757 ~~beyond those that were recognized or upheld in the forest service's second roadless area review~~  
4758 ~~evaluation;]~~  
4759        ~~[(j) the state's support for any recommendations made under the statutory requirement~~  
4760 ~~to examine the wilderness option during the revision of land and resource management plans~~  
4761 ~~by the U.S. Forest Service will be withheld until it is clearly demonstrated that:]~~  
4762        ~~[(i) the duly adopted transportation plans of the state and county or counties within the~~  
4763 ~~planning area are fully and completely incorporated into the baseline inventory of information~~  
4764 ~~from which plan provisions are derived;]~~  
4765        ~~[(ii) valid state or local roads and rights-of-way are recognized and not impaired in any~~  
4766 ~~way by the recommendations;]~~  
4767        ~~[(iii) the development of mineral resources by underground mining is not affected by~~  
4768 ~~the recommendations;]~~

4769 ~~[(iv) the need for additional administrative or public roads necessary for the full use of~~  
4770 ~~the various multiple-uses, including recreation, mineral exploration and development, forest~~  
4771 ~~health activities, and grazing operations is not unduly affected by the recommendations;]~~

4772 ~~[(v) analysis and full disclosure is made concerning the balance of multiple-use~~  
4773 ~~management in the proposed areas, and that the analysis compares the full benefit of~~  
4774 ~~multiple-use management to the recreational, forest health, and economic needs of the state and~~  
4775 ~~the counties to the benefits of the requirements of wilderness management; and]~~

4776 ~~[(vi) the conclusions of all studies related to the requirement to examine the wilderness~~  
4777 ~~option are submitted to the state for review and action by the Legislature and governor, and the~~  
4778 ~~results, in support of or in opposition to, are included in any planning documents or other~~  
4779 ~~proposals that are forwarded to the United States Congress;]~~

4780 ~~[(k) the invasion of noxious weeds and undesirable invasive plant species into the state~~  
4781 ~~should be reversed, their presence eliminated, and their return prevented;]~~

4782 ~~[(l) management and resource-use decisions by federal land management and~~  
4783 ~~regulatory agencies concerning the vegetative resources within the state should reflect serious~~  
4784 ~~consideration of the proper optimization of the yield of water within the watersheds of the~~  
4785 ~~state;]~~

4786 ~~[(m) (i) it is the policy of the state that:]~~

4787 ~~[(A) mineral and energy production and environmental protection are not mutually~~  
4788 ~~exclusive;]~~

4789 ~~[(B) it is technically feasible to permit appropriate access to mineral and energy~~  
4790 ~~resources while preserving nonmineral and nonenergy resources;]~~

4791 ~~[(C) resource management planning should seriously consider all available mineral and~~  
4792 ~~energy resources;]~~

4793 ~~[(D) the development of the solid, fluid, and gaseous mineral resources of the state and~~  
4794 ~~the renewable resources of the state should be encouraged;]~~

4795 ~~[(E) the waste of fluid and gaseous minerals within developed areas should be~~  
4796 ~~prohibited; and]~~

4797 ~~[(F) requirements to mitigate or reclaim mineral development projects should be based~~  
4798 ~~on credible evidence of significant impacts to natural or cultural resources;]~~

4799 ~~[(ii) the state's support for mineral development provisions within federal land~~

4800 management plans will be withheld until the appropriate land management plan environmental  
4801 impact statement clearly demonstrates:]

4802 [~~(A) that the authorized planning agency has:]~~

4803 [~~(F) considered and evaluated the mineral and energy potential in all areas of the  
4804 planning area as if the areas were open to mineral development under standard lease  
4805 agreements; and]~~

4806 [~~(H) evaluated any management plan prescription for its impact on the area's baseline  
4807 mineral and energy potential;]~~

4808 [~~(B) that the development provisions do not unduly restrict access to public lands for  
4809 energy exploration and development;]~~

4810 [~~(C) that the authorized planning agency has supported any closure of additional areas  
4811 to mineral leasing and development or any increase of acres subject to no surface occupancy  
4812 restrictions by adhering to:]~~

4813 [~~(I) the relevant provisions of the Federal Land Policy and Management Act of 1976,  
4814 43 U.S.C. Sec. 1701 et seq.;~~

4815 [~~(H) other controlling mineral development laws; and]~~

4816 [~~(HH) the controlling withdrawal and reporting procedures set forth in the Federal Land  
4817 Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;~~

4818 [~~(D) that the authorized planning agency evaluated whether to repeal any moratorium  
4819 that may exist on the issuance of additional mining patents and oil and gas leases;]~~

4820 [~~(E) that the authorized planning agency analyzed all proposed mineral lease  
4821 stipulations and considered adopting the least restrictive necessary to protect against damage to  
4822 other significant resource values;]~~

4823 [~~(F) that the authorized planning agency evaluated mineral lease restrictions to  
4824 determine whether to waive, modify, or make exceptions to the restrictions on the basis that  
4825 they are no longer necessary or effective;]~~

4826 [~~(G) that the authorized federal agency analyzed all areas proposed for no surface  
4827 occupancy restrictions, and that the analysis evaluated:]~~

4828 [~~(I) whether directional drilling is economically feasible and ecologically necessary for  
4829 each proposed no surface occupancy area;]~~

4830 [~~(H) whether the directional drilling feasibility analysis, or analysis of other~~

4831 management prescriptions, demonstrates that the proposed no surface occupancy prescription,  
4832 in effect, sterilizes the mineral and energy resources beneath the area; and]

4833 [~~(H)~~ whether, if the minerals are effectively sterilized, the area must be reported as  
4834 withdrawn under the provisions of the Federal Land Policy and Management Act; and]

4835 [~~(I)~~ that the authorized planning agency has evaluated all directional drilling  
4836 requirements in no surface occupancy areas to determine whether directional drilling is feasible  
4837 from an economic, ecological, and engineering standpoint;]

4838 [~~(N)~~ motorized, human, and animal-powered outdoor recreation should be integrated  
4839 into a fair and balanced allocation of resources within the historical and cultural framework of  
4840 multiple-uses in rural Utah, and outdoor recreation should be supported as part of a balanced  
4841 plan of state and local economic support and growth;]

4842 [~~(O)~~ off-highway vehicles should be used responsibly, the management of off-highway  
4843 vehicles should be uniform across all jurisdictions, and laws related to the use of off-highway  
4844 vehicles should be uniformly applied across all jurisdictions;]

4845 [~~(P)~~ (i) rights-of-way granted and vested under the provisions of R.S. 2477 should be  
4846 preserved and acknowledged;]

4847 [~~(ii)~~ land use management plans, programs, and initiatives should be consistent with  
4848 both state and county transportation plans developed according to Subsection (3) in order to  
4849 provide a network of roads throughout the planning area that provides for:]

4850 [~~(A)~~ movement of people, goods, and services across public lands;]

4851 [~~(B)~~ reasonable access to a broad range of resources and opportunities throughout the  
4852 planning area, including access to livestock, water, and minerals;]

4853 [~~(C)~~ economic and business needs;]

4854 [~~(D)~~ public safety;]

4855 [~~(E)~~ search and rescue;]

4856 [~~(F)~~ access for people with disabilities and the elderly;]

4857 [~~(G)~~ access to state lands; and]

4858 [~~(H)~~ recreational opportunities;]

4859 [~~(Q)~~ transportation and access provisions for all other existing routes, roads, and trails  
4860 across federal, state, and school trust lands within the state should be determined and

4861 identified, and agreements should be executed and implemented, as necessary to fully authorize

4862 and determine responsibility for maintenance of all routes, roads, and trails;]

4863        ~~[(r) the reasonable development of new routes and trails for motorized, human, and~~  
4864 ~~animal-powered recreation should be implemented;]~~

4865        ~~[(s) (i) forests, rangelands, and watersheds, in a healthy condition, are necessary and~~  
4866 ~~beneficial for wildlife, livestock grazing, and other multiple-uses;]~~

4867        ~~[(ii) management programs and initiatives that are implemented to increase forage for~~  
4868 ~~the mutual benefit of the agricultural industry, livestock operations, and wildlife species should~~  
4869 ~~utilize all proven techniques and tools;]~~

4870        ~~[(iii) the continued viability of livestock operations and the livestock industry should~~  
4871 ~~be supported on the federal lands within the state by management of the lands and forage~~  
4872 ~~resources, by the proper optimization of animal unit months for livestock, in accordance with~~  
4873 ~~the multiple-use provisions of the Federal Land Policy and Management Act of 1976, 43~~  
4874 ~~U.S.C. 1701 et seq., the provisions of the Taylor Grazing Act of 1934, 43 U.S.C. 315 et seq.,~~  
4875 ~~and the provisions of the Public Rangelands Improvement Act of 1978, 43 U.S.C. 1901 et~~  
4876 ~~seq.;]~~

4877        ~~[(iv) provisions for predator control initiatives or programs under the direction of state~~  
4878 ~~and local authorities should be implemented; and]~~

4879        ~~[(v) resource-use and management decisions by federal land management and~~  
4880 ~~regulatory agencies should support state-sponsored initiatives or programs designed to stabilize~~  
4881 ~~wildlife populations that may be experiencing a scientifically demonstrated decline in those~~  
4882 ~~populations; and]~~

4883        ~~[(t) management and resource use decisions by federal land management and~~  
4884 ~~regulatory agencies concerning the scenic resources of the state must balance the protection of~~  
4885 ~~scenery with the full management requirements of the other authorized uses of the land under~~  
4886 ~~multiple-use management, and should carefully consider using Visual Resource Management~~  
4887 ~~Class I protection only for areas of inventoried Class A scenery or equivalent.]~~

4888        ~~[(9) Notwithstanding any provision of Section ~~63J-8-105.5~~, the state is committed to~~  
4889 ~~establishing and administering an effective statewide conservation strategy for greater sage~~  
4890 ~~grouse.]~~

4891        ~~[(10) Nothing contained in this section may be construed to restrict or supersede the~~  
4892 ~~planning powers conferred upon state departments, agencies, instrumentalities, or advisory~~

4893 ~~councils of the state or the planning powers conferred upon political subdivisions by any other~~  
4894 ~~existing law.]~~

4895 ~~[(11) Nothing in this section may be construed to affect any lands withdrawn from the~~  
4896 ~~public domain for military purposes, which are administered by the United States Army, Air~~  
4897 ~~Force, or Navy.]~~

4898 Section 71. Section **63J-5-201** is amended to read:

4899 **63J-5-201. Legislative appropriation subcommittees to review certain federal**  
4900 **funds reauthorizations -- Executive appropriations review -- Legislative approval.**

4901 (1) The Governor's Office of ~~[Management]~~ Planning and Budget shall annually  
4902 prepare and submit a federal funds request summary for each agency to the Legislative Fiscal  
4903 Analyst at the same time the governor submits the confidential draft budget under Section  
4904 [63J-1-201](#).

4905 (2) (a) The Legislative Fiscal Analyst, as directed by the Executive Appropriations  
4906 Committee, may include federal funds in the base budget appropriations act or acts, when those  
4907 acts are prepared as provided in JR3-2-402.

4908 (b) The Legislative Fiscal Analyst shall submit a federal funds request summary for  
4909 each agency to the legislative appropriations subcommittee responsible for that agency's budget  
4910 for review during each annual general session.

4911 (3) Each legislative appropriations subcommittee shall review the federal funds request  
4912 summary and may:

4913 (a) recommend that the agency accept the federal funds or participate in the federal  
4914 program for the fiscal year under consideration; or

4915 (b) recommend that the agency not accept the federal funds or not participate in the  
4916 federal program for the fiscal year under consideration.

4917 (4) The Legislative Executive Appropriations Committee shall:

4918 (a) review each subcommittee's recommendation;

4919 (b) determine whether or not the agency should be authorized to accept the federal  
4920 funds or participate in the federal program; and

4921 (c) direct the Legislative Fiscal Analyst to include or exclude those federal funds and  
4922 federal programs in an annual appropriations act for approval by the Legislature.

4923 (5) Legislative approval of an appropriations act containing federal funds constitutes

4924 legislative approval of the federal grants or awards associated with the federal funds for the  
4925 purposes of compliance with the requirements of this chapter.

4926 Section 72. Section **63J-5-202** is amended to read:

4927 **63J-5-202. Governor to approve certain new federal funds requests.**

4928 (1) (a) Before obligating the state to accept or receive new federal funds or to  
4929 participate in a new federal program, and no later than three months after submitting a new  
4930 federal funds request, and, where possible, before formally submitting the new federal funds  
4931 request, an executive branch agency shall submit a federal funds request summary to the  
4932 governor or the governor's designee for approval or rejection when:

4933 (i) the state will receive total payments of \$1,000,000 or less per year if the new federal  
4934 funds request is approved;

4935 (ii) receipt of the new federal funds will require no additional permanent full-time  
4936 employees, permanent part-time employees, or combination of additional permanent full-time  
4937 employees and permanent part-time employees; and

4938 (iii) no new state money will be required to match the new federal funds or to  
4939 implement the new federal program for which the grant is issued.

4940 (b) The Governor's Office of ~~Management~~ Planning and Budget shall report each new  
4941 federal funds request that is approved by the governor or the governor's designee and each new  
4942 federal funds request granted by the federal government to:

4943 (i) the Legislature's Executive Appropriations Committee;

4944 (ii) the Office of the Legislative Fiscal Analyst; and

4945 (iii) the Office of Legislative Research and General Counsel.

4946 (2) The governor or the governor's designee shall approve or reject each new federal  
4947 funds request submitted under the authority of this section.

4948 (3) (a) If the governor or the governor's designee approves the new federal funds  
4949 request, the executive branch agency may accept the new federal funds or participate in the new  
4950 federal program.

4951 (b) If the governor or the governor's designee rejects the new federal funds request, the  
4952 executive branch agency may not accept the new federal funds or participate in the new federal  
4953 program.

4954 (4) If an executive branch agency fails to obtain the governor's or the governor's



4955 designee's approval under this section, the governor may require the agency to:

4956 (a) withdraw the new federal funds request;

4957 (b) return the federal funds;

4958 (c) withdraw from the federal program; or

4959 (d) any combination of Subsections (4)(a), (4)(b), and (4)(c).

4960 (5) If a letter or other official documentation awarding an agency a grant of federal

4961 funds is not available to be included in a federal funds request summary submitted to the

4962 Governor's Office of [~~Management~~] Planning and Budget under this section, the agency shall

4963 submit to the Governor's Office of [~~Management~~] Planning and Budget the letter or other

4964 official documentation awarding the agency a grant of federal funds before expending the

4965 federal funds granted.

4966 Section 73. Section **63J-7-201** is amended to read:

4967 **63J-7-201. Governor to approve certain grant requests.**

4968 (1) (a) Before obligating the state to accept or receive a grant, an executive branch  
4969 agency shall submit a grant summary to the governor or the governor's designee for approval or  
4970 rejection when:

4971 (i) the executive branch agency would receive a grant of at least \$10,000 but no more  
4972 than \$50,000 if the grant is approved;

4973 (ii) receipt of the grant will require no additional permanent full-time employees,  
4974 permanent part-time employees, or combination of additional permanent full-time employees  
4975 and permanent part-time employees; and

4976 (iii) no new state money will be required to match the grant.

4977 (b) The Governor's Office of [~~Management~~] Planning and Budget shall report each  
4978 grant authorized under this section to:

4979 (i) the Legislature's Executive Appropriations Committee; and

4980 (ii) the Office of the Legislative Fiscal Analyst.

4981 (2) The governor or the governor's designee shall approve or reject each grant  
4982 submitted under the authority of this section.

4983 (3) (a) If the governor or the governor's designee approves the grant, the executive  
4984 branch agency may accept the grant.

4985 (b) If the governor or the governor's designee rejects the grant, the executive branch

4986 agency may not accept the grant.

4987 (4) If an executive branch agency fails to obtain the governor's or the governor's  
4988 designee's approval under this section, the governor may require the agency to return the grant.

4989 Section 74. Section **63J-8-102** is amended to read:

4990 **63J-8-102. Definitions.**

4991 As used in this chapter:

4992 (1) "ACEC" means an area of critical environmental concern as defined in 43 U.S.C.  
4993 Sec. 1702.

4994 (2) "AUM" means animal unit months, a unit of grazing forage.

4995 (3) "BLM" means the United States Bureau of Land Management.

4996 (4) "BLM recommended wilderness" means a wilderness study area recommended for  
4997 wilderness designation in the final report of the president of the United States to the United  
4998 States Congress in 1993.

4999 (5) "Federal land use designation" means one or a combination of the following  
5000 congressional or federal actions included in proposed congressional land use legislation:

5001 (a) designation of wilderness within the National Wilderness Preservation System;

5002 (b) designation of a national conservation area;

5003 (c) designation of a watercourse within the National Wild and Scenic River System;

5004 (d) designation of an ACEC;

5005 (e) designation of a national monument in accordance with the Antiquities Act or by  
5006 Congress;

5007 (f) designation of a national park within the National Park System;

5008 (g) designation of a national recreational area; or

5009 (h) any other designation, classification, categorization, reservation, withdrawal, or  
5010 similar action that has the purpose or effect of eliminating, restricting, or reducing energy and  
5011 mineral development, motorized travel, grazing, active vegetation management, or any other  
5012 traditional multiple use on public land.

5013 (6) "FLPMA" means the Federal Land Policy and Management Act of 1976, 43 U.S.C.  
5014 Sec. 1701 et seq.

5015 (7) "Forest Service" means the United States Forest Service within the United States  
5016 Department of Agriculture.

5017 (8) "Green River Energy Zone" means the lands described as follows in Subsections  
5018 (8)(a) and (b), as more fully illustrated in the maps prepared by the Carbon County and Emery  
5019 County GIS Departments in February 2013, each entitled "2013 Green River Energy Zone":

5020 (a) BLM and Forest Service lands in Carbon County that are situated in the following  
5021 townships: Township 12S Range 6E, Township 12S Range 7E, Township 12S Range 8E,  
5022 Township 12S Range 9E, Township 12S Range 10E, Township 12S Range 11E, Township 12S  
5023 Range 12E, Township 12S Range 13E, Township 12S Range 14E, Township 12S Range 15E,  
5024 Township 12S Range 16E, Township 12S Range 17E, Township 12S Range 18E, Township  
5025 13S Range 6E, Township 13S Range 8E, Township 13S Range 9E, Township 13S Range 10E,  
5026 Township 13S Range 11E, Township 13S Range 12E, Township 13S Range 13E, Township  
5027 13S Range 14E, Township 13S Range 15E, Township 13S Range 16E, Township 13S Range  
5028 17E, Township 14S Range 6E, Township 14S Range 8E, Township 14S Range 9E, Township  
5029 14S Range 11E, Township 14S Range 12E, Township 14S Range 13E, Township 14S Range  
5030 14E, Township 14S Range 15E, Township 14S Range 16E, Township 14S Range 17E,  
5031 Township 15S Range 7E, Township 15S Range 8E, Township 15S Range 9E, Township 15S  
5032 Range 10E, Township 15S Range 11E, Township 15S Range 12E, Township 15S Range 13E,  
5033 Township 15S Range 14E, Township 15S Range 15E, and Township 15S Range 16E; and

5034 (b) BLM and Forest Service lands in Emery County, excluding any areas that are or  
5035 may be designated as wilderness, national conservation areas, or wild or scenic rivers, that are  
5036 situated in the following townships and represented in the Emery County Public Land  
5037 Management Act DRAFT Map prepared by Emery County and available at  
5038 [emerycounty.com/publiclands/LANDS-USE-15.pdf](http://emerycounty.com/publiclands/LANDS-USE-15.pdf): Township 13S Range 6E, Township 14S  
5039 Range 6E, Township 14S Range 7E, Township 15S Range 6E, Township 15S Range 7E,  
5040 Township 16S Range 6E, Township 16S Range 7E, Township 16S Range 8E, Township 16S  
5041 Range 9E, Township 16S Range 10E, Township 16S Range 11E, Township 16S Range 12E,  
5042 Township 16S Range 13E, Township 16S Range 14E, Township 16S Range 15E, Township  
5043 17S Range 6E, Township 17S Range 7E, Township 17S Range 8E, Township 17S Range 9E,  
5044 Township 17S Range 10E, Township 17S Range 11E, Township 17S Range 12E, Township  
5045 17S Range 13E, Township 17S Range 14E, Township 17S Range 15E, Township 18S Range  
5046 6E, Township 18S Range 7E, Township 18S Range 8E, Township 18S Range 9E, Township  
5047 18S Range 10E, Township 18S Range 11E, Township 18S Range 12E, Township 18S Range

5048 13E, Township 18S Range 14E, Township 18S Range 15E, Township 19S Range 6E,  
5049 Township 19S Range 7E, Township 19S Range 8E, Township 19S Range 9E, Township 19S  
5050 Range 10E, Township 19S Range 11E, Township 19S Range 12E, Township 19S Range 13E,  
5051 Township 19S Range 14E, Township 19S Range 15E, Township 20S Range 6E, Township 20S  
5052 Range 7E, Township 20S Range 8E, Township 20S Range 9E, Township 20S Range 10E,  
5053 Township 20S Range 11E, Township 20S Range 12E, Township 20S Range 13E, Township  
5054 20S Range 14E, Township 20S Range 15E, Township 20S Range 16E, Township 21S Range  
5055 6E, Township 21S Range 7E, Township 21S Range 8E, Township 21S Range 9E, Township  
5056 21S Range 14E, Township 21S Range 15E, Township 21S Range 16E, Township 22S Range  
5057 6E, Township 22S Range 7E, Township 22S Range 8E, Township 22S Range 9E, Township  
5058 22S Range 14E, Township 22S Range 15E, Township 22S Range 16E, Township 23S Range  
5059 6E, Township 23S Range 7E, Township 23S Range 8E, Township 23S Range 9E, Township  
5060 23S Range 13E, Township 23S Range 14E, Township 23S Range 15E, Township 23S Range  
5061 16E, Township 24S Range 6E, Township 24S Range 7E, Township 24S Range 8E, Township  
5062 24S Range 12E, Township 24S Range 13E, Township 24S Range 14E, Township 24S Range  
5063 15E, Township 24S Range 16E, Township 24S Range 17E, Township 25S Range 6E,  
5064 Township 25S Range 7E, Township 25S Range 8E, Township 25S Range 11E, Township 25S  
5065 Range 12E, Township 25S Range 13E, Township 25S Range 14E, Township 25S Range 15E,  
5066 Township 25S Range 16E, Township 25S Range 17E, Township 26S Range 6E, Township 26S  
5067 Range 7E, Township 26S Range 8E, Township 26S Range 9E, Township 26S Range 10E,  
5068 Township 26S Range 11E, Township 26S Range 12E, Township 26S Range 13E, Township  
5069 26S Range 14E, Township 26S Range 15E, Township 26S Range 16E, and Township 26S  
5070 Range 17E.

5071 (9) "Multiple use" means proper stewardship of the subject lands pursuant to Section  
5072 103(c) of FLPMA, 43 U.S.C. Sec. 1702(c).

5073 (10) "National conservation area" means an area designated by Congress and managed  
5074 by the BLM.

5075 (11) "National wild and scenic river" means a watercourse:

5076 (a) identified in a BLM or Forest Service planning process; or

5077 (b) designated as part of the National Wild and Scenic River System.

5078 (12) "National Wild and Scenic River System" means the National Wild and Scenic

5079 River System established in 16 U.S.C. Sec. 1271 et seq.

5080 (13) "Office" means the Public Lands Policy Coordinating Office created in Section  
5081 [~~63J-4-602~~] [63L-11-201](#).

5082 (14) "OHV" means off-highway vehicle as defined in Section [41-22-2](#).

5083 (15) "Proposed congressional land use legislation" means a draft or a working  
5084 document of congressional legislation prepared by a person that includes a federal land use  
5085 designation.

5086 (16) "RARE II" means the second United States Forest Service Roadless Area Review  
5087 and Evaluation report of 1984.

5088 (17) "R.S. 2477 right-of-way" means a right-of-way established in accordance with 43  
5089 U.S.C. Sec. 932 repealed by FLPMA 1976.

5090 (18) "San Juan County Energy Zone" means BLM and Forest Service lands situated in  
5091 the following townships in San Juan County, as more fully illustrated in the map prepared by  
5092 the San Juan County GIS department in December 2014 entitled "San Juan County Energy  
5093 Zone": Township 26S Range 21E, Township 26S Range 22E, Township 26S Range 23E,  
5094 Township 26S Range 24E, Township 26S Range 25E, Township 26S Range 26E, Township  
5095 27S Range 21E, Township 27S Range 22E, Township 27S Range 23E, Township 27S Range  
5096 24E, Township 27S Range 25E, Township 27S Range 26E, Township 28S Range 21E,  
5097 Township 28S Range 22E, Township 28S Range 23E, Township 28S Range 24E, Township  
5098 28S Range 25E, Township 28S Range 26E, Township 29S Range 21E, Township 29S Range  
5099 22E, Township 29S Range 23E, Township 29S Range 24E, Township 29S Range 25E,  
5100 Township 29S Range 26E, Township 30S Range 21E, Township 30S Range 22E, Township  
5101 30S Range 23E, Township 30S Range 24E, Township 30S Range 25E, Township 30S Range  
5102 26E, Township 31S Range 22E, Township 31S Range 23E, Township 31S Range 24E,  
5103 Township 31S Range 25E, Township 31S Range 26E, Township 32S Range 20E, Township  
5104 32S Range 21E, Township 32S Range 22E, Township 32S Range 23E, Township 32S Range  
5105 24E, Township 32S Range 25E, Township 32S Range 26E, Township 33S Range 19E,  
5106 Township 33S Range 20E, Township 33S Range 21E, Township 33S Range 22E, Township  
5107 33S Range 23E, Township 33S Range 24E, Township 33S Range 25E, Township 33S Range  
5108 26E, Township 34S Range 19E, Township 34S Range 20E, Township 34S Range 21E,  
5109 Township 34S Range 22E, Township 34S Range 23E, Township 34S Range 24E, Township

5110 34S Range 25E, Township 34S Range 26E, Township 35S Range 14E, Township 35S Range  
5111 15E, Township 35S Range 16E, Township 35S Range 17E, Township 35S Range 18E,  
5112 Township 35S Range 19E, Township 35S Range 20E, Township 35S Range 21E, Township  
5113 35S Range 22E, Township 35S Range 23E, Township 35S Range 24E, Township 35S Range  
5114 25E, Township 35S Range 26E, Township 36S Range 14E, Township 36S Range 15E,  
5115 Township 36S Range 16E, Township 36S Range 17E, Township 36S Range 18E, Township  
5116 36S Range 19E, Township 36S Range 21E, Township 36S Range 22E, Township 36S Range  
5117 23E, Township 36S Range 24E, Township 36S Range 25E, Township 36S Range 26E,  
5118 Township 37S Range 14E, Township 37S Range 15E, Township 37S Range 16E, Township  
5119 37S Range 17E, Township 37S Range 21E, Township 37S Range 22E, Township 37S Range  
5120 23E, Township 37S Range 24E, Township 37S Range 25E, Township 37S Range 26E,  
5121 Township 38S Range 12E, Township 38S Range 21E, Township 38S Range 22E, Township  
5122 38S Range 23E, Township 38S Range 24E, Township 38S Range 25E, Township 38S Range  
5123 26E, Township 39S Range 12E, Township 39S Range 13E, Township 39S Range 15E,  
5124 Township 39S Range 21E, Township 39S Range 22E, Township 39S Range 23E, Township  
5125 39S Range 24E, Township 39S Range 25E, Township 39S Range 26E, Township 40S Range  
5126 14E, Township 40S Range 15E, Township 40S Range 16E, Township 40S Range 19E,  
5127 Township 40S Range 20E, Township 40S Range 21E, Township 40S Range 22E, Township  
5128 40S Range 23E, Township 40S Range 24E, Township 40S Range 25E, Township 40S Range  
5129 26E, Township 41S Range 16E, Township 41S Range 17E, Township 41S Range 18E,  
5130 Township 41S Range 19E, Township 41S Range 20E, Township 41S Range 21E, Township  
5131 41S Range 22E, Township 41S Range 23E, Township 41S Range 24E, Township 41S Range  
5132 25E, Township 41S Range 26E, Township 42S Range 14E, Township 42S Range 15E,  
5133 Township 42S Range 16E, Township 42S Range 17E, Township 42S Range 18E, Township  
5134 42S Range 19E, Township 42S Range 20E, Township 42S Range 21E, Township 42S Range  
5135 22E, Township 42S Range 23E, Township 42S Range 24E, Township 42S Range 25E,  
5136 Township 42S Range 26E, Township 43S Range 14E, Township 43S Range 15E, Township  
5137 43S Range 16E, Township 43S Range 17E, Township 43S Range 18E, Township 43S Range  
5138 19E, Township 43S Range 20E, Township 43S Range 21E, Township 43S Range 22E,  
5139 Township 43S Range 23E, Township 43S Range 24E, Township 43S Range 25E, and  
5140 Township 43S Range 26E.

5141 (19) "Settlement Agreement" means the written agreement between the state and the  
5142 Department of the Interior in 2003 (revised in 2005) that resolved the case of State of Utah v.  
5143 Gale Norton, Secretary of Interior (United States District Court, D. Utah, Case No.  
5144 2:96cv0870).

5145 (20) "SITLA" means the School and Institutional Trust Lands Administration as  
5146 created in Section [53C-1-201](#).

5147 (21) (a) "Subject lands" means the following non-WSA BLM lands:

5148 (i) in Beaver County:

5149 (A) Mountain Home Range South, Jackson Wash, The Toad, North Wah Wah  
5150 Mountains, Central Wah Wah Mountains, and San Francisco Mountains according to the  
5151 region map entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal  
5152 for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
5153 existed on February 17, 2011; and

5154 (B) White Rock Range, South Wah Wah Mountains, and Granite Peak according to the  
5155 region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal for  
5156 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
5157 existed on February 17, 2011;

5158 (ii) in Box Elder County: Little Goose Creek, Grouse Creek Mountains North, Grouse  
5159 Creek Mountains South, Bald Eagle Mountain, Central Pilot Range, Pilot Peak, Crater Island  
5160 West, Crater Island East, Newfoundland Mountains, and Grassy Mountains North according to  
5161 the region map entitled "Great Basin North" linked in the webpage entitled "Citizen's Proposal  
5162 for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
5163 existed on February 17, 2011;

5164 (iii) in Carbon County: Desbrough Canyon and Turtle Canyon according to the region  
5165 map entitled "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in  
5166 Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on  
5167 February 17, 2011;

5168 (iv) in Daggett County: Goslin Mountain, Home Mountain, Red Creek Badlands,  
5169 O-wi-yu-kuts, Lower Flaming Gorge, Crouse Canyon, and Diamond Breaks according to the  
5170 region map entitled "Dinosaur" linked in 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;

5173 (v) in Duchesne County: Desbrough Canyon according to the region map entitled  
5174 "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at  
5175 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
5176 2011;

5177 (vi) in Emery County:

5178 (A) San Rafael River and Sweetwater Reef, according to the region map entitled  
5179 "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness in  
5180 Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on  
5181 February 17, 2011;

5182 (B) Flat Tops according to the region map entitled "Glen Canyon," which is available  
5183 by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for  
5184 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
5185 existed on February 17, 2011; and

5186 (C) Price River, Lost Spring Wash, Eagle Canyon, Upper Muddy Creek, Molen Reef,  
5187 Rock Canyon, Mussentuchit Badland, and Muddy Creek, according to the region map entitled  
5188 "San Rafael Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah"  
5189 at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
5190 2011;

5191 (vii) in Garfield County:

5192 (A) Pole Canyon, according to the region map entitled "Great Basin South" linked in  
5193 the webpage entitled "Citizen's Proposal for Wilderness in Utah" at  
5194 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
5195 2011;

5196 (B) Dirty Devil, Fiddler Butte, Little Rockies, Cane Spring Desert, and Cane Spring  
5197 Desert Adjacents, according to the region map entitled "Glen Canyon," which is available by  
5198 clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for  
5199 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
5200 existed on February 17, 2011;

5201 (C) Lampstand, Wide Hollow, Steep Creek, Brinkerhof Flats, Little Valley Canyon,  
5202 Death Hollow, Studhorse Peaks, Box Canyon, Heaps Canyon, North Escalante Canyon, Colt



5203 Mesa, East of Bryce, Slopes of Canaan Peak, Horse Spring Canyon, Muley Twist Flank,  
5204 Pioneer Mesa, Slopes of Bryce, Blue Hills, Mud Springs Canyon, Carcass Canyon, Willis  
5205 Creek North, Kodachrome Basin, and Kodachrome Headlands, according to the region map  
5206 entitled "Grand Staircase Escalante" linked at the webpage entitled "Citizen's Proposal for  
5207 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
5208 existed on February 17, 2011; and

5209 (D) Notom Bench, Mount Ellen, Bull Mountain, Dogwater Creek, Ragged Mountain,  
5210 Mount Pennell, Mount Hillers, Bullfrog Creek, and Long Canyon, according to the region map  
5211 entitled "Henry Mountains" linked at the webpage entitled "Citizen's Proposal for Wilderness  
5212 in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on  
5213 February 17, 2011;

5214 (viii) in Iron County: Needle Mountains, Steamboat Mountain, Broken Ridge, Paradise  
5215 Mountains, Crook Canyon, Hamlin, North Peaks, Mount Escalante, and Antelope Ridge,  
5216 according to the region map entitled "Great Basin South" linked in the webpage entitled  
5217 "Citizen's Proposal for Wilderness in Utah" at  
5218 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
5219 2011;

5220 (ix) in Juab County: Deep Creek Mountains, Essex Canyon, Kern Mountains, Wild  
5221 Horse Pass, Disappointment Hills, Granite Mountain, Middle Mountains, Tule Valley, Fish  
5222 Springs Ridge, Thomas Range, Drum Mountains, Dugway Mountains, Keg Mountains West,  
5223 Keg Mountains East, Lion Peak, and Rockwell Little Sahara, according to the region map  
5224 entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for  
5225 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
5226 existed on February 17, 2011;

5227 (x) in Kane County:

5228 (A) Willis Creek North, Willis Creek, Kodachrome Badlands, Mud Springs Canyon,  
5229 Carcass Canyon, Scorpion, Bryce Boot, Paria-Hackberry Canyons, Fiftymile Canyon,  
5230 Hurricane Wash, Upper Kanab Creek, Timber Mountain, Nephi Point, Paradise Canyon,  
5231 Wahweap Burning Hills, Fiftymile Bench, Forty Mile Gulch, Sooner Bench 1, 2, & 3, Rock  
5232 Cove, Warm Bench, Andalex Not, Vermillion Cliffs, Ladder Canyon, The Cockscomb, Nipple  
5233 Bench, Moquith Mountain, Bunting Point, Glass Eye Canyon, and Pine Hollow, according to

5234 the region map entitled "Grand Staircase Escalante" linked at the webpage entitled "Citizen's  
5235 Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the  
5236 webpage existed on February 17, 2011; and

5237 (B) Orderville Canyon, Jolley Gulch, and Parunuweap Canyon, according to the region  
5238 map entitled "Zion/Mohave" linked at the webpage entitled "Citizen's Proposal for Wilderness  
5239 in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on  
5240 February 17, 2011;

5241 (xi) in Millard County: Kern Mountains, Wild Horse Pass, Disappointment Hills,  
5242 Granite Mountain, Middle Mountains, Tule Valley, Swasey Mountain, Little Drum Mountains  
5243 North, Little Drum Mountains South, Drum Mountains, Snake Valley, Coyote Knoll, Howell  
5244 Peak, Tule Valley South, Ledger Canyon, Chalk Knolls, Orr Ridge, Notch View, Bullgrass  
5245 Knoll, Notch Peak, Barn Hills, Cricket Mountains, Burbank Pass, Middle Burbank Hills, King  
5246 Top, Barn Hills, Red Tops, Middle Burbank Hills, Juniper, Painted Rock Mountain, Black  
5247 Hills, Tunnel Springs, Red Canyon, Sand Ridge, Little Sage Valley, Cat Canyon, Headlight  
5248 Mountain, Black Hills, Mountain Range Home North, Tweedy Wash, North Wah Wah  
5249 Mountains, Jackson Wash, and San Francisco Mountains, according to the region map entitled  
5250 "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for Wilderness in  
5251 Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on  
5252 February 17, 2011;

5253 (xii) in Piute County: Kingston Ridge, Rocky Ford, and Phonolite Hill, according to  
5254 the region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal  
5255 for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
5256 existed on February 17, 2011;

5257 (xiii) in San Juan County:

5258 (A) Horseshoe Point, Deadhorse Cliffs, Gooseneck, Demon's Playground, Hatch  
5259 Canyon, Lockhart Basin, Indian Creek, Hart's Point, Butler Wash, Bridger Jack Mesa, and Shay  
5260 Mountain, according to the region map entitled "Canyonlands Basin" linked in the webpage  
5261 entitled "Citizen's Proposal for Wilderness in Utah" at  
5262 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
5263 2011;

5264 (B) Dark Canyon, Copper Point, Fortknocker Canyon, White Canyon, The Needle, Red

5265 Rock Plateau, Upper Red Canyon, and Tuwa Canyon, according to the region map entitled  
5266 "Glen Canyon," which is available by clicking the link entitled "Dirty Devil" at the webpage  
5267 entitled "Citizen's Proposal for Wilderness in Utah" at  
5268 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
5269 2011;

5270 (C) Hunters Canyon, Behind the Rocks, Mill Creek, and Coyote Wash, according to  
5271 the region map entitled "Moab/La Sal" linked at the webpage entitled "Citizen's Proposal for  
5272 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
5273 existed on February 17, 2011; and

5274 (D) Hammond Canyon, Allen Canyon, Mancos Jim Butte, Arch Canyon, Monument  
5275 Canyon, Tin Cup Mesa, Cross Canyon, Nokai Dome, Grand Gulch, Fish and Owl Creek  
5276 Canyons, Comb Ridge, Road Canyon, The Tabernacle, Lime Creek, San Juan River, and  
5277 Valley of the Gods, according to the region map entitled "San Juan" linked at the webpage  
5278 entitled "Citizen's Proposal for Wilderness in Utah" at  
5279 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
5280 2011;

5281 (xiv) in Sevier County: Rock Canyon, Mussentuchit Badland, Limestone Cliffs, and  
5282 Jones' Bench, according to the region map entitled "San Rafael Swell" linked at 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 (xv) in Tooele County:

5287 (A) Silver Island Mountains, Crater Island East, Grassy Mountains North, Grassy  
5288 Mountains South, Stansbury Island, Cedar Mountains North, Cedar Mountains Central, Cedar  
5289 Mountains South, North Stansbury Mountains, Oquirrh Mountains, and Big Hollow, according  
5290 to the region map entitled "Great Basin North" linked in the webpage entitled "Citizen's  
5291 Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the  
5292 webpage existed on February 17, 2011, excluding the areas that Congress designated as  
5293 wilderness under the National Defense Authorization Act for Fiscal Year 2006; and

5294 (B) Ochre Mountain, Deep Creek Mountains, Dugway Mountains, Indian Peaks, and  
5295 Lion Peak, according to the region map entitled "Great Basin Central" linked in the webpage

5296 entitled "Citizen's Proposal for Wilderness in Utah" at  
5297 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
5298 2011;

5299 (xvi) in Uintah County:

5300 (A) White River, Lower Bitter Creek, Sunday School Canyon, Dragon Canyon, Wolf  
5301 Point, Winter Ridge, Seep Canyon, Bitter Creek, Hideout Canyon, Sweetwater Canyon, and  
5302 Hell's Hole, according to the region map entitled "Book Cliffs" linked in the webpage entitled  
5303 "Citizen's Proposal for Wilderness in Utah" at

5304 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
5305 2011; and

5306 (B) Lower Flaming Gorge, Crouse Canyon Stone Bridge Draw, Diamond Mountain,  
5307 Wild Mountain, Split Mountain Benches, Vivas Cake Hill, Split Mountain Benches South,  
5308 Beach Draw, Stuntz Draw, Moonshine Draw, Bourdette Draw, and Bull Canyon, according to  
5309 the region map entitled "Dinosaur" linked in the webpage entitled "Citizen's Proposal for  
5310 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
5311 existed on February 17, 2011;

5312 (xvii) in Washington County: Cougar Canyon, Docs Pass, Slaughter Creek, Butcher  
5313 Knife Canyon, Square Top, Scarecrow Creek, Beaver Dam Wash, Beaver Dam Mountains  
5314 North, Beaver Dam Mountains South, Joshua Tree, Beaver Dam Wilderness Expansion, Red  
5315 Mountain, Cottonwood Canyon, Taylor Canyon, LaVerkin Creek, Beartrap Canyon, Deep  
5316 Creek, Black Ridge, Red Butte, Kolob Creek, Goose Creek, Dry Creek, Zion National Park  
5317 Adjacents, Crater Hill, The Watchman, and Canaan Mountain, according to the region map  
5318 entitled "Zion/Mohave" linked at the webpage entitled "Citizen's Proposal for Wilderness in  
5319 Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on  
5320 February 17, 2011, excluding the areas that Congress designated as wilderness and  
5321 conservation areas under the Omnibus Public Lands Management Act of 2009; and

5322 (xviii) in Wayne County:

5323 (A) Sweetwater Reef, Upper Horseshoe Canyon, and Labyrinth Canyon, according to  
5324 the region map entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal  
5325 for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
5326 existed on February 17, 2011;

5327 (B) Flat Tops and Dirty Devil, according to the region map entitled "Glen Canyon,"  
5328 which is available by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's  
5329 Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the  
5330 webpage existed on February 17, 2011;

5331 (C) Fremont Gorge, Pleasant Creek Bench, Notom Bench, Mount Ellen, and Bull  
5332 Mountain, according to the region map entitled "Henry Mountains" linked at the webpage  
5333 entitled "Citizen's Proposal for Wilderness in Utah" at  
5334 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
5335 2011; and

5336 (D) Capital Reef Adjacents, Muddy Creek, Wild Horse Mesa, North Blue Flats, Red  
5337 Desert, and Factory Butte, according to the region map entitled "San Rafael Swell" linked at  
5338 the webpage entitled "Citizen's Proposal for Wilderness in Utah" at  
5339 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
5340 2011.

5341 (b) "Subject lands" also includes all BLM and Forest Service lands in the state that are  
5342 not Wilderness Area or Wilderness Study Areas;

5343 (c) "Subject lands" does not include the following lands that are the subject of  
5344 consideration for a possible federal lands bill and should be managed according to the 2008  
5345 Price BLM Field Office Resource Management Plan until a federal lands bill provides  
5346 otherwise:

5347 (i) Turtle Canyon and Desolation Canyon according to the region map entitled "Book  
5348 Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at  
5349 <http://protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

5350 (ii) Labyrinth Canyon, Duma Point, and Horseshoe Point, according to the region map  
5351 entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness  
5352 in Utah" at <http://protectwildutah.org/proposal/index.html> as the webpage existed on February  
5353 17, 2011; and

5354 (iii) Devil's Canyon, Sid's Mountain, Mexican Mountain, San Rafael Reef, Hondu  
5355 Country, Cedar Mountain, and Wild Horse, according to the region map entitled "San Rafael  
5356 Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at  
5357 <http://protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011.

5358 (22) "Uintah Basin Energy Zone" means BLM and Forest Service lands situated in the  
5359 following townships in Daggett, Duchesne, and Uintah counties, as more fully illustrated in the  
5360 map prepared by the Uintah County GIS Department in February 2012 entitled "Uintah Basin  
5361 Utah Energy Zone":

5362 (a) in Daggett County, Township 3N Range 17 E, Township 3N Range 18E, Township  
5363 3N Range 19E, Township 3N Range 20E, Township 3N Range 22E, Township 3N Range 23E,  
5364 Township 3N Range 24E, Township 3N Range 25E, Township 2N Range 17E, Township 2N  
5365 Range 18E, Township 2N Range 19E, Township 2N Range 20E, Township 2N Range 21E, and  
5366 Township 2S Range 25E;

5367 (b) in Duchesne County, Township 3N Range 4W, Township 3N Range 3W, Township  
5368 3N Range 2W, Township 3N Range 1W, Township 2N Range 6W, Township 2N Range 5W,  
5369 Township 2N Range 4W, Township 2N Range 3W, Township 2N Range 1W, Township 1N  
5370 Range 9W, Township 1N Range 8W, Township 1N Range 7W, Township 1N Range 6W,  
5371 Township 1S Range 9W, Township 1S Range 8W, Township 4S Range 9W, Township 4S  
5372 Range 3W, Township 4S Range 2W, Township 4S Range 1W, Township 8S Range 15E,  
5373 Township 8S Range 16E, Township 8S Range 17E, Township 5S Range 9W, Township 5S  
5374 Range 3W, Township 9S Range 15E, Township 9S Range 16E, Township 9S Range 17E,  
5375 Township 6S Range 9W, Township 6S Range 8W, Township 6S Range 7W, Township 6S  
5376 Range 6W, Township 6S Range 5W, Township 6S Range 3W, Township 10S Range 15E,  
5377 Township 10S Range 16E, Township 10S Range 17E, Township 7S Range 9W, Township 7S  
5378 Range 8W, Township 7S Range 7W, Township 7S Range 6W, Township 7S Range 5W,  
5379 Township 7S Range 4W, Township 10S Range 11E, Township 10S Range 12E, Township 10S  
5380 Range 13E, Township 10S Range 14E, Township 10S Range 15E, Township 10S Range 16E,  
5381 Township 10S Range 17E, Township 11S Range 10E, Township 11S Range 11E, Township  
5382 11S Range 12E, Township 11S Range 13E, Township 11S Range 14E, Township 11S Range  
5383 15E, Township 11S Range 16E, and Township 11S Range 17E; and

5384 (c) in Uintah County: Township 2S Range 18E, Township 2S Range 19E, Township  
5385 2S Range 20E, Township 2S Range 21E, Township 2S Range 22E, Township 2S Range 23E,  
5386 Township 2S Range 24E, Township 2N Range 1W, Township 2N Range 1E, Township 2N  
5387 Range 2E, Township 3S Range 18E, Township 3S Range 19E, Township 3S Range 20E,  
5388 Township 3S Range 21E, Township 3S Range 22E, Township 3S Range 23E, Township 3S

5389 Range 24E, Township 4S Range 19E, Township 4S Range 20E, Township 4S Range 21E,  
5390 Township 4S Range 22E, Township 4S Range 23E, Township 4S Range 24E, Township 4S  
5391 Range 25E, Township 5S Range 19E, Township 5S Range 20E, Township 5S Range 21E,  
5392 Township 5S Range 22E, Township 5S Range 23E, Township 5S Range 24E, Township 5S  
5393 Range 25E, Township 6S Range 19E, Township 6S Range 20E, Township 6S Range 21E,  
5394 Township 6S Range 22E, Township 6S Range 23E, Township 6S Range 24E, Township 6S  
5395 Range 25E, Township 7S Range 19E, Township 7S Range 20E, Township 7S Range 21E,  
5396 Township 7S Range 22E, Township 7S Range 23E, Township 7S Range 24E, Township 7S  
5397 Range 25E, Township 8S Range 17E, Township 8S Range 18E, Township 8S Range 19E,  
5398 Township 8S Range 20E, Township 8S Range 21E, Township 8S Range 22E, Township 8S  
5399 Range 23E, Township 8S Range 24E, Township 8S Range 25E, Township 9S Range 17E,  
5400 Township 9S Range 18E, Township 9S Range 19E, Township 9S Range 20E, Township 9S  
5401 Range 21E, Township 9S Range 22E, Township 9S Range 23E, Township 9S Range 24E,  
5402 Township 9S Range 25E, Township 10S Range 17E, Township 10S Range 18E, Township 10S  
5403 Range 19E, Township 10S Range 20E, Township 10S Range 21E, Township 10S Range 22E,  
5404 Township 10S Range 23E, Township 10S Range 24E, Township 10S Range 25E, Township  
5405 11S Range 17E, Township 11S Range 18E, Township 11S Range 19E, Township 11S Range  
5406 20E, Township 11S Range 21E, Township 11S Range 22E, Township 11S Range 23E,  
5407 Township 11S Range 24E, Township 11S Range 25E, Township 12S Range 20E, Township  
5408 12S Range 21E, Township 12S Range 22E, Township 12S Range 23E, Township 12S Range  
5409 24E, Township 12S Range 25E, Township 13S Range 20E, Township 13S Range 21E,  
5410 Township 13S Range 22E, Township 13S Range 23E, Township 13S Range 24E, Township  
5411 13S Range 25E, Township 13S Range 26 E, Township 14S Range 21E, Township 14S Range  
5412 22E, Township 14S Range 23E, Township 14S Range 24E, Township 14S Range 25E, and  
5413 Township 14S Range 26E.

5414 (23) "Wilderness" means the same as that term is defined in 16 U.S.C. Sec. 1131.

5415 (24) "Wilderness area" means those BLM and Forest Service lands added to the  
5416 National Wilderness Preservation System by an act of Congress.

5417 (25) "Wilderness Preservation System" means the Wilderness Preservation System  
5418 established in 16 U.S.C. Sec. 1131 et seq.

5419 (26) "WSA" and "Wilderness Study Area" mean the BLM lands in Utah that were

5420 identified as having the necessary wilderness character and were classified as wilderness study  
5421 areas during the BLM wilderness review conducted between 1976 and 1993 by authority of 43  
5422 U.S.C. Sec. 1782 and labeled as Wilderness Study Areas within the final report of the President  
5423 of the United States to the United States Congress in 1993.

5424 Section 75. Section **63J-8-104** is amended to read:

5425 **63J-8-104. State land use planning and management program.**

5426 (1) The BLM and Forest Service land use plans should produce planning documents  
5427 consistent with state and local land use plans to the maximum extent consistent with federal  
5428 law and FLPMA's purposes, by incorporating the state's land use planning and management  
5429 program for the subject lands that is as follows:

5430 (a) preserve traditional multiple use and sustained yield management on the subject  
5431 lands to:

5432 (i) achieve and maintain in perpetuity a high-level annual or regular periodic output of  
5433 agricultural, mineral, and various other resources from the subject lands;

5434 (ii) support valid existing transportation, mineral, and grazing privileges in the subject  
5435 lands at the highest reasonably sustainable levels;

5436 (iii) produce and maintain the desired vegetation for watersheds, timber, food, fiber,  
5437 livestock forage, wildlife forage, and minerals that are necessary to meet present needs and  
5438 future economic growth and community expansion in each county where the subject lands are  
5439 situated without permanent impairment of the productivity of the land;

5440 (iv) meet the recreational needs and the personal and business-related transportation  
5441 needs of the citizens of each county where the subject lands are situated by providing access  
5442 throughout each such county;

5443 (v) meet the needs of wildlife, provided that the respective forage needs of wildlife and  
5444 livestock are balanced according to the provisions of Subsection [~~63J-4-401(6)(m)~~]  
5445 [63L-11-302\(13\)](#);

5446 (vi) protect against adverse effects to historic properties, as defined by 36 C.F.R. Sec.  
5447 800;

5448 (vii) meet the needs of community economic growth and development;

5449 (viii) provide for the protection of existing water rights and the reasonable  
5450 development of additional water rights; and



5451 (ix) provide for reasonable and responsible development of electrical transmission and  
5452 energy pipeline infrastructure on the subject lands;

5453 (b) (i) do not designate, establish, manage, or treat any of the subject lands as an area  
5454 with management prescriptions that parallel, duplicate, or resemble the management  
5455 prescriptions established for wilderness areas or wilderness study areas, including the  
5456 nonimpairment standard applicable to WSAs or anything that parallels, duplicates, or  
5457 resembles that nonimpairment standard; and

5458 (ii) recognize, follow, and apply the agreement between the state and the Department  
5459 of the Interior in the settlement agreement;

5460 (c) call upon the BLM to revoke and revise BLM Manuals H 6301, H 6302, and H  
5461 6303, issued on or about February 25, 2011, in light of the settlement agreement and the  
5462 following principles of this state plan:

5463 (i) BLM lacks congressional authority to manage subject lands, other than WSAs, as if  
5464 they are or may become wilderness;

5465 (ii) BLM lacks authority to designate geographic areas as lands with wilderness  
5466 characteristics or designate management prescriptions for such areas other than to use specific  
5467 geographic-based tools and prescriptions expressly identified in FLPMA;

5468 (iii) BLM lacks authority to manage the subject lands in any manner other than to  
5469 prevent unnecessary or undue degradation, unless the BLM uses geographic tools expressly  
5470 identified in FLPMA and does so pursuant to a duly adopted provision of a resource  
5471 management plan adopted under FLPMA, 43 U.S.C. Sec. 1712;

5472 (iv) BLM inventories for the presence of wilderness characteristics must be closely  
5473 coordinated with inventories for those characteristics conducted by state and local  
5474 governments, and should reflect a consensus among those governmental agencies about the  
5475 existence of wilderness characteristics, as follows:

5476 (A) any inventory of wilderness characteristics should reflect all of the criteria  
5477 identified in the Wilderness Act of 1964, including:

5478 (I) a size of 5,000 acres or more, containing no visible roads; and

5479 (II) the presence of naturalness, the opportunity for primitive and unconfined  
5480 recreation, and the opportunity for solitude;

5481 (B) geographic areas found to contain the presence of naturalness must appear pristine

5482 to the average viewer, and not contain any of the implements, artifacts, or effects of human  
5483 presence, including:

5484 (I) visible roads, whether maintained or not; and

5485 (II) human-made features such as vehicle bridges, fire breaks, fisheries, enhancement  
5486 facilities, fire rings, historic mining and other properties, including tailings piles, commercial  
5487 radio and communication repeater sites, fencing, spring developments, linear disturbances,  
5488 stock ponds, visible drill pads, pipeline and transmission line rights-of-way, and other similar  
5489 features;

5490 (C) factors, such as the following, though not necessarily conclusive, should weigh  
5491 against a determination that a land area has the presence of naturalness:

5492 (I) the area is or once was the subject of mining and drilling activities;

5493 (II) mineral and hard rock mining leases exist in the area; and

5494 (III) the area is in a grazing district with active grazing allotments and visible range  
5495 improvements;

5496 (D) geographic areas found to contain the presence of solitude should convey the sense  
5497 of solitude within the entire geographic area identified, otherwise boundary adjustments should  
5498 be performed in accordance with Subsection (1)(c)(iv)(F);

5499 (E) geographic areas found to contain the presence of an opportunity for primitive and  
5500 unconfined recreation must find these features within the entire area and provide analysis about  
5501 the effect of the number of visitors to the geographic area upon the presence of primitive or  
5502 unconfined recreation, otherwise boundary adjustments should be performed in accordance  
5503 with Subsection (1)(c)(iv)(F);

5504 (F) in addition to the actions required by the review for roads pursuant to the  
5505 definitions of roads contained in BLM Manual H 6301, or any similar authority, the BLM  
5506 should, pursuant to its authority to inventory, identify and list all roads or routes identified as  
5507 part of a local or state governmental transportation system, and consider those routes or roads  
5508 as qualifying as roads within the definition of the Wilderness Act of 1964; and

5509 (G) BLM should adjust the boundaries for a geographic area to exclude areas that do  
5510 not meet the criteria of lacking roads, lacking solitude, and lacking primitive and unconfined  
5511 recreation and the boundaries should be redrawn to reflect an area that clearly meets the criteria  
5512 above, and which does not employ minor adjustments to simply exclude small areas with

5513 human intrusions, specifically:

5514 (I) the boundaries of a proposed geographic area containing lands with wilderness  
5515 characteristics should not be drawn around roads, rights-of-way, and intrusions; and

5516 (II) lands located between individual human impacts that do not meet the requirements  
5517 for lands with wilderness characteristics should be excluded;

5518 (v) BLM should consider the responses of the Department of the Interior under cover  
5519 of the letter dated May 20, 2009, clearly stating that BLM does not have the authority to apply  
5520 the nonimpairment management standard to the subject lands, or to manage the subject lands in  
5521 any manner to preserve their suitability for designation as wilderness, when considering the  
5522 proper management principles for areas that meet the full definition of lands with wilderness  
5523 characteristics; and

5524 (vi) even if the BLM were to properly inventory an area for the presence of wilderness  
5525 characteristics, the BLM still lacks authority to make or alter project level decisions to  
5526 automatically avoid impairment of any wilderness characteristics without express  
5527 congressional authority to do so;

5528 (d) achieve and maintain at the highest reasonably sustainable levels a continuing yield  
5529 of energy, hard rock, and nuclear resources in those subject lands with economically  
5530 recoverable amounts of such resources as follows:

5531 (i) the development of the solid, fluid, and gaseous mineral resources in portions of the  
5532 subject lands is an important part of the state's economy and the economies of the respective  
5533 counties, and should be recognized that it is technically feasible to access mineral and energy  
5534 resources in portions of the subject lands while preserving or, as necessary, restoring  
5535 nonmineral and nonenergy resources;

5536 (ii) all available, recoverable solid, fluid, gaseous, and nuclear mineral resources in the  
5537 subject lands should be seriously considered for contribution or potential contribution to the  
5538 state's economy and the economies of the respective counties;

5539 (iii) those portions of the subject lands shown to have reasonable mineral, energy, and  
5540 nuclear potential should be open to leasing, drilling, and other access with reasonable  
5541 stipulations and conditions, including mitigation, reclamation, and bonding measures where  
5542 necessary, that will protect the lands against unnecessary and undue damage to other significant  
5543 resource values;

- 5544 (iv) federal oil and gas existing lease conditions and restrictions should not be  
5545 modified, waived, or removed unless the lease conditions or restrictions are no longer  
5546 necessary or effective;
- 5547 (v) any prior existing lease restrictions in the subject lands that are no longer necessary  
5548 or effective should be modified, waived, or removed;
- 5549 (vi) restrictions against surface occupancy should be eliminated, modified, or waived,  
5550 where reasonable;
- 5551 (vii) in the case of surface occupancy restrictions that cannot be reasonably eliminated,  
5552 modified, or waived, directional drilling should be considered where the mineral and energy  
5553 resources beneath the area can be reached employing available directional drilling technology;
- 5554 (viii) applications for permission to drill in the subject lands that meet standard  
5555 qualifications, including reasonable and effective mitigation and reclamation requirements,  
5556 should be expeditiously processed and granted; and
- 5557 (ix) any moratorium that may exist against the issuance of qualified mining patents and  
5558 oil and gas leases in the subject lands, and any barriers that may exist against developing  
5559 unpatented mining claims and filing for new claims, should be carefully evaluated for removal;
- 5560 (e) achieve and maintain livestock grazing in the subject lands at the highest reasonably  
5561 sustainable levels by adhering to the policies, goals, and management practices set forth in  
5562 Subsection [~~63J-4-401(6)(m)~~] [63L-11-302\(13\)](#);
- 5563 (f) manage the watershed in the subject lands to achieve and maintain water resources  
5564 at the highest reasonably sustainable levels as follows:
- 5565 (i) adhere to the policies, goals, and management practices set forth in Subsection  
5566 [~~63J-4-401(6)(m)~~] [63L-11-302\(13\)](#);
- 5567 (ii) deter unauthorized cross-country OHV use in the subject lands by establishing a  
5568 reasonable system of roads and trails in the subject lands for the use of an OHV, as closing the  
5569 subject lands to all OHV use will only spur increased and unauthorized use; and
- 5570 (iii) keep open any road or trail in the subject lands that historically has been open to  
5571 OHV use, as identified on respective county road maps;
- 5572 (g) achieve and maintain traditional access to outdoor recreational opportunities  
5573 available in the subject lands as follows:
- 5574 (i) hunting, trapping, fishing, hiking, family and group parties, family and group

5575 campouts and campfires, rock hounding, OHV travel, geological exploring, pioneering,  
5576 recreational vehicle parking, or just touring in personal vehicles are activities that are important  
5577 to the traditions, customs, and character of the state and individual counties where the subject  
5578 lands are located and should continue;

5579 (ii) wildlife hunting, trapping, and fishing should continue at levels determined by the  
5580 Wildlife Board and the Division of Wildlife Resources and traditional levels of group camping,  
5581 group day use, and other traditional forms of outdoor recreation, both motorized and  
5582 nonmotorized, should continue; and

5583 (iii) the broad spectrum of outdoor recreational activities available on the subject lands  
5584 should be available to citizens for whom a primitive, nonmotorized, outdoor experience is not  
5585 preferred, affordable, or physically achievable;

5586 (h) (i) keep open to motorized travel, any road in the subject lands that is part of the  
5587 respective counties' duly adopted transportation plan;

5588 (ii) provide that R.S. 2477 rights-of-way should be recognized by the BLM;

5589 (iii) provide that a county road may be temporarily closed or permanently abandoned  
5590 only by statutorily authorized action of the county or state;

5591 (iv) provide that the BLM and the Forest Service must recognize and not unduly  
5592 interfere with a county's ability to maintain and repair roads and, where reasonably necessary,  
5593 make improvements to the roads; and

5594 (v) recognize that additional roads and trails may be needed in the subject lands from  
5595 time to time to facilitate reasonable access to a broad range of resources and opportunities  
5596 throughout the subject lands, including livestock operations and improvements, solid, fluid,  
5597 and gaseous mineral operations, recreational opportunities and operations, search and rescue  
5598 needs, other public safety needs, access to public lands for people with disabilities and the  
5599 elderly, and access to Utah school and institutional trust lands for the accomplishment of the  
5600 purposes of those lands;

5601 (i) manage the subject lands so as to protect prehistoric rock art, three dimensional  
5602 structures, and other artifacts and sites recognized as culturally important and significant by the  
5603 state historic preservation officer or each respective county by imposing reasonable and  
5604 effective stipulations and conditions reached by agreement between the federal agency and the  
5605 state authorized officer pursuant to the authority granted by the National Historic Preservation

5606 Act, 16 U.S.C. Sec. 470 et seq.;

5607 (j) manage the subject lands so as to not interfere with the property rights of private  
5608 landowners as follows:

5609 (i) the state recognizes that there are parcels of private fee land throughout the subject  
5610 lands;

5611 (ii) land management policies and standards in the subject lands should not interfere  
5612 with the property rights of any private landowner to enjoy and engage in uses and activities on  
5613 an individual's private property consistent with controlling county zoning and land use laws;  
5614 and

5615 (iii) a private landowner or a guest or client of a private landowner should not be  
5616 denied the right of motorized access to the private landowner's property consistent with past  
5617 uses of the private property;

5618 (k) manage the subject lands in a manner that supports the fiduciary agreement made  
5619 between the state and the federal government concerning the school and institutional trust  
5620 lands, as managed according to state law, by:

5621 (i) formally recognizing, by duly authorized federal proclamation, the duty of the  
5622 federal government to support the purposes of the school and institutional trust lands owned by  
5623 the state and administered by SITLA in trust for the benefit of public schools and other  
5624 institutions as mandated in the Utah Constitution and the Utah Enabling Act of 1894, 28 Stat.  
5625 107;

5626 (ii) actively seeking to support SITLA's fiduciary responsibility to manage the school  
5627 trust lands to optimize revenue by making the school trust lands available for sale and private  
5628 development and for other multiple and consumptive use activities such as mineral  
5629 development, grazing, recreation, timber, and agriculture;

5630 (iii) not interfering with SITLA's ability to carry out its fiduciary responsibilities by the  
5631 creation of geographical areas burdened with management restrictions that prohibit or  
5632 discourage the optimization of revenue, without just compensation;

5633 (iv) recognizing SITLA's right of economic access to the school trust lands to enable  
5634 SITLA to put those sections to use in its fiduciary responsibilities;

5635 (v) recognizing any management plan enacted by SITLA pursuant to Section  
5636 [53C-2-201](#); and

5637 (vi) acting responsibly as the owner of land parcels with potential for exchange for  
5638 state land parcels by:

5639 (A) moving forward with the process for identifying federal land parcels suitable and  
5640 desirable for exchange for state land parcels;

5641 (B) removing barriers to the exchange of federal land parcels for state land parcels;

5642 (C) expediting the procedures and processes necessary to execute the exchange of  
5643 federal land parcels for state land parcels; and

5644 (D) lobbying and supporting in good faith any congressional legislation to enact and  
5645 finalize the exchange of federal land parcels for state land parcels;

5646 (l) oppose the designation of BLM lands as areas of critical environmental concern  
5647 (ACEC), as the BLM lands are generally not compatible with the state's plan and policy for  
5648 managing the subject lands, but special cases may exist where such a designation is appropriate  
5649 if compliance with FLPMA, 43 U.S.C. Sec. 1702(a) is clearly demonstrated and where the  
5650 proposed designation and protection:

5651 (i) is limited to the geographic size to the minimum necessary to meet the standards  
5652 required by [~~Section 63J-4-401~~] Sections 63L-11-302 and 63L-11-303;

5653 (ii) is necessary to protect not just a temporary change in ground conditions or visual  
5654 resources that can be reclaimed or reversed naturally, but is clearly shown as necessary to  
5655 protect against visible damage on the ground that will persist on a time scale beyond that which  
5656 would effectively disqualify the land for a later inventory of wilderness characteristics;

5657 (iii) will not be applied in a geographic area already protected by other protective  
5658 designations available pursuant to law; and

5659 (iv) is not a substitute for the nonimpairment management requirements of wilderness  
5660 study areas; and

5661 (m) recognize that a BLM visual resource management class I or II rating is generally  
5662 not compatible with the state's plan and policy for managing the subject lands, but special cases  
5663 may exist where such a rating is appropriate if jointly considered and created by state, local,  
5664 and federal authorities as part of an economic development plan for a region of the state, with  
5665 due regard for school trust lands and private lands within the area.

5666 (2) All BLM and Forest Service decision documents should be accompanied with an  
5667 analysis of the social and economic impact of the decision. Such analysis should:

5668 (a) consider all facets of the decision in light of valuation techniques for the potential  
5669 costs and benefits of the decision;

5670 (b) clarify whether the costs and benefits employ monetized or nonmonetized  
5671 techniques;

5672 (c) compare the accuracy, completeness, and viability of monetized and nonmonetized  
5673 valuation techniques used as part of the analysis, including all caveats on use of the techniques;  
5674 and

5675 (d) compare the valuation techniques employed in the analysis to the federal standards  
5676 for valuation employed by the U.S. Department of Justice in court actions.

5677 Section 76. Section **63J-8-105.2** is amended to read:

5678 **63J-8-105.2. San Juan County Energy Zone established -- Finding --**  
5679 **Management and land use priorities.**

5680 (1) There is established the San Juan County Energy Zone in San Juan County for the  
5681 purpose of maximizing efficient and responsible development of energy and mineral resources.

5682 (2) The land area and boundaries of the San Juan County Energy Zone are described in  
5683 Subsection [63J-8-102\(18\)](#) and illustrated on the map described in Section [63J-8-105](#).

5684 (3) The state finds that:

5685 (a) the lands comprising the San Juan County Energy Zone contain abundant  
5686 world-class deposits of energy and mineral resources, including oil, natural gas, potash,  
5687 uranium, vanadium, limestone, copper, sand, gravel, wind, and solar; and

5688 (b) the highest management priority is the responsible management, development, and  
5689 extraction of existing energy and mineral resources in order to provide long-term domestic  
5690 energy and supplies for the state and the United States.

5691 (4) The state supports:

5692 (a) efficient and responsible full development of all existing energy and mineral  
5693 resources located within the San Juan County Energy Zone, including oil, natural gas, potash,  
5694 uranium, vanadium, limestone, copper, sand, gravel, wind, and solar; and

5695 (b) a cooperative management approach by federal agencies, the state, and local  
5696 governments to achieve broadly supported management plans for the full development of all  
5697 energy and mineral resources within the San Juan County Energy Zone.

5698 (5) The state requests that the federal agencies that administer lands within the San



5699 Juan County Energy Zone:

5700 (a) fully cooperate and coordinate with the state and with San Juan County to develop,  
5701 amend, and implement land and resource management plans and to implement management  
5702 decisions that are consistent with the purposes, goals, and policies described in this section to  
5703 the maximum extent allowed under federal law;

5704 (b) expedite the processing, granting, and streamlining of mineral and energy leases  
5705 and applications to drill, extract, and otherwise develop all existing energy and mineral  
5706 resources located within the San Juan County Energy Zone, including oil, natural gas, potash,  
5707 uranium, vanadium, copper, sand, gravel, wind, and solar resources;

5708 (c) allow continued maintenance and increased development of roads, power lines,  
5709 pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies  
5710 described in this section;

5711 (d) refrain from any planning decisions and management actions that will undermine,  
5712 restrict, or diminish the goals, purposes, and policies for the San Juan County Energy Zone as  
5713 stated in this section; and

5714 (e) refrain from implementing a policy that is contrary to the goals and purposes within  
5715 this section.

5716 (6) The state calls upon Congress to establish an intergovernmental standing  
5717 commission, with membership consisting of representatives from the United States  
5718 government, the state, and local governments, to guide and control planning and management  
5719 actions in the San Juan County Energy Zone in order to achieve and maintain the goals,  
5720 purposes, and policies described in this section.

5721 (7) Notwithstanding the provisions of this section, the state's grazing and livestock  
5722 policies and plans on land within the San Juan County Energy Zone shall continue to be  
5723 governed by Sections [~~63J-4-401~~ [63L-11-302](#), [63L-11-303](#), and [63J-8-104](#).

5724 Section 77. Section **63J-8-105.5** is amended to read:

5725 **63J-8-105.5. Uintah Basin Energy Zone established -- Findings -- Management**  
5726 **and land use priorities.**

5727 (1) There is established the Uintah Basin Energy Zone in Daggett, Uintah, and  
5728 Duchesne Counties for the purpose of maximizing efficient and responsible development of  
5729 energy and mineral resources.

5730 (2) The land area and boundaries of the Uintah Basin Energy Zone are described in  
5731 Subsection 63J-8-102(22) and illustrated on the map described in Section 63J-8-105.

5732 (3) The state finds that:

5733 (a) the lands comprising the Uintah Basin Energy Zone contain abundant, world-class  
5734 deposits of energy and mineral resources, including oil, natural gas, oil shale, oil sands,  
5735 gilsonite, coal, phosphate, gold, uranium, and copper, as well as areas with high wind and solar  
5736 energy potential; and

5737 (b) the highest management priority for all lands within the Uintah Basin Energy Zone  
5738 is responsible management and development of existing energy and mineral resources in order  
5739 to provide long-term domestic energy and supplies for Utah and the United States.

5740 (4) The state supports:

5741 (a) efficient and responsible full development of all existing energy and mineral  
5742 resources located within the Uintah Basin Energy Zone, including oil, oil shale, natural gas, oil  
5743 sands, gilsonite, phosphate, gold, uranium, copper, solar, and wind resources; and

5744 (b) a cooperative management approach among federal agencies, state, and local  
5745 governments to achieve broadly supported management plans for the full development of all  
5746 energy and mineral resources within the Uintah Basin Energy Zone.

5747 (5) The state calls upon the federal agencies who administer lands within the Uintah  
5748 Basin Energy Zone to:

5749 (a) fully cooperate and coordinate with the state and with Daggett, Uintah, and  
5750 Duchesne Counties to develop, amend, and implement land and resource management plans  
5751 and to implement management decisions that are consistent with the purposes, goals, and  
5752 policies described in this section to the maximum extent allowed under federal law;

5753 (b) expedite the processing, granting, and streamlining of mineral and energy leases  
5754 and applications to drill, extract, and otherwise develop all existing energy and mineral  
5755 resources located within the Uintah Basin Energy Zone, including oil, natural gas, oil shale, oil  
5756 sands, gilsonite, phosphate, gold, uranium, copper, solar, and wind resources;

5757 (c) allow continued maintenance and increased development of roads, power lines,  
5758 pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies  
5759 described in this section;

5760 (d) refrain from any planning decisions and management actions that will undermine,

5761 restrict, or diminish the goals, purposes, and policies for the Uintah Basin Energy Zone as  
5762 stated in this section; and

5763 (e) refrain from implementing a policy that is contrary to the goals and purposes  
5764 described within this section.

5765 (6) The state calls upon Congress to establish an intergovernmental standing  
5766 commission among federal, state, and local governments to guide and control planning  
5767 decisions and management actions in the Uintah Basin Energy Zone in order to achieve and  
5768 maintain the goals, purposes, and policies described in this section.

5769 (7) Notwithstanding the provisions of this section, the state's grazing and livestock  
5770 policies and plans on land within the Uintah Basin Energy Zone shall continue to be governed  
5771 by Sections [~~63J-4-401~~] [63L-11-302](#), [63L-11-303](#), and [63J-8-104](#).

5772 Section 78. Section **63J-8-105.7** is amended to read:

5773 **63J-8-105.7. Green River Energy Zone established -- Findings -- Management**  
5774 **and land use priorities.**

5775 (1) There is established the Green River Energy Zone in Carbon and Emery Counties  
5776 for the purpose of maximizing efficient and responsible development of energy and mineral  
5777 resources.

5778 (2) The land area and boundaries of the Green River Energy Zone are described in  
5779 Subsection [63J-8-102\(8\)](#) and illustrated on the maps described in Section [63J-8-105](#).

5780 (3) The state finds that:

5781 (a) the lands comprising the Green River Energy Zone contain abundant world-class  
5782 deposits of energy and mineral resources, including oil, natural gas, oil shale, oil sands,  
5783 gilsonite, coal, phosphate, gold, uranium, and copper, as well as areas with high wind and solar  
5784 energy potential;

5785 (b) for lands within the Carbon County portion of the Green River Energy Zone, the  
5786 highest management priority is the responsible management, development, and extraction of  
5787 existing energy and mineral resources in order to provide long-term domestic energy and  
5788 supplies for Utah and the United States; and

5789 (c) for lands within the Emery County portion of the Green River Energy Zone:

5790 (i) the responsible management and development of existing energy and mineral  
5791 resources in order to provide long-term domestic energy and supplies for Utah and the United

5792 States is a high management priority; and  
5793 (ii) the management priority described in Subsection (3)(c)(i) should be balanced with  
5794 the following high management priorities:  
5795 (A) watershed health;  
5796 (B) water storage and water delivery systems;  
5797 (C) Emery County Heritage Sites;  
5798 (D) facilities and resources associated with the domestic livestock industry;  
5799 (E) wildlife and wildlife habitat; and  
5800 (F) recreation opportunities.  
5801 (4) The state supports:  
5802 (a) efficient and responsible full development of all existing energy and mineral  
5803 resources located within the Green River Energy Zone, including oil, oil shale, natural gas, oil  
5804 sands, gilsonite, coal, phosphate, gold, uranium, copper, solar, and wind resources; and  
5805 (b) a cooperative management approach by federal agencies, the state of Utah, and  
5806 local governments to achieve broadly supported management plans for the full development of  
5807 all energy and mineral resources within the Green River Energy Zone.  
5808 (5) The state requests that the federal agencies that administer lands within the Green  
5809 River Energy Zone:  
5810 (a) fully cooperate and coordinate with the state of Utah and with Carbon and Emery  
5811 Counties to develop, amend, and implement land and resource management plans and to  
5812 implement management decisions that are consistent with the purposes, goals, and policies  
5813 described in this section to the maximum extent allowed under federal law;  
5814 (b) expedite the processing, granting, and streamlining of mineral and energy leases  
5815 and applications to drill, extract, and otherwise develop all existing energy and mineral  
5816 resources located within the Green River Energy Zone, including oil, natural gas, oil shale, oil  
5817 sands, gilsonite, coal, phosphate, gold, uranium, copper, solar, and wind resources;  
5818 (c) allow continued maintenance and increased development of roads, power lines,  
5819 pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies  
5820 described in this section;  
5821 (d) refrain from any planning decisions and management actions that will undermine,  
5822 restrict, or diminish the goals, purposes, and policies for the Green River Energy Zone as stated

5823 in this section; and

5824 (e) refrain from implementing a policy that is contrary to the goals and purposes within  
5825 this section.

5826 (6) The state calls upon Congress to establish an intergovernmental standing  
5827 commission, with membership consisting of representatives from the United States  
5828 government, the state of Utah, and local governments to guide and control planning and  
5829 management actions in the Green River Energy Zone in order to achieve and maintain the  
5830 goals, purposes, and policies described in this section.

5831 (7) Notwithstanding the provisions of this section, the state's grazing and livestock  
5832 policies and plans on land within the Green River Energy Zone shall continue to be governed  
5833 by Sections [~~63J-4-401~~] [63L-11-302](#), [63L-11-303](#), and [63J-8-104](#).

5834 Section 79. Section **63J-8-105.8** is amended to read:

5835 **63J-8-105.8. Utah Grazing Agricultural Commodity Zones established --**  
5836 **Findings -- Management and land use priorities.**

5837 (1) There are established Utah Grazing Agricultural Commodity Zones in the counties  
5838 of Beaver, Emery, Garfield, Kane, Piute, Iron, Sanpete, San Juan, Sevier, Washington, and  
5839 Wayne for the purpose of:

5840 (a) preserving and protecting the agricultural livestock industry from ongoing threats;

5841 (b) preserving and protecting the history, culture, custom, and economic value of the  
5842 agricultural livestock industry from ongoing threats; and

5843 (c) maximizing efficient and responsible restoration, reclamation, preservation,  
5844 enhancement, and development of forage and watering resources for grazing and wildlife  
5845 practices and affected natural, historical, and cultural activities.

5846 (2) The titles, land area, and boundaries of the zones are as follows:

5847 (a) "Escalante Region Grazing Zone," consisting of certain BLM, National Park  
5848 Service, and Forest Service lands in the following townships in Garfield and Kane counties, as  
5849 more fully illustrated in the map jointly prepared by the Garfield County and Kane County  
5850 Geographic Information Systems departments entitled "Escalante Region Grazing Zone":

5851 (i) in Garfield County, Township 32S Range 6E, Township 32S Range 7E, Township  
5852 33S Range 4E, Township 33S Range 5E, Township 33S Range 6E, Township 33S Range 7E,  
5853 Township 33S Range 8E, Township 34S Range 2E, Township 34S Range 3E, Township 34S

5854 Range 4E, Township 34S Range 5E, Township 34S Range 6E, Township 34S Range 7E,  
5855 Township 34S Range 8E, Township 35S Range 1E, Township 35S Range 2E, Township 35S  
5856 Range 3E, Township 35S Range 4E, Township 35S Range 5E, Township 35S Range 6E,  
5857 Township 35S Range 7E, Township 35S Range 8E, Township 36S Range 1W, Township 36S  
5858 Range 2W, Township 36S Range 3W, Township 36S Range 1E, Township 36S Range 2E,  
5859 Township 36S Range 3E, Township 36S Range 4E, Township 36S Range 5E, Township 36S  
5860 Range 6E, Township 36S Range 7E, Township 36S Range 8E, Township 36S Range 9E,  
5861 Township 37S Range 1W, Township 37S Range 2W, Township 37S Range 3W, Township 37S  
5862 Range 4W, Township 37S Range 1E, Township 37S Range 2E, Township 37S Range 3E,  
5863 Township 37S Range 4E, Township 37S Range 5E, Township 37S Range 6E, Township 37S  
5864 Range 7E, Township 37S Range 8E, and Township 37S Range 9E; and  
5865 (ii) in Kane County, Township 38S Range 1W, Township 38S Range 2W, Township  
5866 38S Range 3W, Township 38S Range 4W, Township 38S Range 1E, Township 38S Range 2E,  
5867 Township 38S Range 3E, Township 38S Range 4E, Township 38S Range 5E, Township 38S  
5868 Range 6E, Township 38S Range 7E, Township 38S Range 8E, Township 38S Range 9E,  
5869 Township 39S Range 1W, Township 39S Range 2W, Township 39S Range 3W, Township 39S  
5870 Range 4W, Township 39S Range 4.5W, Township 39S Range 1E, Township 39S Range 2E,  
5871 Township 39S Range 3E, Township 39S Range 4E, Township 39S Range 5E, Township 39S  
5872 Range 6E, Township 39S Range 7E, Township 39S Range 8E, Township 39S Range 9E,  
5873 Township 40S Range 1W, Township 40S Range 2W, Township 40S Range 3W, Township 40S  
5874 Range 4W, Township 40S Range 4.5W, Township 40S Range 5W, Township 40S Range 1E,  
5875 Township 40S Range 2E, Township 40S Range 3E, Township 40S Range 4E, Township 40S  
5876 Range 5E, Township 40S Range 6E, Township 40S Range 7E, Township 40S Range 8E,  
5877 Township 40S Range 9E, Township 40.5S Range 9E, Township 41S Range 1W, Township  
5878 41S Range 2W, Township 41S Range 3W, Township 41S Range 4W, Township 41S Range  
5879 4.5W, Township 41S Range 5W, Township 41S Range 1E, Township 41S Range 2E,  
5880 Township 41S Range 3E, Township 41S Range 4E, Township 41S Range 5E, Township 41S  
5881 Range 6E, Township 41S Range 7E, Township 41S Range 8E, Township 41S Range 9E,  
5882 Township 42S Range 1W, Township 42S Range 2W, Township 42S Range 3W, Township 42S  
5883 Range 4W, Township 42S Range 4.5W, Township 42S Range 5W, Township 42S Range 1E,  
5884 Township 42S Range 2E, Township 42S Range 3E, Township 42S Range 4E, Township 42S

5885 Range 5E, Township 42S Range 6E, Township 42S Range 7E, Township 42S Range 8E,  
5886 Township 42S Range 9E, Township 42.5S Range 6.5E, Township 42.5S Range 7E, Township  
5887 43S Range 1W, Township 43S Range 2W, Township 43S Range 3W, Township 43S Range  
5888 4W, Township 43S Range 4.5W, Township 43S Range 5W, Township 43S Range 1E,  
5889 Township 43S Range 2E, Township 43S Range 3E, Township 43S Range 4E, Township 43S  
5890 Range 5E, Township 43S Range 6E, Township 44S Range 1W, Township 44S Range 2W,  
5891 Township 44S Range 3W, Township 44S Range 4W, Township 44S Range 4.5W, Township  
5892 44S Range 5W, Township 44S Range 1E, Township 44S Range 2E, Township 44S Range 3E,  
5893 Township 44S Range 4E, and Township 44S Range 5E;

5894 (b) "Beaver County Southwest Desert Region Grazing Zone," consisting of certain  
5895 BLM lands in the following townships in Beaver County, as more fully illustrated in the map  
5896 prepared by the Beaver County Geographic Information Systems Departments entitled "Beaver  
5897 County Southeast Desert Grazing Zone": Township 26S Range 11W, Township 27S Range  
5898 11W, Township 28S Range 11W, Township 29S Range 11W, Township 30S Range 11W,  
5899 Township 26S Range 12W, Township 27S Range 12W, Township 28S Range 12W, Township  
5900 29S Range 12W, Township 30S Range 12W, Township 26S Range 13W, Township 27S  
5901 Range 13W, Township 28S Range 13W, Township 29S Range 13W, Township 30S Range  
5902 13W, Township 26S Range 14W, Township 27S Range 14W, Township 28S Range 14W,  
5903 Township 29S Range 14W, Township 30S Range 14W, Township 26S Range 15W, Township  
5904 27S Range 15W, Township 28S Range 15W, Township 29S Range 15W, Township 30S  
5905 Range 15W, Township 26S Range 16W, Township 27S Range 16W, Township 28S Range  
5906 16W, Township 29S Range 16W, Township 30S Range 16W, Township 26S Range 17W,  
5907 Township 27S Range 17W, Township 28S Range 17W, Township 29S Range 17W, Township  
5908 30S Range 17W, Township 26S Range 18W, Township 27S Range 18W, Township 28S  
5909 Range 18W, Township 29S Range 18W, Township 30S Range 18W, Township 26S Range  
5910 19W, Township 27S Range 19W, Township 28S Range 19W, Township 29S Range 19W,  
5911 Township 30S Range 19W, Township 26S Range 20W, Township 27S Range 20W, Township  
5912 28S Range 20W, Township 29S Range 20W, and Township 30S Range 20W;

5913 (c) "Beaver County Central Grazing Zone," consisting of certain BLM and Forest  
5914 Service lands in the following townships in Beaver County, as more fully illustrated in the map  
5915 prepared by the Beaver County Geographic Information Systems Department entitled "Beaver

5916 County Central Grazing Zone": Township 26S Range 7W, Township 26S Range 8W,  
5917 Township 26S Range 9W, Township 26S Range 10W, Township 27S Range 7W, Township  
5918 27S Range 8W, Township 27S Range 9W, Township 27S Range 10W, Township 28S Range  
5919 7W, Township 28S Range 8W, Township 28S Range 9W, Township 28S Range 10W,  
5920 Township 29S Range 7W, Township 29S Range 8W, Township 29S Range 9W, Township 29S  
5921 Range 10W, Township 30S Range 7W, Township 30S Range 8W, Township 30S Range 9W,  
5922 and Township 30S Range 10W;

5923 (d) "Tushar Mountain Region Grazing Zone," consisting of certain BLM and Forest  
5924 Service lands in the following townships in Beaver, Garfield, and Piute counties, as more fully  
5925 illustrated in the map jointly prepared by the Beaver, Garfield, and Piute counties GIS  
5926 departments in February 2014, entitled "Tushar Mountain Region Grazing Zone":

5927 (i) in Beaver County, Township 28S Range 4W, Township 29S Range 4W, Township  
5928 27S Range 5W, Township 28S Range 5W, Township 29S Range 5W, Township 30S Range  
5929 5W, Township 26S Range 6W, Township 27S Range 6W, Township 28S Range 6W,  
5930 Township 29S Range 6W, and Township 30S Range 6W;

5931 (ii) in Piute County, Township 26S Range 6W, Township 27S Range 6W, Township  
5932 26S Range 5W, Township 27S Range 5W, Township 28S Range 5W, Township 29S Range  
5933 5W, Township 30S Range 5W, Township 26S Range 4.5W, Township 26S Range 4W,  
5934 Township 27S Range 4W, Township 28S Range 4W, Township 29S Range 4W, and Township  
5935 30S Range 4W; and

5936 (iii) in Garfield County, Township 31S Range 5W;

5937 (e) "Last Chance Region Grazing Zone," consisting of certain BLM and Forest Service  
5938 lands in the following townships in Sevier County, as more fully illustrated in the map  
5939 prepared by the Sevier County GIS department in February 2014, entitled "Last Chance Region  
5940 Grazing Zone": Township 23S Range 5E, Township 24S Range 4E, Township 24S Range 5E,  
5941 Township 25S Range 5E, and Township 26S Range 5E;

5942 (f) "Muddy Creek Region Grazing Zone," consisting of certain BLM lands in the  
5943 following townships in Emery County, as more fully illustrated in the map prepared by the  
5944 Emery County GIS department in February 2014, entitled "Muddy Creek Region Grazing  
5945 Zone": Township 22S Range 7E, Township 23S Range 7E, Township 24S Range 7E,  
5946 Township 25S Range 7E, Township 22S Range 8E, Township 23S Range 8E, Township 24S



5947 Range 8E, Township 25S Range 8E, Township 23S Range 9E, and Township 24S Range 9E;

5948 (g) "McKay Flat Region Grazing Zone," consisting of certain BLM lands in the  
5949 following townships in Emery County, as more fully illustrated in the map prepared by the  
5950 Emery County GIS department in February 2014, entitled "McKay Flat Region Grazing Zone":  
5951 Township 25S Range 9E, Township 26S Range 9E, Township 23S Range 10E, Township 24S  
5952 Range 10E, Township 25S Range 10E, Township 24S Range 11E, and Township 25S Range  
5953 11E;

5954 (h) "Sinbad Region Grazing Zone," consisting of certain BLM lands in the following  
5955 townships in Emery County, as more fully illustrated in the map prepared by the Emery County  
5956 GIS department in February 2014, entitled "Sinbad Region Grazing Zone": Township 20S  
5957 Range 11E, Township 21S Range 11E, Township 21S Range 12E, Township 22S Range 12E,  
5958 Township 23S Range 12E, Township 21S Range 13E, Township 22S Range 13E, and  
5959 Township 23S Range 13E;

5960 (i) "Robbers Roost Region Grazing Zone," consisting of certain BLM lands in the  
5961 following townships in Emery County, as more fully illustrated in the map prepared by the  
5962 Emery County GIS department in February 2014, entitled "Robbers Roost Region Grazing  
5963 Zone": Township 25S Range 13E, Township 26S Range 13E, Township 25S Range 14E,  
5964 Township 26S Range 14E, Township 25S Range 15E, and Township 26S Range 15E;

5965 (j) "Western Iron County Region Grazing Zone," consisting of certain BLM and Forest  
5966 Service lands in the following townships in Iron County, as more fully illustrated in the map  
5967 prepared by the Iron County GIS department in February 2014, entitled "Western Iron County  
5968 Region Grazing Zone": Township 31S Range 7W, Township 31S Range 8W, Township 31S  
5969 Range 9W, Township 31S Range 10W, Township 31S Range 11W, Township 31S Range  
5970 12W, Township 31S Range 13W, Township 31S Range 14W, Township 31S Range 15W,  
5971 Township 31S Range 16W, Township 31S Range 17W, Township 31S Range 18W, Township  
5972 31S Range 19W, Township 31S Range 20W, Township 32S Range 8W, Township 32S Range  
5973 9W, Township 32S Range 10W, Township 32S Range 11W, Township 32S Range 12W,  
5974 Township 32S Range 13W, Township 32S Range 14W, Township 32S Range 15W, Township  
5975 32S Range 16W, Township 32S Range 17W, Township 32S Range 18W, Township 32S  
5976 Range 19W, Township 32S Range 20W, Township 33S Range 8W, Township 33S Range 9W,  
5977 Township 33S Range 10W, Township 33S Range 11W, Township 33S Range 12W, Township

5978 33S Range 13W, Township 33S Range 14W, Township 33S Range 15W, Township 33S  
5979 Range 16W, Township 33S Range 17W, Township 33S Range 18W, Township 33S Range  
5980 19W, Township 33S Range 20W, Township 34S Range 9W, Township 34S Range 10W,  
5981 Township 34S Range 11W, Township 34S Range 12W, Township 34S Range 13W, Township  
5982 34S Range 14W, Township 34S Range 15W, Township 34S Range 17W, Township 34S  
5983 Range 18W, Township 34S Range 19W, Township 34S Range 20W, Township 35S Range  
5984 10W, Township 35S Range 12W, Township 35S Range 13W, Township 35S Range 14W,  
5985 Township 35S Range 15W, Township 35S Range 17W, Township 35S Range 18W, Township  
5986 35S Range 19W, Township 35S Range 20W, Township 36S Range 11W, Township 36S  
5987 Range 12W, Township 36S Range 13W, Township 36S Range 14W, Township 36S Range  
5988 15W, Township 36S Range 17W, Township 36S Range 18W, Township 36S Range 19W,  
5989 Township 36S Range 20W, Township 37S Range 12W, Township 37S Range 13W, Township  
5990 37S Range 14W, and Township 38S Range 12W;

5991 (k) "Eastern Iron County Region Grazing Zone," consisting of certain BLM and Forest  
5992 Service lands in the following townships in Iron County, as more fully illustrated in the map  
5993 prepared by the Iron County GIS department in February 2014, entitled "Eastern Iron County  
5994 Region Grazing Zone": Township 31S Range 6W, Township 31S Range 7W, Township 32S  
5995 Range 6W, Township 32S Range 7W, Township 33S Range 6W, Township 33S Range 7W,  
5996 Township 33S Range 8W, Township 34S Range 7W, Township 34S Range 8W, Township 34S  
5997 Range 9W, Township 35S Range 8W, Township 35S Range 9W, Township 35S Range 10W,  
5998 Township 36S Range 8W, Township 36S Range 9W, Township 36S Range 10W, Township  
5999 36S Range 11W, Township 37S Range 8W, Township 37S Range 9W, Township 37S Range  
6000 11W, Township 37S Range 12W, Township 38S Range 11W, Township 38S Range 12W,  
6001 Township 38S Range 10W, Township 38S Range 11W, and Township 38S Range 12W,  
6002 excluding Zion National Park;

6003 (l) "Panguitch Lake Region Grazing Zone," consisting of certain BLM and Forest  
6004 Service lands in the following townships in Kane and Garfield counties, as more fully  
6005 illustrated in the map prepared by the Kane County GIS department in February 2014, entitled  
6006 "Panguitch Lake Region Grazing Zone," and the map prepared by the Garfield County GIS  
6007 department in February 2017 entitled "Panguitch Lake Region Grazing Zone":

6008 (i) in Kane County, Township 38S Range 9W, Township 38S Range 8W, Township

6009 38S Range 7W, Township 38S Range 6W, Township 39S Range 8W, and Township 39S  
6010 Range 7W; and

6011 (ii) in Garfield County, Township 35S Range 7W, Township 36S Range 7W,  
6012 Township 37S Range 7W, Township 34S Range 6W, Township 35S Range 6W, Township 36S  
6013 Range 6W, and Township 37S Range 6W;

6014 (m) "East Fork Region Grazing Zone," consisting of certain BLM and Forest Service  
6015 lands in the following townships in Kane and Garfield counties, as more fully illustrated in the  
6016 map jointly prepared by the Kane and Garfield counties GIS departments in February 2017,  
6017 entitled "East Fork Region Grazing Zone":

6018 (i) in Kane County, Township 38S Range 5W, Township 38S Range 4.5W, Township  
6019 39S Range 5W, and Township 39S Range 4.5W; and

6020 (ii) in Garfield County, Township 36S Range 5W, Township 37S Range 5W,  
6021 Township 32S Range 4.5W, Township 33S Range 4.5W, Township 34S Range 4.5W,  
6022 Township 35S Range 4.5W, Township 36S Range 4.5W, Township 37S Range 4.5W,  
6023 Township 31S Range 4W, Township 32S Range 4W, Township 33S Range 4W, Township 34S  
6024 Range 4W, Township 35S Range 4W, Township 36S Range 4W, Township 37S Range 4W,  
6025 Township 31S Range 3W, Township 32S Range 3W, Township 33S Range 3W, Township 34S  
6026 Range 3W, Township 35S Range 3W, Township 36S Range 3W, Township 37S Range 3W,  
6027 Township 31S Range 2.5W, Township 32S Range 2W, Township 33S Range 2W, Township  
6028 34S Range 2W, and Township 35S Range 2W;

6029 (n) "Sevier River Region Grazing Zone," consisting of certain BLM and Forest Service  
6030 lands in the following townships in Piute County, as more fully illustrated in the map prepared  
6031 by the Piute GIS department in February 2014, entitled "Sevier River Region Grazing Zone":  
6032 Township 27S Range 3W, Township 28S Range 3W, and Township 29S Range 3W;

6033 (o) "Kingston Canyon Region Grazing Zone," consisting of certain BLM and Forest  
6034 Service lands in the following townships in Piute and Garfield counties, as more fully  
6035 illustrated in the map jointly prepared by the Piute and Garfield counties GIS departments in  
6036 February 2017, entitled "Kingston Canyon Region Grazing Zone":

6037 (i) in Piute County, Township 30S Range 3W, Township 30S Range 2.5W, and  
6038 Township 30S Range 2W; and

6039 (ii) in Garfield County, Township 31S Range 2W, Township 32S Range 2W,

6040 Township 31S Range 1W, and Township 32S Range 1W;

6041 (p) "Monroe Mountain Region Grazing Zone," consisting of certain BLM and Forest  
6042 Service lands in the following townships in Piute County, as more fully illustrated in the map  
6043 prepared by the Piute County GIS department in February 2014, entitled "Monroe Mountain  
6044 Region Grazing Zone": Township 26S Range 3W, Township 27S Range 2.5W, Township 28S  
6045 Range 2.5W, Township 29S Range 2.5W, Township 26S Range 2W, Township 27S Range  
6046 2W, Township 28S Range 2W, Township 29S Range 2W, Township 26S Range 1W, and  
6047 Township 27S Range 1W;

6048 (q) "Parker Mountain Region Grazing Zone," consisting of certain BLM and Forest  
6049 Service lands in the following townships in Wayne County, as more fully illustrated in the map  
6050 prepared by the Wayne County GIS department in February 2014, entitled "Parker Mountain  
6051 Region Grazing Zone": Township 26S Range 2E, Township 27S Range 2E, Township 28S  
6052 Range 2E, Township 29S Range 2E, and Township 30S Range 2E;

6053 (r) "Boulder Mountain Region Grazing Zone," consisting of certain BLM and Forest  
6054 Service lands in the following townships in Wayne and Garfield counties, as more fully  
6055 illustrated in the map jointly prepared by the Wayne and Garfield counties GIS departments in  
6056 February 2017, entitled "Boulder Mountain Region Grazing Zone":

6057 (i) in Wayne County, Township 30S Range 3E, Township 30S Range 4E, and  
6058 Township 30S Range 5E; and

6059 (ii) in Garfield County, Township 35S Range 3W, Township 36S Range 3W,  
6060 Township 33S Range 2W, Township 34S Range 2W, Township 35S Range 2W, Township 36S  
6061 Range 2W, Township 31S Range 1W, Township 32S Range 1W, Township 33S Range 1W,  
6062 Township 34S Range 1W, Township 35S Range 1W, Township 36S Range 1W, Township 31S  
6063 Range 1E, Township 32S Range 1E, Township 33S Range 1E, Township 34S Range 1E,  
6064 Township 35S Range 1E, Township 36S Range 1E, Township 37S Range 1E, Township 31S  
6065 Range 2E, Township 32S Range 2E, Township 33S Range 2E, Township 34S Range 2E,  
6066 Township 31S Range 3E, Township 32S Range 3E, Township 33S Range 3E, Township 34S  
6067 Range 3E, Township 31S Range 4E, Township 32S Range 4E, Township 33S Range 4E,  
6068 Township 30.5S Range 5E, Township 31S Range 5E, Township 32S Range 5E, Township 33S  
6069 Range 5E, Township 31S Range 6E, and Township 32S Range 6E;

6070 (s) "Thousand Lake Region Grazing Zone," consisting of certain Forest Service lands

6071 in the following townships in Wayne County, as more fully illustrated in the map prepared by  
6072 the Wayne County GIS department in February 2014, entitled "Thousand Lake Region Grazing  
6073 Zone": Township 26S Range 4E, Township 27S Range 4E, and Township 28S Range 4E;

6074 (t) "Hartnet-Middle Desert Region Grazing Zone," consisting of certain BLM lands in  
6075 the following townships in Wayne County, as more fully illustrated in the map prepared by the  
6076 Wayne County GIS department in February 2014, entitled "Hartnet-Middle Desert Region  
6077 Grazing Zone": Township 28S Range 7E, Township 27S Range 8E, and Township 28S Range  
6078 8E;

6079 (u) "Sandy No. 1 Region Grazing Zone," consisting of certain BLM lands in the  
6080 following townships in Wayne County, as more fully illustrated in the map prepared by the  
6081 Wayne County GIS department in February 2014, entitled "Sandy No. 1 Region Grazing  
6082 Zone": Township 29S Range 8E and Township 30S Range 8E;

6083 (v) "Blue Benches 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 "Blue Benches Region Grazing  
6086 Zone": Township 29S Range 9E, Township 29S Range 10E, and Township 30S Range 10E;

6087 (w) "Wild Horse 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 "Wild Horse Region Grazing Zone":  
6090 Township 27S Range 10E and Township 27S Range 11E;

6091 (x) "Hanksville 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 "Hanksville Region Grazing Zone":  
6094 Township 29S Range 11E, Township 30S Range 11E, Township 28S Range 12E, Township  
6095 29S Range 12E, Township 30S Range 12E, and Township 30S Range 13E;

6096 (y) "Jeffery Wells Region Grazing Zone," consisting of certain BLM lands in the  
6097 following townships in Wayne County, as more fully illustrated in the map prepared by the  
6098 Wayne County GIS department in February 2014, entitled "Jeffery Wells Region Grazing  
6099 Zone": Township 27S Range 14E and Township 27S Range 15E;

6100 (z) "Robbers Roost Region Grazing Zone," consisting of certain BLM lands in the  
6101 following townships in Wayne County, as more fully illustrated in the map prepared by the

6102 Wayne County GIS department in February 2014, entitled "Robbers Roost Region Grazing  
6103 Zone": Township 29S Range 14E;

6104 (aa) "French Springs Region Grazing Zone," consisting of certain BLM lands in the  
6105 following townships in Wayne County, as more fully illustrated in the map prepared by the  
6106 Wayne County GIS department in February 2014, entitled "French Springs Region Grazing  
6107 Zone": Township 30S Range 16E;

6108 (bb) "12 Mile C&H Region Grazing Zone," consisting of certain Forest Service lands  
6109 in the following townships in Sanpete County, as more fully illustrated in the map prepared by  
6110 the Sanpete County GIS department in February 2014, entitled "12 Mile C&H Region Grazing  
6111 Zone": Township 19S Range 3E and Township 20S Range 3E;

6112 (cc) "Horseshoe Region Grazing Zone," consisting of certain Forest Service lands in  
6113 the following townships in Sanpete County, as more fully illustrated in the map prepared by the  
6114 Sanpete County GIS department in February 2014, entitled "Horseshoe Region Grazing Zone":  
6115 Township 14S Range 5E, Township 14S Range 6E, Township 15S Range 5E, and Township  
6116 15S Range 6E;

6117 (dd) "Nokai Dome Region Grazing Zone," consisting of certain BLM and National  
6118 Park Service lands in the following townships in San Juan County, as more fully illustrated in  
6119 the map prepared by the San Juan County GIS department in February 2014, entitled "Nokai  
6120 Dome Region Grazing Zone": Township 38S Range 11E, Township 38S Range 12E, Township  
6121 39S Range 11E, Township 39S Range 12E, Township 39S Range 13E, Township 39S Range  
6122 14E, Township 39S Range 15E, Township 40S Range 10E, Township 40S Range 11E,  
6123 Township 40S Range 12E, Township 40S Range 13E, Township 40S Range 14E, Township  
6124 41S Range 9E, Township 41S Range 10E, Township 41S Range 11E, and Township 41S  
6125 Range 12E;

6126 (ee) "Grand Gulch Region Grazing Zone," consisting of certain BLM and National  
6127 Park Service lands in the following townships in San Juan County, as more fully illustrated in  
6128 the map prepared by the San Juan County GIS department in February 2014, entitled "Grand  
6129 Gulch Region Grazing Zone": Township 37S Range 17E, Township 37S Range 18E, Township  
6130 38S Range 16E, Township 38S Range 17E, Township 38S Range 18E, Township 39S Range  
6131 14E, Township 39S Range 15E, Township 39S Range 16E, Township 39S Range 17E,  
6132 Township 39S Range 18E, Township 40S Range 14E, Township 40S Range 15E, Township

6133 40S Range 16E, Township 40S Range 17E, and Township 40S Range 18E;

6134 (ff) "Cedar Mesa East Region Grazing Zone," consisting of certain BLM and National  
6135 Park Service lands in the following townships in San Juan County, as more fully illustrated in  
6136 the map prepared by the San Juan County GIS department in February 2014, entitled "Cedar  
6137 Mesa East Region Grazing Zone": Township 36S Range 20E, Township 37S Range 18E,  
6138 Township 37S Range 19E, Township 37S Range 20E, Township 37S Range 21E, Township  
6139 38S Range 18E, Township 38S Range 19E, Township 38S Range 20E, Township 38S Range  
6140 21E, Township 39S Range 18E, Township 39S Range 19E, Township 39S Range 20E,  
6141 Township 39S Range 21E, Township 40S Range 18E, Township 40S Range 19E, Township  
6142 40S Range 20E, Township 40S Range 21E, Township 41S Range 18E, Township 41S Range  
6143 19E, Township 41S Range 20E, and Township 41S Range 21E;

6144 (gg) "Mancos Mesa Region Grazing Zone," consisting of certain BLM and National  
6145 Park Service lands in the following townships in San Juan County, as more fully illustrated in  
6146 the map prepared by the San Juan County GIS department in February 2014, entitled "Mancos  
6147 Mesa Region Grazing Zone": Township 35S Range 13E, Township 36S Range 12E, Township  
6148 36S Range 13E, Township 36S Range 14E, Township 37S Range 12E, Township 37S Range  
6149 13E, Township 37S Range 14E, Township 37S Range 15E, Township 38S Range 11E,  
6150 Township 38S Range 12E, Township 38S Range 13E, Township 38S Range 14E, Township  
6151 38S Range 15E, Township 38S Range 18E, Township 39S Range 13E, Township 39S Range  
6152 14E, and Township 39S Range 15E;

6153 (hh) "Red Canyon Region Grazing Zone," consisting of certain BLM and National Park  
6154 Service lands in the following townships in San Juan County, as more fully illustrated in the  
6155 map prepared by the San Juan County GIS department in February 2014, entitled "Red Canyon  
6156 Region Grazing Zone": Township 33S Range 14E, Township 34S Range 13E, Township 34S  
6157 Range 14E, Township 34S Range 15E, Township 35S Range 13E, Township 35S Range 14E,  
6158 Township 35S Range 15E, Township 36S Range 14E, Township 36S Range 15E, Township  
6159 36S Range 16E, Township 36S Range 17E, Township 37S Range 14E, Township 37S Range  
6160 15E, Township 37S Range 16E, Township 37S Range 17E, Township 38S Range 15E, and  
6161 Township 38S Range 16E;

6162 (ii) "White Canyon Region Grazing Zone," consisting of certain BLM and National  
6163 Park Service lands in the following townships in San Juan County, as more fully illustrated in

6164 the map prepared by the San Juan County GIS department in February 2014, entitled "White  
6165 Canyon Region Grazing Zone": Township 33S Range 14E, Township 33S Range 15E,  
6166 Township 33S Range 16E, Township 34S Range 14E, Township 34S Range 15E, Township  
6167 34S Range 16E, Township 34S Range 17E, Township 35S Range 15E, Township 35S Range  
6168 16E, Township 35S Range 17E, Township 35S Range 18E, Township 36S Range 15E,  
6169 Township 36S Range 16E, Township 36S Range 17E, Township 36S Range 18E, Township  
6170 37S Range 17E, and Township 37S Range 18E;

6171 (jj) "Dark Canyon/Hammond Canyon Region Grazing Zone," consisting of certain  
6172 Forest Service lands in the following townships in San Juan County, as more fully illustrated in  
6173 the map prepared by the San Juan County GIS department in February 2014, entitled "Dark  
6174 Canyon/Hammond Canyon Region Grazing Zone": Township 34S Range 17E, Township 34S  
6175 Range 18E, Township 34S Range 19E, Township 34S Range 20E, Township 35S Range 17E,  
6176 Township 35S Range 18E, Township 35S Range 19E, Township 35S Range 20E, Township  
6177 36S Range 18E, Township 36S Range 19E, Township 36S Range 20E, and Township 37S  
6178 Range 19E;

6179 (kk) "Chippean/Indian Creek Region Grazing Zone," consisting of certain Forest  
6180 Service lands in the following townships in San Juan County, as more fully illustrated in the  
6181 map prepared by the San Juan County GIS department in February 2014, entitled  
6182 "Chippean/Indian Creek Region Grazing Zone": Township 32S Range 21E, Township 32S  
6183 Range 22E, Township 33S Range 21E, Township 33S Range 22E, Township 34S Range 20E,  
6184 Township 34S Range 21E, Township 34S Range 22E, Township 35S Range 20E, Township  
6185 35S Range 21E, and Township 35S Range 22E;

6186 (ll) "Henry Mountain Region Grazing Zone," consisting of certain BLM and National  
6187 Park Service lands in the following townships in Garfield County, as more fully illustrated in  
6188 the map prepared by the Garfield County GIS department in February 2017, entitled "Henry  
6189 Mountain Region Grazing Zone": Township 31S Range 7E, Township 32S Range 7E,  
6190 Township 31S Range 8E, Township 32S Range 8E, Township 33S Range 8E, Township 34S  
6191 Range 8E, Township 31S Range 9E, Township 32S Range 9E, Township 33S Range 9E,  
6192 Township 34S Range 9E, Township 35S Range 9E, Township 31S Range 10E, Township 32S  
6193 Range 10E, Township 33S Range 10E, Township 34S Range 10E, Township 35S Range 10E,  
6194 Township 31S Range 11E, Township 32S Range 11E, Township 33S Range 11E, Township



6195 34S Range 11E, Township 31S Range 12E, Township 32S Range 12E, Township 33S Range  
6196 12E, and Township 34S Range 12E;

6197 (mm) "Glen Canyon Region Grazing Zone," consisting of certain BLM and National  
6198 Park Service lands in the following townships in Garfield County, as more fully illustrated in  
6199 the map prepared by the Garfield County GIS department in February 2017, entitled "Glen  
6200 Canyon Region Grazing Zone": Township 36S Range 9E, Township 37S Range 9E, Township  
6201 36S Range 10E, Township 37S Range 10E, Township 35S Range 11E, Township 36S Range  
6202 11E, Township 37S Range 11E, Township 31S Range 12E, Township 32S Range 12E,  
6203 Township 33S Range 12E, Township 34S Range 12E, Township 35S Range 12E, Township  
6204 35.5S Range 12E, Township 36S Range 12E, Township 37S Range 12E, Township 31S Range  
6205 13E, Township 32S Range 13E, Township 33S Range 13E, Township 34S Range 13E,  
6206 Township 35S Range 13E, Township 35.5S Range 13E, Township 36S Range 13E, Township  
6207 31S Range 14E, Township 32S Range 14E, Township 32.5S Range 14E, Township 33S Range  
6208 14E, Township 31S Range 15E, Township 32S Range 15E, Township 32.5S Range 15E,  
6209 Township 33S Range 15E, Township 30.5S Range 16E, Township 31S Range 16E, Township  
6210 32S Range 16E, Township 30.5S Range 17E, Township 31S Range 17E, Township 32S Range  
6211 17E, Township 30.5S Range 18E, and Township 31S Range 18E;

6212 (nn) "Glendale Bench Region Grazing Zone," consisting of certain BLM and Forest  
6213 Service lands in the following townships in Kane County, as more fully illustrated in the map  
6214 prepared by the Kane County GIS department in February 2014, entitled "Glendale Bench  
6215 Region Grazing Zone": Township 39S Range 6W, Township 39S Range 5W, Township 39S  
6216 Range 4.5W, Township 40S Range 7W, Township 40S Range 6W, Township 41S Range 7W,  
6217 and Township 41S Range 6W;

6218 (oo) "John R. Region Grazing Zone," consisting of certain BLM and Forest Service  
6219 lands in the following townships in Kane County, as more fully illustrated in the map prepared  
6220 by the Kane County GIS department in February 2014, entitled "John R. Region Grazing  
6221 Zone": Township 41S Range 7W, Township 41S Range 6W, Township 42S Range 7W,  
6222 Township 42S Range 6W, Township 43S Range 6W, and Township 44S Range 6W;

6223 (pp) "Beaver Dam Scope Region Grazing Zone," consisting of certain BLM lands in  
6224 the following townships in Washington County, as more fully illustrated in the map prepared  
6225 by the Washington County GIS department: Township 42 South Range 17 West, Township 43

6226 South Range 18 West, Township 43 South Range 19 West, Township 43 South Range 20  
6227 West, Township 42 South Range 18 West, Township 42 South Range 19 West, Township 42  
6228 South Range 20 West, Township 41 South Range 17 West, Township 41 South Range 18  
6229 West, Township 41 South Range 19 West, Township 41 South Range 20 West, Township 40  
6230 South Range 18 West, Township 40 South Range 19 West, and Township 40 South Range 20  
6231 West;

6232 (qq) "Square Top Daggett Flat Region Grazing Zone," consisting of certain BLM lands  
6233 in the following townships in Washington County, as more fully illustrated in the map prepared  
6234 by the Washington County GIS department: Township 40 South Range 17 West, Township 40  
6235 South Range 18 West, Township 40 South Range 19 West, Township 40 South Range 20  
6236 West, Township 39 South Range 16 West, Township 39 South Range 17 West, Township 39  
6237 South Range 18 West, Township 39 South Range 19 West, Township 39 South Range 20  
6238 West, Township 38 South Range 18 West, Township 38 South Range 19 West, and Township  
6239 38 South Range 20 West;

6240 (rr) "Enterprise Region Grazing Zone," consisting of certain BLM and Forest Service  
6241 lands in the following townships in Washington County, as more fully illustrated in the map  
6242 prepared by the Washington County GIS department: Township 37 South Range 17 West and  
6243 Township 37 South Range 18 West;

6244 (ss) "Apex Region Grazing Zone," consisting of certain BLM lands in the following  
6245 townships in Washington County, as more fully illustrated in the map prepared by the  
6246 Washington County GIS department: Township 42 South Range 16 West, Township 42 South  
6247 Range 17 West, Township 43 South Range 16 West, and Township 43 South Range 17 West;

6248 (tt) "Veyo/Gunlock Region Grazing Zone," consisting of certain BLM lands in the  
6249 following townships in Washington County, as more fully illustrated in the map prepared by  
6250 the Washington County GIS department: Township 39 South Range 16 West, Township 39  
6251 South Range 17 West, Township 40 South Range 16 West, Township 40 South Range 17  
6252 West, Township 41 South Range 16 West, Township 41 South Range 17 West, and Township  
6253 41 South Range 18 West;

6254 (uu) "Pine Valley Dixie National Forest Grazing Zone," consisting of certain Forest  
6255 Service lands in the following townships in Washington County, as more fully illustrated in the  
6256 map prepared by the Washington County GIS department: Township 37 South Range 15 West,

6257 Township 37 South Range 16 West, Township 37 South Range 17 West, Township 37 South  
6258 Range 18 West, Township 37 South Range 19 West, Township 37 South Range 20 West,  
6259 Township 38 South Range 13 West, Township 38 South Range 14 West, Township 38 South  
6260 Range 15 West, Township 38 South Range 16 West, Township 38 South Range 17 West,  
6261 Township 38 South Range 18 West, Township 38 South Range 19 West, Township 39 South  
6262 Range 13 West, Township 39 South Range 14 West, Township 39 South Range 15 West,  
6263 Township 39 South Range 16 West, Township 39 South Range 17 West, and Township 39  
6264 South Range 18 West;

6265 (vv) "New Harmony Region Grazing Zone," consisting of certain BLM lands in the  
6266 following township in Washington County, as more fully illustrated in the map prepared by the  
6267 Washington County GIS department: Township 38 South Range 13 West;

6268 (ww) "Kanarra Region Grazing Zone," consisting of certain BLM lands in the  
6269 following township in Washington County, as more fully illustrated in the map prepared by the  
6270 Washington County GIS department: Township 38 South Range 11 West;

6271 (xx) "Kolob Region Grazing Zone," consisting of certain BLM lands in the following  
6272 townships in Washington County, as more fully illustrated in the map prepared by the  
6273 Washington County GIS department: Township 38 South Range 10 West and Township 39  
6274 South Range 10 West;

6275 (yy) "La Verkin Creek/Dry Creek Region Grazing Zone," consisting of certain BLM  
6276 lands in the following townships in Washington County, as more fully illustrated in the map  
6277 prepared by the Washington County GIS department: Township 39 South Range 11 West,  
6278 Township 39 South Range 12 West, Township 39 South Range 13 West, Township 40 South  
6279 Range 11 West, Township 40 South Range 12 West, Township 40 South Range 13 West,  
6280 Township 41 South Range 11 West, Township 41 South Range 12 West, and Township 41  
6281 South Range 13 West;

6282 (zz) "Grafton Region Grazing Zone," consisting of certain BLM lands in the following  
6283 townships in Washington County: Township 41 South Range 11 West, Township 41 South  
6284 Range 12 West, Township 41 South Range 13 West, Township 42 South Range 11 West,  
6285 Township 42 South Range 12 West, and Township 42 South Range 13 West;

6286 (aaa) "Hurricane Region Grazing Zone," consisting of certain BLM lands in the  
6287 following townships in Washington County, as more fully illustrated in the map prepared by

6288 the Washington County GIS department: Township 42 South Range 13 West, Township 42  
6289 South Range 14 West, Township 42 South Range 15 West, Township 43 South Range 13  
6290 West, Township 43 South Range 14 West, and Township 43 South Range 15 West;

6291 (bbb) "Little Creek Region Grazing Zone," consisting of certain BLM lands in the  
6292 following townships in Washington County, as more fully illustrated in the map prepared by  
6293 the Washington County GIS department: Township 42 South Range 11 West, Township 42  
6294 South Range 12 West, Township 42 South Range 13 West, Township 43 South Range 11  
6295 West, Township 43 South Range 12 West, and Township 43 South Range 13 West;

6296 (ccc) "Canaan Mountain Grazing Zone," consisting of certain BLM lands in the  
6297 following townships in Washington County, as more fully illustrated in the map prepared by  
6298 the Washington County GIS department: Township 42 South Range 9.5 West, Township 42  
6299 South Range 10 West, Township 42 South Range 11 West, Township 43 South Range 9.5  
6300 West, Township 43 South Range 10 West, and Township 43 South Range 11 West; and

6301 (ddd) "Panguitch Valley Regional Grazing Zone," consisting of certain BLM lands in  
6302 the following townships in Garfield County, as more fully illustrated in the map prepared by  
6303 the Garfield County GIS department in February 2017, entitled "Panguitch Valley Region  
6304 Grazing Zone": Township 34S Range 6W, Township 35S Range 6W, Township 36S Range  
6305 6W, Township 37S Range 6W, Township 32S Range 5.5W, Township 31S Range 5W,  
6306 Township 32S Range 5W, Township 33S Range 5W, Township 34S Range 5W, Township 35S  
6307 Range 5W, Township 36S Range 5W, Township 37S Range 5W, Township 32S Range 4.5W,  
6308 Township 33S Range 4.5W, Township 34S Range 4.5W, Township 35S Range 4.5W,  
6309 Township 36S Range 4.5W, Township 31S Range 4W, and Township 31S Range 3W.

6310 (3) Printed copies of the maps referenced in Subsection (2) shall be available for  
6311 inspection by the public at the offices of the Utah Association of Counties.

6312 (4) The state finds with respect to the grazing zones described in Subsection (2) that:

6313 (a) agricultural livestock industry on the lands comprising these zones has provided a  
6314 significant contribution to the history, customs, culture, economy, welfare, and other values of  
6315 each area for more than 100 years;

6316 (b) the potential for abundant natural and vegetative resources exists within these zones  
6317 if managed properly, that will support and expand continued, responsible agricultural livestock  
6318 activities and wildlife habitat;

6319 (c) agricultural livestock activities in these zones and the associated historic resources,  
6320 human history, shaping of human endeavors, variety of cultural resources, landmarks,  
6321 structures, and other objects of historic or scientific interest are worthy of recognition,  
6322 preservation, and protection;

6323 (d) (i) the highest management priority for lands within these zones is the preservation,  
6324 restoration, and enhancement of watershed and rangeland health to sustain and expand forage  
6325 production for both livestock grazing and wildlife habitat, and the restoration and development  
6326 of historic, existing, and future livestock grazing and wildlife habitat resources in order to  
6327 provide protection for the resources, objects, customs, culture, and values identified above; and

6328 (ii) notwithstanding Subsection (4)(d)(i), if part or all of any zone lies within a sage  
6329 grouse management area, then the management priorities for such part shall be consistent with  
6330 the management priorities set forth in Subsection (4)(d)(i) to the maximum extent consistent  
6331 with the management priorities of the sage grouse management area;

6332 (e) subject to Subsection (4)(d)(ii), responsible development of any deposits of energy  
6333 and mineral resources, including oil, natural gas, oil shale, oil sands, coal, phosphate, gold,  
6334 uranium, and copper, as well as areas with wind and solar energy potential, that may exist in  
6335 these zones is compatible with the management priorities of Subsection (4)(d)(i) in these  
6336 zones; and

6337 (f) subject to Subsection (4)(d)(ii), responsible development of any recreation  
6338 resources, including roads, campgrounds, water resources, trails, OHV use, sightseeing,  
6339 canyoneering, hunting, fishing, trapping, and hiking resources that may exist in these grazing  
6340 zones is compatible with the management priorities of Subsection (4)(d)(i) in these grazing  
6341 zones.

6342 (5) The state finds with respect to the zones described in Subsection (2) that the  
6343 historic levels of livestock grazing activity and other values identified in Subsection (4) in each  
6344 zone have greatly diminished, or are under other serious threat, due to:

6345 (a) unreasonable, arbitrary, and unlawfully restrictive federal management policies,  
6346 including:

6347 (i) de facto managing for wilderness in nonwilderness areas and non-WSAs;

6348 (ii) ignoring the chiefly valuable for grazing designation of the Secretary of the Interior  
6349 applicable to each of these zones; and

- 6350 (iii) the arbitrary administrative reductions in animal unit months of permitted forage;
- 6351 (b) inflexible federal grazing practices that disallow grazing at different times each year
- 6352 proven to be most effective for maintaining and enhancing rangeland conditions;
- 6353 (c) mismanagement of wild horses and burros resulting in competition for forage by
- 6354 excess and mismanaged populations of wild horses and burros in Beaver and Emery counties;
- 6355 (d) improper management of vegetation resulting in the overgrowth of pinion, invasive
- 6356 species, and juniper, and other woody vegetation that:
- 6357 (i) compromise watershed and rangeland health;
- 6358 (ii) crowd out grazing forage;
- 6359 (iii) degrade habitat and limit wildlife populations;
- 6360 (iv) reduce water yield; and
- 6361 (v) heighten the risk of catastrophic wildfire; and
- 6362 (e) other practices that degrade overall rangeland health.
- 6363 (6) To protect and preserve against the threats described in Subsection (5), the state
- 6364 supports the following with respect to the zones described in Subsection (2):
- 6365 (a) efficient and sustained policies, programs, and practices directed at preserving,
- 6366 restoring, and enhancing watershed and rangeland health to maximize:
- 6367 (i) all permitted forage production for livestock grazing and other compatible uses,
- 6368 including flexible grazing on and off dates adaptive to yearly climate and range conditions; and
- 6369 (ii) forage for fish and wildlife;
- 6370 (b) a cooperative management approach by federal agencies, the state, and local
- 6371 government agencies to achieve broadly supported management plans for the full development
- 6372 of:
- 6373 (i) forage resources for grazing livestock and wildlife; and
- 6374 (ii) other uses compatible with livestock grazing and wildlife utilization;
- 6375 (c) effective and responsible management of wild horses and burros to eliminate excess
- 6376 populations; and
- 6377 (d) effective and responsible management of wildlife habitat.
- 6378 (7) The state requests that the federal agencies that administer lands within each
- 6379 grazing zone:
- 6380 (a) fully cooperate and coordinate with the state and the respective counties within

6381 which each grazing zone is situated to develop, amend, and implement land and resource  
6382 management plans, and implement management decisions that are consistent with the  
6383 purposes, goals, and policies described in this section to the maximum extent allowed under  
6384 federal law;

6385 (b) expedite the processing, granting, and streamlining of grazing permits, range  
6386 improvements, and applications to enhance and otherwise develop all existing and permitted  
6387 grazing resources located within each grazing zone, including renewable vegetative resources;

6388 (c) allow continued maintenance and increased development of roads, power lines,  
6389 pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies  
6390 described in this section and consistent with multiple use and sustained yield principles;

6391 (d) refrain from any planning decisions and management actions that will undermine,  
6392 restrict, or diminish the goals, purposes, and policies for each grazing zone as stated in this  
6393 section;

6394 (e) subject to Subsection (4)(d)(ii), refrain from implementing a policy that is contrary  
6395 to the goals and purposes described within this section; and

6396 (f) refrain from implementing utilization standards less than 50%, unless:

6397 (i) implementing a standard of less than 50% utilization on a temporary basis is  
6398 necessary to resolve site-specific concerns; and

6399 (ii) the federal agency consults, coordinates, and cooperates fully with local  
6400 governments.

6401 (8) (a) If a grazing zone described in Subsection (2) is managed or neglected in such a  
6402 way as to increase the risk of catastrophic wildfire, and if the chief executive officer of a  
6403 county or a county sheriff finds that the catastrophic wildfire risk adversely affects the health,  
6404 safety, and welfare of the people of the political subdivision and that increased livestock  
6405 grazing in part or all of the grazing zone would substantially reduce that adverse effect:

6406 (i) Subsections 11-51-103(1)(a) and (b) shall govern and apply to the chief executive  
6407 officer and the county sheriff with respect to making increased livestock grazing available in  
6408 the grazing zone; and

6409 (ii) Subsection 11-51-103(1)(b) shall govern and apply to the attorney general with  
6410 respect to making increased livestock grazing available in the grazing zone.

6411 (b) If a grazing zone described in Subsection (2) is managed or neglected in such a way

6412 as to increase the risk of catastrophic wildfire, and if the chief executive officer of a county or a  
6413 county sheriff finds that the catastrophic wildfire risk constitutes an imminent threat to the  
6414 health, safety, and welfare of the people of the political subdivision and that increased livestock  
6415 grazing in part or all of the grazing zone would substantially reduce that imminent threat:

6416 (i) Subsections [11-51-103](#)(2) and (3) shall govern and apply to the chief executive  
6417 officer and the county sheriff with respect to making increased livestock grazing available in  
6418 the grazing zone; and

6419 (ii) Subsection [11-51-103](#)(3) and Section [11-51-104](#) shall govern and apply to the  
6420 attorney general with respect to making increased livestock grazing available in the grazing  
6421 zone.

6422 (9) (a) The state recognizes the importance of all grazing districts on Utah BLM and  
6423 Forest Service lands but establishes the grazing zones described in Subsection (2) to provide  
6424 special protection and preservation against the identified threats found in Subsection (5) to  
6425 exist in these zones.

6426 (b) It is the intent of the state to designate additional grazing agricultural commodity  
6427 zones in future years, if circumstances warrant special protection and preservation for new  
6428 zones.

6429 (10) The state calls upon applicable federal, state, and local agencies to coordinate with  
6430 each other and establish applicable intergovernmental standing commissions, with membership  
6431 consisting of representatives from the United States government, the state, and local  
6432 governments to coordinate and achieve consistency in planning decisions and management  
6433 actions in zones described in Subsection (2) in order to achieve the goals, purposes, and  
6434 policies described in this section.

6435 (11) Notwithstanding the provisions of this section, and subject to Subsection  
6436 (4)(d)(ii), the state's mineral, oil, gas, and energy policies and plans on land within the zones  
6437 described in Subsection (2) shall be governed by Sections ~~[63J-4-401]~~ [63L-11-302](#),  
6438 [63L-11-303](#), and [63J-8-104](#).

6439 Section 80. Section [63J-8-105.9](#) is amended to read:

6440 **[63J-8-105.9. Utah Timber Agricultural Commodity Zones established -- Findings](#)**  
6441 **-- Management and land use priorities.**

6442 (1) There are established and designated Utah Timber Agricultural Commodity Zones



6443 for the purpose of:

6444 (a) preserving and protecting the agricultural timber, logging, and forest products  
6445 industry within these zones from ongoing threats;

6446 (b) preserving and protecting the significant history, culture, customs, and economic  
6447 value of the agricultural timber, logging, and forest products industry within these zones from  
6448 ongoing threats; and

6449 (c) maximizing efficient and responsible restoration, reclamation, preservation,  
6450 enhancement, and development of timber, logging, and forest products and affected natural,  
6451 historical, and cultural activities within these zones, in order to protect and preserve these  
6452 zones from ongoing threats.

6453 (2) The titles, land area, and boundaries of these zones are described as follows:

6454 (a) "Tushar Mountain Region Timber Zone," consisting of certain Forest Service lands  
6455 in the following townships in Beaver County and Piute County, as more fully illustrated in the  
6456 map jointly prepared by the Beaver and Piute counties GIS departments in February 2014,  
6457 entitled "Tushar Mountain Region Timber Zone":

6458 (i) in Beaver County, Township 28S Range 4W, Township 29S Range 4W, Township  
6459 27S Range 5W, Township 28S Range 5W, Township 29S Range 5W, Township 30S Range  
6460 5W, Township 26S Range 6W, Township 27S Range 6W, Township 28S Range 6W,  
6461 Township 29S Range 6W, and Township 30S Range 6W; and

6462 (ii) in Piute County, Township 26S Range 6W, Township 27S Range 6W, Township  
6463 26S Range 5W, Township 27S Range 5W, Township 28S Range 5W, Township 29S Range  
6464 5W, Township 30S Range 5W, Township 26S Range 4.5W, Township 26S Range 4W,  
6465 Township 28S Range 4W, Township 29S Range 4W, and Township 30S Range 4W;

6466 (b) "Panguitch Lake Region Timber Zone," consisting of certain Forest Service lands  
6467 situated in the following townships in Iron, Kane, and Garfield counties, as more fully  
6468 illustrated in the map jointly prepared by the Iron, Kane, and Garfield counties GIS  
6469 departments in February 2014, entitled "Panguitch Lake Region Timber Zone":

6470 (i) in Iron County, Township 34S Range 7W, Township 35S Range 8W, Township 36S  
6471 Range 8W, Township 36S Range 9W (excluding Cedar Breaks National Monument and  
6472 Ashdown Wilderness Area), Township 37S Range 8W, and Township 37S Range 9W;

6473 (ii) in Kane County, Township 38S Range 9W, Township 38S Range 8W, Township

6474 38S Range 7W, Township 38S Range 6W, Township 39S Range 8W, Township 39S Range  
6475 7W, and Township 39S Range 6W; and

6476 (iii) in Garfield County, Township 35S Range 7W, Township 35S Range 6W,  
6477 Township 36S Range 7W, Township 36S Range 6W, Township 37S Range 7W, and Township  
6478 37S Range 6W;

6479 (c) "Monroe Mountain Region Timber Zone," consisting of certain Forest Service  
6480 lands in the following townships in Piute County, as more fully illustrated in the map prepared  
6481 by the Piute County GIS department in February 2014, entitled "Monroe Mountain Region  
6482 Timber Zone": Township 26S Range 3W, Township 27S Range 2.5W, Township 28S Range  
6483 2.5W, Township 29S Range 2.5W, Township 26S Range 2W, Township 27S Range 2W,  
6484 Township 28S Range 2W, Township 29S Range 2W, Township 26S Range 1W, and Township  
6485 7S Range 1W;

6486 (d) "Boulder Mountain Region Timber Zone," consisting of certain Forest Service  
6487 lands situated in the following townships in Wayne and Garfield counties, as more fully  
6488 illustrated in the map jointly prepared by the Wayne and Garfield counties GIS departments in  
6489 February 2014, entitled "Boulder Mountain Region Timber Zone":

6490 (i) in Wayne County, Township 30S Range 3E, Township 30S Range 4E, and  
6491 Township 30S Range 5E; and

6492 (ii) in Garfield County, Township 31S Range 1E, Township 31S Range 2E, Township  
6493 31S Range 3E, Township 32S Range 2E, Township 32S Range 3E, Township 32S Range 4E,  
6494 Township 33S Range 3E, Township 33S Range 4E, Township 30 1/2S Range 5E, Township  
6495 31S Range 5E, Township 31S Range 6E, Township 32S Range 5E, and Township 32S Range  
6496 6E;

6497 (e) "Thousand Lake Region Timber Zone," consisting of certain Forest Service lands in  
6498 the following townships in Wayne County, as more fully illustrated in the map prepared by the  
6499 Wayne County GIS department in February 2014, entitled "Thousand Lake Region Timber  
6500 Zone": Township 26S Range 4E, Township 27S Range 4E, and Township 28S Range 4E;

6501 (f) "Millers Flat Region Timber Zone," consisting of certain Forest Service lands  
6502 situated in the following townships in Sanpete County, as more fully illustrated in the map  
6503 prepared by the Sanpete County GIS department in February 2014, entitled "Millers Flat  
6504 Region Timber Zone": Township 16S Range 5E, Township 17S Range 5E, Township 17S

6505 Range 4E, and Township 17S Range 6E;

6506 (g) "East Fork Timber Zone," consisting of certain Forest Service lands situated in the  
6507 following townships in Garfield and Kane counties, as more fully illustrated in the map jointly  
6508 prepared by the Garfield and Kane counties GIS departments in February 2014, entitled "East  
6509 Fork Region Timber Zone":

6510 (i) in Garfield County, Township 36S Range 4 1/2W, Township 36S Range 4W,  
6511 Township 37S Range 5W, Township 37S Range 4 1/2W, and Township 37S Range 4W; and

6512 (ii) in Kane County, Township 38S Range 5W, Township 38S Range 4.5W, Township  
6513 39S Range 5W, and Township 39S Range 4.5W;

6514 (h) "Upper Valley Timber Zone," consisting of certain Forest Service lands situated in  
6515 the following townships in Garfield County, as more fully illustrated in the map prepared by  
6516 the Garfield County GIS department in February 2014, entitled "Upper Valley Region Timber  
6517 Zone": Township 34S Range 1W, Township 35S Range 1W, Township 35S Range 1E,  
6518 Township 36S Range 1W, Township 36S Range 1E, and Township 37S Range 1E;

6519 (i) "Iron Springs Timber Zone," consisting of certain Forest Service lands situated in  
6520 the following townships in Garfield County, as more fully illustrated in the map prepared by  
6521 the Garfield County GIS department in February 2014, entitled "Iron Springs Region Timber  
6522 Zone": Township 32S Range 1E, Township 33S Range 1W, Township 33S Range 1E, and  
6523 Township 34S Range 1W; and

6524 (j) "Dutton Timber Zone," consisting of certain Forest Service lands situated in the  
6525 following townships in Garfield County, as more fully illustrated in the map prepared by the  
6526 Garfield County GIS department in February 2014, entitled "Dutton Region Timber Zone":  
6527 Township 32S Range 3W, Township 32S Range 2W, Township 33S Range 3W, and Township  
6528 33S Range 2W.

6529 (3) Printed copies of the maps referenced in Subsection (2) shall be available for  
6530 inspection by the public at the offices of the Utah Association of Counties.

6531 (4) The state finds with respect to the zones described in Subsection (2) that:

6532 (a) agricultural timber, logging, and forest product industries on the lands comprising  
6533 these timber zones have provided a significant contribution to the history, customs, culture,  
6534 economy, welfare, and other values of each area for many decades;

6535 (b) abundant natural and vegetative resources exist within these zones to support and

6536 expand continued, responsible timber, logging, and other forest product activities;

6537 (c) agricultural timber, logging, and forest product activities in these zones, and the  
6538 associated historic resources, human history, shaping of human endeavors, variety of cultural  
6539 resources, landmarks, structures, and other objects of historic or scientific interest are worthy of  
6540 recognition, preservation, and protection;

6541 (d) (i) the highest management priority for lands within these zones is maintenance and  
6542 promotion of forest and vegetation ecosystem health achieved by responsible active  
6543 management in development of historic, existing, and future timber, logging, and forest  
6544 product resources in order to provide protection for the resources, objects, customs, culture,  
6545 and values identified above; and

6546 (ii) notwithstanding Subsection (4)(d)(i), if part or all of any zone lies within a sage  
6547 grouse management area, then the management priorities for such part shall be consistent with  
6548 the management priorities set forth in Subsection (4)(d)(i) to the maximum extent consistent  
6549 with the management priorities of the sage grouse management area;

6550 (e) subject to Subsection (4)(d)(ii), responsible development of any deposits of energy  
6551 and mineral resources, including oil, natural gas, oil shale, oil sands, coal, phosphate, gold,  
6552 uranium, and copper, as well as areas with wind and solar energy potential, that may exist in  
6553 these zones is compatible with the management priorities of Subsection (4)(d)(i) in these  
6554 zones; and

6555 (f) subject to Subsection (4)(d)(ii), responsible development of any recreation  
6556 resources, including wildlife, roads, campgrounds, water resources, trails, OHV use,  
6557 sightseeing, canyoneering, hunting, fishing, trapping, and hiking resources that may exist in  
6558 these timber zones is compatible with the management priorities of Subsection (4)(d)(i) in  
6559 these timber zones.

6560 (5) The state finds that the historic levels of timber, logging, and forest products  
6561 activities in the zones described in Subsection (2) have greatly diminished, or are under serious  
6562 threat, due to:

6563 (a) unreasonable, arbitrary, and unlawfully restrictive federal management policies,  
6564 including:

6565 (i) de facto managing for wilderness in nonwilderness areas;

6566 (ii) ignoring the multiple use sustained yield mission of the Forest Service;

6567 (iii) ignoring the fact that the Forest Service's parent agency is the United States  
6568 Department of Agriculture whose mission includes providing timber as an important  
6569 agriculture resource; and

6570 (iv) the arbitrary administrative reductions in timber, logging, and forest products  
6571 activities;

6572 (b) improper management of forest vegetation resulting in the overcrowding of old  
6573 growth alpine species and the crowding out of aspen diversity, all of which results in:

6574 (i) devastation of entire mountainsides due to insect infestation and disease;  
6575 (ii) reduced water yield;  
6576 (iii) increased catastrophic wildfire;  
6577 (iv) increased soil erosion;  
6578 (v) degradation of wildlife habitat; and  
6579 (vi) suppression and threatened extinction of important rural economic activities; and  
6580 (c) other practices that degrade overall forest health.

6581 (6) To protect and preserve against the threats described in Subsection (5), the state  
6582 supports the following with respect to the zones described in Subsection (2):

6583 (a) efficient and responsible development, within each timber zone, of:

6584 (i) robust timber thinning and harvesting programs and activities; and  
6585 (ii) other uses compatible with increased timber, logging, and forest product activities,  
6586 including a return to historic levels of timber, logging, and forest product activity in each of  
6587 these zones;

6588 (b) a cooperative management approach by federal agencies, the state, and local  
6589 governments to achieve broadly supported management plans for the full development, within  
6590 each timber zone, of:

6591 (i) forest product resources; and  
6592 (ii) other uses compatible with timber activities; and  
6593 (c) effective and responsible management of wildlife habitat.

6594 (7) The state requests that the federal agencies that administer lands within each timber  
6595 zone:

6596 (a) fully cooperate and coordinate with the state and the respective counties within  
6597 which each timber zone is situated to develop, amend, and implement land and resource

6598 management plans and implement management decisions that are consistent with the purposes,  
6599 goals, and policies described in this section to the maximum extent allowed under federal law;

6600 (b) expedite the processing, granting, and streamlining of logging and forest product  
6601 harvesting permits, range improvements, and applications to enhance and otherwise develop  
6602 existing and permitted timber resources located within each timber zone, including renewable  
6603 vegetative resources;

6604 (c) expedite stewardship programs to allow private enterprise to carry out the timber,  
6605 logging, and forest activities described in this section;

6606 (d) allow continued maintenance and increased development of roads, power lines,  
6607 pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies  
6608 described in this section and consistent with multiple use and sustained yield principles;

6609 (e) refrain from any planning decisions and management actions that will undermine,  
6610 restrict, or diminish the goals, purposes, and policies for each timber zone as stated in this  
6611 section; and

6612 (f) subject to Subsection (4)(d)(ii), refrain from implementing a policy that is contrary  
6613 to the goals and purposes described within this section.

6614 (8) (a) The state recognizes the importance of all areas on BLM and Forest Service  
6615 lands high value lumber and forest product resources but establishes the special Timber  
6616 Agricultural Commodity Zones to provide special protection and preservation against the  
6617 identified threats found in Subsection (5) to exist in these zones.

6618 (b) It is the intent of the Legislature to designate additional Timber Agricultural  
6619 Commodity Zones in future years, if circumstances warrant special protection and preservation  
6620 for new zones.

6621 (9) The state calls upon applicable federal, state, and local agencies to coordinate with  
6622 each other and establish applicable intergovernmental standing commissions, with membership  
6623 consisting of representatives from the United States government, the state, and local  
6624 governments to coordinate and achieve consistency in planning decisions and management  
6625 actions in the zones described in Subsection (2).

6626 (10) Notwithstanding the provisions of this section, and subject to Subsection  
6627 (4)(d)(ii), the state's mineral, oil, gas, and energy policies, as well as its grazing policies, on  
6628 land within zones described in Subsection (2), shall continue to be governed by Sections

6629 [~~63J-4-401~~] [63L-11-302](#), [63L-11-303](#), and [63J-8-104](#).

6630 Section 81. Section **63J-8-106** is amended to read:

6631 **63J-8-106. County supported federal land use designation proposed in proposed**  
6632 **congressional land use legislation -- Process for legislative review of proposed federal**  
6633 **legislation land use within a county.**

6634 (1) (a) Notwithstanding any other provision of this chapter, the Legislature may, in  
6635 accordance with this section, recommend to the Utah congressional delegation proposed  
6636 congressional land use legislation that is supported by a county.

6637 (b) A county that fails to comply with the requirements of this section may not  
6638 communicate or otherwise represent in any way that a federal land use designation contained in  
6639 proposed congressional land use legislation has the support or approval of the Legislature.

6640 (2) If a county supports a federal land use designation contained in proposed  
6641 congressional land use legislation, the county shall:

6642 (a) prepare a report on the proposed congressional land use legislation in accordance  
6643 with Subsection (3);

6644 (b) draft a concurrent resolution for a legislative committee's consideration, in  
6645 accordance with Subsection (7)(a), in support of the proposed congressional land use  
6646 legislation; and

6647 (c) subject to Subsection (4)(a), deliver the report and draft concurrent resolution to the  
6648 office.

6649 (3) The report required in Subsection (2)(a) shall include:

6650 (a) a copy of the proposed congressional land use legislation;

6651 (b) a detailed description of the land or watercourse proposed for a federal land use  
6652 designation, including:

6653 (i) the total acres of federal land proposed for a federal land use designation;

6654 (ii) (A) a map showing the location of the land or watercourse; and

6655 (B) the proposed type of federal land use designation for each location;

6656 (iii) a proposed land conveyance or land proposed for auction by the BLM, if any; and

6657 (iv) (A) school and institutional trust land, as defined in Section [53C-1-103](#), proposed  
6658 for a land exchange, if any; and

6659 (B) whether the county has coordinated with SITLA on the proposed land exchange;

6660 (c) an explanation of whether a federal land use designation will assist in resolving  
6661 long-standing public lands issues, such as wilderness disputes, economic development,  
6662 recreational use, and access to public lands;

6663 (d) a narrative description of the economic, recreational, and cultural impacts, taken as  
6664 a whole, on a county and the state that would occur if Congress adopted the proposed  
6665 congressional land use legislation, including an impact on state revenues;

6666 (e) an account of actions, if any, proposed in a federal land use designation to minimize  
6667 impacts on:

6668 (i) resource extraction activities occurring on the land or in the watercourse proposed  
6669 for a federal land use designation, including mining and energy development; and

6670 (ii) motorized recreational use and public access;

6671 (f) a summary of potential benefits gained by the county and state if Congress adopts  
6672 the proposed congressional land use legislation;

6673 (g) a description of the stakeholders and their positions on a federal land use  
6674 designation;

6675 (h) whether land identified for a federal land use designation is BLM recommended  
6676 wilderness;

6677 (i) an explanation of what the proposed congressional land use legislation proposes for  
6678 federal land located in the county other than land identified for the federal land use designation;

6679 (j) (i) a description of the impact that, if adopted by Congress, the proposed  
6680 congressional land use legislation would have on access to roads currently identified as part of  
6681 an adopted county transportation plan as described in Section [~~63J-4-401~~] [63L-11-303](#); and

6682 (ii) if a federal land use designation proposes to close a road described in Subsection  
6683 (3)(j)(i), an explanation for the road closure and a copy of the minutes of any county public  
6684 hearing in which the proposed road closures were discussed and public comment was taken;

6685 (k) (i) a description of a proposed resolution for an R.S. 2477 right-of-way, if any,  
6686 located within the area identified in a federal land use designation; and

6687 (ii) whether a proposed resolution described in Subsection (3)(k)(i) would include a  
6688 quiet title action concerning an R.S. 2477 right-of-way;

6689 (l) an explanation of whether a federal land use designation proposes a hard release of  
6690 all public lands and watercourses not included in the federal land use designation, placing the



6691 land and watercourses in multiple use management;

6692 (m) an explanation of whether a federal land use designation proposes a prohibition on  
6693 further federal action under the Antiquities Act of 1906, 16 U.S.C. Sec. 431 et seq.;

6694 (n) a narrative description of a federal land use designation's interaction with, if any, a  
6695 regional haze rule adopted by the United States Environmental Protection Agency;

6696 (o) an explanation of whether a federal land use designation would authorize best  
6697 management practices as part of an active effort to control on the land or watercourse proposed  
6698 for a federal land use designation:

6699 (i) wildfire;

6700 (ii) invasive species, including insects; and

6701 (iii) disease;

6702 (p) if applicable, a statement as to whether a federal land use designation would allow  
6703 for the continuation of existing grazing permits;

6704 (q) a statement as to the presence or need of passive water management facilities or  
6705 activities for livestock or wildlife, such as guzzlers or fencing, for the management of wildlife  
6706 or livestock;

6707 (r) if a federal land use designation identifies land that has oil, gas, or mineral deposits,  
6708 an explanation as to why the federal land use designation includes the land;

6709 (s) (i) a statement as to whether a federal land use designation:

6710 (A) affects land or a watercourse located exclusively within the county; or

6711 (B) affects, whether by an actual federal land use designation or by implication if a  
6712 federal land use designation is adopted, land or a watercourse located in another county; and

6713 (ii) if the land use proposal would affect land or a watercourse located in another  
6714 county, whether that county supports the proposed congressional land use legislation;

6715 (t) an explanation of whether a proposed land use designation designates land as  
6716 wilderness in the National Wilderness Preservation System or designates land as a national  
6717 conservation area that is not part of:

6718 (i) BLM recommended wilderness; or

6719 (ii) Forest Service land recommended for wilderness designation in RARE II; and

6720 (u) a statement explaining whether and to what extent members of Utah's congressional  
6721 delegation and their staff were consulted in preparing the proposed congressional land use

6722 legislation and the federal land use designation contained therein.

6723 (4) (a) No later than 60 days before delivering a report and draft concurrent resolution  
6724 in accordance with Subsection (2), a county shall contact and inform the office of the county's  
6725 intention to prepare and deliver the report and draft concurrent resolution.

6726 (b) The office may give general guidance to a county described in Subsection (4)(a), as  
6727 requested, as to compliance with this section.

6728 (5) The office shall prepare an evaluation of the county's report, including whether the  
6729 county has addressed each matter described in Subsection (3).

6730 (6) The office shall deliver the evaluation described in Subsection (5), including a copy  
6731 of the county's report, the proposed congressional land use legislation, and the draft concurrent  
6732 resolution, no later than 30 days after receiving the county's report:

6733 (a) if the Legislature is not in session, and subject to Subsection (6)(b), to the chair of  
6734 the Natural Resources, Agriculture, and Environment Interim Committee; or

6735 (b) if the Legislature is in session or there are no scheduled meetings of the Natural  
6736 Resources, Agriculture, and Environment Interim Committee before the beginning of the next  
6737 legislative session, to the chair of either the House Natural Resources, Agriculture, and  
6738 Environment Committee or the Senate Natural Resources, Agriculture, and Environment  
6739 Committee.

6740 (7) (a) At a committee's next scheduled meeting after receiving a report, the draft  
6741 concurrent resolution, and a copy of the proposed congressional land use legislation, the  
6742 committee shall:

6743 (i) review:

6744 (A) the county's report;

6745 (B) the draft concurrent resolution, if the concurrent resolution has a legislative  
6746 sponsor; and

6747 (C) the office's evaluation;

6748 (ii) if the draft concurrent resolution is presented to the committee, consider whether to  
6749 approve or reject the draft concurrent resolution;

6750 (iii) if the draft concurrent resolution is rejected, provide direction to the county as to  
6751 the reasons the resolution was rejected and the actions that the county might take to secure  
6752 committee approval of the resolution; and

6753 (iv) take any additional action the committee finds necessary.

6754 (b) A legislative committee may not accept for review a county-supported federal land  
6755 use designation contained in proposed congressional land use legislation that does not meet the  
6756 requirements of this section.

6757 (8) (a) If the committee rejects the draft concurrent resolution, a county may resubmit a  
6758 revised report and draft concurrent resolution to the office in accordance with the terms of this  
6759 section.

6760 (b) Upon receipt of a revised report and draft concurrent resolution, the office shall  
6761 comply with the procedures set forth in this section.

6762 (c) Upon receipt of a revised report, evaluation, and draft concurrent resolution by the  
6763 office, a committee described in Subsection (6) shall comply with the procedures set forth in  
6764 this section.

6765 (9) The governor may call a special session to consider the concurrent resolution  
6766 presented to and approved by a committee described in Subsection (7)(a).

6767 (10) If a concurrent resolution described in this section is adopted by the Legislature  
6768 and signed by the governor, the Office of the Governor shall forward a copy of the concurrent  
6769 resolution, the county's report, and the proposed congressional land use legislation to Utah's  
6770 congressional delegation.

6771 Section 82. Section **63L-2-301** is amended to read:

6772 **63L-2-301. Promoting or lobbying for a federal designation within the state.**

6773 (1) As used in this section:

6774 (a) "Federal designation" means the designation of a:

6775 (i) national monument;

6776 (ii) national conservation area;

6777 (iii) wilderness area or wilderness study area;

6778 (iv) area of critical environmental concern;

6779 (v) research natural area; or

6780 (vi) national recreation area.

6781 (b) (i) "Governmental entity" means:

6782 (A) a state-funded institution of higher education or public education;

6783 (B) a political subdivision of the state;

6784 (C) an office, agency, board, bureau, committee, department, advisory board, or  
6785 commission that the government funds or establishes to carry out the public's business,  
6786 regardless of whether the office, agency board, bureau, committee, department, advisory board,  
6787 or commission is composed entirely of public officials or employees;

6788 (D) an interlocal entity as defined in Section [11-13-103](#) or a joint or cooperative  
6789 undertaking as defined in Section [11-13-103](#);

6790 (E) a governmental nonprofit corporation as defined in Section [11-13a-102](#); or

6791 (F) an association as defined in Section [53G-7-1101](#).

6792 (ii) "Governmental entity" does not mean:

6793 (A) the School and Institutional Trust Lands Administration created in Section  
6794 [53C-1-201](#);

6795 (B) the School and Institutional Trust Lands Board of Trustees created in Section  
6796 [53C-1-202](#);

6797 (C) the Office of the Governor;

6798 (D) the Governor's Office of [~~Management~~] Planning and Budget created in Section  
6799 [63J-4-201](#);

6800 (E) the Public Lands Policy Coordinating Office created in Section [~~63J-4-602~~]  
6801 [63L-11-201](#);

6802 (F) the Office of Energy Development created in Section [63M-4-401](#); or

6803 (G) the Governor's Office of Economic Development created in Section [63N-1-201](#),  
6804 including the Office of Tourism and the Utah Office of Outdoor Recreation created in Section  
6805 [63N-9-104](#).

6806 (2) (a) A governmental entity, or a person a governmental entity employs and  
6807 designates as a representative, may investigate the possibility of a federal designation within  
6808 the state.

6809 (b) A governmental entity that intends to advocate for a federal designation within the  
6810 state shall:

6811 (i) notify the chairs of the following committees before the introduction of federal  
6812 legislation:

6813 (A) the Natural Resources, Agriculture, and Environment Interim Committee, if  
6814 constituted, and the Federalism Commission; or

6815 (B) if the notice is given during a General Session, the House and Senate Natural  
6816 Resources, Agriculture, and Environment Standing Committees; and

6817 (ii) upon request of the chairs, meet with the relevant committee to review the proposal.

6818 (3) This section does not apply to a political subdivision supporting a federal  
6819 designation if the federal designation:

6820 (a) applies to 5,000 acres or less; and

6821 (b) has an economical or historical benefit to the political subdivision.

6822 Section 83. Section **63L-10-102** is amended to read:

6823 **63L-10-102. Definitions.**

6824 As used in this chapter:

6825 (1) "Commission" means the Federalism Commission.

6826 (2) "Office" means the Public Lands Policy Coordinating Office established in Section  
6827 [~~63J-4-602~~] [63L-11-201](#).

6828 (3) "Plan" means the statewide resource management plan, created pursuant to Section  
6829 [~~63J-4-607~~] [63L-11-203](#) and adopted in Section [63L-10-103](#).

6830 (4) "Public lands" means:

6831 (a) land other than a national park that is managed by the United States Parks Service;

6832 (b) land that is managed by the United States Forest Service; and

6833 (c) land that is managed by the Bureau of Land Management.

6834 Section 84. Section **63L-11-101** is enacted to read:

6835 **CHAPTER 11. PUBLIC LANDS PLANNING**

6836 **Part 1. General Provisions**

6837 **63L-11-101. Title.**

6838 This chapter is known as "Public Lands Planning."

6839 Section 85. Section **63L-11-102**, which is renumbered from Section 63J-4-601 is  
6840 renumbered and amended to read:

6841 [~~63J-4-601~~]. **63L-11-102. Definitions.**

6842 As used in this [part] chapter:

6843 (1) "Coordinating committee" means the committee created in Section [63L-11-401](#).

6844 [(1) "Coordinator"] (2) "Executive director" means the public lands policy  
6845 [~~coordinator~~] executive director appointed [in this part] under Section [63L-11-201](#).

6846            [(2)] (3) "Office" means the Public Lands Policy Coordinating Office created [by this  
6847 part] in Section 63L-11-201.

6848            [(3)] (4) "Political subdivision" means:

6849            (a) a county, municipality, local district, special service district, school district, or  
6850 interlocal [~~cooperation agreement entity, or any~~] entity, as defined in Section 11-13-103; or

6851            (b) an administrative subunit of [them] an entity listed in Subsection (4)(a).

6852            [(4) "State planning coordinator" means the person appointed under Subsection  
6853 63J-4-202(1)(a)(ii).]

6854            Section 86. Section **63L-11-103** is enacted to read:

6855            **63L-11-103. Interrelationship with other law.**

6856            (1) Notwithstanding any provision of Section 63J-8-105.5, the state is committed to  
6857 establishing and administering an effective statewide conservation strategy for greater sage  
6858 grouse.

6859            (2) Nothing in this chapter may be construed to restrict or supersede the planning  
6860 powers conferred upon departments, agencies, instrumentalities, or advisory councils of the  
6861 state or the planning powers conferred upon political subdivisions by any other existing law.

6862            (3) Nothing in this chapter may be construed to affect any lands withdrawn from the  
6863 public domain for military purposes to be administered by the United States Army, Air Force,  
6864 or Navy.

6865            Section 87. Section **63L-11-201**, which is renumbered from Section 63J-4-602 is  
6866 renumbered and amended to read:

6867                            **Part 2. Public Lands Policy Coordinating Office**

6868            [~~63J-4-602~~].            **63L-11-201. Public Lands Policy Coordinating Office --**  
6869 **Executive director -- Appointment -- Qualifications -- Compensation.**

6870            (1) There is created within [~~state government~~] the Department of Natural Resources the  
6871 Public Lands Policy Coordinating Office[~~. The office shall~~] to be administered by [a public  
6872 lands policy coordinator] an executive director.

6873            (2) The [~~coordinator~~] executive director shall be appointed by the governor with the  
6874 advice and consent of the Senate and shall serve at the pleasure of the governor.

6875            (3) The [~~coordinator~~] executive director shall have demonstrated the necessary  
6876 administrative and professional ability through education and experience to efficiently and

6877 effectively manage the office's affairs.

6878 (4) (a) The [~~coordinator~~] executive director and employees of the office shall receive  
6879 compensation as provided in Title 67, Chapter 19, Utah State Personnel Management Act.

6880 (b) The office space for the executive director and employees of the office shall be in a  
6881 building where the Department of Natural Resources is located.

6882 Section 88. Section **63L-11-202**, which is renumbered from Section 63J-4-603 is  
6883 renumbered and amended to read:

6884 [~~63J-4-603~~]. **63L-11-202. Powers and duties of the office and executive**  
6885 **director.**

6886 (1) The [~~coordinator and the~~] office shall:

6887 (a) make a report to the Constitutional Defense Council created under Section  
6888 **63C-4a-202** concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter  
6889 4a, Constitutional and Federalism Defense Act;

6890 (b) provide staff assistance to the Constitutional Defense Council created under Section  
6891 **63C-4a-202** for meetings of the council;

6892 (c) (i) prepare and submit a constitutional defense plan under Section **63C-4a-403**; and

6893 (ii) execute any action assigned in a constitutional defense plan;

6894 (d) [~~under the direction of the state planning coordinator, assist in fulfilling the state~~  
6895 ~~planning coordinator's duties outlined in Section **63J-4-401** as those duties relate to the~~  
6896 ~~development of]~~ develop public lands policies by:

6897 (i) developing cooperative contracts and agreements between the state, political  
6898 subdivisions, and agencies of the federal government for involvement in the development of  
6899 public lands policies;

6900 (ii) producing research, documents, maps, studies, analysis, or other information that  
6901 supports the state's participation in the development of public lands policy;

6902 (iii) preparing comments to ensure that the positions of the state and political  
6903 subdivisions are considered in the development of public lands policy; and

6904 (iv) partnering with state agencies and political subdivisions in an effort to:

6905 (A) prepare coordinated public lands policies;

6906 (B) develop consistency reviews and responses to public lands policies;

6907 (C) develop management plans that relate to public lands policies; and

6908 (D) develop and maintain a statewide land use plan that is based on cooperation and in  
6909 conjunction with political subdivisions; ~~[and]~~  
6910 ~~[(v) providing other information or services related to public lands policies as~~  
6911 ~~requested by the state planning coordinator;]~~  
6912 (e) facilitate and coordinate the exchange of information, comments, and  
6913 recommendations on public lands policies between and among:  
6914 (i) state agencies;  
6915 (ii) political subdivisions;  
6916 (iii) the Office of Rural Development created under Section [63N-4-102](#);  
6917 (iv) the ~~[Resource Development Coordinating Committee created under Section~~  
6918 [63J-4-501](#)] coordinating committee;  
6919 (v) School and Institutional Trust Lands Administration created under Section  
6920 [53C-1-201](#);  
6921 (vi) the committee created under Section [63F-1-508](#) to award grants to counties to  
6922 inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and  
6923 (vii) the Constitutional Defense Council created under Section [63C-4a-202](#);  
6924 (f) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9,  
6925 Chapter 8, Part 4, Historic Sites;  
6926 (g) consistent with other statutory duties, encourage agencies to responsibly preserve  
6927 archaeological resources;  
6928 (h) maintain information concerning grants made under Subsection (1)(j), if available;  
6929 (i) report annually, or more often if necessary or requested, concerning the office's  
6930 activities and expenditures to:  
6931 (i) the Constitutional Defense Council; and  
6932 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim  
6933 Committee jointly with the Constitutional Defense Council;  
6934 (j) make grants of up to 16% of the office's total annual appropriations from the  
6935 Constitutional Defense Restricted Account to a county or statewide association of counties to  
6936 be used by the county or association of counties for public lands matters if the ~~[coordinator]~~  
6937 executive director, with the advice of the Constitutional Defense Council, determines that the  
6938 action provides a state benefit;



- 6939 (k) provide staff services to the Snake Valley Aquifer Advisory Council created in  
6940 Section [63C-12-103](#);
- 6941 (l) coordinate and direct the Snake Valley Aquifer Research Team created in Section  
6942 [63C-12-107](#);
- 6943 (m) conduct the public lands transfer study and economic analysis required by Section  
6944 [~~63J-4-606~~] [63L-11-304](#); and
- 6945 (n) fulfill the duties described in Section [63L-10-103](#).
- 6946 (2) The [~~coordinator and office~~] executive director shall comply with Subsection  
6947 [63C-4a-203](#)(8) before submitting a comment to a federal agency, if the governor would be  
6948 subject to Subsection [63C-4a-203](#)(8) [~~if the governor were~~] in submitting the [~~material~~]  
6949 comment.
- 6950 [~~(3) The office may enter into a contract or other agreement with another state agency~~  
6951 ~~to provide information and services related to:~~]
- 6952 [~~(a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and~~  
6953 ~~Classification Act;~~]
- 6954 [~~(b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and~~  
6955 ~~Classification Act, or R.S. 2477 matters; or]~~
- 6956 [~~(c) any other matter within the office's responsibility.~~]
- 6957 (3) The office may enter into an agreement with another state agency to provide  
6958 information and services related to:
- 6959 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and  
6960 Classification Act;
- 6961 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and  
6962 Classification Act, or R.S. 2477 matters; or
- 6963 (c) any other matter within the office's responsibility.
- 6964 (4) In fulfilling the duties under this part, the office shall consult, as necessary, with:
- 6965 (a) the Department of Natural Resources;
- 6966 (b) the Department of Agriculture and Food;
- 6967 (c) the Department of Environmental Quality;
- 6968 (d) other applicable state agencies;
- 6969 (e) political subdivisions of the state;

6970 (f) federal land management agencies; and

6971 (g) elected officials.

6972 Section 89. Section **63L-11-203**, which is renumbered from Section 63J-4-607 is  
6973 renumbered and amended to read:

6974 ~~[63J-4-607]~~. **63L-11-203. Resource management plan administration.**

6975 (1) The office shall consult with the Federalism Commission before expending funds  
6976 appropriated by the Legislature for the implementation of this section.

6977 (2) To the extent that the Legislature appropriates sufficient funding, the office may  
6978 procure the services of a non-public entity in accordance with Title 63G, Chapter 6a, Utah  
6979 Procurement Code, to assist the office with the office's responsibilities described in Subsection  
6980 (3).

6981 (3) The office shall:

6982 (a) assist each county with the creation of the county's resource management plan by:

6983 (i) consulting with the county on policy and legal issues related to the county's resource  
6984 management plan; and

6985 (ii) helping the county ensure that the county's resource management plan meets the  
6986 requirements of Subsection [17-27a-401\(3\)](#);

6987 (b) promote quality standards among all counties' resource management plans; and

6988 (c) upon submission by a county, review and verify the county's:

6989 (i) estimated cost for creating a resource management plan; and

6990 (ii) actual cost for creating a resource management plan.

6991 (4) (a) A county shall cooperate with the office, or an entity procured by the office  
6992 under Subsection (2), with regards to the office's responsibilities under Subsection (3).

6993 (b) To the extent that the Legislature appropriates sufficient funding, the office may, in  
6994 accordance with Subsection (4)(c), provide funding to a county before the county completes a  
6995 resource management plan.

6996 (c) The office may provide pre-completion funding described in Subsection (4)(b):

6997 (i) after:

6998 (A) the county submits an estimated cost for completing the resource management plan  
6999 to the office; and

7000 (B) the office reviews and verifies the estimated cost in accordance with Subsection

7001 (3)(c)(i); and  
7002 (ii) in an amount up to:  
7003 (A) 50% of the estimated cost of completing the resource management plan, verified  
7004 by the office; or  
7005 (B) \$25,000, if the amount described in Subsection (4)(c)(i)(A) is greater than \$25,000.  
7006 (d) To the extent that the Legislature appropriates sufficient funding, the office shall  
7007 provide funding to a county in the amount described in Subsection (4)(e) after:  
7008 (i) a county's resource management plan:  
7009 (A) meets the requirements described in Subsection 17-27a-401(3); and  
7010 (B) is adopted under Subsection 17-27a-404(5)(d);  
7011 (ii) the county submits the actual cost of completing the resource management plan to  
7012 the office; and  
7013 (iii) the office reviews and verifies the actual cost in accordance with Subsection  
7014 (3)(c)(ii).  
7015 (e) The office shall provide funding to a county under Subsection (4)(d) in an amount  
7016 equal to the difference between:  
7017 (i) the lesser of:  
7018 (A) the actual cost of completing the resource management plan, verified by the office;  
7019 or  
7020 (B) \$50,000; and  
7021 (ii) the amount of any pre-completion funding that the county received under  
7022 Subsections (4)(b) and (c).  
7023 (5) To the extent that the Legislature appropriates sufficient funding, after the deadline  
7024 established in Subsection 17-27a-404(5)(d) for a county to adopt a resource management plan,  
7025 the office shall:  
7026 (a) obtain a copy of each county's resource management plan;  
7027 (b) create a statewide resource management plan that:  
7028 (i) meets the same requirements described in Subsection 17-27a-401(3); and  
7029 (ii) to the extent reasonably possible, coordinates and is consistent with any resource  
7030 management plan or land use plan established under Chapter 8, State of Utah Resource  
7031 Management Plan for Federal Lands; and

7032 (c) submit a copy of the statewide resource management plan to the Federalism  
7033 Commission for review.

7034 (6) Following review of the statewide resource management plan, the Federalism  
7035 Commission shall prepare a concurrent resolution approving the statewide resource  
7036 management plan for consideration during the 2018 General Session.

7037 (7) To the extent that the Legislature appropriates sufficient funding, the office shall  
7038 provide legal support to a county that becomes involved in litigation with the federal  
7039 government over the requirements of Subsection 17-27a-405(3).

7040 (8) After the statewide resource management plan is approved, as described in  
7041 Subsection (6), and to the extent that the Legislature appropriates sufficient funding, the office  
7042 shall monitor the implementation of the statewide resource management plan at the federal,  
7043 state, and local levels.

7044 Section 90. Section **63L-11-301** is enacted to read:

7045 **Part 3. Office Duties Related to Federal Land**

7046 **63L-11-301. Office duties relating to plans for the management of federal land.**

7047 (1) (a) In preparing or assisting in the preparation of plans, policies, programs, or  
7048 processes related to the management or use of federal land or natural resources on federal land  
7049 in the state, the office shall:

7050 (i) incorporate the plans, policies, programs, processes, and desired outcomes of the  
7051 counties where the federal lands or natural resources are located, to the maximum extent  
7052 consistent with state and federal law, subject to Subsection (1)(b);

7053 (ii) identify inconsistencies or conflicts between the plans, policies, programs,  
7054 processes, and desired outcomes prepared under Subsection (1)(a)(i) and the plans, programs,  
7055 processes, and desired outcomes of local government as early in the preparation process as  
7056 possible, and seek resolution of the inconsistencies through meetings or other conflict  
7057 resolution mechanisms involving the necessary and immediate parties to the inconsistency or  
7058 conflict;

7059 (iii) present to the governor the nature and scope of any inconsistency or other conflict  
7060 that is not resolved under the procedures in Subsection (1)(a)(i) for the governor's decision  
7061 about the position of the state concerning the inconsistency or conflict;

7062 (iv) develop, research, and use factual information, legal analysis, and statements of

7063 desired future condition for the state, or subregion of the state, as necessary to support the  
7064 plans, policies, programs, processes, and desired outcomes of the state and the counties where  
7065 the federal lands or natural resources are located;

7066 (v) establish and coordinate agreements between the state and federal land management  
7067 agencies, federal natural resource management agencies, and federal natural resource  
7068 regulatory agencies to facilitate state and local participation in the development, revision, and  
7069 implementation of land use plans, guidelines, regulations, other instructional memoranda, or  
7070 similar documents proposed or promulgated for lands and natural resources administered by  
7071 federal agencies; and

7072 (vi) work in conjunction with political subdivisions to establish agreements with  
7073 federal land management agencies, federal natural resource management agencies, and federal  
7074 natural resource regulatory agencies to provide a process for state and local participation in the  
7075 preparation of, or coordinated state and local response to, environmental impact analysis  
7076 documents and similar documents prepared pursuant to law by state or federal agencies.

7077 (b) The requirement in Subsection (1)(a)(i) may not be interpreted to infringe upon the  
7078 authority of the governor.

7079 (2) The office shall cooperate with and work in conjunction with appropriate state  
7080 agencies and political subdivisions to develop policies, plans, programs, processes, and desired  
7081 outcomes authorized by this section by coordinating the development of positions:

7082 (a) through the coordinating committee;

7083 (b) in conjunction with local government officials concerning general local government  
7084 plans; and

7085 (c) by soliciting public comment through the coordinating committee.

7086 Section 91. Section **63L-11-302** is enacted to read:

7087 **63L-11-302. Principles to be recognized and promoted.**

7088 The office shall recognize and promote the following principles when preparing any  
7089 policies, plans, programs, processes, or desired outcomes relating to federal lands and natural  
7090 resources on federal lands under Section [63L-11-301](#):

7091 (1) (a) the citizens of the state are best served by applying multiple-use and  
7092 sustained-yield principles in public land use planning and management; and

7093 (b) multiple-use and sustained-yield management means that federal agencies should

- 7094 develop and implement management plans and make other resource-use decisions that:
- 7095 (i) achieve and maintain in perpetuity a high-level annual or regular periodic output of
- 7096 mineral and various renewable resources from public lands;
- 7097 (ii) support valid existing transportation, mineral, and grazing privileges at the highest
- 7098 reasonably sustainable levels;
- 7099 (iii) support the specific plans, programs, processes, and policies of state agencies and
- 7100 local governments;
- 7101 (iv) are designed to produce and provide the desired vegetation for the watersheds,
- 7102 timber, food, fiber, livestock forage, wildlife forage, and minerals that are necessary to meet
- 7103 present needs and future economic growth and community expansion without permanent
- 7104 impairment of the productivity of the land;
- 7105 (v) meet the recreational needs and the personal and business-related transportation
- 7106 needs of the citizens of the state by providing access throughout the state;
- 7107 (vi) meet the recreational needs of the citizens of the state;
- 7108 (vii) meet the needs of wildlife;
- 7109 (viii) provide for the preservation of cultural resources, both historical and
- 7110 archaeological;
- 7111 (ix) meet the needs of economic development;
- 7112 (x) meet the needs of community development; and
- 7113 (xi) provide for the protection of water rights;
- 7114 (2) managing public lands for wilderness characteristics circumvents the statutory
- 7115 wilderness process and is inconsistent with the multiple-use and sustained-yield management
- 7116 standard that applies to all Bureau of Land Management and United States. Forest Service
- 7117 lands that are not wilderness areas or wilderness study areas;
- 7118 (3) all waters of the state are:
- 7119 (a) owned exclusively by the state in trust for the state's citizens;
- 7120 (b) are subject to appropriation for beneficial use; and
- 7121 (c) are essential to the future prosperity of the state and the quality of life within the
- 7122 state;
- 7123 (4) the state has the right to develop and use the state's entitlement to interstate rivers;
- 7124 (5) all water rights desired by the federal government must be obtained through the

7125 state water appropriation system;

7126 (6) land management and resource-use decisions which affect federal lands should give  
7127 priority to and support the purposes of the compact between the state and the United States  
7128 related to school and institutional trust lands;

7129 (7) development of the solid, fluid, and gaseous mineral resources of the state is an  
7130 important part of the economy of the state, and of local regions within the state;

7131 (8) the state should foster and support industries that take advantage of the state's  
7132 outstanding opportunities for outdoor recreation;

7133 (9) wildlife constitutes an important resource and provides recreational and economic  
7134 opportunities for the state's citizens;

7135 (10) proper stewardship of the land and natural resources is necessary to ensure the  
7136 health of the watersheds, timber, forage, and wildlife resources to provide for a continuous  
7137 supply of resources for the people of the state and the people of the local communities who  
7138 depend on these resources for a sustainable economy;

7139 (11) forests, rangelands, timber, and other vegetative resources:

7140 (a) provide forage for livestock;

7141 (b) provide forage and habitat for wildlife;

7142 (c) provide resources for the state's timber and logging industries;

7143 (d) contribute to the state's economic stability and growth; and

7144 (e) are important for a wide variety of recreational pursuits;

7145 (12) management programs and initiatives that improve watersheds and forests and  
7146 increase forage for the mutual benefit of wildlife species and livestock, logging, and other  
7147 agricultural industries by utilizing proven techniques and tools are vital to the state's economy  
7148 and the quality of life in the state; and

7149 (13) (a) land management plans, programs, and initiatives should provide that the  
7150 amount of domestic livestock forage, expressed in animal unit months, for permitted, active  
7151 use as well as the wildlife forage included in that amount, be no less than the maximum  
7152 number of animal unit months sustainable by range conditions in grazing allotments and  
7153 districts, based on an on-the-ground and scientific analysis;

7154 (b) the state opposes the relinquishment or retirement of grazing animal unit months in  
7155 favor of conservation, wildlife, and other uses;

7156 (c) (i) the state favors the best management practices that are jointly sponsored by  
7157 cattlemen, sportsmen, and wildlife management groups such as chaining, logging, seeding,  
7158 burning, and other direct soil and vegetation prescriptions that are demonstrated to restore  
7159 forest and rangeland health, increase forage, and improve watersheds in grazing districts and  
7160 allotments for the benefit of domestic livestock and wildlife;

7161 (ii) when practices described in Subsection (13)(c)(i) increase a grazing allotment's  
7162 forage beyond the total permitted forage use that was allocated to that allotment in the last  
7163 federal land use plan or allotment management plan still in existence as of January 1, 2005, a  
7164 reasonable and fair portion of the increase in forage beyond the previously allocated total  
7165 permitted use should be allocated to wildlife as recommended by a joint, evenly balanced  
7166 committee of livestock and wildlife representatives that is appointed and constituted by the  
7167 governor for that purpose; and

7168 (iii) the state favors quickly and effectively adjusting wildlife population goals and  
7169 population census numbers in response to variations in the amount of available forage caused  
7170 by drought or other climatic adjustments, and state agencies responsible for managing wildlife  
7171 population goals and population census numbers will, when making those adjustments, give  
7172 due regard to both the needs of the livestock industry and the need to prevent the decline of  
7173 species to a point of listing under the terms of the Endangered Species Act;

7174 (d) the state opposes the transfer of grazing animal unit months to wildlife for  
7175 supposed reasons of rangeland health;

7176 (e) reductions in domestic livestock animal unit months must be temporary and  
7177 scientifically based upon rangeland conditions;

7178 (f) policies, plans, programs, initiatives, resource management plans, and forest plans  
7179 may not allow the placement of grazing animal unit months in a suspended use category unless  
7180 there is a rational and scientific determination that the condition of the rangeland allotment or  
7181 district in question will not sustain the animal unit months sought to be placed in suspended  
7182 use;

7183 (g) any grazing animal unit months that are placed in a suspended use category should  
7184 be returned to active use when range conditions improve;

7185 (h) policies, plans, programs, and initiatives related to vegetation management should  
7186 recognize and uphold the preference for domestic grazing over alternate forage uses in



7187 established grazing districts while upholding management practices that optimize and expand  
7188 forage for grazing and wildlife in conjunction with state wildlife management plans and  
7189 programs in order to provide maximum available forage for all uses; and

7190 (i) in established grazing districts, animal unit months that have been reduced due to  
7191 rangeland health concerns should be restored to livestock when rangeland conditions improve,  
7192 and should not be converted to wildlife use.

7193 Section 92. Section **63L-11-303** is enacted to read:

7194 **63L-11-303. Findings to be recognized and promoted.**

7195 The office shall recognize and promote the following findings in the preparation of any  
7196 policies, plans, programs, processes, or desired outcomes under Section [63L-11-301](#) relating to  
7197 federal lands and natural resources on federal lands:

7198 (1) as a coholder of R.S. 2477 rights-of-way with the counties, the state supports the  
7199 state's recognition by the federal government and the public use of R.S. 2477 rights-of-way and  
7200 urges the federal government to fully recognize the rights-of-way and their use by the public as  
7201 expeditiously as possible;

7202 (2) it is the policy of the state to use reasonable administrative and legal measures to  
7203 protect and preserve valid existing rights-of-way granted by Congress under R.S. 2477, and to  
7204 support and work in conjunction with counties to redress cases where R.S. 2477 rights-of-way  
7205 are not recognized or are impaired; and

7206 (3) transportation and access routes to and across federal lands, including all  
7207 rights-of-way vested under R.S. 2477, are vital to the state's economy and to the quality of life  
7208 in the state, and must provide, at a minimum, a network of roads throughout the resource  
7209 planning area that provides for:

7210 (a) movement of people, goods, and services across public lands;

7211 (b) reasonable access to a broad range of resources and opportunities throughout the  
7212 resource planning area, including:

7213 (i) livestock operations and improvements;

7214 (ii) solid, fluid, and gaseous mineral operations;

7215 (iii) recreational opportunities and operations, including motorized and nonmotorized  
7216 recreation;

7217 (iv) search and rescue needs;

- 7218 (v) public safety needs; and  
7219 (vi) access for transportation of wood products to market;  
7220 (c) access to federal lands for people with disabilities and the elderly; and  
7221 (d) access to state lands and school and institutional trust lands to accomplish the  
7222 purposes of those lands;  
7223 (4) the state's support for the addition of a river segment to the National Wild and  
7224 Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:  
7225 (a) it is clearly demonstrated that water is present and flowing at all times;  
7226 (b) it is clearly demonstrated that the required water-related value is considered  
7227 outstandingly remarkable within a region of comparison consisting of one of the three  
7228 physiographic provinces in the state, and that the rationale and justification for the conclusions  
7229 are disclosed;  
7230 (c) it is clearly demonstrated that the inclusion of each river segment is consistent with  
7231 the plans and policies of the state and the county or counties where the river segment is located  
7232 as those plans and policies are developed according to Subsection (3);  
7233 (d) the effects of the addition upon the local and state economies, agricultural and  
7234 industrial operations and interests, outdoor recreation, water rights, water quality, water  
7235 resource planning, and access to and across river corridors in both upstream and downstream  
7236 directions from the proposed river segment have been evaluated in detail by the relevant federal  
7237 agency;  
7238 (e) it is clearly demonstrated that the provisions and terms of the process for review of  
7239 potential additions have been applied in a consistent manner by all federal agencies;  
7240 (f) the rationale and justification for the proposed addition, including a comparison  
7241 with protections offered by other management tools, is clearly analyzed within the multiple-use  
7242 mandate, and the results disclosed;  
7243 (g) it is clearly demonstrated that the federal agency that has management authority  
7244 over the river segment and that is proposing the segment for inclusion in the National Wild and  
7245 Scenic River System will not use the actual or proposed designation as a basis to impose  
7246 management standards outside of the federal land management plan;  
7247 (h) it is clearly demonstrated that the federal land and resource management plan  
7248 containing a recommendation for inclusion in the National Wild and Scenic River System:

7249 (i) evaluates all eligible river segments in the resource planning area completely and  
7250 fully for suitability for inclusion in the National Wild and Scenic River System;

7251 (ii) does not suspend or terminate any studies for inclusion in the National Wild and  
7252 Scenic River System at the eligibility phase;

7253 (iii) fully disclaims any interest in water rights for the recommended segment as a  
7254 result of the adoption of the plan; and

7255 (iv) fully disclaims the use of the recommendation for inclusion in the National Wild  
7256 and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for  
7257 projects upstream, downstream, or within the recommended segment;

7258 (i) it is clearly demonstrated that the agency with management authority over the river  
7259 segment commits not to use an actual or proposed designation as a basis to impose Visual  
7260 Resource Management Class I or II management prescriptions that do not comply with the  
7261 provisions of Subsection (24); and

7262 (j) it is clearly demonstrated that including the river segment and the terms and  
7263 conditions for managing the river segment as part of the National Wild and Scenic River  
7264 System will not prevent, reduce, impair, or otherwise interfere with:

7265 (i) the enjoyment of the state and the state's citizens of complete and exclusive water  
7266 rights in and to the rivers of the state as determined by the laws of the state; or

7267 (ii) local, state, regional, or interstate water compacts to which the state or any county  
7268 is a party;

7269 (5) the conclusions of all studies related to potential additions to the National Wild and  
7270 Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and  
7271 action by the Legislature and governor, and the results, in support of or in opposition to, are  
7272 included in any planning documents or other proposals for addition and are forwarded to the  
7273 United States Congress;

7274 (6) the state's support for designation of an Area of Critical Environmental Concern  
7275 (ACEC), as defined in 43 U.S.C. Sec. 1702, within federal land management plans will be  
7276 withheld until:

7277 (a) it is clearly demonstrated that the proposed area satisfies all the definitional  
7278 requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec.  
7279 1702(a);

- 7280           (b) it is clearly demonstrated that:
- 7281           (i) the area proposed for designation as an ACEC is limited in geographic size; and
- 7282           (ii) that the proposed management prescriptions are limited in scope to the minimum
- 7283 necessary to specifically protect and prevent irreparable damage to the relevant and important
- 7284 values identified, or limited in geographic size and management prescriptions to the minimum
- 7285 required to specifically protect human life or safety from natural hazards;
- 7286           (c) it is clearly demonstrated that the proposed area is limited only to areas that are
- 7287 already developed or used or to areas where no development is required;
- 7288           (d) it is clearly demonstrated that the proposed area contains relevant and important
- 7289 historic, cultural or scenic values, fish or wildlife resources, or natural processes which are
- 7290 unique or substantially significant on a regional basis, or contain natural hazards which
- 7291 significantly threaten human life or safety;
- 7292           (e) the federal agency has analyzed regional values, resources, processes, or hazards for
- 7293 irreparable damage and potential causes of the damage resulting from potential actions which
- 7294 are consistent with the multiple-use, sustained-yield principles, and the analysis describes the
- 7295 rationale for any special management attention required to protect, or prevent irreparable
- 7296 damage to, the values, resources, processes, or hazards;
- 7297           (f) it is clearly demonstrated that the proposed designation is consistent with the plans
- 7298 and policies of the state and of the county where the proposed designation is located as those
- 7299 plans and policies are developed according to Subsection (3);
- 7300           (g) it is clearly demonstrated that the proposed ACEC designation will not be applied
- 7301 redundantly over existing protections provided by other state and federal laws for federal lands
- 7302 or resources on federal lands, and that the federal statutory requirement for special management
- 7303 attention for a proposed ACEC will discuss and justify any management requirements needed
- 7304 in addition to those specified by the other state and federal laws;
- 7305           (h) the difference between special management attention required for an ACEC and
- 7306 normal multiple-use management has been identified and justified, and any determination of
- 7307 irreparable damage has been analyzed and justified for short-term and long-term horizons;
- 7308           (i) it is clearly demonstrated that the proposed designation:
- 7309           (i) is not a substitute for a wilderness suitability recommendation;
- 7310           (ii) is not a substitute for managing areas inventoried for wilderness characteristics

7311 after 1993 under the Bureau of Land Management interim management plan for valid  
7312 wilderness study areas; and

7313 (iii) it is not an excuse or justification to apply de facto wilderness management  
7314 standards; and

7315 (j) the conclusions of all studies are submitted to the state, as a cooperating agency, for  
7316 review, and the results, in support of or in opposition to, are included in all planning  
7317 documents;

7318 (7) sufficient federal lands are made available for government-to-government  
7319 exchanges of school and institutional trust lands and federal lands without regard for a  
7320 resource-to-resource correspondence between the surface or mineral characteristics of the  
7321 offered trust lands and the offered federal lands;

7322 (8) federal agencies should support government-to-government exchanges of land with  
7323 the state based on a fair process of valuation which meets the fiduciary obligations of both the  
7324 state and federal governments toward trust lands management, and which assures that revenue  
7325 authorized by federal statute to the state from mineral or timber production, present or future, is  
7326 not diminished in any manner during valuation, negotiation, or implementation processes;

7327 (9) agricultural and grazing lands should continue to produce the food and fiber needed  
7328 by the citizens of the state and the nation, and the rural character and open landscape of rural  
7329 Utah should be preserved through a healthy and active agricultural and grazing industry,  
7330 consistent with private property rights and state fiduciary duties;

7331 (10) (a) the resources of the forests and rangelands of the state should be integrated as  
7332 part of viable, robust, and sustainable state and local economies;

7333 (b) available forage should be evaluated for the full complement of herbivores the  
7334 rangelands can support in a sustainable manner;

7335 (c) forests should contain a diversity of timber species; and

7336 (d) disease or insect infestations in forests should be controlled using logging or other  
7337 best management practices;

7338 (11) the state opposes any additional evaluation of national forest service lands as  
7339 roadless or unroaded beyond the forest service's second roadless area review evaluation and  
7340 opposes efforts by agencies to specially manage those areas in a way that:

7341 (a) closes or declassifies existing roads unless multiple side-by-side roads exist running

7342 to the same destination and state and local governments consent to close or declassify the extra  
7343 roads;

7344 (b) permanently bars travel on existing roads;

7345 (c) excludes or diminishes traditional multiple-use activities, including grazing and  
7346 proper forest harvesting;

7347 (d) interferes with the enjoyment and use of valid, existing rights, including water  
7348 rights, local transportation plan rights, R.S. 2477 rights, grazing allotment rights, and mineral  
7349 leasing rights; or

7350 (e) prohibits development of additional roads reasonably necessary to pursue  
7351 traditional multiple-use activities;

7352 (12) the state's support for any forest plan revision or amendment will be withheld until  
7353 the appropriate plan revision or plan amendment clearly demonstrates that:

7354 (a) established roads are not referred to as unclassified roads or a similar classification;

7355 (b) lands in the vicinity of established roads are managed under the multiple-use,  
7356 sustained-yield management standard; and

7357 (c) no roadless or unroaded evaluations or inventories are recognized or upheld beyond  
7358 those that were recognized or upheld in the forest service's second roadless area review  
7359 evaluation;

7360 (13) the state's support for any recommendations made under the statutory requirement  
7361 to examine the wilderness option during the revision of land and resource management plans  
7362 by the United States Forest Service will be withheld until it is clearly demonstrated that:

7363 (a) the duly adopted transportation plans of the state and each county within the  
7364 planning area are fully and completely incorporated into the baseline inventory of information  
7365 from which plan provisions are derived;

7366 (b) valid state or local roads and rights-of-way are recognized and not impaired in any  
7367 way by the recommendations;

7368 (c) the development of mineral resources by underground mining is not affected by the  
7369 recommendations;

7370 (d) the need for additional administrative or public roads necessary for the full use of  
7371 the various multiple uses, including recreation, mineral exploration and development, forest  
7372 health activities, and grazing operations, is not unduly affected by the recommendations;

7373 (e) analysis and full disclosure are made concerning the balance of multiple-use  
7374 management in the proposed areas, and that the analysis compares the full benefit of  
7375 multiple-use management to the recreational, forest health, and economic needs of the state and  
7376 the counties to the benefits of the requirements of wilderness management; and

7377 (f) the conclusions of all studies related to the requirement to examine the wilderness  
7378 option are submitted to the state for review and action by the Legislature and governor, and the  
7379 results, in support of or in opposition to, are included in any planning documents or other  
7380 proposals that are forwarded to the United States Congress;

7381 (14) the invasion of noxious weeds and undesirable invasive plant species into the state  
7382 should be reversed, their presence eliminated, and their return prevented;

7383 (15) management and resource-use decisions by federal land management and  
7384 regulatory agencies concerning the vegetative resources within the state should reflect serious  
7385 consideration of the proper optimization of the yield of water within the watersheds of the  
7386 state;

7387 (16) it is the policy of the state that:

7388 (a) mineral and energy production and environmental protection are not mutually  
7389 exclusive;

7390 (b) it is technically feasible to permit appropriate access to mineral and energy  
7391 resources while preserving nonmineral and nonenergy resources;

7392 (c) resource management planning should seriously consider all available mineral and  
7393 energy resources;

7394 (d) the development of the solid, fluid, and gaseous mineral resources of the state and  
7395 the renewable resources of the state should be encouraged;

7396 (e) the waste of fluid and gaseous minerals within developed areas should be  
7397 prohibited; and

7398 (f) requirements to mitigate or reclaim mineral development projects should be based  
7399 on credible evidence of significant impacts to natural or cultural resources;

7400 (17) the state's support for mineral development provisions within federal land  
7401 management plans will be withheld until the appropriate land management plan environmental  
7402 impact statement clearly demonstrates:

7403 (a) that the authorized planning agency has:

7404 (i) considered and evaluated the mineral and energy potential in all areas of the  
7405 planning area as if the areas were open to mineral development under standard lease  
7406 agreements; and

7407 (ii) evaluated any management plan prescription for the plan's impact on the area's  
7408 baseline mineral and energy potential;

7409 (b) that the development provisions do not unduly restrict access to public lands for  
7410 energy exploration and development;

7411 (c) that the authorized planning agency has supported any closure of additional areas to  
7412 mineral leasing and development or any increase of acres subject to no surface occupancy  
7413 restrictions by adhering to:

7414 (i) the relevant provisions of the Federal Land Policy and Management Act of 1976, 43  
7415 U.S.C. Sec. 1701 et seq.;

7416 (ii) other controlling mineral development laws; and

7417 (iii) the controlling withdrawal and reporting procedures set forth in the Federal Land  
7418 Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;

7419 (d) that the authorized planning agency evaluated whether to repeal any moratorium  
7420 that may exist on the issuance of additional mining patents and oil and gas leases;

7421 (e) that the authorized planning agency analyzed all proposed mineral lease stipulations  
7422 and considered adopting the least restrictive necessary to protect against damage to other  
7423 significant resource values;

7424 (f) that the authorized planning agency evaluated mineral lease restrictions to  
7425 determine whether to waive, modify, or make exceptions to the restrictions on the basis that  
7426 they are no longer necessary or effective;

7427 (g) that the authorized federal agency analyzed all areas proposed for no surface  
7428 occupancy restrictions, and that the analysis evaluated:

7429 (i) whether directional drilling is economically feasible and ecologically necessary for  
7430 each proposed no surface occupancy area;

7431 (ii) whether the directional drilling feasibility analysis, or analysis of other  
7432 management prescriptions, demonstrates that the proposed no surface occupancy prescription,  
7433 in effect, sterilizes the mineral and energy resources beneath the area; and

7434 (iii) whether, if the minerals are effectively sterilized, the area must be reported as



7435 withdrawn under the provisions of the Federal Land Policy and Management Act; and  
7436 (h) that the authorized planning agency has evaluated all directional drilling  
7437 requirements in no surface occupancy areas to determine whether directional drilling is feasible  
7438 from an economic, ecological, and engineering standpoint;  
7439 (18) motorized, human-powered, and animal-powered outdoor recreation should be  
7440 integrated into a fair and balanced allocation of resources within the historical and cultural  
7441 framework of multiple uses in rural areas of the state, and outdoor recreation should be  
7442 supported as part of a balanced plan of state and local economic support and growth;  
7443 (19) off-highway vehicles should be used responsibly, the management of off-highway  
7444 vehicles should be uniform across all jurisdictions, and laws related to the use of off-highway  
7445 vehicles should be uniformly applied across all jurisdictions;  
7446 (20) (a) rights-of-way granted and vested under the provisions of R.S. 2477 should be  
7447 preserved and acknowledged; and  
7448 (b) land use management plans, programs, and initiatives should be consistent with  
7449 both state and county transportation plans developed according to Subsection (3) in order to  
7450 provide a network of roads throughout the planning area that provides for:  
7451 (i) movement of people, goods, and services across public lands;  
7452 (ii) reasonable access to a broad range of resources and opportunities throughout the  
7453 planning area, including access to livestock, water, and minerals;  
7454 (iii) economic and business needs;  
7455 (iv) public safety;  
7456 (v) search and rescue;  
7457 (vi) access for people with disabilities and the elderly;  
7458 (vii) access to state lands; and  
7459 (viii) recreational opportunities;  
7460 (21) transportation and access provisions for all other existing routes, roads, and trails  
7461 across federal, state, and school trust lands within the state should be determined and  
7462 identified, and agreements should be executed and implemented, as necessary to fully authorize  
7463 and determine responsibility for maintenance of all routes, roads, and trails;  
7464 (22) the reasonable development of new routes and trails for motorized,  
7465 human-powered, and animal-powered recreation should be implemented;

7466 (23) (a) forests, rangelands, and watersheds, in a healthy condition, are necessary and  
7467 beneficial for wildlife, livestock grazing, and other multiple uses;

7468 (b) management programs and initiatives that are implemented to increase forage for  
7469 the benefit of the agricultural industry, livestock operations, and wildlife species should utilize  
7470 all proven techniques and tools;

7471 (c) the continued viability of livestock operations and the livestock industry should be  
7472 supported on the federal lands within the state by management of the lands and forage  
7473 resources, by the proper optimization of animal unit months for livestock, in accordance with  
7474 the multiple-use provisions of the Federal Land Policy and Management Act of 1976, 43  
7475 U.S.C. Sec. 1701 et seq., the provisions of the Taylor Grazing Act of 1934, 43 U.S.C. Sec. 315  
7476 et seq., and the provisions of the Public Rangelands Improvement Act of 1978, 43 U.S.C. Sec.  
7477 1901 et seq.;

7478 (d) provisions for predator control initiatives or programs under the direction of state  
7479 and local authorities should be implemented; and

7480 (e) resource use and management decisions by federal land management and regulatory  
7481 agencies should support state-sponsored initiatives or programs designed to stabilize wildlife  
7482 populations that may be experiencing a scientifically demonstrated decline in those  
7483 populations; and

7484 (24) management and resource use decisions by federal land management and  
7485 regulatory agencies concerning the scenic resources of the state must balance the protection of  
7486 scenery with the full management requirements of the other authorized uses of the land under  
7487 multiple-use management, and should carefully consider using Visual Resource Management  
7488 Class I protection only for areas of inventoried Class A scenery or equivalent.

7489 Section 93. Section **63L-11-304**, which is renumbered from Section 63J-4-606 is  
7490 renumbered and amended to read:

7491 ~~[63J-4-606]~~. **63L-11-304. Public lands transfer study and economic**  
7492 **analysis -- Report.**

7493 (1) As used in this section:

7494 (a) "Public lands" means the same as that term is defined in Section **63L-6-102**.

7495 (b) "Transfer of public lands" means the transfer of public lands from federal  
7496 ownership to state ownership.

7497 (2) The [~~coordinator and the~~] office shall, on an ongoing basis, report to the Federalism  
7498 Commission regarding the ramifications and economic impacts of the transfer of public lands.

7499 (3) The [~~coordinator and~~] office shall:

7500 (a) on an ongoing basis, discuss issues related to the transfer of public lands with:

7501 (i) the School and Institutional Trust Lands Administration;

7502 (ii) local governments;

7503 (iii) water managers;

7504 (iv) environmental advocates;

7505 (v) outdoor recreation advocates;

7506 (vi) nonconventional and renewable energy producers;

7507 (vii) tourism representatives;

7508 (viii) wilderness advocates;

7509 (ix) ranchers and agriculture advocates;

7510 (x) oil, gas, and mining producers;

7511 (xi) fishing, hunting, and other wildlife interests;

7512 (xii) timber producers;

7513 (xiii) other interested parties; and

7514 (xiv) the Federalism Commission; and

7515 (b) develop ways to obtain input from [~~Utah~~] citizens of the state regarding the transfer  
7516 of public lands and the future care and use of public lands.

7517 Section 94. Section **63L-11-305**, which is renumbered from Section 63J-4-608 is  
7518 renumbered and amended to read:

7519 ~~[63J-4-608]~~. **63L-11-305. Facilitating the acquisition of federal land --**  
7520 **Advisory committee.**

7521 (1) As used in this section:

7522 (a) "Advisory committee" means the committee established under Subsection (3).

7523 (b) "Federal land" means land that the secretary is authorized to dispose of under the  
7524 federal land disposal law.

7525 (c) "Federal land disposal law" means the Recreation and Public Purposes Act, 43  
7526 U.S.C. Sec. 869 et seq.

7527 (d) "Government entity" means any state or local government entity allowed to submit

7528 a land application under the federal land disposal law.

7529 (e) "Land application" means an application under the federal land disposal law  
7530 requesting the secretary to sell or lease federal land.

7531 (f) "Land application process" means all actions involved in the process of submitting  
7532 and obtaining a final decision on a land application.

7533 (g) "Secretary" means the Secretary of the Interior of the United States.

7534 (2) The [~~coordinator and the~~] office shall:

7535 (a) develop expertise:

7536 (i) in the land application process; and

7537 (ii) concerning the factors that tend to increase the chances that a land application will  
7538 result in the secretary selling or leasing federal land as requested in the land application;

7539 (b) work to educate government entities concerning:

7540 (i) the availability of federal land pursuant to the federal land disposal law; and

7541 (ii) the land application process;

7542 (c) advise and consult with a government entity that requests assistance from [~~the~~  
7543 ~~coordinator or~~] the office to formulate and submit a land application and to pursue a decision  
7544 on the land application;

7545 (d) advise and consult with a government entity that requests assistance from [~~the~~  
7546 ~~coordinator or~~] the office to identify and quantify the amount of any funds needed to provide  
7547 the public use described in a land application;

7548 (e) with the advice and recommendations of the advisory committee:

7549 (i) adopt a list of factors to be considered in determining the degree to which a land  
7550 application or potential land application is in the public interest; and

7551 (ii) recommend a prioritization of all land applications or potential land applications in  
7552 the state according to the extent to which the land applications are in the public interest, based  
7553 on the factors adopted under Subsection (2)[~~(f)~~](e)(i);

7554 (f) prepare and submit a written report of land applications:

7555 (i) to the Natural Resources, Agriculture, and Environment Interim Committee and the  
7556 Federalism Commission;

7557 (ii) (A) annually no later than August 31; and

7558 (B) at other times, if and as requested by the committee or commission; and

- 7559 (iii) (A) on the activities of [~~the coordinator and~~] the office under this section;
- 7560 (B) on the land applications and potential land applications in the state; and
- 7561 (C) on the decisions of the secretary on land applications submitted by government
- 7562 entities in the state and the quantity of land acquired under the land applications;
- 7563 (g) present a summary of information contained in the report described in Subsection
- 7564 [~~(3)~~] (2)(f):
- 7565 (i) at a meeting of the Natural Resources, Agriculture, and Environment Interim
- 7566 Committee and at a meeting of the Federalism Commission;
- 7567 (ii) annually no later than August 31; and
- 7568 (iii) at other times, if and as requested by the committee or commission; and
- 7569 (h) report to the Executive Appropriations Committee of the Legislature, as frequently
- 7570 as the [~~coordinator~~] executive director considers appropriate or as requested by the committee,
- 7571 on the need for legislative appropriations to provide funds for the public purposes described in
- 7572 land applications.
- 7573 (3) (a) There is created [~~a~~] an advisory committee comprised of:
- 7574 (i) an individual designated by the chairs of the Federalism Commission;
- 7575 (ii) an individual designated by the director of the Division of Facilities Construction
- 7576 and Management;
- 7577 (iii) a representative of the Antiquities Section, created in Section 9-8-304, designated
- 7578 by the director of the Division of State History;
- 7579 (iv) a representative of municipalities designated by the Utah League of Cities and
- 7580 Towns;
- 7581 (v) a representative of counties designated by the Utah Association of Counties;
- 7582 (vi) an individual designated by the Governor's Office of Economic Development; and
- 7583 (vii) an individual designated by the director of the Division of Parks and Recreation,
- 7584 created in Section 79-4-201.
- 7585 (b) The seven members of the advisory committee under Subsection (3)(a) may, by
- 7586 majority vote, appoint up to four additional volunteer members of the advisory committee.
- 7587 (c) The advisory committee shall advise and provide recommendations to [~~the~~
- 7588 ~~coordinator and~~] the office on:
- 7589 (i) factors the [~~coordinator and~~] office should consider in determining the degree to

7590 which a land application or potential land application is in the public interest; and

7591 (ii) the prioritization of land applications or potential land applications in the state  
7592 according to the extent to which the land applications are in the public interest, based on the  
7593 factors adopted under Subsection (2)~~(f)~~(e)(i).

7594 (d) A member of the advisory committee may not receive compensation, benefits, or  
7595 expense reimbursement for the member's service on the advisory committee.

7596 (e) The advisory committee may:

7597 (i) select a chair from among the advisory committee members; and

7598 (ii) meet as often as necessary to perform the advisory committee's duties under this  
7599 section.

7600 (f) The ~~[coordinator]~~ executive director shall facilitate the convening of the first  
7601 meeting of the advisory committee.

7602 Section 95. Section **63L-11-401**, which is renumbered from Section 63J-4-501 is  
7603 renumbered and amended to read:

7604 **Part 4. Resource Development Coordinating Committee**

7605 ~~[63J-4-501].~~ **63L-11-401. Creation of coordinating committee.**

7606 There is created the Resource Development Coordinating Committee within the  
7607 ~~[Governor's Office of Management and Budget]~~ office to:

7608 (1) assist the ~~[state planning coordinator]~~ office in fulfilling the responsibilities of  
7609 reviewing and coordinating technical and policy actions that may affect the physical resources  
7610 of the state; and

7611 (2) facilitate the exchange of information on those actions among state agencies and  
7612 other levels of government.

7613 Section 96. Section **63L-11-402**, which is renumbered from Section 63J-4-502 is  
7614 renumbered and amended to read:

7615 ~~[63J-4-502].~~ **63L-11-402. Membership -- Terms -- Chair -- Expenses.**

7616 (1) The Resource Development Coordinating Committee ~~[shall consist]~~ consists of the  
7617 following 24 members:

7618 (a) the state science advisor;

7619 (b) a representative from the Department of Agriculture and Food appointed by the  
7620 executive director of the Department of Agriculture and Food;

- 7621 (c) a representative from the Department of Heritage and Arts appointed by the  
7622 executive director of the Department of Heritage and Arts;
- 7623 (d) a representative from the Department of Environmental Quality appointed by the  
7624 executive director of the Department of Environmental Quality;
- 7625 (e) a representative from the Department of Natural Resources appointed by the  
7626 executive director of the Department of Natural Resources;
- 7627 (f) a representative from the Department of Transportation appointed by the executive  
7628 director of the Department of Transportation;
- 7629 (g) a representative from the Governor's Office of Economic Development appointed  
7630 by the director of the Governor's Office of Economic Development;
- 7631 (h) a representative from the Housing and Community Development Division  
7632 appointed by the director of the Housing and Community Development Division;
- 7633 (i) a representative from the Division of State History appointed by the director of the  
7634 Division of State History;
- 7635 (j) a representative from the Division of Air Quality appointed by the director of the  
7636 Division of Air Quality;
- 7637 (k) a representative from the Division of Drinking Water appointed by the director of  
7638 the Division of Drinking Water;
- 7639 (l) a representative from the Division of Environmental Response and Remediation  
7640 appointed by the director of the Division of Environmental Response and Remediation;
- 7641 (m) a representative from the Division of Waste Management and Radiation Control  
7642 appointed by the director of the Division of Waste Management and Radiation Control;
- 7643 (n) a representative from the Division of Water Quality appointed by the director of the  
7644 Division of Water Quality;
- 7645 (o) a representative from the Division of Oil, Gas, and Mining appointed by the  
7646 director of the Division of Oil, Gas, and Mining;
- 7647 (p) a representative from the Division of Parks and Recreation appointed by the  
7648 director of the Division of Parks and Recreation;
- 7649 (q) a representative from the Division of Forestry, Fire, and State Lands appointed by  
7650 the director of the Division of Forestry, Fire, and State Lands;
- 7651 (r) a representative from the Utah Geological Survey appointed by the director of the

7652 Utah Geological Survey;

7653 (s) a representative from the Division of Water Resources appointed by the director of  
7654 the Division of Water Resources;

7655 (t) a representative from the Division of Water Rights appointed by the director of the  
7656 Division of Water Rights;

7657 (u) a representative from the Division of Wildlife Resources appointed by the director  
7658 of the Division of Wildlife Resources;

7659 (v) a representative from the School and Institutional Trust Lands Administration  
7660 appointed by the director of the School and Institutional Trust Lands Administration;

7661 (w) a representative from the Division of Facilities Construction and Management  
7662 appointed by the director of the Division of Facilities Construction and Management; and

7663 (x) a representative from the Division of Emergency Management appointed by the  
7664 director of the Division of Emergency Management.

7665 (2) (a) As particular issues require, the coordinating committee may, by majority vote  
7666 of the members present, [~~and with the concurrence of the state planning coordinator,~~] appoint  
7667 additional temporary members to serve as ex officio voting members.

7668 (b) Those ex officio members may discuss and vote on the issue or issues for which  
7669 they were appointed.

7670 (3) A chair shall be selected by a majority vote of committee members with the  
7671 concurrence of the [~~state planning coordinator~~] executive director.

7672 (4) A member may not receive compensation or benefits for the member's service, but  
7673 may receive per diem and travel expenses in accordance with:

7674 (a) [~~Section~~] Sections 63A-3-106 [~~;~~ (b) ~~Section~~] and 63A-3-107; and

7675 [~~(c)~~] (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7676 63A-3-107.

7677 Section 97. Section **63L-11-403**, which is renumbered from Section 63J-4-503 is  
7678 renumbered and amended to read:

7679 [~~63J-4-503~~]. **63L-11-403. Executive director responsibilities.**

7680 [~~(1) The state planning coordinator shall:~~]

7681 The executive director shall:

7682 [~~(a)~~] (1) administer this part;



7683            [(b)] (2) subject to the direction and approval of the governor, take necessary action  
7684 [for its implementation] to implement this part; and

7685            [(c)] (3) inform political subdivision representatives, in advance, of all coordinating  
7686 committee meetings.

7687            [(2) The state planning coordinator may delegate the state planning coordinator's  
7688 responsibilities under this part to the Public Lands Policy Coordinating Office.]

7689            Section 98. Section **63L-11-404**, which is renumbered from Section 63J-4-504 is  
7690 renumbered and amended to read:

7691            ~~[63J-4-504].~~            **63L-11-404. Coordinating committee duties.**

7692            (1) The coordinating committee shall assist the ~~[state planning coordinator]~~ office:

7693            (a) in the review of:

7694            (i) proposed state actions affecting physical resources;

7695            (ii) federal and federally assisted actions for which state review is provided by federal  
7696 law, regulation, or policy; and

7697            (iii) proposed federal regulations and policies pertaining to natural resource issues; and

7698            (b) in the development and implementation of a procedure that will expedite the review  
7699 of proposed energy and industrial facilities that require permits to be issued by more than one  
7700 state agency.

7701            (2) The ~~[state planning coordinator]~~ office shall review and forward the comments and  
7702 recommendations of the committee to:

7703            (a) the governor;

7704            (b) the initiating state agency, in the case of a proposed state action; and

7705            (c) the Office of Legislative Research and General Counsel.

7706            Section 99. Section **63L-11-405**, which is renumbered from Section 63J-4-505 is  
7707 renumbered and amended to read:

7708            ~~[63J-4-505].~~            **63L-11-405. Powers of state agencies and local governments**  
7709 **not limited.**

7710            This part does not limit powers conferred upon ~~[state]~~ departments, agencies, ~~[or]~~  
7711 instrumentalities ~~[of the state]~~, or political subdivisions of the state by existing law.

7712            Section 100. Section **63N-1-203** is amended to read:

7713            **63N-1-203. Powers and duties of executive director.**

7714 (1) Unless otherwise expressly provided by statute, the executive director may organize  
7715 the office in any appropriate manner, including the appointment of deputy directors of the  
7716 office.

7717 (2) The executive director may consolidate personnel and service functions for  
7718 efficiency and economy in the office.

7719 (3) The executive director, with the approval of the governor:

7720 (a) may, by following the procedures and requirements of Title 63J, Chapter 5, Federal  
7721 Funds Procedures Act, seek federal grants, loans, or participation in federal programs;

7722 (b) may enter into a lawful contract or agreement with another state, a chamber of  
7723 commerce organization, a service club, or a private entity; and

7724 (c) shall annually prepare and submit to the governor a budget of the office's financial  
7725 requirements.

7726 (4) With the governor's approval, if a federal program requires the expenditure of state  
7727 funds as a condition for the state to participate in a fund, property, or service, the executive  
7728 director may expend necessary funds from money provided by the Legislature for the use of the  
7729 office.

7730 (5) The executive director shall coordinate with the executive directors of the  
7731 Department of Workforce Services and the Governor's Office of ~~Management~~ Planning and  
7732 Budget to review data and metrics to be reported to the Legislature as described in Subsection  
7733 [63N-1-301\(2\)\(b\)](#).

7734 Section 101. Section **63N-1-301** is amended to read:

7735 **63N-1-301. Annual report -- Content -- Format -- Strategic plan.**

7736 (1) The office shall prepare and submit to the governor and the Legislature, by October  
7737 1 of each year, an annual written report of the operations, activities, programs, and services of  
7738 the office, including the divisions, sections, boards, commissions, councils, and committees  
7739 established under this title, for the preceding fiscal year.

7740 (2) For each operation, activity, program, or service provided by the office, the annual  
7741 report shall include:

7742 (a) a description of the operation, activity, program, or service;

7743 (b) data and metrics:

7744 (i) selected and used by the office to measure progress, performance, effectiveness, and

- 7745 scope of the operation, activity, program, or service, including summary data; and
- 7746 (ii) that are consistent and comparable for each state operation, activity, program, or
- 7747 service that primarily involves employment training or placement as determined by the
- 7748 executive directors of the office, the Department of Workforce Services, and the Governor's
- 7749 Office of ~~Management~~ Planning and Budget;
- 7750 (c) budget data, including the amount and source of funding, expenses, and allocation
- 7751 of full-time employees for the operation, activity, program, or service;
- 7752 (d) historical data from previous years for comparison with data reported under
- 7753 Subsections (2)(b) and (c);
- 7754 (e) goals, challenges, and achievements related to the operation, activity, program, or
- 7755 service;
- 7756 (f) relevant federal and state statutory references and requirements;
- 7757 (g) contact information of officials knowledgeable and responsible for each operation,
- 7758 activity, program, or service; and
- 7759 (h) other information determined by the office that:
- 7760 (i) may be needed, useful, or of historical significance; or
- 7761 (ii) promotes accountability and transparency for each operation, activity, program, or
- 7762 service with the public and elected officials.
- 7763 (3) The annual report shall be designed to provide clear, accurate, and accessible
- 7764 information to the public, the governor, and the Legislature.
- 7765 (4) The office shall:
- 7766 (a) submit the annual report in accordance with Section [68-3-14](#);
- 7767 (b) make the annual report, and previous annual reports, accessible to the public by
- 7768 placing a link to the reports on the office's website; and
- 7769 (c) provide the data and metrics described in Subsection (2)(b) to the Talent Ready
- 7770 Utah Board created in Section [63N-12-503](#).
- 7771 (5) (a) On or before October 1, 2019, the office shall:
- 7772 (i) in consultation with the organizations described in Subsection (5)(c), coordinate the
- 7773 development of a written strategic plan that contains a coordinated economic development
- 7774 strategy for the state; and
- 7775 (ii) provide the strategic plan to the president of the Senate, the speaker of the House of

7776 Representatives, and the Economic Development and Workforce Services Interim Committee.  
7777 (b) The strategic plan shall:  
7778 (i) establish a statewide economic development strategy that consists of a limited set of  
7779 clear, concise, and defined principles and goals;  
7780 (ii) recommend targeted economic development policies that will further the  
7781 implementation of the economic development strategy described in this section;  
7782 (iii) identify each of the relevant state-level economic development agencies, including  
7783 the agencies described in Subsection (5)(c);  
7784 (iv) outline the functional role in furthering the state's economic development strategy  
7785 for each relevant state-level economic development agency;  
7786 (v) establish specific principles and make specific recommendations to decrease  
7787 competition and increase communication and cooperation among state-level economic  
7788 development agencies, providers and administrators of economic development programs in the  
7789 state, nonprofit entities that participate in economic development in the state, and local  
7790 governments;  
7791 (vi) recommend a fundamental realignment of economic development programs in the  
7792 state to ensure each program's purpose is congruent with the mission of the organization within  
7793 which the program is located;  
7794 (vii) address rural economic development by:  
7795 (A) establishing goals and principles to ensure the state's economic development  
7796 strategy works for both urban and rural areas of the state; and  
7797 (B) providing recommendations on how existing rural economic development  
7798 programs should be restructured or realigned;  
7799 (viii) assess the effectiveness of the state's economic development incentives and make  
7800 recommendations regarding:  
7801 (A) how incentive policies could be improved; and  
7802 (B) how incentives could be better coordinated among state-level economic  
7803 development agencies and local governments;  
7804 (ix) make recommendations regarding how to align the state's economic development  
7805 strategy and policies in order to take advantage of the strengths and address the weaknesses of  
7806 the state's current and projected urban and rural workforce;

7807 (x) make recommendations regarding how to monitor and assess whether certain  
7808 economic development policies further the statewide economic development strategy described  
7809 in this section, including recommendations on performance metrics to measure results; and

7810 (xi) align the strategic plan with each element of the statewide economic development  
7811 strategy.

7812 (c) The office shall coordinate the development of the strategic plan by working in  
7813 coordination with and obtaining information from other state agencies, including:

7814 (i) the Department of Workforce Services;

7815 (ii) the Office of Energy Development;

7816 (iii) the State Board of Education; and

7817 (iv) the Utah Board of Higher Education.

7818 (d) If contacted by the office, other state agencies, including those described in  
7819 Subsection (5)(c), shall, in accordance with state and federal law, share information and  
7820 cooperate with the office in coordinating the development of the strategic plan.

7821 Section 102. Section **63N-2-107** is amended to read:

7822 **63N-2-107. Reports of new state revenues, partial rebates, and tax credits.**

7823 (1) Before October 1 of each year, the office shall submit a report to the Governor's  
7824 Office of [~~Management~~] Planning and Budget, the Office of the Legislative Fiscal Analyst, and  
7825 the Division of Finance identifying:

7826 (a) (i) the total estimated amount of new state revenues created from new commercial  
7827 projects in development zones;

7828 (ii) the estimated amount of new state revenues from new commercial projects in  
7829 development zones that will be generated from:

7830 (A) sales tax;

7831 (B) income tax; and

7832 (C) corporate franchise and income tax; and

7833 (iii) the minimum number of new incremental jobs and high paying jobs that will be  
7834 created before any tax credit is awarded; and

7835 (b) the total estimated amount of tax credits that the office projects that business  
7836 entities, local government entities, or community reinvestment agencies will qualify to claim  
7837 under this part.

7838 (2) By the first business day of each month, the office shall submit a report to the  
7839 Governor's Office of [~~Management~~] Planning and Budget, the Office of the Legislative Fiscal  
7840 Analyst, and the Division of Finance identifying:

7841 (a) each new agreement entered into by the office since the last report;

7842 (b) the estimated amount of new state revenues that will be generated under each  
7843 agreement;

7844 (c) the estimated maximum amount of tax credits that a business entity, local  
7845 government entity, or community reinvestment agency could qualify for under each agreement;  
7846 and

7847 (d) the minimum number of new incremental jobs and high paying jobs that will be  
7848 created before any tax credit is awarded.

7849 (3) At the reasonable request of the Governor's Office of [~~Management~~] Planning and  
7850 Budget, the Office of the Legislative Fiscal Analyst, or the Division of Finance, the office shall  
7851 provide additional information about the tax credit, new incremental jobs and high paying jobs,  
7852 costs, and economic benefits related to this part, if the information is part of a public record as  
7853 defined in Section [63G-2-103](#).

7854 Section 103. Section **63N-2-811** is amended to read:

7855 **63N-2-811. Reports of tax credits.**

7856 (1) Before December 1 of each year, the office shall submit a report to the Governor's  
7857 Office of [~~Management~~] Planning and Budget, the Office of the Legislative Fiscal Analyst, and  
7858 the Division of Finance identifying:

7859 (a) the total amount listed on tax credit certificates the office issues under this part; and

7860 (b) the criteria that the office uses in prioritizing the issuance of tax credits amongst tax  
7861 credit applicants.

7862 (2) By the first business day of each month, the office shall submit a report to the  
7863 Governor's Office of [~~Management~~] Planning and Budget, the Office of the Legislative Fiscal  
7864 Analyst, and the Division of Finance identifying:

7865 (a) each new agreement entered into by the office since the last report;

7866 (b) the total amount listed on tax credit certificates the office issues under this part; and

7867 (c) the criteria that the office uses in prioritizing the issuance of tax credits amongst tax  
7868 credit applicants.

7869 Section 104. Section **63N-3-111** is amended to read:

7870 **63N-3-111. Annual policy considerations.**

7871 (1) (a) The board shall determine annually which industries or groups of industries  
7872 shall be targeted industries as defined in Section **63N-3-102**.

7873 (b) The office shall make recommendations to state and federal agencies, local  
7874 governments, the governor, and the Legislature regarding policies and initiatives that promote  
7875 the economic development of targeted industries.

7876 (c) The office may create one or more voluntary advisory committees that may include  
7877 public and private stakeholders to solicit input on policy guidance and best practices in  
7878 encouraging the economic development of targeted industries.

7879 (2) In designating an economically disadvantaged rural area, the board shall consider  
7880 the average agricultural and nonagricultural wage, personal income, unemployment, and  
7881 employment in the area.

7882 (3) In evaluating the economic impact of applications for assistance, the board shall use  
7883 an econometric cost-benefit model or models adopted by the Governor's Office of  
7884 [~~Management~~] Planning and Budget.

7885 (4) The board may establish:

7886 (a) minimum interest rates to be applied to loans granted that reflect a fair social rate of  
7887 return to the state comparable to prevailing market-based rates such as the prime rate, U.S.  
7888 Government T-bill rate, or bond coupon rate as paid by the state, adjusted by social indicators  
7889 such as the rate of unemployment; and

7890 (b) minimum applicant expense ratios, as long as they are at least equal to those  
7891 required under Subsection **63N-3-105(1)(a)** or **63N-3-108(1)(b)(i)(A)**.

7892 Section 105. Section **63N-9-104** is amended to read:

7893 **63N-9-104. Creation of outdoor recreation office and appointment of director --**  
7894 **Responsibilities of outdoor recreation office.**

7895 (1) There is created within the Governor's Office of Economic Development the Utah  
7896 Office of Outdoor Recreation.

7897 (2) (a) The executive director shall appoint a director of the outdoor recreation office.

7898 (b) The director shall report to the executive director and may appoint staff.

7899 (3) The outdoor recreation office shall:

- 7900 (a) coordinate outdoor recreation policy, management, and promotion:
- 7901 (i) among state and federal agencies and local government entities in the state; and
- 7902 (ii) with the Public Lands Policy Coordinating Office created in Section [~~63J-4-602~~
- 7903 [63L-11-201](#), if public land is involved;
- 7904 (b) promote economic development in the state by:
- 7905 (i) coordinating with outdoor recreation stakeholders;
- 7906 (ii) improving recreational opportunities; and
- 7907 (iii) recruiting outdoor recreation business;
- 7908 (c) recommend to the governor and Legislature policies and initiatives to enhance
- 7909 recreational amenities and experiences in the state and help implement those policies and
- 7910 initiatives;
- 7911 (d) develop data regarding the impacts of outdoor recreation in the state; and
- 7912 (e) promote the health and social benefits of outdoor recreation, especially to young
- 7913 people.
- 7914 (4) By following the procedures and requirements of Title 63J, Chapter 5, Federal
- 7915 Funds Procedures Act, the outdoor recreation office may:
- 7916 (a) seek federal grants or loans;
- 7917 (b) seek to participate in federal programs; and
- 7918 (c) in accordance with applicable federal program guidelines, administer federally
- 7919 funded outdoor recreation programs.
- 7920 (5) For purposes of administering this part, the outdoor recreation office may make
- 7921 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 7922 Section 106. Section **64-13e-105** is amended to read:
- 7923 **64-13e-105. Meeting to discuss daily incarceration rates.**
- 7924 (1) Before September 30 of each year, the individuals described in Subsection (2) shall
- 7925 meet to review and discuss:
- 7926 (a) the actual state daily incarceration rate, described in Section [64-13e-103.1](#);
- 7927 (b) the actual county daily incarceration rate; and
- 7928 (c) the compilation described in Subsection [64-13e-104\(7\)](#).
- 7929 (2) The following individuals shall meet in accordance with Subsection (1):
- 7930 (a) as designated by the Utah Sheriffs Association:



7931 (i) one sheriff of a county that is currently under contract with the department to house  
7932 state inmates; and

7933 (ii) one sheriff of a county that is currently receiving reimbursement from the  
7934 department for housing state probationary inmates or state parole inmates;

7935 (b) the executive director of the department or the executive director's designee;

7936 (c) as designated by the Utah Association of Counties:

7937 (i) one member of the legislative body of one county that is currently under contract  
7938 with the department to house state inmates; and

7939 (ii) one member of the legislative body of one county that is currently receiving  
7940 reimbursement from the department for housing state probationary inmates or state parole  
7941 inmates;

7942 (d) the executive director of the Commission on Criminal and Juvenile Justice or the  
7943 executive director's designee; and

7944 (e) the executive director of the Governor's Office of [~~Management~~] Planning and  
7945 Budget or the executive director's designee.

7946 Section 107. Section ~~67-4-16~~ is amended to read:

7947 **67-4-16. State financial advisor -- Duties -- Conflict of interest restrictions.**

7948 (1) The state treasurer may hire a state financial advisor on a fee-for-service basis.

7949 (2) The state financial advisor shall advise the state treasurer, the executive director of  
7950 the Governor's Office of [~~Management~~] Planning and Budget, the director of the Division of  
7951 Finance, the director of the Division of Facilities Construction and Management, and the  
7952 Legislature and its staff offices on the issuance of bonds and other debt, and on all other public  
7953 debt matters generally.

7954 (3) The financial advisor may assist in the preparation of the official statement,  
7955 represent the state's creditworthiness before credit rating agencies, and assist in the preparation,  
7956 marketing, or issuance of public debt.

7957 (4) (a) The state financial advisor or the firm that the advisor represents may not  
7958 negotiate to underwrite debt issued by the state of Utah for which he has provided financial  
7959 advisor services.

7960 (b) The state financial advisor may enter a competitive bid, either for his own account  
7961 or in cooperation with others, in response to a call for public bids for the sale of state debt.

7962 (5) (a) Fees directly related to the preparation, marketing, or issuance of public debt,  
7963 including ordinary and necessary expenses, may be paid from the debt proceeds.

7964 (b) Fees for other services shall be paid from the state treasurer's budget.

7965 Section 108. Section **67-5-34** is amended to read:

7966 **67-5-34. Rate committee -- Membership -- Duties.**

7967 (1) (a) There is created a rate committee that consists of:

7968 (i) the executive director of the Governor's Office of [~~Management~~] Planning and  
7969 Budget, or the executive director's designee; and

7970 (ii) the executive directors of six state agencies that use or are likely to use services and  
7971 pay rates to the Office of the Attorney General's internal service fund, appointed by the  
7972 governor for a two-year term, or the executive directors' designees.

7973 (b) The rate committee shall elect a chair from the rate committee's members.

7974 (2) Each member of the rate committee who is a state government employee and does  
7975 not receive salary, per diem, or expenses from the member's agency for the member's service  
7976 on the rate committee shall receive no compensation, benefits, per diem, or expenses for the  
7977 member's service on the rate committee.

7978 (3) The Office of the Attorney General shall provide staff services to the rate  
7979 committee.

7980 (4) The Office of the Attorney General shall submit to the rate committee a proposed  
7981 rate and fee schedule for legal services rendered by the Office of the Attorney General to an  
7982 agency.

7983 (5) (a) The rate committee shall:

7984 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings  
7985 Act;

7986 (ii) review the proposed rate and fee schedules and, at the rate committee's discretion,  
7987 approve, increase, or decrease the rate and fee schedules;

7988 (iii) recommend a proposed rate and fee schedule for the internal service fund to:

7989 (A) the Governor's Office of [~~Management~~] Planning and Budget; and

7990 (B) each legislative appropriations subcommittee that, in accordance with Section  
7991 **63J-1-410**, approves the internal service fund rates, fees, and budget; and

7992 (iv) review and approve, increase or decrease an interim rate, fee, or amount when the

7993 office begins a new service or introduces a new product between annual general sessions of the  
7994 Legislature.

7995 (b) The committee may, in accordance with Subsection 63J-1-410(4), decrease a rate,  
7996 fee, or amount that has been approved by the Legislature.

7997 Section 109. Section 67-19-11 is amended to read:

7998 **67-19-11. Use of department facilities -- Field office facilities cost allocation --**  
7999 **Rate committee.**

8000 (1) (a) An agency or a political subdivision of the state shall allow the department to  
8001 use public buildings under the agency's of the political subdivision's control, and furnish heat,  
8002 light, and furniture, for any examination, training, hearing, or investigation authorized by this  
8003 chapter.

8004 (b) An agency or political subdivision that allows the department to use a public  
8005 building under Subsection (1)(a) shall pay the cost of the department's use of the public  
8006 building.

8007 (2) The executive director shall:

8008 (a) prepare an annual budget request for the department;

8009 (b) submit the budget request to the governor and the Legislature; and

8010 (c) before charging a fee for services provided by the department's internal service fund  
8011 to an executive branch agency:

8012 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established  
8013 under Subsection (3); and

8014 (ii) obtain the approval of the Legislature as required under Section 63J-1-410.

8015 (3) (a) There is created a rate committee that shall consist of the executive directors of  
8016 seven state agencies that use services and pay rates to one of the department internal service  
8017 funds, or their designee, appointed by the governor for a two-year term.

8018 (b) (i) Of the seven executive agencies represented on the rate committee under  
8019 Subsection (3)(a), only one of the following may be represented on the committee, if at all, at  
8020 any one time:

8021 (A) the Governor's Office of ~~Management~~ Planning and Budget;

8022 (B) the Division of Finance;

8023 (C) the Department of Administrative Services; or

- 8024 (D) the Department of Technology Services.
- 8025 (ii) The department may not have a representative on the rate committee.
- 8026 (c) (i) The rate committee shall elect a chair from the rate committee's members.
- 8027 (ii) Each member of the rate committee who is a state government employee and who
- 8028 does not receive salary, per diem, or expenses from the member's agency for the member's
- 8029 service on the rate committee shall receive no compensation, benefits, per diem, or expenses
- 8030 for the member's service on the rate committee.
- 8031 (d) The department shall provide staff services to the rate committee.
- 8032 (4) (a) The department shall submit to the rate committee a proposed rate and fee
- 8033 schedule for:
- 8034 (i) human resource management services rendered; and
- 8035 (ii) costs incurred by the Office of the Attorney General in defending the state in a
- 8036 grievance under review by the Career Service Review Office.
- 8037 (b) The rate committee shall:
- 8038 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings
- 8039 Act;
- 8040 (ii) meet at least once each calendar year to:
- 8041 (A) discuss the service performance of each internal service fund;
- 8042 (B) review the proposed rate and fee schedules;
- 8043 (C) at the rate committee's discretion, approve, increase, or decrease the rate and fee
- 8044 schedules described in Subsection (4)(b)(ii)(B); and
- 8045 (D) discuss any prior or potential adjustments to the service level received by state
- 8046 agencies that pay rates to an internal service fund;
- 8047 (iii) recommend a proposed rate and fee schedule for the internal service fund to:
- 8048 (A) the Governor's Office of ~~Management~~ Planning and Budget; and
- 8049 (B) each legislative appropriations subcommittee that, in accordance with Section
- 8050 [63J-1-410](#), approves the internal service fund rates, fees, and budget; and
- 8051 (iv) review and approve, increase or decrease an interim rate, fee, or amount when the
- 8052 department begins a new service or introduces a new product between annual general sessions
- 8053 of the Legislature.
- 8054 (c) The committee may in accordance with Subsection [63J-1-410](#)(4) decrease a rate,

8055 fee, or amount that has been approved by the Legislature.

8056 Section 110. Section **67-19-15** is amended to read:

8057 **67-19-15. Career service -- Exempt positions -- Schedules for civil service**  
8058 **positions -- Coverage of career service provisions.**

8059 (1) Except as otherwise provided by law or by rules and regulations established for  
8060 federally aided programs, the following positions are exempt from the career service provisions  
8061 of this chapter and are designated under the following schedules:

8062 (a) schedule AA includes the governor, members of the Legislature, and all other  
8063 elected state officers;

8064 (b) schedule AB includes appointed executives and board or commission executives  
8065 enumerated in Section [67-22-2](#);

8066 (c) schedule AC includes all employees and officers in:

8067 (i) the office and at the residence of the governor;

8068 (ii) the Public Lands Policy Coordinating ~~Committee~~ Office;

8069 (iii) the Office of the State Auditor; and

8070 (iv) the Office of the State Treasurer;

8071 (d) schedule AD includes employees who:

8072 (i) are in a confidential relationship to an agency head or commissioner; and

8073 (ii) report directly to, and are supervised by, a department head, commissioner, or  
8074 deputy director of an agency or its equivalent;

8075 (e) schedule AE includes each employee of the State Board of Education that the State  
8076 Board of Education designates as exempt from the career service provisions of this chapter;

8077 (f) schedule AG includes employees in the Office of the Attorney General who are  
8078 under their own career service pay plan under Sections [67-5-7](#) through [67-5-13](#);

8079 (g) schedule AH includes:

8080 (i) teaching staff of all state institutions; and

8081 (ii) employees of the Utah Schools for the Deaf and the Blind who are:

8082 (A) educational interpreters as classified by the department; or

8083 (B) educators as defined by Section [53E-8-102](#);

8084 (h) schedule AN includes employees of the Legislature;

8085 (i) schedule AO includes employees of the judiciary;

- 8086 (j) schedule AP includes all judges in the judiciary;
- 8087 (k) schedule AQ includes:
  - 8088 (i) members of state and local boards and councils appointed by the governor and
  - 8089 governing bodies of agencies;
  - 8090 (ii) a water commissioner appointed under Section 73-5-1;
  - 8091 (iii) other local officials serving in an ex officio capacity; and
  - 8092 (iv) officers, faculty, and other employees of state universities and other state
  - 8093 institutions of higher education;
- 8094 (l) schedule AR includes employees in positions that involve responsibility:
  - 8095 (i) for determining policy;
  - 8096 (ii) for determining the way in which a policy is carried out; or
  - 8097 (iii) of a type not appropriate for career service, as determined by the agency head with
  - 8098 the concurrence of the executive director;
- 8099 (m) schedule AS includes any other employee:
  - 8100 (i) whose appointment is required by statute to be career service exempt;
  - 8101 (ii) whose agency is not subject to this chapter; or
  - 8102 (iii) whose agency has authority to make rules regarding the performance,
  - 8103 compensation, and bonuses for its employees;
- 8104 (n) schedule AT includes employees of the Department of Technology Services,
- 8105 designated as executive/professional positions by the executive director of the Department of
- 8106 Technology Services with the concurrence of the executive director;
- 8107 (o) schedule AU includes patients and inmates employed in state institutions;
- 8108 (p) employees of the Department of Workforce Services, designated as schedule AW:
  - 8109 (i) who are temporary employees that are federally funded and are required to work
  - 8110 under federally qualified merit principles as certified by the director; or
  - 8111 (ii) for whom substantially all of their work is repetitive, measurable, or transaction
  - 8112 based, and who voluntarily apply for and are accepted by the Department of Workforce
  - 8113 Services to work in a pay for performance program designed by the Department of Workforce
  - 8114 Services with the concurrence of the executive director; and
- 8115 (q) for employees in positions that are temporary, seasonal, time limited, funding
- 8116 limited, or variable hour in nature, under schedule codes and parameters established by the

8117 department by administrative rule.

8118 (2) The civil service shall consist of two schedules as follows:

8119 (a) (i) Schedule A is the schedule consisting of positions under Subsection (1).

8120 (ii) Removal from any appointive position under schedule A, unless otherwise  
8121 regulated by statute, is at the pleasure of the appointing officers without regard to tenure.

8122 (b) Schedule B is the competitive career service schedule, consisting of:

8123 (i) all positions filled through competitive selection procedures as defined by the  
8124 executive director; or

8125 (ii) positions filled through a department approved on-the-job examination intended to  
8126 appoint a qualified person with a disability, or a veteran in accordance with Title 71, Chapter  
8127 10, Veterans Preference.

8128 (3) (a) The executive director, after consultation with the heads of concerned executive  
8129 branch departments and agencies and with the approval of the governor, shall allocate positions  
8130 to the appropriate schedules under this section.

8131 (b) Agency heads shall make requests and obtain approval from the executive director  
8132 before changing the schedule assignment and tenure rights of any position.

8133 (c) Unless the executive director's decision is reversed by the governor, when the  
8134 executive director denies an agency's request, the executive director's decision is final.

8135 (4) (a) Compensation for employees of the Legislature shall be established by the  
8136 directors of the legislative offices in accordance with Section [36-12-7](#).

8137 (b) Compensation for employees of the judiciary shall be established by the state court  
8138 administrator in accordance with Section [78A-2-107](#).

8139 (c) Compensation for officers, faculty, and other employees of state universities and  
8140 institutions of higher education shall be established as provided in Title 53B, Chapter 1,  
8141 Governance, Powers, Rights, and Responsibilities, and Title 53B, Chapter 2, Institutions of  
8142 Higher Education.

8143 (d) Unless otherwise provided by law, compensation for all other schedule A  
8144 employees shall be established by their appointing authorities, within ranges approved by, and  
8145 after consultation with the executive director of the Department of Human Resource  
8146 Management.

8147 (5) An employee who is in a position designated schedule AC and who holds career

8148 service status on June 30, 2010, shall retain the career service status if the employee:

8149 (a) remains in the position that the employee is in on June 30, 2010; and

8150 (b) does not elect to convert to career service exempt status in accordance with a rule  
8151 made by the department.

8152 Section 111. Section **67-19-43** is amended to read:

8153 **67-19-43. State employee matching supplemental defined contribution benefit.**

8154 (1) As used in this section:

8155 (a) "Qualifying account" means:

8156 (i) a defined contribution plan qualified under Section 401(k) of the Internal Revenue  
8157 Code, which is sponsored by the Utah State Retirement Board; or

8158 (ii) a deemed Individual Retirement Account authorized under the Internal Revenue  
8159 Code, which is sponsored by the Utah State Retirement Board; or

8160 (iii) a similar savings plan or account authorized under the Internal Revenue Code,  
8161 which is sponsored by the Utah State Retirement Board.

8162 (b) "Qualifying employee" means an employee who is:

8163 (i) in a position that is:

8164 (A) receiving retirement benefits under Title 49, Utah State Retirement and Insurance  
8165 Benefit Act; and

8166 (B) accruing paid leave benefits that can be used in the current and future calendar  
8167 years; and

8168 (ii) not an employee who is reemployed as that term is:

8169 (A) defined in Section [49-11-1202](#); or

8170 (B) used in Section [49-11-504](#).

8171 (2) Subject to the requirements of Subsection (3) and beginning on or after January 4,  
8172 2014, an employer shall make a biweekly matching contribution to every qualifying employee's  
8173 defined contribution plan qualified under Section 401(k) of the Internal Revenue Code, subject  
8174 to federal requirements and limitations, which is sponsored by the Utah State Retirement  
8175 Board.

8176 (3) (a) In accordance with the requirements of this Subsection (3), each qualifying  
8177 employee shall be eligible to receive the same dollar amount for the contribution under  
8178 Subsection (2).



8179 (b) A qualifying employee:

8180 (i) shall receive the contribution amount determined under Subsection (3)(c) if the  
8181 qualifying employee makes a voluntary personal contribution to one or more qualifying  
8182 accounts in an amount equal to or greater than the employer's contribution amount determined  
8183 in Subsection (3)(c);

8184 (ii) shall receive a partial contribution amount that is equal to the qualifying employee's  
8185 personal contribution amount if the employee makes a voluntary personal contribution to one  
8186 or more qualifying accounts in an amount less than the employer's contribution amount  
8187 determined in Subsection (3)(c); or

8188 (iii) may not receive a contribution under Subsection (2) if the qualifying employee  
8189 does not make a voluntary personal contribution to a qualifying account.

8190 (c) (i) Subject to the maximum limit under Subsection (3)(c)(iii), the Legislature shall  
8191 annually determine the contribution amount that an employer shall provide to each qualifying  
8192 employee under Subsection (2).

8193 (ii) The department shall make recommendations annually to the Legislature on the  
8194 contribution amount required under Subsection (2), in consultation with the Governor's Office  
8195 of ~~[Management]~~ Planning and Budget and the Division of Finance.

8196 (iii) The biweekly matching contribution amount required under Subsection (2) may  
8197 not exceed \$26 for each qualifying employee.

8198 (4) A qualifying employee is eligible to receive the biweekly contribution under this  
8199 section for any pay period in which the employee is in a paid status or other status protected by  
8200 federal or state law.

8201 (5) The employer and employee contributions made and related earnings under this  
8202 section vest immediately upon deposit and can be withdrawn by the employee at any time,  
8203 subject to Internal Revenue Code regulations on the withdrawals.

8204 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
8205 executive director shall make rules establishing procedures to implement the provisions of this  
8206 section.

8207 Section 112. Section **67-19d-202** is amended to read:

8208 **67-19d-202. Board of trustees of the State Post-Retirement Benefits Trust Fund**  
8209 **and the Elected Official Post-Retirement Benefits Trust Fund.**

8210 (1) (a) There is created a board of trustees of the State Post-Retirement Benefits Trust  
8211 Fund and the Elected Official Post-Retirement Benefits Trust Fund composed of three  
8212 members:

8213 (i) the state treasurer or designee;  
8214 (ii) the director of the Division of Finance or designee; and  
8215 (iii) the executive director of the Governor's Office of ~~Management~~ Planning and  
8216 Budget or designee.

8217 (b) The state treasurer is chair of the board.

8218 (c) Three members of the board are a quorum.

8219 (d) A member may not receive compensation or benefits for the member's service, but  
8220 may receive per diem and travel expenses in accordance with:

8221 (i) Section [63A-3-106](#);

8222 (ii) Section [63A-3-107](#); and

8223 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
8224 [63A-3-107](#).

8225 (e) (i) Except as provided in Subsection (1)(e)(ii), the state treasurer shall staff the  
8226 board of trustees.

8227 (ii) The Division of Finance shall provide accounting services for the trust fund.

8228 (2) The board shall:

8229 (a) on behalf of the state, act as trustee of the State Post-Retirement Benefits Trust  
8230 Fund created under Section [67-19d-201](#) and the Elected Official Post-Retirement Benefits  
8231 Trust Fund created under Section [67-19d-201.5](#) and exercise the state's fiduciary  
8232 responsibilities;

8233 (b) meet at least twice per year;

8234 (c) review and approve all policies, projections, rules, criteria, procedures, forms,  
8235 standards, performance goals, and actuarial reports;

8236 (d) review and approve the budget for each trust fund described under Subsection  
8237 (2)(a);

8238 (e) review financial records for each trust fund described under Subsection (2)(a),  
8239 including trust fund receipts, expenditures, and investments;

8240 (f) commission and obtain actuarial studies of the liabilities for each trust fund

8241 described under Subsection (2)(a);

8242 (g) for purposes of the State Post-Retirement Benefits Trust Fund, establish labor  
8243 additive rates to charge all federal, state, and other programs to cover:

8244 (i) the annual required contribution as determined by actuary; and

8245 (ii) the administrative expenses of the trust fund; and

8246 (h) do any other things necessary to perform the state's fiduciary obligations under each  
8247 trust fund described under Subsection (2)(a).

8248 (3) The attorney general shall:

8249 (a) act as legal counsel and provide legal representation to the board of trustees; and

8250 (b) attend, or direct an attorney from the Office of the Attorney General to attend, each  
8251 meeting of the board of trustees.

8252 Section 113. Section **67-19f-202** is amended to read:

8253 **67-19f-202. Board of trustees of the State Employees' Annual Leave Trust Fund.**

8254 (1) (a) There is created a board of trustees of the State Employees' Annual Leave Trust  
8255 Fund composed of the following three members:

8256 (i) the state treasurer or the state treasurer's designee;

8257 (ii) the director of the Division of Finance or the director's designee; and

8258 (iii) the executive director of the Governor's Office of ~~Management~~ Planning and  
8259 Budget or the executive director's designee.

8260 (b) The state treasurer is chair of the board.

8261 (c) Three members of the board is a quorum.

8262 (d) A member may not receive compensation or benefits for the member's service, but  
8263 may receive per diem and travel expenses as allowed in:

8264 (i) Section [63A-3-106](#);

8265 (ii) Section [63A-3-107](#); and

8266 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and  
8267 [63A-3-107](#).

8268 (e) (i) Except as provided in Subsection (1)(e)(ii), the state treasurer shall staff the  
8269 board of trustees.

8270 (ii) The Division of Finance shall provide accounting services for the trust fund.

8271 (2) The board shall:

- 8272 (a) on behalf of the state, act as trustee of the trust fund created under Section  
8273 67-19f-201 and exercise the state's fiduciary responsibilities;
- 8274 (b) meet at least twice per year;
- 8275 (c) review and approve the policies, projections, rules, criteria, procedures, forms,  
8276 standards, performance goals, and actuarial reports for the trust fund;
- 8277 (d) review and approve the budget for the trust fund;
- 8278 (e) review financial records for the trust fund, including trust fund receipts,  
8279 expenditures, and investments; and
- 8280 (f) do any other things necessary to perform the state's fiduciary obligations under the  
8281 trust fund.
- 8282 (3) The board may:
- 8283 (a) commission and obtain actuarial studies of the liabilities for the trust fund; and  
8284 (b) for purposes of the trust fund, establish labor additive rates to charge for the  
8285 administrative expenses of the trust fund.
- 8286 (4) The attorney general shall:
- 8287 (a) act as legal counsel and provide legal representation to the board of trustees; and  
8288 (b) attend, or direct an attorney from the Office of the Attorney General to attend, each  
8289 meeting of the board of trustees.
- 8290 Section 114. Section 67-22-2 is amended to read:
- 8291 **67-22-2. Compensation -- Other state officers.**
- 8292 (1) As used in this section:
- 8293 (a) "Appointed executive" means the:
- 8294 (i) commissioner of the Department of Agriculture and Food;
- 8295 (ii) commissioner of the Insurance Department;
- 8296 (iii) commissioner of the Labor Commission;
- 8297 (iv) director, Department of Alcoholic Beverage Control;
- 8298 (v) commissioner of the Department of Financial Institutions;
- 8299 (vi) executive director, Department of Commerce;
- 8300 (vii) executive director, Commission on Criminal and Juvenile Justice;
- 8301 (viii) adjutant general;
- 8302 (ix) executive director, Department of Heritage and Arts;

- 8303 (x) executive director, Department of Corrections;
- 8304 (xi) commissioner, Department of Public Safety;
- 8305 (xii) executive director, Department of Natural Resources;
- 8306 (xiii) executive director, Governor's Office of [~~Management~~] Planning and Budget;
- 8307 (xiv) executive director, Department of Administrative Services;
- 8308 (xv) executive director, Department of Human Resource Management;
- 8309 (xvi) executive director, Department of Environmental Quality;
- 8310 (xvii) director, Governor's Office of Economic Development;
- 8311 (xviii) executive director, Utah Science Technology and Research Governing
- 8312 Authority;
- 8313 (xix) executive director, Department of Workforce Services;
- 8314 (xx) executive director, Department of Health, Nonphysician;
- 8315 (xxi) executive director, Department of Human Services;
- 8316 (xxii) executive director, Department of Transportation;
- 8317 (xxiii) executive director, Department of Technology Services; [~~and~~]
- 8318 (xxiv) executive director, Department of Veterans and Military Affairs[-]; and
- 8319 (xxv) executive director, Public Lands Policy Coordinating Office, created in Section
- 8320 63L-11-201.
- 8321 (b) "Board or commission executive" means:
- 8322 (i) members, Board of Pardons and Parole;
- 8323 (ii) chair, State Tax Commission;
- 8324 (iii) commissioners, State Tax Commission;
- 8325 (iv) executive director, State Tax Commission;
- 8326 (v) chair, Public Service Commission; and
- 8327 (vi) commissioners, Public Service Commission.
- 8328 (c) "Deputy" means the person who acts as the appointed executive's second in
- 8329 command as determined by the Department of Human Resource Management.
- 8330 (2) (a) The executive director of the Department of Human Resource Management
- 8331 shall:
- 8332 (i) before October 31 of each year, recommend to the governor a compensation plan for
- 8333 the appointed executives and the board or commission executives; and

8334 (ii) base those recommendations on market salary studies conducted by the Department  
8335 of Human Resource Management.

8336 (b) (i) The Department of Human Resource Management shall determine the salary  
8337 range for the appointed executives by:

8338 (A) identifying the salary range assigned to the appointed executive's deputy;

8339 (B) designating the lowest minimum salary from those deputies' salary ranges as the  
8340 minimum salary for the appointed executives' salary range; and

8341 (C) designating 105% of the highest maximum salary range from those deputies' salary  
8342 ranges as the maximum salary for the appointed executives' salary range.

8343 (ii) If the deputy is a medical doctor, the Department of Human Resource Management  
8344 may not consider that deputy's salary range in designating the salary range for appointed  
8345 executives.

8346 (c) (i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for  
8347 board or commission executives, the Department of Human Resource Management shall set  
8348 the maximum salary in the salary range for each of those positions at 90% of the salary for  
8349 district judges as established in the annual appropriation act under Section 67-8-2.

8350 (ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii)  
8351 or (iii), the Department of Human Resource Management shall set the maximum salary in the  
8352 salary range for each of those positions at 100% of the salary for district judges as established  
8353 in the annual appropriation act under Section 67-8-2.

8354 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), the governor shall establish a  
8355 specific salary for each appointed executive within the range established under Subsection  
8356 (2)(b).

8357 (ii) If the executive director of the Department of Health is a physician, the governor  
8358 shall establish a salary within the highest physician salary range established by the Department  
8359 of Human Resource Management.

8360 (iii) The governor may provide salary increases for appointed executives within the  
8361 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).

8362 (b) The governor shall apply the same overtime regulations applicable to other FLSA  
8363 exempt positions.

8364 (c) The governor may develop standards and criteria for reviewing the appointed

8365 executives.

8366 (4) Salaries for other Schedule A employees, as defined in Section 67-19-15, that are  
8367 not provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial  
8368 Salary Act, shall be established as provided in Section 67-19-15.

8369 (5) (a) The Legislature fixes benefits for the appointed executives and the board or  
8370 commission executives as follows:

8371 (i) the option of participating in a state retirement system established by Title 49, Utah  
8372 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered  
8373 by the State Retirement Office in accordance with the Internal Revenue Code and its  
8374 accompanying rules and regulations;

8375 (ii) health insurance;

8376 (iii) dental insurance;

8377 (iv) basic life insurance;

8378 (v) unemployment compensation;

8379 (vi) workers' compensation;

8380 (vii) required employer contribution to Social Security;

8381 (viii) long-term disability income insurance;

8382 (ix) the same additional state-paid life insurance available to other noncareer service  
8383 employees;

8384 (x) the same severance pay available to other noncareer service employees;

8385 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as  
8386 follows:

8387 (A) sick leave;

8388 (B) converted sick leave if accrued prior to January 1, 2014;

8389 (C) educational allowances;

8390 (D) holidays; and

8391 (E) annual leave except that annual leave shall be accrued at the maximum rate  
8392 provided to Schedule B state employees;

8393 (xii) the option to convert accumulated sick leave to cash or insurance benefits as  
8394 provided by law or rule upon resignation or retirement according to the same criteria and  
8395 procedures applied to Schedule B state employees;

8396 (xiii) the option to purchase additional life insurance at group insurance rates according  
8397 to the same criteria and procedures applied to Schedule B state employees; and

8398 (xiv) professional memberships if being a member of the professional organization is a  
8399 requirement of the position.

8400 (b) Each department shall pay the cost of additional state-paid life insurance for its  
8401 executive director from its existing budget.

8402 (6) The Legislature fixes the following additional benefits:

8403 (a) for the executive director of the State Tax Commission a vehicle for official and  
8404 personal use;

8405 (b) for the executive director of the Department of Transportation a vehicle for official  
8406 and personal use;

8407 (c) for the executive director of the Department of Natural Resources a vehicle for  
8408 commute and official use;

8409 (d) for the commissioner of Public Safety:

8410 (i) an accidental death insurance policy if POST certified; and

8411 (ii) a public safety vehicle for official and personal use;

8412 (e) for the executive director of the Department of Corrections:

8413 (i) an accidental death insurance policy if POST certified; and

8414 (ii) a public safety vehicle for official and personal use;

8415 (f) for the adjutant general a vehicle for official and personal use; and

8416 (g) for each member of the Board of Pardons and Parole a vehicle for commute and  
8417 official use.

8418 Section 115. Section **79-2-201** is amended to read:

8419 **79-2-201. Department of Natural Resources created.**

8420 (1) There is created the Department of Natural Resources.

8421 (2) The department comprises the following:

8422 (a) Board of Water Resources, created in Section [73-10-1.5](#);

8423 (b) Board of Oil, Gas, and Mining, created in Section [40-6-4](#);

8424 (c) Board of Parks and Recreation, created in Section [79-4-301](#);

8425 (d) Wildlife Board, created in Section [23-14-2](#);

8426 (e) Board of the Utah Geological Survey, created in Section [79-3-301](#);



- 8427 (f) Water Development Coordinating Council, created in Section [73-10c-3](#);
- 8428 (g) Division of Water Rights, created in Section [73-2-1.1](#);
- 8429 (h) Division of Water Resources, created in Section [73-10-18](#);
- 8430 (i) Division of Forestry, Fire, and State Lands, created in Section [65A-1-4](#);
- 8431 (j) Division of Oil, Gas, and Mining, created in Section [40-6-15](#);
- 8432 (k) Division of Parks and Recreation, created in Section [79-4-201](#);
- 8433 (l) Division of Wildlife Resources, created in Section [23-14-1](#);
- 8434 (m) Utah Geological Survey, created in Section [79-3-201](#);
- 8435 (n) Heritage Trees Advisory Committee, created in Section [65A-8-306](#);
- 8436 (o) Recreational Trails Advisory Council, authorized by Section [79-5-201](#);
- 8437 (p) Boating Advisory Council, authorized by Section [73-18-3.5](#);
- 8438 (q) Wildlife Board Nominating Committee, created in Section [23-14-2.5](#);
- 8439 (r) Wildlife Regional Advisory Councils, created in Section [23-14-2.6](#);
- 8440 (s) Utah Watersheds Council, created in Section [73-10g-304](#); ~~and~~
- 8441 (t) Utah Natural Resources Legacy Fund Board, created in Section [23-31-202\[-\]](#); and
- 8442 (u) Public Lands Policy Coordinating Office created in Section [63L-11-201](#).

8443 Section 116. **Repealer.**

8444 This bill repeals:

8445 Section [63J-4-701](#), **Definitions.**

8446 Section [63J-4-702](#), **Employability to Careers Program Board.**

8447 Section [63J-4-703](#), **Employability to Careers Program Restricted Account.**

8448 Section [63J-4-704](#), **Results-based contracts -- Board duties.**

8449 Section [63J-4-705](#), **Employability to Careers Program.**

8450 Section [63J-4-706](#), **Feasibility analysis.**

8451 Section [63J-4-707](#), **Components of an education, employability training, and**  
8452 **workforce placement program.**

8453 Section [63J-4-708](#), **Reporting.**

8454 Section 117. **Intent language.**

8455 It is the intent of the Legislature that the Division of Finance transfer any money  
8456 remaining in the Employability to Careers Restricted Account at the end of fiscal year 2021 to  
8457 the General Fund.

8458 Section 118. **Effective date.**

8459 This bill takes effect on July 1, 2021.

8460 Section 119. **Revisor instructions.**

8461 The Legislature intends that the Office of Legislative Research and General Counsel, in  
8462 preparing the Utah Code database for publication, on May 5, 2021, replace "Management and  
8463 Budget," when referring to the Governor's Office of Management and Budget, with "Planning  
8464 and Budget" in any new language added to the Utah Code by legislation passed during the 2021  
8465 General Session.